

WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

NOTICES AND ORDERS OF THE DAY

No. 108

THURSDAY, 16 OCTOBER 2014, 9.00 a.m.

Prayers *

Petitions

Papers

Giving Notice of Motion

Brief Ministerial Statements *

Questions Without Notice – approximately 2.00 p.m. each day

Matter of Public Interest – one per week on any day

Private Members' Business – 4.00 p.m. to 7.00 p.m. Wednesdays

Grievances – approximately 9.00 a.m. Thursdays

Private Members' Statements – 12.50 p.m. Thursdays

** Note: On days when the Assembly meets at 2.00 p.m. Brief Ministerial Statements and Questions Without Notice will follow immediately after Prayers.*

Memorandum: *An electronic version of the Assembly's Questions on Notice booklet is available on the Parliament's Internet site at www.parliament.wa.gov.au.*

GOVERNMENT BUSINESS – NOTICES OF MOTION

1. Partial Revocation of State Forest No. 56 (Notice given – 15/10/14)

The Minister for Environment: To move –

That the proposal for the partial revocation of State Forest No. 56, laid on the table of the Legislative Assembly on Wednesday, 15 October 2014 by command of His Excellency the Administrator, be carried out.

GOVERNMENT BUSINESS – ORDERS OF THE DAY

1. *Mental Health Bill 2013 (Parliamentary Secretary to the Minister for Mental Health)
(No. 41, 2r. – 23/10/2013)

Consideration in detail of Legislative Council Message No. 56.

2. **Rail Safety National Law (WA) Bill 2014** (Minister for Transport) (No. 85, 2r. – 17/9/14)
Second reading. Adjourned debate (Mr D.A. Templeman).
3. **Associations Incorporation Bill 2014** (Parliamentary Secretary to the Minister for Commerce) (No. 90, 2r. – 11/9/14)
Second reading. Adjourned debate (Mr D.A. Templeman).
4. ***Succession to the Crown Bill 2014** (Premier) (No. 60, 2r. – 25/2/14)
Second reading. Adjourned debate (Mr D.A. Templeman).
5. **Children and Community Services Legislation Amendment and Repeal Bill 2014** (Parliamentary Secretary to the Minister for Child Protection) (No. 84, 2r. – 24/09/14)
Second reading. Adjourned debate (Mr D.A. Templeman).
6. **Road Traffic Amendment (Alcohol Interlocks and Other Matters) Bill 2014** (Minister for Police) (No. 71, 2r. – 13/5/14)
Further consideration in detail – Clause 6.
7. ***Criminal Law Amendment (Home Burglary and Other Offences) Bill 2014** (Minister for Police) (No. 61, 2r. – 12/3/14)
Second reading. Adjourned debate (Mr J.R. Quigley – continuation of remarks).
8. **Premier's Statement**
Adjourned debate (Leader of the House) on the question, That the Premier's Statement be noted.
9. **Perth Theatre Trust Amendment Bill 2014** (Minister for Culture and the Arts) (No. 80, 2r. – 24/6/14)
Second reading. Adjourned debate (Mr D.A. Templeman).
10. **Road Traffic Legislation Amendment Bill 2014** (Minister for Road Safety) (No. 94, 2r. – 25/9/14)
Second reading. Adjourned debate (Mr D.A. Templeman).
11. **Petroleum Titles (Browse Basin) Bill 2014** (Minister for Mines and Petroleum) (No. 95, 2r. – 15/10/14)
Second reading. Adjourned debate (Mr D.A. Templeman).

PRIVATE MEMBERS' BUSINESS – NOTICES OF MOTION

1. **Environment Protection (Clearing of Native Vegetation) Amendment Regulations (No. 2) 2013** (Notice given – 1/4/14)

Mr C.J. Tallentire: To move –

That the *Environment Protection (Clearing of Native Vegetation) Amendment Regulations (No. 2) 2013* under the *Environmental Protection Act 1986*, a copy of which was laid upon the table of the House on Tuesday, 18 February 2014, are hereby disallowed.

2. **Flooding in Serbia, Bosnia and Herzegovina** (Notice given – 10/6/14)

Mr M. McGowan: To move –

That this House conveys its sympathy to the peoples of Serbia, Bosnia and Herzegovina through the Ambassadors to the respective countries in Australia, and to the many Western Australians from these communities, following the loss of life and destruction caused by the devastating flooding and urges the Commonwealth to provide all possible assistance to aid recovery and reconstruction.

3. Victoria Cross Recipients (Notice given – 10/6/14)

Mr M. McGowan: To move –

That the House calls on the Ministers for Heritage and Local Government to ensure that the graves and cremation plaques of Victoria Cross recipients are heritage listed.

4. Children and Young People in Western Australia (Notice given – 12/8/14)

Ms L.L. Baker: To move –

That this House condemns the Government for failing to protect children in this State by:

- failing to table the Review, or a report of the Review, into the Office of the Commissioner for Children and Young People;
- failing to implement a key recommendation from the Katanning (Blaxell) Inquiry into improving the system for reporting child abuse; and
- failing to appoint a permanent Commissioner for Children and Young People.

