

WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

NOTICES AND ORDERS OF THE DAY

No. 72

THURSDAY, 3 APRIL 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 – ORDERS OF THE DAY

1. **Disability Services Amendment Bill 2014** (Parliamentary Secretary to the Minister for Disability Services) (No. 62, 2r. – 13/3/14)

Second reading. Adjourned debate (Ms S. McGurk).

2. ***Mental Health Bill 2013** (Parliamentary Secretary to the Minister for Mental Health) (No. 41, 2r. – 23/10/13)

Further consideration in detail – Clause 399.

3. **‡*Mental Health Legislation Amendment Bill 2013** (Parliamentary Secretary to the Minister for Mental Health) (No. 54, 2r. – 4/12/13)

Second reading. Adjourned debate.

4. ***Succession to the Crown Bill 2014** (Premier) (No. 60, 2r. – 25/2/14)

Second reading. Adjourned debate (Mr D.A. Templeman).

- 5. Criminal Code Amendment (Child Sex Offences) Bill 2013** (Deputy Premier) (LC No. 49, 2r. – 12/3/14)

Second reading. Adjourned debate (Mr D.A. Templeman).

- 6. Sentencing Legislation Amendment Bill 2013** (Deputy Premier) (LC No. 56, 2r. – 12/3/14)

Second reading. Adjourned debate (Mr D.A. Templeman).

- 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 D.A. Templeman).

- 8. Declared Places (Mentally Impaired Accused) Bill 2013** (Parliamentary Secretary to the Minister for Disability Services) (No. 37, 2r. – 17/10/13)

Second reading. Adjourned debate (Ms S. McGurk).

- 9. Statutes (Repeals) Bill 2013** (Premier) (No. 38, 2r. – 20/11/13)

Second reading. Adjourned debate (Mr D.A. Templeman).

- 10. Statutes (Repeals and Minor Amendments) Bill 2013** (Parliamentary Secretary to the Minister for Mental Health; Disability Services; Child Protection) (LC No. 08, 2r. – 17/9/13)

Second reading. Adjourned debate (Ms S. McGurk).

- 11. Premier's Statement**

Adjourned debate (Leader of the House) on the question, That the Premier's Statement be noted.

- 12. Corruption and Crime Commission Amendment (Misconduct) Bill 2014** (Premier) (No. 57, 2r. – 2/4/14)

Second reading. Adjourned debate (Mr D.A. Templeman).

PRIVATE MEMBERS' BUSINESS – NOTICES OF MOTION

- 1. Implementation of Significant Taxation Reform** (Notice given – 18/6/13, renewed – 12/11/13)

Mr B.S. Wyatt: To move –

That this House condemns the Barnett Government for its comprehensive failure to implement any significant taxation reform and to deliver on its taxation election commitments.

- 2. Basic Standards of Transparency** (Notice given – 18/6/13, renewed – 12/11/13)

Ms R. Saffioti: To move –

That this House condemns the Barnett Government for its lack of accountability and openness, and disregard of basic standards of transparency to the Parliament, Auditor General and through the Freedom of Information Act and to the people of Western Australia.

- 3. Financial Management** (Notice given – 20/6/13, renewed – 14/11/13)

Mr B.S. Wyatt: To move –

That the House condemns the Barnett Government for its woeful financial management since 2008 and for being unable to meet the standards of financial management it demanded when in Opposition.

4. Typhoon Haiyan (Notice given – 19/11/13)

Ms M.M. Quirk: To move –

That this House conveys its sympathy and condolences to the people of the Philippines through the Ambassador to the Philippines in Australia and to the many Filipino Western Australians following the devastating loss of life and destruction caused by Typhoon Haiyan and urges the Commonwealth to provide all possible assistance in the long road to recovery and reconstruction.

5. Federal Liberal Member for Tangney (Notice given – 19/11/13)

Mr W.J. Johnston: To move –

That this House:

- (1) notes that the Federal Liberal Member for Tangney has made an unwarranted and unnecessary political attack on a Western Australian Independent Public School Principal through the social networking site, Twitter;
- (2) believes that Mr Jensen should not politicise the operations of one of our Independent Public Schools in this way; and
- (3) calls on Mr Jensen to remove his offensive posts and calls on him to apologise to the Independent Public School Principal, the Bannister Creek school community and all Western Australians for his actions.

