

WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

VOTES AND PROCEEDINGS

No. 64

FIRST SESSION OF THE THIRTY-NINTH PARLIAMENT

THURSDAY, 27 FEBRUARY 2014

1. Meeting of Assembly

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

The Speaker took the Chair.

Prayers were read.

2. Petitions

Mental Health Bill 2013 – Mr W.R. Marmion presented a petition from 5 persons requesting that the Legislative Assembly passes amendments to the Mental Health Bill 2013 to help raise awareness and increase vigilance regarding misdiagnosis of mental illness (P. 101).

Cockburn Council – Mr F.M. Logan presented a petition from 419 persons requesting that the Legislative Assembly calls on the State Government to leave the City of Cockburn's current boundaries in place (P. 102).

3. Paper

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

By the Clerk –

Premier and Cabinet, Department of – Ministerial Resourcing Report, as at 27 February 2014 (1400).

4. Notices of Motion

5. Brief Ministerial Statements

Brief Ministerial Statements were made by –

The Minister for Health on the report of the National Health Performance Authority, *Healthy Communities 2011–2012*.

Paper

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

By the Minister for Health –

Health, Minister for – Brief Ministerial Statement: National Health Performance Authority Report (1401).

The Minister for Women's Interests on the new advisory model for the Women's Interests portfolio.
The Minister for Environment on the appearance of an elephant seal at Sorrento Beach.

6. Grievances

The Speaker called for grievances which were then made.

7. Joint Standing Committee on the Corruption and Crime Commission

Mr P.B. Watson, as Deputy Chairman, presented the following report which was ordered to lie upon the Table of the House –

Corruption and Crime Commission, Joint Standing Committee on the – The CCC's Interaction with the State's Integrity Coordinating Group, Report No. 9 (1402).

Mr S.K. L'Estrange spoke on the report.

8. Mental Health Bill 2013

Mental Health Legislation Amendment Bill 2013

The Order of the Day for the resumption of the debate upon the second reading of the bills was read.
Debate resumed.

Debate interrupted by the Chair (Ms J.M. Freeman speaking) and adjourned until a later stage of the sitting.

9. Members' Statements

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

10. Questions

Questions without Notice were taken.

Questions on Notice Nos 1922 to 1929 were asked.

11. Variation to the Order of Business

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

12. Mental Health Bill 2013

Mental Health Legislation Amendment Bill 2013

The Order of the Day for the resumption of the debate upon the second reading of the bills was read.
Debate resumed.

Question put and passed.

Mental Health Bill 2013 read a second time.

CONSIDERATION IN DETAIL

Clauses 1 to 8 agreed to.

New Clause 8A.

Dr A.D. Buti moved –

Page 14, after line 2 – To insert:

“

8A. Advance health directive

- (1) Notwithstanding anything in this Act to the contrary, the scheme of the *Guardianship and Administration Act 1990* relating to advance health directives must be followed in its entirety in order to give them full force and effect.
- (2) A psychiatrist must not act contrary to an advance health directive unless the State Administrative Tribunal has determined that the psychiatrist can do so.
- (3) The State Administrative Tribunal shall have jurisdiction to make a determination in subsection (2) and shall, in exercising this jurisdiction, follow the provisions of the *Guardianship and Administration Act 1990*.

”.

New Clause put.

The Assembly divided.

Ayes (14)

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
Mr P. Papalia
Mr J.R. Quigley
Ms M.M. Quirk

Mrs M.H. Roberts
Mr C.J. Tallentire
Mr B.S. Wyatt
Ms S.F. McGurk (*Teller*)

Noes (27)

Mr P. Abetz
Mr F.A. Alban
Mr C.J. Barnett
Mr I.C. Blayney
Mr I.M. Britza
Mr G.M. Castrilli
Mr M.J. Cowper
Mr J.H.D. Day
Ms E. Evangel

Mr J.M. Francis
Mrs G.J. Godfrey
Dr K.D. Hames
Mr C.D. Hatton
Mr A.P. Jacob
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 A. Krsticevic (*Teller*)

New clause thus negatived.

Clause 9 agreed to.

Clause 10.

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

Question put and passed.

13. Special Adjournment

The Leader of the House moved, That the House at its rising adjourn until Tuesday, 11 March 2014 at 2.00 p.m.

Question put and passed.

14. Adjournment

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

Question put and passed.

The Assembly adjourned accordingly at 5.26 p.m. until Tuesday, 11 March 2014 at 2.00 p.m.

Members present during any part of the day's proceedings – All the members except Ms L.L. Baker, Mr T.R. Buswell, Mr V.A. Catania, Mr D.J. Kelly, Dr M.D. Nahan, Mr P.C. Tinley and Mr T.K. Waldron.

PETER J. McHUGH

Clerk of the Legislative Assembly

HON. MICHAEL SUTHERLAND

Speaker of the Legislative Assembly