

WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

VOTES AND PROCEEDINGS

No. 70

FIRST SESSION OF THE THIRTY-NINTH PARLIAMENT

THURSDAY, 20 MARCH 2014

1. Meeting of Assembly

The Assembly met at 9.00 a.m. pursuant to adjournment.

The Speaker took the Chair.

Prayers were read.

2. Papers

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

By the Clerk –

Central Institute of Technology – Annual Report 2013 (1472).

Challenger Institute of Technology – Annual Report 2013 (1473).

CY O'Connor Institute – Annual Report 2013 (1474).

Durack Institute of Technology – Annual Report 2013 (1475).

Goldfields Institute of Technology – Annual Report 2013 (1476).

Great Southern Institute of Technology – Annual Report 2013 (1477).

Kimberley Training Institute – Annual Report 2013 (1478).

Pilbara Institute – Annual Report 2013 (1479).

Polytechnic West – Annual Report 2013 (1480).

South West Institute of Technology – Annual Report 2013 (1481).

West Coast Institute of Technology – Annual Report 2013 (1482).

3. Brief Ministerial Statements

Brief Ministerial Statements were made by –

The Minister for Sport and Recreation on the Hockeyroos international fixtures in Kalgoorlie.

The Minister for Forestry on World Forestry Day.

Paper

The following paper was presented and ordered to lie upon the Table of the House –

By the Minister for Forestry –

Forestry, Minister for – South West Native Forests in Western Australia (1483).

The Minister for Mines and Petroleum on his upcoming tour of Japan, Hong Kong and China.

4. Grievances

The Speaker called for grievances which were then made.

5. 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 194.

Dr A.D. Buti had moved,

Page 145, line 15 – To delete “14” and substitute:

“ 16 ”.

Paper

The following paper was presented and ordered to lie upon the Table of the House –

By the Parliamentary Secretary to the Minister for Mental Health –

Mental Health, Parliamentary Secretary to the Minister for – Effectiveness of ECT (1484).

Amendment put.

The Assembly divided.

Ayes (19)

Ms L.L. Baker

Dr A.D. Buti

Mr R.H. Cook

Ms J. Farrer

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

Ms M.M. Quirk

Mrs M.H. Roberts

Ms R. Saffioti

Mr C.J. Tallentire

Mr P.C. Tinley

Mr B.S. Wyatt

Mr D.A. Templeman (*Teller*)

Noes (33)

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

Ms M.J. Davies

Mr J.H.D. Day

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 A.J. Simpson

Mr M.H. Taylor

Mr T.K. Waldron

Mr A. Krsticevic (*Teller*)

Amendment thus negatived.

Clause agreed to.

Clauses 195 to 206 agreed to.

Clause 207.

Dr A.D. Buti moved,

Page 153, lines 17 and 18 – To delete “child under 16 years of age” and substitute:

“ person under 18 years of age ”.

Amendment put.

The Assembly divided.

Ayes (18)

Dr A.D. Buti
Mr R.H. Cook
Ms J. Farrer
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
Mrs M.H. Roberts
Mr C.J. Tallentire
Mr P.C. Tinley
Mr P.B. Watson
Mr D.A. Templeman (*Teller*)

Noes (33)

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 E. Evangel

Mr J.M. Francis
Mrs G.J. Godfrey
Mr B.J. Grylls
Dr K.D. Hames
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 A.J. Simpson
Mr M.H. Taylor
Mr T.K. Waldron
Mr A. Krsticevic (*Teller*)

Amendment thus negatived.

Clause agreed to.

Clauses 208 to 223 agreed to.

Clause 224.

Dr A.D. Buti moved,

Page 164, after line 6 – To insert:

“ (ba) the Chief Mental Health Advocate; and ”.

Amendment put and negatived.

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

6. Members' Statements

The Acting Speaker called for members' statements which were then made.

7. Questions

Questions without Notice were taken.

Suspension of Member

The Speaker, having called Mr B.S. Wyatt to order more than three times, suspended the member from the service of the Assembly for the remainder of the sitting.

