

WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

VOTES AND PROCEEDINGS

No. 72

FIRST SESSION OF THE THIRTY-NINTH PARLIAMENT

WEDNESDAY, 2 APRIL 2014

1. Meeting of Assembly

The Assembly met at 12.00 noon pursuant to adjournment.

The Speaker took the Chair.

Prayers were read.

2. Brief Ministerial Statements

Brief Ministerial Statements were made by –

The Minister for Sport and Recreation on the venue management rights at nib Stadium.

The Minister for Local Government on the appointment of Ms Jennifer Mathews as Director General of the Department of Local Government and Communities.

The Minister for Corrective Services on the establishment of a Youth Justice Board within the Department of Corrective Services.

Papers

The following papers were presented and ordered to lie upon the Table of the House –

By the Minister for Corrective Services –

Corrective Services, Department of – Youth Justice Board (1514).

Corrective Services, Department of – Youth Justice Board – Members (1515).

3. Corruption and Crime Commission Amendment (Misconduct) Bill 2014

The Leader of the House, on behalf of the Premier, pursuant to notice, moved,

That a Bill for “An Act to amend the *Corruption and Crime Commission Act 2003* and to make consequential amendments to various other Acts.” be introduced and read a first time.

Question put and passed.

The Leader of the House, on behalf of the Premier, presented an explanatory memorandum and bill read a first time.

The Leader of the House, on behalf of the Premier, moved, That the bill be now read a second time.

Mr D.A. Templeman moved, That the debate be adjourned.

Question put and passed.

4. Mental Health Bill 2013

The Order of the Day for the further consideration in detail of the bill was read.

CONSIDERATION IN DETAIL

On clause 304.

Dr A.D. Buti had moved,

Page 217, after line 2 – To insert:

“

or

(iii) medical and epidemiological research; or

(iv) those undertaking apprehension and seizure; or

(v) associated welfare services;

”

Amendment put.

The Assembly divided.

Ayes (16)

Ms L.L. Baker

Dr A.D. Buti

Mr R.H. Cook

Ms J.M. Freeman

Mr D.J. Kelly

Mr F.M. Logan

Mr M. McGowan

Ms S.F. McGurk

Mr P. Papalia

Mr J.R. Quigley

Ms M.M. Quirk

Mrs M.H. Roberts

Ms R. Saffioti

Mr P.B. Watson

Mr B.S. Wyatt

Mr D.A. Templeman (*Teller*)

Noes (30)

Mr P. Abetz

Mr F.A. Alban

Mr C.J. Barnett

Mr I.C. Blayney

Mr I.M. Britza

Mr G.M. Castrilli

Mr V.A. Catania

Mr M.J. Cowper

Ms M.J. Davies

Mr J.H.D. Day

Ms W.M. Duncan

Mr J.M. Francis

Mrs G.J. Godfrey

Mr C.D. Hatton

Mr A.P. Jacob

Mr R.F. Johnson

Mr S.K. L'Estrange

Mr R.S. Love

Mr W.R. Marmion

Mr P.T. Miles

Ms A.R. Mitchell

Mr N.W. Morton

Dr M.D. Nahan

Mr D.C. Nalder

Mr J. Norberger

Mr D.T. Redman

Mr A.J. Simpson

Mr M.H. Taylor

Mr T.K. Waldron

Mr A. Krsticevic (*Teller*)

Amendment thus negatived.

Clause agreed to.

Clause 305 agreed to.

New clause 305A.

The Parliamentary Secretary to the Minister for Mental Health moved,
Page 218, after line 4 – To insert:

“

305A. Divisions 3 and 4 to be read with *Health and Disability Services (Complaints) Act 1995*

Divisions 3 and 4 are to be read with the *Health and Disability Services (Complaints) Act 1995*.

”.

New clause put and passed.

Clauses 306 and 307 agreed to.

Clause 308 put and negatived.

Clauses 309 to 314 agreed to.

Clause 315.

Dr A.D. Buti moved,

Page 225, lines 9 and 10 – To delete:

“ is not a relative of the complainant ”.

Amendment put.

The Assembly divided.

