

PROSTITUTION AMENDMENT BILL 2007

Second Reading

Resumed from 12 March.

HON SHELLEY ARCHER (Mining and Pastoral) [2.06 pm]: I rise today to speak about this very difficult piece of legislation. When we get down to the basics of prostitution, in my view, it really is about men behaving badly. I personally neither believe in nor support prostitution. However, I am pragmatic and realistic enough to realise that this industry has been around for a very long time and will continue to be as long as those who request these services, predominantly men, persist in using them. I want to take this opportunity to say to all those people who have lobbied me in the past few days to not vote for this legislation that I cannot meet their needs. However, this issue is not about what they want or even about what I want; it is about meeting the needs of the women who work in this industry to give them some rights and protections in the workplace. To be quite serious, I would like nothing better than to wipe out this industry, but I came to the conclusion that to do that I would have to wipe out also a percentage of the male population, and I am sure some adverse comments would be made in response to that.

Several members interjected.

Hon SHELLEY ARCHER: It sounds like a really good idea to me, but I think some wives out there might disagree with that!

In saying this, I have requested that this government consider providing funding for education purposes. Maybe we should spend some of that funding educating the men in our society to behave in an appropriate manner. My personal ethos is that I have a strong belief in the Australian culture of giving a fair go to all. As such, I believe that all sections of the workforce and the community are entitled to justice and to live in a society that is completely free of discrimination. That leads me to the two areas I champion; namely, women who are discriminated against—we have heard some reports of that even in this Parliament—and indigenous people in my electorate and in the whole of Western Australia.

This industry is predominantly a workforce of women who have the right to all the protections that are afforded to all other workers no matter what the industry is. Because of this factor, I will support this bill, albeit reluctantly. What these workers—women—desperately need is access to legal recourse in the event a crime is committed against them, and to be protected from violation of their privacy and from industrial, civil and human rights violations. I believe that in some small part this bill addresses some of the injustices experienced in WA by sex workers. The Prostitution Amendment Bill 2007 seeks to provide a framework for regulating commercial sexual service businesses; to improve the working conditions and rights of sex workers who choose to work in the sexual service business; to enhance the protection of children, which is very important for me, and prevent them from being involved in or exposed to the sex industry; and to implement measures to address public health issues.

In the countless discussions I have had over the many weeks this issue has been around, the discussion that resonated the most for me was as follows. All too often, sex industry legislation is created with the aim of protecting sex workers from the perceived dangers of the sex industry. That decision, although well meaning, is usually based on myths and misconceptions, leading to the creation of legislation that addresses problems that do not actually exist, while ignoring problems that do. The issue becomes particularly confused when anti sex work activists speak out about their negative experiences of the sex industry, and label sex work as inherently violent, dangerous and exploitative, while pro-sex work activists talk about their positive experiences and describe sex work as liberating and empowering.

Hon Robyn McSweeney interjected.

Hon SHELLEY ARCHER: I do not agree with that, but that is the argument that has been put to me.

This debate then becomes polarised, as politicians from all sides feel compelled to choose sides and discount the opposing views. The reality for me is that both sides are telling the truth in their view. Just as in any other occupation, there are some sex workers who love their work, there are some who hate it, and there are some who are completely indifferent. Individual job satisfaction is highly subjective and should not be factored into the sex industry law reform debate. The most important issue in this debate is the health and safety of sex workers. Many members of the public recognise sex work as a legitimate occupation and do not support claims that the sex industry is inherently degrading and exploitative. There is also the view that many of the workers in this industry—who, by the way, belong to an international network of literally thousands of sex workers—are passionate about their work and are content with, and in many cases proud of, their choice of occupation. This

Hon Shelley Archer; Hon Robyn McSweeney; Hon Donna Faragher; Hon Wendy Duncan; Hon Nigel Hallett;
Hon George Cash

fact alone should go some way towards proving that sex work is not what so many outside the industry perceive it to be.

There is no denying the negative experiences of those sex workers who speak out against sex work. Their experience should be recognised and acknowledged, and it should be dealt with by providing support networks for them so that they can deal with these distasteful episodes in their lives. There are also some support groups and organisations that have been established in the belief that all sex workers should have the right—the same right as workers in every other industry—to speak for themselves and to have their opinions heard in the public arena, as opposed to having researchers and academics speak on their behalf. We should encourage these workers to have a voice so that they can put forward their views and experiences, and so that we as politicians can then base our decisions on a considered approach to all the issues they have raised. I believe that this legislation will, in part, achieve that.

We also need to remember that sex workers are more vulnerable than other workers to violence and sexual assault, and to being blackmailed, extorted and discriminated against. It has been suggested that some workers in this industry are in denial about this. However, from my discussions with sex workers, most of them have experienced this kind of treatment in their working lives, and they hope that with this legislation they will be protected from this sort of behaviour. I also hope they will be protected.

I am sure that those anti sex work activists who did work in this industry also endured these assaults on their rights while they were in this industry. I would think that it would be better for all if we could provide a safe working environment for those workers. The difference between sex workers and anti sex workers is what they regard as the cause of these problems. The anti sex worker campaigners blame the sex work itself—the job, the employers, the fines. The sex workers blame the laws. Sex workers do not need to be protected from sex work. I say again that the protection that these workers desperately need is access to legal recourse in the event that a crime is committed against them. They also need protection from violations of privacy, industrial, civil and human rights laws. The truth is that no law in the world will ever be able to stop people from choosing to sell sexual services. For some, it is their occupation of choice. For others, it is a last resort. In a country in which one-third of all families are headed by a single parent, most of whom are women, and in which two-thirds of women are underemployed, sex work will always be a viable option. Laws criminalising sex work will not stop people—mainly women, but also some men—from working in this industry. These people are not criminals, and they should not be treated as criminals. These people would not actively choose to flout the law. However, the fear of debt, starvation and homelessness is more powerful than the fear of a prostitution conviction. These people will just work more discreetly, and the work will be forced underground. That makes it likely that criminal elements will become more involved. Sex workers need a safe and transparent workplace in which the government and its agencies have the power to control the criminal elements involved in this industry.

If this legislation is not passed, many sex workers will steer clear of sex worker support services and health services for fear of discovery. This will put those workers at greater risk of contracting sexually transmitted infections, and of being subjected to violence and sexual assault. It is estimated in the report of the Prostitution Law Reform Working Group that between 1 200 and 1 700 sex workers are currently operating in Western Australia. Of these workers, 1 280 are operating by advertising unique telephone numbers in the personal columns of *The West Australian*. It is estimated that 380 of those sex workers are working in sex work establishments. There are approximately 30 commercial sexual services establishments in the Perth metropolitan area, and eight in regional Western Australian.

I understand from Minister Ellery and this government that the purpose of the bill is to provide a framework that will address the regulation of prostitution in a manner that will be conducive to public health, will protect sex workers from exploitation, and will protect children from being involved in, or exposed to, prostitution. I can only hope that this will occur. I will be watching the operation of this legislation closely. In two years there will be a review, and if in my view, and in the view of the workers, changes need to be made to improve this legislation, I will be working closely with them to bring those issues to the attention of the government of the day.

The bill amends the Prostitution Act 2000 to reflect the purposes that I have outlined. One of the amendments contained in the bill is to change the title of the act from the Prostitution Act to the Sexual Services Act. Extensive changes have been made to the terminology in the Prostitution Act—many of which I do not think are necessary—to support a minimalist decriminalised model. I do not believe for one moment that this bill condones prostitution or seeks to normalise it as a career, nor do I believe that this is, or ever has been, the agenda of this government in seeking to change this legislation. This bill is about providing the women who work in this industry with a safer workplace.

