

WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

VOTES AND PROCEEDINGS

No. 74

FIRST SESSION OF THE THIRTY-NINTH PARLIAMENT

TUESDAY, 8 APRIL 2014

1. Meeting of Assembly

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

The Speaker took the Chair.

Prayers were read.

2. Brief Ministerial Statements

Brief Ministerial Statements were made by –

The Minister for Tourism on the release of the draft Rottnest Island Management Plan.

The Minister for Mines and Petroleum on the Association of Mining and Exploration Companies Conference on Mine Closure and Rehabilitation.

The Parliamentary Secretary to the Minister for Commerce on the Chevron Local Participation Workshop held in Karratha on 27 March 2014.

3. Questions

Questions without Notice were taken.

Question on Notice No. 2152 was asked.

Questions on Notice Nos 1915 and 1920 were answered.

4. Additional Information

The Minister for Corrective Services provided additional information relating to Question without Notice No. 242 from Mr P. Papalia.

5. Message from the Governor

Message No. 2 from His Excellency the Governor was reported recommending that appropriations be made for the purposes of the Corruption and Crime Commission Amendment (Misconduct) Bill 2014.

6. Petition

Cockburn Council – Mr F.M. Logan presented a petition from 314 persons requesting that the Legislative Assembly calls on the State Government to leave the City of Cockburn's current boundaries in place (P. 114).

7. Papers

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

By the Clerk –

Liquor Control Act 1988 – Regulations (Liquor Control (Jigalong Restricted Area) Amendment Regulations 2014 G.G. 4/04/2014) (1518).

Road Traffic Act 1974 – Regulations (Road Traffic Code Amendment Regulations 2014 G.G. 4/04/2014) (1519).

8. Notices of Motion

9. Matter of Public Interest – Government Advertising

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

At least five members having risen in support,

Mr W.J. Johnston moved,

That this House condemns the Government for the political manipulation of advertising campaigns including the “*Are You Bushfire Ready?*”, Royalties for Regions and the Bigger Picture campaigns.

Debate ensued.

Question put.

The Assembly divided.

Ayes (18)

Ms L.L. Baker

Dr A.D. Buti

Mr R.H. Cook

Ms J. Farrer

Ms J.M. Freeman

Mr W.J. Johnston

Mr F.M. Logan

Mr M. McGowan

Ms S.F. McGurk

Mr M.P. Murray

Mr P. Papalia

Ms M.M. Quirk

Mrs M.H. Roberts

Ms R. Saffioti

Mr C.J. Tallentire

Mr P.B. Watson

Mr B.S. Wyatt

Mr D.A. Templeman (*Teller*)

Noes (32)

Mr P. Abetz

Mr F.A. Alban

Mr I.C. Blayney

Mr I.M. Britza

Mr G.M. Castrilli

Mr V.A. Catania

Mr M.J. Cowper

Ms M.J. Davies

Mr J.H.D. Day

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Mr J.M. Francis

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Dr G.G. Jacobs

Mr S.K. L'Estrange

Mr R.S. Love

Mr P.T. Miles

Ms A.R. Mitchell

Mr N.W. Morton

Dr M.D. Nahan

Mr D.C. Nalder

Mr J. Norberger

Mr D.T. Redman

Mr A.J. Simpson

Mr M.H. Taylor

Mr T.K. Waldron

Mr A. Krsticevic (*Teller*)

Question thus negatived.

10. Mental Health Bill 2013

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

CONSIDERATION IN DETAIL

Clause 399.

Dr A.D. Buti moved,

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;

”

Amendment put.

The Assembly divided.

