

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 190

TUESDAY, 18 MARCH 2008

1. Meeting of Council

The Council assembled at 3.30pm pursuant to order.

The President, Hon Nick Griffiths, took the Chair and read prayers.

2. Papers

The following Papers were laid on the Table by -

President

Financial Statements -

Members of Parliament (Financial Interest) Act 1992 - Primary Return
(Hon Wendy Duncan) 3775

Joint Standing Committee on Treaties (Commonwealth of Australia) -

Treaties tabled on 12 March 2008 (Singapore Treaty on the Law of Trademarks, Regulations and a Supplementary Resolution by the Diplomatic Conference (Singapore, 27 March 2006), Patent Law Treaty (Geneva, 1 June 2000), Constitutional amendments to the Convention Establishing the World Intellectual Property Organization and other WIPO administered treaties adopted by the WIPO General Assemblies in September 1999 and October 2003, Withdrawal of Australia's exemption for the use of mirex under Article 4 of the Stockholm Convention on Persistent Organic Pollutants, done at Stockholm on 22 May 2001, Agreement between the Government of Australia and the Government of the Kingdom of Tonga relating to Air Services, done at Neiafii, Tonga on 23 August 2003, Treaty on Extradition between Australia and the State of the United Arab Emirates (Hobart, 26 July 2007), Treaty between Australia and the State of the United Arab Emirates on Mutual Legal Assistance in Criminal Matters (Hobart, 26 July 2007), Convention between Australia and Japan for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with respect to taxes on Income, Protocol, and Exchange of Notes, done at Tokyo on 31 January 2008, Fourth Agreement to Extend the 1987 Regional Cooperative Agreement for Research, Development and Training Related to Nuclear Science and Technology done at Vienna on 22 June 2006, 2007 Amendments to Appendices I and II of the Convention on International Trade in Endangered Species of Wild Fauna and Flora done at Washington on 3 March 1973, Agreement between the Government of Australia and the Government of the Republic of Singapore concerning the co-production of films (Sydney, 7 September 2007) and Film Co-production Agreement between the Government of Australia and the Government of the People's Republic of China (Beijing, 27 August 2007)) 3776

Reports -

Corruption and Crime Commission - Report on an Administrative Matter relating to the Functions of the Commission (14 March 2008) (Deemed tabled 14/03/2008) 3777

3. Statutes (Repeals and Minor Amendments) Bill 2008

The Leader of the House: To move on the next day of sitting -

That a Bill for “An Act to amend the statute law by repealing various written laws and making minor amendments to various other written laws and for related purposes” be introduced and read a first time.

4. Matter of Urgency - Lead Exports - Port of Fremantle

The President read the following letter -

Dear Mr President

At today's sitting it is my intention to move under SO 72 that the Council consider, as a matter of urgency, that given the ongoing public concern and potential environmental and health risks associated with the proposed export of lead through Perth suburbs by Magellan Pty Ltd, and in light of the recent lead contamination of Esperance by the same company, this House calls for a review of the decision by the Minister for the Environment to approve this application to export lead through the Port of Fremantle.

Yours sincerely

Hon Paul Llewellyn

Member for the South West Region

Four members having risen in support.

Hon Paul Llewellyn moved the motion.

Debate ensued.

Motion lapsed.

5. Order of Business

Ordered - That Orders of the Day Nos 568, *Rights in Water and Irrigation Amendment Regulations (No. 3) 2007 - Disallowance* and 571, *Shire of Harvey Local Law Relating to Signs and Other Advertising Devices 2007 - Disallowance*, be taken after Order of the Day No. 469, *Eastern Goldfields Transport Board Repeal Bill 2007*. (Leader of the House).

6. Prostitution Amendment Bill 2007

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

Debate ensued.

7. Questions Without Notice

Questions without notice were taken.