Hon Shelley Archer; Hon Robyn McSweeney; Hon Donna Faragher; Hon Wendy Duncan; Hon Nigel Hallett;
Hon George Cash

I believe the bill will provide additional protections for women who work in the sex industry. These measures include requiring certified operators or managers to engage sex workers as either employees or independent contractors. As a consequence, sex workers will be covered by workers' compensation and occupational safety and health legislation. Additionally, the bill will strengthen a sex worker's fundamental right to refuse to engage in sex work, thereby providing enhanced access to the justice system for those workers who have been mistreated.

Many people in the community are anxious about where these new sex work establishments will be located. Some people are fearful that sex workers may move in next door to them, and that there will be a proliferation of these establishments in the suburbs. Division 8 of the bill sets out the planning and development controls that will apply when a local government considers whether to approve an application for a sexual services business. In addition to the normal planning controls, local governments—which I hope will be provided with the necessary funds to enable them to do this work—will be provided with policies and model provisions developed by the Western Australian Planning Commission to guide their decision making and to ensure a consistency of approach across the state. I am certain this will prevent any proliferation of brothels in suburbia.

Of the utmost importance, of course, is the protection of children. This legislation will go some way towards providing the necessary protections by recognising that children under the age of 18 must not be allowed to work in, or enter, establishments in which sexual services are conducted, and by ensuring that managers or operators obtain photographic evidence of age before they employ a sex worker. It is important to note that street-based sex work is not considered in this bill, and will still be a criminal offence under the existing provisions of the Western Australian Prostitution Act 2000.

During my research on this bill I spoke with many strong Indigenous women, both in Perth and in the Kimberley region, regarding their views on the bill. All said that they did not have a problem with the bill, but viewed it as city-centric and not really relevant to our communities in the north. Their concern, and mine, was about young Indigenous girls, and a few boys, selling themselves to supply their needs for alcohol, drugs, food and personal items, and I received many representations on this matter. I hope this government, in the not-too-distant future, will explore the issue of how streetwalkers can be protected, as these Indigenous girls can only ever be regarded as streetwalkers.

I will spend some time talking about the issue of the sexualised behaviour of Aboriginal children. This behaviour was recently highlighted in a Northern Territory inquiry into the abuse of Aboriginal children. The inquiry found evidence of a sex trade between mineworkers and Aboriginal girls, and disturbing accounts of child sexual abuse in communities riddled with problems of alcohol and drugs. Taxidriviers were found to be pimping teenage girls, and in some cases adult family members were provided with alcohol, drugs and goods in exchange for sex with their daughters. An article on Women's Forum Australia states —

Alcohol and drugs are well accepted as causing rampant dysfunction in places already beaten down by dispossession, disempowerment, unemployment, ill health and poor education. But the trauma caused by the invasion of pornography has not been properly acknowledged . . .

The Northern Territory Government's *Little Children Are Sacred* report . . . changes that.

A toxic trifecta of drugs, alcohol and pornography is fuelling a culture of violence against women and children. They are being bashed, raped, disabled and killed . . . they live lives of desperation and terror.

Predictably, the sex industry . . . are crying "censorship"

Children suffering porn-driven sexual abuse should come before sex industry profits.

This is an indication of the adverse effects of the sex industry on our Indigenous people.

Although no documented evidence of this type of behaviour exists in WA, anecdotal evidence provided to me suggests that this type of behaviour could be occurring in some remote areas of WA. In places such as Kununurra there are reports of girls as young as seven years of age roaming the streets and writing disturbing sexual references on walls. An article in *The Kimberley Echo* states —

The girls aged between seven and 10 run around the streets whistling and screaming, smearing walls with mud, uprooting plants and breaking glass.

Their graffiti shows an even more disturbing side with such things as: "I ****ed a big man" and similar sexual references.

. . .

Hon Shelley Archer; Hon Robyn McSweeney; Hon Donna Faragher; Hon Wendy Duncan; Hon Nigel Hallett;
Hon George Cash

Officer in charge of Kununurra police Snr Sgt Allan Rice said it wasn't a situation police could do much about.

"Police can't be babysitters; we can't fill up the police station with little girls while we go looking for their parents.

In response to that article, the Department for Child Protection in the Kimberley provided information about the parental responsibility service that the state government is supporting. The state government has committed \$20.4 million over four years to implement parent support services across the state. We hope that that funding will address some of the issues of sexualisation of our young Indigenous women in Kununurra and the north west.

I am deeply concerned about the specific issues for Indigenous people in regional areas who are involved in what are, in my view, sexual services. I welcome the government's commitment to me to provide more funding for a range of additional outreach support services to deal with the related issues of alcohol, drugs and sexual health. A sex education program for these young women would be fantastic. I want to see a program that specifically deals with what is called the "normalisation of sex for young Indigenous people". I hope that in future funding arrangements, this government will consider any well-considered program that deals with this issue. I want young people, and my constituents especially, to be given the chance to lead a relatively normal childhood without the sex, pornography, drugs and alcohol that now stain their young lives. Let us show them what a normal, day-to-day life can really be.

I would prefer that prostitution did not exist, but given the reality of the situation, this bill will at least provide some protection against the exploitation of women involved, and some capacity for communities to control the operation of brothels. The current regulatory regime has failed to control prostitution and has created an environment that has provided no protection for the women involved. The inadequacy of the current laws and the effect this has had on vulnerable people in our society has been a major factor in my support of the bill.

HON ROBYN McSWEENEY (South West) [2.25 pm]: I do not support the Prostitution Amendment Bill 2007. Hon Shelley Archer has just talked about drugs, pornography and children, some as young as seven years of age, having sex with men. This bill will not stop that happening. I will not deny that what Hon Shelley Archer has said is occurring, but I refute the claim that passing this bill will help to stop children being exploited. This bill is one of exploitation of women and children. When I think of prostitution, I do not think of it as a singular action; it encompasses crime, drugs and physical and sexual abuse of women. I think of it as the seedy and sad exploitation of women.

One report states that up to 75 per cent of women prostitutes who were sexually abused as children go on to become prostitutes. Research also tells us that the average number of times a female is sexually abused as a child is 81.3, and for a boy it is 62.3 times. No wonder the prostitute percentage is as high as 75 per cent. They have absolutely no self-worth and they have been abused 81 times—which is probably a low estimate. I suppose they think, "If I am going to be abused, I may as well get something out of it and get paid for it." That is it in a nutshell. Women and children are being exploited, and I cannot condone that.

The subject of prostitution has long vexed criminal justice authorities in Australia, as in most countries throughout the world. Lawmakers are faced with the onerous task of attempting to appease the conflicting demands of various segments of society. On the one hand, lawmakers in Australia wish to uphold the principles of a liberal democratic society by allowing consenting adults to freely engage in sexual conduct, while on the other hand they are anxious to consider the demands of those residents who object to the nuisance aspect of prostitution, as well as those who object to prostitution on religious, moral or other grounds. In recent years, the issue of AIDS has added a new element to the prostitution debate and has sparked concern in the community regarding the potential for prostitutes and their clients to spread the disease.