6. Appointment of a Select Committee into the *Freedom of Information Act 1992* (Notice given – 6/8/13, renewed – 26/11/13)

Ms M.M. Quirk: To move –

- (1) That this House appoints a select committee to inquire into and report on the effectiveness of the operation of the *Freedom of Information Act 1992* and, in particular to consider:
 - (a) the purposes and principles of freedom of information and whether the Freedom of Information Act satisfies those purposes and principles namely:
 - (i) the objects clauses in the Freedom of Information Act;
 - (ii) the ambit of the application of the Act, including the appropriateness of the definition of “document” (Glossary – Freedom of Information Act) and the operation of Schedule 2 (bodies to which the Freedom of Information Act does not apply); and
 - (iii) the exemption provisions in Schedule 1 of the Freedom of Information Act.
 - (b) the effectiveness of processes under the Freedom of Information Act (including application and review processes) and ways in which those processes can be streamlined and made more efficient and user-friendly, including the utilisation of current and future technologies;
 - (c) the time and costs involved in providing access to government documents, having regard to the need to achieve a balance between facilitating legitimate and timely access to government documents and ensuring proper and efficient government administration. In considering this issue, the committee is to specifically consider:
 - (i) the appropriateness of the existing fees regime;

- (ii) the appropriateness of current time limits contained in the Act; and
 - (iii) dealing with voluminous and/or vexatious requests; and
 - (d) the effectiveness and adequacy of current reporting and data collection requirements, to inform public understanding about the operation and administration of the Freedom of Information Act.
- (2) In identifying ways to improve and modernise the freedom of information regime, the committee is to consider (but not limit itself to):
- (a) relevant existing and proposed Commonwealth, State and Territory laws and practices;
 - (b) other recent reviews of freedom of information legislation, nationally and internationally;
 - (c) information or data from agencies that will assist in the identification of issues relating to the administration of the Freedom of Information Act;
 - (d) the operation of the freedom of information regime in an evolving technological environment;
 - (e) specific issues relating to access by individuals to personal information, including the interaction between Western Australia's freedom of information regime and the protection of privacy interests;
 - (f) balancing the public interest in access to information with the need to preserve the integrity and confidentiality of deliberative processes for Ministers and other decision makers; and
 - (g) the interaction of the Freedom of Information Act with other mechanisms (including non-legislative mechanisms) for assessing information held by government.

7. Environmental Protection (Clearing of Native Vegetation) Amendment Regulations (No. 2) 2013 (Notice given – 3/12/13)

Mr C.J. Tallentire: To move –

That the Environmental Protection (Clearing of Native Vegetation) Amendment Regulations (No. 2) 2013 under the *Environmental Protection Act 1986*, which were published in *Government Gazette* No. 213 on Tuesday, 3 December 2013, are hereby disallowed.

8. Insurance Commission of Western Australia (Notice given – 11/9/13, renewed – 19/2/14)

Mr B.S. Wyatt: To move –

That the House condemns the Premier for misleading the Parliament and the people of Western Australia in respect of:

- (1) The Government's decision to require the Insurance Commission of Western Australia to pay a dividend; and
- (2) Failing to disclose the Government's decision to require the Insurance Commission of Western Australia to pay a dividend in the 2012-13 Mid-Year Financial Projections Statement.

9. Local Government Reform Process (Notice given – 25/2/14)

Mr F.M. Logan: To move –

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.

10. Bushfire Mitigation Frameworks (Notice given – 27/2/14)

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 Keely 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.

11. Corrective Services and Emergency Services Portfolios (Notice given – 27/2/14)

Ms M.M. Quirk: To move –

That the House calls on the Minister for Corrective Services and Emergency Services to relinquish one of these portfolios in light of recent fundamental breaches of security and his failure to manage compliance and contractual obligations by Serco.

12. Crime and Punishment (Notice given – 18/3/14)

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.

