

PROSTITUTION CONTROL BILL 2003

Second Reading

Resumed from an earlier stage of the sitting.

MS K. HODSON-THOMAS (Carine) [2.51 pm]: Before question time I said that I, like my colleagues, will oppose the legislation.

Point of Order

Mr P.D. OMODEI: I am trying very hard to hear the member for Carine, who is making an excellent speech.

The SPEAKER: At the end of every question time there is an unacceptable level of noise. The member for Carine has a soft voice. I ask members who wish to converse with one another to leave the Chamber.

Debate Resumed

Ms K. HODSON-THOMAS: Before the break I made some comments about the Victorian experience and how legalisation in that State resulted in an increase in the number of brothels, both legal and illegal. During her address, our lead speaker made reference to the experiences of Victoria, New South Wales and Queensland. Those States are now considering further reforms because their legalisation has caused huge problems. We foresee that happening in WA.

Before question time I referred to the health and wellbeing of sex workers. I have some major concerns in that regard, particularly about sexually transmitted diseases. I understand that the legislation does not provide for mandatory testing. Currently sex workers are required to undergo testing once a month. This legislative framework will provide for them to be checked only every quarter, and I am not sure that it will be mandatory. That should be of major concern to all of us as it will affect both sex workers and their clients.

I also made some comments about a forum that was held at the City of Joondalup. The number of guest speakers included sex workers, former sex workers, clergy, police and the local authority. Everyone expressed their concern about the legislation and said that they did not believe it would achieve the outcomes the minister is hoping for. It is important that we analyse why people are saying that. As our lead speaker said in her address in May, the minister should go back to the drawing board. I know that this was a Green Bill, but by and large people are very concerned that this legislation will not limit the growth of the sex industry and that it will result in an increase in the number of brothels, both legal and illegal, in our community.

No-one in my community wants brothels in the area. No-one wants sex workers operating in private residences, especially next door. It conjures up many perceptions and fears that somebody might knock on the wrong door by mistake. That has implications for young children living in those residences.

I do not support the legislation. I do not believe it will result in the limitation of prostitution in our local communities. As I said, the local authorities in my area have expressed concern about the location of brothels in their precincts. For the most part, they are located in industrial areas, and the local authorities would like that control to be maintained. My local community has expressed its concerns about sex workers operating in close proximity to residences. I can understand those concerns. I would not like a sex worker operating adjacent to my residence.

I do not think a sole sex worker operating out of her home will find the protection she really needs under this legislation. I suspect it might result in sole sex workers putting themselves at risk, and that should be of concern to all of us. No-one would like that. A sex worker operating in a private residence might come into contact with a violent client. Our lead speaker said that many sole sex workers operate out of a second residence, which provides anonymity, conceals where they live and does not expose any children they may have. That is to be highly regarded. In using that second residence, the sex workers can provide themselves with some level of protection. There can be somebody present who can ensure that their wellbeing is protected. I understand that under this legislation, people will not be able to conduct their business in that way, and that is of major concern.

MR P.D. OMODEI (Warren-Blackwood) [2.59 pm]: I start my address by saying, "Vote Labor and have a prostitute locate near you". That is what this legislation is about. We are seeing a complete change in the social structure of this State. That change is being implemented by this Labor Government and led by the member for Victoria Park, the Premier. It began with the gay and lesbian legislation and allowing same-sex couples to adopt children, and is capped off with prostitution legislation that is not agreed to by anybody. The social fabric of the State will change more than it did during the 1970s under the prime ministership of Gough Whitlam. We were told in briefings that in Western Australia there are 3 500 sex workers, 50 brothels, 15 escort agencies and five cooperatives; that is, roughly, 70 brothels. I put it to you, Mr Speaker, that that is far too many brothels, certainly in my mind.

I totally oppose this legislation for a number of reasons. First, there is a connection between prostitution and the police. Some of the issues that fall under the police profile include organised crime, drugs, assaults, murder and corruption. Under local government there are significant planning and nuisance issues. Issues relating to children include child prostitution, sex workers in homes, sex workers working underground and so on. In relation to health there is the very important issue of sexually transmitted diseases. Issues relating to sex workers include the control of sex workers, their health and the mobility of prostitutes around the community. The whole issue impacts on families. There are also advertising issues. Millions of dollars in revenue is obtained by the chief newspaper in Western Australia, *The West Australian*. There is also the issue of moral standing in the community and the issue of deputations and consultation with the community. The issues that fall under containment include public nuisance, sexually transmitted diseases in the community, the safety of sex workers and their clients, mobility, crime elements, drugs and the protection of children.

