

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 66

THURSDAY, JUNE 12 2003

1. Meeting of Council

The Council assembled at 10.00am pursuant to order.

The President, Hon John Cowdell, took the Chair and read prayers.

2. Petitions

Hon Robyn McSweeney presented a petition from 88 residents of Western Australia requesting the Legislative Council recommend that Farmers who are restricted in their normal farm practices be compensated. (Tabled paper 1132).

Hon Bill Stretch presented a petition from 13 residents of Western Australia requesting the Legislative Council to oppose any Bill that will result in a loss of production capacity without full compensation. (Tabled paper 1133).

Hon Bill Stretch presented a petition from 62 residents of Western Australia requesting that the Legislative Council fully protect private property rights. (Tabled paper 1134).

3. Papers

The following Papers were laid on the Table by -

President

Auditor General's Papers -

Supplementary Report on Ministerial Portfolio Agency Audits for 2001-02, primarily
the Public Health Sector (Report No. 3) (June 2003)..... 1128

Parliamentary Secretary to the Minister for Planning and Infrastructure

Annual Reports -

Great Southern TAFE (Year ending 31 December 2002) (Date received 11/06/2003) 1129

South West Regional College of TAFE (Year ending 31 December 2002)
(Date received 11/06/2003)..... 1130

Proposals -

Land Administration Act 1997 - Submission No. 10/2003 - Amendment to Class 'A'
Reserves 3007, 1811 and 680..... 1131

4. Capital Punishment for Offenders Convicted of Heinous Crimes

Hon Frank Hough: To move on the next day of sitting -

The Government take such action to apply a Citizens Initiated Referendum to decide if the Courts should be empowered with the discretion to impose capital punishment on offenders convicted beyond reasonable doubt for heinous crimes

5. Estimates of Revenue and Expenditure - Consolidated Fund Estimates 2003-2004

The Order of the Day having been read for the adjourned debate on the motion of the Minister for Racing and Gaming, That the Consolidated Fund Estimates 2003-2004 be noted.

Debate resumed.

On the motion of Hon Bruce Donaldson the debate was adjourned to the next sitting.

6. Racing and Gambling Legislation Amendment and Repeal Bill 2003, Racing Restriction Bill 2003, Racing and Wagering Western Australia Tax Bill 2003 and Racing and Wagering Western Australia Bill 2003

The Orders of the Day having been read for the cognate debate on the second reading of these Bills.

Debate resumed.

Question - put and passed.

Bills read a second time.

The President left the Chair.

In Committee

(Hon George Cash in the Chair)

Racing and Gambling Legislation Amendment and Repeal Bill 2003

Bill agreed to as a whole.

Racing Restriction Bill 2003

Bill agreed to as a whole.

Racing and Wagering Western Australia Tax Bill 2003

Bill agreed to as a whole.

Racing and Wagering Western Australia Bill 2003

Clause 1 agreed to.

Clause 2.

Debate ensued.

Clause agreed to.

Clause 3.

Debate ensued.

Hon Murray Criddle moved -

Page 3, after line 11 - To insert -

“

“**country**” means that part of the State not included in the
Metropolitan Region Town Planning Scheme Act 1959;

”.

Debate ensued.

Amendment - put and passed.

Debate ensued.

Clause, as amended, agreed to

Clauses 4 and 5 agreed to.

Clause 6.

Debate ensued.

Clause agreed to.

Clause 7 agreed to.

Clause 8.

Hon Barry House moved -

Page 9, line 1 - To delete "2" and insert instead -
" one ".

Debate ensued.

On the question, That the figure to be deleted be deleted.

Question - put.

The Committee divided.

Ayes (15)

Hon George Cash
Hon Robin Chapple
Hon Paddy Embry
Hon Peter Foss
Hon Ray Halligan
Hon Barry House
Hon Dee Margetts
Hon N F Moore

Hon Simon O'Brien
Hon Jim Scott
Hon Christine Sharp
Hon Bill Stretch
Hon Derrick Tomlinson
Hon Giz Watson
Hon Bruce Donaldson (*Teller*)

Noes (12)

Hon Kim Chance
Hon Murray Criddle
Hon Kate Doust
Hon Sue Ellery
Hon John Fischer
Hon Graham Giffard

Hon Nick Griffiths
Hon Frank Hough
Hon Louise Pratt
Hon Ljiljana Ravlich
Hon Ken Travers
Hon Ed Dermer (*Teller*)

Question thus passed.

