

WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

VOTES AND PROCEEDINGS

No. 107

FIRST SESSION OF THE THIRTY-NINTH PARLIAMENT

TUESDAY, 14 OCTOBER 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. Brief Ministerial Statements

Brief Ministerial Statements were made by –

The Minister for Energy on the renegotiation of the Coal Supply Agreement between Synergy and Premier Coal.

The Minister for Community Services on Carers Week.

The Parliamentary Secretary to the Minister for Mental Health on National Mental Health Week.

3. Questions

Questions without Notice were taken.

Questions on Notice Nos 3022 to 3039 were asked.

Questions on Notice Nos 2800 to 2803, 2806, 2808 to 2814, 2818, 2820, 2822 to 2826, 2828 to 2843, 2845 to 2854, 2856 to 2860, 2862 to 2870, 2875, 2878, 2879, 2881 to 2893, 2895, 2897 to 2900, 2902, 2904, 2906 to 2909, 2914 to 2919, 2921, 2923 to 2925, 2927, 2929 to 2931, 2933 to 2938, 2944 to 2946, 2986 to 2988 and 3018 were answered.

Papers tabled by the Treasurer; Minister for Energy; Citizenship and Multicultural Interests –

Question on Notice No. 2908 – Details of Leadership or Strategic Planning Events for Senior Staff within the Minister's Agencies and Departments (2263).

Question on Notice No. 2802 – Details of Promotional Paraphernalia Produced by Departments or Agencies under the Minister's Portfolio (2264).

Papers tabled by the Minister for Regional Development; Lands; Minister Assisting the Minister for State Development –

Question on Notice No. 2906 – Details of Leadership or Strategic Planning Events for Senior Staff within the Minister’s Agencies and Departments (2265).

Question on Notice No. 2800 – Details of Promotional Paraphernalia Produced by Departments or Agencies under the Minister’s Portfolio (2266).

Paper tabled by the Minister for Lands –

Question on Notice No. 2886 – Details of Private Aircraft Charters Made by LandCorp (2267).

Papers tabled by the Minister for Planning; Culture and the Arts –

Question on Notice No. 2909 – Details of Leadership or Strategic Planning Events for Senior Staff within the Minister’s Agencies and Departments (2268).

Question on Notice No. 2803 – Details of Promotional Paraphernalia Produced by Departments or Agencies under the Minister’s Portfolio (2269).

Paper tabled by the Minister for Mines and Petroleum; Housing –

Question on Notice No. 2808 – Details of Promotional Paraphernalia Produced by Departments or Agencies under the Minister’s Portfolio (2270).

Papers tabled by the Minister for Housing –

Question on Notice No. 2930 – Properties Owned by the Department of Housing in Thornlie and Gosnells (2271).

Question on Notice No. 2944 – Details of Properties Managed by the Department of Housing or Community Housing Providers Within the Electorate of Mirrabooka (2272).

Paper tabled by the Minister for Local Government; Community Services; Seniors and Volunteering; Youth –

Question on Notice No. 2811 – Details of Promotional Paraphernalia Produced by Departments or Agencies under the Minister’s Portfolio (2273).

Paper tabled by the Minister for Environment; Heritage –

Question on Notice No. 2812 – Details of Promotional Paraphernalia Produced by Departments or Agencies under the Minister’s Portfolio (2274).

Paper tabled by the Minister for Sport and Recreation; Racing and Gaming –

Question on Notice No. 2809 – Details of Promotional Paraphernalia Produced by Departments or Agencies under the Minister’s Portfolio (2275).

Paper tabled by the Minister for Emergency Services; Corrective Services; Small Business; Veterans –

Question on Notice No. 2813 – Details of Promotional Paraphernalia Produced by Departments or Agencies under the Minister’s Portfolio (2276).

Paper tabled by the Minister for Water; Forestry –

Question on Notice No. 2814 – Details of Promotional Paraphernalia Produced by Departments or Agencies under the Minister’s Portfolio (2277).

Paper tabled by the Minister Representing the Attorney General; Minister for Commerce –

Question on Notice No. 2806 – Details of Promotional Paraphernalia Produced by Departments or Agencies Under the Minister’s Portfolio (2278).

Paper tabled by the Minister Representing the Minister for Fisheries –

Question on Notice No. 2921 – Details Regarding the Control of Didemnum Perlucidum Around Barrow Island (2279).