Who supports this legislation? No-one I know supports this legislation. The police believe their powers are being watered down. Some sections of the police are beholden to the Government of the day and they will take a certain stance, but the vast majority of police to whom I have spoken oppose this legislation. Some of the various people who have been quoted on this legislation include Linda Watson from Linda's House of Hope; Janelle Fawkes from Phoenix, which the Government has just closed down; Mary-Anne Kenworthy; Margot Boetcher; and Mary Jenkins. What do we get out of prostitution in this State? The sexually transmitted diseases include HIV, hepatitis B, gonorrhoea, chlamydia, trichomoniasis, syphilis, herpes, genital warts, scabies, pubic lice and crabs, tinea and fungal infections, hepatitis A, hepatitis C, molluscum, pelvic inflammatory disease, recurrent urinary tract infections, vulval cysts, vulval abscesses, candida vaginitis, bacterial vaginosis and vulvitis and dermatitis. That is a damning list of diseases that can be spread throughout the community by prostitution. This Government is only assisting the spread of prostitution in our community.

The submission by local government referred to the background of the legislation, which is to promote the welfare and occupational health and safety of prostitutes and by other means to protect prostitutes from exploitation. This is part of the reason that the legislation has been introduced. It will also protect and control the social and physical environment of the community by controlling the location of brothels, prostitutes, agency officers and businesses involved in the provision of prostitution. However, what does it actually do? Despite repeated requests by the Western Australian Local Government Association, local governments, the bodies that will be imposed upon to control prostitution in a large way, were not consulted; nor were they provided with any opportunity to have input on the proposed legislation at any stage. Although there was a Green Bill, there was no direct contact with local government or its association representatives. It was advised of the contents of the Bill on a confidential basis only shortly before it was released. What does the Bill mean for local government? Clause 160 of the Green Bill inserts a schedule into all local government authorities' town planning schemes that are in force on the date the Bill comes into operation. This will occur regardless of whether it is acceptable to each local authority. The Bill does not improve the ability of councils to control and regulate the location of brothels, prostitution agencies and individual operators, which is contrary to the long-established land-use planning situation in Western Australia whereby local governments have successfully managed development on all private land.

Of further concern is the grandfather clause contained in the legislation that provides for existing illegal brothels. Also of significant concern is the wide range of planning, building and health-related issues that appear not to have been adequately addressed in the proposed legislation. The Western Australian Local Government Association has indicated that it has great concerns about the total lack of consultation before the Bill was drafted. It would like to be assured that those persons who drafted the proposed legislation investigated best practice in the eastern States and in overseas countries, such as the Netherlands, which I understand did not occur. The problems that the other States have encountered do not appear to have been acknowledged by the authors of the Western Australian legislation and the lessons learnt in those States, with their considerable combined experiences, are not reflected in the general direction the Bill has taken. The over-restrictive legislation has proved to work poorly in both Victoria and Queensland, and this legislation is very similar to the legislation in those States.

I have mentioned the overriding provision to remove the fundamental power of a local government to use its discretion when making decisions on the appropriate land use within its scheme area. Local governments should be given the autonomy to regulate the location of brothels within their municipalities, based on planning grounds. To take that away beggars belief. Local governments, which are responsible for all the things that happen in the cities, towns and shires across Western Australia, are being denied that fundamental right.

In regard to sole, self-employed prostitutes, the Bill takes away the fundamental power of local authorities to make decisions on the appropriate land use within the area of the local authority by declaring that planning approval is not necessary to establish such a business. The tenor of the provision runs counter to the local government aim of achieving the best planning outcomes in each community and to provide for good

government, of which I am sure you, Mr Acting Speaker (Mr J.P.D. Edwards), are well and truly aware due to your past activities with local government. Another issue of concern about sole operators - these are the main concerns facing local authorities - is that local governments are totally opposed to the proposal to exempt them from the planning approval process. Local governments are being overridden by the State Government in this case. Hence my comment, "Vote Labor and have a prostitute locate near you." There is nothing that local government authorities can do to limit the ability of the State to impose its will on those local governments and to locate prostitutes close to vulnerable people. I will give some examples that have been provided by the Western Australian Local Government Association, which represents the 142 local governments in Western Australia.

Sole, self-employed prostitutes and their clients are the subject of most complaints from residents within the town of Victoria Park, which is in the Premier's electorate. The self-regulation of this sector of the industry is considered to be ill conceived and unwise, and it will be the source of many complaints from residents. Sole operators should be subject to the same scrutiny and consequences of conducting their operations as are all other home occupations. Little attention has been given in the proposed legislation to streetwalkers. The issue of individual streetwalkers appears to have been given no attention at all. Streetwalkers are causing particular concern to residents in areas of the Town of Vincent. Both the Premier's electorate and one of the other major towns close to the metropolitan area are experiencing problems.

