

# LEGISLATIVE COUNCIL

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## MINUTES OF PROCEEDINGS

No. 169

WEDNESDAY, 17 FEBRUARY 2016

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### 1. Meeting of Council

The Council assembled at 1.00pm pursuant to Temporary Orders.

The President, Hon Barry House, took the Chair and read prayers.

### 2. Statement by President — Computer Virus

The President made the following Statement —

I advise that late yesterday afternoon a computer virus penetrated Parliaments information technology network despite sophisticated fire wall virus protection. The IT staff have worked jointly with external IT specialists on a solution to return the network to normal operating status. I can advise that some services were restored about 10 minutes ago. While the Parliament's IT network was offline it affected a number of House operations, including Hansard publications, the preparation and processing of questions on notice and answers to questions on notice; in addition, Parliament House telephones and the building's paging system were nonoperational. I wish to thank all staff who have been working hard to restore full services to Members, the Chambers and Parliament House. I also thank Members for your patience

### 3. Petitions

Hon Robyn McSweeney presented a petition from two petitioners requesting the Legislative Council to investigate landowners' inability to dispute decisions made by energy operators regarding their land to be without the landowners' permission. (Tabled Paper 3832).

Hon Kate Doust presented a petition from 9,132 petitioners requesting the Legislative Council to conduct a parliamentary inquiry into the deregulation of trading hours. (Tabled Paper 3833).

### 4. Ministerial Statement — Building Industry Summit

The Minister for Commerce made a Ministerial Statement with respect to the inaugural Building Industry Summit held on 2 February 2016.

### 5. Papers

The following Papers were laid on the Table by —

#### President

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**6. Container Deposit Scheme**

Motion No. 1 having been called, debate resumed on the motion of Hon Sally Talbot as follows —

That this Council condemns the Barnett Government for its failure to introduce a container deposit scheme in Western Australia.

*Interruption pursuant to order.*

**7. Consideration of Committee Reports**

Pursuant to order for the consideration of Committee Reports.

**In Committee**

(Hon Adele Farina in the Chair)

**Standing Committee on Environment and Public Affairs — Report No. 42 — Implications for Western Australia of Hydraulic Fracturing for Unconventional Gas**

*Point of Order*

Hon Simon O'Brien raised the following Point of Order —

My point of order is this, I understand that under Standing Order 191 a response from the Government should have been tabled before now and it might help inform this debate. As far as I am aware, no Government response has been tabled, so what happens now in regard to Standing Order 191?

*Chair's Ruling*

The Chair ruled as follows —

In response to that point of order, there is a requirement that Government responds within the timeframe. There is no penalty, however, if it does not respond within the timeframe, and although a reply was expected, it has not been received, and these are matters for the Government to sort out. The only option at this point in time is if you want to move a motion to postpone consideration of that report pending the provision of a Government Response or alternatively we can move on and consider the report without the Government Response.

Hon Simon O'Brien moved, That consideration be postponed until the next sitting.

Question — put and passed.

**Standing Committee on Environment and Public Affairs — Report No. 43 — Overview of Petitions 1 July 2014 to 30 June 2015**

Hon Stephen Dawson moved, That the Report be noted.

Debate ensued.

**8. Questions Without Notice**

Questions without notice were taken.

The Minister for Mental Health representing the Treasurer tabled documents in relation to the implementation of the public sector recruitment freeze in 2016, in response to a question without notice asked by Hon Sue Ellery. (Tabled Paper 3834).

The Parliamentary Secretary to the Minister for Transport tabled documents in relation to bus service kilometres in extended and new services, in response to a question without notice asked by Hon Amber-Jade Sanderson. (Tabled Paper 3835).

The Minister for Mental Health tabled documents in relation to discharge documentation for mental health patients from an authorised hospital, in response to a question without notice asked by Hon Stephen Dawson. (Tabled Paper 3836).

The Minister for Mental Health representing the Minister for Environment tabled documents in relation to employees of the Department of Parks and Wildlife at Collie and Harvey, in response to a question without notice asked by Hon Sally Talbot. (Tabled Paper 3837).

**9. Consideration of Committee Reports**

Pursuant to order for the consideration of Committee Reports (*see item 7 above*).

The President left the Chair.

