

PROSTITUTION BILL 2011 — GREEN BILL

372. Mr F.A. ALBAN to the Attorney General:

I noted with interest yet another government commitment being met with the tabling of the government's green bill on prostitution on Tuesday. Will the Attorney General please inform the house how this draft legislation aims to get brothels out of our suburbs and, most importantly, the differences between this government's green bill and the proposed alternatives the Labor government released in 2007?

Several members interjected.

The SPEAKER: Member for Albany, I formally call you to order for the first time today, and the member for Forrestfield for the second time today.

Mr C.C. PORTER replied:

I thank the member for his question. Obviously this Parliament will have a very important decision to make in the spring sittings after the consultation period for the draft bill that was tabled this week. In terms of framing that decision and responding to the member's question, I might just look very briefly at what precisely is the situation with prostitution in this state, and describe why the government takes the view that that situation is unworkable.

The fact is that prostitution is illegal in Western Australia. Street-based prostitution has been illegal since 2000 and section 190 of the Criminal Code makes brothel-based prostitution illegal. The fact is that prostitution is presently illegal, in both its general forms, everywhere throughout the state. In the last 10 years there have been 229 convictions for street-based prostitution. The policing of that is relatively successful, although it is always a difficult thing to police. In respect to the policing of brothel-based prostitution, which is illegal everywhere in the state, over the last 10 years there has been one conviction for brothel-based prostitution. The government takes the view—I think that this view is shared by the opposition—that that is an unworkable situation. Having a law on the criminal statutes of this state making it illegal to keep a brothel and almost never policing that law is an untenable situation. That is why this government has brought in the bill for public comment. The member's question was, in essence: what is the salient difference between the bill that we have introduced for consultation and the Labor bill? There are now two bills in existence to deal with this untenable situation; Labor's Prostitution Amendment Bill 2007, which sits in my office in a locked cage marked "never to be sent to Governor" and that sits out there —

Mr J.N. Hyde: Shame!

Mr C.C. PORTER: Let us talk about that in a moment. Our bill is now tabled —

Several members interjected.

The SPEAKER: Thank you, members!

Mr C.C. PORTER: The Liberal–National bill is the Prostitution Bill 2011. The green bill is a very different bill.

Several members interjected.

The SPEAKER: Thank you, members!

Mr C.C. PORTER: It is a government bill.

Several members interjected.

The SPEAKER: Thank you, members!

Mr T.G. Stephens: The Speaker's going to chuck you out now, Premier!

The SPEAKER: Member for Pilbara, I formally call you to order for the first time. The only person whom I want to hear from is the Attorney General; I do not want to hear from you, member for Armadale, and I do not want to hear from the Premier either. I simply want to hear from the Attorney General.

Mr C.C. PORTER: There is one important difference between the two bills.

Dr A.D. Buti: You can't even get it through your party room.

The SPEAKER: Member for Armadale, I formally call you to order for the first time today. There are other ways of approaching this, you know that, member for Armadale.

Mr C.C. PORTER: The difference is this: the government promised a bill that would make brothels in the residential suburbs of Perth criminally illegal. The bill that is tabled for public consultation absolutely ensures that whether it is a brothel of one, two, three or 13 people, it will be a criminal offence to have such a brothel in a residential suburban area of Perth.

Several members interjected.

The SPEAKER: Members!

Mr J.N. Hyde: You're misleading the house!

The SPEAKER: Member for Perth!

Mr C.C. PORTER: The Labor bill —

Dr A.D. Buti: It's irrelevant; we're talking about your bill!

The SPEAKER: Member for Armadale, there are other processes in this place; you can get to your feet and ask a question. I formally call you to order for the second time today.

Mr C.C. PORTER: The Labor bill, which sits in that cage marked "not to go to the Governor", repealed section 190 of the Criminal Code, which made keeping a brothel illegal. It stated that it would be an offence not to be a certified brothel, but it also stated that brothels of two workers did not have to be certified, were not a criminal offence to operate and were not a prohibited use in a residential area. That is the Labor bill that sits out there, yet we had the Leader of the Opposition —

Several members interjected.

The SPEAKER: Thank you, members!

Mr C.C. PORTER: Members opposite do not want to talk about this issue and they do not want to hear anything sensible about it because they know that they have a problem on their hands. Members opposite have to make a decision —

Several members interjected.

Mr C.C. PORTER: I can assure members opposite that there is no problem with the member for Geraldton; he is 100 per cent onside with this legislation.

Several members interjected.

The SPEAKER: I would like to hear more, Attorney General, but I am unable to hear on occasions.

Mr C.C. PORTER: The Leader of the Opposition on radio yesterday morning said, "We weren't going to allow brothels in the suburbs." Is that something the Leader of the Opposition is willing to repeat in the house? If he is, I will take that interjection; I will listen to it right now.

Mr E.S. Ripper: I repeat it.

Mr C.C. PORTER: Do you?

Several members interjected.

Mr C.C. PORTER: "We weren't going to allow brothels in the suburbs." The difference between the two bills that now sit out there is that whether it were in Bateman or Belmont, if two people rented the house next door to someone and were prostitutes and set up business, under the bill that we have put before the house that would be strictly illegal, but under the bill that Labor presented, it would be legal and lawful! It would have allowed for prostitution in the suburbs.

Several members interjected.

Mr C.C. PORTER: That is the fundamental difference and that is why, Leader of the Opposition, that the development manager of Victoria Park at the time, a Ms Lavery, said that the council's problem with the new Labor laws related to sole operators as they attracted the most complaints from residents. The nature of the sole operator is to have numerous visitors, predominantly after normal business hours, which can impact on the amenity of the residential area and particularly neighbours. It is why the Mayor of Kalgoorlie-Boulder said that the thing that worried him was the part of the law that allows two prostitutes to operate without having to be registered. That is what Labor proposed. Not that long ago, the unedifying spectacle of the member for Mindarie traipsed around with news cameras hunting down brothels in his electorate. On Channel 10 he said, "Behind me you can see a brothel operating right next door to residences." What he did not tell Channel 10 is that that is what Labor wanted to happen! That was its plan. We should, I guess, be thankful that he was not in the spa at the time he took the cameras down there! What we have on this side of the house is a plan to get brothels out of the suburbs of Perth. This Parliament, each and every one of us —

Mr E.S. Ripper: You don't have a plan you can deliver! You can't deliver it; you don't have the numbers to deliver it.

Mr C.J. Barnett: You were going to put brothels in the suburbs, good on you, Eric! Good on you, Labor!

Mr E.S. Ripper: You can't get the numbers in your own party room.

The SPEAKER: Leader of the Opposition! Premier, I ask you to refer to people in this place by their title and not by any other name. I am sure you know that, Premier, and on that basis I formally call you to order for the first time today.

Mr C.C. PORTER: I finish by saying that the government says that two people working as prostitutes next door to a person's home are a brothel and it will be illegal.

Several members interjected.

Mr C.C. PORTER: I do not know what the opposition calls that. They probably call it a good time! However, under Labor's bill it would not be illegal. This Parliament has a clear choice. I invite the Leader of the Opposition to help us make up the numbers and to help us make the right decision in this place so that brothels are out of the suburbs of Perth.