5. Bushfire Mitigation Frameworks (Notice given – 27/2/14, renewed – 14/8/14)

Ms M.M. Quirk: To move –

That this House calls on the Barnett Government to ensure fundamental bushfire mitigation frameworks are put in place without further delay.

Measures to ensure this occurs include:

- (i) the Department of Planning implementing the outstanding Keelty recommendations relating to making legislative provision for bushfire prone areas;
- (ii) the enactment of legislation, policy and standards that mandate the bushfire risk management responsibilities for all land owners in Western Australia, including Government entities;
- (iii) the appointment of a single agency to oversee compliance with legislation, policy and standards as they relate to bushfire risk management;
- (iv) the provision of resources for the appointment of Bushfire Risk Management Officers in regions working specifically with local authorities and other stakeholders on bushfire risk management;
- (v) increased training for all agencies in regards to bushfire management and mitigation;
- (vi) consideration is given to developing an ‘accreditation’ program to accredit private contractors to conduct ‘fuel reduction burns’. This will reduce the impost on already stretched volunteer services; and
- (vii) that such framework should use Emergency Services volunteers as a supplementary resource in support of the State’s bushfire risk management practices and not the primary workforce.

6. Ebola Virus (Notice given – 19/8/14)

Ms M.M. Quirk: To move –

That this House convey its sympathy and concern to the peoples of Sierra Leone, Guinea, Liberia and Nigeria and other affected countries through the ambassadors to those countries in Australia following the recent outbreak of the Ebola virus and:

- (a) urges the Commonwealth to give all possible assistance and the provision of medical aid to arrest the spread of the disease and material support to the families of the bereaved on the long road to recovery; and
- (b) urges the State Government to make a financial donation to an internationally recognised charitable organisation in the region and to consider donating surplus or obsolete medical equipment and supplies to assist in the intervention and quarantine efforts.

7. Crime and Punishment (Notice given – 18/3/14) (renewed – 9/9/14)

Mrs M.H. Roberts: To move –

That this House notes that under the Barnett Government fewer offenders are being caught and punished for the crimes they have committed.

8. Kulcha (Notice given – 18/3/14) (renewed – 9/9/14)

Ms M.M. Quirk: To move –

That this House condemns the failure of the Barnett Government to act in a timely fashion to ensure the ongoing viability of Kulcha an important, long-term showcase for emerging and multicultural musicians in Western Australia.

9. Entitlements for Grandparent Carers (Notice given – 18/3/14) (renewed – 9/9/14)

Ms M.M. Quirk: To move –

That this House notes that recent entitlements announced for grandparents who care for their grandchildren fulltime do not match those available to foster carers and calls on the Barnett Government to immediately redress this inequality.

10. Financial Management and Overcrowding in Schools (Notice given – 18/3/14) (renewed – 9/9/14)

Ms M.M. Quirk: To move –

That this House censures the Barnett Government for its lack of financial management and failure to predict demand for expanded school capacity in areas like South Landsdale leading to overcrowding in all schools in the area.

11. Redevelopment of the Hainsworth Primary School Site (Notice given – 18/3/14) (renewed – 9/9/14)

Ms M.M. Quirk: To move –

That this House condemns the Minister for Housing for his failure to ensure the redevelopment of the Hainsworth Primary School site in Girrawheen in a timely fashion and at a time when access to affordable housing for first home buyers is limited.

12. Equal Opportunity Commission (Notice given – 18/3/14) (renewed – 9/9/14)

Ms M.M. Quirk: To move –

That in light of uncertainty facing the future of the Equal Opportunity Commission (EOC) this House calls on the Barnett Government to reaffirm its commitment to the ongoing work of the EOC to eliminate discrimination, racism and promote equality of opportunity for all Western Australians.

13. Restoration of the Guildford Hotel (Notice given – 19/3/14) (renewed – 10/9/14)

Mrs M.H. Roberts: To move –

That this House calls upon the Premier to ensure that the heritage listed Guildford Hotel is restored as a matter of utmost urgency.

14. Brothels in Western Australia (Notice given – 19/3/14) (renewed – 10/9/14)

Mrs M.H. Roberts: To move –

That this House notes that the Barnett Government has given the green light to brothels to set up anywhere and operate without regulation.

15. Select Committee on State Debt (Notice given – 16/9/14)

Mr B.S. Wyatt: To move –

That this House appoints a select committee to inquire into and report on the level of increases to the State debt since 2000, particularly borrowings, which are growing State debt to extraordinary levels, and the effects that these and other borrowings may have on the future financial management of Western Australia, and in particular to –

- (a) ascertain the overall level of debt of the State, its agencies and business enterprises, and the amount of its increase since 2000;
- (b) estimate the level of likely borrowings over the next six years that will be needed to cover existing or foreseeable liabilities;
- (c) identify any contingent liabilities which may require borrowings during the next six years;
- (d) identify the contributions of individual Government departments, agencies and business enterprises to this level of debt and future or contingent liabilities;
- (e) ascertain whether the debt of individual Government departments, agencies or business enterprises is fully, partially or not matched by realistically valued assets;
- (f) assess the impact of the debt on the revenue and expenditure of the State over the next six years;
- (g) recommend strategies for management of the debt over the next six years, which will minimise the adverse effect of the debt on the revenues and expenditures of the State and on the taxpayers of the State; and
- (h) recommend a long-term policy approach to the management and reporting of Government debt.

