The Assembly met at 10.30 a.m., pursuant to adjournment. The Speaker (Ms McRae) took the Chair and read the Prayer.

The Clerk announced that the following Members had lodged petitions for presentation:

- Mrs Grassby, from 21 residents, requesting that the Assembly reject any attempt to permit the establishment of a free-standing abortion clinic in the ACT.
- Mrs Grassby, from 12 residents, requesting that the Assembly ban X-rated videos.

Petitions received.

The following Members, by leave, presented the following papers:

- Petitions which do not conform with standing orders - Mrs Grassby and Mr Humphries - Availability of all X-rated material, and the possession of child pornography (156 and 462 interstate residents respectively).

Mr Moore, pursuant to notice, presented a Bill for an Act to amend the Building Act 1972.

Mr Moore moved - That this Bill be agreed to in principle.

Debate adjourned (Mr Connolly - Minister for Urban Services) and the resumption of the debate made an order of the day for the next sitting.

Ms Szuty, pursuant to notice, presented a Bill for an Act to amend the Remand Centres Act 1976.

Ms Szuty moved - That this Bill be agreed to in principle.

Paper: Ms Szuty, by leave, presented an explanatory memorandum to the Bill.

Debate adjourned (Mr Connolly - Attorney-General) and the resumption of the debate made an order of the day for the next sitting.

The order of the day having been read for the resumption of the debate on the question - That this Bill be agreed to in principle - Debate resumed.

Question - That this Bill be agreed to in principle - put.
The Assembly voted -

Ayes, 16
Mr Berry  Mr Humphries
Mrs Carnell  Mr Kaine
Mr Connolly  Mr Lamont
Mr Cornwell  Ms McRae
Mr De Domenico  Mr Moore
Ms Ellis  Ms Szuty
Ms Follett  Mr Westende
Mrs Grassby  Mr Wood

Noes, 1

And so it was resolved in the affirmative - Bill agreed to in principle.

Detail stage

Clause 1 agreed to.

New clause -
Mr Connolly (Attorney-General) moved - That the following new clause be inserted in the Bill: Page 1, line 5, after clause 1 insert the following new clause:

Commencement

"1A. (1) Section 1 and this section commence on the day on which this Act is notified in the Gazette."

"(2) The remaining provisions commence on a day, or respective days, fixed by the Minister by notice in the Gazette."

"(3) If a provision referred to in subsection (2) has not commenced before the end of the period of 6 months commencing on the day on which this Act is notified in the Gazette, that provision, by force of this subsection, commences on the first day after the end of that period."

Mr Stevenson moved - That the debate be adjourned.

Question - put.

The Assembly voted -

Ayes, 1
Mr Stevenson

Noes, 16
Mr Berry  Mr Humphries
Mrs Carnell  Mr Kaine
Mr Connolly  Mr Lamont
Mr Cornwell  Ms McRae
Mr De Domenico  Mr Moore
Ms Ellis  Ms Szuty
Ms Follett  Mr Westende
Mrs Grassby  Mr Wood

And so it was negatived.

New clause agreed to.
Clause 2 -
On the motion of Mr Connolly, by leave, the following amendments were made together, after debate:

Page 1, subclause (1), insert the following definitions in their respective appropriate alphabetical positions:

"'medical examination' includes the taking of a sample of tissue, blood, urine or other bodily material for medical testing;
'operator' in relation to a brothel or escort agency, includes the owner and the person in day-to-day control of the brothel or escort agency;

'premises used by one prostitute’ means premises used by not more than one prostitute other than—

(a) premises adjacent to or, in the case of town houses, units or apartments, in the same block as, other premises that are used for prostitution;

(b) premises the provision of commercial sexual services at which is arranged by a person (other than the prostitute) who arranges clients for other prostitutes; or

(c) premises to which clients are referred by other prostitutes, or from which clients are referred to other prostitutes;

‘ssexual services’ means—

(a) an act of sexual intercourse as defined in section 92 of the Crimes Act 1900;

(b) the masturbation of one person by another; or

(c) any activity which involves the use of one person by another for his or her sexual gratification;”.