13. Blood Testing Offenders Who May Have Infected Police Officers (Notice given – 18/3/14)

Mrs M.H. Roberts: To move –

That this House calls on the Minister for Police to immediately introduce the long awaited legislation dealing with the issue of blood testing offenders who may have infected Police Officers.

14. Kulcha (Notice given – 18/3/14)

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.

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

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.

16. Perth Hills Keelty Report (Notice given – 18/3/14)

Ms M.M. Quirk: To move –

That this House condemns the Barnett Government for the failure to implement the recommendations of the Perth Hills Keelty Report mandating special planning laws in bushfire prone zones and for its failure to finalise a tenure blind fuel load management regime.

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

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.

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

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.

19. Equal Opportunity Commission (Notice given – 18/3/14)

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.

20. Ethnic Assistants, 457 Families and Government Schools (Notice given – 15/10/13, renewed – 18/3/14)

Ms M.M. Quirk: To move –

That this House condemns the Barnett Government for:

- (a) its failure to acknowledge and meet the needs of culturally and linguistically diverse Western Australians by discontinuing the use of ethnic assistants from schools; and
- (b) abolishing the Substantive Equality Unit at the Equal Opportunity Commission; and
- (c) its implementation of the ill-considered plan to charge 457 families \$4000 for a child's schooling at government schools.

21. Restoration of the Guildford Hotel (Notice given – 19/3/14)

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.

22. Brothels in Western Australia (Notice given – 19/3/14)

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.

23. 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.

PRIVATE MEMBERS' BUSINESS – ORDERS OF THE DAY

1. **Land Supply and Land Approvals** (Moved – 15/5/13)

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

That this House condemns the Barnett Government on its failure to provide adequate land supply and land approvals in Western Australia to meet increasing housing demand.

2. **Amalgamation of Verve and Synergy** (Moved – 19/6/13)

Adjourned debate (Minister for Energy – continuation of remarks) on the motion moved by Mr W.J. Johnston –

That this House condemns the Premier and the Liberal State Government for deciding to amalgamate Verve and Synergy without having a plan for any of the consequences of this decision.

3. **Closing the Gap COAG Agreement on Indigenous Health** (Moved – 19/6/13)

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

That this House calls on the Barnett Government to re-commit to the Closing the Gap COAG agreement on indigenous health to provide certainty and continuity of the indigenous health services who will cease being funded when the current agreement expires.

4. **Gonski Reform Package** (Moved – 26/6/13)

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

That this House calls on the Government to resolve issues with the Federal Government so that public schools can benefit from the Gonski reform package.

5. **Council Amalgamations in the Metropolitan Area** (Moved – 7/8/13)

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

That this House condemns the Barnett Government for breaking another promise and totally misleading the people of Western Australia with regard to forced council amalgamations in the metropolitan area.

6. **Public Education** (Moved – 11/9/13)

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 for its attacks on public education, in particular:

- (a) cuts to school support program resource allocation;
- (b) cuts to teaching and education staff;
- (c) loss of Gonski Better Schools funding; and
- (d) a failure to adequately fund the moving of Year 7s to high school.

7. **Vocational and Career training in Western Australia** (Moved – 25/9/13)

Adjourned debate (Mr W.J. Johnston – continuation of remarks) on the motion moved by Mr F.M. Logan –

That this House condemns the Barnett Government for its unwarranted attack on vocational and career training in Western Australia through budget cuts, job losses, a massive increase in student fees and the eradication of equity based training courses for the most disadvantaged in our community.

8. 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.

9. 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.

10. 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.

11. 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.

12. 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.

13. 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.

14. Criminal Law (Mentally Impaired Accused) Amendment Bill 2014 (Mr J.R. Quigley) (No. 65, 2r. – 19/3/14)

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

15. Post-Traumatic Stress Disorder (Moved – 2/4/14)

Adjourned debate (Mr I.M. Britza – continuation of remarks) on the motion moved by Mr P.B. Watson –

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.

* Denotes amendments appearing in the Notices and Amendments section of the Notice Paper.