Ayes (16)

Ms L.L. Baker

Dr A.D. Buti

Mr R.H. Cook

Ms J.M. Freeman

Mr W.J. Johnston

Mr D.J. Kelly

Mr F.M. Logan

Mr M. McGowan

Ms S.F. McGurk

Mr P. Papalia

Mrs M.H. Roberts

Ms R. Saffioti

Mr C.J. Tallentire

Mr P.B. Watson

Mr B.S. Wyatt

Mr D.A. Templeman (*Teller*)

Noes (31)

Mr P. Abetz

Mr F.A. Alban

Mr C.J. Barnett

Mr I.C. Blayney

Mr I.M. Britza

Mr G.M. Castrilli

Mr V.A. Catania

Mr M.J. Cowper

Ms M.J. Davies

Ms W.M. Duncan

Ms E. Evangel

Mr J.M. Francis

Mrs G.J. Godfrey

Mr C.D. Hatton

Mr A.P. Jacob

Mr R.F. Johnson

Mr S.K. L'Estrange

Mr R.S. Love

Mr W.R. Marmion

Mr J.E. McGrath

Mr P.T. Miles

Ms A.R. Mitchell

Mr N.W. Morton

Dr M.D. Nahan

Mr D.C. Nalder

Mr J. Norberger

Mr D.T. Redman

Mr A.J. Simpson

Mr M.H. Taylor

Mr T.K. Waldron

Mr A. Krsticevic (*Teller*)

Amendment thus negatived.

Clause agreed to.

Clause 316.

Dr A.D. Buti moved,

Page 225, after line 19 – To insert:

“

or

- (d) a legal practitioner, who is being paid through a funding arrangement with government to provide free legal advice, who is representing the patient.

”.

Amendment, by leave, withdrawn.

The Parliamentary Secretary to the Minister for Mental Health moved,

Page 225, after line 19 – To insert:

“

or

- (d) a legal practitioner who is being paid through a funding arrangement with government to provide free legal advice who 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.

”.

Amendment put and passed.

Clause, as amended, agreed to.

Clauses 317 to 320 agreed to.

Clause 321.

Dr A.D. Buti moved,

Page 228, after line 24 – To insert:

“

- (6) The Director shall not disclose the name or identifying details of the complainant to any other person or body, if the Director is satisfied that there could be repercussions for the complainant if there is such a disclosure.

”.

Amendment, by leave, withdrawn.

Clause agreed to.

Clause 322 agreed to.

Clause 323.

Dr A.D. Buti moved,

Page 229, line 7 – To insert after “the complaint”:

“ without duress ”.

Amendment put.

The Assembly divided.

Ayes (14)

Ms L.L. Baker

Dr A.D. Buti

Mr R.H. Cook

Ms J.M. Freeman

Mr D.J. Kelly

Mr F.M. Logan

Mr M. McGowan

Ms S.F. McGurk

Mr P. Papalia

Mrs M.H. Roberts

Ms R. Saffioti

Mr C.J. Tallentire

Mr P.B. Watson

Mr D.A. Templeman (*Teller*)

Noes (32)

Mr P. Abetz
 Mr F.A. Alban
 Mr C.J. Barnett
 Mr I.C. Blayney
 Mr I.M. Britza
 Mr G.M. Castrilli
 Mr V.A. Catania
 Mr M.J. Cowper
 Ms M.J. Davies
 Mr J.H.D. Day
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 Mr R.S. Love
 Mr W.R. Marmion
 Mr J.E. McGrath
 Mr P.T. Miles

Ms A.R. Mitchell
 Mr N.W. Morton
 Dr M.D. Nahan
 Mr D.C. Nalder
 Mr J. Norberger
 Mr D.T. Redman
 Mr A.J. Simpson
 Mr M.H. Taylor
 Mr T.K. Waldron
 Mr A. Krsticevic (*Teller*)

Amendment thus negatived.

Clause agreed to.

Clauses 324 to 330 agreed to.

Clause 331.

The Parliamentary Secretary to the Minister for Mental Health moved,

Page 237, after line 16 – To insert:

“

(7A) Despite the *Parliamentary Commissioner Act 1971* section 20(3), evidence referred to in subsection (7) may be disclosed to the Parliamentary Commissioner for the purposes of an investigation under that Act.

