

PROSTITUTION CONTROL BILL 2003

Consideration in Detail

Resumed from an earlier stage of the sitting.

Debate was interrupted after part 6 had been agreed to.

Part 7: Planning Controls -

Several members interjected.

The SPEAKER: There are methods of resolving disagreements in this place but what we just witnessed was not one of them.

Mrs C.L. EDWARDES: While this is only a very small part of the Bill, it deals with an important part of the legalisation of prostitution; that is, the planning controls. There are four clauses to this part and a follow-up schedule links in with it. Obviously, more specific details are contained in the schedule, and I suggest that we leave those until we get to the schedule rather than deal with them now. Can the minister provide a brief overview of what is proposed for the planning controls? The concern is that local government power will be extinguished and that local government will have no right to veto a planning decision by the board, which is of major concern.

Mrs M.H. ROBERTS: I will briefly outline the issues on planning controls. First, as I have already made clear, essentially we are not proposing changes to the home occupation provisions. Home occupations currently occur because the home is the principal place of residence and therefore it is not regarded as being premises for the purposes of prostitution. We are not preparing to make changes to that area. Should we allow, as the member for Kingsley asked about earlier in the committee, for a secondary premises - that is, someone to rent an apartment, unit or house for the purpose of conducting a sole prostitution business - that would require planning approvals and the like. That is not something that we are seeking to allow under this legislation.

In terms of brothels, some clauses clearly outline what is allowed. However, as I have already alluded to in this debate, one of the key problems, particularly in Queensland, and to a lesser extent in Victoria, was that when brothels were legalised, many long-term operating brothels were unable to get planning approval from the local government authorities. We had to choose a date for the release of the Green Bill. If it had been a date in the future, brothels could have been started in the interim and planning approval claimed. We therefore released the Green Bill without advance notice. If brothels were in existence at that time, they will be deemed to have planning approval. That will not automatically give them a licence but it will get over the problem of brothels that have been in place for 10, 20 or, in some cases, 30 years not being granted planning approval from their local government authority.

My general view is that brothels have existed in Western Australia for a very long time. People who have purchased properties in the past 10 to 30 years in the vicinity of brothels know full well what sort of premises they purchased next to. Many brothels advertise, have their name on the front of brick walls that surround them and are otherwise very well known around their local areas. On that basis, it was considered unfair for those brothels to shift from their current location. Essentially, the Bill will allow the status quo to prevail. The only brothels that will be automatically granted planning approval are those that were in existence and operating before the release of the Green Bill. However, as I said, that will not automatically give them a licence. Some brothels in residential areas are a problem, are not being operated appropriately and impact on the amenity of their local area. The Bill requires the Prostitution Control Board to consult with local governments before it grants a licence to operate a brothel. As the member for Kalgoorlie said, local governments will not be able to object on moral grounds if they decide they do not want brothels at all; however, they can make a case to the prostitution licensing authority based on nuisance, a lack of amenity or previous problems with a brothel, and the authority will take those matters on board in making its decision. Again I draw an analogy with liquor licensing. Very often, before the liquor licensing authority grants a licence or extends the hours of operation of licensed premises, it consults with and takes into very strong consideration the views of local government authorities. The member will note that the provisions relating to 300 metres and so forth are spelt out in the schedule. Most clauses in this part are self-explanatory, but I hope that gives the member the background to those planning provisions.

Mrs C.L. EDWARDES: If the planning scheme does not currently provide for those items in schedule 3, schedule 3 will override clause 151. According to schedule 3, an existing planning scheme that is approved must provide for prostitution as a land use. Local governments are concerned that they will have no power to determine the land use, other than in a submission to the Prostitution Control Board. The power of local governments to determine the development of brothels under their own planning schemes will be extinguished and they will have no power of veto or right to appeal a planning decision of the board.

Speaker; Mrs Cheryl Edwardes; Mrs Michelle Roberts; Mr Jeremy Edwards; Mr Matt Birney; Acting Speaker

Mrs M.H. ROBERTS: Essentially, this part permits brothels in industrial areas and bans them in residential areas right across the board.

Mrs C.L. Edwardes: But the council has no right of appeal.

Mrs M.H. ROBERTS: That is right.

Mr J.P.D. EDWARDS: I have a problem with this part of the Bill and I want to understand it clearly. To date local governments have been able to decide the location of brothels and other places.

