

WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

VOTES AND PROCEEDINGS

No. 166

FIRST SESSION OF THE THIRTY-SEVENTH PARLIAMENT

THURSDAY, 18 OCTOBER 2007

1. Meeting of Assembly

The Assembly met at 9.00 a.m. pursuant to adjournment.

The Deputy Speaker took the Chair.

Prayers were read.

2. Petition

Greenwood School Development - Mrs J. Hughes presented a petition from 99 persons requesting that the Legislative Assembly call on the Government to seek alternative options so that a new road is not constructed through the existing school site to prevent any bushland degradation, and to limit any new public housing in the area (P. 259).

3. Speaker's Statement - Procedure and Privileges Committee - Extension of Reporting Date

The Deputy Speaker advised members that on 17 October 2007, the Procedure and Privileges Committee resolved to extend the reporting date for its Review of the Legislative Assembly's Committee System to 10 April 2008.

4. Paper

The following paper was presented and ordered to lie upon the Table of the House -

By the Deputy Speaker -

Contract for the Provision of Court Security and Custodial Services - Annual Report 2006-2007 (3370).

5. Notice of Motion

6. Brief Ministerial Statements

The following Brief Ministerial Statements were made by -

The Premier on the death of Chinese student Jiao Dan.

The Minister for Tourism on the awarding of the Des Sullivan Medal to Pat Barblett for her contribution to Rottnest Island.

7. Grievances

The Deputy Speaker called for grievances which were then made.

8. Public Accounts Committee

Mr J.R. Quigley, as Chairman, presented the following report which was ordered to lie upon the Table of the House –

Public Accounts Committee - Annual Report 2006-2007 (3371).

Mr J.R. Quigley, Dr S.C. Thomas, Mr P.B. Watson and Mr B.S. Wyatt spoke on the report.

9. Fish Resources Management Amendment Bill 2006

Message No. 173 dated 17 October 2007 from the Legislative Council was reported agreeing to the bill without amendment.

10. Prostitution Amendment Bill 2007

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

CONSIDERATION IN DETAIL

Clause 10.

The Leader of the House moved, That in accordance with the motion agreed to by the Assembly, clauses 10 to 19 be considered as one question.

Question put and passed.

Clauses 10 to 19.

Ms S.E. Walker moved,

Clause 10, page 8, line 7 – To delete the word “person” and substitute -
“ sex worker user and sex worker ”.

Amendment put.

The Assembly divided.

Ayes (19)

Mr C.J. Barnett	Ms K. Hodson-Thomas	Mr G. Snook
Mr T.R. Buswell	Dr G.G. Jacobs	Dr S.C. Thomas
Mr G.M. Castrilli	Mr R.F. Johnson	Ms S.E. Walker
Dr E. Constable	Mr J.E. McGrath	Dr J.M. Woollard
Mr M.J. Cowper	Mr P.D. Omodei	Mr T.R. Sprigg (<i>Teller</i>)
Mr J.H.D. Day	Mr D.T. Redman	
Dr K.D. Hames	Mr A.J. Simpson	

Noes (28)

Mr P.W. Andrews	Ms A.J.G. MacTiernan	Ms M.M. Quirk
Mr A.J. Carpenter	Mr J.A. McGinty	Ms J.A. Radisich
Mr J.B. D’Orazio	Mr M. McGowan	Mrs M.H. Roberts
Dr J.M. Edwards	Ms S.M. McHale	Mr T.G. Stephens
Mrs D.J. Guise	Mr A.D. McRae	Mr D.A. Templeman
Mrs J. Hughes	Mrs C.A. Martin	Mr P.B. Watson
Mr J.N. Hyde	Mr M.P. Murray	Mr M.P. Whitely
Mr J.C. Kobelke	Mr A.P. O’Gorman	Mr S.R. Hill (<i>Teller</i>)
Mr R.C. Kucera	Mr P. Papalia	
Mr F.M. Logan	Mr J.R. Quigley	

Amendment thus negatived.

The Attorney General moved,

Clause 10, page 8, lines 8 and 9 – To delete “unless he or she has taken all reasonable steps to ensure a prophylactic sheath or other appropriate barrier is used” and substitute -

“ without using a prophylactic sheath or other appropriate barrier ”.

On the question, That the words be deleted,

Amendment put.

The Assembly divided.