The confusion felt by lawmakers about how best to cope with prostitution is reflected in the prostitution laws, which are clouded in ambiguity and contradiction. This confusion creates problems for both law enforcers and those employed in the industry, who are often unaware of the precise legal status of some aspects of prostitution. Furthermore, the majority of Australian citizens are also ignorant of the legal status of prostitution in their own states and territories. Prostitution is an enduring and ancient institution that has survived centuries of attack and denunciation. In Western societies, prostitution has not always been illegal; nor is it so in some countries today. In Germany, Holland and Denmark, for instance, female prostitutes are accepted by the law as long as they ply their trade in designated areas and fulfil other requirements such as licensing and payment of taxes. In Australia prostitution laws differ from state to state.

That information came from an Australian Institute of Criminology trends and issues paper released 18 years ago, but anyone would be forgiven for thinking that it refers to 2008. Things have not really progressed very far.

Hon Shelley Archer; Hon Robyn McSweeney; Hon Donna Faragher; Hon Wendy Duncan; Hon Nigel Hallett;
Hon George Cash

We have a conflict between the laws that we have to make and our personal beliefs. Most of us know that prostitution exists, and as long as it is not in our faces or under our noses, and as long as we do not have to deal with making laws about prostitution, it can stay over there. We all know that it goes on. Most people are probably like that, and only we as politicians are being forced to look at the laws and to create laws around prostitution. I would prefer not to be doing that. I do not like the bill that the Labor government has put forward but, to be fair, I do not know what I really would like. That is a dilemma most of us face. A document entitled “Legalising Prostitution is Not the Answer: The Example of Victoria, Australia”, released by the Coalition Against Trafficking in Women - Australia, states —

In the last decade legalisation has been promoted as the solution to the problems that accompany prostitution in many countries such as the Netherlands and Roumania. Governments in South East Asia are encouraged, in an important International Labor Organisation report, to officially recognise the “sex sector” and the contribution it makes to gross national income, a recognition that would entail legal acceptance of the industry . . . In the state of Victoria in Australia, brothel prostitution was legalised in the 1980s and has subsequently been legalised in New South Wales, Australian Capital Territory (ACT), and Queensland. Tasmania and South Australia are about to follow suit. The experience of Victoria provides a good object lesson as to why legalisation is not the answer. Since the late nineteenth century women have campaigned to end men’s abuse of women in prostitution. It was such feminist efforts that led to the 1949 United Nations Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others . . . In the 1940s and 50s many countries, such as France, complied. Australia did not sign the 1949 Convention on prostitution and trafficking.

It has been a problem and a dilemma for many years. Men who would once have been classified as procurers and pimps are now seen as a newly respectable class of sex businessmen. I think that is what I do not like about this bill. It normalises what a pimp is—a pimp becomes a business manager. I cannot in all honesty stand here and put “pimp” alongside the words “business manager”. The two just do not go together. A pimp is a seedy bloke who takes the earnings of prostitutes. He goes and procures women for the act of prostitution. That is a pimp, not a business manager. Good God, what are we coming to in this state!

Hon Simon O’Brien: Take another puff of marijuana and relax! That is the government’s remedy—have another joint!

Hon ROBYN McSWEENEY: I will get on to harm minimisation. So-called harm minimisation was something I was going to point out. Hon Donna Faragher and I agree on that point. We agree that the government’s idea of harm minimisation, in our view, does not exist for drugs, and in my view it does not exist in this trade either. I am sure that Hon Donna Faragher will speak for herself on that, but I am sure she would agree with me. The document continues —

The proclaimed object was what is commonly called “harm minimization.” The prohibition of prostitution was seen to be ineffective against a highly visible massage parlour trade (a euphemism for brothels), increasing street prostitution, criminal involvement and drug use. Legalisation, it was believed, would diminish the health risks, particularly the risk of sexually transmitted diseases, for either prostituted women or the “clients.” The appearance of the AIDS epidemic in the mid 1980s was a further stimulus to reform. Legalisation, however, brought with it new problems. Ongoing adjustments to legislation became necessary as state policy makers attempted to deal with a myriad of unforeseen issues that are not addressed by treating prostitution as commercial sex-child prostitution, trafficking of women, the exploitation and abuse of prostituted women by big business. The harms resulting from the sex industry constantly change and develop and have to be constantly readdressed.

. . .

Since the legalisation process began there has been an explosion of forms of sexual exploitation in the industry. Tabletop dancing, bondage and discipline centres, peep shows, phone sex and pornography — all are developing profitably as part of a multi-million dollar industry of sexual exploitation. Tabletop dancing, where women working as dancers perform nude or semi-nude on tables or podiums whilst men stare into their shaved genitals from a few inches away, has come under close scrutiny because of phenomenal growth since its inception in 1992. The 1997 Dixon Report, a government advisory committee evaluation of the legalised industry, included tabletop dancing among its main terms of reference (Prostitution Control Act 1994, Advisory Committee Final Report 1997, known as the Dixon Report). The performances include close contact with or touching of men, double acts with other women or men (showers, oil wrestling) and personal or lap dances where the dancer sits on a man’s lap “gyrating, twisting and generally stimulating his groin area, or rubbing her breasts in the patron’s face.”

Hon Shelley Archer; Hon Robyn McSweeney; Hon Donna Faragher; Hon Wendy Duncan; Hon Nigel Hallett;
Hon George Cash

I am being quite bald here, but this is what prostitution is all about. It is not a nice piece of legislation. This is exactly what happens. This is the sex industry.

Hon Simon O'Brien: With this government, we will end up doing that at the Kings Park restaurant next.

Hon ROBYN McSWEENEY: Yes. The document continues —

Penetration of women with objects that included mobile telephones being inserted into the dancer's vagina or anus was common. The owner of one of Melbourne's most famous tabletop venues, Goldfingers, was found guilty, on 10 February 2000 of assaulting and injuring one of the women from whose sexual exploitation he made his living . . .

This is the business manager. To me, he is a pimp, but now, under this bill, he will be a business manager. Further on, the document states —

So normalised has brothel prostitution become that the sex industry markets itself as promoting the "rights" of people with disabilities by specifically catering to disabled men and disability charities. One brothel, "The Pink Palace," has gained favourable media attention on radio and in newspapers for putting in even more facilities that cater to this group of men than the other 15 legal brothels. "The Pink Palace" has spaces for wheelchairs, specially adapted showers and lower beds. The prostituted women are specially trained.

That is just one spin-off from the Victorian legislation. The document continues, further on —

The Violence of Prostitution

Legalisation promised greater safety to prostituted women. Legalised brothels were supposed to provide women with protection from the rapes, beatings and murders that are the hazards of street prostitution.

Street prostituted women still suffer extreme violence on the streets of Victoria. But brothel prostitution is not a solution because . . . prostitution is violence in and of itself.

It certainly is, and so is the commercial exploitation of women. This bill will not stop street prostitution.

I turn to an area that no-one has yet touched on. This article was posted on the ABC News website on Friday, 7 March. It is about women being brought to Australia from overseas on temporary work visas and being put to work as sex slaves. The article states —

Anti-slavery groups say the Federal Government must do more to stop sex trafficking syndicates from abusing Australia's temporary work visas.

This could potentially present a real problem for Western Australia —

Australian Federal Police (AFP) and immigration officials say they rescued 10 Korean women yesterday who were allegedly being forced to work 20-hour days in a Sydney brothel.

Police say the women were brought to Australia on lawful work visas.

The AFP have charged five people over the alleged sex slave syndicate. One is a Korean woman, while two men and two women are from Sydney.

. . .

Glen McEwen is the manager of border operations for the AFP.