Mrs M.H. Roberts: The fact is they haven't.

Mr J.P.D. EDWARDS: Does this legislation take away that power; or am I not reading the Bill correctly? It appears to me that local government is being sidelined on this issue.

Mrs M.H. ROBERTS: I do not support the assertion by the member for Greenough that councils have power in that regard. He may well have served on the Shire of Greenough council; I served eight years on the City of Perth council representing the north ward, which is now mainly in the Town of Vincent. North ward had numerous brothels, a gay bathhouse and assorted other premises. The planning legislation provided very little support to the council to determine the location of brothels and the like. It is an area of law that does not appropriately cover brothels. The member will find that shires and councils do not have the power to approve brothels. They may have power to approve consulting rooms or escort agencies, but, because brothels are illegal businesses, there is no power to approve them. Therefore, a brothel currently operating in a council area is operating illegally. Illegal brothels pop up wherever people who run them choose to put them, and are not subject to any planning laws.

This legislation will establish a regime that will give councils the power for the first time to deal with brothels in residential areas. Councils may put their head in the sand and say that they do not want brothels in their area, but they will just be pretending they do not exist. That is what happened in Queensland. Councils in Queensland beat their chest and said, "We do not want brothels in our area" and then passed a motion to that effect. Members should take a look at what happened in Queensland. Members of the Liberal Party have stood in this place and said, "Look at how many illegal brothels there are in Queensland." They are there because there is no proper commonsense approach to planning. This legislation is very much a commonsense approach to planning. It will give councils the power that they have never had before to ban brothels from certain areas. They will be required to give them "permitted use" approval in an industrial area, but some protections will be included in that requirement. If we had not done that, legal brothels would have nowhere to go and that would result in illegal brothels and all the problems the illegal industry brings with it.

Mr J.P.D. EDWARDS: I thank the minister for that reply. However, it appears that there is still a severe limitation on local government as to the powers they have to adequately plan and regulate -

Mrs M.H. Roberts: They have all the parking powers and so forth and that is provided for in the schedule, which the member for Kingsley said she wanted to talk about when we got to the schedules.

Mr J.P.D. EDWARDS: Is the minister talking about schedule 3?

Mrs M.H. Roberts: Yes.

Part put and a division taken with the following result -

Speaker; Mrs Cheryl Edwardes; Mrs Michelle Roberts; Mr Jeremy Edwards; Mr Matt Birney; Acting Speaker

Ayes (28)

Mr J.J.M. Bowler	Mrs D.J. Guise	Mr M. McGowan	Ms J.A. Radisich
Mr C.M. Brown	Mr J.N. Hyde	Ms S.M. McHale	Mr E.S. Ripper
Mr A.J. Carpenter	Mr J.C. Kobelke	Mr A.D. McRae	Mrs M.H. Roberts
Mr A.J. Dean	Mr R.C. Kucera	Mr N.R. Marlborough	Mr D.A. Templeman
Mr J.B. D'Orazio	Mr F.M. Logan	Mrs C.A. Martin	Mr P.B. Watson
Dr J.M. Edwards	Ms A.J. MacTiernan	Mr M.P. Murray	Mr M.P. Whitely
Dr G.I. Gallop	Mr J.A. McGinty	Mr J.R. Quigley	Ms M.M. Quirk (<i>Teller</i>)

Noes (18)

Mr C.J. Barnett	Mrs C.L. Edwardes	Mr R.F. Johnson	Mr T.K. Waldron
Mr D.F. Barron-Sullivan	Mr J.P.D. Edwards	Mr B.K. Masters	Dr J.M. Woollard
Mr M.J. Birney	Mr B.J. Grylls	Mr P.D. Omodei	Mr J.L. Bradshaw (<i>Teller</i>)
Dr E. Constable	Ms K. Hodson-Thomas	Mr P.G. Pandal	
Mr J.H.D. Day	Mr M.G. House	Mr R.N. Sweetman	

Pairs

Mr S.R. Hill	Mr M.F. Board
Mr P.W. Andrews	Mr A.D. Marshall

Part thus passed.

Part 8: Provisions for police -

Mrs C.L. EDWARDES: Part 8 provides for a number of police powers. What powers will police have under this legislation that they do not have under other legislation?

