

WESTERN AUSTRALIA

# LEGISLATIVE ASSEMBLY

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## VOTES AND PROCEEDINGS

No. 68

FIRST SESSION OF THE THIRTY-NINTH PARLIAMENT

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TUESDAY, 18 MARCH 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. Speaker's Statement – Amended Seating Plan

The Speaker advised members that he had approved an amended seating plan for the Government side of the chamber.

### 3. Brief Ministerial Statements

Brief Ministerial Statements were made by –

The Premier on the reconstitution of the Ministry.

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#### *Papers*

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

By the Premier –

Premier – Reconstitution of the Ministry (as at 17 March 2014) (1452).

Premier – Ministers' Representation in the Other House – Allocation of Portfolios (as at 17 March 2014) (1453).

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The Minister for Planning on the former Swan Valley Noongar Campsite.

The Minister for Mines and Petroleum on the *Petroleum and Geothermal Energy Resources (Resource Management and Administration) Regulations 2014*.

### 4. Speaker's Ruling – Committee Membership

The Speaker advised members that Standing Order 251 stated that no Minister of the Crown will be eligible to be appointed as a member of a committee. The Speaker advised that while the Standing Order did not state that a member who became a Minister could not remain on a Committee, it was the view of the Speaker that the intent of the Standing Order was that no Minister may be a committee member. The Speaker therefore ruled that a committee member who became a Minister immediately ceased to be a member of the committee from the time of that member's formal appointment as a

Minister. The Speaker consequently advised members that Mr D. Nalder ceased to be a member of the Public Accounts Committee when he became a Minister on Monday, 17 March 2014.

## 5. Questions

Questions without Notice were taken.

Questions on Notice Nos 1949 to 1965 were asked.

Questions on Notice Nos 1608, 1668, 1669, 1674, 1676, 1678, 1680, 1682, 1683, 1685, 1687, 1689, 1692, 1693, 1695 to 1700, 1702, 1704, 1706, 1708, 1709, 1712 to 1719, 1721, 1723, 1725 to 1727, 1729 to 1734, 1736, 1738, 1740 to 1744, 1746, 1748, 1750 to 1753, 1755, 1757 to 1761, 1763, 1765, 1767 to 1770, 1772, 1774, 1776 to 1778, 1780, 1782 to 1785, 1787, 1789, 1791, 1793 to 1795, 1797, 1799 to 1802, 1804, 1806, 1808, 1811 to 1815, 1817 to 1831, 1834, 1835, 1837, 1839, 1840, 1849, 1857, 1858, 1860, 1865, 1867, 1868, 1873, 1879, 1880, 1885, 1889 to 1893, 1895, 1912, 1928 and 1929 were answered.

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

Question on Notice No. 1668 – Development Plans Lot 6 Talbot Road, Stratton (1429).

Question on Notice No. 1682 – Use of Ministerial Air Charter Services (1430).

Papers tabled by the Premier; Minister for State Development; Science –

Question on Notice No. 1741 – Register of Gifts and Benefits offered to Employees but not Accepted since 1 January 2013 (1431).

Question on Notice No. 1812 – Voluntary Severance Applications Approved by the Public Sector Commission (1432).

Papers tabled by the Deputy Premier; Minister for Health; Training and Workforce Development. –

Question on Notice No. 1742 – Register of Gifts and Benefits offered to Employees but not Accepted since 1 January 2013 (1433).

Question on Notice No. 1674 – Ministerial Air Charter Services since 11 August 2013 (1434).

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

Question on Notice No. 1685 – Ministerial Air Charter Services since 11 August 2013 (1435).

Question on Notice No. 1702 – Hospitality, Invitations, Free Accommodation, Free Travel since 1 July 2013 (1436).

Question on Notice No. 1719 – Hospitality, Invitations, Free Accommodation, Free Travel, Officer or Placement within the Minister's office (1437).

Question on Notice No. 1753 – Agencies, Departments, and Trading Enterprises within the Minister's Portfolio- Register of Gifts (1438).

Papers tabled by the Minister representing the Minister for Education; Aboriginal Affairs; Electoral Affairs –

Question on Notice No. 1676 – Use of Ministerial Air Charter Services for the Period since 11 August 2013 (1439).