”.

Amendment put and passed.

Clause, as amended, agreed to.

Clauses 332 to 352 agreed to.

Clause 353.

Dr A.D. Buti moved,

Page 255, lines 3 to 7 – To delete the lines.

Amendment put and passed.

Clause, as amended, agreed to.

Clause 354.

Debate interrupted by the Chair and adjourned until a later stage of the sitting.

5. Questions

Questions without Notice were taken.

Questions on Notice Nos 2128 to 2132 were asked.

Questions on Notice Nos 1899, 1910, 1916, 1917 and 1967 were answered.

6. Variation to the Order of Business

Ordered, That Government Business Order of the Day No. 3 be next considered.

7. Sunset Reserve Transformation Bill 2013

The Order of the Day for the third reading of the bill having been read, the Minister for Heritage moved, That the bill be now read a third time.

Debate ensued.

Question put and passed.

Bill read a third time and forwarded to the Legislative Council for concurrence.

8. Variation to the Order of Business

Ordered, That consideration of Government Business Order of the Day No. 1 be resumed.

9. Mental Health Bill 2013

The Order of the Day for the further consideration in detail of the bill was read.

CONSIDERATION IN DETAIL

Clauses 354 to 377 agreed to.

Clause 378.

Dr A.D. Buti moved,

Page 272, lines 7 and 8 – To delete “direction or declaration” and substitute:

“ direction, declaration or recommendation ”.

Amendment put.

The Assembly divided.

Ayes (15)

Ms L.L. Baker

Dr A.D. Buti

Mr R.H. Cook

Ms J.M. Freeman

Mr D.J. Kelly

Mr F.M. Logan

Ms S.F. McGurk

Mr M.P. Murray

Mr P. Papalia

Mr J.R. Quigley

Mrs M.H. Roberts

Ms R. Saffioti

Mr C.J. Tallentire

Mr B.S. Wyatt

Mr D.A. Templeman (*Teller*)

Noes (31)

Mr P. Abetz

Mr F.A. Alban

Mr I.C. Blayney

Mr I.M. Britza

Mr G.M. Castrilli

Mr V.A. Catania

Mr M.J. Cowper

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Mrs G.J. Godfrey

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Mr R.F. Johnson

Mr S.K. L'Estrange

Mr R.S. Love

Mr W.R. Marmion

Mr J.E. McGrath

Mr P.T. Miles

Ms A.R. Mitchell

Mr N.W. Morton

Dr M.D. Nahan

Mr D.C. Nalder

Mr J. Norberger

Mr D.T. Redman

Mr A.J. Simpson

Mr M.H. Taylor

Mr T.K. Waldron

Mr A. Krsticevic (*Teller*)

Amendment thus negatived.

Clause agreed to.

Clauses 379 to 381 agreed to.

Clause 382.

The Parliamentary Secretary to the Minister for Mental Health moved,

Page 273, line 18 – To delete “involuntary”.

Page 273, line 20 – To delete “involuntary”.

Amendments put and passed.

Clause, as amended, agreed to.

Clauses 383 and 384 agreed to.

Clause 385.

Dr A.D. Buti moved,

Page 275, lines 21 to 25 – To delete the lines.

Page 276, after line 9 – To insert:

“

and

- (c) there is no new relevant evidence or change in the circumstances regarding the patient's detention.

”.

Amendments put and negatived.

Clause agreed to.

Clause 386.

Dr A.D. Buti moved,

Page 277, lines 24 to 27 – To delete the lines.

Amendment put and negatived.

Clause agreed to.

Clauses 387 to 393 agreed to.

Clause 394.

Dr A.D. Buti moved,

Page 283, lines 5 to 7 – To delete the lines and substitute:

“

- (3) The Tribunal may make an order or give a direction under subsection (1) in relation to an involuntary patient's treatment, support or discharge plan, and may make –

”.

Amendment put.

The Assembly divided.

