

Hon Simon O'Brien: The apple and pear board inspectors.

Hon J.A. COWDELL: The police are in catch-up mode!

Hon Mark Nevill: I think you should apply it to the dog catchers.

The PRESIDENT: Order! More importantly, members should apply themselves to the Prostitution Bill, which is what we are talking about.

Hon J.A. COWDELL: It contains a list of powers which have been tacked onto the first convenient Bill to go by. It covers entry, search and seizure without a warrant; entrapment; reversal of evidentiary provisions; the definition of a public place to include brothels; disproportionate penalties - some are higher than those for willful murder, I suspect; abolition of confidentiality of health records; and a huge level of police discretion, as admitted by the minister in his media statements. I suggest this is part of the problem with the current regime, and this new Bill merely perpetuates the police discretion.

Many of the provisions contained in this Bill are appropriate only to a public order or state of emergency Bill. I expect they would be appropriate if we were dealing with the Ulster emergency, or perhaps the threat of the Bader Meinhoff group. I hardly think they are appropriate to deal with the curbing of street prostitution. I look forward to the passage of this Bill, minus the extraneous provisions which are not warranted in the initiatives we seek here.

HON PETER FOSS (East Metropolitan - Attorney General) [9.58 pm]: The first thing I make quite clear is that prostitution legislation is not moral legislation, and never has been. A difficulty we have had -

Hon Ken Travers interjected.

The PRESIDENT: Order! The Attorney General has been speaking for 23 seconds. I ask members to let him get on with the reply to the second reading debate, and then they can interject during the committee stage.

Hon PETER FOSS: As I was saying, that is a difficulty people have had. It is extraordinary to hear Hon Cheryl Davenport saying that this is moral legislation. Many people have been opposed to any action being taken in regard to prostitution in the mistaken belief that we have moral legislation for prostitution; whereas anybody with any knowledge of the law relating to prostitution will know that none of the current regulation of prostitution has any moral ground to it whatsoever. It is based purely on the question of public order; for instance, soliciting is illegal because of the effect it has on everyday life. Members need only talk to the people in Palmerston Street and around Hyde Park to know that it is a substantial public order problem. Another area of control was living off the earnings of prostitution. Again, that is plainly a public order offence because it is a way in which women have been traditionally exploited. Prohibiting living off the earnings of prostitution was a way in which that exploitation could be prevented. The third area of control was keeping a bawdy house. Such houses were regulated not for moral reasons but because bawdy houses, by the very name they were given, had a tendency to attract a large amount of noise and undesirable characters. Living next to a bawdy house was not pleasant, because it used to be very loud and disturbing. Each of those offences relating to prostitution which are currently in the law were not related to the morality of prostitution. The civil law has always frowned on prostitution and it has always been considered an unlawful act. However, the reason behind the offences in our current law are not related to morality; they are related to public order.

Debate adjourned, pursuant to standing orders.

ADJOURNMENT OF THE HOUSE

HON N.F. MOORE (Mining and Pastoral - Leader of the House) [10.01 pm]: I move -

That the House do now adjourn.

Shenton Park Land Sale - Adjournment Debate

HON HELEN HODGSON (North Metropolitan) [10.02 pm]: I take this opportunity to place a few comments on the record about an issue in my constituency which has been brought to my attention; that is, the Shenton Park bushland area and concerns that residents in the area have about plans for that land to be sold to be used for residential housing. The land in question is at Underwood Avenue in Shenton Park. The 32 hectares of land involved is owned by the University of Western Australia, which plans to sell 22 hectares. The land is currently zoned urban. It is a planning issue about which we cannot do a great deal in the context of disallowance procedures in this place. However, most people would have identified that the matters that get residents most concerned are either planning issues or environmental issues, and this one combines both.

The proposal is that 10 hectares of this land will be left, of which 8.5 hectares will remain as bushland and 1.5 hectares will become cleared parkland. The reason that the residents are concerned about this issue is that this piece of remnant bushland is quite important in terms of the Perth Bushplan and the need to protect the ecosystem. In the recent Bushplan the land in question was considered a significant area. It contains three types of ecological communities: Jarrah, tuart and banksia woodland. The development that is left would leave less than half of the jarrah and even less tuart. The bush that is to be left would simply be a remnant of a remnant and would not be sufficient to preserve any viable ecosystem. This will have an impact on wildlife in the area. I note that the Bushplan has identified a number of species of fauna. A limited survey indicated that 12 species of birds and three species of reptiles use that piece of bushland. It is an important connection between the Kings Park and Bold Park bushland in terms of greenways. I appreciate that, because the zoning has already been done, there is very little we in this place can do in reviewing the zoning issues. This highlights a fundamental problem to which I have referred previously in this House; that is, education funding. The University of Western Australia is now selling a piece of what is considered to be prime real estate in order to meet its commitments to continue funding the operations of the university. We all know how short of funds the university has been when, for example, it must put out a public appeal to alumni to fund improvements in its medical program. What will happen is that ultimately this important

piece of bushland will be lost because of the funding strictures on the university and the need for it to realise assets to deliver an adequate level of programs.

