

WESTERN AUSTRALIA

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 63

FRIDAY, MAY 16 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. City of Bunbury - Local Law Relating to Advertising Devices - Disallowance

Hon Ray Halligan: To move on the next day of sitting -

That the *City of Bunbury - Local Law Relating to Advertising Devices* published in the *Gazette* on March 24 2003 and tabled in the Legislative Council on April 1 2003, under the *Local Government Act 1995*, be and is hereby disallowed.

3. Reserves (Reserve 43131) Bill 2003

The President reported the receipt of Message No. 75 from the Legislative Assembly forwarding the Bill for concurrence.

The Parliamentary Secretary to the Minister for Planning and Infrastructure moved, That the Bill be now read a first time.

Question - put and passed.

Bill read a first time.

The Leader of the House moved, without notice -

That so much of Standing Orders and Sessional Orders be suspended so far as will enable the House to progress through all stages of the *Reserves (Reserve 43131) Bill 2003*, at this day's sitting.

On the motion of Hon Norman Moore the debate was adjourned to a later stage of this day's sitting.

Ordered - That the second reading of the Bill be made an Order of the Day at a later stage of this day's sitting.

4. 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.

5. Public Transport Authority Bill 2003

The following Message from the Legislative Assembly was reported -

Mr President

Message No. 76

The Legislative Assembly acquaints the Legislative Council that it has agreed to the amendment made by the Legislative Council in the *Public Transport Authority Bill 2003*.

Dianne Guise

Deputy Speaker

Legislative Assembly Chamber

Perth, 15 May 2003

6. Cognate Debate - 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 Minister for Racing and Gaming sought leave of the House to debate Order of the Day No. 178, *Racing and Gambling Legislation Amendment and Repeal Bill 2003*, Order of the Day No. 179, *Racing Restriction Bill 2003*, Order of the Day No. 180, *Racing and Wagering Western Australia Tax Bill 2003* and Order of the Day No. 181, *Racing and Wagering Western Australia Bill 2003*, cognately [SO 228].

Leave granted.

7. 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 debate on the second reading of these Bills.

Debate resumed.

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

8. Suspension of Sessional Order - Suspend Sitting

The Leader of the House moved, without notice -

That so much of the Sessional Orders be suspended as will permit the House to suspend sitting between 12.30pm and 2.00pm today.

The motion requiring the concurrence of an absolute majority.

Question - put.

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

9. Cannabis Control Bill 2003

The Order of the Day having been read for the adjourned debate on the second reading of this Bill.

Debate resumed.

Interruption pursuant to Sessional Order.

10. Suspension of Sessional Orders - Taking of Message No. 75 - Reserves (Reserve 43131) Bill 2003

The Leader of the House moved, without notice -

That so much of Sessional Orders be suspended to enable the Bill contained in Message No. 75, *Reserves (Reserve 43131) Bill 2003* be now taken.

Question - put.

There being a dissentient voice the Deputy President ordered the House to divide.

Ayes (21)

Hon Alan Cadby
Hon George Cash
Hon Kim Chance
Hon Murray Criddle
Hon Bruce Donaldson
Hon Kate Doust
Hon Sue Ellery
Hon Jon Ford
Hon Peter Foss
Hon Graham Giffard
Hon Nick Griffiths

Hon Ray Halligan
Hon Frank Hough
Hon Norman Moore
Hon Simon O'Brien
Hon Ljiljanna Ravlich
Hon Barbara Scott
Hon Tom Stephens
Hon Bill Stretch
Hon Derrick Tomlinson
Hon Ed Dermer (*Teller*)

Noes (5)

Hon Dee Margetts
Hon Jim Scott
Hon Christine Sharp

Hon Giz Watson
Hon Robin Chapple (*Teller*)

The concurrence of an absolute majority of the whole number of Members being met Sessional Orders suspended.

11. Suspension of Standing Orders - Reserves (Reserve 43131) Bill 2003 - Time for vote on Second and Third Reading

The Leader of the House moved, without notice -

That the vote on the question that the *Reserves (Reserve 43131) Bill 2003* be read a second time be taken at 4.00pm today and that the vote on the question that that Bill be read a third time be taken at 5.45pm today.

Question - put.

There being a dissentient voice the Deputy President ordered the House to divide.