Mrs M.H. ROBERTS: I draw the member's attention to clause 157, which extends the inspectorate powers of police. Under subclauses (1) and (2), police officers may do certain things without a warrant. They do not have those powers under other legislation; that is, they are not able to enter a place at any time and so forth without a warrant. The provisions are detailed in the clause and the member can read that for herself.

Mrs C.L. EDWARDES: Clause 157(2) states that if a police officer reasonably suspects that "an offence involving a child or incapable person has been, is being or is about to be, committed at the place", he has the power to enter that place without a warrant. Is the minister telling me that the power of a police officer to enter any place where he suspects an offence involving a child is to be committed is not contained in the Criminal Code?

Mrs M.H. ROBERTS: It is in the Prostitution Act 2000, which, as I said, is incorporated in this Bill.

Mrs C.L. EDWARDES: I return to the question I asked before: what powers are contained in part 8 that are not in any other legislation currently in force?

Mrs M.H. ROBERTS: As I have said, this Bill would repeal the Prostitution Act 2000. If the powers in that Act were not contained in this legislation, the police would no longer have them.

Mrs C.L. Edwardes: Do the police currently have all these powers?

Mrs M.H. ROBERTS: The advice is that the powers have been extended a little to cover the increased scope of the legislation. This legislation deals with brothels, and the Prostitution Act does not. However, the clauses are very similar because, as the member is aware, the Prostitution Act 2000 not only deals with street prostitution but also contains provisions to protect children.

Part put and a division taken with the following result -

Speaker; Mrs Cheryl Edwardes; Mrs Michelle Roberts; Mr Jeremy Edwards; Mr Matt Birney; Acting Speaker

Ayes (28)

Mr J.J.M. Bowler	Mrs D.J. Guise	Mr M. McGowan	Ms J.A. Radisich
Mr C.M. Brown	Mr J.N. Hyde	Ms S.M. McHale	Mr E.S. Ripper
Mr A.J. Carpenter	Mr J.C. Kobelke	Mr A.D. McRae	Mrs M.H. Roberts
Mr A.J. Dean	Mr R.C. Kucera	Mr N.R. Marlborough	Mr D.A. Templeman
Mr J.B. D'Orazio	Mr F.M. Logan	Mrs C.A. Martin	Mr P.B. Watson
Dr J.M. Edwards	Ms A.J. MacTiernan	Mr M.P. Murray	Mr M.P. Whitely
Dr G.I. Gallop	Mr J.A. McGinty	Mr J.R. Quigley	Ms M.M. Quirk (<i>Teller</i>)

Noes (19)

Mr C.J. Barnett	Mrs C.L. Edwardes	Mr R.F. Johnson	Mr R.N. Sweetman
Mr D.F. Barron-Sullivan	Mr J.P.D. Edwards	Mr A.D. Marshall	Mr T.K. Waldron
Mr M.J. Birney	Mr B.J. Grylls	Mr B.K. Masters	Dr J.M. Woollard
Dr E. Constable	Ms K. Hodson-Thomas	Mr P.D. Omodei	Mr J.L. Bradshaw (<i>Teller</i>)
Mr J.H.D. Day	Mr M.G. House	Mr P.G. Pandal	

Pairs

Mr S.R. Hill	Mr M.F. Board
Mr P.W. Andrews	Ms S.E. Walker

Part thus passed.

Part 9: Miscellaneous provisions -

Mrs M.H. ROBERTS: I move -

Clause 203, page 117, line 12 - To insert after "circumstances" the word "prescribed".

The ACTING SPEAKER (Mr A.P. O'Gorman): I ask members to take conversation outside the Chamber as it is difficult for Hansard to hear.

Mrs M.H. ROBERTS: This clause is intended to provide that regulations can be made to provide exceptions under which a person may disclose or make use of any information obtained in the course of duty. However, clause 203(1)(e) is somewhat unclear because "prescribed" has been inadvertently omitted. I move this amendment to overcome the drafting error.

Amendment put and passed.

Mrs C.L. EDWARDES: Will the minister advise the reasons for the exceptions in clause 203? Subclause (1)(a) is understood as it refers to using information in the course of duty. Subclause (1)(b) reads -

as required or allowed by this Act or any other written law.

Paragraph (c) is also understood. However, paragraphs (d) and (e) are of interest. Why should the information obtained under the Bill be made public or disclosed to other people?

Mrs M.H. ROBERTS: This provision is a direct lift from section 58 of the Prostitution Act 2000.