We have referred previously to the problems with the higher education contribution scheme, with the decreases at the federal level in funding per student. The State Government must also take its share of responsibility for ensuring that our universities are able to deliver an appropriate level of university education. I refer to some notes that I have here on the "West Report on Higher Education Financing and Policy". That report indicated that the Senate's debate on higher education funding uncovered a proliferation of illegal charging of fees, the closure or downsizing of university campuses and faculties, and that about 29 000 students were over-enrolled, which accounted for about one-fifth of the full funding available in the university system. Therefore, both the State and Federal Governments must take some responsibility for the under-funding of universities. As I have already said, what we will see here is a small area of bushland which will be sold to realise funds for the university. It is a small but very important part.

I commend the people in the community who have taken steps to draw this to my attention. I presume that the other members representing that region would also be aware of some of the issues. It takes people in the community to be active on these issues, to draw them to our attention and to give us the opportunity to see what we can do about trying to change some of the fundamentals. It is unfortunate that we cannot do anything on the planning issue. However, the University of Western Australia should be reminded of the importance of this piece of bushland and should be encouraged in whatever way possible to preserve it and not to go ahead with the proposal to sell it.

Oakajee Agreement Act, Disallowance - Adjournment Debate

HON NORM KELLY (East Metropolitan) [10.07 pm]: I will make a couple of points on the urgency motion in relation to Oakajee that was dealt with today. Unfortunately, I did not have an opportunity to speak at that time. My first point, to which I think Hon Giz Watson referred this afternoon, concerns the inadequacy of disallowance procedures within these types of agreement Acts. The Iron and Steel (Mid West) Agreement Act 1997 is a short, straightforward Act containing only four sections. However, the bulk of the Act is contained in the schedule, which is the agreement for Oakajee to go ahead. The disallowance procedure is in the schedule, not in the first part of the Act. Clause 32(3) of the schedule to the Iron and Steel (Mid West) Agreement Act states -

Either House may, within 12 sitting days of that House after the agreement has been laid before it, pass a resolution disallowing the agreement, but if after the last day on which the agreement might have been disallowed neither House has passed such a resolution the agreement shall have effect from and after that last day.

In preparation for the urgency motion today, I did some research and looked at the debate in 1997 when the Bill was going through this place. I made some interesting comments on the disallowance procedure.

Hon Barry House: It must have been really urgent if you knew about it and you could not prepare for it.

Hon NORM KELLY: I knew about it a couple of weeks ago. In that 1997 debate, I am recorded on page 4366 of *Hansard* as stating -

I refer to clause 32. The Minister said that on listening to my comments during the second reading debate I was being too negative about this project. At this stage, I express the Democrats' appreciation for this clause because it provides that any changes to the agreement must be tabled in both Houses of Parliament. That is a good accountability mechanism to have in such an agreement Bill.

I must admit that at that stage I had been in this place for less than a month. I do not mind admitting my naivete at believing it was a good government initiative. It is a useless initiative. No mechanism allows such a disallowance motion to come to finalisation. If members choose to study the disallowance procedures in the Land Administration Act, they will find them indicative of what is in this Act. It is now occurring in other agreement Acts. No mechanism allows such a motion to be resolved one way or the other, short of calling for a question to be put. This type of legislation is severely inadequate.

During today's debate various members stated whether they thought government spending was an investment, a cost or a subsidy. Members debated the real worth to this State of spending government money. Members place different values on progress and development. Some of us place a higher rating on environmental protection than others, and it is important to assess such projects and whether spending government money is beneficial. The Australian Democrats moved an amendment during that 1997 debate which stated -

Commencing 2 years from the day on which this Act comes into operation, and thereafter not less than once in each subsequent 5 year period throughout the term of the Agreement, the Auditor General shall report to each House of Parliament on the performance of the Agreement by the Government.

Unfortunately, it was a very close vote - 14 all. Therefore, the amendment was not passed. I am not arguing that one side is right or wrong. However, it is interesting, given that we are debating the worthiness of government actions, that the Auditor General could produce a report giving the House an indication of where money was spent and what government action took place on that project. It would not necessarily have resolved some of the arguments, but the House would have been informed about whether the contentious issue of spending government money on infrastructure was beneficial to the State.

Question put and passed.

House adjourned at 10.13 pm