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**In Committee**

(Hon Adele Farina in the Chair)

**Standing Committee on Environment and Public Affairs — Report No. 43 — Overview of Petitions 1 July 2014 to 30 June 2015**

Debate resumed on the motion of Hon Stephen Dawson, That the Report be noted.

*Interruption pursuant to order.*

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The President resumed the Chair.

The Chair of Committees reported that the Committee of the Whole House had considered the —

- (1) Standing Committee on Environment and Public Affairs — Report No. 42 — *Implications for Western Australia of Hydraulic Fracturing for Unconventional Gas* and postponed consideration to the next sitting.
- (2) Standing Committee on Environment and Public Affairs — Report No. 43 — *Overview of Petitions 1 July 2014 to 30 June 2015*, made progress, and seeks to sit again.

Report adopted.

**10. Suspension of Standing Orders**

The Leader of the House moved, without notice —

That so much of the Standing Orders be suspended so as to enable the following variations to the Order of Business on Thursday, 18 February 2016 —

- (a) to sit after 5.20pm on Thursday, if required, with the dinner suspension from 6.00pm to 7.00pm; and
- (b) to continue Orders of the Day until 9.45pm when Members' Statements may be taken until 10.25pm when the Council stands adjourned.

Debate ensued.

The motion requiring the concurrence of an absolute majority.

Question — put.

The President having counted the Council, and there being an absolute majority present, and no dissentient voice, declared the motion carried with the concurrence of an absolute majority.

# **11. Order of Business**

Ordered — That Order of the Day No. 1, *Planning and Development Amendment Regulations 2015 — Disallowance*, be taken after Order of the Day No. 11, *Western Australian Health Promotion Foundation Bill 2015*. (Leader of the House).

# **12. Construction Industry Portable Paid Long Service Leave Amendment Regulations 2015 — Disallowance — Discharge from Notice Paper**

The Order of the Day having been called, Hon Kate Doust moved, without notice —

That Order of the Day No. 2, *Construction Industry Portable Paid Long Service Leave Amendment Regulations 2015 — Disallowance*, be discharged from the Notice Paper.

Question — put and passed.

# **13. Criminal Code Amendment (Prevention of Lawful Activity) Bill 2015**

The Order of the Day for the further consideration of this Bill, in Committee of the Whole House, having been read.

The President left the Chair.

## **In Committee**

(Hon Adele Farina in the Chair)

Clause 1.

Debate resumed.

The Attorney General representing the Minister for Police tabled a document in relation to offences commonly used by Police in protest situations. (Tabled Paper 3838).

Debate resumed.

Question — put.

The Committee divided.

## **Ayes (19)**

Hon Ken Baston  
Hon Liz Behjat  
Hon Jacqui Boyde  
Hon Paul Brown  
Hon Peter Collier  
Hon Brian Ellis  
Hon Donna Faragher  
Hon Nick Goiran  
Hon Dave Grills  
Hon Nigel Hallett

Hon Alyssa Hayden  
Hon Col Holt  
Hon Peter Katsambanis  
Hon Mark Lewis  
Hon Rick Mazza  
Hon Robyn McSweeney  
Hon Michael Mischin  
Hon Helen Morton  
Hon Phil Edman (*Teller*)

## **Noes (10)**

Hon Robin Chapple  
Hon Stephen Dawson  
Hon Kate Doust  
Hon Sue Ellery  
Hon Adele Farina

Hon Martin Pritchard  
Hon Amber-Jade Sanderson  
Hon Ken Travers  
Hon Darren West  
Hon Samantha Rowe (*Teller*)

Question thus passed.

Clause agreed to.

Clause 2.

Debate ensued.

Clause agreed to.

Clause 3.

Debate ensued.

Clause agreed to.

Clause 4.

Debate ensued.

*Interruption pursuant to order.*

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The President resumed the Chair.

The Deputy Chair of Committees reported that the Committee of the Whole House had considered the Bill, made progress, and seeks to sit again.

Ordered — That the Committee of the Whole House sit again.

#### **14. Members' Statements**

Statements were taken.

#### **15. Adjournment**

The Council adjourned at 9.55pm until Thursday, 18 February 2016 at 10.00am.

#### **Members present during the day's proceedings**

Attendance: Present all Members.

**NIGEL PRATT**  
Clerk of the Legislative Council

**HON BARRY HOUSE**  
President of the Legislative Council