

WESTERN AUSTRALIA

# LEGISLATIVE ASSEMBLY

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## VOTES AND PROCEEDINGS

No. 71

FIRST SESSION OF THE THIRTY-NINTH PARLIAMENT

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TUESDAY, 1 APRIL 2014

### 1. Meeting of Assembly

The Assembly met at 2.00 p.m. pursuant to adjournment.

The Speaker took the Chair.

Prayers were read.

### 2. Distinguished Visitor

The Speaker noted the presence in the Speaker's Gallery of Mr Thierry Mariani, a Deputy of the French National Assembly.

### 3. Brief Ministerial Statements

Brief Ministerial Statements were made by –

The Minister for Planning on the appointment of Ms Gail McGowan to the position of Director General of the Department of Planning.

The Minister for Police on the appointment of five Indigenous Community Relations Officers to work with WA Police in the Kimberley District.

The Minister for Mines and Petroleum on his recent visit to Japan, Hong Kong and China.

### 4. Questions

Questions without Notice were taken.

Questions on Notice Nos 1989 to 2127 were asked.

Questions on Notice Nos 1663, 1664, 1691, 1707, 1711, 1745, 1762, 1869 to 1871, 1874 to 1878, 1881 to 1884, 1894, 1896 to 1898, 1900 to 1909, 1911, 1913, 1918, 1919, 1921 to 1927, 1948 and 1983 were answered.

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Paper tabled by the Treasurer; Minister for Transport –

Question on Notice No. 1745 – Agencies, Departments and Trading Enterprises within the Treasurer's Portfolio of Responsibilities, Register of Gifts and Benefits (1508).

Paper tabled by the Minister Representing the Minister for Education –

Question on Notice No. 1878 – the Number of Public Schools in the Metropolitan Area which number less than 1,100 Students Enrolled (1509).

Paper tabled by the Minister for Local Government –

Question on Notice No. 1919 – Local Government Council Rates Charged for the Year 2013–2014 (1510).

Paper tabled by the Minister for Road Safety –

Question on Notice No. 1904 – Road Trauma Trust Account Funding for the Period 2013–2014 (1511).

Papers tabled by the Minister for Training and Workforce Development –

Question on Notice No. 1898 – Great Southern Institute of Technology Course Changes (1512).

Question on Notice No. 1921 – South West Institute of Technology Campuses in Bunbury and Collie (1513).

## **5. Messages from the Governor**

Message No. 4 from His Excellency the Governor was reported assenting to the following bill –

Electronic Conveyancing Bill 2013, Act No. 2 of 2014.

Message No. 5 from His Excellency the Governor was reported assenting to the following bill –

Pilbara Energy Project Agreement (Termination) Bill 2013, Act No. 3 of 2014.

## **6. Message from the Governor**

Message No. 6 from His Excellency the Governor was reported recommending that appropriations be made for the purposes of the Disability Services Amendment Bill 2014.

## **7. Petition**

Motorcycling Western Australia – Mr M.J. Cowper presented a petition from 126 persons requesting that the Legislative Assembly supports the campaign for the Government to invest in Motorcycling Western Australia's plan to purchase land and establish a multifunction ride facility near Pinjarra as a home for motorcycling in Western Australia (P. 112).

## **8. Papers**

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

By the Speaker –

Auditor General, Office of the – Across Government Benchmarking Audits, Report 5: April 2014 (1485).

By the Clerk –

ANZAC Day Trust – Annual Report 2013 (1486).

Conservation and Land Management Act 1984 – Lease No. 2089/100 Between the Department of Parks and Wildlife and Yanchep Golf Club for the Purpose of a Golf Clubhouse Located in Yanchep National Park, Reserve No. 9868 (1487).

Corruption and Crime Commission of Western Australia – Annual Compliance Report Into the Criminal Investigation (Covert Powers) Act 2012, Report to the Minister for Police (1488).

Curtin University – Annual Report 2013 (1489).

Dog Act 1976 – Local Laws (City of Fremantle Dog (Exercise Areas) Amendment Local Law 2013 (No. 2) G.G. 28/03/2014) (1490).

Edith Cowan University – Annual Report 2013 (1491).

Fair Trading Act 2010 – Codes (Fair Trading (Retirement Villages Interim Code) Regulations 2014 G.G. 21/03/2014) (1492).

Fish Resources Management Act 1994 – Management Plans (West Coast Estuarine Managed Fishery Management Plan 2014 [1018] G.G. 25/03/2014) (1493).

