

PROSTITUTION AMENDMENT BILL 2003

Second Reading

Resumed from 2 April.

MRS C.L. EDWARDES (Kingsley) [8.33 pm]: I support the Prostitution Amendment Bill. The Prostitution Act 2000 expires on 27 July 2003. Almost all the provisions of that Act have been lifted into the Prostitution Control Bill, and some have been modified and changed. I do not propose to go into those provisions in detail at this time, because we will get the opportunity to do that during the debate on that Bill. However, I ask the minister: what evaluation has been carried out to determine whether the street walker legislation has been effective? An article by Elaine Dowd refers to 300 to 400 street walkers as being the figure that has been given to her by the police. I have not spoken to Elaine, so I cannot confirm that information. However, I understand from Phoenix that it estimates that there are only 100 street walkers. That suggests that there has been a reduction in the number of street sex workers. However, have those street sex workers just moved to other areas? There is some anecdotal evidence to suggest that they have moved to Joondalup, Midland and Rockingham. Other evidence indicates that they have moved out of the area that the police have put on a map as almost an exclusion zone. We should be concerned about this issue. It is often the case that when we regulate something, it changes. It may be that all that has happened in this area is that the street sex workers have moved to other streets. An article in *The West Australian* of 2 May this year entitled "Vultures of the back lanes" states -

Kerb crawlers cruising the streets of Highgate and Northbridge looking for sex are making life a misery for local residents by following women and children.

The concern is that kerb crawlers are looking for prostitutes at a time when children are on their way to and from school. I understand that businessmen are also looking for these services at lunchtime. It can be a scary and intimidating experience for a woman or a child to be followed home by a car. That is not something the residents of that area can support. We need to consider whether the legislation is working and whether any changes need to be made to the legislation. A number of changes have been made in the Bill, but in the main they are not significant.

One serious concern that we raised in the debate on the Prostitution Control Bill is the level of support for sex workers in the form of outreach, drug and sexual health education and someone to whom they can talk in the event of violence being perpetrated on them. However, because sex workers have been moved outside of the exclusion zones and into other streets and suburbs, the outreach workers are saying that they are having limited contact with and in some cases are having difficulty in locating some of the sex workers. That means that the outreach workers need to move to those areas to assist women who need support to get out of the circumstances in which they find themselves or to encourage safe sex and/or drug habits. A letter to the editor that appeared in *The West Australian* of 18 September last year from the Street Sex Workers Outreach Project WA in Northbridge states -

The Prostitution Act 2000 has so far succeeded only in pushing the street sex industry underground and further compromising the health and safety of street sex workers and residents of the inner city. Evidence clearly shows that street workers are still present and working, only now they are being terrorised, harassed and dispersed into isolated areas.

Has the Government carried out, in the period that this legislation contained a sunset clause, the necessary evaluation of what is occurring in the industry? I believe the police have established a number of programs under which they have made a significant number of arrests. Between 1 August 2000 and 10 October 2002 police made 544 arrests and laid 795 charges as part of a crackdown on street prostitution code named Operation Bounty. How many of those charges involved street sex workers? How many involved kerb crawlers? For what offences were the charges laid? Were they laid as a result of the Prostitution Act 2000? Did they include other charges? It appears that the operation had a significant effect on the streets in which the worst problems were experienced a couple of years ago. I, like other members of this House, have friends who have experienced kerb crawling. It was not a nice experience for them to have men urinating at their gate or on their front lawn. It was not a nice experience for them to find syringes in and around their property. It was not a nice experience for them to be followed home. As members know, it gets dark very early at this time of the year and at the time people are getting off a bus and walking to their home after work. Those were not nice experiences and it appears that those problems are now being experienced in other streets. There continues to be a need for legislation on street workers. However, there is also the issue of safety and health of those workers. We have heard of a murder this year; I will not go into the details of that. However, I am sure what could be done for those street sex workers who are experiencing violence and what could be done for all women experiencing violence, whatever their occupation happens to be, must play on the mind of the Minister for Police.