Page 1, subclause (1), line 8, definition of "brothel", omit the definition, substitute the following definition:

“‘brothel’ means premises used or to be used for the purpose of prostitution, but does not include premises at which accommodation is normally provided on a commercial basis if the prostitution occurs pursuant to an arrangement initiated elsewhere.”.

Page 2, subclause (1), line 15, definition of "sexually transmitted disease", omit the definition, substitute the following definition:

“ ‘sexually transmitted disease’ means—

(a) a sexually transmitted disease within the meaning of the Sexually Transmitted Diseases Act 1956; or

(b) the acquired immune deficiency syndrome in any of its stages, including infection with human immuno-deficiency virus.”.

Clause, as amended, agreed to.

Clause 3 -

On the motion of Mr Connolly the following amendment was made: Page 2, line 20, omit the clause, substitute the following clause:

Objects

“3. The objects of the Act are as follows:

(a) to safeguard public health;
(b) to promote the welfare and occupational health and safety of prostitutes;

(c) to protect the social and physical environment of the community by controlling the location of brothels;

(d) to protect children from exploitation in relation to prostitution.”. Clause, as amended, agreed to.
New Part -
On the motion of Mr Connolly the following new Part was inserted in the Bill, after debate:
Page 2, line 31, after Part I insert the following new Part:

"PART IA - REGISTRATION

Registrar

“3A. The Minister may, by instrument, appoint a person who is a public servant to be the Registrar of Brothels and Escort Agencies.

Functions of Registrar

“3B. (1) The functions of the Registrar are—

(a) to maintain a register of information provided under subsection 3C (1); and

(b) subject to subsection (2)—to make the information available for public inspection.

“(2) The Registrar shall not make available for public inspection information relating to the address of premises used by one prostitute if the prostitute normally resides on those premises.

“(3) Subsection (2) does not prevent inspection of information relating to the address of the premises by—

(a) a police officer;

(b) a public servant;

(c) a prescribed person; or

(d) a person in a prescribed class of persons;

if the Registrar is satisfied that the person wishes to inspect information relating to the address in order to perform the functions of the person’s office.

Notice of commencement

“3C. (1) The operator of a brothel or escort agency shall not, without reasonable excuse, fail to give written notice to the Registrar of Brothels and Escort Agencies, within 7 days after—

(a) the date of commencing operations; or

(b) the date of commencement of this section;

whichever is later.

“(2) A notice under subsection (1) shall—
(a) contain the following particulars with respect to the brothel or escort agency:

(i) its business name (if any) and address;

(ii) the name and residential address of the person in day-to-day control of the business;
(iii) if the owner is a natural person—his or her name and residential address;

(iv) if the owner is a corporation—

(A) its name and business address; and

(B) the name and residential address of each director and each shareholder; and

(b) be accompanied by the determined fee.

“(3) Where particulars provided in a notice given under subsection (1) become inaccurate, the owner of a brothel or escort agency shall not, without reasonable excuse, fail to give written notice to the Registrar of Brothels and Escort Agencies of the change in particulars within 7 days after the date on which the particulars become inaccurate.

“(4) A person shall not, without reasonable excuse, provide false or misleading information in a notice under subsection (1) or (3).

Penalty:

(a) in the case of a natural person—$10,000 or imprisonment for 2 years;

(b) in the case of a corporation—$50,000.”.

Clause 4 agreed to.

Clause 5 -
On the motion of Mr Connolly the following amendment was made, after debate: Page 3, line 10, omit the clause, substitute the following clause:

**Operating a brothel**

“5. (1) A person shall not operate a brothel except in a prescribed location.

Penalty:

(a) in the case of a natural person—$10,000 or imprisonment for 12 months;

(b) in the case of a corporation—$50,000.

“(2) Subsection (1) does not apply to an escort agency or premises used by one prostitute.”.

Clause, as amended, agreed to.