As far as the effect of legality conferred on existing brothel operators is concerned, clause 1(7) of schedule 3 effectively confers legality on existing prostitution operations which, prior to the commencement day of the Bill, would otherwise have been unlawful. The Government has legalised existing brothels. This is unreasonable and has a serious implication for local governments. The City of Mandurah in particular regards this proposal with significant concern. Local government is strongly opposed to this proposition. I have now mentioned three major local governments in Western Australia.

I now move to health and building concerns. The Bill does not adequately address the public health issues associated with the prevention of disease other than sexually transmitted infection. Environmental health officers from several major local governments have expressed concern about this situation. For example, the City of Bunbury holds the view that a complete lack of thought has been given in the Bill to hygiene and safety standards; cleanliness of ablution facilities; cleanliness of rooms, bedding and linen; safe disposal of used prophylactics; safe disposals of sharps; cleanliness and sanitation of sex tools and associated paraphernalia; and controls relating to the overcrowding of premises. Another issue for consideration is structural requirements under the Building Code of Australia where classification of the buildings requires the provision of adequate toilet and bathroom facilities, provision of adequate laundry and kitchen facilities; and adequate access, egress and emergency exit signage. These issues have not been dealt with to any proper extent in the legislation.

It is understood that the board will be responsible for receiving and acting upon complaints from the public, but it is unlikely that it will have the staff and the resources to do this effectively. However, it is certain that the local government will bear the brunt of most of the complaints, although it appears to have no authority under the legislation. Local government is again being burdened with another responsibility, similar to the state emergency services levy which has been imposed on local government. Local government will bear the brunt of any criticism or complaints under this legislation.

Divisions 3 and 4 in part 4 appear to state that a licence cannot be granted without local government approval. Will applicants make an application to the board for assessment first, and then, upon the board's preliminary decision, will the applicants be advised to liaise with the local government, or will the applicants need to receive local government approval before applying for a licence from the board? Again the community has been overlooked.

This submission by the Local Government Association contains a whole raft of issues and time will not permit me to go through all of them. Some of the problems that arose in the legislation in New South Wales, the Australian Capital Territory, Queensland and Victoria are outlined in this report by the Western Australian Local Government Association. I reiterate: this Bill landed on the association's doorstep at the eleventh hour. We are not talking about a small, local organisation; the Local Government Association was not permitted to properly respond to the legislation and interact with the State and at a local level to ensure that it is workable for the community. It should be a matter of grave concern to members on both sides of the House. Obviously ministers have had access to this legislation through their caucus and cabinet processes, but I am sure members of the back bench of the Labor Party would have been briefed on this issue. It goes much deeper than it appears on the surface. The Prostitution Control Bill that the Government is attempting to put in place is unworkable and will change the social fabric of families in this State, it will place children at risk, it will place communities in dire straits, and local government will be powerless to respond.

Some local governments do not have industrial areas, for example, in which to locate brothels, and that will exclude their ability to satisfy the requirements of the planning controls contained in the Bill. What will happen

in those small towns and shires around country Western Australia? Will we see a proliferation of sole operators in my own home town of Pemberton because this legislation has the imprimatur of the Government of the day? The Government sees this as being a good thing for the community. Will we see sole operators in our towns in Western Australia, because if the local government does not approve them, the State Government will? Local government has the power to control any other home occupation, but when it comes to one of the most fundamentally important issues that affects family life and kids, what happens? Imagine a sole operator operating out of a single residence with young children living in that residence.

[Leave granted for the member's time to be extended.]

Mr P.D. OMODEI: Brothels operating in an industrial area will also pose a safety threat to sex workers. Councils may be compelled in some instances to refuse applications due to the likely health and safety risks. Local authorities will certainly be inundated with complaints by the public, mostly about sole operators, and will have to refer those complaints on to a probably under-resourced board. However, no complaints process is set out clearly in the Bill. Local government will have to deal with the matter that has been imposed upon it by the State.

There are a whole lot of other issues. How should the proposed legislation be amended to make it more effective, as well as more acceptable to local government and local communities? The WALGA set out in its report pages of suggestions that it made to the Government, to no avail. One of the recommendations concerned health checks, hygiene standards, cleaning schedules, maintenance requirements, waste management, plumbing requirements, spa water quality, laundry, noise control, anti-social behaviour, codes of conduct, public exit and evacuation signage, public liability insurance cover and risk management. These are just a few of the issues that local government identified in its submission to the State Government on this legislation, and the Government failed to act on them.