Question on Notice No. 1693 – Hospitality, Invitations, Free Accommodation or Free Travel since 1 July 2013 (1440).

Question on Notice No. 1835 – The Preparation of Briefings, Reports or Reviews Regarding the Current and Future Structure and/or Performance of Secondary Education in the Wider Fremantle Area Since 2008 (1441).

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

Question on Notice No. 1743 – The Maintenance of a Register of Gifts and Benefits Offered to Employees but not Accepted (1442).

Question on Notice No. 1831 – State Government Royalties for Regions Advertising for the Period of January 2012 to January 2014 (1443).

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

Question on Notice No. 1712 – Hospitality, Invitations, Free Accommodation or Free Travel, Officer or Placement within the Ministers Office (1444).

Question on Notice No. 1746 – Agencies, Departments and Trading Enterprises within the Minister's Portfolio, Register of Gifts and Benefits (1445).

Paper tabled by the Minister for Water; Forestry –

Question on Notice No. 1689 – Use of Ministerial Air Charter Services since 11 August 2013 (1446).

Papers tabled by the Minister for Environment; Heritage –

Question on Notice No. 1687 – Use of Ministerial Air Charter Services since 11 August 2013 (1447).

Question on Notice No. 1857 – Office of the Environmental Protection Authority – The Number of Amended Policies (1448).

Question on Notice No. 1860 – Office of the Environmental Protection Authority – Environmental Management Plans (1449).

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

Question on Notice No. 1683 – Use of Ministerial Air Charter Services since 11 August 2013 (1450).

Paper tabled by the Minister representing the Minister for Mental Health; Disability Services; Child Protection –

Question on Notice No. 1680 – Use of Ministerial Air Charter Services since 11 August 2013 (1451).

## **6. Petitions**

Motorcycling Western Australia – Mr M.J. Cowper presented a petition from 128 persons requesting that the Legislative Assembly supports the campaign for the Government to invest in Motorcycling Western Australia's plan to purchase land and establish a multifunction ride facility near Pinjarra as a home for motorcycling in Western Australia (P. 109).

Communications Tower in Coolgardie – Dr G.G. Jacobs presented a petition from 178 persons requesting that the Legislative Assembly considers any means necessary to relocate the communications tower to be located in Coolgardie to a more suitable location, such as Toorak Hill (P. 110).

## **7. Additional Information**

The Premier provided additional information relating to Question without Notice No. 138 from Mr M. McGowan.

## **8. Papers**

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

By the Speaker –

Auditor General, Office of the – Opinion on Ministerial Decision not to Provide Information to Parliament About Funding for Some Tourism Events, Report 3: March 2014 (1424).

By the Clerk –

Building Act 2011 – Building (s. 67 Exemption) Amendment Order (No. 2) 2013 (1425).

ChemCentre – Statement of Corporate Intent 2013–2014 (1426).

Rural Business Development Corporation Act 2000 – Statutory Review of the Act, October 2012 (1427).

Terrorism (Preventative Detention) Act 2006 – Quarterly Report for the Quarter Ended 31 December 2013 (1428).

## 9. Notices of Motion

### 10. Notices of Motion Lapsed

The Speaker advised that Private Members' Business Notices of Motion Nos 1, 2, 3 and 4 had lapsed and, unless the members indicated otherwise, would be removed from the Notice Paper.

### 11. Matter of Public Interest – Economic and Financial Management

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 the House condemns the Barnett Government for its appalling economic and financial management including spiralling state debt, the loss of projects and more than doubling the unemployment rate.

Debate ensued.

Question put.

The Assembly divided.

#### Ayes (18)

Dr A.D. Buti  
Ms J.M. Freeman  
Mr W.J. Johnston  
Mr D.J. Kelly  
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

Ms R. Saffioti  
Mr C.J. Tallentire  
Mr P.C. Tinley  
Mr P.B. Watson  
Mr B.S. Wyatt  
Mr D.A. Templeman (*Teller*)

#### Noes (34)

Mr P. Abetz  
Mr F.A. Alban  
Mr C.J. Barnett  
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 E. Evangel  
Mr J.M. Francis

Mrs G.J. Godfrey  
Mr B.J. Grylls  
Dr K.D. Hames  
Mrs L.M. Harvey  
Mr C.D. Hatton  
Mr A.P. Jacob  
Dr G.G. Jacobs  
Mr R.F. Johnson  
Mr S.K. L'Estrange  
Mr W.R. Marmion  
Mr J.E. McGrath  
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.