Ayes (22)

Hon Alan Cadby
Hon George Cash
Hon Kim Chance
Hon Murray Criddle
Hon Bruce Donaldson
Hon Kate Doust
Hon Sue Ellery
Hon Paddy Embry
Hon Jon Ford
Hon Peter Foss
Hon Graham Giffard

Hon Nick Griffiths
Hon Ray Halligan
Hon Frank Hough
Hon Norman Moore
Hon Simon O'Brien
Hon Ljiljanna Ravlich
Hon Barbara Scott
Hon Tom Stephens
Hon Bill Stretch
Hon Derrick Tomlinson
Hon Ed Dermer (*Teller*)

Noes (5)

Hon Dee Margetts
Hon Jim Scott
Hon Christine Sharp

Hon Giz Watson
Hon Robin Chapple (*Teller*)

The concurrence of an absolute majority of the whole number of Members being met Standing Orders suspended.

12. Special Adjournment

The Leader of the House moved, without notice -

That the House at its rising adjourn until Tuesday, June 10 2003.

Question - put and passed.

13. Reserves (Reserve 43131) Bill 2003

The Order of the Day having been read.

Debate resumed on the motion of the Leader of the House as follows -

That so much of Standing Orders and Sessional Orders be suspended so far as will enable the House to progress through all stages of the *Reserves (Reserve 43131) Bill 2003*, at this day's sitting.

Question - put.

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

The Parliamentary Secretary to the Minister for Planning and Infrastructure moved, That the Bill be now read a second time.

Debate ensued.

Hon Derrick Tomlinson, by leave, tabled documents in relation to the *Reserves (Reserve 43131) Bill 2003*. (Tabled paper 1072).

Debate resumed.

It being 4.00pm, pursuant to the Order of the House the Deputy President put the question, That the Bill be now read a second time.

Question - put.

The House divided.

Ayes (19)

Hon Alan Cadby
Hon George Cash
Hon Kim Chance
Hon Murray Criddle
Hon Bruce Donaldson
Hon Kate Doust
Hon Sue Ellery
Hon Paddy Embry
Hon Jon Ford
Hon Peter Foss

Hon Graham Giffard
Hon Ray Halligan
Hon Norman Moore
Hon Simon O'Brien
Hon Ljiljanna Ravlich
Hon Barbara Scott
Hon Tom Stephens
Hon Derrick Tomlinson
Hon Ed Dermer (*Teller*)

Noes (5)

Hon Dee Margetts
Hon Jim Scott
Hon Christine Sharp

Hon Giz Watson
Hon Robin Chapple (*Teller*)

Question thus passed.

Bill read a second time.

The Deputy President left the Chair.

In Committee

(Hon Jon Ford in the Chair)

Clause 1.

Debate ensued.

Hon Peter Foss moved -

Pursuant to SO 236(a), the amendments standing in my name, if either not moved or resolved 5 minutes before the time at which the Bill must be reported, be taken to have been moved and the question on each amendment is then to be put and determined without amendment or debate.

Question - put and passed.

Clause agreed to.

Clause 2.

Hon Peter Foss moved -

Page 2, after line 3 - To insert -

“

(2) This Act expires 12 months after it comes into operation.

”.

Debate ensued.

Amendment - put and passed.

Clause, as amended, agreed to.

Clause 3 agreed to.

Clause 4.

Hon Peter Foss moved -

Page 2, line 27 - To insert before “Management” -

“ In addition to the circumstances set out in section 50(2) of the LAA, ”.

Page 2, line 27 - To delete “is revoked by force of this Act” and insert instead -

“ may be amended by the Minister from time to time as the Minister considers appropriate ”.

Debate ensued.

On the question, That the words “In addition to the circumstances set out in section 50(2) of the LAA,” be inserted.

Question - put.

The Committee divided.

Ayes (16)

Hon Alan Cadby
Hon George Cash
Hon Robin Chapple
Hon Murray Criddle
Hon Paddy Embry
Hon Peter Foss
Hon Ray Halligan
Hon Dee Margetts

Hon Norman Moore
Hon Simon O’Brien
Hon Barbara Scott
Hon Jim Scott
Hon Christine Sharp
Hon Derrick Tomlinson
Hon Giz Watson
Hon Bruce Donaldson (*Teller*)

Noes (7)

Hon Kim Chance
 Hon Sue Ellery
 Hon Jon Ford
 Hon Graham Giffard

Hon Ljiljanna Ravlich
 Hon Tom Stephens
 Hon Kate Doust (*Teller*)

Question thus passed.