Paper tabled by the Minister Representing the Minister for Agriculture; Fisheries –

Question on Notice No. 2810 – Details of Promotional Paraphernalia Produced by Departments or Agencies Under the Minister’s Portfolio (2280).

Paper tabled by the Minister Representing the Minister for Education –

Question on Notice No. 2281 – Details of Year 12 Students Completing a Course in a Number of Modern Languages from 2005 to 2013 (2281).

4. Petitions

Bus Service 450 – Ms M.M. Quirk presented a petition from 141 persons requesting that the Legislative Assembly requests the Government to extend Bus Service 450 for the residents of East Landsdale (P. 176).

Butler Train Station Parking – Mr J.R. Quigley presented a petition from 593 persons requesting that the Legislative Assembly increases the number of car parking bays at the Butler Train Station by 100 per cent (P. 177).

5. Papers

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

By the Speaker –

Corruption and Crime Commission – Annual Report 2013–2014 (Received by the Clerk of the Legislative Assembly and deemed tabled on 26 September 2014) (2221).

Information Commissioner, Office of the – Annual Report 2013–2014 (2225).

Inspector of Custodial Services, Office of the – Report 92: Report of an Announced Inspection of Eastern Goldfields Regional Prison (Received by the Clerk of the Legislative Assembly on 1 September 2014 and held for a period of thirty days in accordance with the Act and deemed tabled on 2 October 2014) (2223).

Inspector of Custodial Services, Office of the – Report No. 91: Female Prisons in Western Australia and the Greenough Women's Precinct (Received by the Clerk of the Legislative Assembly on 8 September 2014 and held for a period of thirty days in accordance with the Act and deemed tabled on 9 October 2014) (2224).

Inspector of Custodial Services, Office of the – Annual Report 2013–2014 (Received by the Clerk of the Legislative Assembly on 28 August 2014 and held for a period of thirty days in accordance with the Act and deemed tabled on 30 September 2014) (2222).

By the Clerk –

Albany Port Authority – Statement of Corporate Intent 2014–2015 (2226).

Bank of Western Australia Act 1995 – 2014 Annual Certificate of Compliance (2227).

Broome Port Authority – Statement of Corporate Intent 2014–2015 (2228).

Chemistry Centre – Statement of Corporate Intent 2014–2015 (2229).

Commissioner for Children and Young People, Joint Standing Committee on the – Government Response to Report No. 3: Sexualisation of Children (2230).

Criminal Procedure Act 2004 – Regulations (Criminal Procedure Amendment Regulations 2014 G.G. 26/09/2014) (2231).

Dampier Port Authority – Statement of Corporate Intent 2014–2015 (2232).

Dangerous Goods Safety Act 2004 – Notices (Dangerous Goods Safety Exemption Notice No. 47 G.G. 26/09/2014) (2233).

Dog Act 1976 – Local Laws (Shire of Nannup Dogs Local Law 2014 G.G. 26/09/2014) (2234).

Environmental Protection Authority – Annual Report 2013–2014 (2235).

Fair Trading Act 2010 – Notices (Consumer Protection Notice No. 3 of 2014 – Safety Standard: Child Restraint Systems for use in Motor Vehicles G.G. 26/09/2014) (2236).

Fair Trading Act 2010 – Regulations (Fair Trading (Retirement Villages Interim Code) Regulations (No. 2) 2014 G.G. 25/09/2014) (2237).

Fish Resources Management Act 1994 – Management Plans (West Coast Rock Lobster Managed Fishery Management Plan Amendment (No. 2) 2014 [1207] G.G. 30/09/2014) (2238).

Fish Resources Management Act 1994 – Orders (Prohibition on Fishing for Rock Lobster Amendment Order 2014 G.G. 3/10/2014) (2239).

Fremantle Ports – Statement of Corporate Intent 2014–2015 (2240).

Goldfields Esperance Development Commission – Annual Report 2013–2014 (2241).

Hospitals and Health Services Act 1927 – By-laws (Fiona Stanley Hospital By-laws 2014 G.G. 10/10/2014) (2242).

Hospitals and Health Services Act 1927 – Regulations (Hospitals (Services Charges) Amendment Regulations (No. 5) 2014 G.G. 10/10/2014) (2243).

Independent Market Operator – Annual Report 2013–2014 (2244).