### 12. Suspension of Standing Orders

The Leader of the House, without notice, moved, That so much of the Standing Orders be suspended as is necessary to enable the motion in relation to the change of membership of Committees, notice of which he gave earlier today, to be moved forthwith.

Question put.

The 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.

### 13. Committee Appointments

The Leader of the House, pursuant to the foregoing motion, moved,

- (1) That as a result of the member for Alfred Cove's appointment as a Minister and his ceasing to be a member of the Public Accounts Committee, that the member for Churchlands be appointed in his place on the Public Accounts Committee.
- (2) That the member for Churchlands is discharged from the Joint Standing Committee on the Corruption and Crime Commission and the member for Forrestfield be appointed in his place and that the Legislative Council be acquainted accordingly.

Debate ensued.

Question put and passed.

### 14. Mental Health Bill 2013

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

#### *CONSIDERATION IN DETAIL*

Clause 42.

Dr A.D. Buti had moved,

Page 36, after line 21 – To insert:

“

- (2A) Any information provided to the practitioner under subsection (2) must be notified to the Chief Mental Health Advocate.

”.

Amendment put and negatived.

Clause agreed to.

Clauses 43 to 51 agreed to.

Clause 52.

The Parliamentary Secretary to the Minister for Mental Health moved,

Page 42, line 21 – To delete “person” and substitute:

“ person, the person's psychiatrist ”.

Amendment put and passed.

Clause, as amended, agreed to.

Clause 53.

The Parliamentary Secretary to the Minister for Mental Health moved,

Page 43, line 17 – To delete “person” and substitute:

“ person, the person's psychiatrist ”.

Amendment put and passed.

Clause, as amended, agreed to.

Clauses 54 to 57 agreed to.

Clause 58.

The Parliamentary Secretary to the Minister for Mental Health moved,  
Page 47, line 8 – To delete “the person” and substitute:

“ the person, the person’s psychiatrist ”.

Amendment put and passed.

Clause, as amended, agreed to.

Clause 59.

The Parliamentary Secretary to the Minister for Mental Health moved,  
Page 48, line 18 – To delete “person” and substitute:

“ person, the person’s psychiatrist ”.

Amendment put and passed.

Clause, as amended, agreed to.

Clauses 60 and 61 agreed to.

Clause 62.

The Parliamentary Secretary to the Minister for Mental Health moved,  
Page 51, line 20 – To delete “the person” and substitute:

“ the person, the person’s psychiatrist ”.

Amendment put and passed.

Clause, as amended, agreed to.

Clauses 63 to 69 agreed to.

Clause 70.

The Parliamentary Secretary to the Minister for Mental Health moved,  
Page 56, line 4 – To delete “person” and substitute:

“ person, the person’s psychiatrist ”.

Amendment put and passed.

Clause, as amended, agreed to.

Clauses 71 to 78 agreed to.

Clause 79.

The Parliamentary Secretary to the Minister for Mental Health moved,  
Page 60, lines 27 and 28 – To delete the lines and substitute:

“

- (a) the person being examined is at a place that is not an authorised hospital  
and is outside a metropolitan area; and

”.

Page 61, line 5 – To delete “or practitioner”.

Page 61, lines 10 and 11 – To delete “section 77(i) or (j) —” and substitute:

“ section 77(h), (i) or (j) — ”.

Page 61, line 12 – To delete “or practitioner”.

Amendments put and passed.

Clause, as amended, agreed to.

Clauses 80 to 144 agreed to.

Clause 145.

Dr A.D. Buti moved,

Page 108, after line 30 – To insert:

“ (aa) the Chief Psychiatrist; ”.

Amendment put and negatived.

Clause agreed to.

Clauses 146 and 147 agreed to.

Clause 148.

Dr A.D. Buti moved,

Page 111, after line 29 – To insert:

“ (ba) give a copy to the Chief Psychiatrist and the Chief Mental Health Advocate; and ”.

Amendment put.

The Assembly divided.