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I would like a review to be carried out, if one has not already been carried out, to find out what is happening with this legislation. On the information coming from other sources, very little is happening. In respect of those 795 charges -

Mrs M.H. Roberts: The police have tried to find these activities that are supposed to be happening elsewhere but have been unable to. Although the concept of a review sounds good, I am not sure exactly what you are asking the police to do. They get reports from other groups but they have received no complaints from the public, from residents or from business owners in these areas. Often allegations are made through the media and the police try to follow up those allegations to get to the source of the complaint. However, despite their best efforts, they have been unable to find them.

Mrs C.L. EDWARDES: There are no complaints from those other regions?

Mrs M.H. Roberts: When the police have gone out to those other areas where kerb crawling is now alleged to be occurring, they have been unable to find any evidence of it in those areas.

Mrs C.L. EDWARDES: What about sex workers themselves and outreach services not being able to locate them? The view is that they have gone out to other areas or outside the exclusion zone.

Mrs M.H. Roberts: Have they become invisible?

Mrs C.L. EDWARDES: That may very well be the case; it is a major issue. As the minister is aware, sex workers are very vulnerable people.

Mrs M.H. Roberts: Nobody has been able to produce any evidence at all of their having gone to other areas. The police, despite their best efforts to investigate the matter, have found no evidence that they have gone elsewhere.

[Interruption from the gallery.]

The ACTING SPEAKER (Mr A.P. O’Gorman): I remind the people in the public gallery that they are not entitled to intervene in the debate. If they do so, they will be asked to leave.

Mrs C.L. EDWARDES: Excuse the name, but is there a need for a police sex coordinator who could gain the confidence particularly of street workers? They need to be put in touch with other agencies.

Mrs M.H. Roberts: We have special officers who deal with them. They have advised me that they have an excellent relationship with street workers. They have advised me that they have interviewed girls in recent times, especially after the recent murder, about instances of abuse and violence. They have advised me that the relationship between the officers and those girls is a good one, and that they are getting good information from the girls in those inquiries. In my view, the police have already put that process in place.

Mrs C.L. EDWARDES: Can street workers contact them at any time for protection or the like if they need it?

Mrs M.H. Roberts: The advice I have from the Police Service on that issue has been very positive.

Mrs C.L. EDWARDES: The story I referred to titled “Vultures of the back lanes” of 2 May is a new story. It occurred after the police operation of last year in which arrests and the like were made. The article refers to kerb crawlers cruising the streets of Highgate and Northbridge. It appears that these incidents are continuing to occur in the same area. Have they moved to a different area? The Opposition wants to get a picture of the effectiveness of the legislation not only for the community but also for sex workers. The minister, in responding, has indicated that it is an issue that she has raised with the police. I hope that in any future discussions that her response goes back to them. My view is that a full analysis of the sex industry in Western Australia must be undertaken. We do not have all the details and information at our fingertips on licit and illicit drug usage or on where street workers are going and whether they are receiving the necessary support. A broader based study needs to be done on sexually transmitted diseases. If the Government wants to bring into the Parliament legislation of this sort, it really must have a base from which to operate. There is no such base in any of the information I have sought.

The submissions on the Green Bill brought forward a broad range of views, and some excellent research information has been produced. However, there has not been one evaluation on which any Parliament, let alone any Government, could base a serious reform change of the sort anticipated in this Bill. The Opposition is happy to support this legislation. It will remove the sunset clause and will entrench the street worker legislation as it is. I propose to refer to some provisions of the Bill when we deal with the Prostitution Control Bill, one of which I raised in my contribution to the second reading debate; that is, the clause that deals with the offence of seeking the services of a child as a prostitute. The rationale behind that clause, as we were told in a briefing from the Government on Monday, is that it must be an arrestable offence so that the child can be removed and taken to the proper authorities. Whether that provision was lifted from the Prostitution Act 2000 and put into this Bill, I want a full explanation of what has happened with the clause. Have any children been found in that position? What

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has happened to them? Why does the Child Welfare Act not have sufficient powers to deal with those circumstances? Why is it necessary for it to be an arrestable offence? I do not care who put the clause in, but I have a serious public policy issue with it.