† Denotes time allocated for Bill appears 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

Committee

Date Due

Joint Committee on Audit:

Inquiry into the Budget, Organisational Structure and Resourcing Needs of the Office of the Auditor General

Joint Committee on Audit:

Review of the *Auditor General Act 2006*

Education and Health Standing Committee:

10 April 2014

Inquiry into the Organisational Response within the Department of Health to Challenges associated with Commissioning the Fiona Stanley Hospital

Community Development and Justice Standing Committee:

8 May 2014

Inquiry into Current Processes for Determining Funding Support for People with Disabilities

Joint Standing Committee on the Corruption and Crime Commission:

15 May 2014

Inquiry into the use of Part 4 powers under the *Corruption and Crime Commission Act 2003*

Procedure and Privileges Committee:

15 May 2014

Inquiry into the *Evidence and Public Interest Disclosure Legislation Amendment Act 2012*

Economics and Industry Standing Committee:

29 May 2014

Inquiry into the Economic Implications of Floating Liquefied Natural Gas Operations

Public Accounts Committee:

26 June 2014

Inquiry into Amendments to the *Public Sector Management Act 1994****Economics and Industry Standing Committee:***

14 August 2014

Inquiry into the Management of Western Australia's Freight Rail Network

Joint Standing Committee on the Corruption and Crime Commission:

4 December 2014

Inquiry into Improving the Working Relationship Between the Corruption and Crime Commission and Western Australia Police

GOVERNMENT RESPONSES TO COMMITTEE RECOMMENDATIONS

<i>Committee</i>	<i>Ministers to Respond</i>	<i>Date Due</i>
Community Development and Justice Standing Committee – In Safe Custody: Inquiry into Custodial Arrangements in Police Lock-ups	Premier, Minister representing the Attorney General, Minister for Police, Minister for Corrective Services, Parliamentary Secretary representing the Minister for Mental Health	28 February 2014 [non-compliance reported 11 March 2014]
Public Accounts Committee – Review of Auditor General Reports No. 2: Selected Reports 2011 and 2012	Minister representing the Minister for Education, Minister for Finance, Parliamentary Secretary representing the Minister for Child Protection, Treasurer	5 March 2014 [non-compliance reported 11 March 2014]

NOTICES AND AMENDMENTS

Mental Health Bill 2013 (No. 41-I)

Clause 399.

Dr A.D. Buti: To move –

Page 285, line 24 – To delete the line and substitute:

“

(a) the patient (whether a voluntary patient or an involuntary patient);

(ba) a legal practitioner representing the patient;

”.

Clause 405.

Dr A.D. Buti: To move –

Page 288, lines 15 to 17 – To delete the lines and substitute:

“

On completing a review under this Division in respect of a long-term voluntary inpatient, the Tribunal may make any orders, and give any directions, the Tribunal considers appropriate. The Tribunal may also make an order, direction or recommendation in relation to any of the following –

”.

Clause 409.

The Parliamentary Secretary to the Minister for Mental Health: To move –

Page 290, line 12 to page 291, line 3 – To delete the lines.

Clause 411.

The Parliamentary Secretary to the Minister for Mental Health: To move –

Page 291, line 12 — To delete “patient referred to in section 409(5)(a),” and substitute:

“ patient, ”.

The Parliamentary Secretary to the Minister for Mental Health: To move –

Page 291, lines 20 to 24 — To delete the lines and substitute:

“

(c) if the patient is an adult — the views of the person who is authorised by law to give informed consent to the electroconvulsive therapy being performed on the patient were that consent required;

”.

Clause 443.

Dr A.D. Buti: To move –

Page 304, lines 3 to 12 – To delete the lines and substitute:

“

- (a) the child’s representative under section 448(1); and
- (b) if the child’s parent or guardian is not a party — the child’s parent or guardian; and

”.

The Parliamentary Secretary to the Minister for Mental Health: To move –

Page 304, line 6 – To delete “section 447(1)(b); or” and substitute:

“ section 447(1)(b) or (c); or ”.