Law Reform Commission of Western Australia – Annual Report 2013–2014 (2245).

Law Reform Commission of Western Australia – Enhancing Laws Concerning Family and Domestic Violence, Final Report 2014 (2246).

Legal Profession Complaints Committee of Western Australia – Annual Report 2013–2014 (2247).

Local Government Act 1995 – Local Laws (Shire of Bridgetown-Greenbushes Standing Orders Amendment Local Law 2014 G.G. 10/10/2014) (2248).

Local Government Act 1995 – Local Laws (Town of Port Hedland Standing Orders Local Law 2014 G.G. 9/10/2014) (2249).

Local Government Act 1995 – Regulations (Local Government (Parking for People with Disabilities) Regulations 2014 G.G. 10/10/2014) (2250).

Magistrates Court Act 2004 – Regulations (Magistrates Court Amendment Regulations (No. 2) 2014 G.G. 30/09/2014) (2251).

Mentally Impaired Accused Review Board – Annual Report 2013–2014 (2252).

Murdoch University Act 1973 – Statutes (Murdoch University – Amending Statute No. 1 of 2014 G.G. 10/10/2014) (2253).

Parliamentary Inspector of the Corruption and Crime Commission of Western Australia – Annual Report 2013–2014 (2254).

Port Hedland Port Authority – Statement of Corporate Intent 2014–2015 (2255).

Prisoners Review Board – Annual Report 2013–2014 (2256).

Public Trustee – Annual Report 2013–2014 (2257).

Spent Convictions Act 1988 – Regulations (Spent Convictions Amendment Regulations (No. 5) 2014 G.G. 23/09/2014) (2258).

State Administrative Tribunal – Annual Report 2013–2014 (2259).

State Superannuation Act 2000 – Regulations (Government Employees Superannuation Board (Policy Instruments) Amendment Regulations 2014 G.G. 10/10/2014) (2260).

Supreme Court Act 1935 – Rules (Supreme Court Amendment Rules (No. 2) 2014 G.G. 26/09/2014) (2261).

Waste Avoidance and Resource Recovery Levy Act 2007 – Regulations (Waste Avoidance and Resource Recovery Levy Amendment Regulations 2014 G.G. 23/09/2014) (2262).

6. Notices of Motion

7. Notice of Motion Lapsed

The Speaker advised that Private Members' Business Notice of Motion No. 2 had lapsed and, unless the member indicated otherwise, would be removed from the Notice Paper.

8. Removal of Order of the Day

The Speaker advised members that the Order of the Day that appeared on the last Notice Paper as No. 1 under Private Members' Business, Vocational and Career Training in Western Australia, had not been debated for more than 12 calendar months and had been removed from the Notice Paper.

9. Matter of Public Interest – Road Safety

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 condemns the Barnett Government for failing the community in the area of Road Safety and for its wrong priorities in cutting funding for road maintenance.

Debate ensued.

Question put.

The Assembly divided.

Ayes (18)

Ms L.L. Baker	Mr F.M. Logan	Mrs M.H. Roberts
Dr A.D. Buti	Mr M. McGowan	Ms R. Saffioti
Mr R.H. Cook	Ms S.F. McGurk	Mr C.J. Tallentire
Ms J. Farrer	Mr P. Papalia	Mr P.B. Watson
Ms J.M. Freeman	Mr J.R. Quigley	Mr B.S. Wyatt
Mr W.J. Johnston	Ms M.M. Quirk	Mr D.A. Templeman (<i>Teller</i>)

Noes (32)

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

Question thus negatived.

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

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

The Premier moved,

That the scope of the Corruption and Crime Commission Amendment (Misconduct) Bill 2014 be extended to allow an amendment to be moved by the Premier to insert a new clause into the bill which will amend Schedule 2 clause 3 of the *Corruption and Crime Commission Act 2003* relating to the remuneration of the Commissioner.

Debate ensued.

Question put and passed.

Clauses 1 to 31 agreed to.

New clause 31A.

The Premier moved,

Page 44, before line 1 – To insert:

“

31A. Schedule 2 clause 3 amended

- (1) In Schedule 2 clause 3(4) delete “subclause (5) and”.
- (2) Delete Schedule 2 clause 3(5).

”.

New clause agreed to.

Clauses 32 to 38 agreed to.

Title agreed to.