I thank the minister for allowing us to deal with the Bill in a way that will enable us to get the Bill to the other place so that it will have some time to work through the Prostitution Control Bill.

DR J.M. WOOLLARD (Alfred Cove) [8.51 pm]: I speak against the Bill. I listened to the comments of the member for Kingsley. I have taken the Bill to groups and individuals. They have asked why the Government did not do the right thing by the Prostitution Act 2000. The sunset clause says that the Bill would be current until July 2003, but if the clause were to be taken out at the stroke of a pen, there would be no true evaluation of the Bill. The community would not have the opportunity to see whether the legislation had been successful, in which areas it had been successful or unsuccessful and what modifications needed to be made to it.

I raise these concerns because I have spoken with families, community groups, a madam and prostitutes. My great concern is that what seems to be pushed under the carpet is the relationship between prostitution and drugs. Prostitutes have told me that it is not merely a question of prostitution but that children from the age of 12 and 13 years are being offered needles and drugs. For \$15 they can hit up. They then get into the drug habit. Previously they may have started with amphetamines and moved on to heroin and other drugs. In six months cannabis will probably be the first drug that will lead on to others. Having started on drugs, they need money for a fix. Prostitution is seen as a way to earn ready money. They will approach the madams. Some madams might say that they can earn so much in so many months and not have to work for the rest of the year. When girls go along to them, madams look at their arms to see whether they are taking intravenous drugs. If they are not taking intravenous drugs, some madams turn them down because their clients say that they are not serviced as well by girls who are not on drugs. Girls and young women who need money but who are not on drugs are being encouraged to go on drugs. Somebody might be on amphetamines, but the longer people are on drugs the more of them they need. It is costing some prostitutes \$1 000 a day to survive. If they are on heroin, it is more than \$1 000 a day.

This Bill is a very poor show on the part of the Government. The Government is trying to slide this question under the carpet and completely ignore the problems that prostitutes are facing in the community. Once prostitutes are in a brothel they earn according to the services that they are willing to supply. The brothel will have a list of services. If prostitutes are willing to offer certain services, they will earn a certain amount of money. If they are willing to offer other services, they will obviously earn a lot more money. Prostitutes tell me that many clients like younger prostitutes. If prostitutes are not young, clients like fantasies and like them to dress up. Prostitutes tell me that they are not happy with what they must do, but they must perform certain sexual activities because of their drug habits.

Prostitutes may have a drug problem, and if they are not willing to supply the full range of services that customers want to receive at the brothel, they are asked to move on. In order to be able to supply the full range, the girls and young women are taking more drugs. They do it so that they are at a psychological level at which they are not fully aware all the time of what is happening.

Some women have been prostitutes for many years. Many of them have children. When they decide to leave prostitution, what support does the Government give them? They are saying that this Government gives them no support; that they cannot get housing or help from Homeswest. They leave prostitution perhaps with two or three children. When working as prostitutes, they might be going home from the brothel to a partner who has drug habits that they are also supporting.

Point of Order

Mr J.C. KOBELKE: I am not sure if the member knows which Bill we are addressing. We were dealing with the Prostitution Control Bill, which clearly would allow a very wide ranging debate on any matter relating to prostitution. We have now moved on to the Prostitution Amendment Bill, which has four clauses and simply repeals section 63 of the Prostitution Act 2000. I put it to you, Mr Acting Speaker, that that somewhat limits debate. Although a member may wish to address wider issues of prostitution, the points need to be linked to what is a very simple and specific Bill. The member has been speaking for some time and ranging over a whole collection of issues that I suggest are not contained in the Bill before the House.

The ACTING SPEAKER (Mr A.P. O’Gorman): We are debating the Prostitution Amendment Bill 2003, and the amendment to the Act is basically to remove the sunset clause. I ask the member to bring her comments back to the Bill and not to range all over the issue of prostitution. That can be done in the debate on the other prostitution Bill.