Ayes (30)

Mr P.W. Andrews	Mr R.C. Kucera	Mr J.R. Quigley
Mr A.J. Carpenter	Mr F.M. Logan	Ms M.M. Quirk
Dr E. Constable	Mr J.A. McGinty	Ms J.A. Radisich
Mr J.H.D. Day	Mr M. McGowan	Mrs M.H. Roberts
Mr J.B. D’Orazio	Ms S.M. McHale	Mr T.G. Stephens
Dr J.M. Edwards	Mr A.D. McRae	Mr D.A. Templeman
Mrs D.J. Guise	Mrs C.A. Martin	Ms S.E. Walker
Mrs J. Hughes	Mr M.P. Murray	Mr P.B. Watson
Mr J.N. Hyde	Mr A.P. O’Gorman	Mr M.P. Whitely
Mr J.C. Kobelke	Mr P. Papalia	Mr S.R. Hill (<i>Teller</i>)

Noes (16)

Mr C.J. Barnett	Dr G.G. Jacobs	Mr G. Snook
Mr T.R. Buswell	Mr R.F. Johnson	Dr S.C. Thomas
Mr G.M. Castrilli	Mr J.E. McGrath	Dr J.M. Woollard
Mr M.J. Cowper	Mr P.D. Omodei	Mr T.R. Sprigg (<i>Teller</i>)
Mr B.J. Grylls	Mr D.T. Redman	
Ms K. Hodson-Thomas	Mr A.J. Simpson	

Amendment thus passed.

On the question, That the words be inserted,

Ms S.E. Walker moved,

To delete all words after “sheath” in the words to be inserted and substitute -
“

that is appropriate and safe for preventing the transmission of bodily fluid from
one person to another ”.

Amendment put.

Amendment, by leave, withdrawn.

Ms S.E. Walker moved,

To delete all words after “prophylactic” in the words to be inserted and substitute -
“

that is appropriate for preventing the transmission of bodily fluid from one person
to another ”.

Amendment thus passed.

Amendment, as amended, agreed to.

On the question, That the clause, as amended, be agreed to,

The Minister for Health moved,

Clause 10, Page 8, lines 10 to 13 – To delete all words after “used”.

Amendment put and passed.

On the question that the clause, as amended, and clauses 11 to 19 be agreed to,

Debate interrupted by the Chair and adjourned until a later stage of the sitting.

11. Members’ Statements

The Deputy Speaker called for members’ statements which were then made.

12. Questions

Questions without Notice were taken.

Questions on Notice Nos 2852 to 2584 were asked.

Questions on Notice Nos 2711, 2713 and 2715 were answered.

Additional Information under Standing Order No. 82A

In accordance with Standing Order No. 82A, the Attorney General provided additional information relating to a Question without Notice from Mr P.D. Omodei regarding the employment of Ms Darryl Wookey.

14. Variation to the Order of Business

Ordered, That consideration of Government Business Order of the Day No. 1 be resumed.

15. Prostitution Amendment Bill 2007

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

CONSIDERATION IN DETAIL

On the question, That clause 10, as amended, and clauses 11 to 19 be agreed to,

Mr R.F. Johnson moved,
 Clause 10, page 8, line 23 – To delete “\$6,000” and substitute -
 “ \$25,000 or 10 years imprisonment or both ”.

Amendment, by leave, withdrawn.

Mr R.F. Johnson moved,
 Clause 10, page 8, line 23 – To delete “\$6,000” and substitute -
 “ \$10,000 ”.

The Leader of the House moved, That the question be now put.

Question put and passed.

Amendment put and passed.

Ms S.E. Walker moved,
 To insert after “\$10,000” the words -
 “ and is liable to imprisonment for 20 years under s.294 of the *Criminal Code* ”.

The Attorney General moved, That the question be now put.

Question put and passed.

Amendment put and negatived.

Mr R.F. Johnson moved,
 Clause 10, page 8, line 31 – To delete “\$6,000” and substitute -
 “ \$20,000 ”.

Clause 10, page 9, line 2 – To delete “one year” and substitute –
 “ 3 years ”.

Amendments put and passed.

On the question, That clause 10, as amended, and clauses 11 to 19 be agreed to,

Mr R.F. Johnson moved,
 Clause 13, page 10, line 7 – To insert after “representation,” the following –
 “ (including display of objects or persons so they are visible from a public place) ”.

Amendment put.

The Assembly divided.

