

PROSTITUTION CONTROL BILL 2003

Second Reading

Resumed from 4 June.

MR R.F. JOHNSON (Hillarys) [1.27 pm]: It has been quite a while since I began my speech on the Prostitution Control Bill, because it was interrupted by the introduction of the budget and the Estimates Committee hearings. I will refresh members' memories about some of the concerns I have with this Bill. I do not support the Bill because it is morally wrong. If it is passed, it will create all sorts of legal problems in the future.

Once again this Government is attempting to make an illegal act legal. I do not refer to the act of prostitution, because prostitution in itself has never been illegal. Rather, I refer to brothels, which have always been illegal in this State. Brothels are illegal in most countries, except for those that actively encourage brothels. Holland is one particular case. However, we are talking about Western Australia, not Holland. For many years Western Australia has had a containment policy. It restricted brothels on an unofficial, but somewhat recognised, basis to Northbridge and Kalgoorlie. Over the years it has become well known that if a person wanted the services of a prostitute - that person is usually a man - he would go to one of the few brothels in Northbridge or Hay Street, Kalgoorlie, which is a well-known brothel area.

Under the containment policy, things worked okay for many years. We would be foolish to say that prostitution will one day no longer exist. We would be foolish to think we could legislate to ensure that prostitution did not exist. Even if we legislated to make the act of prostitution illegal, it would still occur. Only a very naive person would suggest otherwise. I believe the containment policy recognising Northbridge and Kalgoorlie should be restored, as that is what people are used to. This Government wants to legalise brothels. It wants a proliferation of brothels throughout Western Australia. It does not want them confined to only Northbridge and Kalgoorlie. Under this legislation, brothels will operate in every local government area throughout Western Australia, even if the relevant local government does not want them. This Government will be able to override the decisions of local government. The Government will take away the democratic right of local authorities to say what they want to happen within their local authority area.

I attended a forum on prostitution held by the City of Joondalup a couple of months ago. Those who attended included sex workers; Mary-Anne Kenworthy, the very well-known madam; a representative of Phoenix; a representative of Linda's House of Hope; a representative of the local authority; a representative of the Police Service; and a representative of one of the churches. A spectrum of people was able to comment on the Bill before the House, but not one person spoke in favour of it. My impression was that the police officer was embarrassed to have to be there. He said that he did not necessarily agree with the legislation but that he was at the forum to represent the police minister. He may have got into hot water for those comments. It was clear that he, a police officer of many years standing, was not in favour of the Bill. I ask the Government to name one organisation, other than the Labor Party, that is in favour of this Bill.

Mr A.J. Dean: The Western Australia Police Service.

Mr R.F. JOHNSON: That is an interesting interjection from the member for Bunbury. I would like to know whether he is happy for brothels to operate in Bunbury.

Mr A.J. Dean: Watch this space.

Mr R.F. JOHNSON: Obviously the member for Bunbury is looking at a space in Bunbury that will become a brothel. He supports this Bill wholeheartedly, and he will be happy to see a brothel in Bunbury. I will be pleased to take interjections from any government member in a marginal seat about whether he is happy for brothels to operate in his area.

Mr P.D. Omodei: The member for Bunbury wants several.

Mr R.F. JOHNSON: If the member for Bunbury wants several, we should watch many spaces. The member for Bunbury is happy for that to happen in his area. Nobody is happy for a brothel to operate in the city of Joondalup.

Mr J.C. Kobelke: How many are there already?

Mr R.F. JOHNSON: There are no legal ones. In fact, the council dealt with an illegal one. I would be very interested to know what the member for Joondalup feels about brothels in his area. I will not embarrass you, Madam Deputy Speaker, by asking how many brothels you would want to operate in Joondalup. I believe that in your heart of hearts you do not want any brothels to openly carry out their business in Wanneroo. We want to know what some of the members opposite who are in marginal seats think about brothels in their local areas. I

do not want any in my area. The member for Joondalup has just arrived in the Chamber. Is he happy for legal brothels to operate in his area?

Mr A.J. Dean: He is not in his seat, so he cannot talk.