Consideration in detail concluded.

Ordered, That the third reading of the bill be made an Order of the Day for the next sitting of the Assembly.

11. Road Traffic Amendment (Alcohol Interlocks and Other Matters) Bill 2014

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.

Ordered, That the consideration in detail of the bill be made an Order of the Day for the next sitting of the Assembly.

12. Mental Health Bill 2013

Message No. 56 dated 14 October 2014 from the Legislative Council was reported as follows –

The Legislative Council acquaints the Legislative Assembly that it has agreed to the Mental Health Bill 2013 subject to the amendments contained in the Schedule annexed; in which amendments the Legislative Council desires the concurrence of the Legislative Assembly.

Schedule indicating the amendments made by the Legislative Council in the Mental Health Bill 2013.

No. 1

Clause 4, page 4, lines 16 and 17 — To delete “mental health practitioner;” and insert —

other health professional;

No. 2

Clause 4, page 5, after line 26 — To insert —

health professional means —

- (a) a medical practitioner; or
- (b) a nurse; or

- (c) an occupational therapist; or
- (d) a psychologist; or
- (e) a social worker; or
- (f) in relation to a person who is of Aboriginal or Torres Strait Islander descent —
 - (i) a health professional listed in paragraphs (a) to (e); or
 - (ii) an Aboriginal or Torres Strait Islander mental health worker;

No. 3

Clause 4, page 6, lines 7 to 11 — To delete the lines and insert —

involuntary patient has the meaning given in section 21(1);

involuntary treatment order has the meaning given in section 21(2);

No. 4

Clause 20, page 20, line 22 — To delete “medical practitioner or other”.

No. 5

Clause 28, page 25, line 30 — To delete “referral” and insert —

order

No. 6

Clause 28, page 25, line 31 — To delete “, because of the person’s mental or physical condition,”.

No. 7

Clause 28, page 26, lines 19 and 20 — To delete “, because of the person’s mental or physical condition,”.

No. 8

Clause 28, 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

No. 9

Clause 29, page 28, line 6 — To delete “because of the person’s mental or physical condition,”.

No. 10

Clause 34, page 32, line 7 — To delete “the inpatient’s psychiatrist” and insert —

a health professional who is currently providing the inpatient with treatment

No. 11

Clause 48, page 40, lines 2 to 14 — To delete the lines.

No. 12

Clause 48, page 41, line 1 — To delete “prescribed”.

No. 13

Clause 52, page 42, line 21 — To delete “the person’s psychiatrist” and insert —
a health professional who is currently providing the person with treatment

No. 14

Clause 53, page 43, line 17 — To delete “the person’s psychiatrist” and insert —
a health professional who is currently providing the person with treatment

No. 15

Clause 58, page 47, line 9 — To delete “the person’s psychiatrist” and insert —
a health professional who is currently providing the person with treatment

No. 16

Clause 59, page 48, line 20 — To delete “the person’s psychiatrist” and insert —
a health professional who is currently providing the person with treatment

No. 17

Clause 62, page 50, lines 24 and 25 — To delete “, because of the person’s mental or physical condition,”.

No. 18

Clause 62, page 51, lines 6 and 7 — To delete “, because of the person’s mental or physical condition,”.

No. 19

Clause 62, page 51, line 25 — To delete “the person’s psychiatrist” and insert —
a health professional who is currently providing the person with treatment

No. 20

Clause 63, page 52, line 16 — To delete “because of the person’s mental or physical condition,”.

No. 21

Clause 70, page 56, line 14 — To delete “the person’s psychiatrist” and insert —
a health professional who is currently providing the person with treatment

No. 22

Clause 79, page 60, lines 17 to 29 — To delete the lines.

No. 23

Clause 79, page 61, line 14 — To delete “prescribed”.

No. 24

Clause 126, page 95, lines 22 to 28 — To delete the lines and insert —

- (c) the supervising psychiatrist reasonably believes that, despite the steps that have been taken, the non-compliance is continuing and that, if the non-compliance continues, there is —
 - (i) a significant risk to the health or safety of the involuntary community patient or to the safety of another person; or
 - (ii) a significant risk of serious harm to the involuntary community patient or to another person; or
 - (iii) a significant risk of the involuntary community patient suffering serious physical or mental deterioration.