He says the women were aware they were going to work in the sex industry, but were held against their will and deceived about the conditions they were expected to endure.

"They were brought to Australia for certain reasons and those reasons were somewhat adjusted on their arrival in Australia, to the point where they were forced to work 20 hours a day," he said.

They had their. . . travel documents removed from them and airline tickets, their passports.

. . .

This is slavery; they were held against their will. The article continues —

Police say the women were relieved to be rescued. Both the Department of Immigration and the AFP say the sex slave syndicate was worth \$3 million a year and the arrests are a major blow to the illegal trade in Australia.

But anti-slavery groups say the true extent of the problem is unknown.

Hon Shelley Archer; Hon Robyn McSweeney; Hon Donna Faragher; Hon Wendy Duncan; Hon Nigel Hallett;
Hon George Cash

Of course it would be unknown if these women are entering Australia on legal visas —

The director of the Anti-Slavery Project at the Sydney University of Technology, Jennifer Burn, says that only anecdotal evidence is available and exact figures are almost impossible to know.

“There are varying reports of between 100 to 1,000 women recruited into debt bondage at any one time, but the Australian Institute of Criminology says that this is a research challenge,” she said.

“There is nothing authoritative about the numbers of people who are recruited into slavery, sexual servitude, and into other forms of slavery.”

...

This is Australia! It continues —

The more worrying element to this case is that the alleged syndicate was able to bring women into the country on legal working visas.

Ms Burn says it is too easy for people to bring people to the country and then exploit them.

It makes one think. These people enter Australia on legal visas and are exploited and held against their will. This is Australia in 2008. One would think I was reading about people being exported to Third World countries, not Australia.

Hon Simon O’Brien: This bill does nothing to stop that.

Hon ROBYN McSWEENEY: Absolutely; the bill does nothing to stop that.

I refer to another article that I retrieved from the website of an organisation called Movement Against Kindred Offenders. The article appears under the heading “Shame of Children for Sale”. This bill will not tackle this issue either. Although the bill deals with this issue, it will not put an end to it. The article reads —

CHILDREN are selling sex for as little as \$5 on Queensland’s streets in an epidemic that crime fighters tried to cover up.

Predators are using cash, drugs, a place to sleep or even just attention to entice the desperate boys and girls, some as young as 8.

Hon Shelley Archer has said that this is happening in Kununurra and the Kimberly. It is also happening in Queensland. The article continues —

A major study confirmed more than 100 children were involved in prostitution across the state, but a detailed report on the issue was never made public.

“The whole issue of children in prostitution has been completely overlooked in Australia,” Child Wise chief executive Bernadette McMenamin told The Sunday Mail. “It’s been an issue people don’t know how to tackle. These young children fall through the child protection system.”

The Child Wise charity works to prevent and reduce the sexual abuse and commercial exploitation of children.

Queensland youth groups say they are helping dozens of children every week who are selling sex to survive.

“People are getting younger and younger,” said Kerrie Counihan, head of Cairns group Youth Empowered Towards Independence. “They are 12, 13 and 14. Three years ago it was 15, 16, 17.

They’ll give sex to get a bed, to get food, to get attention, clothes, money and drugs.”

In fairness, I know that the government has made provision in the bill to prevent the exploitation of children. I note that the definition of “children” in this case refers to people who are 18 years of age and under. However, as Hon Simon O’Brien said recently, 18 is starting to look like a very tender age.

Hon Simon O’Brien: I have put an amendment on the supplementary notice paper to address that.

Hon ROBYN McSWEENEY: That is very good.

They use sex to get a bed, food, attention, clothes, money and drugs. The article continues —

The former Crime Commission and Queensland police investigated child prostitution in 2000 as part of the Project Axis inquiry into child sex offending.

Hon Shelley Archer; Hon Robyn McSweeney; Hon Donna Faragher; Hon Wendy Duncan; Hon Nigel Hallett;
Hon George Cash

Their findings were never made public, but . . . a draft report . . . concludes: “Child prostitution is a significant problem in Queensland.”

Those surveyed for the study include more than 30 children involved in prostitution . . .

Children admitted to selling sex to strangers for between \$5 and \$250, usually on weekends to middle-aged, drunk men who approached them at night.

The children were usually picked up on the street or at toilet blocks, skate ramps, shopping centres and parks. Child prostitution was known to occur in Brisbane, the Gold Coast, Ipswich, Sunshine Coast, Bundaberg, Townsville and Cairns.

We know that it is probably occurring in Perth and up north. The article continues —

Most of the children were involved in “opportunistic” prostitution, but some were formal sex workers.

One boy said he had “used sex to live” since his mother kicked him out of the family home.

“He began engaging in sex for favours before the age of 8 and is still active,” . . .

I return to what I said when I began my speech: 75 per cent of prostitutes were sexually abused as children.

I have looked at the definitions in this bill and have drawn the conclusion that the government is trying to normalise these terms. A prostitute is a “sex worker”. A “manager” means a person who holds a manager’s certificate. This means that a manager’s certificate legitimises the term “pimp”. “Small owner-operated business” means a sexual service business in which not more than two sex workers work.

Proposed section 8 states in part —

Minimising risk of acquiring or transmitting prescribed infection or virus

. . .

- (3) A person who takes part in a commercial sexual act must take all other reasonable steps to minimise the risk of acquiring or transmitting a prescribed infection or virus.

Penalty: a fine of \$10 000.

That is fair enough, but the only way to minimise the risk of acquiring a prescribed infection is to wear a condom. I wonder who is going to check whether someone is wearing a condom, and how the complaints will pan out if people say that they are operating without using condoms. Who will know?

Proposed section 21A(3) of this bill states —

A person who manages or operates a sexual service business must ensure that no child is present at a place at or from which the business is carried on.

Does that mean that the children of a person who conducts a sexual service business in their suburban home will have to be at school while the business is being conducted? Several questions arise, including what happens if the children come home. Between the hours of 9.00 am and 3.00 pm the home becomes a house of ill-repute and after 3.00 pm the clients must leave and the children can return home. Who will police that? It is ridiculous.

Proposed section 21D made my eyes water. It states —

An application for a manager’s or operator’s certificate or the renewal of such a certificate must —

- (a) be made to the CEO in a form approved by the CEO; and
- (b) be accompanied by any document or information specified in the form for either or both of the following —
 - (i) verifying the background and reputation of the applicant;

Since when has a pimp had a good reputation? A pimp is seedy and greasy and lives off the earnings of exploitation.

Hon Sue Ellery: Have you met any of the people running brothels now? Some would not fit that description.

Hon ROBYN McSWEENEY: Some would not, but in many people’s view a pimp is not a business manager and does not have a very good reputation. The Labor Party might accept that this sort of business manager is a good, decent person, even though he is living off the earnings of women who have been abused as children and are on drugs.

Hon Shelley Archer; Hon Robyn McSweeney; Hon Donna Faragher; Hon Wendy Duncan; Hon Nigel Hallett;
Hon George Cash

I hope the minister goes to the Parliamentary Library, because it has a book on prostitution that has just been released. I forget the name of the author. However, it is written by a woman who interviewed a lot of prostitutes, some in Western Australia and some in other parts of Australia. It is a real eye opener.