Mr R.F. JOHNSON: He could nod or shake his head. I would take that as a yes or no. The member is silent, as he was yesterday. He was missing when the vote on the very important issue of the deregulation of trading hours was taken. He is reported in the local paper as saying that he is totally opposed to the deregulation of trading hours. However, when the vote was taken yesterday, he was missing in action. He was not paired; he was simply missing in action. We could have a field day with the member for Joondalup over that issue. This issue is just as important. It is about moral standing and the illegal activities this Government wants to make legal. Those things will occur in the member's local government area of Joondalup.

Mr J.C. Kobelke: We believe in the rule of law. You are happy to have the law broken and to do nothing. We will put in place a law that will be enforced. We believe in the rule of law and in not allowing crooks to run illegal activities.

Mr R.F. JOHNSON: The Leader of the House believes in legalising something that is illegal. There is no argument that that is what the Government is doing. It is totally inappropriate to have brothels in local government areas. Good God, what standards does the Government have? How low can it go? The Government is bereft of moral thinking. It has legalised many things. It wants to legalise prostitution in brothels. It wants to legalise the smoking, holding, carrying and growing of cannabis so that offenders receive only a simple little on-the-spot fine. It legalised sodomy against young boys of 16 years. That was illegal in this State for 100 years. It wants to allow older homosexuals to prey on 16-year-old boys.

Mr J.C. Kobelke: Rubbish. Nonsense.

Mr R.F. JOHNSON: That is exactly what the Government's legislation did. This is a Government for legalising anything that is illegal. It is absolutely bereft of moral thinking. Unfortunately, I think the Premier might agree with me in some areas. That is why he stayed out of the Chamber when we debated those contentious issues. I do not think he was behind them. I know how the Labor Caucus works. It makes a decision, and members must vote with the party. They are not allowed to cross the floor. If they do not want to vote, they stay outside and pretend they are on the telephone. They do not represent their electorates in this place by voting the way they would want them to vote.

I do not have a hatred of prostitutes.

Mr A.J. Dean interjected.

Mr R.F. JOHNSON: The member can quote whatever he likes. If he says a few words, we will quote him. Many are in prostitution because of some terrible acts of fate or mistakes that the young girls in particular have made.

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

Mr R.F. JOHNSON: Very often they become prostitutes because they were encouraged to use and became addicted to drugs, and the only way they can feed their addiction is to earn money as a prostitute. Many of these young women do not enjoy what they do. I was told this by a group of prostitutes I spoke to some years ago when my Government was considering similar legislation. A group of prostitutes came to Parliament House, and we asked them questions. In many ways, I feel sorry for them. Every prostitute who is working on the streets or in a brothel is somebody's daughter, mother or sister. It is tragic that those girls must go through that sort of life. By legalising brothels, this Government will make prostitution a profession. This will affect young girls who leave school. This Bill will pass through this place because the Government has the numbers to get it through. I presume it will go through the upper House because the Greens, the Government's coalition partner, will vote for it.

Mr J.C. Kobelke: Although they have said publicly that they will not.

Mr R.F. JOHNSON: They have publicly said they will not agree to the whole Bill. That is very interesting. It could be a very interesting game in the other place. The Bill will certainly pass through this House because the Government has the numbers to pass it. I know that this is a priority Bill for the Government. I do not see it as a priority Bill. If the police could do the job that they are empowered to do at the moment, there would be less prostitution in Western Australia.

Mr J.C. Kobelke: Why didn't you do that when you were in government?

Mr R.F. JOHNSON: I hope we did. I hope the police did their job.

Mr J.C. Kobelke: You didn't; you turned a blind eye to it.

Mr R.F. JOHNSON: No, we did not. We stopped streetwalking in certain areas for a period, because it was causing a nuisance to local residents, but this Government has allowed it to return. The Leader of the House knows it is true.

Mr J.C. Kobelke: Don't you get embarrassed that your contribution bears no relation to fact?

Mr R.F. JOHNSON: I do not get embarrassed at all.

Mr J.C. Kobelke: You say things that are totally untrue and don't know what you are talking about.

Mr R.F. JOHNSON: The Leader of the House can stand and prove me wrong. He can say that it is wrong and he can quote what he believes is right. I know what is right. We introduced a Bill to stop streetwalkers from soliciting their trade.

Mr J.C. Kobelke: On our prompting and we supported it.

Mr R.F. JOHNSON: On their prompting! The Leader of the House thinks this Government is responsible for all the good decisions we made.

Mr J.C. Kobelke: The member for Midland introduced the Bill and a few weeks later you introduced a Bill that did the same thing.