The Parliamentary Secretary to the Minister for Mental Health: To move –

Page 304, line 11 – To delete “section 447(1)(b)” and substitute:

“ section 447(1)(b) or (c) ”.

Dr A.D. Buti: To move –

Page 304, lines 14 to 19 – To delete the lines and substitute:

“

- (d) any carer, close family member or other personal support person of the child —
 - (i) who is not a party; and
 - (ii) whose name and contact details are provided to the Tribunal;

”.

The Parliamentary Secretary to the Minister for Mental Health: To move –

Page 304, line 17 – To delete “section 447(1)(b)” and substitute:

“ section 447(1)(b) or (c) ”.

Clause 444.

Dr A.D. Buti: To move –

Page 305, lines 15 to 24 – To delete the lines and substitute:

“

- (a) the child’s representative under section 448(1); and
- (b) if the child’s parent or guardian is not a party — the child’s parent or guardian; and

”.

The Parliamentary Secretary to the Minister for Mental Health: To move –

Page 305, line 18 – To delete “section 447(1)(b); or” and substitute:

“ section 447(1)(b) or (c); or ”.

The Parliamentary Secretary to the Minister for Mental Health: To move –
Page 305, line 23 – To delete “section 447(1)(b)” and substitute:

“ section 447(1)(b) or (c) ”.

Dr A.D. Buti: To move –
Page 305, lines 26 to 31 – To delete the lines and substitute:

“

(d) any carer, close family member or other personal support person of the child —

(i) who is not a party; and

(ii) whose name and contact details are provided to the Tribunal;

”.

The Parliamentary Secretary to the Minister for Mental Health: To move –
Page 305, line 29 – To delete “section 447(1)(b)” and substitute:

“ section 447(1)(b) or (c) ”.

Clause 446.

Dr A.D. Buti: To move –
Page 306, lines 25 and 26 – To delete the lines and substitute:

“

(a) may appear in person; or

(aa) may be represented by —

(i) a legal practitioner; or

(ii) any other person;

or

”.

Dr A.D. Buti: To move –
Page 307, after line 2 – To insert:

“

(2A) The Tribunal may specify in an order made under subsection (2) that the party must be represented in the proceeding by a legal practitioner.

”.

New Clause 446A.

Dr A.D. Buti: To move –

Page 307, after line 9 – To insert:

“

446A. Party is a child

- (1) In a proceeding, a party who is a child must be represented by a legal practitioner.
- (2) Even though a party who is a child is represented in the proceeding, the child is entitled to express in person his or her views about any matter arising in the course of the proceeding that may affect the child, whether or not the child has sufficient maturity and understanding to make reasonable decisions about matters relating to himself or herself.

”.

Clause 447.

The Parliamentary Secretary to the Minister for Mental Health: To move –

Page 307, after line 23 – To insert:

“

- (c) must be represented by another person if the Tribunal makes an order under subsection (1A) in respect of the party.
- (1A) The Tribunal may make an order that the party must be represented in the proceeding if, in the Tribunal’s opinion, it is not in the best interests of the party for the party to appear in person in the proceeding.

”.

Dr A.D. Buti: To oppose the clause.

Clause 448.

Dr A.D. Buti: To oppose the clause.

Clause 449.

Dr A.D. Buti: To move –

Page 308, lines 16 to 18 – To delete all the words appearing after “The Tribunal” and substitute:

“

- :
- (a) must make arrangements for the party to be represented at a hearing if the party is the person concerned in the proceeding; and
- (b) may make such an arrangement for any other party.

”.

New Clause 450A.

Dr A.D. Buti: To move –

Page 308, after line 25 – To insert:

“

450A. Access to Tribunal's records

For the purpose of conducting a proceeding, a party appearing in person or a party's representative under section 446, 447 or 448 is entitled to inspect, and to take a copy of the whole or any part of, the Tribunal's records relating to the proceedings —

- (a) at any time the office of the Tribunal is open for business; and
- (b) at any other time by arrangement with the

registrar.

”

Clause 453.