I cannot agree with some of the clauses in this bill. I come back to what I said at the commencement of my speech. Most members understand that prostitution is the oldest profession in the world. I am a realist and I know it goes on. Like everybody else, I do not want prostitution in my neighbourhood, but I know that it exists somewhere. I also said that I would rather not be involved in making laws dealing with prostitution because I cannot accept that the area of sex workers can be taken singularly, because it is linked to the worst issues that most of us do not want. Certainly not all children who are abused grow up to become prostitutes. The research shows that 75 per cent of prostitutes who were abused as children go into that business, and that makes my heart very heavy. They were exploited as children and, because of their low self-esteem, the only way they think they can make a living is to go into prostitution. I would imagine that not all prostitutes like being in the industry.

How on earth can occupational health and safety issues apply to this industry? Does that mean that the bed must be a certain height and they cannot swing from the chandeliers? I ask the minister what occupational health and safety issues apply to prostitution. The minister can roll her eyes and Hon Giz Watson can look at me, but they are trying to normalise a very seedy industry. I feel really sorry for the sex workers.

Hon Sue Ellery: Do you assume that we do not?

Hon ROBYN McSWEENEY: Both members rolled their eyes when I was referring to occupational health and safety.

Hon Sue Ellery: You were talking about swinging from chandeliers!

Hon ROBYN McSWEENEY: Some prostitutes might swing from chandeliers.

THE DEPUTY PRESIDENT (Hon George Cash): Order! I ask Hon Robyn McSweeney to address the Chair.

Hon ROBYN McSWEENEY: They might use whips or, as I said previously, mobile phones are put into vaginas and there is lap dancing on tables. It is not a nice area that we are dealing with. This bill normalises prostitution. Prostitution cannot be seen in a vacuum. Prostitution goes hand-in-hand with crime, drugs and the exploitation of women and children. This is a bill that I would like sent to a committee and returned to this place in a better form than it is now.

HON DONNA FARAGHER (East Metropolitan) [2.57 pm]: I will make a few comments to the Prostitution Amendment Bill 2007. Like my colleagues on this side of the house, I oppose this bill. It is a bill which, quite frankly, is certainly not urgent and should not have been given the priority that this government has afforded it in this Parliament and this house. However, we are dealing with it.

According to the minister's second reading speech the bill provides —

... a framework for addressing the regulation of prostitution in a manner that is conducive to public health, protects sex workers from exploitation and protects children from being involved in or exposed to prostitution. The complex health, safety, planning and policing issues that arise in this area are best addressed through a minimalist decriminalised model.

The bill's elements as they relate to the legalisation of brothels include the repeal of existing offences in the Criminal Code relating to managing a brothel and living off the earnings of prostitution—under this legislation, as Hon Robyn McSweeney said, pimps are now okay; the replacement of terms such as “prostitute” and “prostitution” with what the government says are less stigmatising terms; and the requirement for operators and managers of brothels to obtain certificates from the chief executive officer of the Department of Racing, Gaming and Liquor, which will include a requirement to pass a good character test. The bill provides that prostitutes who operate a business on their own or together with another person will not be required to obtain a certificate or to be registered. I ask the government to explain the reason that they should not be registered. It is ludicrous to me that they would not be, and I will come back to that. Finally, planning approvals for the use of premises as brothels will be subject to ordinary planning processes. Put simply, the government is palming off responsibility to local government to make them responsible for brothel applications, similar to applications for any other proposed business.

People advocating the benefits of this legislation will argue that its passage will successfully deal with the issue of prostitution. It will not. The fact is if somebody is setting up a decriminalised system as a way to control a problem, clearly it will not work because what they are doing is simply normalising what has been an illegal

Hon Shelley Archer; Hon Robyn McSweeney; Hon Donna Faragher; Hon Wendy Duncan; Hon Nigel Hallett;
Hon George Cash

behaviour. The proponents' arguments are similar to those about legalising illegal drugs. It is a flawed argument. The government's failed cannabis laws are proof of that.

I refer to a very interesting article provided to me during an opposition briefing on this bill last year. The article was written by Mary Lucille Sullivan, the author of "Making Sex Work: A Failed Experiment with Legalised Prostitution". The article refers mainly to the impact of the relaxation of prostitution laws in Victoria. If we look at the figures, that relaxation of the law has clearly failed. Ms Sullivan writes, in part —

The arguments put forward by pro-prostitution advocates for treating prostitution as 'work' appear persuasive. They argue that a legally regulated industry will contain industry expansion, eliminate organised crime, and help eradicate sex trafficking and child prostitution. Pro-prostitution lobbyists also propose that legalisation allows occupational health and safety (OH&S) conditions to be introduced into the prostitution 'work environment' so as to protect both women and buyers (the consumers), and in turn the wider public health.

She goes on to say —

But just whose rights are being protected when women and girls become just another sought-after consumer good in the market place?

In 1984 the Victorian Labor government led by John Cain became one of the first governments in the world to introduce legalised prostitution.

Victoria's experience allows us to examine the real consequences for women of treating prostitution as a job just like any other.

Victoria's experience shows that the purported benefits for women in legitimising prostitution are a myth. State endorsement of prostitution greatly expands the legal, as well as illegal, sectors of the industry, with the latter four to five times that of the regulated trade.

Four to five times, Mr Deputy President.

Let us remember what this bill is about. It is in part, as I have already stated, about palming off responsibility to local governments. According to the minister's second reading speech —

The government considers that planning decisions should be dictated by proper planning considerations rather than moral considerations.

According to the minister, sexual service businesses ought to be regulated but not prohibited. That is wrong. How can anyone say that a brothel can be treated like any other normal business? We have to ask: does local government have the expertise, the will or the finances to deal with this issue? The answer is, probably not. The simple reality is that with the passage of this legislation we will see a proliferation of brothels, both legal and illegal, in our suburbs and our country towns. No town or suburb will be immune. I refer to Ms Sullivan's article in which she again refers to the Victorian experience, stating —

The impact on this untoward expansion on community living is vast. Brothels and other sex-orientated businesses are now a prominent feature of Melbourne's urban landscape.

Although zoning laws restrict sex businesses from locating in residential localities, the state's planning laws allow licensed brothels in business centres and on local shopping strips close to residential areas. Communities are powerless to prevent the encroachment of the sex industry into their daily lives as municipal councils have minimal options to refuse to locate a brothel if its owner is a legitimate licensee.

Those who benefit most from Victoria's highly lucrative prostitution culture are sex entrepreneurs (pimps and brothel owners), the government, and male buyers. The financial returns to sex businesses became apparent when Victoria hosted the world's first stock market-listed brothel, the Daily Planet; a demonstration that it is now economically viable and publicly respectable to be a brothel owner.

Should we think that this is an acceptable outcome? No, we should not. I will refer to another very interesting article as further evidence that a proliferation of brothels will occur. This is a very interesting article, which was written by Gareth Parker and appeared in *The West Australian* on 3 December 2007. It states, in part —

In Victoria, illegal brothels outnumber legal operations four to one. In NSW the figure jumps to a ratio of six to one and on the Gold Coast an estimated 90 per cent of sex services are provided by illegal operators.

Sex industry sources also say the total number of brothels, escort services and sole-trader prostitutes has ballooned since governments in each State moved to legalise their sex industries with varying legislative approaches, as is proposed by WA Attorney-General Jim McGinty.

While the proposed WA laws do not mirror any of the Eastern States approaches, they share elements of all three by requiring brothels and escort agencies to be certified by the Department of Racing, Gaming and Liquor and compliance with local council planning policies.

Under Victorian law, brothels must be licensed by Consumer Affairs Victoria, a government department, and secure planning approval from local councils.

