

# LEGISLATIVE COUNCIL

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## MINUTES OF PROCEEDINGS

No. 88

TUESDAY, 16 SEPTEMBER 2014

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### 1. Meeting of Council

The Council assembled at 3.00pm pursuant to order.

The President, Hon Barry House, took the Chair and read prayers.

### 2. Petitions

Hon Donna Faragher presented a petition from 469 petitioners requesting the Legislative Council to initiate an inquiry into the actions taken by Bio-Organics, the Department of Environmental Regulation and the Contaminated Sites Committee in relation to the contamination of the Bio-Organics site in Oakford and neighbouring properties. (Tabled Paper 1860).

Hon Kate Doust presented a petition from 554 petitioners requesting the Legislative Council to inquire into whether the *Ocean Gardens (Inc.) Act 2004* has been complied with in relation to the proposed expansion plans for the retirement village. (Tabled Paper 1861).

### 3. Ministerial Statement — Fifth Intake of Independent Public Schools

The Minister for Education made a Ministerial Statement with respect to the fifth intake of independent public schools.

### 4. Papers

The following Papers were laid on the Table by —

#### **President**

##### *Reports -*

Office of the Inspector of Custodial Services – Assaults on Staff in Western  
Australian Prisons (July 2014) (Date received 13/08/2014) ..... 1853

#### **Leader of the House**

##### *Regulations -*

Racing Bets Levy Act 2009 (Racing Bets Levy Amendment Regulations 2014 G.G. 9/09/2014) ..... 1854

#### **Minister for Mental Health**

##### *Local Laws -*

Local Government Act 1995 (Shire of Toodyay Repeal Local Law 2014 G.G. 12/09/2014) ..... 1855

##### *Regulations -*

Waste Avoidance and Resource Recovery Levy Act 2007 (Waste Avoidance and Resource  
Recovery Levy Amendment Regulations (No. 2) 2014 G.G. 12/09/2014) ..... 1856

**Attorney General***Regulations -*

Bail Act 1982 (Bail Amendment Regulations 2014 G.G. 12/09/2014)..... 1857

**Minister for Agriculture and Food***Regulations -*

Fish Resources Management Act 1994 (Fish Resources Management Amendment Regulations  
(No. 3) 2014 G.G. 9/09/2014)..... 1858

**Parliamentary Secretary representing the Minister for Transport***Regulations -*

Road Traffic Act 1974 (Road Traffic (Infringements) Amendment Regulations 2014  
G.G. 9/09/2014, (Road Traffic (Licensing) Amendment Regulations (No. 2) 2014  
G.G. 9/09/2014) and (Road Traffic Code Amendment  
Regulations (No. 3) 2014 G.G. 9/09/2014) ..... 1859

**5. School Education Amendment Bill 2014**

The Minister for Education: To move on the next day of sitting —

That a Bill for “An Act —

- to amend the *School Education Act 1999*; and
- to make consequential amendments to the *School Curriculum and Standards Authority Act 1997*,

and for related purposes.” be introduced and read a first time.

**6. Local Government Amalgamations — Promotion to Motion No. 1 on the Business Program**

Hon Ken Travers moved, without notice —

That, pursuant to Standing Order 17(5), Motion No. 49, *Local Government Amalgamations*, be made Motion No. 1 on the Business Program for the next sitting of the Council.

Question — put.

The Council divided.

**Ayes (16)**

Hon Martin Aldridge  
Hon Jacqui Boydell  
Hon Paul Brown  
Hon Robin Chapple  
Hon Stephen Dawson  
Hon Kate Doust  
Hon Adele Farina  
Hon Dave Grills

Hon Col Holt  
Hon Lynn MacLaren  
Hon Ljiljana Ravlich  
Hon Amber-Jade Sanderson  
Hon Sally Talbot  
Hon Ken Travers  
Hon Darren West  
Hon Samantha Rowe (*Teller*)

**Noes (15)**

Hon Ken Baston  
Hon Liz Behjat  
Hon Jim Chown  
Hon Peter Collier  
Hon Donna Faragher  
Hon Nick Goiran  
Hon Nigel Hallett  
Hon Alyssa Hayden

Hon Peter Katsambanis  
Hon Rick Mazza  
Hon Robyn McSweeney  
Hon Michael Mischin  
Hon Helen Morton  
Hon Simon O’Brien  
Hon Phil Edman (*Teller*)

Question thus passed.