On the question, That the figure to be substituted be substituted.

Question - put and passed.

Hon Barry House moved -

Page 9, line 3 - To delete "2" and insert instead -
" one ".

Debate ensued.

Amendment - put and passed.

Hon Barry House moved -

Page 9, line 7 - To insert after "finance," -
" product and service marketing, law, ".

Debate ensued.

Amendment - put and negatived.

Question, That the Clause, as amended, agreed to - put.

Debate ensued.

Clause, as amended, agreed to.

Clause 9 agreed to.

Clause 10.

Debate ensued.

Clause agreed to.

Clauses 11 to 16 agreed to.

Clause 17.

Debate ensued.

Clause agreed to.

Clauses 18 to 34 agreed to.

Clause 35.

Debate ensued.

Clause agreed to.

Clauses 36 to 48 agreed to.

Clause 49.

Debate ensued.

Interruption pursuant to Sessional Order.

7. Order of Business

Ordered - That Order of the Day No.s 178, 179, 180 and 181 be taken forthwith. (Leader of the House).

8. Racing and Gambling Legislation Amendment and Repeal Bill 2003, Racing Restriction Bill 2003, Racing and Wagering Western Australia Tax Bill 2003 and Racing and Wagering Western Australia Bill 2003

Pursuant to the Order of the House.

The Order of the Day for the further consideration of these Bills, in Committee, having been read.

The Deputy President left the Chair.

In Committee

(Hon George Cash in the Chair)

Racing and Wagering Western Australia Bill 2003

Clause 49.

Debate resumed.

Clause agreed to.

Clauses 50 to 104 agreed to.

Clause 105.

Hon Barry House moved -

Page 67, line 2 - To insert after "and" -

" ending ".

Debate ensued.

Hon Barry House, by leave, withdrew the amendment standing in his name.

Hon Barry House moved -

Page 67, lines 2 and 3 - To delete "For the racing years commencing on 1 August 2003 and 1 August 2004" and substitute instead -

“

For each racing year commencing on or after 1 August 2003 until 31 July 2008.

”.

Debate ensued.

On the question, That the words "For the racing years commencing on 1 August 2003 and 1 August 2004" be deleted.

Question - put.

The Committee divided.

Ayes (17)

Hon George Cash
Hon Robin Chapple
Hon Paddy Embry
Hon John Fischer
Hon Peter Foss
Hon Ray Halligan
Hon Frank Hough
Hon Barry House
Hon Robyn McSweeney

Hon Dee Margetts
Hon N F Moore
Hon Simon O'Brien
Hon Jim Scott
Hon Christine Sharp
Hon Derrick Tomlinson
Hon Giz Watson
Hon Alan Cadby (*Teller*)

Noes (10)

Hon Kim Chance
Hon Murray Criddle
Hon Sue Ellery
Hon Adele Farina
Hon Graham Giffard

Hon Nick Griffiths
Hon Louise Pratt
Hon Ljiljana Ravlich
Hon Ken Travers
Hon Ed Dermer (*Teller*)

Question thus passed.

On the question, That the words "For each racing year commencing on or after 1 August 2003 until 31 July 2008" be inserted.

Question - put.

The Committee divided.

Ayes (13)

Hon George Cash
Hon Robin Chapple
Hon Paddy Embry
Hon John Fischer
Hon Peter Foss
Hon Ray Halligan
Hon Frank Hough

Hon Barry House
Hon Robyn McSweeney
Hon N F Moore
Hon Simon O'Brien
Hon Derrick Tomlinson
Hon Alan Cadby (*Teller*)

Noes (14)

Hon Kim Chance
 Hon Murray Criddle
 Hon Sue Ellery
 Hon Adele Farina
 Hon Graham Giffard
 Hon Nick Griffiths
 Hon Dee Margetts

Hon Louise Pratt
 Hon Ljiljanna Ravlich
 Hon Jim Scott
 Hon Christine Sharp
 Hon Ken Travers
 Hon Giz Watson
 Hon Ed Dermer (*Teller*)

Question thus negatived.