Ayes (17)

Ms L.L. Baker

Dr A.D. Buti

Mr R.H. Cook

Ms J. Farrer

Ms J.M. Freeman

Mr F.M. Logan

Mr M. McGowan

Ms S.F. McGurk

Mr M.P. Murray

Mr P. Papalia

Mr J.R. Quigley

Ms M.M. Quirk

Mrs M.H. Roberts

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Ms E. Evangel

Mr J.M. Francis

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Mr B.J. Grylls

Dr K.D. Hames

Mrs L.M. Harvey

Mr C.D. Hatton

Mr A.P. Jacob

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Mr S.K. L'Estrange

Mr R.S. Love

Mr P.T. Miles

Ms A.R. Mitchell

Mr N.W. Morton

Dr M.D. Nahan

Mr D.C. Nalder

Mr J. Norberger

Mr D.T. Redman

Mr A.J. Simpson

Mr M.H. Taylor

Mr T.K. Waldron

Mr A. Krsticevic (*Teller*)

Amendment thus negatived.

Clause agreed to.

Clauses 400 to 404 agreed to.

Clause 405.

Dr A.D. Buti moved,

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 –

”

Amendment put and negatived.

Clause agreed to.

Clauses 406 to 408 agreed to.

Clause 409.

The Parliamentary Secretary to the Minister for Mental Health moved,

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

Amendment put and passed.

Clause, as amended, agreed to.

Clause 410 agreed to.

Clause 411.

The Parliamentary Secretary to the Minister for Mental Health moved,

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

“ patient, ”.

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;

”.

Amendments put and passed.

Clause, as amended, agreed to.

Clauses 412 to 421 agreed to.

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

Question put and passed.

11. Variation to the Order of Business

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

12. Disability Services Amendment Bill 2014

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

CONSIDERATION IN DETAIL

Clauses 1 to 3 agreed to.

Clause 4.

Dr A.D. Buti moved,

Page 4, after line 28 – To insert:

“

- (1A) The regulations referred to in subsection (1)(d) must not impose requirements that are more difficult to satisfy than:
 - (a) the disability requirements under the NDIS Act; or
 - (b) the early intervention requirements under the NDIS Act.

”.

Amendment put and negatived.

Clause agreed to.

Clause 5 agreed to.

Clause 6.

Dr A.D. Buti moved,

Page 6, lines 22 and 23 – To delete the lines and substitute:

“

is freely available online or the public can obtain hard copies on request at no charge.

”.

Amendment put and negatived.

Clause agreed to.

Title agreed to.

Consideration in detail concluded.

Leave was granted to proceed forthwith to the third reading of the bill.

The Parliamentary Secretary to the Minister for Disability Services moved, That the bill be now read a third time.

Debate ensued.

Question put and passed.

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

13. Suspension of Standing Orders

The Leader of the House moved, without notice, moved,

That so much of the Standing Orders be suspended as is necessary to allow debate to be resumed forthwith on the Mental Health Bill 2013.

Question put.

The Acting Speaker having counted the House, and an absolute majority being present and there being no dissentient voice, declared the motion to be carried with the concurrence of an absolute majority of the whole number of members of the House.

14. Mental Health Bill 2013

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

CONSIDERATION IN DETAIL

Clauses 422 to 442 agreed to.

Clause 443.

Dr A.D. Buti moved,

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

”.

Deputy Speaker’s Ruling – Test Vote

The Deputy Speaker advised members that two members had indicated a wish to move amendments to clause 443 of the *Mental Health Bill 2013*.

The member for Armadale wished to delete lines 3 to 12 on page 304, with a view to substituting other words while the Parliamentary Secretary to the Minister for Mental Health wished to delete certain words in line 6 with a view to substituting other words.

If the House did not agree to the member for Armadale's amendment to delete lines 3 to 12, it would effectively prevent the Parliamentary Secretary from moving her amendment to delete certain words in the same clause, because, by not agreeing to delete the lines, the House was effectively saying that those lines stood as printed and therefore, could not be further amended or deleted. Hence, a test vote was required.