The Minister for Employment Protection on behalf of the Minister for Local Government representing the Minister for Education and Training tabled, and by leave incorporated into Hansard, an advertisement titled “This is what the Government wants to pay teachers”, in response to a question without notice asked by Hon Peter Collier. (Tabled paper 3778).

The Leader of the House representing the Minister for Energy tabled, and by leave incorporated into Hansard, a document in relation to details of power interruptions that occurred in East Augusta in the last 12 months, in response to a question without notice asked by Hon Barry House. (Tabled paper 3779).

The Minister for Child Protection representing the Minister for Health, by leave, incorporated into Hansard, documents in relation to the latest Childhood Injury Survey Bulletin prepared by Kidsafe WA, in response to a question without notice asked by Hon Robyn McSweeney.

The Minister for Agriculture and Food tabled documents in relation to Worksafe Improvement and Prohibition Notices issued to Western Australian Meat Industry Authority from 1 January 2004 to date, in response to a question without notice asked by Hon Anthony Fels. (Tabled paper 3780).

The Parliamentary Secretary representing the Treasurer tabled a document in relation to details of the total number of each type of vehicle in the Government fleet, in response to question on notice No. 5737 asked by Hon Ray Halligan. (Tabled paper 3781).

The Parliamentary Secretary representing the Minister for Planning and Infrastructure in accordance with Standing Order No 138(d), advised that an answer to question on notice No. 5720 asked by Hon Nigel Hallett will be provided by 19 March 2008.

The Parliamentary Secretary representing the Minister for the Environment tabled a letter from the Environmental Protection Authority to the Department of Industry and Resources in relation to industrial development in the Burrup, in response to question on notice No. 5913 asked by Hon Giz Watson. (Tabled paper 3782).

The Parliamentary Secretary representing the Minister for the Environment tabled draft terms of reference for the Koolyanobbing Expansion Project Community Reference Group, in response to question on notice No. 5918 asked by Hon Giz Watson. (Tabled paper 3783).

8. Prostitution Amendment Bill 2007

Debate resumed on the second reading of this Bill (cf item No.6 above).

Question - put.

The House divided.

Ayes (13)

Hon Matt Benson-Lidholm
Hon Kim Chance
Hon Kate Doust
Hon Sue Ellery
Hon Adele Farina
Hon Jon Ford
Hon Paul Llewellyn

Hon Sheila Mills
Hon Batong Pham
Hon Sally Talbot
Hon Ken Travers
Hon Giz Watson
Hon Ed Dermer (*Teller*)

Noes (12)

Hon Ken Baston
Hon George Cash
Hon Wendy Duncan
Hon Brian Ellis
Hon Donna Faragher
Hon Anthony Fels

Hon Nigel Hallett
Hon Barry House
Hon Norman Moore
Hon Helen Morton
Hon Simon O'Brien
Hon Bruce Donaldson (*Teller*)

Question thus passed.

Bill read a second time.

The President left the Chair.

In Committee

(Hon George Cash in the Chair)

Clause 1.

Debate ensued.

Question - put.

The Committee divided.

Ayes (13)

Hon Matt Benson-Lidholm
Hon Kim Chance
Hon Kate Doust
Hon Sue Ellery
Hon Adele Farina
Hon Jon Ford
Hon Paul Llewellyn

Hon Sheila Mills
Hon Batong Pham
Hon Sally Talbot
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Hon Donna Faragher
Hon Anthony Fels

Hon Nigel Hallett
Hon Barry House
Hon Norman Moore
Hon Helen Morton
Hon Simon O'Brien
Hon Bruce Donaldson (*Teller*)

Question thus passed.

Clause 2 agreed to.

Clause 3 agreed to.

Clause 4.

Debate ensued.

Point of Order

The Minister for Child Protection raised the following Point of Order -

I personally find that language offensive.

Chairman of Committees' Ruling

The Chairman of Committees ruled as follows -

Firstly, there is no point of order, but Hon Simon O'Brien is right - the Member drew the attention of the Chair to the fact that she was offended, and in that regard Hon Simon O'Brien has made his withdrawal.