I will now refer to some of the comments made in the submission to the Government by the Most Reverend Barry James Hickey, Catholic Archbishop of Perth, who I am sure you would agree, Mr Acting Speaker (Mr J.P.D. Edwards), is a significant figure in Western Australia. In his opening remarks he states -

General Comment

The Prostitution Control Bill 2002 is a strong argument for banning organised prostitution altogether. It sets out a coherent pattern for controlling illegal prostitution (brothels and prostitution agencies) by giving police the necessary powers, including more rational rules of evidence, to carry out the task effectively. If the Government, Parliament and the public are to believe that this legislation will be successful in preventing organised illegal prostitution, then clearly it can prevent all organised prostitution.

That is a significant point. He continues -

There is nothing in the Bill to suggest any limitation on the number of brothel licences that may be issued and there is no requirement for the consideration of community interest in the granting of such a licence.

That is another very significant point. We will see a proliferation of not only brothels in this State - this is my prediction - but also sole operators operating outside of any controlled mechanism. The archbishop continued -

The functions allocated to the Prostitution Control Board include S.14 (c): "to develop strategies to deter persons from becoming prostitutes, and to advise prostitutes wishing to cease prostitution;". This function is contradicted by, or at least is not in harmony with, the function of licensing brothels which have a need for people to become prostitutes and to continue to function as prostitutes.

The submission continues -

The Bill makes a clear distinction between the act of prostitution and the organization of prostitution. This distinction has a long presence in British and Australian law and is the foundation of one of the first UN conventions: For the Suppression of the Traffic in Persons and the Exploitation of the Prostitution of Others (1949). The distinction accepts, albeit reluctantly, the practice of prostitution but sets the authority of society against those who seek to benefit from the prostitution of others. This approach is similar to our attitudes to drugs where the use of drugs is considered primarily as a health issue while trafficking in drugs is a serious criminal matter. There is nothing in the Bill that justifies a departure from this UN Convention, although the Government appears to have gone into the framing of it on an unproven assumption that licensed brothels are unavoidable.

...

RIGHTS FOR DE FACTO PIMPS

The provision that a spouse is not guilty of living off the earnings of prostitution when receiving a benefit from a sole prostitute (Section 121.7) is now complicated by the Government's recently enacted definition of spouse to include de facto and homosexual relationships. The absence from this legislation of a legal limit on the number of de facto spouses one can have means that this section plays into the hands of pimps controlling a number of prostitutes with an appearance of a de facto relationship in each case. The recent Adoptions Bill specified that a person in a de facto relationship seeking assessment as an adoptive parent may not have more than one de facto spouse. The Prostitution Control Bill should contain the same restriction in relation to this section.

ADVANTAGE FOR ILLEGAL BUSINESSES

The provision in Schedule 3 (7) that existing illegal prostitution businesses will be allowed to operate in existing premises regardless of the planning restraints the Bill purports to impose is incomprehensible. The Government seeks to impose on local governments the necessity to accept brothels and prostitution agency businesses on land that is not within 300 metres of an educational establishment, a place of worship, child care premises, community purpose premises, a hotel, or land in a residential zone or precinct. No local government in the state will be able to refuse this amendment to their town planning schemes. It defies reason, then, that they will be deprived of the 300-metre protection if an illegal business already operates within their boundaries. Even in the terms of this tawdry trade (as distinct from the much greater consideration of community interest), illegal businesses and illegal operators should not be given this advantage over potential new operators. The planning principle of a non-conforming use right ought not to apply to a business which is inherently illegal. This distortion of the Bill's principle of community protection ought to be accepted as sufficient reason for the Board to refuse to licence any existing business, even though S.39 (6) says that prior experience is not to be regarded as a bar to the granting of a licence to a person.

The archbishop refers to the distortions of the relationship between the State and local governments, which I have already canvassed. The submission further states -

CONTRACT OF EMPLOYMENT

... The Bill's quaint notion that prostitution is an ordinary form of employment that can be subject to the ordinary principles of industrial relations is not a reasonable protection for the basic rights of prostitutes ...

All the principles of decency and compassion which are the heart of the trade union movement and the foundation of industrial relations law have to be thrown overboard if we are to regard prostitution as an industry just like any other.

...

LEAVING THE INDUSTRY

... (S.15f) provides that the Board's educational role includes "advice and sources of assistance available to prostitutes wishing to cease prostitution".