Mrs C.L. Edwardes: Even so, there must be a reason.

Mrs M.H. ROBERTS: Exactly, but I am not aware of it!

Mrs C.L. Edwardes: Research?

Mrs M.H. ROBERTS: I can only assume it provides some flexibility. A situation may arise in which a person wants to disclose information to another person, but it would not be done lightly. The written authority of the minister would not be given lightly. I can only assume it is to provide flexibility through paragraph (d), and I assume (e) is included for the same reason.

Mrs C.L. Edwardes: What sort of prescribed circumstances would be considered?

Mrs M.H. ROBERTS: A person might want to disclose some information without names for research purposes, I suppose.

Mrs C.L. Edwardes: The minister must sign off on most of those releases. I suppose that relates to privileged information, and that directors general sign off in many cases. I cannot see why both are needed.

Speaker; Mrs Cheryl Edwardes; Mrs Michelle Roberts; Mr Jeremy Edwards; Mr Matt Birney; Acting Speaker

Mrs M.H. ROBERTS: In exceptional circumstances some information might be given to the Director General of Education or the Director General of the Department of Community Services. Issues may arise with children under community services headings, the safety of children and similar concerns with education. I assume it will provide for such circumstances.

Mrs C.L. EDWARDES: When debating privacy and the victims of crime legislation last night, the Attorney General indicated that the privacy Bill was about to hit this House. Members considered how that privacy measure will impact on other laws, as well as the safeguards needed in the privacy Act. I refer the minister to clause 208 of the Prostitution Control Bill. Clause 208(2) provides that regulations may do a number of things. Subclause (2)(a) reads -

specify any place prescribed in the regulations as a place where section 64(1) or 65(1), or each of those provisions, does not apply;

I hate wording in the negative. It does not help at all.

Mrs M.H. Roberts: You are aware that it is principally the Kalgoorlie clause to which I referred last night.

Mrs C.L. EDWARDES: Yes. I am exploring it further. Clause 64(1) deals with the following circumstance -

A person who, in or in the view or within hearing of a public place, seeks another person to act as a prostitute commits an offence under this subsection.

Clause 65(1) involves "Seeking a client in or in view or within hearing of a public place". This could apply to more than the Kalgoorlie situation as it could be used to regulate a red-light district.

Mrs M.H. Roberts: Yes.

Mrs C.L. EDWARDES: Russell Square, Northbridge and areas in Fremantle could be set aside under clause 208(2) as red-light districts. That might be where streetwalkers are sent. The streetwalker legislation is in place. Is it proposed to include this provision for the minister to regulate red-light districts and to allow street prostitution or kerb crawling in a particular place?

Mrs M.H. ROBERTS: Absolutely not. It is not something that I, my party or my Government support in any way. We do not support red-light districts. We do not support kerb crawling or street prostitution. That is a universal view in our party. This clause has been included primarily because it is in the Prostitution Act; that is, it is already in place in legislation. The Government is continuing the clauses in the same way they were enacted in the Prostitution Act 2000. Clause 208(2) was included to accommodate Kalgoorlie. However, the member is quite right: the provision does not specify Kalgoorlie, and the regulations will need to specify that area in Kalgoorlie. It is possible, should there be another such location, premise, street or whatever, to include that in regulation as well. To do so would be against our party's position and strongly against the Government's position. It will not be done. Without the inclusion of the clause, the member for Kalgoorlie's constituents would be vulnerable to prosecution. That balance had to be taken into account when the Prostitution Act 2000 was enacted, and the Government has kept the balance intact.

Mrs C.L. EDWARDES: It is dangerous to allow such broad regulation-making powers when the area concerned is not specified, especially as the Government has no intention to expand the applicable area. This provision is to be limited to the red-light district in Hay Street, Kalgoorlie, but the minister referred to any other street - I do not know where she had in mind. The minister firmly stated that the Government has no policy or commitment to create a red-light district.

Mrs M.H. Roberts: On the contrary; we have a commitment to not allow red-light districts or street prostitution.

Mrs C.L. EDWARDES: Will the regulations go to the Minister for Police or the Minister for Health?

Mrs M.H. Roberts: They will go to the Minister for Health.

Mrs C.L. EDWARDES: The concern is to ensure that the comment is firmly on the public record that red-light districts are not to be regulated for, other than the example of Hay Street in Kalgoorlie.