Clause, as amended, agreed to.

The Minister for Racing and Gaming moved, That progress be reported and leave asked to sit again at a later stage of this day's sitting.

Question - put and passed.

The Deputy President resumed the Chair.

The Chairman reported, That the Committee had considered the Bills, made progress, and asked leave to sit again at a later stage of this day's sitting.

Ordered - That the Committee have leave to sit again at a later stage of this day's sitting.

9. Order of Business

Ordered - That Order of the Day No.s 178, 179, 180 and 181 be taken forthwith. (Leader of the House).

10. Racing and Gambling Legislation Amendment and Repeal Bill 2003, Racing Restriction Bill 2003, Racing and Wagering Western Australia Tax Bill 2003 and Racing and Wagering Western Australia Bill 2003

Pursuant to the Order of the House.

The Order of the Day for the further consideration of these Bills, in Committee, having been read.

The Deputy President left the Chair.

In Committee

(Hon George Cash in the Chair)

Racing and Wagering Western Australia Bill 2003

Clause 105.

The Minister for Racing and Gaming moved -

That further consideration of Clause 105 be postponed until after consideration of Clause 122.

Question - put and passed.

Clause 106.

Debate ensued.

The Minister for Racing and Gaming moved -

Page 69, line 2 - To delete "2005" and insert instead -

" 2006 ".

Amendment - put and passed.

Clause, as amended, agreed to.

Clauses 107 to 121 agreed to.

Clause 122.

Debate ensued.

Hon Jim Scott moved -

Page 80, line 31 - To delete "The Minister is to carry out".

Debate ensued.

Amendment - put and passed.

Hon Jim Scott moved -

Page 80, line 32 - To insert after "Act" -

“

is to be carried out by a Joint Standing Committee of both Houses of Parliament appointed for the purposes of this section

”.

Amendment - put and passed.

Hon Jim Scott moved -

Page 81, line 2 - To delete "Minister" and insert instead -

“ Joint Standing Committee ”.

Page 81, line 6 - To delete "Minister" and insert instead -

“ Joint Standing Committee ”.

Page 81, line 8 - To delete "Minister" and insert instead -

“ Joint Standing Committee ”.

Amendments - put and passed.

Clause, as amended, agreed to.

Postponed Clause 105, as amended.

Hon John Fischer moved -

Page 68, line 7 - To insert after "Association" -

“ with the CRA receiving no less than 6% ”.

Debate ensued.

Hon John Fischer, by leave, amended his amendment by deleting the word "CRA" and inserting instead "Country Racing Association".

Debate ensued.

11. Questions Without Notice

Questions without notice were taken.

The Minister for Racing and Gaming, by leave, incorporated into *Hansard* and tabled his response regarding Juvenile Justice Teams - Incomplete action plans in response to question on notice No. 789 asked by Hon Peter Foss. (Tabled paper 1135).

The Minister for Agriculture, Forestry and Fisheries, by leave, incorporated into *Hansard* and tabled his response regarding concerns about the status of various shark species in Western Australian waters in response to a question without notice asked by Hon Giz Watson. (Tabled paper 1136).

The Parliamentary Secretary representing the Minister for State Development, by leave, incorporated into *Hansard* and tabled his response regarding Portman/HWE iron ore operations at Cockatoo Island in the Kimberley in response to a question without notice asked by Hon Robin Chapple. (Tabled paper 1137).

The Parliamentary Secretary representing the Minister for Planning and Infrastructure tabled documents in relation to built environment rezonings and remnant vegetation identified in Metropolitan Region Scheme Amendments for last four years (1999-2003) in response to question on notice No. 719 asked by Hon Christine Sharp. (Tabled paper 1138).