Ayes (15)

Ms L.L. Baker
Dr A.D. Buti
Mr R.H. Cook
Mr D.J. Kelly
Mr F.M. Logan

Mr M.P. Murray
Mr P. Papalia
Mr J.R. Quigley
Ms M.M. Quirk
Mrs M.H. Roberts

Ms R. Saffioti
Mr C.J. Tallentire
Mr P.B. Watson
Mr B.S. Wyatt
Mr D.A. Templeman (*Teller*)

Noes (30)

Mr P. Abetz
Mr F.A. Alban
Mr I.C. Blayney
Mr I.M. Britza
Mr G.M. Castrilli
Mr V.A. Catania
Mr M.J. Cowper
Ms M.J. Davies
Mr J.H.D. Day
Ms W.M. Duncan

Ms E. Evangel
Mr J.M. Francis
Mrs G.J. Godfrey
Mr C.D. Hatton
Mr A.P. Jacob
Mr R.F. Johnson
Mr S.K. L'Estrange
Mr R.S. Love
Mr W.R. Marmion
Mr P.T. Miles

Ms A.R. Mitchell
Mr N.W. Morton
Dr M.D. Nahan
Mr D.C. Nalder
Mr J. Norberger
Mr D.T. Redman
Mr A.J. Simpson
Mr M.H. Taylor
Mr T.K. Waldron
Mr A. Krsticevic (*Teller*)

Amendment thus negatived.

Clause agreed to.

Clauses 395 and 396 agreed to.

Clause 397.

Dr A.D. Buti moved,

Page 284, line 6 – To insert after “order”:

“ , referral or transport order ”.

Amendment put.

The Assembly divided.

Ayes (14)

Ms L.L. Baker

Dr A.D. Buti

Mr R.H. Cook

Mr W.J. Johnston

Mr D.J. Kelly

Mr F.M. Logan

Mr M.P. Murray

Mr P. Papalia

Mr J.R. Quigley

Ms M.M. Quirk

Mr C.J. Tallentire

Mr P.B. Watson

Mr B.S. Wyatt

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Noes (30)

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Mr I.C. Blayney

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Mr G.M. Castrilli

Mr V.A. Catania

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Mr J.H.D. Day

Ms W.M. Duncan

Ms E. Evangel

Mr J.M. Francis

Mrs G.J. Godfrey

Mr C.D. Hatton

Mr A.P. Jacob

Mr R.F. Johnson

Mr S.K. L'Estrange

Mr R.S. Love

Mr W.R. Marmion

Mr P.T. Miles

Ms A.R. Mitchell

Mr N.W. Morton

Dr M.D. Nahan

Mr D.C. Nalder

Mr J. Norberger

Mr D.T. Redman

Mr A.J. Simpson

Mr M.H. Taylor

Mr T.K. Waldron

Mr A. Krsticevic (*Teller*)

Amendment thus negatived.

Clause agreed to.

Clause 398 agreed to.

Debate interrupted by the Chair and adjourned until a later stage of the sitting.

10. Variation to the Order of Business

Ordered, That Private Members' Business Notices of Motion Nos 23 and 9 be next considered.

11. Post-Traumatic Stress Disorder

Mr P.B. Watson, pursuant to notice, moved,

That this House:

- (a) recognise the effects of Post-Traumatic Stress Disorder (PTSD) on Western Australians who have given service to this State and this country;
- (b) recognise and support the need to raise awareness of the symptoms and effects of PTSD within the wider Western Australian community; and
- (c) formally declare the last Friday in June each year as *Invisible Wounds – PTSD Awareness Day* and encourage Western Australians to support events dedicated to marking this Day.

Debate ensued.

Debate interrupted by the Chair (Mr I.M. Britza speaking) and adjourned until a later stage of the sitting.

12. Adjournment

The Leader of the House moved, That the House do now adjourn.

Question put and passed.

The Assembly adjourned accordingly at 7.00 p.m. until Thursday, 3 April 2014 at 9.00 a.m.

Members present during any part of the day's proceedings – All the members except Mr T.R. Buswell, Ms J. Farrer, Mr B.J. Grylls, Dr K.D. Hames, Mrs L.M. Harvey and Dr G.G. Jacobs.

PETER J. McHUGH

Clerk of the Legislative Assembly

HON. MICHAEL SUTHERLAND

Speaker of the Legislative Assembly