So as to preserve the rights of both members as far as possible, it was the Deputy Speaker's intention to put only that part of the member for Armadale's amendment up to the point where the Minister's amendment started i.e. "That lines 3 to 5 be deleted". If that amendment was not agreed to by the House, the Deputy Speaker would immediately put the Parliamentary Secretary's proposed deletion of the words in line 6 and substitution of other words.

Amendment put as a Test Vote, That lines 3 to 5 be deleted.

The Assembly divided.

Ayes (14)

| | | |
|----------------|--------------------|-------------------------------------|
| Dr A.D. Buti | Mr P. Papalia | Mr P.C. Tinley |
| Ms J. Farrer | Ms M.M. Quirk | Mr P.B. Watson |
| Mr F.M. Logan | Mrs M.H. Roberts | Mr B.S. Wyatt |
| Mr M. McGowan | Ms R. Saffioti | Mr D.A. Templeman (<i>Teller</i>) |
| Mr M.P. Murray | Mr C.J. Tallentire | |

Noes (31)

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

Amendment thus negatived.

The Parliamentary Secretary to the Minister for Mental Health moved,
Page 304, line 6 – To delete "section 447(1)(b); or" and substitute:

" section 447(1)(b) or (c); or ".

Amendment put and passed.

The Parliamentary Secretary to the Minister for Mental Health moved,
Page 304, line 11 – To delete "section 447(1)(b)" and substitute:

" section 447(1)(b) or (c) ".

Amendment put and passed.

Dr A.D. Buti moved,

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;

”

Deputy Speaker's Ruling – Test Vote

The Deputy Speaker advised members that two members had indicated a wish to move amendments to clause 443 of the *Mental Health Bill 2013*.

The member for Armadale wished to delete lines 14 to 19 on page 304, with a view to substituting other words while the Parliamentary Secretary to the Minister for Mental Health wished to delete certain words in line 17 with a view to substituting other words.

If the House did not agree to the member for Armadale's amendment to delete lines 14 to 19, it would effectively prevent the Parliamentary Secretary from moving her amendment to delete certain words in line 17, because, by not agreeing to delete the lines, the House was effectively saying that those lines stood as printed and therefore could not be further amended or deleted. Hence a test vote was required. So as to preserve the rights of both members as far as possible, it was the Deputy Speaker's intention to put only that part of the member for Armadale's amendment up to the point where the Minister's amendment started i.e. “That lines 14 to 16 be deleted”. If that amendment was not agreed to by the House, the Deputy Speaker would immediately put the Parliamentary Secretary's proposed deletion of certain words in line 17 and substitution of other words.

Amendment put as a Test Vote, That lines 14 to 16 be deleted.

The Assembly divided.

Ayes (15)

| | | |
|-----------------|------------------|-------------------------------------|
| Dr A.D. Buti | Mr M.P. Murray | Mr C.J. Tallentire |
| Ms J. Farrer | Mr P. Papalia | Mr P.C. Tinley |
| Ms J.M. Freeman | Ms M.M. Quirk | Mr P.B. Watson |
| Mr D.J. Kelly | Mrs M.H. Roberts | Mr B.S. Wyatt |
| Mr F.M. Logan | Ms R. Saffioti | Mr D.A. Templeman (<i>Teller</i>) |

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| Mr I.M. Britza | Mrs L.M. Harvey | Mr J. Norberger |
| Mr G.M. Castrilli | Mr C.D. Hatton | Mr D.T. Redman |
| Mr V.A. Catania | Dr G.G. Jacobs | Mr A.J. Simpson |
| Mr M.J. Cowper | Mr R.F. Johnson | Mr M.H. Taylor |
| Ms M.J. Davies | Mr S.K. L'Estrange | Mr T.K. Waldron |
| Mr J.H.D. Day | Mr R.S. Love | Mr A. Krsticevic (<i>Teller</i>) |
| Ms W.M. Duncan | Mr W.R. Marmion | |
| Ms E. Evangel | Mr P.T. Miles | |

Amendment thus negatived.

