

ALCOHOL AND DRUG AUTHORITY AMENDMENT BILL 2014

HON DONNA FARAGHER MLC (Parliamentary Secretary to the Premier):

I move –

That the bill be now read a second time.

I am pleased to introduce the Alcohol and Drug Authority Amendment Bill 2014. This bill is required to amalgamate the functions of the Mental Health Commission with the Alcohol and Drug Authority. There is a strong case to integrate these functions given the common occurrence of drug and alcohol issues that coexist with mental health problems.

The purpose of the amalgamation is to ensure better integration of the State's network of services for people experiencing mental health, alcohol and other drug related problems. It also takes into account the 2012 review undertaken by Professor Bryant Stokes of the admission or referral to, and the discharge and transfer practices of, public mental health facilities and services in Western Australia. The Stokes report outlined that access to services is difficult for patients with combined mental illness and drug and alcohol conditions.

This bill will amend the Alcohol and Drug Authority Act 1974 by abolishing the authority. The Mental Health Commission will continue as a department of State established under section 35(1)(a) of the Public Sector Management Act 1994. In addition to the Mental Health Commission's current functions it will become the department principally assisting the Minister in the administration of the amended Act. The amended Act will be titled the Alcohol and Other Drugs Act 1974.

A ministerial body corporate will be established for the purpose of entering into contractual arrangements in relation to the Minister's powers, when it is considered necessary and appropriate to do so. The Minister will be able to make a transfer order listing the assets and liabilities that may go to the ministerial body. Any matters not transferred to the ministerial body will become assets or liabilities of the State. The Minister will assume the powers that the Authority currently has in relation to acquiring and disposing of real property. In addition the Minister will also be able to develop and turn to account technology, education, training services and other intellectual property related to the purposes of the Alcohol and Other Drugs Act. The establishment of a ministerial body is regularly used when an Authority, with real property interests, transitions to a Department.

The Mental Health Commissioner as chief executive officer of the department will become responsible for the functions outlined in section 11 of the Bill. This section largely reflects the existing Act with the exception of the requirement for the Minister's consent to be obtained when those functions are delivered from real property that has been transferred to the ministerial body.

The important role of the alcohol and drug sector is recognised by the establishment of a new statutory advisory board titled the Alcohol and Other Drugs Advisory Board. This board will provide advice to the chief executive officer on fulfilling the statutory functions.

In order to maintain continued service delivery the Mental Health Commissioner, as chief executive officer of the department, will be empowered to employ or engage a number of categories of staff. Accordingly, the Act will include a provision to employ staff under the Public Sector Management Act 1994 Part 3 and to employ medical practitioners and wages staff in accordance with the applicable industrial instruments. The category of wages employees includes registered and enrolled nurses and hospital support workers such as patient care assistants. The bill will also ensure the continued employment of existing employees of the Authority.

This bill marks a milestone in the improved coordinated focus on mental health and alcohol and other drug use issues.

For the purposes of Standing Order 126 the bill is not a Uniform Legislation Bill. It does not ratify or give effect to an intergovernmental or multilateral agreement to which the Government of the State is a party. Nor does this Bill, by reason of its subject matter, introduce a uniform scheme or uniform laws throughout the Commonwealth.

I commend the bill to the House and table an explanatory memorandum.