## 7. Order of Business

Ordered — That Orders of the Day Nos 1, *Regulation 11(3)(o) as inserted into the Retirement Villages Regulations 1992 by Regulation 6 of the Retirement Villages (Recurrent Charges, Prescribed Matters and Exemption Certificates) Amendment Regulations 2014 — Disallowance*, 2, *Shire of Shark Bay Local Government Property Amendment Local Law 2014 — Disallowance*, 3, *Firearms Amendment Regulations 2014 — Disallowance*, and 4, *Shire of Ashburton Fencing Local Law 2014 — Disallowance*, be taken after Order of the Day No. 11, *Statutes (Repeals) Bill 2013*. (Leader of the House).

## 8. Mental Health Bill 2013 and Mental Health Legislation Amendment Bill 2013

The Orders of the Day for the further consideration of these Bills, in Committee of the Whole House, having been read.

The President left the Chair.

### In Committee

(Hon Adele Farina in the Chair)

#### *Mental Health Bill 2013*

Clause 25.

Debate resumed on the amendment of Hon Stephen Dawson as follows —

Page 23, lines 1 and 2 — To delete the lines.

Amendment — put.

The Committee divided.

#### Ayes (11)

Hon Robin Chapple  
Hon Stephen Dawson  
Hon Kate Doust  
Hon Adele Farina  
Hon Lynn MacLaren  
Hon Ljiljanna Ravlich

Hon Amber-Jade Sanderson  
Hon Sally Talbot  
Hon Ken Travers  
Hon Darren West  
Hon Samantha Rowe (*Teller*)

#### Noes (20)

Hon Martin Aldridge  
Hon Ken Baston  
Hon Liz Behjat  
Hon Jacqui Boydell  
Hon Paul Brown  
Hon Jim Chown  
Hon Peter Collier  
Hon Brian Ellis  
Hon Donna Faragher  
Hon Dave Grills

Hon Nigel Hallett  
Hon Alyssa Hayden  
Hon Col Holt  
Hon Peter Katsambanis  
Hon Rick Mazza  
Hon Robyn McSweeney  
Hon Michael Mischin  
Hon Helen Morton  
Hon Simon O'Brien  
Hon Phil Edman (*Teller*)

Amendment thus negatived.

Hon Stephen Dawson moved —

Page 23, lines 1 and 2 — To delete “harm to the person or to another person” and insert —

financial harm to the person

Debate ensued.

Amendment — put and negatived.

Debate resumed.

Question, That the clause stand as printed — put and passed.

Clauses 26 and 27 agreed to.

Clause 28.

The Minister for Mental Health moved —

Page 25, line 30 — To delete “referral” and insert —

order

Debate ensued.

Amendment — put and passed.

The Minister for Mental Health moved —

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

Debate ensued.

## **9. Questions Without Notice**

Questions without notice were taken.

The Minister for Mental Health representing the Minister for Environment tabled, and by leave incorporated into Hansard, a document in relation to a list of projects at risk released by the Minister for Environment in relation to Environmental Protection Authority decision making processes, and dates of approval, in response to a question without notice asked by Hon Ken Travers on behalf of Hon Sue Ellery. (Tabled Paper 1862).

The Attorney General tabled, and by leave incorporated into Hansard, a document in relation to suspected deaths by suicide reported to the State Coroner for the years 2011 to 2014 to date, in response to a question without notice asked by Hon Stephen Dawson. (Tabled Paper 1863).

The Minister for Education, in accordance with Standing Order No. 108(2), advised that an answer to question on notice No. 1424 asked by Hon Sue Ellery will be provided on 23 September 2014.