Suspension of Member

The Speaker, having called Ms M.M. Quirk to order more than three times, suspended the member from the service of the Assembly for the remainder of the sitting.

Questions on Notice Nos 1985 to 1988 were asked.

Questions on Notice Nos 1792, 1796 and 1872 were answered.

8. Pilbara Energy Project Agreement (Termination) Bill 2013

Message No. 38 dated 20 March 2014 from the Legislative Council was reported agreeing to the bill without amendment.

9. Variation to the Order of Business

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

10. 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 224.

Clause put and passed.

Clauses 225 to 227 agreed to.

Clause 228.

Dr A.D. Buti moved,

Page 166, after line 16 – To insert:

“ (c) bodily restraint should be regarded as a treatment of last resort. ”.

Amendment put and negatived.

Clause agreed to.

Clauses 229 to 239 agreed to.

Clause 240.

Dr A.D. Buti moved,

Page 176, after line 31 – To insert:

“ (ba) the Chief Mental Health Advocate; and ”.

Amendment put.

The Assembly divided.

Ayes (14)

Ms L.L. Baker
Dr A.D. Buti
Mr R.H. Cook
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

Mrs M.H. Roberts
Mr C.J. Tallentire
Mr P.C. Tinley
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
 Mr J.H.D. Day
 Ms E. Evangel

Mr J.M. Francis
 Mrs G.J. Godfrey
 Dr K.D. Hames
 Mrs L.M. Harvey
 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 A.J. Simpson
 Mr M.H. Taylor
 Mr T.K. Waldron
 Mr A. Krsticevic (*Teller*)

Amendment thus negatived.

Clause agreed to.

Clause 241.

Dr A.D. Buti moved,

Page 178, line 20 – To insert after “condition”:

“

and the medical practitioner must contact all medical practitioners who are currently treating the admitted person to discuss the physical and mental health needs of the patient

”.

Amendment put and negatived.

Clause agreed to.

Clauses 242 to 246 agreed to.

New clause 246A.

Dr A.D. Buti moved,

Page 182, after line 31 – To insert:

“

246A. Psychiatrist to notify State Administrative Tribunal

A psychiatrist who makes an involuntary treatment order must notify the State Administrative Tribunal to appoint a guardian for the limited purpose of arranging legal representation for the patient as necessary.

”.

New clause 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. McGowan
 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 P.C. Tinley
 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 E. Evangel
 Mrs G.J. Godfrey
 Dr K.D. Hames
 Mrs L.M. Harvey
 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 A.J. Simpson
 Mr M.H. Taylor
 Mr T.K. Waldron
 Mr A. Krsticevic (*Teller*)

New clause thus negatived.

Clauses 247 to 261 agreed to.

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

Question put and passed.

11. Variation to the Order of Business

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

12. Custodial Legislation (Officers Discipline) Amendment Bill 2013

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

Debate resumed.

Question put.

The Assembly divided.

Ayes (29)

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 E. Evangel

Mr J.M. Francis
 Mrs G.J. Godfrey
 Dr K.D. Hames
 Mrs L.M. Harvey
 Mr C.D. Hatton
 Mr A.P. Jacob
 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 A.J. Simpson
 Mr M.H. Taylor
 Mr T.K. Waldron
 Mr A. Krsticevic (*Teller*)

Noes (14)

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

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

Ms R. Saffioti
 Mr C.J. Tallentire
 Mr P.C. Tinley
 Ms S.F. McGurk (*Teller*)

Question thus passed.

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

13. Special Adjournment

The Leader of the House moved, That the House at its rising adjourn until Tuesday, 1 April 2014 at 2.00 p.m.

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 5.03 p.m. until Tuesday, 1 April 2014 at 2.00 p.m.

Members present during any part of the day's proceedings – All the members except Mr T.R. Buswell, Ms W.M. Duncan and Mr D.T. Redman.

PETER J. McHUGH
Clerk of the Legislative Assembly

HON. MICHAEL SUTHERLAND
Speaker of the Legislative Assembly