Dr A.D. Buti: To move –

Page 310, after line 25 – To insert:

“

- (3A) If the Tribunal makes an order under subsection (2)(b) excluding the person concerned in the proceeding or the person concerned's representative under section 446, 447 or 448 from a hearing or a part of a hearing, the Tribunal must make arrangements for the person concerned to be represented at the hearing or part of the hearing.

”

New Clause 453A.

Dr A.D. Buti: To move –

Page 310, after line 29 – To insert:

“

453A. Conduct of hearing in absence of party

The Tribunal may conduct a hearing in the absence of a party if satisfied that —

- (a) the party has been given notice of the hearing; and
- (b) it is in the best interests of the person concerned in the proceeding for the hearing not to be adjourned.

”

Clause 463.

Dr A.D. Buti: To oppose the clause.

New Clause 468A.

Dr A.D. Buti: To move –

Page 320, after line 12 – To insert:

“

468A. Publication of Tribunal’s decisions

- (1) The Tribunal may publish all or any of its decisions in any form (including electronic form) that the Tribunal considers appropriate.
- (2) A decision may be published under subsection (1) with or without the reasons for it.
- (3) All personal information must be removed from a decision before it is published under subsection (1).

”.

Clause 470.

Dr A.D. Buti: To move –

Page 321, after line 10 – To insert:

“

- (iii) the period within which a proceeding must be brought before the Tribunal; and
- (iv) the period within which a document received under this Act by the Tribunal must be dealt with; and
- (v) the period within which a document must be given under this Act by the Tribunal;

”.

New Clause 472A.

Dr A.D. Buti: To move –

Page 322, after line 7 – To insert:

“

472A. Qualifications of President

The President must be either:

- (a) a judge or former judge of the Supreme, District or Family Court of Western Australia, or
- (b) an Australian lawyer as defined by the *Legal Profession Act 2008* and have at least 8 years legal experience.

”.

New Clause 472B.

Dr A.D. Buti: To move –

Page 322, after line 7 – To insert:

“

472B. General function of President

The President is responsible for the administration of the Tribunal and is to be assisted by the Registrar appointed under section 480 and Tribunal staff appointed under section 483.

”.

New Clause 477A.

Dr A.D. Buti: To move –

Page 324, after line 6 – To insert:

“

477A. Code of conduct

- (1) The President of the Tribunal must make and maintain a written code of conduct applying to each member.
- (2) To the extent that the President of the Tribunal considers appropriate, the President must consult with these people about what the code of conduct should contain —
 - (a) members;
 - (b) the registrar and the registry staff referred to in section 483;
 - (c) the Public Sector Commissioner;
 - (d) other persons the President considers appropriate.
- (3) A member must comply with the code of conduct.

”.

New Clause 477B.

Dr A.D. Buti: To move –

Page 324, after line 6 – To insert:

“

477B. Suspending member from office

- (1) The Minister may suspend a person from the office of member if the Minister believes —
 - (a) that there may be a reason under section 477 to remove the person from the office of member; or
 - (b) that the person is the subject of a matter before the Tribunal otherwise than as a member.
- (2) A person suspended from office under subsection (1) remains entitled to the emoluments of the office while suspended.

”.

New Clause 477C.

Dr A.D. Buti: To move –

Page 324, after line 6 – To insert:

“

477C. Investigating member suspended from office

- (1) As soon as practicable after the Minister suspends a person from office under section 477B(1)(a), the Minister must appoint a person (the *investigator*) to undertake an investigation into the conduct or circumstances that led to the suspension.
- (2) The investigator must —
 - (a) investigate the conduct of the person suspended; and
 - (b) report to the Minister on the investigation; and
 - (c) give a copy of the report to each of these people —
 - (i) the person suspended;
 - (ii) the President.
- (3) The investigator's report may include a recommendation that the person suspended be removed from the office of member.

”

New Clause 477D.

Dr A.D. Buti: To move –

Page 324, after line 6 – To insert:

“

477D. Action on investigator's report

- (1) After considering the report and consulting the President, the Minister may recommend to the Governor that the person suspended be removed from the office of member.
- (2) If the Minister decides not to recommend removal from office, the Minister must —
 - (a) inform the President; and
 - (b) terminate the suspension.