16. Repeat Drink Driver Strategy (Notice given – 3/4/14, renewed – 18/9/14)

Mrs M.H. Roberts: To move –

That this House calls on the Barnett Government to outline its full repeat drink driver strategy and condemns the lack of urgency in addressing this serious issue.

17. Road Trauma Trust Fund (Notice given – 3/4/14, renewed – 18/9/14)

Mrs M.H. Roberts: To move –

That this House condemns the Barnett Government for its failure to expend all monies in the road trauma trust fund on road safety projects.

18. Autism in Western Australia (Notice given – 8/4/14, renewed 23/9/14)

Mr D.A. Templeman: To move –

That this House requests the Minister for Health to:

- (a) initiate a review into the way Western Australia addresses and supports families and their children who have been diagnosed or are awaiting diagnosis of autism; and

- (b) report to the House why wait lists for diagnosis are so long in our State, and what he will do to improve the support families and their children require to ensure children on the autism spectrum receive the support they need to reach their full potential.

19. Alcohol Consumption in our Community (Notice given – 8/4/14, renewed 23/9/14)

Ms L.L. Baker: To move –

That the House express its concern about the increasing rates of excessive alcohol consumption in our community, with a view to changing the weighting of the objectives of the *Liquor Control Act 1988* to ensure that social and health impacts of irresponsible alcohol consumption are prioritised above commercial interest.

20. Acquisition of the Guildford Hotel (Notice given – 6/5/14, renewed 14/10/14)

Ms M.M. Quirk: To move –

That this House calls on the Barnett Government to end its prevarication and inaction and:

- (a) immediately take steps under section 73 of the *Heritage Act 1990* to compulsorily acquire the Guildford Hotel;
- (b) such measures are urgently required because the cultural heritage of the site is in jeopardy and the development approval granted to the owners expires in June 2014; and
- (c) any such compensation payable to the owners under section 73 should be the subject of independent valuation.

PRIVATE MEMBERS' BUSINESS – ORDERS OF THE DAY

1. Government Action in the Kimberley (Moved – 23/10/13)

Adjourned debate (Minister for Housing – continuation of remarks) on the motion moved by Mr F.M. Logan –

That this House condemns the Barnett Government for its failure to support the people in the Kimberley, including but not limited to:

- (a) a failure to comply with their own 'Buy Local' and Regional Business Preference policies;
- (b) a failure to act on Department of Housing commitments;
- (c) not supporting local employment in administering the National Indigenous Housing Stage 1 funding rollout;
- (d) cuts to schools; and
- (e) a failure to adequately address mental health issues in the Kimberley.

2. Council Amalgamation Process (Moved – 13/11/13) (last debated 20/11/13)

Adjourned debate (Ms E. Evangel – continuation of remarks) on the motion moved by Mr D.A. Templeman –

That this House condemns the Barnett Government for creating chaos and confusion amongst Local Governments with its shambolic and dysfunctional Council amalgamation process.

3. Bushfire Season in Western Australia (Moved – 27/11/13)

Adjourned debate (Minister for Emergency Services – continuation of remarks) on the motion moved by Ms M.M. Quirk –

That, given predictions of a longer bushfire season and the increasingly complex and volatile nature of bushfires in Western Australia, this House asks the Barnett Government to disclose:

- (a) those zones and areas considered to be of high risk;

- (b) outline to Parliament how many appliances will have all crew protection safety features promised at the last election;
- (c) details of all joint operations conducted with local government brigades and the Department of Parks and Wildlife over the past year; and
- (d) whether enhanced weather prediction and computer modelling tools will be deployed.

4. Economic Management (Moved – 4/12/13)

Adjourned debate (Mr D.J. Kelly – continuation of remarks) on the motion moved by Mr M. McGowan –

That the House condemns the Barnett Government for its poor economic management and appalling failures across a multitude of portfolios in 2013.

5. Perth Transport Services (Moved – 26/2/14)

Adjourned debate (Leader of the House) on the motion moved by Mr R.H. Cook –

That this House condemns the Government for its mismanagement of transport services including the cancellation of bus routes, and requests the introduction of new services in Perth's growing communities.

6. Apprenticeship and Vocational Training (Moved – 26/2/14)

Adjourned debate (Leader of the House) on the motion moved by Mr F.M. Logan –

That this House condemns the Barnett Government for its abject failure to support apprenticeship training numbers in Western Australia, for the massive increases in student fees over the next four years and the undermining of accessible vocational based training for all Western Australians.

7. Local Government Reform Process (Moved – 9/4/14)

Adjourned debate (Minister for Local Government – continuation of remarks) on the motion moved by Mr F.M. Logan –

That this House condemns the Barnett Government for introducing a deceitful local government reform process that has created confusion across metropolitan Councils and despair for Mayors, Councillors, their staff and tens of thousands of ratepayers.