But while CAV ensures licensed brothels comply with probity, health and other requirements, it takes no active role in policing illegal operations. Victoria Police has also shown limited interest in shutting down illegal brothels, leaving the problem in the lap of local councils which often lack the resources and enforcement expertise to secure prosecutions.

The Victorian approach is a bold social experiment that has largely failed, according to William Albion, a spokesman for the Australian Adult Entertainment Industry, which represents legal brothel operators in Victoria.

“We’ve got 400 illegal brothels in Victoria now and that’s many more than you had at the time of the legislation’s introduction 14 years ago,” Mr Albion said.

“While (WA) should be congratulated for seeking to regulate the industry, my caution would be that unless they get proper (enforcement) mechanisms in place, they’ll see illegal brothels get out of control.”

In the next paragraph, we have come to the most interesting part of the article. It states —

Some Victorian municipalities, including Melbourne City Council, spent tens of thousands of dollars in recent years on private detectives to have sex in illegal brothels to gather evidence for prosecutions. But the practice was abandoned amid concerns it was an improper use of ratepayer funds.

Are we going to see that practice in Western Australia?

On the same matter, I have yet another article from *The West Australian*. Written by Kate Campbell, it is dated 5 December 2007 and entitled “New laws may fuel surge in illegal brothels”. It reads —

Stopping a surge in illegal brothels could be a nightmare for police if the result of similar laws in other States is any indication. Illegal brothels outnumber legal ones four-to-one in Victoria, six-to-one in NSW and nine-to-one in Queensland.

A WA Police spokesman admitted the proposed laws would cause resourcing headaches but the extent was still unclear. “There has been no extra funding made available to cover the policing of brothels under the proposed new legislation,” he said.

A DRGL spokesman said the Department of Treasury and Finance had told all agencies tasked with implementing the planned laws they would be forced to cope with the changes under their existing budgets.

WA Police Union president Mike Dean said this was another example of Government abandonment.

On the matter of local government, this article continues —

WA Local Government Association deputy chief executive Wayne Scheggia said the proposed laws would create a burden on many councils, forced into reviewing and amending planning schemes to allow for brothels.

“It will certainly come at a cost . . . we will be making sure they (the Government) are aware of the impacts on local governments and consider how they are going to address that for us,” he said.

Clearly, there will be problems as a result of the passage of this legislation. In addition, matters relating to prostitutes working individually—something that I mentioned at the commencement of my speech—will arise. Prostitutes working individually or with one other prostitute will be immune from regulation. For example, this bill is silent on the planning approval requirements for this group; many of whom will obviously be working from a residential address. As I understand it, sole operators will not be monitored, and, as Hon Robyn McSweeney asked: how will we know if children are present? I understand that sole operators will not be subject

Hon Shelley Archer; Hon Robyn McSweeney; Hon Donna Faragher; Hon Wendy Duncan; Hon Nigel Hallett;
Hon George Cash

to the minimum health standards. As Hon Simon O'Brien mentioned last night, it has been suggested that these operators' premises will essentially become quasi brothels.

The government is selling the Western Australian community a furphy. The minister said last night that 60 per cent of respondents to a Westpoll supported the legislation. I have a challenge for the government and for Attorney General McGinty. I challenge Mr McGinty to doorknock just one suburb in Western Australia and ask all who answer their door whether they would be happy to have a brothel or a small owner-operated sex business established next door or close to the local school.

Hon Robyn McSweeney: Perhaps the Labor candidate in the forthcoming election.

Hon DONNA FARAGHER: That is the challenge. Do we think that the Attorney General will get a 60 per cent positive response then? No, I do not think he will. In fact, I think he will get a big fat zero. All this bill will do is legitimise brothels in our community, and that is a disgrace. There is a distinct reality when it comes to prostitution, and that is its association in many cases with organised crime, money laundering, drugs and other illegal activities such as the trafficking of women. This association is well documented both in Australia and internationally. The fact is, if we legitimise brothels, we legitimise a raft of other activities; we open the door to criminals. Is that something we should accept? No, we should not. A former brothel madam, Ms Linda Watson, was quoted in an article in the *Southern Gazette* in October last year. The article states —

Linda Watson . . . has devoted the last decade of her life to helping women escape the seedy world of prostitution and drugs.

“It amounts to legalising an unsafe work place . . . and abuse of women,” she said.

“If I was trafficking women into Australia, news that prostitution was being legalised is exactly what I would want to hear.

“This industry is where drugs are peddled, leading to addiction and more crime. Regulating it cannot stop the criminal element. Prostitution is so corrupt.

This government, through its introduction of this bill, is seeking to condone brothels, the exploitation of women and a raft of other activities that are against the community's best interests. This bill is all about breaking down our community and pulling out another thread from the moral fabric of our society. This bill is not a fix. The passage of this bill will simply see a proliferation of brothels, both legal and illegal, in our suburbs and towns all across Western Australia. Put simply, if this government thinks that it will be able to successfully regulate prostitution and brothels, then it is mistaken. The case against it has already been proved by the failures in Victoria and the other states.

I conclude by saying that I, for one, am not prepared as a local member to say to the community I represent that I believe that this legislation is okay. Members should make no mistake; this bill is fraught with trouble. I oppose the bill.

HON WENDY DUNCAN (Agricultural) [3.13 pm]: I also support the members on this side of the house. I will not support the Prostitution Amendment Bill 2007 because I believe it will have wide-ranging consequences beyond the approved establishments covered by this bill. From my reading of the proposed legislation, I believe it will place an unreasonable burden on local government. It will not relieve the burden on police or remove the opportunity for corruption. It will encourage the proliferation of small operators in the suburbs. In his second reading speech Mr McGinty said that the government acknowledges the social reality that the industry exists and will continue to do so. I do not disagree with the minister. However, this should not be a reason to legalise this activity. Do we have the same attitude to heroin trafficking, child pornography or other activities that society generally agrees are not acceptable but will continue whether they are legal or not?

Hon Mr McGinty assured us in his second reading speech that only suitable persons will be able to operate and manage sexual service businesses. How do we decide who is a suitable person? The police will be required to take part in this assessment, which will provide opportunities for undue pressure and corruption. What concerns me most about this bill is that sex workers operating in the business singly or doubly will have implied approval. They will not be required to obtain a licence or a certificate but will be subject to local planning laws. I believe this will see the expansion of these businesses in the suburbs and an intolerable burden placed on local government, especially in regional areas.

In her comments earlier this afternoon, Hon Shelley Archer provided statistics regarding the number of sex workers in small operations compared with those in larger establishments. The percentage of those in small operations is huge. She assures us that this bill will protect all those workers. However, from my reading of the bill, there is little or no protection for the vast majority of workers in small operations in the suburbs.

Hon Shelley Archer; Hon Robyn McSweeney; Hon Donna Faragher; Hon Wendy Duncan; Hon Nigel Hallett;
Hon George Cash

I am also very concerned about the implications for our police in the regions. This government is removing police from our country towns, and that will make them an ideal location for sex service establishments. These towns will become vulnerable to the associated activities that these establishments attract. Although the current situation is far from perfect, I believe this bill does not address the area of this industry that is most problematic; that is, the small operator in the suburbs. These workers are vulnerable to violence and disease. They are usually part of the cash economy and therefore vulnerable to blackmail, exploitation and extortion. Also, they often have children either in the house or in the neighbourhood. It is therefore my opinion that this bill does nothing to protect the most vulnerable in this industry.