#### Ayes (16)

Ms L.L. Baker  
Dr A.D. Buti  
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  
Mr J.R. Quigley  
Mrs M.H. Roberts

Ms R. Saffioti  
Mr C.J. Tallentire  
Mr P.B. Watson  
Mr D.A. Templeman (*Teller*)

#### Noes (31)

Mr P. Abetz  
Mr F.A. Alban  
Mr C.J. Barnett  
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 E. Evangel

Mr J.M. Francis  
Mrs G.J. Godfrey  
Mr B.J. Grylls  
Dr K.D. Hames  
Mrs L.M. Harvey  
Mr C.D. Hatton  
Mr A.P. Jacob  
Dr G.G. Jacobs  
Mr S.K. L'Estrange  
Mr J.E. McGrath  
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 T.K. Waldron  
Mr A. Krsticevic (*Teller*)

Amendment thus negatived.

Clause agreed to.

Clauses 149 to 153 agreed to.

Clause 154.

Dr A.D. Buti moved,

Page 115, after line 22 – To insert:

“ (ba) give a copy to the Chief Mental Health Advocate; and ”.

Amendment put and negatived.

Clause agreed to.

Clause 155.

The Parliamentary Secretary to the Minister for Mental Health moved,

Page 115, line 27 – To delete “under section 154(1),” and substitute:

“ because of section 153, ”.

Amendment put and passed.

Clause, as amended, agreed to.

New clause 155A.

Dr A.D. Buti moved,

Page 116, after line 9 – To insert:

“

**155A. Person not to be detained for more than 96 hours**

Notwithstanding anything in this Act to the contrary, the sum of:

- (a) the periods a person is detained pursuant to all orders made under section 28; and
  - (b) the periods a person is detained pursuant to all transport orders made under this Act (including any extensions thereto),
- must not exceed 96 hours.

”.

New clause put and negatived.

Clause 156.

Dr A.D. Buti moved,

Page 117, after line 24 – To insert:

“

- (ba) must, as soon as practicable after apprehending a person under subsection (1), notify the Chief Mental Health Advocate of such action; and

”.

Amendment put.

The Assembly divided.

## Ayes (13)

Dr A.D. Buti  
 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  
 Mr C.J. Tallentire

Mr P.C. Tinley  
 Mr P.B. Watson  
 Mr D.A. Templeman (*Teller*)

## Noes (28)

Mr P. Abetz  
 Mr F.A. Alban  
 Mr C.J. Barnett  
 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

Mr J.M. Francis  
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 Dr G.G. Jacobs  
 Mr S.K. L'Estrange  
 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 T.K. Waldron  
 Mr A. Krsticevic (*Teller*)

Amendment thus negatived.

Clause agreed to.

Clauses 157 to 161 agreed to.

Clause 162.

Dr A.D. Buti moved,

Page 121, after line 19 – To insert:

“

- (3) A police officer or authorised person who searches a person under subsection (2)(a), or seizes any article under subsection (2)(b), must, as soon as practicable after such search or seizure, notify the Chief Mental Health Advocate of such action.

”

Amendment put.

The Assembly divided.

## Ayes (15)

Ms L.L. Baker  
 Dr A.D. Buti  
 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 R. Saffioti  
 Mr C.J. Tallentire  
 Mr P.C. Tinley  
 Mr P.B. Watson  
 Mr D.A. Templeman (*Teller*)

## Noes (29)

Mr P. Abetz  
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Mr J.M. Francis  
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Ms A.R. Mitchell  
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 Dr M.D. Nahan  
 Mr D.C. Nalder  
 Mr J. Norberger  
 Mr D.T. Redman  
 Mr A.J. Simpson  
 Mr T.K. Waldron  
 Mr A. Krsticevic (*Teller*)

Amendment thus negatived.

Clause agreed to.

Clauses 163 to 193 agreed to.

Clause 194.

Dr A.D. Buti moved,

Page 145, line 15 – To delete “14” and substitute:

“ 16 ”.

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

Question put and passed.

## 15. Adjournment

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

Question put and passed.

The Assembly adjourned accordingly at 10.23 p.m. until Wednesday, 19 March at 12.00 noon.

*Members present during any part of the day's proceedings* – All the members except Mr T.R. Buswell, Ms W.M. Duncan and Mr R.S. Love.

**PETER J. McHUGH**  
 Clerk of the Legislative Assembly

**HON. MICHAEL SUTHERLAND**  
 Speaker of the Legislative Assembly