Clause 6 -
On the motion of Mr Connolly the following amendment was made: Page 3, subclause (1), line 22, omit "or imprisonment for 4 months".

Clause, as amended, agreed to.

Clauses 7 and 8, by leave, taken together and agreed to.

Clause 9 -
On the motion of Mr Connolly the following amendment was made: Page 4, line 3, omit the clause, substitute the following clause:

**Age of child—burden of proof**
9. It is a defence to a prosecution under subsection 6 (2) or section 7 if it is established that the defendant—

(a) took reasonable steps to ascertain the age of the child concerned; and

(b) believed on reasonable grounds that the child had attained 18 years of age.”. Clause, as amended, agreed to.
Clause 10 -
On the motion of Mr Connolly the following amendment was made: Page 4, line 12, omit the clause, substitute the following clause:

**Child on premises**

“10. The operator of a brothel or escort agency shall not, without reasonable excuse, permit a child to be on the premises.

Penalty: $2,000.”.

Clause, as amended, agreed to.

Clause 11 debated and negatived.

Clause 12 -
On the motion of Mr Connolly the following amendment was made: Page 4, line 21, omit the clause, substitute the following clauses:

**Infected persons**

“12. The operator of a brothel or escort agency shall take reasonable steps to ensure that a prostitute does not provide commercial sexual services at the brothel or from the escort agency if the prostitute is infected with a sexually transmitted disease.

Penalty:

(a) in the case of a natural person—$10,000 or imprisonment for 12 months;

(b) in the case of a corporation—$50,000.

**Knowingly infecting**

“12A. A person shall not, at a brothel or elsewhere, provide or receive commercial sexual services if the person knows, or could reasonably be expected to know, that he or she is infected with a sexually transmitted disease.

Penalty: $5,000 or imprisonment for 6 months.”.

Clause, as amended, agreed to.

Clause 13 -
On the motion of Mr Connolly, by leave, the following amendments were made together: Page 5, subclause (1), line 2, omit "or manager".
Page 5, subclause (1), line 6, after the subclause, insert the following penalty: "Penalty: $2,000.".
Page 5, line 11, add at the end the following subclauses:

"(3) Subsections (1) and (2) do not preclude the use by the operator of a brothel or escort agency of an examination by a designated medical practitioner or the results of such an examination for the purpose of satisfying himself or herself that the prostitute is not infected with a sexually transmitted disease.

“(4) In subsection (3)—

'designated medical practitioner’ means a person registered as a medical practitioner under the Medical Practitioners Registration Act 1930 and nominated in writing by the Medical Officer of Health for the purpose of this section.”.

Clause, as amended, agreed to.
Clause 14 -
On the motion of Mr Connolly, by leave, the following amendments were made together, after debate:
   Page 5, subclause (1), line 13, omit "or manager".
   Page 5, subclause (1), line 15, omit "service", substitute "services".
Page 5, subclause (3), line 21, omit the subclause, substitute the following subclause:

“(3) A person shall not, at a brothel or elsewhere, provide or receive commercial sexual services that involve vaginal, oral or anal penetration by any means unless a prophylactic is used.

Penalty: $5,000.”.

Page 5, line 24, add the following subclause:

“(4) A person shall not, at a brothel or elsewhere, while providing or receiving commercial sexual services that involve oral, anal or vaginal penetration—

(a) misuse, damage or interfere with the efficacy of any prophylactic used; or

(b) continue to use a prophylactic that he or she knows, or could reasonably be expected to know, is damaged.

Penalty (for an offence against subsection (4)): $5,000.”.

Clause, as amended, agreed to.

New clauses -

On the motion of Mr Connolly the following new clauses were inserted in the Bill: Page 5, line 24, before clause 15, insert the following clauses in Part III:

Evidentiary certificate

“14A. (1) In proceedings for an offence against this Act, a certificate signed by the Registrar stating that on a specified date a specified brothel or escort agency was or was not registered under Part IA is evidence of the matters so stated.

“(2) For the purposes of subsection (1), a certificate that purports to be signed by the Registrar shall, unless the contrary is proved, be taken to have been so signed.