Debate Resumed

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Dr J.M. WOOLLARD: I take your advice, Mr Acting Speaker. This is an emotive issue. My concern is that this Bill is amending an Act before it has been properly evaluated. If during consideration in detail the minister is unable to indicate that a full and thorough evaluation of this Act has been undertaken, I intend to move that the Act expire on the fourth anniversary of the day on which it comes into operation. I have not heard any support from community groups or prostitutes for the Prostitution Control Bill, which we have been debating in the House today. No-one has voiced support for that Bill.

The member for Kingsley might have faith in believing that the Government has evaluated the Act. If it has done so, I would like to see the evaluation. It is very important that the community, which we know is very unhappy with the Bill debated earlier today, has the opportunity to hear from the Government what evaluation it has undertaken of the Prostitution Act - what is working and what amendments should be made to it.

It is inappropriate to remove the sunset section from the Prostitution Act when we have on the Table another Bill, which, if not defeated in this House, will be defeated in the other House. My concern is with the problems surrounding prostitution, such as advertising and drug use, and whether support is available for prostitutes who might like to leave the industry. In discussing an evaluation, the minister can tell this Parliament what the police and social workers who have been involved in the implementation and carriage of the Prostitution Control Bill have said and how its evaluation has occurred. I will not support this amending legislation. If the minister is unable to provide a full analysis of the Act during consideration in detail, rather than delete section 63, the sunset provision, it should be amended to include the words "the fourth anniversary". That will give the Government an opportunity to come good on one of its promises and do the job for the community that it promised when it made yet another promise.

MR R.A. AINSWORTH (Roe) [9.04 pm]: I rise to indicate the National Party's support for this legislation. Clearly, regardless of the outcome of the debate on the Prostitution Control Bill 2003, the other prostitution legislation that was debated earlier this evening, it is likely that it will not be passed until well after the existing Prostitution Act 2000 will have lapsed because of the sunset provision. As a result, through the effluxion of time, the community will be without any legislation covering prostitution. For that reason alone, the National Party believes the protection of the community from street soliciting and of children from prostitution will be lost. The National Party supports the removal of section 63 so that the existing legislation will remain in place until the outcome of the other Bill is known.

MRS M.H. ROBERTS (Midland - Minister for Police and Emergency Services) [9.05 pm]: I thank the Liberal and National Parties for supporting this legislation. The Prostitution Act was originally implemented by those parties following a private member's Bill of similar effect that I moved in this House when in opposition. A number of important points must be made. Firstly, the Prostitution Act 2000 has been very successful. Unlike other members of this House, I am very familiar with the areas in which street prostitution occurred in 1999 and 2000. I lived in those areas for a significant period and a number of my family members live in the area. I represented the area when I was a member of the Perth City Council for about eight years. There is not a street around that area that I do not know very well. I know an enormous number of people in the area and an enormous number of my friends live there.

Mrs Edwardes: You walked those streets so to speak!

Mrs M.H. ROBERTS: I would not say that, no. I do not find the issue of street walking particularly amusing. It was pretty sad for the residents of those areas during 1999-2000. Many mothers coming home from work and girls coming home from school were propositioned by kerb crawlers and subjected to the unseemly behaviour that was described earlier by the member for Kingsley.

People have referred to the need for some kind of evaluation of the Prostitution Act. The fact is that the Act was developed in response to a particular problem in a particular area. In the view of the local community the legislation has been extremely successful. The residents to whom I have spoken - the member for Perth's constituents and the many people who have visited his office and spoken to him on other occasions about this legislation - have given almost universal support for this legislation and its positive effects.

The member for Kingsley quite rightly raised the issue of displacement. When new measures are introduced in many areas of law and order and crime prevention, they can sometimes displace the crime rather than resolve the situation. Police have investigated that aspect. According to their advice, very limited displacement has occurred within the broader areas of Northbridge and Highgate. Submissions have been made indicating that it has moved to other locations. I know a couple of those locations very well indeed and I have frequented them regularly. I have seen no evidence of it occurring in those areas and the police who have attended at various times of the day have advised that they have not noticed any significant displacement of the problem.