Ayes (17)

Mr C.J. Barnett	Ms K. Hodson-Thomas	Dr S.C. Thomas
Mr T.R. Buswell	Dr G.G. Jacobs	Mr T.K. Waldron
Mr G.M. Castrilli	Mr R.F. Johnson	Ms S.E. Walker
Mr M.J. Cowper	Mr J.E. McGrath	Dr J.M. Woollard
Mr J.H.D. Day	Mr P.D. Omodei	Mr T.R. Sprigg (<i>Teller</i>)
Dr K.D. Hames	Mr G. Snook	

Noes (26)

Mr P.W. Andrews
 Mr A.J. Carpenter
 Dr J.M. Edwards
 Mrs D.J. Guise
 Mr J.N. Hyde
 Mr J.C. Kobelke
 Mr R.C. Kucera
 Mr F.M. Logan
 Ms A.J.G. MacTiernan

Mr J.A. McGinty
 Mr M. McGowan
 Ms S.M. McHale
 Mr A.D. McRae
 Mrs C.A. Martin
 Mr M.P. Murray
 Mr A.P. O’Gorman
 Mr P. Papalia
 Mr J.R. Quigley

Ms M.M. Quirk
 Ms J.A. Radisich
 Mrs M.H. Roberts
 Mr T.G. Stephens
 Mr D.A. Templeman
 Mr P.B. Watson
 Mr M.P. Whitely
 Mr S.R. Hill (*Teller*)

Amendment thus negatived.

On the question, That clause 10, as amended, and clauses 11 to 19 be agreed to,

Mr C.J. Barnett moved,

Clause 14, page 11, after line 12 – To insert –

“

13C. Sexual service business prohibited in residential areas

No sexual service business may be conducted in an area zoned for residential purposes.

”

Amendment put.

The Attorney General moved, That the question now be put.

Question put.

The Assembly divided.

Ayes (26)

Mr P.W. Andrews
 Mr A.J. Carpenter
 Dr J.M. Edwards
 Mrs D.J. Guise
 Mr J.N. Hyde
 Mr J.C. Kobelke
 Mr R.C. Kucera
 Mr F.M. Logan
 Ms A.J.G. MacTiernan

Mr J.A. McGinty
 Mr M. McGowan
 Ms S.M. McHale
 Mr A.D. McRae
 Mrs C.A. Martin
 Mr M.P. Murray
 Mr A.P. O’Gorman
 Mr P. Papalia
 Mr J.R. Quigley

Ms M.M. Quirk
 Ms J.A. Radisich
 Mrs M.H. Roberts
 Mr T.G. Stephens
 Mr D.A. Templeman
 Mr P.B. Watson
 Mr M.P. Whitely
 Mr S.R. Hill (*Teller*)

Noes (18)

Mr C.J. Barnett
 Mr T.R. Buswell
 Mr G.M. Castrilli
 Mr M.J. Cowper
 Mr J.H.D. Day
 Mr B.J. Grylls

Dr K.D. Hames
 Ms K. Hodson-Thomas
 Dr G.G. Jacobs
 Mr R.F. Johnson
 Mr J.E. McGrath
 Mr P.D. Omodei

Mr G. Snook
 Dr S.C. Thomas
 Mr T.K. Waldron
 Ms S.E. Walker
 Dr J.M. Woollard
 Mr T.R. Sprigg (*Teller*)

Question thus passed.

Amendment put.

The Assembly divided.

Ayes (18)

Mr C.J. Barnett	Dr K.D. Hames	Mr G. Snook
Mr T.R. Buswell	Ms K. Hodson-Thomas	Dr S.C. Thomas
Mr G.M. Castrilli	Dr G.G. Jacobs	Mr T.K. Waldron
Mr M.J. Cowper	Mr R.F. Johnson	Ms S.E. Walker
Mr J.H.D. Day	Mr J.E. McGrath	Dr J.M. Woollard
Mr B.J. Grylls	Mr P.D. Omodei	Mr T.R. Sprigg (<i>Teller</i>)

Noes (26)

Mr P.W. Andrews	Mr J.A. McGinty	Ms M.M. Quirk
Mr A.J. Carpenter	Mr M. McGowan	Ms J.A. Radisich
Dr J.M. Edwards	Ms S.M. McHale	Mrs M.H. Roberts
Mrs D.J. Guise	Mr A.D. McRae	Mr T.G. Stephens
Mr J.N. Hyde	Mrs C.A. Martin	Mr D.A. Templeman
Mr J.C. Kobelke	Mr M.P. Murray	Mr P.B. Watson
Mr R.C. Kucera	Mr A.P. O’Gorman	Mr M.P. Whitely
Mr F.M. Logan	Mr P. Papalia	Mr S.R. Hill (<i>Teller</i>)
Ms A.J.G. MacTiernan	Mr J.R. Quigley	

Amendment thus negatived.