On the question, That the words “is revoked by force of this Act” be deleted.

Question - put.

The Committee divided.

Ayes (16)

Hon Alan Cadby
 Hon George Cash
 Hon Robin Chapple
 Hon Murray Criddle
 Hon Paddy Embry
 Hon Peter Foss
 Hon Ray Halligan
 Hon Dee Margetts

Hon Norman Moore
 Hon Simon O’Brien
 Hon Barbara Scott
 Hon Jim Scott
 Hon Christine Sharp
 Hon Derrick Tomlinson
 Hon Giz Watson
 Hon Bruce Donaldson (*Teller*)

Noes (7)

Hon Kim Chance
 Hon Sue Ellery
 Hon Jon Ford
 Hon Graham Giffard

Hon Ljiljanna Ravlich
 Hon Tom Stephens
 Hon Kate Doust (*Teller*)

Question thus passed.

On the question, That the words “may be amended by the Minister from time to time as the Minister considers appropriate” be inserted.

Hon Peter Foss, by leave, amended his amendment by inserting “LAA” before the word “Minister” where it first appears.

Amendment, as amended, agreed to.

Hon Peter Foss moved -

Page 2, lines 28 to 30 - To delete the lines.

Amendment agreed to.

Clause, as amended, agreed to.

Clause 5.

Question - That the Clause stand as printed - put and negatived.

Clause 6.

Question - That the Clause stand as printed - put and negatived.

Clause 7.

Hon Peter Foss moved -

Page 4, after line 2 - To insert -

“

- (1) The powers conferred by this section may be exercised by the Minister in addition to any other powers that the Minister may exercise.
- (2) The Minister may in writing appoint the Authority as administrator of the reserve in order to secure compliance with the terms of the management order.

”.

Hon Peter Foss, by leave, amended his amendment by inserting “LAA” before the word “Minister” in each instance.

Amendment, as amended, agreed to.

Hon Peter Foss moved -

Page 4, after line 4 - To insert -

“

- (a) the Authority and except for the purposes of subsection (4)

”.

Hon Peter Foss, by leave, amended his amendment by adding “;” after the word “Authority”.

Amendment, as amended, agreed to.

Clause, as amended, agreed to.

Clause 8.

Question - That the Clause stand as printed - put and negatived.

Clause 9.

Question - That the Clause stand as printed - put and negatived.

Clause 10.

Question - That the Clause stand as printed - put and negatived.

Clause 11.

Question - That the Clause stand as printed - put and negatived.

Clause 12.

Hon Peter Foss moved -

Page 6, after line 28 - To insert -

“

- (3) In the event that any —
 - (a) amendment of the management order; or
 - (b) appointment of any administrator,

is declared invalid, then all acts carried out prior to the declaration shall be deemed to be valid and effectual as if the amendment or appointment had been validly made.

”.

Debate ensued.

Hon Peter Foss, by leave, amended his amendment by adding “no. I262262” after the word “order” in paragraph (a).

Amendment, as amended, agreed to.

Clause, as amended, agreed to.

Title agreed to.

The President resumed the Chair.

Bill reported with amendments.

The Parliamentary Secretary to the Minister for Planning and Infrastructure moved, That the report be adopted.

Question - put and passed.

The Parliamentary Secretary to the Minister for Planning and Infrastructure moved, That the Bill be now read a third time.

The President having reported that the Deputy Chairman of Committees had certified that the fair print of the Bill was in accordance with the Bill as agreed to in Committee, and reported.

Question - put and passed.

Bill read a third time and passed.

14. Adjournment

Pursuant to Sessional Order 2(2) the House adjourned at 5.43pm until Tuesday, June 10 2003 at 3.00pm.

Members present during the day's proceedings

Attendance: Present all Members except Hon Adele Farina, Hon John Fischer and Hon Ken Travers.

L B MARQUET
Clerk of the Legislative Council

HON JOHN COWDELL
President of the Legislative Council