The Parliamentary Secretary to the Minister for Mental Health moved,
Page 304, line 17 – To delete “section 447(1)(b)” and substitute:

“ section 447(1)(b) or (c) ”.

Amendment put and passed.

Clause, as amended, agreed to.

Clause 444.

Dr A.D. Buti moved,

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

”.

Deputy Speaker's Ruling – Test Vote

The Deputy Speaker advised members that two members had indicated a wish to move amendments to Clause 444 of the *Mental Health Bill 2013*.

The member for Armadale wished to delete lines 15 to 24 on page 305, with a view to substituting other words while the Parliamentary Secretary to the Minister for Mental Health wished to delete certain words in line 18 with a view to substituting other words.

If the House did not agree to the member for Armadale’s amendment to delete lines 15 to 24, it would effectively prevent the Parliamentary Secretary from moving her amendment to delete certain words in line 18 of the same clause, because, by not agreeing to delete the lines, the House was effectively saying that those lines stood as printed and therefore could not be further amended or deleted. Hence a test vote was required.

So as to preserve the rights of both members as far as possible, it was the Deputy Speaker’s intention to put only that part of the member for Armadale’s amendment up to the point where the Minister’s amendment started i.e. “That lines 15 to 17 be deleted”. If that amendment was not agreed to by the House, the Deputy Speaker would immediately put the Parliamentary Secretary’s proposed deletion of certain words in line 18 and substitution of other words.

Amendment put as a Test Vote, That lines 15 to 17 be deleted.

The Assembly divided.

Ayes (15)

Dr A.D. Buti
Ms J. Farrer
Ms J.M. Freeman
Mr D.J. Kelly
Mr F.M. Logan

Mr M.P. Murray
Mr P. Papalia
Ms M.M. Quirk
Mrs M.H. Roberts
Ms R. Saffioti

Mr C.J. Tallentire
Mr P.C. Tinley
Mr P.B. Watson
Mr B.S. Wyatt
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 Mrs L.M. Harvey
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 Mr S.K. L'Estrange
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 Mr P.T. Miles

Ms A.R. Mitchell
 Mr N.W. Morton
 Mr D.C. Nalder
 Mr J. Norberger
 Mr D.T. Redman
 Mr A.J. Simpson
 Mr M.H. Taylor
 Mr T.K. Waldron
 Mr A. Krsticevic (*Teller*)

Amendment thus negated.

The Parliamentary Secretary to the Minister for Mental Health moved,
 Page 305, line 18 – To delete “section 447(1)(b); or” and substitute:

“ section 447(1)(b) or (c); or ”.

Page 305, line 23 – To delete “section 447(1)(b)” and substitute:

“ section 447(1)(b) or (c) ”.

Amendments agreed to.

Dr A.D. Buti moved,

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;

”.

Deputy Speaker's Ruling – Test Vote

The Deputy Speaker advised members that two members had indicated a wish to move amendments to Clause 444 of the *Mental Health Bill 2013*.

The member for Armadale wished to delete lines 26 to 31 on page 305, with a view to substituting other words while the Parliamentary Secretary to the Minister for Mental Health wished to delete certain words in line 29 with a view to substituting other words.

If the House did not agree to the member for Armadale's amendment to delete lines 26 to 31, it would effectively prevent the Parliamentary Secretary from moving her amendment to delete certain words in line 29, because, by not agreeing to delete the lines, the House was effectively saying that those lines stood as printed and therefore could not be further amended or deleted. Hence a test vote was required.

So as to preserve the rights of both members as far as possible, it was the Deputy Speaker's intention to put only that part of the member for Armadale's amendment up to the point where the Minister's amendment started i.e. “That lines 26 to 28 be deleted”. If that amendment was not agreed to by the House, the Deputy Speaker would immediately put the Parliamentary Secretary's proposed deletion of certain words in line 29 and substitution of other words.

Amendment put as a Test Vote, That lines 26 to 28 be deleted.
The Assembly divided.

