

WESTERN AUSTRALIA

## LEGISLATIVE ASSEMBLY

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### NOTICES AND ORDERS OF THE DAY

No. 68

WEDNESDAY, 19 MARCH 2014, 12 noon

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Prayers \*

Petitions

Papers

Giving Notice of Motion

Brief Ministerial Statements \*

Questions Without Notice	–	approximately 2.00 p.m. each day
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Matter of Public Interest	–	one per week on any day
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Private Members' Business	–	4.00 p.m. to 7.00 p.m. Wednesdays
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Grievances	–	approximately 9.00 a.m. Thursdays
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Private Members' Statements	–	12.50 p.m. Thursdays
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*\* Note: On days when the Assembly meets at 2.00 p.m. Brief Ministerial Statements and Questions Without Notice will follow immediately after Prayers.*

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**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](http://www.parliament.wa.gov.au).*

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#### BUSINESS OF THE ASSEMBLY – NOTICES OF MOTION

**1. Leave of Absence** (Notice given – 18/3/14)

Mr A. Krsticevic: To move –

That leave be given for the absence from the Legislative Assembly of the member for Vasse until 10 April 2014 on the grounds of ill health.

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## BILLS – NOTICES OF MOTION

1. **Criminal Law (Mentally Impaired Accused) Amendment Bill 2014** (Notice given – 18/3/14)

Mr J.R. Quigley: To move –

That a Bill for “An Act to amend the *Criminal Law (Mentally Impaired Accused) Act 1996* to provide that a court making a custody order under that Act in respect of an accused must fix a term for that order that is equivalent to the period of imprisonment that would, in the court’s opinion, have been appropriate had the accused been found guilty of the offence with which the accused was charged.” be introduced and read a first time.

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## GOVERNMENT BUSINESS – ORDERS OF THE DAY

1. **\*Custodial Legislation (Officers Discipline) Amendment Bill 2013** (Minister for Corrective Services) (No. 47, 2r. – 20/11/13)

Further consideration in detail – Clause 8.

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

Further consideration in detail – Clause 194, on the amendment moved by Dr A.D. Buti.

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. **Sunset Reserve Transformation Bill 2013** (Minister for Heritage) (No. 39, 2r. – 31/10/13)

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

5. **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).

6. **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).

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

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

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

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

9. **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).

10. **Premier’s Statement**

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

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

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

12. **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).

**13. 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).

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**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.

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**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. Cost of Living in Western Australia** (Moved – 12/3/14)

Adjourned debate (Ms L.L. Baker – continuation of remarks) on the motion moved by Ms L.L. Baker –

That the House condemns the Premier for misleading the people of Western Australia regarding increases to the cost of living and the impact his government's increases will have on homes and businesses.

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\* 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.

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**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

<b><i>Joint Standing Committee on the Corruption and Crime Commission:</i></b> Inquiry into the use of Part 4 powers under the <i>Corruption and Crime Commission Act 2003</i>	15 May 2014
<b><i>Procedure and Privileges Committee:</i></b> Inquiry into the <i>Evidence and Public Interest Disclosure Legislation Amendment Act 2012</i>	15 May 2014
<b><i>Economics and Industry Standing Committee:</i></b> Inquiry into the Economic Implications of Floating Liquefied Natural Gas Operations	29 May 2014
<b><i>Public Accounts Committee:</i></b> Inquiry into Amendments to the <i>Public Sector Management Act 1994</i>	26 June 2014
<b><i>Economics and Industry Standing Committee:</i></b> Inquiry into the Management of Western Australia's Freight Rail Network	14 August 2014
<b><i>Joint Standing Committee on the Corruption and Crime Commission:</i></b> Inquiry into Improving the Working Relationship Between the Corruption and Crime Commission and Western Australia Police	4 December 2014

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## GOVERNMENT RESPONSES TO COMMITTEE RECOMMENDATIONS

<b><i>Committee</i></b>	<b><i>Ministers to Respond</i></b>	<b><i>Date Due</i></b>
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]

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## NOTICES AND AMENDMENTS

### *Custodial Legislation (Officers Discipline) Amendment Bill 2013 (No. 47–1)*

Clause 16.

Mr P. Papalia: To move –

Page 28, lines 4 and 5 – To delete “**due to loss of confidence**”.

Mr P. Papalia: To move –

Page 29, lines 11 to 14 – To delete the lines.

Mr P. Papalia: To move –

Page 29, lines 21 to 23 – To delete the lines and insert:

“

- (a) the chief executive officer has formed the opinion on reasonable grounds that the custodial officer:
  - (i) has engaged in corrupt conduct (or any other conduct constituting an indictable offence); and
  - (ii) is no longer a fit and proper person to hold a position as a custodial officer; and

”.

Mr P. Papalia: To move –

Page 30, lines 5 to 8 – To delete the lines and insert:

“

- (1) If the chief executive officer has formed the opinion on reasonable grounds that the officer has engaged in corrupt conduct and is no longer a fit and proper person to hold a position as a custodial officer, the chief executive officer may remove the custodial officer.

”.

Mr P. Papalia: To move –

Page 30, lines 12 to 14 – To delete the lines and insert:

“

- (3) The chief executive officer shall conduct any necessary investigation to determine if a custodial officer is a fit and proper person to be a custodial officer.