Mrs M.H. ROBERTS: I am pleased to again put that view on the public record. I also placed it on the record when the Leader of the Opposition raised in his contribution to the second reading debate the possibility of the creation of red-light districts. The Government and the Labor Party do not support streetwalking or red-light districts.

Mrs C.L. EDWARDES: Clause 208(2)(l) provides for matters that can and cannot be taken into account by local government and other planning authorities when making decisions about businesses involved in the provision of prostitution. What exactly does that mean? Obviously, it is a further restriction on local government powers. Is

Speaker; Mrs Cheryl Edwardes; Mrs Michelle Roberts; Mr Jeremy Edwards; Mr Matt Birney; Acting Speaker

it a restriction on mixed zones? Apart from reducing the ability of a local community to limit prostitution in its area, how does it fit in with part 7 and schedule 3?

Mrs M.H. ROBERTS: As I stated previously, it will prevent councillors from opposing it based on moral grounds. I understand similar provisions apply to the establishment of X-rated shops and the like. I also note that regulations on matters that affect local governments and planning can be made only on the recommendation of the minister responsible for the administration of the Town Planning and Development Act 1928. The regulations provide for a penalty of up to \$6 000.

Mr M.J. BIRNEY: I draw the minister's attention to clause 204 headed "Liability of brothel operator or prostitution agent for offence by manager". Under this clause, essentially, the owner of the business will be responsible for an offence committed by the manager of the business. As the owner of a business, I know that staff get up to all sorts of hijinks when the boss is away. It is entirely unreasonable for the owner of a business to become criminally responsible for the actions of the manager of his business. A number of penalties in this legislation applicable to managers of brothels who breach the rules could be considered draconian. A number of penalties carry a jail term.

Is it the case that if the manager of a brothel commits an offence that carries a jail term the owner of the brothel will also be required to serve the jail term?

Mrs M.H. ROBERTS: I am firmly of the belief that it is appropriate for the licence holder to be responsible for what happens on the premises. If licence holders are not held responsible they might as well not hold a licence. As the holder of a licence, owners are responsible for ensuring that the conditions of their licence are met. This is not a novel idea or a new Labor Party concept. The provisions are similar to those that apply to hotel owners. The licensee does not have to be on the premises, a manager can run the business. However, under the conditions of the licence, the licensee is held responsible. That is appropriate. A court would determine what penalties would apply and what responsibility should be laid at the feet of the manager and the licensee. No; they would not necessarily get the same penalty.

Mr M.J. BIRNEY: With all due respect, I am not sure that is how the legislation reads. The clause reads -

If a person who has a prostitution manager's licence commits an offence under this Act as the holder of that licence, the person who has the brothel operator's licence or prostitution agent's licence for the business concerned is to be treated as having committed an offence and is liable to the penalty prescribed for the offence committed by the person who has the prostitution manager's licence.

Mrs M.H. Roberts: That means the licensee is liable but it is up to the court to determine the penalty.

Mr M.J. BIRNEY: The clause provides that the licensee is liable to receive the penalty prescribed for the offence committed by the person who has the prostitution manager's licence.

Mrs M.H. Roberts: I think the member for Kalgoorlie is misreading it.

Mr M.J. BIRNEY: I am not sure that I am.

Mrs M.H. Roberts: The wording is "to the penalty prescribed for the offence", not the same penalty.

Mr M.J. BIRNEY: Although I accept that judges have discretion when applying penalties, theoretically, the owner would have to attend court and could face two years in jail.

Mrs M.H. Roberts: That is right; they would be subject to the same penalty, but it does not mean they would receive the same sentence.

Mr M.J. BIRNEY: If I were a judge I do not see how I could view this clause any other way. It says "liable to the penalty prescribed for the offence". As an owner of a business who has employed managers over the years, I can say that an owner can never be fully responsible for the actions of a manager. If a manager oversteps the mark and does something untoward he is dismissed. That is the extent of the relationship between an owner and a manager. Under this legislation, if I were away on holiday and my manager committed an offence that attracted a two-year jail term, I would have to return home to go to court and face a potential two-year jail term, even though I might be one of the most upstanding citizens in the State.

Mrs M.H. ROBERTS: Any other scenario would let the licensee off the hook and that would not be acceptable. He should be brought to account.