The Minister for Education tabled, and by leave incorporated into Hansard, a document in relation to voluntary school fees, in response to question without notice No. 866 asked by Hon Sue Ellery. (Tabled Paper 1864).

The Minister for Education tabled, and by leave incorporated into Hansard, a document in relation to preliminary and expected budgets, by school, in response to question without notice No. 833 asked by Hon Sue Ellery. (Tabled Paper 1865).

The Minister for Education tabled a document in relation to projected student enrolments in Western Australian public schools for 2015, in response to question on notice No. 1445 asked by Hon Sue Ellery. (Tabled Paper 1866).

The Minister for Education tabled a document in relation to reports of critical incidents for 2011, 2012, 2013 and 2014 (as at 27/08/14), in response to question on notice No. 1473 asked by Hon Sue Ellery. (Tabled Paper 1867).

The Leader of the House representing the Minister for Training and Workforce Development tabled a document in relation to child, youth and family intervention – related publicly funded course delivery at state training providers and the number of enrolments in 2010, 2011, 2012 and 2013, in response to question on notice No. 1442 asked by Hon Stephen Dawson. (Tabled Paper 1868).

The Leader of the House representing the Minister for Training and Workforce Development tabled a document in relation to disability related publicly funded course delivery at state training providers and the number of course enrolments in 2010, 2011, 2012 and 2013, in response to question on notice No. 1443 asked by Hon Stephen Dawson. (Tabled Paper 1869).

The Leader of the House representing the Minister for Training and Workforce Development tabled a document in relation to mental health related publicly funded course delivery at state training providers and the number of course enrolments in 2010, 2011, 2012 and 2013, in response to question on notice No. 1444 asked by Hon Stephen Dawson. (Tabled Paper 1870).

The Leader of the House representing the Minister for Training and Workforce Development tabled a document in relation to apprentices and trainees in training with an employer site located within the East Metropolitan Electoral Region (as at 30/09/2013), in response to question on notice No. 1427 asked by Hon Alanna Clohesy. (Tabled Paper 1871).

The Leader of the House representing the Minister for Training and Workforce Development tabled a document in relation to apprentices and trainees in training with an employer site located within the East Metropolitan Electoral Region (as at 31/12/2013), in response to question on notice No. 1428 asked by Hon Alanna Clohesy. (Tabled Paper 1872).

The Leader of the House representing the Minister for Training and Workforce Development tabled a document in relation to apprentices and trainees in training with an employer site located within the East Metropolitan Electoral Region (as at 31/03/2014), in response to question on notice No. 1429 asked by Hon Alanna Clohesy. (Tabled Paper 1873).

The Leader of the House representing the Minister for Training and Workforce Development tabled a document in relation to apprentices and trainees in training with an employer site located within the East Metropolitan Electoral Region, by occupation (for the three months ended 30/09/2013), in response to question on notice No. 1430 asked by Hon Alanna Clohesy. (Tabled Paper 1874).

The Leader of the House representing the Minister for Training and Workforce Development tabled a document in relation to apprentices and trainees in training with an employer site located within the East Metropolitan Electoral Region, by occupation (for the three months ended 31/12/2013), in response to question on notice No. 1431 asked by Hon Alanna Clohesy. (Tabled Paper 1875).

The Leader of the House representing the Minister for Training and Workforce Development tabled a document in relation to apprentices and trainees in training with an employer site located within the East Metropolitan Electoral Region, by occupation (for the three months ended 31/03/2014), in response to question on notice No. 1432 asked by Hon Alanna Clohesy. (Tabled Paper 1876).

The Minister for Disability Services tabled, and by leave incorporated into Hansard, a document in relation to mental health and the National Disability Insurance Scheme My Way trial in the lower South West, in response to a question without notice asked by Hon Adele Farina. (Tabled Paper 1877).

The Minister for Disability Services tabled, and by leave incorporated into Hansard, a document in relation to the National Disability Insurance Scheme My Way trial in the lower South West, in response to a question without notice asked by Hon Adele Farina. (Tabled Paper 1878).