”

New Clause 477E.

Dr A.D. Buti: To move –

Page 324, after line 6 – To insert:

“

477E. Deciding whether to recommend termination

- (1) Neither the investigator nor the Minister can recommend removal of the person from office unless satisfied that there is a reason under section 477 for the removal.
- (2) The Minister cannot recommend the removal of the person from office unless the person has been given a reasonable opportunity to make written and oral submissions to the investigator and the Minister.
- (3) The Minister may, in deciding whether or not to recommend removal from office, rely on the investigator's report.

”.

Clause 480.

Dr A.D. Buti: To move –

Page 326, lines 3 and 4 – To delete all the words after “There is to be” and substitute:

“

a Registrar of the Mental Health Tribunal appointed by the President under the *Public Sector Management Act 1994* Part 3.

”.

Clause 481.

Dr A.D. Buti: To move –

Page 326, line 6 – To delete the line and substitute:

“

Without limiting the general function of the Registrar to assist the President under section 472B, the functions of the Registrar are to:

”.

Dr A.D. Buti: To move –

Page 326, line 12 – To delete the line and substitute:

“ or under rules made under section 469; and ”.

Dr A.D. Buti: To move –

Page 326, line 14 – To delete “as soon as practicable; and” and substitute:

“ within the period specified under rules made under section 469; and ”.

Dr A.D. Buti: To move –

Page 326, line 17 – To delete “as soon as practicable; and” and substitute:

“ within the period specified under rules made under section 469 ”.

Dr A.D. Buti: To move –

Page 326, line 20 – To delete the line and substitute:

“ Act, including within the period specified under rules made under section 469; and ”.

Clause 483.

Dr A.D. Buti: To move –

Page 327, line 4 – To delete the line and substitute:

“ to assist the President and Registrar in performing their functions under ”.

Clause 490.

Dr A.D. Buti: To move –

Page 330, line 8 – To delete “direction or declaration” and substitute:

“ direction, declaration or recommendation ”.

Clause 512.

Dr A.D. Buti: To move –

Page 342, line 20 – To delete “treatment and care” and substitute:

“ treatment, care and management ”.

Dr A.D. Buti: To move –

Page 343, lines 6 and 7 – To delete “treatment and care to be provided by mental health services to” and substitute:

“
treatment and care to be provided by mental health services to, and the
management by mental health services of,
”.

Clause 530.

The Parliamentary Secretary to the Minister for Mental Health: To move –

Page 352, after line 28 – To insert:

“
(ga) off-label treatment provided during the year and reported
under section 303A(3)(b);
”.

Clause 534.

Dr A.D. Buti: To move –

Page 354, lines 13 to 15 – To delete the lines and substitute:

“

- (1) The Chief Psychiatrist may delegate to a named psychiatrist referred to in subsection (1A) any power or duty of the Chief Psychiatrist under this Act other than this provision and section 543(2) or under another written law.
- (1A) For subsection (1), the named psychiatrist —
 - (a) must be a psychiatrist under paragraph (a) of the definition of *psychiatrist* in section 4; and
 - (b) cannot be a staff member of, or be involved in, the management of a mental health service.

”.

Dr A.D. Buti: To move –

Page 354, line 17 – To delete “Psychiatrist.” and substitute:

“ Psychiatrist and must be published in the *Gazette*. ”.

Dr A.D. Buti: To move –

Page 354, after line 19 – To insert:

“

- (3A) A person to whom a power or duty is delegated under this section must exercise or perform that power or duty in accordance with the standards published under section 543(2)(f) for that purpose.

”.

Dr A.D. Buti: To move –

Page 354, line 22 – To insert after “with”:

“ the standards referred to in subsection (3A) and ”.

New Clause 536A.