Mr M.J. Birney: From memory, in the liquor industry, although a penalty would apply to the owner of a hotel, I do not think it is the same as the penalty that would apply to the person who committed an offence.

Mrs M.H. ROBERTS: It will be up to the court to determine the degree of culpability. Regardless of whether an offence occurred in the liquor industry or the prostitution industry the court may determine different levels of

Speaker; Mrs Cheryl Edwardes; Mrs Michelle Roberts; Mr Jeremy Edwards; Mr Matt Birney; Acting Speaker

culpability and, therefore, different sentences. Licence holders must be held responsible for the activities on a premises; otherwise there would be no point in requiring owners to hold licences. Operating this kind of business is different from running something like a furniture store. It is more akin to the liquor industry.

Mr M.J. BIRNEY: If the legislation is passed, the similarity between owning a brothel and a furniture store will be that they are both legal businesses. People will be legally entitled to run a brothel. An owner should not be held responsible for the actions of a manager.

Mrs M.H. Roberts: Licensees of child care centres are held responsible.

Mr M.J. BIRNEY: An owner can do everything possible during an interview to vet a manager to ensure he is a good and decent person. However, an owner cannot be looking over his shoulder 24 hours a day. It is not practical and that is why a manager is employed.

Mrs M.H. Roberts: That would be taken into account by the court.

Mr M.J. BIRNEY: If a manager were to overstep the mark and commit an offence that carried a penalty of two years jail, why, under this clause, should the owner be treated as though he had committed the offence and, therefore, be liable to the penalty prescribed for the offence? I would hate to come back from a holiday and find that my manager had done something that attracted a penalty for me of two years in jail. It is another example of the draconian nature of some of the clauses in this Bill. As a businessman in Western Australia I am happy to go on record as opposing in the strongest possible terms that clause.

Mrs M.H. ROBERTS: Under the scenario the member seems to prefer, the licensee could direct the manager to break the law. As a result, the manager would lose his licence and the licensee's position would remain intact and that would not be acceptable.

Mr M.J. BIRNEY: With all due respect, that is a ludicrous proposition. As the owner of a business, if I directed my manager to break the law, surely he might be concerned about the penalty that would apply to him. Surely no employer/employee relationship is of the type that would allow an owner to direct his manager to break the law. If I had asked any of my managers to break the law, they would have told me to go and jump. The reality is that people who may be good citizens with a clean record will be penalised for the actions of other people. This clause is draconian to say the least.

Mr J.P.D. EDWARDS: Can the minister explain again what is meant by clause 208(2)(l)?

Mrs M.H. ROBERTS: Those regulations have to be made. I also draw the member's attention to subclause (4) -
Regulations in relation to matters affecting local governments and planning matters for the purposes of this Act can only be made on the recommendation of the Minister responsible for the administration of the *Town Planning and Development Act 1928*.

Those regulations would need to be made on the recommendation of the minister responsible for that Act. I am not sure what the member's concern is, other than perhaps a desire for councils to have a blanket permission to ban brothels completely from their areas because of a moral opposition to them. We are being quite up-front: we are not allowing councils to do that. We are making it a permitted use - not a compulsory use - in industrial zones, and we are not giving councils an option. We are also making it a prohibited use in residential zones.

Mr M.J. BIRNEY: I wish to deal briefly with clause 210. At the risk of sounding repetitive, I am confused about the conversation we had earlier regarding the regulation about soliciting a prostitute within view of a public place. I am genuine about this and I cannot get my mind around it. At the moment the Prostitution Act 2000 is in place. The day that this Bill is proclaimed, the Prostitution Act 2000 will cease to exist. I think the minister said she would provide a regulation to the Prostitution Act 2000 that would exempt Hay Street, Kalgoorlie from that clause. On proclamation day that Act ceases to exist, and this new Act comes into play.

Mrs M.H. Roberts: I follow the member's concern.

Mr M.J. BIRNEY: The day this legislation is proclaimed there will be no protection for my constituents.

Mrs M.H. Roberts: There will be protection. The Interpretation Act contains provisions for regulations to continue. In addition, an Act like this could be proclaimed in parts. There is no reason for there not to be a completely smooth transition. My advice is that the Interpretation Act also allows for the continuation of those regulations.

Mr M.J. BIRNEY: That is good. Will the Interpretation Act provide for a regulation to continue, even though the Act has disintegrated?

Mrs M.H. Roberts: That is right. They are called transitional provisions, when transiting from one Act to another.