No. 25

Clause 129, page 98, after line 4 — To insert —

- (5) The making of a transport order under subsection (2) is an event to which Part 9 applies and the practitioner who makes the order is the person responsible under that Part for notification of that event.

No. 26

Clause 133, page 102, lines 3 and 4 — To delete “because of the involuntary community patient’s mental or physical condition,”.

No. 27

Clause 139, page 104, lines 21 and 22 — To delete “nominated person, carer or close family member” and insert —

carer, close family member or other personal support person

No. 28

Clause 140, page 105, line 4 — To delete “nominated person, carer or close family member” and insert —

carer, close family member or other personal support person

No. 29

Clause 140, page 105, line 5 — To delete “nominated person, carer or close family member” and insert —

carer, close family member or other personal support person

No. 30

Clause 142, page 106, line 2 — To delete “nominated person, carer or close family member” and insert —

carer, close family member or other personal support person

No. 31

Clause 142, page 106, line 9 — To delete “nominated person, carer or close family member” and insert —

carer, close family member or other personal support person

No. 32

Clause 142, page 106, line 11 — To delete “nominated person, carer or close family member” and insert —

carer, close family member or other personal support person

No. 33

Clause 142, page 106, line 15 — To delete “nominated person, carer or close family member” and insert —

carer, close family member or other personal support person

No. 34

Clause 142, page 106, line 18 — To delete “nominated person, carer or close family member” and insert —

carer, close family member or other personal support person

No. 35

Clause 143, page 106, line 29 — To delete “nominated person, carer or close family member” and insert —

carer, close family member or other personal support person

No. 36

Clause 143, page 106, lines 30 and 31 — To delete “nominated person, carer or close family member” and insert —

carer, close family member or other personal support person

No. 37

Clause 143, page 106, lines 33 and 34 — To delete “nominated person, carer or close family member” and insert —

carer, close family member or other personal support person

No. 38

Clause 143, page 107, line 3 — To delete “nominated person, carer or close family member” and insert —

carer, close family member or other personal support person

No. 39

Clause 144, page 107, lines 17 and 18 — To delete “nominated person, carer or close family member” and insert —

carer, close family member or other personal support person

No. 40

Clause 144, page 107, line 23 — To delete “nominated person, carer or close family member” and insert —

carer, close family member or other personal support person

No. 41

Clause 144, page 107, line 26 — To delete “nominated person, carer or close family member” and insert —

carer, close family member or other personal support person

No. 42

Clause 144, page 107, lines 28 and 29 — To delete “nominated person, carer or close family member” and insert —

carer, close family member or other personal support person

No. 43

Clause 212, page 155, after line 9 — To insert —

- (2) A person is not secluded merely because the person is alone in a room or area that the person is unable to leave because of frailty, illness or mental or physical disability.

No. 44

Clause 227, page 165, after line 17 — To insert —

- (2A) A person is not being physically restrained merely because the person is being provided with the physical support or assistance reasonably necessary —
 - (a) to enable the person to carry out daily living activities; or
 - (b) to redirect the person because the person is disoriented.

No. 45

Clause 241, page 178, lines 16 to 20 — To delete the lines and insert —

- (2) The person in charge of the hospital must ensure that a medical practitioner physically attends on the person, for the purpose of examining the person to assess the person's physical condition, as soon as practicable and, in any event, within 12 hours after the time when the person is admitted or received, and at reasonable intervals after that initial attendance, until the first of these things occurs —
 - (a) the person is examined by a medical practitioner;
 - (b) if the person is a voluntary inpatient —
 - (i) the person refuses to consent to being examined by a medical practitioner; or
 - (ii) if the person does not have the capacity to consent to being examined by a medical practitioner — the person who is authorised by law to consent to the provision of treatment to the person refuses to consent to the person being examined by a medical practitioner;
 - (c) the person is released or discharged by or otherwise leaves the hospital.