It is disappointing that the Bill does not require the board to ensure that sufficient support is available to those wishing to leave the industry and resume a normal life. The Government has not given any signs that it will commit to providing that type of support for people who wish to exit the prostitution industry. The submission continues -

This deficiency is yet another sign that the Bill is based on the insupportable assumption that prostitution is "just another job" ...

Conclusion

... The fact that no local government can refuse to allow the use of relevant land at least implies that organised prostitution (brothel or agency) is to be acceptable in any and every part of the State ... However, the presumption in the Bill is that organised prostitution is entitled to exist in each and every community.

That is an absolute disgrace. I feel for the Minister for Police as a practicing Roman Catholic having to deal with this legislation. The Government is ignoring the submission of the Catholic Archbishop of this State. The submission continues -

Throughout the Bill, there are tacit acknowledgements that organised prostitution should not exist, but the purpose of the Bill is to enable it to exist.

...

The Bill provides the mechanism for the eradication of organised prostitution. It is a pity it is not being introduced for that purpose. Instead we have a Bill which imposes brothels on an unwilling community. The Government has ignored the evidence of Victoria, New South Wales, Queensland and the A.C.T. that legalization results in a large increase in illegal brothels with many more young women drawn into this demeaning industry. With the need to control illegal brothels the risk of corruption and bribery will still exist. The only winners in this scheme will be the madams and their wealthy backers, not the unfortunate girls.

I add also the unfortunate boys.

In its absence, I thank the Western Australian Local Government Association and the Catholic Archbishop of Perth for providing me with information. I have touched only the tip of the iceberg with regard to the submissions that have been received on this legislation. This is ill-conceived legislation. Although it came from a Green Bill, inadequate time was spent discussing and changing the legislation to make it workable. It seems as though this Government wants to hastily progress this legislation, which will be harmful to the community of Western Australia. This issue will affect those places where prostitution has existed in the past and it will encourage prostitution to occur across the length and breadth of Western Australia. I find that absolutely abhorrent. If we are to save society as we know it, bearing in mind the rate of change that is occurring, the family must be the cornerstone of our society. If we do not have that, society is doomed to fail in the foreseeable and long-term future. To introduce into the Parliament this legislation, which undermines the basic fundamental foundations of the family in this State, is a disgrace. The Labor Party should be ashamed of itself for introducing this legislation. I admit that this is a very complex issue. However, the approach this Government has adopted is fundamentally flawed. The proof of the pudding will be when sole prostitution runs rampant in Western Australia from one end of the State to the other.

MR M.F. BOARD (Murdoch) [3.38 pm]: Like my colleagues, I oppose the Bill, not because of the Government's efforts to control prostitution but because the Bill will achieve the opposite of controlling prostitution in Western Australia. As is the shadow Minister for Health, I am disappointed that we are again spending very valuable parliamentary time on this type of legislation, although it is the Government's right to put forward social change and provide legislation for that. This Government has not introduced into this Parliament any significant legislation on public health.

Mr E.S. Ripper: What legislation are you looking for?

Mr M.F. BOARD: The Opposition would like to review the Health Act. A raft of reviews to health Acts have been outstanding before this Parliament for a number of years. The Opposition wants to review the Physiotherapists Act, the Dental Act and other Acts that deal with a range of allied health professions that are in need of reform. All those issues are causing problems in our community, yet they have been on the Government's backburner, particularly issues concerning the Medical Board and reform of the Medical Act. Clinicians, the Australian Medical Association and the community have been calling for reform of that Act, but we have yet to see any legislation introduced into the Parliament.

Indemnity insurance issues get more critical day by day to the performance of health professionals in this State and those leaving the health service. Statute of limitations legislation is still to be introduced into the Parliament so that we can debate that and how we can support our medical practitioners. Surely, in the time frame leading up to 1 July those are critical issues that Parliament should spend time debating. Although I acknowledge that it is the Government's right to make social reforms, it has its priorities wrong. The community will judge the Government for its choice of priorities when people are screaming for parliamentary time to be spent on legislation that is not only waiting to be introduced but also yet to be drafted.

One of the other issues that must be put on the record is that a number of people who have represented the Government's point of view have tried to indicate that the Liberal Party has had its head in the sand on the control of prostitution. That is not the case. The coalition recognised the need to control prostitution. We are objecting to the Prostitution Control Bill because it will not control prostitution. In this second reading debate the Opposition is endeavouring to convince the Government that it is embarking on reform that will encourage a greater level of prostitution in Western Australia. As has been proved in other parts of Australia, problems associated with prostitution in the community will increase; we will see especially an increase in the number of people who live off the earnings of prostitution. Health issues will increase. Notwithstanding the Government's intentions, this Bill will not give the Government the result it is seeking. The Government should sit back, look at what has been drafted and consider why no-one, from sex workers through to general members of the community, is supporting it. Somehow the Government has got the balance wrong. It must go back to the drawing board. If it comes back with something that will work and will control prostitution, it will get the Liberal Party's support.