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It is difficult to ascertain the number of street prostitutes because of the very nature of their activities. We do not have a register of street prostitution; therefore, no definitive number is available. However, the police have a very good idea of the identities of a number of the girls. The Act has been enormously successful in the community. Although there is the occasional problem, and although a problem will sometimes recur in a certain street, we now have legislation to back up the police so that they can have a targeted operation in an area to deal with the situation and relieve the residents of the problem.

As I said in my second reading speech on 2 April, 576 charges under the Prostitution Act 2000 - I clarify that for the member for Kingsley - were laid, 1 524 move-on notices issued and 14 restraining orders preferred. This legislation is not obsolete. On those facts alone, it seems that the police are doing their job in enforcing this legislation. In my view, they are doing it extremely effectively, and there is not a large degree of displacement. The question is: what has happened to the girls? I suspect that some of them may well be working out of private houses or other facilities. I commented by interjection about the recent murder of Darylyn Ugle. One of the things that that highlights is that streetwalking is a very dangerous activity. At a moment's notice, a girl will jump into a car with a stranger. By its very nature, it is a dangerous activity in which to be involved.

In some of the submissions I have received there have been calls for the Government to legalise street work and streetwalking. I will not be moving to do that. The first reason is that in our election platform it was specifically stated that, although we would move to decriminalise, regulate and control prostitution, we would not condone streetwalking, and we will stick by that position. Secondly and more importantly, I believe that streetwalking is a dangerous activity and one that should not be condoned by government. It should not be either legalised or decriminalised. On that basis, the Government is not prepared to do that.

As members have pointed out, we are on a tight time frame with this legislation, because this very good legislation, which deals with streetwalkers, kerb crawlers and child prostitution, will lapse on 29 July. I am not prepared to see that happen. I am pleased that the members for Kingsley and Roe, on behalf of the Liberal and National Parties, support that proposition. However, I am disappointed with the comments of the member for Alfred Cove. Although she seemed to have some valid points to make on prostitution and its operation in Western Australia, those points would be better made in the substantive Bill before the House, rather than by stalling or attempting to stall this legislation, which has proved to be very effective for the community.

I did not understand why the member for Alfred Cove raised the points that she did about this legislation, which extends the life of the Prostitution Act 2000. She was not in the Parliament when that legislation was originally introduced. She does not represent an area whose residents have been severely affected by prostitution. If what was occurring in the state seat of Perth in 1999-2000 had been occurring in Alfred Cove, she would have an entirely different attitude to this legislation. I believe that what she is suggesting in opposing this legislation is plainly irresponsible.

Dr J.M. Woollard interjected.

Mrs M.H. ROBERTS: I am able to provide the member with information that indicates the almost universal support of the residents of the areas that have been affected. I have tabled statistics on arrests and charges by the police. I have tabled and am prepared to give the member other information about special operations that have been run that deal with the issuing of move-on notices and with kerb crawlers. Many kerb crawlers have been charged under the legislation, as have street workers. I have spoken to people involved in prostitution in Victoria, New South Wales and Queensland. I have spoken to people from the respective boards in those States, to government ministers and to people who have been affected by prostitution. I have also spoken to people in the Australian Capital Territory. Without doubt, this legislation dealing with streetwalking is the best streetwalking legislation in Australia. It is the envy of some of the other States. I do not want to waste the time of the House now by talking at length about the situation in St Kilda. However, I have spoken at length with people who were involved in what occurred there, and I am well aware of why what was proposed there failed.

Western Australia's streetwalking legislation is the best in Australia. I have spoken to people in Sydney. I think the member for Perth alluded to the fact that I recently participated in a discussion with officers from the justice area and from various police districts in New South Wales. I went away with the strong impression that streetwalking is a horrendous problem in New South Wales. In many cases it is virtually out of control. Many of the obligations to do anything about it have been left to local government. Obviously, local governments do not relish that. They want the State to take back control of it. At this stage the State does not appear to be doing that.