No. 46

Clause 241, page 178, lines 21 to 23 — To delete the lines and insert —

- (3) For the purpose of assessing under this section the physical condition of a person referred to in subsection (1)(a)(ii) or (iii) or (b), these things may be done without consent —

No. 47

Clause 241, page 178, lines 27 and 28 — To delete “purposes of subsection (2)” and insert —

purpose of assessing under this section the person's physical condition

No. 48

Clause 248, page 183, line 25 — To delete “that” and insert —

that, as soon as practicable after the refusal,

No. 49

Clause 253, page 185, line 24 — To delete “\$15 000” and insert —

\$24 000

No. 50

Clause 254, page 186, before line 1 — To insert —

- (b) unlawful sexual contact with the person by a person who is not a staff member of a mental health service that occurs at a hospital; or

No. 51

Clause 305, page 218, after line 2 — To insert —

- (iii) the carrying out of medical or epidemiological research relating to mental illness;

No. 52

Clause 305, page 218, after line 10 — To insert —

provide, in relation to a mental health service, includes to carry out;

No. 53

Clause 317, page 226, line 22 — To delete “who is” and insert —

and is

No. 54

Clause 317, page 226, after line 24 — To insert —

- (e) a person who is being paid through a funding arrangement with government to provide free advocacy services and 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.

No. 55

Clause 320, page 228, line 18 — To insert after “by” —

delaying,

No. 56

Clause 328, page 234, lines 13 and 14 — To delete the lines.

No. 57

Clause 337, page 243, line 29 — To delete the line and insert —

so many of those people as the Director considers appropriate.

No. 58

Clause 360, page 262, line 29 — To delete “section 249(1)(a).” and insert —

section 249(1)(a) or (b) or (3).

No. 59

Clause 360, page 263, lines 4 and 5 — To delete “section 249(1)(a); and” and insert —

section 249(1)(a) or (b) or (3), as the case requires; and

No. 60

Clause 361, page 263, line 19 — To delete “section 249(1)(a); and” and insert —

section 249(1)(a) or (b) or (3); and

No. 61

Clause 393, page 282, lines 19 to 22 — To delete the lines and insert —

- (b) if the proceeding relates to an application made under section 390 and the applicant is not the involuntary patient — the applicant; and

No. 62

Clause 397, page 284, line 27 — To delete “*order*) —” and insert —

order) that is or was in force —

No. 63

Clause 398, page 285, line 5 — To delete “section 400” and insert —

section 400(1)

No. 64

Clause 398, page 285, line 6 — To insert after “order is” —

or was

No. 65

Clause 400, page 286, line 24 — To delete “patient;” and insert —

patient or the person who was the subject of the treatment order;

No. 66

Clause 400, page 286, line 27 — To delete “patient;” and insert —

patient or of the person who was the subject of the treatment order;

No. 67

Clause 400, page 286, after line 30 — To insert —

- (2) An application cannot be made under section 398(1) in respect of a treatment order that ceased to be in force more than 6 months ago unless, in the Tribunal’s opinion, the applicant shows good reason for the delay.

No. 68

New Clause 400A, page 286, after line 30 — To insert —

400A. Parties to proceeding

The parties to a proceeding under this Division are —

- (a) the involuntary patient or the person who was the subject of the treatment order; and
- (b) if the proceeding relates to an application made under section 398(1) and the applicant is not the involuntary patient or the person who was the subject of the treatment order — the applicant.

No. 69

Clause 401, page 287, line 3 — To insert after “to be” —

or to have been

No. 70

Clause 401, page 287, line 4 — To insert after “order is” —

or was

No. 71

Clause 401, page 287, line 5 — To insert after “been” —

or was

No. 72

Clause 401, page 287, line 14 — To insert after “been” —

or were

No. 73

New Clause 401A, page 287, after line 15 — To insert —

401A. Discretion not to decide on validity of treatment order no longer in force

- (1) In this section —
question of law includes a question of mixed fact and law.
- (2) The Tribunal is not required to decide whether a treatment order that was in force was valid or invalid, but may do so if satisfied that the matter raises —
 - (a) a question of law; or
 - (b) a matter of public interest.

No. 74

Clause 404, page 288, lines 14 to 16 — To delete the lines and insert —

- (b) if the applicant is not the long-term voluntary inpatient — the applicant; and

No. 75

Clause 409, page 290, line 31 — To delete the line and insert —

- (b) the applicant; and

No. 76

Clause 416, page 294, line 9 — To delete the line and insert —

- (b) the applicant; and

No. 77

Clause 420, page 296, after line 5 — To insert —

- (c) to ensure that a treatment, support and discharge plan for a patient is prepared, reviewed or revised;

No. 78

Clause 426, page 298, lines 26 and 27 — To delete the lines.