Mr P.D. Omodei: Where is the member for Midland?

Mr R.F. JOHNSON: Yes, where is the member for Midland?

Mr J.C. Kobelke: She is listening.

Mr R.F. JOHNSON: No. We are discussing her Bill. She should be in this Chamber to hear these comments so that we can have some interaction. Where is she?

Mr J.C. Kobelke: I have already indicated that you are simply saying things that are factually wrong.

Mr R.F. JOHNSON: No, they are not factually wrong. The Government is legalising something that is illegal. Is there anything factually wrong in that? We brought in measures to stop streetwalkers from soliciting in certain parts of Perth.

Mr J.C. Kobelke: That was good and we supported it.

Mr R.F. JOHNSON: Of course members opposite supported it. They would have been crazy not to support it.

Mr J.C. Kobelke: However, you did not do anything about closing down brothels. You turned a blind eye to the problem.

Mr R.F. JOHNSON: The Government wants to counter that by allowing brothels to proliferate throughout Western Australia.

Mr J.C. Kobelke: They proliferated under your Government and you did nothing about it.

Mr R.F. JOHNSON: No, they did not, because local councils always had the authority to stop that sort of behaviour.

Mr J.C. Kobelke: All the evidence shows that brothels and prostitution proliferated under your Government and you did nothing.

Mr R.F. JOHNSON: The Leader of the House is trying to rewrite history, as he always does, and he will not acknowledge the truth. I cannot think of one person in the city of Joondalup or the city of Wanneroo who would want brothels in those areas. The member for Bunbury does; he is quite happy to have brothels in Bunbury. I think he is looking forward to it. He might be looking forward to cutting the ribbon at the official opening.

Mr J.L. Bradshaw: Ask him whether the bishop thinks it is a good idea to have brothels in Bunbury.

Mr R.F. JOHNSON: My good friend and colleague the member for Murray-Wellington has made a good interjection. The bishop certainly does not think it is a good idea.

Mr J.L. Bradshaw: He has asked the member for Bunbury to oppose it.

Mr R.F. JOHNSON: Has he? The member for Bunbury will not oppose the Bill. He will either pair himself; vote with the Government, which he must do under caucus rules; or make out that he is on the telephone - that seems to be the latest method by which members opposite avoid being in the Chamber and voting the way they believe is right for their electorates. That is the problem. It will be interesting to see where the member for Bunbury is when the time comes for the vote on this Bill.

Mr A.J. Dean: I will be in my seat.

Mr R.F. JOHNSON: I hope so. We will take advantage of that. We will tell the people in Bunbury exactly what he has done.

Mr A.J. Dean: They already know.

Mr R.F. JOHNSON: We will remind them, my friend. Some people forget these things. We will remind them at election time where members opposite stood on this very important issue of legalising something that is illegal, and we will do so in every marginal seat. This Government is -

Mr P.D. Omodei: Morally bereft.

Mr R.F. JOHNSON: Absolutely. I have already said that. However, I do not mind the member saying it because it just confirms what everybody on this side of the House thinks of government members. They are morally bereft. It has been nice knowing the member for Bunbury. It is nice knowing somebody for four years. We will think about him when he goes from this place in about two years, or whenever the Premier plucks up the courage to go to an election. I will say that I remember the member for Bunbury; he was not a bad bloke, a bit naive in his thinking and a bit like a sheep that follows the black sheep into the pen or, in this case, the slaughterhouse. It is the same with my good friend the member for Joondalup. I have time for the member for Joondalup. Outside this Chamber we get on very well. However, he has made some very foolish mistakes inside this Chamber or, should I say, outside the Chamber when he should have been inside the Chamber. The electors will be told at the next election exactly where the Government's members stood on the Bill before the House.

I will enlarge on the proliferation of brothels that will occur in local government areas, because under the Prostitution Control Bill, local government authorities will not be able to prevent brothels setting up in their areas, even if they are on industrial sites. That is the total opposite of what I believe to be natural justice for local authorities. We talk about natural justice for individuals, but there should also be natural justice for local authorities, which represent the ratepayers. If a local government authority believes it is not appropriate and does not wish to have brothels anywhere in its area, it should have the right to reject them. Local governments are the next form of government down from the State Government. They interact with the public more than we do. We like to think we do, but we interact only with the people in our electorates. Very often our electorates are smaller than local government areas. My electorate is smaller than the city of Joondalup. The electorate of the member for Joondalup is smaller than the city of Joondalup. We basically share the city of Joondalup, along with the member for Kingsley. Quite a large section of her electorate is located in the city of Joondalup. It is the second largest local government area in Western Australia. Even your electorate, Madam Deputy Speaker, encroaches fractionally at this stage into the city of Joondalup, because I have seen you at events in the area.

