

## **PROSTITUTION CONTROL BILL 2003**

### *Consideration in Detail*

#### **Part 1: Preliminary -**

Mrs C.L. EDWARDES: Clause 1 outlines that upon its passage, the measure may be cited as the Prosecution Control Act 2003. Control can be considered in a number of different ways. Control can be to restrain, like contain, as in the old containment policy. However, that is not what the word means in this respect. Control is to means control over prostitution. The control should apply to the industry of prostitution, the sex industry, and not only prostitution. As is well known, prostitution has never been illegal in this State, as only those living off the earnings of prostitutes have acted illegally. The winners from this legislation will be only the investors, the madams and organised crime, not the girls and boys involved, and certainly not the community. In fact, there will be no control.

The ACTING SPEAKER (Mr A.P. O’Gorman): Order! The level of noise in the Chamber is making it difficult for Hansard to hear the member for Kingsley. If members need to hold a conversation, please move outside the Chamber.

Mrs C.L. EDWARDES: There will be no control. Eastern States evidence suggests that this measure will cause the industry, particularly the illegal parts, to expand. It will strengthen the sex industry and encourage investment. Such legislation has not worked elsewhere. The eastern States experience has been that 80 per cent of current brothels in Victoria are illegal, and Queensland has only 10 legal brothels because of a low compliance problem. I indicated in the second reading debate statistics and commentary from the Prostitution Licensing Authority of Queensland outlining why the Prostitution Control Bill 2003 will not work. The minister in response said that the Government has a different model; that is, the Government has looked at problems interstate and done something different. The truth is that there is little difference between the systems interstate and that contained in the legislation before us. If one considers one system, there is a difference. If one considers the other system, there is a difference. However, if one considers a combination of the two, it will be recognised as a failed 1980s social experiment. The Labor Party back in the 1980s promised the legalisation of brothels. The Government in 2003 is legalising brothels, the sex industry and prostitution. The Government is dealing with a 1980s model that is no longer relevant. It has failed on the eastern seaboard and the industry will not be controlled in any way. Very little control will apply. Where has the eastern States experience addressed police corruption? Little incentive will be given for people to register under this Prostitution Control Bill, and it will be very costly for brothels to open legally, and they will compete with the many illegal brothels that will spring up. The police in Victoria have openly said they have insufficient resources to control the many illegal brothels - 80 per cent of the total number - that have sprung up like mushrooms under the Victorian control legislation. As such, the Prostitution Control Bill 2003 is the wrong title. It certainly does not reflect the outcome that will be experienced by the community. It will allow a proliferation of the sex industry with greater levels of investment. Also, the illegal industry will grow. Fewer police resources will be available to deal with that growth and the broader public health of the community. That should be the crux of this measure. This Bill contains myriad other problems.

Mr M.J. BIRNEY: Pretty much what she said.

Mrs C.L. Edwardes: Ditto!

Mr M.J. BIRNEY: I, too, disagree with the title of the Prostitution Control Bill 2003. A couple of other titles might be more appropriate. It could be called the legalisation of pimping Bill 2003. I do not necessarily say that in jest. It is currently illegal to live off the earnings of a prostitute - it has been for some time. If this Bill passes, that practice will no longer be illegal. All members remember the role that pimps historically played in the prostitution industry. It is well documented that some pimps were oppressive and violent characters with little, if any, understanding of women’s issues. That situation lent itself to sexual slavery. The passage of the Labor Party’s legislation will mean that pimping will become legal again. Under the police containment policy, which sadly has been abandoned, men were prohibited from participating in the prostitution industry. That will no longer be the case.

I submit to members that a better title for the Bill would be the legalisation of pimping Bill 2003. To go one step further, we could call it Labor’s legalisation of pimping Bill 2003. If members do not support that proposal, perhaps they will support the proposal that the legislation be titled the prostitution out of control Bill 2003. Essentially, when one legalises a wealth-creating industry, a lucrative industry, one promotes the spread of that industry. When prostitution was legalised in Victoria, the number of brothels increased from 54 to 80 within one year, and a further 90 applications are before that state’s prostitution control board to establish other brothels.

Clause 1 is clearly incorrect. The title of this Bill should be either Labor's legalisation of pimping Bill 2003 or, alternatively, Labor's prostitution out of control Bill 2003.

Mrs M.H. ROBERTS: I am disappointed with the level of debate already. Simply, the member for Kalgoorlie tried to be a comic with a very serious Bill, and the member for Kingsley was inaccurate in her comments to the House. She continued to claim that the Bill has no substantial differences from measures found in either Victoria or Queensland. This Bill has significant differences from the measures in both those States. The member for Kingsley referred to the report of the Prostitution Licensing Authority of Queensland. The statistical highlights on page 15 of the report indicate that 13 brothel licences and 22 managers certificates have been granted to date in relation to the 10 brothels in Queensland. It then outlines that 201 towns or areas in Queensland were granted permission to refuse brothel development applications. Therefore, planning has been a significant reason for brothels failing to obtain a licence.

Page 21 of the report states that section 78(1) of the Queensland Act should be removed. The other significant difference between here and Queensland is that Queensland did not license escort agencies in that State, which basically allowed a quasi-brothel industry to operate under the guise of escort agencies. Escort agencies are included within the Western Australian legislation. Since containment was abandoned during the term of the coalition Government, the number of brothels has mushroomed to an oversupply of brothels due to the lack of action of members opposite when they were in government. Without this legislation, which seeks to control and regulate the industry, no rules will apply to prostitution. Parliament will be abrogating its responsibility if it does not pass the Bill. I submitted the Green Bill, which was essentially what the Opposition proposed when it was in government, and it lampooned it. Despite the fact that I met people in New South Wales, Victoria and Queensland and took on board the issues referred to earlier, and adapted the Bill, the Opposition still chooses not to support this Bill.

Debate interrupted, pursuant to standing orders.

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