No. 79

Clause 431, page 300, lines 16 to 18 — To delete the lines and insert —

- (b) if the applicant is not the person who made the nomination — the applicant; and

No. 80

Clause 433, page 301, lines 10 and 11 — To delete the lines and insert —

- (b) if the applicant is not the person whose rights it is alleged are affected — the applicant; and

No. 81

Clause 444, page 303, line 28 — To delete “section 447(1)(a) or (b)” and insert —

section 447(1)(aa) or (b)

No. 82

Clause 444, page 304, line 5 — To delete “section 447(1)(a) or (b)” and insert —

section 447(1)(aa) or (b)

No. 83

Clause 445, page 305, line 13 — To delete “section 447(1)(a) or (b)” and insert —

section 447(1)(aa) or (b)

No. 84

Clause 445, page 305, line 18 — To delete “section 447(1)(a) or (b)” and insert —

section 447(1)(aa) or (b)

No. 85

Clause 447, page 307, lines 4 and 5 — To delete the lines and insert —

- (a) may appear in person; or
- (aa) may be represented by any of these people —
 - (i) a legal practitioner;
 - (ii) a mental health advocate;
 - (iii) any person who, in the Tribunal’s opinion, is willing and able to represent the adult’s interests;
- or

No. 86

Clause 447, page 307, line 6 — To delete “another person” and insert —
a person listed in paragraph (aa)

No. 87

Clause 447, page 307, line 9 — To delete “may” and insert —

must in the case of the party who is the person concerned in the proceeding, and may in the case of any other party,

No. 88

Clause 448, page 307, lines 28 to 30 — To delete the lines and insert —

(iii) the child’s parent or guardian;

No. 89

Clause 448, page 308, line 4 — To delete “another person” and insert —
a person listed in paragraph (b)

No. 90

Clause 448, page 308, line 7 — To delete “may” and insert —

must in the case of the party who is the person concerned in the proceeding, and may in the case of any other party,

No. 91

Clause 449, page 308, lines 25 to 27 — To delete the lines and insert —

(c) the child’s parent or guardian;

No. 92

Clause 450, page 309, line 5 — To delete “at a hearing” and insert —
in a proceeding

No. 93

Clause 454, page 311, after line 15 — To insert —

- (3A) The Tribunal must make arrangements for the person concerned in a proceeding to be represented at a hearing or a part of a hearing if —
- (a) the person concerned is excluded by an order made under subsection (2)(b) from the hearing or part of the hearing and is appearing in person in the proceeding; or
 - (b) the person concerned's representative in the proceeding is excluded by an order made under subsection (2)(b) from the hearing or part of the hearing.

No. 94

Clause 454, page 311, line 16 — To delete the line.

No. 95

Clause 456, page 312, line 3 — To insert after “person” (2nd occurrence) —

chosen

No. 96

Clause 518, page 346, after line 20 — To insert —

- (4A) The Chief Psychiatrist cannot give the psychiatrist a direction under subsection (4)(b) to provide the patient with specified treatment unless the Chief Psychiatrist gives the psychiatrist a reasonable opportunity to withdraw from being the patient's psychiatrist.

No. 97

Clause 575, page 381, line 26 — To delete “332(7),” and insert —

332(7) and (8),

No. 98

Clause 582, page 387, line 12 — To insert after “charge” —

in good faith

No. 99

Clause 582, page 387, line 22 — To delete “section 227(2) and (3),” and insert —

section 227(2) to (6),

No. 100

Schedule 2, page 393, in the Table, after row 10 — To insert —

s. 129(5)	The making of a transport order under s. 129(2)	The practitioner who makes the order
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Ordered, That consideration in detail of Legislative Council Message No. 56 be made an Order of the Day for the next sitting of the Assembly.

13. Mental Health Legislation Amendment Bill 2013

Message No. 57 dated 14 October 2014 from the Legislative Council was reported agreeing to the bill without amendment.

14. Adjournment

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

Question put and passed.

The Assembly adjourned accordingly at 9.50 p.m. until Wednesday, 15 October 2014 at 12.00 noon.

Members present during any part of the day's proceedings – All the members except Mrs L.M. Harvey, Dr G.G. Jacobs, Mr D.J. Kelly and Mr P.C. Tinley.

PETER J. McHUGH

Clerk of the Legislative Assembly

HON. MICHAEL SUTHERLAND

Speaker of the Legislative Assembly