Speaker; Mrs Cheryl Edwardes; Mrs Michelle Roberts; Mr Jeremy Edwards; Mr Matt Birney; Acting Speaker

Mr M.J. BIRNEY: Does the minister have to do something to make these regulations transitional?

Mrs M.H. Roberts: Yes, but that is merely an administrative matter.

Mr M.J. BIRNEY: Will the minister be doing that prior to the proclamation of this Bill?

Mrs M.H. Roberts: Yes. There are other regulations that we also would not want to lapse.

Mr M.J. BIRNEY: To get it clear: the minister will introduce a regulation to the Prostitution Act 2000 to exempt Hay Street, Kalgoorlie from the provision that makes it illegal to solicit a prostitute within view of a public place; the minister will then instigate an administrative procedure to allow that regulation to continue even though the Prostitution Act 2000 has expired; and that regulation will attach itself to this legislation in due course.

Mrs M.H. Roberts: That is exactly right.

Mrs C.L. EDWARDES: I refer the minister to clause 211, dealing with a review of the Act after the expiration of three years from the commencement of section 8. The minister is to consider and have regard to a couple of matters in the course of that review -

- (a) the effectiveness of the operations of the Board;
- (b) the need for the continuation of the functions of the Board; and
- (c) any other matters that appear to the Minister to be relevant to the operation and effectiveness of this Act.

What other matters would the minister deem appropriate? If I were looking at other matters to be considered, I would also consider the growth, containment or restraint of prostitution under paragraph (c), the effect of prostitution on the community at large, or on any particular community, and the impact of the industry on prostitutes themselves.

Mrs M.H. ROBERTS: I envisage all those matters will be looked at. We will also review whether the objectives of the Bill have been met. Some discussion occurred about those objectives last evening, but in any review of the Act we would want to determine whether the objectives had been met. Some of the matters raised by the member will arise when assessing whether the objectives have been met. In my view, any review should be a comprehensive review and should not be restricted in any way. It should be thorough and it should not be restrictive in the matters it covers. I am happy to put that statement on the record. I have no difficulty with any of the matters suggested by the member for Kingsley being part of the review.

The ACTING SPEAKER (Mr A.P. O’Gorman): The question is that part 9, as amended, be agreed to.

Part, as amended, put and a division taken with the following result -

Ayes (27)

Mr J.J.M. Bowler	Mr J.N. Hyde	Ms S.M. McHale	Mr E.S. Ripper
Mr C.M. Brown	Mr J.C. Kobelke	Mr A.D. McRae	Mrs M.H. Roberts
Mr A.J. Carpenter	Mr R.C. Kucera	Mr N.R. Marlborough	Mr D.A. Templeman
Mr A.J. Dean	Mr F.M. Logan	Mrs C.A. Martin	Mr P.B. Watson
Mr J.B. D’Orazio	Ms A.J. MacTiernan	Mr M.P. Murray	Mr M.P. Whitely
Dr J.M. Edwards	Mr J.A. McGinty	Mr J.R. Quigley	Ms M.M. Quirk (<i>Teller</i>)
Mrs D.J. Guise	Mr M. McGowan	Ms J.A. Radisich	

Extract from *Hansard*
[ASSEMBLY - Thursday, 26 June 2003]
p9427a-9434a

Speaker; Mrs Cheryl Edwardes; Mrs Michelle Roberts; Mr Jeremy Edwards; Mr Matt Birney; Acting Speaker

Noes (17)

Mr C.J. Barnett	Mr J.P.D. Edwards	Mr A.D. Marshall	Dr J.M. Woollard
Mr D.F. Barron-Sullivan	Mr B.J. Grylls	Mr B.K. Masters	Mr R.N. Sweetman (<i>Teller</i>)
Mr M.J. Birney	Ms K. Hodson-Thomas	Mr P.D. Omodei	
Mr J.H.D. Day	Mr M.G. House	Mr P.G. Pandal	
Mrs C.L. Edwardes	Mr R.F. Johnson	Mr T.K. Waldron	

Pairs

Mr S.R. Hill	Mr M.F. Board
Mr P.W. Andrews	Ms S.E. Walker
Dr G.I. Gallop	Mr J.L. Bradshaw

Independent Pair

Dr E. Constable

Part, as amended, thus passed.

Debate interrupted.

[Continued below.]