Who are we trying to protect? Who are we trying to look after in our community in this respect? The sex workers themselves need protection for their own welfare and long-term future. Let us face it, not many prostitutes - sex workers as they want to be known - want to spend a lifetime in the trade. The majority of sex workers come in and out of the business over short periods, depending on whether their social or economic needs are being met by other means. We therefore need to look after the sex workers for their own good. More importantly, we need to examine why sex workers choose to work as prostitutes. I might be wrong but I am sure that the majority of prostitutes do not want to work in that field. They find themselves in circumstances that demand they sell sexual favours in return for fairly lucrative amounts of money, not all of which they get to keep. I will expand on that point in a moment. If the majority of sex workers had other opportunities in their lives, they would not choose prostitution. People are driven to prostitution because of other social ills. I am not sure this Bill will do anything to address that. In fact, it will do the opposite. It is more likely to open the door for people to enter the trade, and for prostitutes to work from their own homes and in the suburbs to a much greater degree, as occurs in Victoria.

Although the Bill is titled the Prostitution Control Bill, it will not control prostitution. As other speakers have said, it will legitimise it and open the door for a range of people to become prostitutes who may not have taken to prostitution in the first place. It will be seen as an acceptable practice, whether it be in a legitimised brothel or a home occupation. It will draw a range of people to prostitution who I do not believe need to be involved in that industry. As shadow Minister for Health, I believe that will lead to involvement with other ills in our community such as drugs and mental health - there is a clear correlation between prostitution and drugs - and issues that will affect people's long-term respect for themselves. The Bill will have the opposite effect from its intention, which is why we are imploring the Government to rethink and redraft it.

Following the Royal Commission into Prostitution in 1975, I think in 1977 the prostitution containment guidelines were tabled in the Parliament. Although those guidelines might have been difficult for the police and created a list of brothels that were sanctioned to some degree, they limited the growth of prostitution. The police had the opportunity to close down brothels or escort agencies that operated outside the containment policy. The coalition Government also introduced the Prostitution Control Bill 2000, which sought to deal with kerb crawling, the equally difficult issue of child prostitution and people invited to be prostitutes, particularly in the Northbridge area. That Bill successfully dealt with those issues. Everybody would recognise that it needed to be done urgently at the time. I would have said to this Government that having legislation that dealt with some of the guidelines that are in this legislation and having that containment policy in place, maybe the simpler way for the Government to have dealt with some of the difficult policing issues arising from the containment policy would have been to legislate for the containment policy - outlining where the brothels would be and who could operate them - rather than to go down the path the Government has followed and open the door to an increasing number of brothels throughout the State and the proliferation of prostitutes working from home.

One of the issues that have always been of concern with prostitution is those living off the earnings of prostitution. In other words, it is difficult enough for the community to accept that people prostitute themselves for their livelihood, but why should others benefit from that and gain their livelihood by living off prostitution? A very large number of people will be living off the earnings of prostitution as a result of this Bill.

Mrs D.J. Guise: We will know who they are and they will be accountable, unlike the position now.

Mr M.F. BOARD: Just think it through. If people in the suburbs are allowed to prostitute themselves, their spouses, boyfriends or girlfriends could be living off the earnings of prostitution. How will the Government deal with that? I do not think the government members have thought that through. It could be that people might encourage their spouses, girlfriends or others into prostitution so that they can live off their earnings. It might seem ridiculous but it happens and it will happen. One of the issues that emerged from the Victorian experience is that a huge number of people are living off the earnings of prostitution.

I mentioned earlier that I am concerned about the drug and mental health issues of prostitutes. I am concerned about those who are currently working in brothels and the thousands and thousands in our community who are addicted to heroin, amphetamines and other illicit drugs, many of whom have not prostituted themselves. This State has one of the highest burglary rates in Australia because many addicts will rob house after house to get \$3 000 a week, which is the average cost of feeding their heroin or amphetamine habit. I suggest to government members that as a result of this Bill more drug addicts will turn to prostitution. Whether government members think that the legislation will control prostitution or not, there will be more prostitutes, particularly prostitutes working from home. That will not be in the interests of controlling sexually transmitted diseases. It will certainly not be in the interests of trying to get drug addicts into clinics and off their habit.