8. Section 18C of the Racial Discrimination Act 1975 (Moved – 7/5/14)

Adjourned debate (Mr F.A. Alban – continuation of remarks) on the motion moved by Ms M.M. Quirk –

That this House expresses its deep regret that the Barnett Government:

- (a) unlike the Governments of New South Wales and Victoria, failed to defend the interests of the residents of this the most multicultural state in the country by lodging a submission opposing the proposal by the Commonwealth to repeal section 18C of the *Racial Discrimination Act 1975*; and
- (b) failed to publicly acknowledge that the proposed changes threaten the social cohesion and well-being of Western Australia's culturally and religiously diverse communities.

9. Living Standards of Western Australians (Moved – 14/5/14)

Adjourned debate (Dr A.D. Buti – continuation of remarks) on the motion moved by Mr R.H. Cook –

That the Liberal and National Parties be condemned for their callous attacks on the living standards of Western Australians including through increases in the cost of living, the GP and hospital taxes, introduction of toll roads and further increases to fees, charges and taxes.

10. Constitution Amendment (Recognition of Aboriginal People) Bill 2014 (Ms J. Farrer)
(No. 77, 2r. – 11/6/14)

Second reading. Adjourned debate (Mr A. Krsticevic).

11. Peel-Harvey Catchment Management Bill 2014 (Mr C.J. Tallentire) (No. 82, 2r. – 25/6/14)

Second reading. Adjourned debate (Mr M. McGowan).

12. Taking of Property on Just Terms Bill 2014 (Mr M.J. Cowper) (No. 78, 2r. – 25/6/14)

Second reading. Adjourned debate (Mr M.J. Cowper – continuation of remarks).

13. Cost of Living for Seniors and Pensioners (Moved – 25/6/14)

Adjourned debate (Mr C.J. Tallentire – continuation of remarks) on the motion moved by Mr M. McGowan –

That this House condemns the State and Federal Liberal National Governments for making the lives of seniors and pensioners increasingly difficult through increased costs of living and the withdrawal of concessions.

14. Council Amalgamations (Moved – 10/9/14)

Adjourned debate on the motion, as amended, moved by Mr D.A. Templeman –

That this House –

- (1) notes the various inquiries and reports over the past 50 years which recommend reforms to the structure of local government in Western Australia, so as to ensure higher capacity and more sustainable local governments, including:
 - (a) *Metropolitan Local Government Review*, undertaken by the independent Metropolitan Local Government Review Panel (Robson Report); and
 - (b) *In Your Hands: Shaping the future of Local Government in Western Australia*, undertaken by the Systemic Sustainability Study Panel led by the WA Local Government Association (SSS Report);
- (2) notes that a range of proposals for reform in the metropolitan area are being considered by the Local Government Advisory Board;
- (3) supports the cooperative discussions which have been underway by local governments in the metropolitan area; and
- (4) supports the Minister for Local Government giving due consideration to the recommendations of the Local Government Advisory Board.

15. Local Government Amendment (Regional Subsidiaries) Bill 2014 (Mr S. Love) (No. 83, 2r. – 11/9/14)

Second reading. Adjourned debate (Dr A.D. Buti).

16. Kimberley Juvenile Justice Report (Moved – 17/9/14)

Adjourned debate (Leader of the House) on the motion moved by Ms J. Farrer –

That this House calls on the Government to adopt the Kimberley Juvenile Justice Report and implement its recommendations.

17. Public Secondary Schools (Moved – 17/9/14)

Adjourned debate (Mr C.D. Hatton – continuation of remarks) on the motion moved by Dr A.D. Buti –

That this House condemns the Barnett Government's decision to rip yet more money from public secondary schools.

18. State Budget Impact on Seniors and Vulnerable People (Moved – 15/10/14)

Adjourned debate (Mr B.S. Wyatt – continuation of remarks) on the motion moved by Ms M.M. Quirk –

That this House condemns the Barnett Government for the impact its mismanagement of the State Budget is having on Seniors and vulnerable people in our community.

- * Denotes amendments appearing in the Notices and Amendments section of the Notice Paper.
- † Denotes second reading debate on the Bill is being undertaken cognately with a principal Bill, and no further second reading debate will occur.

COMMITTEES TO REPORT

<i>Committee</i>	<i>Date Due</i>
<i>Joint Committee on Audit:</i> Inquiry into the Budget, Organisational Structure and Resourcing Needs of the Office of the Auditor General	
<i>Joint Committee on Audit:</i> Review of the <i>Auditor General Act 2006</i>	
<i>Joint Standing Committee on Delegated Legislation:</i> Inquiry into Proposed Template Waste Local Law	
<i>Joint Standing Committee on Delegated Legislation:</i> Inquiry into Access to Australian Standards Adopted in Delegated Legislation	
<i>Economics and Industry Standing Committee:</i> Inquiry into the Management of Western Australia's Freight Rail Network	16 October 2014
<i>Community Development and Justice Standing Committee:</i> Inquiry into the Policy Implications of an Ageing Community	20 November 2014
<i>Joint Standing Committee on the Corruption and Crime Commission:</i> Inquiry into Improving the Working Relationship Between the Corruption and Crime Commission and Western Australia Police	4 December 2014
<i>Education and Health Standing Committee:</i> Inquiry into suicides of fly-in, fly-out workers in Western Australia	5 March 2015
<i>Economics and Industry Standing Committee:</i> Inquiry into safety-related matters relating to floating liquefied natural gas projects in Australian waters off the Western Australian coast	14 March 2015
<i>Joint Standing Committee on the Corruption and Crime Commission:</i> Inquiry into the Corruption and Crime Commission being able to prosecute its own charges	30 June 2015