The Minister for Mental Health representing the Minister for Environment tabled a document in relation to the clearing of native vegetation on Kimberley Pastoral Leases, in response to question on notice No. 1409 asked by Hon Robin Chapple. (Tabled Paper 1879).

The Minister for Mental Health representing the Minister for Environment tabled a document in relation to Department of Parks and Wildlife government funding to support Aboriginal people in programs in 2013–14, in response to question on notice No. 1415 asked by Hon Robin Chapple. (Tabled Paper 1880).

The Minister for Mental Health tabled a document in relation to service providers receiving State Government funding in the South West electoral district for 2011–12, 2012–13 and 2013–14 – Enable Southwest, LAMP Inc, Pathways, Southwest Inc, Richmond Fellowship of W.A. and Tendercare, in response to question on notice No. 1374 asked by Hon Adele Farina. (Tabled Paper 1881).

The Minister for Mental Health tabled a document in relation to Additional funding to Youth Focus to provide postvention services to South West schools for 2014–15, in response to question on notice No. 1413 asked by Hon Adele Farina. (Tabled Paper 1882).

The Minister for Child Protection tabled a document in relation to the Department for Child Protection and Family Support's full time equivalent employee details (as at 1/06/2014), in response to question on notice No. 1348 asked by Hon Stephen Dawson. (Tabled Paper 1883).

The Minister for Child Protection, in accordance with Standing Order No. 108(2), advised that an answer to question on notice No. 1414 asked by Hon Adele Farina will be provided on 24 September 2014.

The Minister for Mental Health, in accordance with Standing Order No. 108(2), advised that an answer to question on notice No. 1373 asked by Hon Adele Farina will be provided on 25 September 2014.

The Attorney General representing the Minister for Police tabled a document in relation to offences against property, by district – 2012–13 and 2013–14 – and offences against property, by station – 2011, 2012 and 2013, in response to question on notice No. 1356 asked by Hon Adele Farina. (Tabled Paper 1884).

The Attorney General representing the Minister for Police tabled a document in relation to offences against the person, by district – 2012–13 and 2013–14 – and offences against the person, by station – 2011, 2012 and 2013, in response to question on notice No. 1357 asked by Hon Adele Farina. (Tabled Paper 1885).

The Attorney General representing the Minister for Police tabled a document in relation to authorised full time equivalent police officers for the Peel, South West and Great Southern Districts (as at 31/05/2012–2014), in response to question on notice No. 1359 asked by Hon Adele Farina. (Tabled Paper 1886).

The Attorney General, in accordance with Standing Order No. 108(2), advised that an answer to question on notice No. 1395 asked by Hon Adele Farina will be provided on 24 September 2014.

The Parliamentary Secretary representing the Minister for Transport, in accordance with Standing Order No. 108(2), advised that an answer to questions on notice Nos 1343, 1344, 1345, 1346, 1347, 1376 and 1439 asked by Hon Ken Travers will be provided on 25 September 2014.

# **10. Mental Health Bill 2013 and Mental Health Legislation Amendment Bill 2013**

Resumption of consideration of these Bills in Committee of the Whole House (*see item 8 above*).

The President left the Chair.

## **In Committee**

(Hon Adele Farina in the Chair)

### ***Mental Health Bill 2013***

Clause 28.

Debate resumed on the amendment of the Minister for Mental Health as follows —

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

The Minister for Mental Health tabled a document relating to a jurisdictional comparison involving electroconvulsive therapy. (Tabled Paper 1888).

Debate resumed.

Amendment — put and passed.

Hon Stephen Dawson moved —

Page 26, line 10 — To insert after “than” —

72 hours.

Debate ensued.

Amendment — put and negatived.

The Minister for Mental Health moved —

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

Amendment — put and passed.

The Minister for Mental Health moved —

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

Amendment — put and passed.

Clause, as amended, agreed to.

Clause 29.

The Minister for Mental Health moved —

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

Amendment — put and passed.

Clause, as amended, agreed to.

Clauses 30 and 31 agreed to.

Clause 32.