I commend this Bill to the House. I thank once again both the Liberal and National Parties for their strong support of the Bill.

Question put and passed.

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Bill read a second time.

Consideration in Detail

Clauses 1 to 3 put and passed.

Clause 4: Section 63 repealed -

Dr J.M. WOOLLARD: As I mentioned to the minister earlier in the debate, groups that have come to see me have concerns about the Bill that was discussed earlier today and is on the Table. That is why I had intended to move to delete "is repealed" and to amend the section of the Prostitution Act by deleting the word "third". I had intended to do that because the minister has not provided, to the satisfaction of the people who have come to see me, an evaluation of the effectiveness of this Bill. The minister said that she has tabled different documents and that there is information here, there and everywhere. However, if the information is there, why can that information not be pulled together so that members of the community can ask the minister. I may not have a problem with streetwalking in my area, but two months ago a brothel was established in the area and someone from the vice squad in the Police Service told me that it should not have been advertised in the local newspapers and that it would carry out a raid. It is now two months down the track and the brothel is still operating. Nothing has happened.

Point of Order

Mrs M.H. ROBERTS: This amendment deals with the sunset clause of the Act. It is a requirement during consideration in detail that members talk to the amendment or to the clause, and I do not believe that the member for Alfred Cove is doing so.

The ACTING SPEAKER (Mr J.P.D. Edwards): I am conscious that so far the member for Alfred Cove has not moved the amendment. She has stated that she intends to move the amendment. I ask whether the member will move the amendment.

Dr J.M. Woollard: I am speaking to the clause.

The ACTING SPEAKER: The member should keep her comments as relevant as she possibly can.

Debate Resumed

Dr J.M. WOOLLARD: As I said, I do not believe that the Government has provided the evidence to the community. The minister has talked about what she believes are the successful components of this Bill and what other States see as the successful components of this Bill. The concerns that have been raised with me include aspects of this Bill that are not being implemented fully. That is why I was going to move the amendment and ask that the Act not expire until the fourth anniversary of its enactment. Having had the opportunity to discuss this with some of my colleagues, I thought that this would give the Government the opportunity to provide those facts and figures to the community. However, I have been advised that not only might that evaluation not be given to the community, but also if I were to move this amendment to change the expiry of the Act from the third anniversary to the fourth anniversary, in a year we could end up without an Act. I do not have confidence that the Government will complete before this time next year the work that it should have done before today. Because of that, the Government has not given the community an adequate evaluation of this Bill. However, I believe it is in the interests of community members that I not move the amendment because there is no guarantee that the Government will ever do the work and keep the promises it has made.

Mrs M.H. ROBERTS: What the member for Alfred Cove has said is sheer nonsense. What I have said and what is plainly on record is that the community that will be affected by this legislation almost universally supports it. It has been incredibly warmly welcomed by that community. Further than that, the Police Service is very satisfied that this legislation will work very effectively. It has a big tick from the Police Service. It has a big tick from the local community. I am saying that it is the best streetwalking legislation in Australia.

Dr J.M. WOOLLARD: I accept the minister's comments that the community that will be affected may have made positive comments to the minister about this Bill. However, constituents and groups have come to my office and said that the Government is not implementing this Bill fully, that they want this Bill to be implemented fully and that they feel the Government is not doing a proper job with this Bill. Yes, maybe some people are very happy with the Bill, but not all members of the community are happy with it. I think that everyone in the community has a right to know what evaluation has been done and where improvements can be made.

Clause put and passed.

Title put and passed.

Extract from *Hansard*
[ASSEMBLY - Tuesday, 6 May 2003]
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Mrs Cheryl Edwardes; Acting Speaker; Dr Janet Woollard; Mr John Kobelke; Mr Ross Ainsworth; Mrs Michelle Roberts

Leave granted to proceed forthwith to third reading.

Third Reading

Bill read a third time, on motion by Mrs M.H. Roberts (Minister for Police and Emergency Services), and transmitted to the Council.