Entry by police

“14B. A police officer may enter a brothel or escort agency where the officer believes on reasonable grounds that—

(a) an offence against section 7, 8 or 10 of this Act has been, is being or is likely to be committed on the premises; and

(b) it is necessary to enter the premises for the purpose of preventing the commission or repetition of such an offence, investigating such an offence or apprehending an offender.

Fees

“14C. The Minister may, by notice in writing, determine fees for the purposes of this Act or the regulations.”.

Clause 15 -

On the motion of Mr Connolly, by leave, the following amendments were made together:

Page 6, paragraph (2) (f), line 8, insert "and escort agencies" after "brothels".

Page 6, paragraph (2) (g), line 11, insert "or from escort agencies" after "brothels".

Page 6, paragraph (2) (h), line 13, insert "from" before "escort agencies".

Clause, as amended, agreed to.
Title agreed to.

Question - That this Bill, as amended, be agreed to - put.
The Assembly voted -

Ayes, 16

Mr Berry  Mr Humphries  Mr Stevenson
Mrs Carnell  Mr Kaine
Mr Connolly  Mr Lamont
Mr Cornwell  Ms McRae
Mr De Domenico  Mr Moore
Ms Ellis  Ms Szuty
Ms Follett  Mr Westende
Mrs Grassby  Mr Wood

Noes, 1

And so it was resolved in the affirmative - Bill, as amended, agreed to.

7 PROSTITUTION (CONSEQUENTIAL AMENDMENTS) BILL 1992: The order of the day having been read for the resumption of the debate on the question - That this Bill be agreed to in principle -
Question - That this Bill be agreed to in principle - put and passed.

Detail stage

Bill, by leave, taken as a whole -
On the motion of Mr Connolly (Attorney-General), by leave, the following amendments were made together:

Clause 2, page 1, line 6, omit the clause, substitute the following clause:

Commencement

"2. (1) Section 1 and this section commence on the day on which this Act is notified in the Gazette.

"(2) The remaining provisions commence on a day, or respective days, fixed by the Minister by notice in the Gazette.

"(3) If a provision referred to in subsection (2) has not commenced before the end of the period of 6 months commencing on the day on which this Act is notified in the Gazette, that provision, by force of this subsection, commences on the first day after the end of that period."

Clauses 7 and 8, page 2, line 17, omit the clauses.
Question - That this Bill, as a whole, as amended, be agreed to - put.

The Assembly voted -

Ayes, 16

Mr Berry  Mr Humphries  Mr Stevenson
Mrs Carnell  Mr Kaine
Mr Connolly  Mr Lamont
Mr Cornwell  Ms McRae
Mr De Domenico  Mr Moore
Ms Ellis  Ms Szuty

Noes, 1

Mr Stevenson
And so it was resolved in the affirmative - Bill, as a whole, as amended, agreed to.

Question - That this Bill, as amended, be agreed to - put and passed.
8 QUESTIONS: Questions without notice being asked -

Papers: Mr Berry (Minister for Health) presented the following papers:

- Public Hospital System - Sheet headed "ACT Division of the Liberal Party - Plans for the ACT Public Hospital System".

Questions continued.

9 SUPERANNUATION PROVISION TRUST ACCOUNT - STATEMENT OF ACCOUNTS - PAPER AND MINISTERIAL STATEMENT: Ms Follett (Treasurer) presented the following paper:

Superannuation Provision Trust Account - Statements of accounts for the period 27 June 1991 to 30 June 1992 -

and, by leave, made a ministerial statement with reference to the matter.

10 PAPER: The following paper was presented:


11 EDUCATION AND TRAINING - DEPARTMENT - REPORT 1991-92 - MOTION TO TAKE NOTE OF PAPER: Mr Berry (Deputy Chief Minister) presented the following paper:

Education and Training - Department - Report, freedom of information statement and financial statements, including the Auditor-General's report, for 1991-92 -

and moved - That the Assembly takes note of the paper.