12. Racing and Gambling Legislation Amendment and Repeal Bill 2003, Racing Restriction Bill 2003, Racing and Wagering Western Australia Tax Bill 2003 and Racing and Wagering Western Australia Bill 2003

The President left the Chair.

In Committee

(Hon George Cash in the Chair)

Racing and Wagering Western Australia Bill 2003

Postponed Clause 105, as amended.

Debate resumed on the amendment, as amended, by Hon John Fischer as follows -

Page 68, line 7 - To insert after "Association" -

“ with the Country Racing Association receiving no less than 6% ”.

Hon John Fischer, by leave, withdrew his amendment.

Hon John Fischer moved -

Page 68, line 26 - To insert after "RWWA" -

“ based on existing distribution and reflecting an agreed performance criteria ”.

Amendment - put and negatived.

Clause, as amended, agreed to.

Schedule 1.

Debate ensued.

Schedule agreed to.

Schedules 2 and 3 agreed to.

Title agreed to.

The President resumed the Chair.

Racing and Gambling Legislation Amendment and Repeal Bill 2003, Racing Restriction Bill 2003 and Racing and Wagering Western Australia Tax Bill 2003 reported without amendment.

Racing and Wagering Western Australia Bill 2003 reported with amendments. The Minister for Racing and Gaming moved -

That the *Racing and Wagering Western Australia Bill 2003* be recommitted for the purpose of reconsidering Clause 105.

Question - put and passed.

The President left the Chair.

In Committee

(Hon George Cash in the Chair)

Racing and Wagering Western Australia Bill 2003

Recommittal Clause 105.

Hon Jim Scott moved -

Page 67, line 2 - To insert after the subsection designation "(1)" -

“ For each racing year commencing on or after 1 August 2003 until 31 July 2006 ”.

Debate ensued.

Amendment - put and passed.

Clause, as amended, agreed to.

The President resumed the Chair.

Bill reported with further amendments.

Leave was granted to proceed forthwith through all remaining stages of the Bills at this day's sitting.

The Minister for Racing and Gaming moved, That the report be adopted.

Question - put and passed.

The Minister for Racing and Gaming moved, That the Bills be now read a third time.

The President having reported that the Chairman of Committees had certified that the fair prints of the Bills were in accordance with the Bills as agreed to in Committee, and reported.

Question - put and passed.

Bills read a third time and passed.

13. Stamp Amendment (Budget) Bill 2003

The President reported the receipt of Message No. 79 from the Legislative Assembly forwarding the Bill for concurrence.

The Minister for Racing and Gaming moved, That the Bill be now read a first time.

Question - put and passed.

Bill read a first time.

The Minister for Racing and Gaming moved, That the Bill be now read a second time.

The Minister for Racing and Gaming tabled an Explanatory Memorandum relating to the Bill. (Tabled paper 1139).

Debate stands adjourned.

14. Appropriation (Consolidated Fund) Bill (No. 1) 2003

The President reported the receipt of Message No. 80 from the Legislative Assembly forwarding the Bill for concurrence.

The Minister for Racing and Gaming moved, That the Bill be now read a first time.

Question - put and passed.

Bill read a first time.

The Minister for Racing and Gaming moved, That the Bill be now read a second time.

Debate stands adjourned.

15. Appropriation (Consolidated Fund) Bill (No. 2) 2003

The President reported the receipt of Message No. 81 from the Legislative Assembly forwarding the Bill for concurrence.

The Minister for Racing and Gaming moved, That the Bill be now read a first time.

Question - put and passed.

Bill read a first time.

The Minister for Racing and Gaming moved, That the Bill be now read a second time.

Debate stands adjourned.

16. Member's Statements

Statements were taken.

17. Adjournment

The House adjourned at 5.34pm until Friday, June 13 2003 at 10.00am.

Members present during the day's proceedings

Attendance: Present all Members except Hon Tom Stephens.

L B MARQUET
Clerk of the Legislative Council

HON JOHN COWDELL
President of the Legislative Council