On the question, That clause 10, as amended, and clauses 11 to 19 be agreed to,

Clauses put.

The Assembly divided.

Ayes (26)

Mr P.W. Andrews	Mr J.A. McGinty	Ms M.M. Quirk
Mr A.J. Carpenter	Mr M. McGowan	Ms J.A. Radisich
Dr J.M. Edwards	Ms S.M. McHale	Mrs M.H. Roberts
Mrs D.J. Guise	Mr A.D. McRae	Mr T.G. Stephens
Mr J.N. Hyde	Mrs C.A. Martin	Mr D.A. Templeman
Mr J.C. Kobelke	Mr M.P. Murray	Mr P.B. Watson
Mr R.C. Kucera	Mr A.P. O’Gorman	Mr M.P. Whitely
Mr F.M. Logan	Mr P. Papalia	Mr S.R. Hill (<i>Teller</i>)
Ms A.J.G. MacTiernan	Mr J.R. Quigley	

Noes (16)

Mr C.J. Barnett	Ms K. Hodson-Thomas	Dr S.C. Thomas
Mr T.R. Buswell	Dr G.G. Jacobs	Ms S.E. Walker
Mr G.M. Castrilli	Mr R.F. Johnson	Dr J.M. Woollard
Mr M.J. Cowper	Mr J.E. McGrath	Mr T.R. Sprigg (<i>Teller</i>)
Mr J.H.D. Day	Mr P.D. Omodei	
Dr K.D. Hames	Mr G. Snook	

Clause 10, as amended and, Clauses 11 to 19 thus agreed to.

Clause 20.

Mr G.M. Castrilli moved,

Page 13, line 20 – To insert after “passport” the following –

“ including where relevant a current valid visa ”.

Amendment, by leave, withdrawn.

Ms S.E. Walker moved,
Page 13, line 2 – To delete the number “5” and substitute –
“ up to 20 years ”.

On the question, That the words be deleted,

Amendment put.

The Assembly divided.

Ayes (17)

Mr C.J. Barnett	Ms K. Hodson-Thomas	Dr S.C. Thomas
Mr T.R. Buswell	Dr G.G. Jacobs	Mr T.K. Waldron
Mr G.M. Castrilli	Mr R.F. Johnson	Ms S.E. Walker
Mr M.J. Cowper	Mr J.E. McGrath	Dr J.M. Woollard
Mr J.H.D. Day	Mr P.D. Omodei	Mr T.R. Sprigg (<i>Teller</i>)
Dr K.D. Hames	Mr G. Snook	

Noes (26)

Mr P.W. Andrews	Mr J.A. McGinty	Ms M.M. Quirk
Mr A.J. Carpenter	Mr M. McGowan	Ms J.A. Radisich
Dr J.M. Edwards	Ms S.M. McHale	Mrs M.H. Roberts
Mrs J. Hughes	Mr A.D. McRae	Mr T.G. Stephens
Mr J.N. Hyde	Mrs C.A. Martin	Mr D.A. Templeman
Mr J.C. Kobelke	Mr M.P. Murray	Mr P.B. Watson
Mr R.C. Kucera	Mr A.P. O’Gorman	Mr M.P. Whitely
Mr F.M. Logan	Mr P. Papalia	Mr S.R. Hill (<i>Teller</i>)
Ms A.J.G. MacTiernan	Mr J.R. Quigley	

Amendment thus negatived.

The Attorney General moved,

Page 17, lines 15 and 16 – To delete “offence alleged to have been committed in this State” and substitute –

“

alleged offence under the law of this State, the Commonwealth, another State or a Territory

”.

Mr A.D. McRae moved, That the question now be put.

Question put and passed.

On the question, That the words be deleted,

Amendment put and passed.

On the question, That the words be inserted,

Amendment put and passed.

On the question that clause 20, as amended, be agreed to,

Mr R.F. Johnson moved, That the debate be adjourned.

Question put and passed.

16. Adjournment

Mr R.F. Johnson moved, That the House do now adjourn.

Question put and passed.

The Assembly adjourned accordingly, at 5.17 p.m. until Tuesday, 23 October 2007 at 2.00 p.m.

Members present during any part of the day's proceedings - All the members except Mr M.J. Birney and Mr E.S. Ripper.

PETER J. McHUGH
Clerk of the Legislative Assembly

HON. FRED RIEBELING
Speaker of the Legislative Assembly