”.

Mr P. Papalia: To move –

Page 30, lines 28 to 32 – To delete the lines and substitute:

“ document might incriminate the custodial officer ”.

Mr P. Papalia: To move –

Page 31, line 3 – To insert before “proceedings” where it first occurs:

“ or disciplinary ”.

Mr P. Papalia: To move –  
Page 31, lines 23 and 24 – To delete “and imprisonment for 12 months”.

Mr P. Papalia: To move –  
Page 31, line 25 – To delete “**Notice of loss of confidence**” and substitute:

“

**Written notice of CEO’s determination**

”

Mr P. Papalia: To move –  
Page 31, lines 28 to 30 – To delete the lines and substitute:

“

which the chief executive officer has formed the view that the custodial officer has engaged in corrupt conduct or is no longer a fit and proper person to hold a position as a custodial officer.

”

Mr P. Papalia: To move –  
Page 33, lines 9 to 12 – To delete the lines and substitute:

“

- (2) Where a custodial officer has commenced an appeal under section 11CH, the Minister shall direct a maintenance payment must be paid to the custodial officer for a specified period after the maintenance period unless there are exceptional circumstances justifying that the custodial officer should not be paid a maintenance payment.

”

Mr P. Papalia: To move –  
Page 33, after line 16 – To insert:

“

- (4A) At the end of the specified period referred to in subsection (3), the Minister shall review the progress of the appeal and renew the maintenance period for a further specified period not exceeding 6 months unless:
- (a) the appeal has been determined by the WAIRC; or
  - (b) there are exceptional circumstances justifying why the custodial officer should not be paid a maintenance payment.

”

Mr P. Papalia: To move –  
Page 33, after line 19 – To insert:

“

- (5) A custodial officer who has commenced an appeal under section 11CH and is aggrieved by:
  - (a) a period of any suspension; or
  - (b) the exercise of the Minister’s discretion to not make a maintenance payment that results in undue hardship to the custodial officer,
 may apply to a commissioner in the WAIRC who may either substitute or vary or affirm the decision of the chief executive officer, or the Minister, as the case may be.

”.

Mr P. Papalia: To move –  
Page 35, after line 25 – To insert:

“

- (d) fourth, it must consider the validity and cogency of the facts on which the chief executive officer has determined that the officer has engaged in corrupt conduct and is no longer a fit and proper person to hold a position as a custodial officer.

”.

Mr P. Papalia: To move –  
Page 35, lines 26 to 30 – To delete the lines.

Mr P. Papalia: To move –  
Page 36, after line 13 – To insert:

“

- ; and
  - (c) the validity and cogency of the facts on which the chief executive officer has determined that the officer has engaged in corrupt conduct (or any other conduct constituting an indictable offence), and is no longer a fit and proper person to hold a position as a custodial officer.

”.

Mr P. Papalia: To move –  
Page 38, after line 30 – To insert:

“

- ; and
  - (c) the WAIRC must allow the appellant to amend any reasons why the dismissal was harsh, oppressive or unfair.

”.

Mr P. Papalia: To move –  
Page 42, line 19 – To delete “(not exceeding 12 months)”.

Mr P. Papalia: To move –  
Page 45, lines 1 and 2 – To delete the lines.

Mr P. Papalia: To move –  
Page 45, lines 21 to 25 – To delete the lines and substitute:

“ element of an offence of which the custodial officer has been convicted ”.

Mr P. Papalia: To move –  
Page 46, after line 31 – To insert:

“  
(4) A custodial officer aggrieved by the period of suspension may appeal the  
chief executive officer’s decision under section 11CE(5).  
”.

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***Mental Health Bill 2013 (No. 41–I)***

Clause 194.  
Dr A.D. Buti has moved –  
Page 145, line 15 – To delete “14” and substitute:

“ 16 ”.

Clause 195.  
Dr A.D. Buti: To move –  
Page 145, line 18 – To delete “14” and substitute:

“ 16 ”.

Clause 207.  
Dr A.D. Buti: To move –  
Page 153, lines 17 and 18 – To delete “child under 16 years of age” and substitute:

“  
person under 18 years of age  
”.

Clause 208.  
Dr A.D. Buti: To move –  
Page 153, lines 20 to 23 – To delete the lines and substitute:

“  
(1) This section applies in relation to a patient who is an adult.  
”.

Clause 224.  
Dr A.D. Buti: To move –  
Page 164, after line 6 – To insert:

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

Clause 240.

Dr A.D. Buti: To move –

Page 176, after line 31 – To insert:

“

(ba) the Chief Mental Health Advocate; and

”.

Clause 262.

Dr A.D. Buti: To move –

Page 190, lines 25 to 27 – To delete the lines.

New Clause 303A.

Dr A.D. Buti: To move –

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.

”.

Clause 353.

Dr A.D. Buti: To move –

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

Dr A.D. Buti: To move –

Page 255, lines 9 and 10 – To delete “or the CEO to issue a direction under subsection (2)”.

Clause 449.

Dr A.D. Buti: To move –

Page 308, lines 16 and 17 – To delete “may make arrangements for a party to be represented” and substitute:

“ must make arrangements for a party to be represented by a legal practitioner ”.

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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.

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**PETER J. McHUGH**

Clerk of the Legislative Assembly