Ayes (15)

Dr A.D. Buti
Ms J. Farrer
Ms J.M. Freeman
Mr D.J. Kelly
Mr F.M. Logan

Mr M.P. Murray
Mr P. Papalia
Ms M.M. Quirk
Mrs M.H. Roberts
Ms R. Saffioti

Mr C.J. Tallentire
Mr P.C. Tinley
Mr P.B. Watson
Mr B.S. Wyatt
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Mr R.S. Love
Mr W.R. Marmion
Mr P.T. Miles

Ms A.R. Mitchell
Mr N.W. Morton
Mr D.C. Nalder
Mr J. Norberger
Mr D.T. Redman
Mr A.J. Simpson
Mr M.H. Taylor
Mr T.K. Waldron
Mr A. Krsticevic (*Teller*)

Amendment thus negatived.

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

“ section 447(1)(b) or (c) ”.

Amendment put and passed.

Clause, as amended, agreed to.

Clause 445 agreed to.

Clause 446.

Dr A.D. Buti moved,

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

”.

Amendment put and negatived.

Dr A.D. Buti moved,
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.

”.

Amendment, by leave, withdrawn.
Clause agreed to.
New clause 446A.

Dr A.D. Buti moved,
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.

”.

New clause put and negatived.
Clause 447.

The Parliamentary Secretary to the Minister for Mental Health moved,
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.

”.

Amendment put and passed.
Clause, as amended, agreed to.
Clause 448 agreed to.
Clause 449.

Dr A.D. Buti moved,
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.

”.

Amendment put.

The Assembly divided.

Ayes (14)

Dr A.D. Buti
Ms J. Farrer
Ms J.M. Freeman
Mr D.J. Kelly
Mr F.M. Logan

Mr M.P. Murray
Mr P. Papalia
Mrs M.H. Roberts
Ms R. Saffioti
Mr C.J. Tallentire

Mr P.C. Tinley
Mr P.B. Watson
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Noes (31)

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Mrs L.M. Harvey
Mr C.D. Hatton
Dr G.G. Jacobs
Mr R.F. Johnson
Mr S.K. L'Estrange
Mr R.S. Love
Mr W.R. Marmion
Mr P.T. Miles

Ms A.R. Mitchell
Mr N.W. Morton
Mr D.C. Nalder
Mr J. Norberger
Mr D.T. Redman
Mr A.J. Simpson
Mr M.H. Taylor
Mr T.K. Waldron
Mr A. Krsticevic (*Teller*)

Amendment thus negatived.

Clause agreed to.

Clause 450 agreed to.

New clause 450A.

Dr A.D. Buti moved,

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.

”.

New clause put and negatived.

Clauses 451 and 452 agreed to.

Clause 453.

Dr A.D. Buti moved,

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.

”.

Amendment put.

The Assembly divided.

Ayes (13)

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

Mr M.P. Murray
Mr P. Papalia
Mrs M.H. Roberts
Mr C.J. Tallentire
Mr P.C. Tinley

Mr P.B. Watson
Mr B.S. Wyatt
Mr D.A. Templeman (*Teller*)

Noes (29)

Mr P. Abetz
Mr F.A. Alban
Mr I.C. Blayney
Mr I.M. Britza
Mr G.M. Castrilli
Mr V.A. Catania
Mr M.J. Cowper
Ms M.J. Davies
Mr J.H.D. Day
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Ms E. Evangel
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Mr S.K. L'Estrange
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Mr W.R. Marmion
Mr P.T. Miles

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Mr N.W. Morton
Mr D.C. Nalder
Mr J. Norberger
Mr D.T. Redman
Mr A.J. Simpson
Mr M.H. Taylor
Mr T.K. Waldron
Mr A. Krsticevic (*Teller*)

Amendment thus negatived.

Clause agreed to.

New clause 453A.

Dr A.D. Buti moved,

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.

”

New clause put and passed.

Clauses 454 to 462 agreed to.