The Victorian experience has been that things have gone the opposite way to that which was intended. I do not know if government members have had the opportunity of looking at that experience, but I will refer to it because it is a demonstration of a good intention that has gone particularly wrong. The Victorian experience shows that as a result of legislation, very much like the Western Australian legislation that is being proposed,

there have been huge increases in the number of brothels, the number of prostitutes working from home and particularly the number of illegal prostitutes. The incidence of illegal prostitution has more than doubled in Victoria since its legislation was introduced. That is outlined in reports and studies that have been conducted. That has occurred because it is seen by many as a socially acceptable trade. One report indicates that a large number of migrant women and children have been drawn to prostitution as a result of the change in legislation. This reinforces what I said earlier. The intention of the Government to control prostitution will not be met by this Bill. The summary of the report states that the legislation on prostitution in Victoria was promoted as the solution to all perceived problems surrounding the sex industry. There would be regulation of brothels, control over conditions, restriction of drug use, compulsory health checks on prostitutes, now called sex workers, and a general cleaning up of existing illegal activities. Legalisation occurred in stages. In June 1984 the Victorian Planning (Brothels) Act allowed prostitution in brothels that obtained a planning permit from the local council. The prostitution regulations 1986 said sex workers could work from home or be employed in brothels, escort agencies and massage parlours, but brothels were still not legalised or licensed. The then Labor Government wanted brothels to be spread across all suburbs, so it restricted the grounds on which local councils and residents could object to brothels by stopping complaints based on community interest or moral grounds.

Prostitution was legalised in Victoria in 1994 as a result of the Prostitution Control Act. The summary goes on to set out what has happened as a result of that. The report indicates that the number of illegal brothels has risen sharply. In 1999 police estimated there were more than 100 illegal brothels in Victoria following the legislation. Prior to the legislation there were 50 illegal brothels. The number of sex workers working in the industry has more than tripled since the legislation came into being. It has been revealed that at least 3 700 children under 18 years of age are selling their bodies for sex. That was a report from Save the Children in 1999.

[Leave granted for the member's time to be extended.]

Mr M.F. BOARD: I could go on to talk about all of the increased areas of prostitution as a result of what has happened in Victoria. Not only that, but also, because prostitution is seen to be more legitimate, there has been a rise in associated sex industry businesses that now run on the back of the rise in prostitution. Sexpo and other major expos in Victoria are attended by people from all over Australia.

Mrs D.J. Guise: I think there was one of those here.

Mr M.F. BOARD: I am not sure that it was all that successful. My point is this: we recognise that the Government's efforts are to control prostitution, but the effect of the legislation - this is not just rhetoric on our part - has been demonstrated in jurisdictions around the world, particularly in recent times in Victoria, which has the same socioeconomic parameters as Western Australia, which went the opposite way. Those jurisdictions regret what they have done. Why would we want to go down the same path and introduce similar legislation to that of other States which has now found to be unacceptable?

The Opposition recognises the efforts of the Government to control prostitution, but it is going about it the wrong way. The Government should take the opportunity to sit back and reflect on this legislation, and work out why no-one in the community or in the industry supports it. If the Government thought it would get any support, it would come from the sex workers, but not even they are supporting the legislation, because it over-regulates in some areas and under-regulates in others. That is a mismatch with the intended purpose of control. The Liberal Party does not have its head in the sand on prostitution. We recognise that it is a difficulty in our community, and that it needs to be controlled. We recognise the health, social, drug and mental health issues associated with it, and the dangers it poses to children in the community. While the previous Government failed to legislate for containment of prostitution, it at least set the parameters for control. If the Government really wants to control prostitution, it should look at the operation of prostitution now and contain it by legislation, rather than going the opposite way of opening the door for uncontrolled prostitution throughout the suburbs.

The Opposition will oppose the Bill. There is much to go through in consideration in detail. It is not too late for the Government to review the legislation. This is not a burning issue that will break the Government if it does not get this legislation through in the next few weeks. The Government knows it does not have the support of the Greens (WA) in the upper House. What is it doing? Is this just show? Does the Government really not want the legislation to go forward because it knows it is flawed? The Government should be mature, look at the Bill openly and honestly, sit back and reflect, and then draft something that will control prostitution and effect what the Government needs to do.