Debate adjourned (Mr Cornwell) and the resumption of the debate made an order of the day for the next sitting.

12 LAND (PLANNING AND ENVIRONMENT) ACT - LEASES GRANTED - PAPERS: Mr Wood (Minister for the Environment, Land and Planning) presented the following papers:

- Land (Planning and Environment) Act - Leases granted, together with executive statements -
  - Kambah -
    - section 198, blocks 145, 146, 161, 162, 165, 166, 170, 172, 175 to 177, 179 and 180.
    - section 214, block 14.
    - section 219, blocks 13 and 18.
    - section 221, block 1.

13 ASSEMBLY PREMISES - SOUTH BUILDING - REFURBISHMENT - MINISTERIAL STATEMENT - MOTION TO TAKE NOTE OF PAPER: Mr Connolly (Minister for Urban Services), by leave, made a ministerial statement concerning the refurbishment of the South Building for Assembly accommodation and presented the following paper:


Mr Connolly moved - That the Assembly takes note of the paper.

Debate adjourned (Mr Westende) and the resumption of the debate made an order of the day for the next sitting.
14 MATTER OF PUBLIC IMPORTANCE - DISCUSSION - TOURISM: The Assembly was informed that Mrs Carnell, Mr Humphries, Mr Kaine (Leader of the Opposition) and Mrs Grassby had proposed that matters of public importance be submitted to the Assembly for discussion today. In accordance with the provisions of standing order 79, the Speaker had determined that the matter proposed by Mrs Grassby be submitted to the Assembly, namely, "The positive results for the tourism industry over the past year and the potential for the future.".
Speaker's ruling: The Speaker informed the Assembly that her attention had been drawn to the provisions of standing order 59 and, after consideration, she had concluded that the matter chosen anticipated debate on order of the day, No. 6, executive business.

Discussion, by leave, ensued.
Ordered - That Mrs Grassby be granted an extension of time.
Discussion continued.
Ordered - That Mr Lamont be granted an extension of time.
Discussion continued.
The time for the discussion having expired -
Discussion concluded.

15 PUBLIC ACCOUNTS - STANDING COMMITTEE - INQUIRY - BUDGET SUPPLEMENTATION - STATEMENT BY PRESIDING MEMBER: Mr Kaine (Presiding Member), by leave, made a statement informing the Assembly that on 16 November 1992 the Standing Committee on Public Accounts had resolved to inquire into and report on monitoring of budget supplementation.

16 DAYS OF MEETING - 1993: Mr Berry (Deputy Chief Minister), pursuant to notice, moved - That, unless the Speaker fixes an alternative date or hour of meeting on receipt of a request in writing from an absolute majority of Members, or the Assembly otherwise orders, the Assembly shall meet as follows for 1993:

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Debate ensued.
Question - put and passed.
17 BUILDINGS (DESIGN AND SITING) (AMENDMENT) BILL (NO. 2) 1992: Mr Wood (Minister for the Environment, Land and Planning), pursuant to notice, presented a Bill for an Act to amend the Buildings (Design and Siting) Act 1964.
Title read by Clerk.
Mr Wood moved - That this Bill be agreed to in principle.
Paper: Mr Wood presented an explanatory memorandum to the Bill.
Debate adjourned (Mr Kaine - Leader of the Opposition) and the resumption of the debate made an order of the day for the next sitting.
18 **ADOPTION BILL 1992:** Mr Connolly (Minister for Housing and Community Services), pursuant to notice, presented a Bill for an Act relating to the adoption of children. Title read by Clerk. Mr Connolly moved - That this Bill be agreed to in principle. 
*Paper:* Mr Connolly presented his presentation speech to the Bill.

19 **ADJOURNMENT:** It being 4.30 p.m. the question was proposed - That the Assembly do now adjourn.
Question - put and passed.
And then the Assembly, at 4.30 p.m., adjourned until tomorrow at 10.30 a.m.

**MEMBERS' ATTENDANCE:** All Members were present at some time during the sitting.

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**M.J. McRAE**
Clerk of the Legislative Assembly