Debate ensued.

Clause agreed to.

Clause 33 agreed to.

Clause 34.

The Minister for Mental Health moved —

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

a health professional who is currently providing the inpatient with treatment

Amendment — put and passed.

Clause, as amended, agreed to.

Clauses 35 to 40 agreed to.

Clause 41.

Debate ensued.

Clause agreed to.

Clause 42.

Debate ensued.

Hon Stephen Dawson moved —

Page 36, after line 21 — To insert —

(2A) Any information provided to the practitioner under subsection (2) must be notified to the Chief Mental Health Advocate.

Debate resumed.

Amendment — put and negatived.

Question, That the clause stand as printed — put and passed.

Clause 43 agreed to.

Clause 44.

Debate ensued.

Clause agreed to.

Clauses 45 to 47 agreed to.

Clause 48.

The Minister for Mental Health moved —

Page 40, lines 2 to 14 — To delete the lines.

Amendment — put and passed.

The Minister for Mental Health moved —

Page 41, line 1 — To delete “prescribed”.

Amendment — put and passed.

Clause, as amended, agreed to.

Clauses 49 to 51 agreed to.

Clause 52.

The Minister for Mental Health moved —

Page 42, line 21 — To delete “the person’s psychiatrist” and insert —

a health professional who is currently providing the person with treatment

Debate ensued.

Amendment — put and passed.

Clause, as amended, agreed to.

Clause 53.

The Minister for Mental Health moved —

Page 43, line 17 — To delete “the person’s psychiatrist” and insert —

a health professional who is currently providing the person with treatment

Amendment — put and passed.

Clause, as amended, agreed to.

Clauses 54 to 57 agreed to.

Clause 58.

The Minister for Mental Health moved —

Page 47, line 9 — To delete “the person’s psychiatrist” and insert —

a health professional who is currently providing the person with treatment

Amendment — put and passed.

Clause, as amended, agreed to.

Clause 59.

The Minister for Mental Health moved —

Page 48, line 20 — To delete “the person’s psychiatrist” and insert —

a health professional who is currently providing the person with treatment

Amendment — put and passed.

Clause, as amended, agreed to.

Clauses 60 and 61 agreed to.

Clause 62.

The Minister for Mental Health moved —

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

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

Amendments — put and passed.

The Minister for Mental Health moved —

Page 51, line 25 — To delete “the person’s psychiatrist” and insert —

a health professional who is currently providing the person with treatment



Amendment — put and passed.

Clause, as amended, agreed to.

Clause 63.

The Minister for Mental Health moved —

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

Amendment — put and passed.

Clause, as amended, agreed to.

Clauses 64 to 69 agreed to.

Clause 70.

The Minister for Mental Health moved —

Page 56, line 14 — To delete “the person’s psychiatrist” and insert —

a health professional who is currently providing the person with treatment

Amendment — put and passed.

Clause, as amended, agreed to.

Clauses 71 to 78 agreed to.

Clause 79.

The Minister for Mental Health moved —

Page 60, lines 17 to 29 — To delete the lines.

Amendment — put and passed.

The Minister for Mental Health moved —

Page 61, line 14 — To delete “prescribed”.

Amendment — put and passed.

Clause, as amended, agreed to.

Clause 80.

Debate ensued.

Clause agreed to.

Clauses 81 to 92 agreed to.

Clause 93.

*Interruption pursuant to order.*

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The President resumed the Chair.

The Deputy Chair of Committees reported that the Committee of the Whole House had considered the Bill, made progress, and seeks to sit again.

Ordered — That the Committee of the Whole House sit again.

## **11. Members’ Statements**

Statements were taken.

**12. Adjournment**

The Council adjourned at 9.48pm until Wednesday, 17 September 2014 at 2.00pm.

**Members present during the day's proceedings**

Attendance: Present all Members except Hon Alanna Clohesy, Hon Sue Ellery and Hon Mark Lewis.

**NIGEL PRATT**

Clerk of the Legislative Council

**HON BARRY HOUSE**

President of the Legislative Council