GOVERNMENT RESPONSES TO COMMITTEE RECOMMENDATIONS

<i>Committee</i>	<i>Ministers to Respond</i>	<i>Date Due</i>
Joint Standing Committee on the Corruption and Crime Commission – Ensuring the timely appointment of a new Corruption and Crime Commissioner	Minister representing the Attorney General	14 November 2014
Joint Standing Committee on the Corruption and Crime Commission – Corruption and Crime Commission voluntary interviews with WA police officers	Minister representing the Attorney General	21 November 2014
Public Accounts Committee – Final Report of the Inquiry into Amendments to the <i>Public Sector Management Act 1994</i>	Premier	21 November 2014

NOTICES AND AMENDMENTS

Criminal Law Amendment (Home Burglary and Other Offences) Bill 2014 (No. 61-1)

New Clause 4A.

Mr J.R. Quigley: To move –

Page 3, after line 25 – To insert:

“

4A. Section 27 amended

After section 27(2) insert:

- (3) A person suffering from a mental impairment who is not relieved of criminal responsibility under subsection (1) or (2) for an offence under a provision listed in column 1 of the Table is nevertheless not subject to a minimum sentence requirement under the provisions listed in column 3 of the Table opposite that offence if, by reason of the mental impairment, it would be manifestly unjust to apply the minimum sentence requirement to the person.

Table

Offence provision	Description of Offence	Minimum sentence requirement provision
s. 279	Murder	s. 279(5A) and (6A)
s. 280	Manslaughter	s. 280(2) and (3)
s. 281	Unlawful assault causing death	s. 281(3) and (4)
s. 283	Attempt to unlawfully kill	s. 383(2) and (3)
s. 294	Act intended to cause grievous bodily harm or prevent arrest	s. 294(2) and (3)
s. 297	Grievous bodily harm	s. 297(5) and (6)
s. 320	Child under 13, sexual offences against	s. 320(7) and (8)
s. 321	Child of or over 13 and under 16, sexual offences against	s. 321(14) and (15)
s. 324	Aggravated indecent assault	s. 324(3) and (4)
s. 325	Sexual penetration without consent	s. 325(2) and (3)
s. 326	Aggravated sexual penetration	s. 326(2) and (3)

Offence provision	Description of Offence	Minimum sentence requirement provision
	without consent	
s. 327	Sexual coercion	s. 327(2) and (3)
s. 328	Aggravated sexual coercion	s. 328(2) and (3)
s. 330	Incapable person, sexual offences against	s. 330(10) and (11)
s. 401	Burglary	s. 401(4) and (5)

”.

Mental Health Bill 2013 (No. 41–2)

Message No. 56.

The Legislative Council acquaints the Legislative Assembly that it has agreed to the *Mental Health Bill 2013* subject to the amendments contained in the Schedule annexed; in which amendments the Legislative Council desires the concurrence of the Legislative Assembly.

Schedule indicating the amendments made by the Legislative Council in the Mental Health Bill 2013.

No. 1

Clause 4, page 4, lines 16 and 17 — To delete “mental health practitioner;” and insert —

other health professional;

No. 2

Clause 4, page 5, after line 26 — To insert —

health professional means —

- (a) a medical practitioner; or
- (b) a nurse; or
- (c) an occupational therapist; or
- (d) a psychologist; or
- (e) a social worker; or
- (f) in relation to a person who is of Aboriginal or Torres Strait Islander descent —
 - (i) a health professional listed in paragraphs (a) to (e); or
 - (ii) an Aboriginal or Torres Strait Islander mental health worker;

No. 3

Clause 4, page 6, lines 7 to 11 — To delete the lines and insert —

involuntary patient has the meaning given in section 21(1);
involuntary treatment order has the meaning given in section 21(2);

No. 4

Clause 20, page 20, line 22 — To delete “medical practitioner or other”.

No. 5

Clause 28, page 25, line 30 — To delete “referral” and insert —

order

No. 6

Clause 28, page 25, line 31 — To delete “, because of the person’s mental or physical condition,”.

No. 7

Clause 28, page 26, lines 19 and 20 — To delete “, because of the person’s mental or physical condition,”.

No. 8

Clause 28, page 27, lines 10 and 11 — To delete “the person’s psychiatrist” and insert —

a health professional who is currently providing the person with treatment

No. 9

Clause 29, page 28, line 6 — To delete “because of the person’s mental or physical condition,”.