HON NIGEL HALLETT (South West) [3.17 pm]: I would like to make a few brief comments on the Prostitution Amendment Bill 2007, which I will oppose. I find it quite amazing that this bill has even surfaced in this Parliament given that the previous government spent some 18 months investigating it and a standing committee spent a significant time investigating it, which resulted in a decision not to proceed with it. Even so, the Carpenter government has introduced a bill into Parliament to decriminalise prostitution; in other words, to legalise prostitution in Western Australia and enable the establishment of either single or double-operator brothels anywhere in the metropolitan and regional areas.

In my opinion, this bill will not help in any way to improve the lot of sex workers, male or female, but it will create a whole new industry. I refer to the changes to prostitution laws in Victoria and New South Wales, which, incidentally, were introduced by Labor governments between 1984 and 2004. Since then, the number of brothels has increased. The increase in Victoria is a ratio of approximately four to one and in New South Wales six to one, while in Queensland it has increased by some 90 per cent. Given those figures, has there been any talk of extra funding to enable police in this state—who are under pressure already—to monitor the increases that will definitely occur here? The answer is no; we cannot even provide enough police for our community now.

In Western Australia, the report that preceded this bill entitled “Prostitution Law Reform” suggests that there are between 1 200 and 1 700 sex workers in Western Australia, and, of those, only 380 work in organised brothels. As I understand it, prostitution is not illegal. What is illegal is living off the earnings of prostitution. This bill is based on the New Zealand model—minimalist, and decriminalised. I acknowledge that prostitution exists in Western Australia. If I were the one making the call, I would leave things as they are. I believe that the containment policy under which we are operating now is working as well as we could expect. It is probably the best working model that we could adopt.

I find this legislation that this government has brought in for the people of Western Australia quite amazing. It is all based on social reform. So much social reform legislation has come before this Parliament in the past six months that I am wondering whether this government ever intends to address the many problems that exist in this state, such as the shortage of teachers and police. Do members remember the government’s legislation to decriminalise the use of cannabis? The government said at the time that cannabis is just a party or social drug, so its use should be decriminalised. As Hon Donna Faragher has said many times, the drug problem in Western Australia, particularly the use of amphetamines, is now more severe than in any other state in Australia. I believe that this prostitution bill will decriminalise the exploitation of women and, to a lesser degree, men. I reiterate: why is the government not willing to get back to what it should be doing? The road toll is increasing, yet this government has not talked about providing more police. All this government has talked about is providing more speed cameras. However, all that will do is provide more revenue for the government.

This legislation will shift the responsibility for the control of prostitution from the state government to local governments. Will the government be providing extra funding to help councils manage this problem? No. This once again begs the question: what are the government’s priorities? Is its priority education? Obviously not. Is its priority police? Obviously not. Is its priority the development of important projects such as the Ord stage 2 or the mid-west rail links? Obviously not. Is its priority health? Obviously not. I would much prefer to be debating those issues in the Parliament than this prostitution bill. As I have said, I will be opposing this bill, and I urge members to consider the implications of this bill for the men and women of this state.

HON GEORGE CASH (North Metropolitan) [3.22 pm]: I also oppose the Prostitution Amendment Bill 2007. As members are aware, this bill seeks to amend the Prostitution Act 2000. The minister’s second reading speech contains an interesting comment —

The government recognises that engagement in prostitution raises significant moral and ethical issues and is strongly opposed by sections of the community.

In other words, the government recognises the opposition to prostitution in the community. I have no quarrel with that statement, because in my view this bill is all about the exploitation of women, and that is what the community is opposed to. This bill will legalise the exploitation of women. It will also legalise prostitution as an

Hon Shelley Archer; Hon Robyn McSweeney; Hon Donna Faragher; Hon Wendy Duncan; Hon Nigel Hallett;
Hon George Cash

acceptable business enterprise. That will, no doubt, encourage some unscrupulous business operators to push prostitution as a highly paid employment opportunity for young women in Western Australia. In my view, only a person with a sick mind would set out to encourage women to engage in this particular lifestyle, because this lifestyle is totally soul destroying. The government is seeking in this bill to make the act of prostitution, and certainly the running of a business that provides prostitution services, a more acceptable occupation by offering licences to participants in that industry.

The bill itself does not impose any great obligations on the state government for the control of prostitution. However, it certainly imposes obligations on local governments, because they will be required to amend their planning schemes to comply with the Western Australian Planning Commission's policies and guidelines on this matter. Those policies and guidelines will involve model provisions for the regulation of sexual services businesses. It is interesting to note that this bill also provides that any parties or applicants who are aggrieved about a decision that has been made by a local government will have available to them the appeal mechanisms that are available under the planning laws in Western Australia, and also, if necessary, the appeal mechanisms that are provided by the State Administrative Tribunal. Therefore, this bill is elevating the business of prostitution in Western Australia by putting a legal floor underneath it.

As I go around my electorate, the main issue that my constituents raise with me about the legalisation of prostitution is the fear that sexual services businesses will be established within residential areas, and in particular within multistorey apartment blocks or residential complexes. Recently, I had the opportunity of reading a significant handwritten submission by a person who lived in a high-rise apartment block in Queensland. As this person explained in his submission, the change to the prostitution laws in Queensland nearly destroyed the lifestyle of the people in the complex in which he lived, because some prostitution operators decided that they would use that particular block of residential units as their base. This person explained in his submission the damage and the disruption that were caused to that property, and the negative impact on the children who were living there, all because of the comings and goings of the people involved in the running of this business and the clients who were attending it. He set out clearly in his submission how that had made the lives of many of the residents a misery. I am very concerned about the potential for that to occur in this state. I am surprised that this government would want to make it lawful for people to conduct these types of businesses in residential areas. As I have said, that will be a matter for local government. However, if a local government refuses to grant a person a licence, that person will have available to him certain appeal mechanisms as a result of this legislation.

Some comments have been made in this debate about what constitutes an act of prostitution. One member said that she hoped that this bill would not lead to particular acts taking place between clients and prostitutes. The definition of "prostitution" in section 4 of the Prostitution Act 2000 is very broad. It states —

When this Act refers to prostitution it means prostitution in which payment is consideration for the sexual stimulation of a person ("**the client**") by means of physical contact between the client and another person ("**the prostitute**"), or between either of them and anything controlled by or emanating from the other, and it is irrelevant whether payment is in money or any other form.

I just repeat some critical words —

... the sexual stimulation of a person ("**the client**") by means of physical contact between the client and another person ("**the prostitute**"), or between either of them and anything controlled by or emanating from the other. . .

If the members think that particular definition through, they will see that it is a very wide definition. In my view, it amounts to almost any act imaginable in which there is contact for sexual stimulation between two parties. That is how wide it is, and that is what this government is making lawful as a business enterprise in Western Australia. It makes me wonder where we are headed and what it is all about.

Mr Deputy President (Hon Barry House), you have been here a very long time and have had the opportunity to see a lot of bills come through the Parliament, and I have been here a similar time. I ask myself a single question: is this bill, on balance, going to be for the betterment of the community in Western Australia? That is the first question; a very general question. On this particular bill I come up with a big no, underlined and underscored a dozen times. I do not believe that this bill is in the interests of the people in Western Australia.

I believe that if this bill becomes law, there will be an explosion in the business of prostitution in this state. I do not say that because I dreamt it up last night; I say it because I can judge what has happened in other places in Australia and around the world when the business of prostitution has been legalised. More than that, significant research on the matter shows that when the business of prostitution is legalised, people believe it to be a business

Hon Shelley Archer; Hon Robyn McSweeney; Hon Donna Faragher; Hon Wendy Duncan; Hon Nigel Hallett;
Hon George Cash

that the government condones and they become prepared to enter into that business as a way of making money or conducting their enterprise. The incidence of prostitution will increase, as it did in Victoria.