Clause 463 not agreed to.

Clauses 464 to 468 agreed to.

New clause 468A.

Dr A.D. Buti moved,

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).

”.

New clause put and negatived.

Clause 469 agreed to.

Clause 470.

Dr A.D. Buti moved,

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;

”.

Amendment put and negatived.

Clause agreed to.

Clauses 471 and 472 agreed to.

New clause 472A.

Dr A.D. Buti moved,

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 put.

The Assembly divided.

Ayes (13)

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

Mr M.P. Murray
Mr P. Papalia
Mrs M.H. Roberts
Mr C.J. Tallentire
Mr P.C. Tinley

Mr P.B. Watson
Mr B.S. Wyatt
Mr D.A. Templeman (*Teller*)

Noes (29)

Mr P. Abetz
 Mr I.C. Blayney
 Mr I.M. Britza
 Mr G.M. Castrilli
 Mr V.A. Catania
 Mr M.J. Cowper
 Ms M.J. Davies
 Mr J.H.D. Day
 Ms W.M. Duncan
 Ms E. Evangel

Mr J.M. Francis
 Mrs G.J. Godfrey
 Mr B.J. Grylls
 Mrs L.M. Harvey
 Mr C.D. Hatton
 Dr G.G. Jacobs
 Mr S.K. L'Estrange
 Mr R.S. Love
 Mr W.R. Marmion
 Mr P.T. Miles

Ms A.R. Mitchell
 Mr N.W. Morton
 Mr D.C. Nalder
 Mr J. Norberger
 Mr D.T. Redman
 Mr A.J. Simpson
 Mr M.H. Taylor
 Mr T.K. Waldron
 Mr A. Krsticevic (*Teller*)

New clause thus negatived.

New clause 472B.

Dr A.D. Buti moved,

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 put and negatived.

Clauses 473 to 477 agreed to.

New clause 477A.

Dr A.D. Buti moved,

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 put.

The Assembly divided.

Ayes (13)

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

Mr M.P. Murray
Mr P. Papalia
Mrs M.H. Roberts
Mr C.J. Tallentire
Mr P.C. Tinley

Mr P.B. Watson
Mr B.S. Wyatt
Mr D.A. Templeman (*Teller*)

Noes (29)

Mr P. Abetz
Mr I.C. Blayney
Mr I.M. Britza
Mr G.M. Castrilli
Mr V.A. Catania
Mr M.J. Cowper
Ms M.J. Davies
Mr J.H.D. Day
Ms W.M. Duncan
Ms E. Evangel

Mr J.M. Francis
Mrs G.J. Godfrey
Mr B.J. Grylls
Mrs L.M. Harvey
Mr C.D. Hatton
Dr G.G. Jacobs
Mr S.K. L'Estrange
Mr R.S. Love
Mr W.R. Marmion
Mr P.T. Miles

Ms A.R. Mitchell
Mr N.W. Morton
Mr D.C. Nalder
Mr J. Norberger
Mr D.T. Redman
Mr A.J. Simpson
Mr M.H. Taylor
Mr T.K. Waldron
Mr A. Krsticevic (*Teller*)

New clause thus negatived.

New clause 477B.

Dr A.D. Buti moved,

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 put and negatived.

Clauses 478 and 479 agreed to.

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

Question put and passed.

15. Mining Legislation Amendment Bill 2013

Message No. 39 dated 8 April 2014 from the Legislative Council was reported agreeing to the bill without amendment.

16. Adjournment

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

Question put and passed.

The Assembly adjourned accordingly at 10.25 p.m. until Wednesday, 8 April 2014 at 12.00 noon.

Members present during any part of the day's proceedings – All the members except Mr C.J. Barnett, Mr T.R. Buswell and Mr J.E. McGrath.

PETER J. McHUGH
Clerk of the Legislative Assembly

HON. MICHAEL SUTHERLAND
Speaker of the Legislative Assembly