No. 10

Clause 34, page 32, line 7 — To delete “the inpatient’s psychiatrist” and insert —

a health professional who is currently providing the inpatient with treatment

No. 11

Clause 48, page 40, lines 2 to 14 — To delete the lines.

No. 12

Clause 48, page 41, line 1 — To delete “prescribed”.

No. 13

Clause 52, page 42, line 21 — To delete “the person’s psychiatrist” and insert —
a health professional who is currently providing the person with treatment

No. 14

Clause 53, page 43, line 17 — To delete “the person’s psychiatrist” and insert —
a health professional who is currently providing the person with treatment

No. 15

Clause 58, page 47, line 9 — To delete “the person’s psychiatrist” and insert —
a health professional who is currently providing the person with treatment

No. 16

Clause 59, page 48, line 20 — To delete “the person’s psychiatrist” and insert —
a health professional who is currently providing the person with treatment

No. 17

Clause 62, page 50, lines 24 and 25 — To delete “, because of the person’s mental or physical condition,”.

No. 18

Clause 62, page 51, lines 6 and 7 — To delete “, because of the person’s mental or physical condition,”.

No. 19

Clause 62, page 51, line 25 — To delete “the person’s psychiatrist” and insert —
a health professional who is currently providing the person with treatment

No. 20

Clause 63, page 52, line 16 — To delete “because of the person’s mental or physical condition,”.

No. 21

Clause 70, page 56, line 14 — To delete “the person’s psychiatrist” and insert —
a health professional who is currently providing the person with treatment

No. 22

Clause 79, page 60, lines 17 to 29 — To delete the lines.

No. 23

Clause 79, page 61, line 14 — To delete “prescribed”.

No. 24

Clause 126, page 95, lines 22 to 28 — To delete the lines and insert —

- (c) the supervising psychiatrist reasonably believes that, despite the steps that have been taken, the non-compliance is continuing and that, if the non-compliance continues, there is —
 - (i) a significant risk to the health or safety of the involuntary community patient or to the safety of another person; or
 - (ii) a significant risk of serious harm to the involuntary community patient or to another person; or
 - (iii) a significant risk of the involuntary community patient suffering serious physical or mental deterioration.

No. 25

Clause 129, page 98, after line 4 — To insert —

- (5) The making of a transport order under subsection (2) is an event to which Part 9 applies and the practitioner who makes the order is the person responsible under that Part for notification of that event.

No. 26

Clause 133, page 102, lines 3 and 4 — To delete “because of the involuntary community patient’s mental or physical condition,”.

No. 27

Clause 139, page 104, lines 21 and 22 — To delete “nominated person, carer or close family member” and insert —

carer, close family member or other personal support person

No. 28

Clause 140, page 105, line 4 — To delete “nominated person, carer or close family member” and insert —

carer, close family member or other personal support person

No. 29

Clause 140, page 105, line 5 — To delete “nominated person, carer or close family member” and insert —

carer, close family member or other personal support person

No. 30

Clause 142, page 106, line 2 — To delete “nominated person, carer or close family member” and insert —

carer, close family member or other personal support person

No. 31

Clause 142, page 106, line 9 — To delete “nominated person, carer or close family member” and insert —

carer, close family member or other personal support person

No. 32

Clause 142, page 106, line 11 — To delete “nominated person, carer or close family member” and insert —

carer, close family member or other personal support person

No. 33

Clause 142, page 106, line 15 — To delete “nominated person, carer or close family member” and insert —

carer, close family member or other personal support person

No. 34

Clause 142, page 106, line 18 — To delete “nominated person, carer or close family member” and insert —

carer, close family member or other personal support person

No. 35

Clause 143, page 106, line 29 — To delete “nominated person, carer or close family member” and insert —

carer, close family member or other personal support person

No. 36

Clause 143, page 106, lines 30 and 31 — To delete “nominated person, carer or close family member” and insert —

carer, close family member or other personal support person

No. 37

Clause 143, page 106, lines 33 and 34 — To delete “nominated person, carer or close family member” and insert —

carer, close family member or other personal support person

No. 38

Clause 143, page 107, line 3 — To delete “nominated person, carer or close family member” and insert —

carer, close family member or other personal support person

No. 39

Clause 144, page 107, lines 17 and 18 — To delete “nominated person, carer or close family member” and insert —

carer, close family member or other personal support person

No. 40

Clause 144, page 107, line 23 — To delete “nominated person, carer or close family member” and insert —

carer, close family member or other personal support person

No. 41

Clause 144, page 107, line 26 — To delete “nominated person, carer or close family member” and insert —

carer, close family member or other personal support person

No. 42

Clause 144, page 107, lines 28 and 29 — To delete “nominated person, carer or close family member” and insert —

carer, close family member or other personal support person

No. 43

Clause 212, page 155, after line 9 — To insert —

- (2) A person is not secluded merely because the person is alone in a room or area that the person is unable to leave because of frailty, illness or mental or physical disability.

No. 44

Clause 227, page 165, after line 17 — To insert —

- (2A) A person is not being physically restrained merely because the person is being provided with the physical support or assistance reasonably necessary —
- (a) to enable the person to carry out daily living activities; or
 - (b) to redirect the person because the person is disoriented.