Debate resumed.

Clause agreed to.

Clause 5.

Debate ensued.

Clause agreed to.

Clause 6 agreed to.

Clause 7.

Debate ensued.

Clause agreed to.

Clause 8.

Debate ensued.

Clause agreed to.

Clause 9.

Debate ensued.

Clause agreed to.

Clause 10.

Debate ensued.

Clause agreed to.

Clauses 11 and 12 agreed to.

Clause 13.

Hon Simon O'Brien moved -

Page 9, after line 25 — To insert —

“

- (2) An advertisement for a commercial sexual act must carry the certificate number of the operator or manager of the business providing the advertised service.

”.

Debate ensued.

Hon Simon O'Brien, by leave, withdrew the amendment standing in his name.

Hon Simon O'Brien moved -

Page 9, after line 25 — To insert —

“

- (2) An advertisement for a sexual service business must carry the certificate number of the operator or manager of the business providing the advertised service.

”.

Debate ensued.

The Minister for Child Protection moved to amend the amendment as follows -

Line 1 of the Amendment — To insert after “business” —

“ that is not a small owner-operated business ”.

Line 2 of the Amendment — To delete “the” in the first instance and insert instead —

“ an ”.

Debate ensued.

Amendments to the amendment - put and passed.

Amendment, as amended, agreed to.

Debate ensued.

Clause, as amended, agreed to.

Clauses 14 to 19 agreed to.

Clause 20.

Hon Simon O'Brien moved -

Page 12, line 24 — To delete “child” and insert instead —

“ person aged less than 21 years ”.

Page 13, lines 11 and 12 — To delete “not a child” and insert instead —

“ at least 21 years of age ”.

Page 13, line 15 — To delete “18” and insert instead —

“ 21 ”.

Debate ensued.

Amendments - put and negatived.

Debate ensued.

Hon Simon O'Brien moved -

Page 14, after line 4 — To insert —

“

- (6) A person who operates a sexual service business must not supply services to a person unless that person provides evidence to the person operating the business that the person is over 18 years of age by one of the following means that bears a photograph of the person and indicates by reference to the person's date of birth or otherwise that the person has reached 18 years of age —

- (a) a current passport;
- (b) a current Australian driver's license;
- (c) a prescribed document.

Penalty:

- (a) for a first offence, a fine of \$24 000;
- (b) for a second or subsequent offence, imprisonment for 3 years.

- (7) A person who receives evidence under subsection (6) must —

- (a) make a copy of the evidence; and
- (b) make a record of when the evidence was provided and to whom the evidence was provided; and
- (c) keep the copy of the evidence and the record for a period of 3 years from the day on which the evidence was copied or the record made.

Penalty:

- (a) for a first offence, a fine of \$24 000;
- (b) for a second or subsequent offence, imprisonment for 3 years.

”.

Debate ensued.

Amendment - put and negatived.

The Deputy Chairman of Committees advised the Committee that the remainder of Clause 20 would be dealt with by individual section.

Section 21A.

Debate ensued.

Section agreed to.

Section 21B.

Debate ensued.

Section agreed to.

Interruption of Debate [SO 61(c)].

The Deputy President resumed the Chair.

The Deputy Chairman of Committees reported that the Committee had considered the Bill, made progress, and asked leave to sit again.

Ordered - That the Committee have leave to sit again.

9. Adjournment

The Leader of the House moved, That the House do now adjourn.

Debate ensued.

Question - put and passed.

The House adjourned at 10.01pm until Wednesday, 19 March 2008 at 4.00pm.

Members present during the day's proceedings

Attendance: Present all Members except Hon Shelley Archer, Hon Vincent Catania and Hon Graham Giffard.

Member granted leave: Hon Barbara Scott.

MALCOLM PEACOCK
Clerk of the Legislative Council

HON NICK GRIFFITHS
President of the Legislative Council