Dr A.D. Buti: To move –

Page 356, after line 10 – To insert:

“

536A. Register of authorised mental health practitioners

- (1) The Chief Psychiatrist must keep a register of persons who are, or have been, designated under section 536 as authorised mental health practitioners.
- (2) The register must be kept in the manner and form determined by the Chief Psychiatrist.
- (3) The register must include the following particulars of each person registered under subsection (1) —
 - (a) the person's name;
 - (b) the date on which the order designating the person as an authorised mental health practitioner was published in the *Gazette*;
 - (c) any limits within which, or any conditions subject to which, the person can perform the functions of an authorised mental health practitioner that were specified in the order referred to in paragraph (b);
 - (d) the date on which any order amending the order referred to in paragraph (b) was published in the *Gazette* and details of the amendments;
 - (e) the date on which any order revoking the order referred to in paragraph (b) was published in the *Gazette*.
- (4) The Chief Psychiatrist must ensure that the register is available free of charge for inspection by members of the public —
 - (a) at the office of the Chief Psychiatrist during the business hours of that office; and
 - (b) on the Agency's website.

”.

Clause 543.

Dr A.D. Buti: To move –

Page 359, lines 13 to 15 – To delete the lines and substitute:

“

- (2) The Chief Psychiatrist must publish standards for each of these purposes —
 - (a) the treatment and care to be provided by mental health services to the persons specified in section 512(1);
 - (b) the exercise of apprehension powers under Part 11 Division 1;
 - (c) the exercise of search and seizure powers under Part 11 Division 2;
 - (d) the transport of persons under transport orders;
 - (e) the installation, maintenance and use of closed circuit television to monitor the treatment, care and management by staff members of mental health services of patients who are admitted by, and persons who are detained under this Act at, those mental health services;
 - (f) the exercise or performance by a person of a power or duty of the Chief Psychiatrist that is delegated to the person under section 534.
- (2A) In preparing standards for publication under subsection (2)(a) to (d), the Chief Psychiatrist must have regard to —
 - (a) any standard or other document prescribed by the regulations for that purpose; and
 - (b) the needs of persons who are of Aboriginal or Torres Strait Islander descent; and
 - (c) the needs of persons from culturally and linguistically diverse backgrounds.
- (2B) For subsection (2A)(a), the regulations may prescribe a standard or other document as in force at a particular time or as in force from time to time.
- (2C) Without limiting the duty under subsection (2) to publish standards from time to time as occasion requires, the Chief Psychiatrist must publish standards under subsection (2)(a) to (d) within 12 months after the day on which Part 28 comes into operation.

”

New Clause 578A.

Dr A.D. Buti: To move –

Page 384, after line 15 – To insert:

“

578A. Compensation for unlawful detention

- (1) This section applies if a person is detained contrary to this Act.
- (2) The minimum amount of damages that the person is entitled to be awarded for the unlawful detention referred to in subsection (1) is \$1 000 for each day or part of a day that the person is unlawfully detained.
- (3) A court cannot award the person damages contrary to subsection (2).

”

Clause 580.

Dr A.D. Buti: To oppose the clause.

Mental Health Legislation Amendment Bill 2013 (No. 54–1)

Clause 9.

The Parliamentary Secretary to the Minister for Mental Health: To move –

Page 51, line 10 – To delete “specific” and substitute:

“ specified ”.

The Parliamentary Secretary to the Minister for Mental Health: To move –

Page 51, line 11 – To insert before “matter”:

“ specified ”.

The Parliamentary Secretary to the Minister for Mental Health: To move –

Page 51, line 24 – To insert after “State”:

“ or an authority of the State ”.

Clause 12.

The Parliamentary Secretary to the Minister for Mental Health: To move –

Page 54, lines 16 to 20 – To delete the lines and substitute:

“

- (c) that the accused does not have the capacity to consent to treatment.

”

New Clause 14A.

The Parliamentary Secretary to the Minister for Mental Health: To move –

Page 55, after line 22 – To insert:

“

14A. Section 24 amended

Delete section 24(3)(b) and (c) and insert:

- (b) that, because of the mental illness, there is —
 - (i) a significant risk to the health or safety of the accused or to the safety of another person; or
 - (ii) a significant risk of serious harm to the accused or to another person;
- and
- (c) the accused does not have the capacity to consent to treatment; and

”.

Succession to the Crown Bill (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”.

KIRSTEN M. ROBINSON

Acting Clerk of the Legislative Assembly