No. 45

Clause 241, page 178, lines 16 to 20 — To delete the lines and insert —

- (2) The person in charge of the hospital must ensure that a medical practitioner physically attends on the person, for the purpose of examining the person to assess the person's physical condition, as soon as practicable and, in any event, within 12 hours after the time when the person is admitted or received, and at reasonable intervals after that initial attendance, until the first of these things occurs —
- (a) the person is examined by a medical practitioner;
 - (b) if the person is a voluntary inpatient —
 - (i) the person refuses to consent to being examined by a medical practitioner; or
 - (ii) if the person does not have the capacity to consent to being examined by a medical practitioner — the person who is authorised by law to consent to the provision of treatment to the person refuses to consent to the person being examined by a medical practitioner;
 - (c) the person is released or discharged by or otherwise leaves the hospital.

No. 46

Clause 241, page 178, lines 21 to 23 — To delete the lines and insert —

- (3) For the purpose of assessing under this section the physical condition of a person referred to in subsection (1)(a)(ii) or (iii) or (b), these things may be done without consent —

No. 47

Clause 241, page 178, lines 27 and 28 — To delete “purposes of subsection (2)” and insert —

purpose of assessing under this section the person's physical condition

No. 48

Clause 248, page 183, line 25 — To delete “that” and insert —

that, as soon as practicable after the refusal,

No. 49

Clause 253, page 185, line 24 — To delete “\$15 000” and insert —

\$24 000

No. 50

Clause 254, page 186, before line 1 — To insert —

- (b) unlawful sexual contact with the person by a person who is not a staff member of a mental health service that occurs at a hospital; or

No. 51

Clause 305, page 218, after line 2 — To insert —

- (iii) the carrying out of medical or epidemiological research relating to mental illness;

No. 52

Clause 305, page 218, after line 10 — To insert —

provide, in relation to a mental health service, includes to carry out;

No. 53

Clause 317, page 226, line 22 — To delete “who is” and insert —

and is

No. 54

Clause 317, page 226, after line 24 — To insert —

- (e) a person who is being paid through a funding arrangement with government to provide free advocacy services and is representing a person who has, or may have, a mental illness or a carer of a person who has, or may have, a mental illness.

No. 55

Clause 320, page 228, line 18 — To insert after “by” —

delaying,

No. 56

Clause 328, page 234, lines 13 and 14 — To delete the lines.

No. 57

Clause 337, page 243, line 29 — To delete the line and insert —

so many of those people as the Director considers appropriate.

No. 58

Clause 360, page 262, line 29 — To delete “section 249(1)(a).” and insert —

section 249(1)(a) or (b) or (3).

No. 59

Clause 360, page 263, lines 4 and 5 — To delete “section 249(1)(a); and” and insert —

section 249(1)(a) or (b) or (3), as the case requires; and

No. 60

Clause 361, page 263, line 19 — To delete “section 249(1)(a); and” and insert —

section 249(1)(a) or (b) or (3); and

No. 61

Clause 393, page 282, lines 19 to 22 — To delete the lines and insert —

- (b) if the proceeding relates to an application made under section 390 and the applicant is not the involuntary patient — the applicant; and

No. 62

Clause 397, page 284, line 27 — To delete “*order*) —” and insert —

order) that is or was in force —

No. 63

Clause 398, page 285, line 5 — To delete “section 400” and insert —

section 400(1)

No. 64

Clause 398, page 285, line 6 — To insert after “order is” —

or was

No. 65

Clause 400, page 286, line 24 — To delete “patient;” and insert —
patient or the person who was the subject of the treatment order;

No. 66

Clause 400, page 286, line 27 — To delete “patient;” and insert —
patient or of the person who was the subject of the treatment order;

No. 67

Clause 400, page 286, after line 30 — To insert —

- (2) An application cannot be made under section 398(1) in respect of a treatment order that ceased to be in force more than 6 months ago unless, in the Tribunal’s opinion, the applicant shows good reason for the delay.

No. 68

New Clause 400A, page 286, after line 30 — To insert —

400A. Parties to proceeding

The parties to a proceeding under this Division are —

- (a) the involuntary patient or the person who was the subject of the treatment order; and
- (b) if the proceeding relates to an application made under section 398(1) and the applicant is not the involuntary patient or the person who was the subject of the treatment order — the applicant.

No. 69

Clause 401, page 287, line 3 — To insert after “to be” —

or to have been

No. 70

Clause 401, page 287, line 4 — To insert after “order is” —

or was

No. 71

Clause 401, page 287, line 5 — To insert after “been” —

or was

No. 72

Clause 401, page 287, line 14 — To insert after “been” —

or were

No. 73

New Clause 401A, page 287, after line 15 — To insert —

401A. Discretion not to decide on validity of treatment order no longer in force

- (1) In this section —
question of law includes a question of mixed fact and law.
- (2) The Tribunal is not required to decide whether a treatment order that was in force was valid or invalid, but may do so if satisfied that the matter raises —
 - (a) a question of law; or
 - (b) a matter of public interest.