I refer to an article that was published in *The Age* in June 2003. As we know, Victoria changed its laws regarding prostitution some time ago. Under a heading “Sex in our city? Plenty apparently”, the article states —

The state is home to about 95 legal brothels. The Business Licensing Authority has issued 178 people with licences to carry on a business of prostitution, including 44 for brothels, 39 for escort agencies—whose workers come to you—and 95 for both, but not all are in operation. In addition, there are more than 1600 private registered sex workers who may also run their own businesses, which may employ up to one other person.

...

On a normal Saturday night, it is estimated that a small brothel employing three or four sex workers could service between 40 and 60 men.

When we think about a brothel servicing that number of clients, we think about the activities that surround it, including the fact that the clients have to go to the premises and no doubt hang around if there is no waiting room. I am not sure about what goes on in these places inasmuch as, obviously, different styles of places are available. If there are 40 people coming to and going from just one brothel that is in a residential area, it will affect the amenity of that residential area in a very negative way.

The same article states —

Melbourne’s three largest escort agencies have up to 50 women on call on a Saturday night to go out and meet clients, and on average they charge \$350 an hour.

No wonder I do not know anything about it! That is actually a joke for some members on my side who think that I still have my first shekel.

Some people talk about \$100 an hour. This is a 2003 article from *The Age* newspaper and it is referring to a charge of \$350 an hour. It goes on to state —

Two escort agencies reportedly have 25 male sex workers on call on a Saturday night.

...

There are also hundreds of illegal brothels and individuals providing sex for money without licences and planning permits, from homes and suburban retail complexes. One industry source put the number of illegal brothels and sex workers as high as 400 across Victoria.

A spokesman for the Australian Adult Entertainment Industry Incorporated said the illegal trade was a huge health risk to the community because there were no obligations to employ safe sex practices.

I raise this matter to demonstrate that there will be an explosion in the business of prostitution in Western Australia if this bill is to become law.

The other area that concerns me is that of trafficking in women. I understood that the Labor Party believed that it was wrong to exploit people—women and men. In particular, I thought the Labor Party believed that it was certainly wrong to traffic in women for the purpose of prostitution. I set out to find some information on the degree of trafficking in women for sexual servitude in Australia. I found a submission from the Coalition Against Trafficking in Women Australia by Associate Professor Sheila Jeffreys, who is the public officer of that organisation. It is a submission made to the Parliamentary Joint Committee on the Australian Crime Commission. At chapter 5, under the heading “The Legalisation of Brothel Prostitution”, it reads —

Brothel prostitution has been legalized in Victoria, ACT, New South Wales and Queensland. This has contributed to a growth in trafficking in women in several ways:

5.1 The legalisation of brothel prostitution leads to the expansion of the industry

Legalisation and decriminalisation lead to the growth of the industry of prostitution. The traffic in women to supply the legal and illegal brothels is an inevitable result. Sex entrepreneurs find it hard to source women locally to supply an expanding industry and trafficked women are more vulnerable and more profitable. Trafficked women are placed in both illegal and legal brothels in Australia. They can work legally in legal brothels with work permits if the traffickers apply on their behalf for refugee status.

Hon Shelley Archer; Hon Robyn McSweeney; Hon Donna Faragher; Hon Wendy Duncan; Hon Nigel Hallett;
Hon George Cash

This article deals with the growth of organised crime, which Hon Donna Faragher mentioned just a few minutes ago. There is no question that organised crime steps into the prostitution industry when it is established. That has been shown to be the case in both New South Wales and Victoria.

In respect of the question of trafficking, only this morning an article containing some very interesting statistics arrived via email. The article was put out by Project Respect, an organisation based in Victoria, documented in February and March 2004. It indicates cases of trafficking in women in Australia, and states —

Project Respect spent 6 weeks researching and documenting these cases from 1 February 2004 until 13 March 2004. **This report refers to approximately 300 cases of victims of trafficking documented during this time.**

They were able to find 300 cases in a very limited period of time. I will indicate some of the statements that are made in this report, because most of the people Project Respect interviewed were trafficked for sexual exploitation purposes. I can go to almost any of these reports, because they are all similar, to show the sort of activity that exists.

In case 14, the victim was in her early 30s, the date of trafficking occurred in early 2003, the victim's country of origin was Thailand, and the type of exploitation was sexual. The summary provided in this report states —

The victim was recruited by a friend . . . in Bangkok. The victim knew that she would be doing prostitution in Australia and that she would have to pay off a debt by servicing 700 male clients. She was told that she would have good 'working' conditions and a nice place to live. She was also told that she would have the right to stay and 'work' legally in Australia.

The victim was told she would be able to service 700 men quickly and would then be able to earn money herself. She planned to make enough money in Australia to leave the sex industry permanently.

The traffickers organised a passport and visa for the victim. The visa she travelled to Australia on was valid, but was obtained by the traffickers in a fraudulent manner. After she arrived in Australia, the traffickers lodged a fraudulent Refugee Application without her knowledge or consent. Her signature on the Refugee Application was forged.

The victim was escorted from Bangkok to Sydney by someone who stayed in Australia for a few days and then went home. The victim's travel documents were taken away from her upon arrival in Sydney. The victim was taken to Melbourne and put in a small place of residence with the door locked from the outside. The victim's debt was increased, without her consent, to 800 sexual services. Other women from Thailand on 'contracts' to service 900 men were also brought to the apartment and locked in. The victim and other women were escorted to (BROTHEL G) —

That was the designation given to a particular brothel —

each day.

The victim met another nine 'contract' women from Thailand who were required to service men at (BROTHEL G). Some of them stayed in the same place of residence as the victim.

The victim was told she had to perform oral sex for customers without a condom and had to 'work' seven days a week. She was allowed to keep the money she earned on the quietest day of each week. Of the 10 victims referred to in this summary, some are still in Australia and some have been deported to Thailand.

That is just one instance, and it is one of the milder—if I can use that term—instances of the way the victims were treated.

Another victim was aged 25 when sexually exploited. She came from Chiang Mai in Thailand. This victim had previously been trafficked to Japan and the United States of America. The report states —

The victims were taken to a house where they were locked in until the following morning when two of them were transported by car to one (BROTHEL A) and the third victim was taken to a different brothel.

Over the next two weeks the victim 'worked' 13 and 14 hours each day. She was not given any money and relied on tips from clients to buy food. She was always transported to and from 'work' and had a constant minder at the house.

Approximately two weeks after her arrival in Australia, the victim received a tip off that Immigration were going to raid the brothel she was in. She phoned a client she had befriended and he came and picked her up.

Hon Shelley Archer; Hon Robyn McSweeney; Hon Donna Faragher; Hon Wendy Duncan; Hon Nigel Hallett;
Hon George Cash

The victim stayed with the client for 10 days during which time the client phoned Canberra and organised papers for the victim to return home. He told officials that she had lost her passport. He paid for a ticket to Thailand and she went home.

They are just two of many, many instances of women who have been trafficked. My argument is that trafficking will increase dramatically if this bill becomes law. I will continue later.

Debate interrupted, pursuant to standing orders.

[Continued on page 848.]

Sitting suspended from 3.45 to 4.00 pm