Fish Resources Management Act 1994 – Notices (West Coast Estuarine Fishery (Interim) Management Plan Revocation Notice 2014 [1018] G.G. 25/03/2014) (1494).

Fish Resources Management Act 1994 – Orders (Prohibition on Fishing (Coral, 'Live Rock' and Algae) Amendment Order 2014 [1175] G.G. 21/03/2014) (1495).

Health Act 1911 – Local Laws (Shire of Dardanup Health Amendment Local Law 2014 G.G. 21/03/2014) (1496).

Land Administration Act 1997 – Proposal No. 3/2014 for the Excision From Portion of Class A Reserve 30082 to Facilitate Dedication of Karijini Drive in Karijini National Park (1497).

Liquor Control Act 1988 – Regulations (Liquor Control Amendment Regulations 2014 G.G. 21/03/2014) (1498).

Local Government Act 1995 – Local Laws (City of Albany Standing Orders Local Law 2014 G.G. 17/03/2014) (1499).

Local Government Act 1995 – Local Laws (Shire of Shark Bay Local Government Property Amendment Local Law 2014 G.G. 18/03/2014) (1500).

Misuse of Drugs Act 1981 – Regulations (Misuse of Drugs Amendment Regulations 2014 G.G. 21/03/2014) (1502).

Murdoch University – Annual Report 2013 (1503).

Premier and Cabinet, Department of – Report on Consultants Engaged by Government for the Six Months Ended 30 June 2013 (1501).

Residential Tenancies Act 1987 – Regulations (Residential Tenancies Amendment Regulations 2014 G.G. 21/03/2014) (1504).

Retirement Villages Act 1992 – Regulations (Retirement Villages (Recurrent Charges, Prescribed Matters and Exemption Certificates) Amendment Regulations 2014 G.G. 21/03/2014) (1505).

University of Western Australia – Annual Report 2013 (1506).

Workers' Compensation and Injury Management Act 1981 – Regulations (Workers' Compensation and Injury Management Amendment Regulations 2014 G.G. 25/03/2014) (1507).

## **9. Notices of Motion**

### **10. Matter of Public Interest – School Budgets and Education**

The Speaker informed the Assembly that he was in receipt of a notice from Mr M. McGowan that he intended to move a motion on a matter of public interest.

At least five members having risen in support,

Mr M. McGowan moved,

That this House calls on the Barnett Government to listen to the community of Western Australia and restore individual school budgets and not make further cuts to education in the 2014–2015 state budget.

Debate ensued.

Question put.

The Assembly divided.

## Ayes (19)

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 M.P. Murray  
 Mr P. Papalia  
 Mr J.R. Quigley  
 Ms M.M. Quirk  
 Ms R. Saffioti

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

## Noes (35)

Mr P. Abetz  
 Mr F.A. Alban  
 Mr C.J. Barnett  
 Mr I.C. Blayney  
 Mr I.M. Britza  
 Mr G.M. Castrilli  
 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 B.J. Grylls  
 Dr K.D. Hames  
 Mrs L.M. Harvey  
 Mr C.D. Hatton  
 Mr A.P. Jacob  
 Dr G.G. Jacobs  
 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*)

Question thus negatived.

### 11. Mental Health Bill 2013

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

#### *CONSIDERATION IN DETAIL*

Clause 262.

Dr A.D. Buti moved,

Page 190, line 21 to page 191, line 2 – To delete the lines and substitute:

“

- (3) A psychiatrist cannot make an order under subsection (1) prohibiting, or limiting the extent of, a patient's right under sections 261(3)(c) or (d).

”.

Amendment put.

The Assembly divided.

## Ayes (18)

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 M.P. Murray  
 Mr P. Papalia  
 Mr J.R. Quigley  
 Ms M.M. Quirk

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

## Noes (34)

Mr P. Abetz  
 Mr F.A. Alban  
 Mr C.J. Barnett  
 Mr I.C. Blayney  
 Mr I.M. Britza  
 Mr G.M. Castrilli  
 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 B.J. Grylls  
 Dr K.D. Hames  
 Mrs L.M. Harvey  
 Mr C.D. Hatton  
 Mr A.P. Jacob  
 Dr G.G. Jacobs  
 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 263 to 303 agreed to.

New clause 303A.