No. 74

Clause 404, page 288, lines 14 to 16 — To delete the lines and insert —

- (b) if the applicant is not the long-term voluntary inpatient — the applicant; and

No. 75

Clause 409, page 290, line 31 — To delete the line and insert —

- (b) the applicant; and

No. 76

Clause 416, page 294, line 9 — To delete the line and insert —

- (b) the applicant; and

No. 77

Clause 420, page 296, after line 5 — To insert —

- (c) to ensure that a treatment, support and discharge plan for a patient is prepared, reviewed or revised;

No. 78

Clause 426, page 298, lines 26 and 27 — To delete the lines.

No. 79

Clause 431, page 300, lines 16 to 18 — To delete the lines and insert —

- (b) if the applicant is not the person who made the nomination — the applicant; and

No. 80

Clause 433, page 301, lines 10 and 11 — To delete the lines and insert —

- (b) if the applicant is not the person whose rights it is alleged are affected — the applicant; and

No. 81

Clause 444, page 303, line 28 — To delete “section 447(1)(a) or (b)” and insert —

section 447(1)(aa) or (b)

No. 82

Clause 444, page 304, line 5 — To delete “section 447(1)(a) or (b)” and insert —

section 447(1)(aa) or (b)

No. 83

Clause 445, page 305, line 13 — To delete “section 447(1)(a) or (b)” and insert —

section 447(1)(aa) or (b)

No. 84

Clause 445, page 305, line 18 — To delete “section 447(1)(a) or (b)” and insert —

section 447(1)(aa) or (b)

No. 85

Clause 447, page 307, lines 4 and 5 — To delete the lines and insert —

- (a) may appear in person; or
- (aa) may be represented by any of these people —
 - (i) a legal practitioner;
 - (ii) a mental health advocate;
 - (iii) any person who, in the Tribunal’s opinion, is willing and able to represent the adult’s interests;
- or

No. 86

Clause 447, page 307, line 6 — To delete “another person” and insert —

a person listed in paragraph (aa)

No. 87

Clause 447, page 307, line 9 — To delete “may” and insert —

must in the case of the party who is the person concerned in the proceeding, and may in the case of any other party,

No. 88

Clause 448, page 307, lines 28 to 30 — To delete the lines and insert —

(iii) the child’s parent or guardian;

No. 89

Clause 448, page 308, line 4 — To delete “another person” and insert —

a person listed in paragraph (b)

No. 90

Clause 448, page 308, line 7 — To delete “may” and insert —

must in the case of the party who is the person concerned in the proceeding, and may in the case of any other party,

No. 91

Clause 449, page 308, lines 25 to 27 — To delete the lines and insert —

(c) the child’s parent or guardian;

No. 92

Clause 450, page 309, line 5 — To delete “at a hearing” and insert —

in a proceeding

No. 93

Clause 454, page 311, after line 15 — To insert —

- (3A) The Tribunal must make arrangements for the person concerned in a proceeding to be represented at a hearing or a part of a hearing if —
 - (a) the person concerned is excluded by an order made under subsection (2)(b) from the hearing or part of the hearing and is appearing in person in the proceeding; or
 - (b) the person concerned’s representative in the proceeding is excluded by an order made under subsection (2)(b) from the hearing or part of the hearing.

No. 94

Clause 454, page 311, line 16 — To delete the line.

No. 95

Clause 456, page 312, line 3 — To insert after “person” (2nd occurrence) —

chosen

No. 96

Clause 518, page 346, after line 20 — To insert —

- (4A) The Chief Psychiatrist cannot give the psychiatrist a direction under subsection (4)(b) to provide the patient with specified treatment unless the Chief Psychiatrist gives the psychiatrist a reasonable opportunity to withdraw from being the patient’s psychiatrist.

No. 97

Clause 575, page 381, line 26 — To delete “332(7),” and insert —

332(7) and (8),

No. 98

Clause 582, page 387, line 12 — To insert after “charge” —

in good faith

No. 99

Clause 582, page 387, line 22 — To delete “section 227(2) and (3),” and insert —

section 227(2) to (6),

No. 100

Schedule 2, page 393, in the Table, after row 10 — To insert —

s. 129(5)	The making of a transport order under s. 129(2)	The practitioner who makes the order
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Succession to the Crown Bill 2014 (No. 60-1)

Clause 8.

Ms M.M. Quirk: To move —

Page 6, line 10 – To delete “**Roman**”.

Ms M.M. Quirk: To move —

Page 6, line 12 – To delete “Roman”.

Clause 10.

Ms M.M. Quirk: To move —

Page 6, line 24 – To delete “**Roman**”.

Schedule 1.

Ms M.M. Quirk: To move —

Page 10, line 10 – To delete “Roman”.

Ms M.M. Quirk: To move —

Page 12, line 21 – To delete “**Roman**”.

Ms M.M. Quirk: To move —

Page 12, line 25 – To delete “Roman”.

Ms M.M. Quirk: To move —

Page 14, line 8 – To delete “**Roman**”.

Preamble.

Ms M.M. Quirk: To move —

Page 2, line 6 – To delete “Roman”.

PETER J. McHUGH

Clerk of the Legislative Assembly