MR D.F. BARRON-SULLIVAN (Mitchell - Deputy Leader of the Opposition) [3.52 pm]: In business, as in government, the financial health and priorities of an organisation can always be discerned from the bottom line. The social priorities of a Government can be revealed by reading the Notice Paper. Today's Notice Paper, which sets out the legislative agenda and priorities of the Government, lists at least two very important pieces of legislation waiting to be debated, voted on and enacted. They are the Civil Liability Amendment Bill 2003 and the Motor Vehicle Repairers Bill 2002. The latter Bill has taken years - almost decades - to come to fruition, and

has been sitting in this Chamber for months. It was second-read by the minister on 5 December last year, and more than six months later we are still waiting for that piece of legislation to make its way to the top of the list to be dealt with in this Chamber. The Civil Liability Amendment Bill 2003 has an even more significant impact. It was second-read by the Parliamentary Secretary to the Premier on 20 March this year and now, almost three months later, we are still waiting to deal with it. The first piece of legislation is about the whole of the motor trades industry in this State - a very important player in our economy in both Perth and regional areas. That industry has been looking forward to this Bill for years. The Civil Liability Amendment Bill affects just about everyone in this State. It sets out some very significant reforms that, particularly if some amendments proposed by the Liberal Party are adopted by the Government, will have an enormous beneficial impact throughout the State and alleviate a financial burden on many small businesses and community groups. Instead, we are spending most of the time this week debating the Government's prostitution legislation. On the Notice Paper, sure enough, the Prostitution Control Bill 2003, which is now being debated, comes up ahead of the Civil Liability Amendment Bill 2003, the Motor Vehicle Repairers Bill 2002 and about 20 other pieces of legislation, most of which should have a different priority to this wretched Bill we are dealing with today. It says much about the character of a Government when it uses up valuable time in this Chamber on issues such as legalising brothels - which is the gist of this Bill - and dealing with social legislation such as gay law reform and drug law reform, while the issues that matter to people throughout the State are being ignored and allowed to languish at the bottom of the Notice Paper.

This issue has even broader implications and significance for the politics and priorities of the two major political parties in this State. The broad intent of the Prostitution Control Bill reveals what it is all about; that is, enabling and encouraging the growth of the brothel trade in this State. We have heard howls of protest from government members saying that it will not encourage prostitution; that is not what it is about. I have news for those members - it will encourage prostitution. I will use as an example my home town to demonstrate what I mean. Bunbury is one of the towns in this State that fortunately does not have a legal brothel.

Mr A.J. Dean: Which town does have a legal brothel? Are there any legal brothels anywhere?

Mr D.F. BARRON-SULLIVAN: Escort agencies operate from Bunbury, and prostitutes come into the city from time to time, particularly when ships visit from one navy or another. The sex industry services the so-called requirements of those sailors either by visiting the town or through escort agents. The important thing to realise is that we are not dealing with whether the act of prostitution should be legal or illegal. This legislation is about the institution within which paid sex is performed; in other words, this legislation is about encouraging and enabling the growth of the brothel industry in this State. At the moment, there is no brothel in Bunbury that is contained, or legal, or operating in any sense. One currently is under investigation, but it is not clear whether it is a brothel or the place of residence of an individual prostitute. The police will deal with that matter. The last police superintendent for the region, to his credit, closed an illegal brothel only a couple of years ago. He had his troops throw the furniture, the bedding and the mattresses out onto the street. That is the approach the police have taken in the south west towards brothels of this nature. I am confident that that approach will continue to be taken, unless this legislation passes through the Parliament. To clarify, my home town of Bunbury, and its environs, do not boast any brothel of this sort, despite what the member for Bunbury might say by way of interjection. There is no brothel running in Bunbury.

Mr A.J. Dean: You said legal brothel.

Mr D.F. BARRON-SULLIVAN: I said any legal or contained brothel. Does the member for Bunbury know of a brothel operating in Bunbury today? He does not answer because he knows that no brothels operate in Bunbury today. However, I have news for him, and for other members as well - I will touch on them in a moment - that if this legislation passes Parliament, there will not be just one brothel in Bunbury, there will be several. Members should not take my word for it. The member for Bunbury himself is aware of people who want to set up brothels in Bunbury. Brothel owners not only want to set up brothels in Bunbury but also they have visited Bunbury and said what a great place it would be for them to set up brothels and do business when this legislation is passed. Indeed, a number of brothel owners appear very keen on the idea of establishing operations in my home town. What the local population thinks about that is a very different matter indeed. The storm of controversy that this legislation has opened up throughout the south west cannot in any way be underestimated. In a nutshell Bunbury and the surrounding area currently does not have a brothel operating. When this legislation is enacted and implemented there is absolutely no doubt whatsoever that brothels will be established in Bunbury and they will have the protection of the Labor Party's legislation in their operation.

Debate interrupted, pursuant to standing orders.