Dr A.D. Buti moved,

Page 215, after line 5 – To insert:

“

**303A. Off-label treatment of a child**

- (1) For the purposes of this section, “off-label treatment” means treatment contrary to the manufacturer’s prescribing information as approved by the Therapeutic Goods Authority.
- (2) A parent has a right to veto the use of off-label treatment of his or her child, unless it has been determined by the Mental Health Tribunal that the parent is unfit to have the primary responsibility for the care and welfare of the child.
- (3) Any determination under subsection (2) must be reported to the Mental Health Advocate.
- (4) Any off-label treatment of a child must be reported to the Chief Psychiatrist.
- (5) This section applies notwithstanding anything to the contrary in this Act.

”.

New clause put.

The Assembly divided.

## Ayes (18)

Ms L.L. Baker  
 Dr A.D. Buti  
 Ms J.M. Freeman  
 Mr W.J. Johnston  
 Mr D.J. Kelly  
 Mr F.M. Logan

Mr M. McGowan  
 Ms S.F. McGurk  
 Mr M.P. Murray  
 Mr P. Papalia  
 Mr J.R. Quigley  
 Ms M.M. Quirk

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

## Noes (34)

Mr P. Abetz	Mrs G.J. Godfrey	Ms A.R. Mitchell
Mr F.A. Alban	Mr B.J. Grylls	Mr N.W. Morton
Mr C.J. Barnett	Dr K.D. Hames	Dr M.D. Nahan
Mr I.C. Blayney	Mrs L.M. Harvey	Mr D.C. Nalder
Mr I.M. Britza	Mr C.D. Hatton	Mr J. Norberger
Mr G.M. Castrilli	Mr A.P. Jacob	Mr D.T. Redman
Mr M.J. Cowper	Dr G.G. Jacobs	Mr A.J. Simpson
Ms M.J. Davies	Mr S.K. L'Estrange	Mr M.H. Taylor
Mr J.H.D. Day	Mr R.S. Love	Mr T.K. Waldron
Ms W.M. Duncan	Mr W.R. Marmion	Mr A. Krsticevic ( <i>Teller</i> )
Ms E. Evangel	Mr J.E. McGrath	
Mr J.M. Francis	Mr P.T. Miles	

New clause thus negated.

New clause 303A.

The Parliamentary Secretary to the Minister for Mental Health moved,

Page 215, after line 5 – To insert:

“

**303A. Off-label treatment provided to child who is involuntary patient**

- (1) This section applies if off-label treatment is provided to a child who is an involuntary patient.
- (2) In this section —
  - approved product information*, for registered therapeutic goods, means the product information approved under the *Therapeutic Goods Act 1989* (Commonwealth) in relation to the registered therapeutic goods;
  - off-label treatment* means the use of registered therapeutic goods other than in accordance with the approved product information for the registered therapeutic goods;
  - product information* has the meaning given in the *Therapeutic Goods Act 1989* (Commonwealth) section 3(1);
  - registered therapeutic goods* means registered goods as defined in the *Therapeutic Goods Act 1989* (Commonwealth) section 3(1).
- (3) The patient's psychiatrist must ensure that, as soon as practicable —
  - (a) a record of these things is filed —
    - (i) the decision to provide the off-label treatment, including a description of the off-label treatment;
    - (ii) the reasons for the decision;
 and
  - (b) a copy of the record is given to the Chief Psychiatrist.

”.

New clause agreed to.

Clause 304.

Dr A.D. Buti 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;

”.

The Leader of the House moved, That the debate be adjourned.

Question put and passed.

## **12. Variation to the Order of Business**

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

## **13. Sunset Reserve Transformation Bill 2013**

The Order of the Day for the resumption of the debate upon the second reading of the bill was read.

Debate resumed.

Question put and passed.

Bill read a second time.

### *CONSIDERATION IN DETAIL*

Clauses 1 to 17 agreed to.

Schedule 1 agreed to.

Title agreed to.

Consideration in detail concluded.

The Leader of the House moved, That the debate be adjourned.

Question put and passed.

**14. Adjournment**

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

Question put and passed.

The Assembly adjourned accordingly at 11.02 p.m. until Wednesday, 2 April 2014 at 12.00 noon.

*Members present during any part of the day's proceedings* – All the members except Mr T.R. Buswell, Mr V.A. Catania, Ms J. Farrer and Mrs M.H. Roberts.

**PETER J. McHUGH**  
Clerk of the Legislative Assembly

**HON. MICHAEL SUTHERLAND**  
Speaker of the Legislative Assembly