The Minister for Police, the Premier and the Government are dictating to local authorities on something that can be classed as a moral issue. They are inflicting their moral values, which are pretty low, on the people who live in the city of Joondalup. I am concerned about the people who live in my electorate. The member for Joondalup may not be, and I will be very interested to know whether he will speak to this Bill, because it does affect the city of Joondalup. At the moment his seat pretty much encompasses the heart of the city area. We must not forget that the city of Joondalup is not just the electorate of Joondalup; it is the whole of the city of Joondalup. I think that sometimes the member for Joondalup forgets that. The electorate of Joondalup is only a name.

Mr A.P. O'Gorman: You just can't get it right, can you?

Mr R.F. JOHNSON: That will change -

Mr A.P. O'Gorman: Joondalup is the second major city in the metropolitan area, and you don't even recognise it.

Mr R.F. JOHNSON: Of course I do.

Mr A.P. O'Gorman: You think it should be the only regional area that should not have a seat named after it. You are disgraceful. You do not even support your own city.

Mr R.F. JOHNSON: Will the member support his city over the Prostitution Control Bill? Is he happy to see a proliferation of brothels in the city of Joondalup?

Mr A.P. O'Gorman interjected.

Mr R.F. JOHNSON: Never mind about planning. Does the member support brothels in the city of Joondalup?

Mr A.P. O'Gorman: There is a brothel there already and you know it. It has been there since 1996.

Mr R.F. JOHNSON: Does the member support a proliferation of brothels in the city of Joondalup?

Mr A.P. O'Gorman: The brothel went in under your Government in 1996.

Mr R.F. JOHNSON: Let it be recorded that the member for Joondalup is rambling on but he will not answer the question. He cannot get on the telephone now. Does he support establishing more brothels in Joondalup?

Mr A.P. O’Gorman: We are giving the local council the planning power to allow them or not allow them to set up as the council sees fit.

Mr R.F. JOHNSON: No, the Government is not.

Mr A.P. O’Gorman: Under your system, they could just set up. You are a hypocrite!

Mr R.F. JOHNSON: Let it be recorded that the member for Joondalup has not said that he does not support the proliferation of brothels in Joondalup. I am very disappointed that the member for Joondalup has that view on prostitution, because he is a decent family man. Obviously the member for Joondalup is bound by caucus rules and cannot come out and say what he truly believes. There is no question that this Bill will result in a proliferation of brothels in Joondalup. The member for Joondalup would be a fool not to accept that that will be the reality. However, the member for Joondalup will still vote for this Bill. I would like to think that the member for Joondalup will vote with me on this Bill, because we both represent the city of Joondalup, together with the member for Kingsley. I will excuse you, Madam Deputy Speaker, because your electorate has in it only a tiny bit of the city of Joondalup, but the member for Joondalup, I as the member for Hillarys, and my colleague the member for Kingsley have electorates that are within the city of Joondalup - two of us totally and one of us about 90 per cent. This disgraceful Bill will make legal something that at the moment is totally illegal. The member for Joondalup is a decent family man. However, I believe he will not have the courage of his convictions and do what he thinks is right by standing alongside me on this side of the House and voting against the Bill. He will vote as a member of the Government and help get this Bill through the House. I am very disappointed in the member for Joondalup for that. I am also very disappointed in the member for Bunbury and in all Labor Party members who are in marginal seats. This legislation will come back to haunt them at election time. The people of Western Australia do not want brothels in their local areas.

MS K. HODSON-THOMAS (Carine) [1.52 pm]: I, like my colleague the member for Hillarys, also oppose the Prostitution Control Bill. I find it difficult to support legislation that condones the exploitation of women and of young girls and boys. The legislation fails to address the many aspects that it is claimed to address. I recognise that we must all face the reality that prostitution exists in our community and it will be very difficult to ever remove prostitution from our community. We need to have a legislative framework that will prevent the exploitation of women and children and limit the growth of the sex industry. I do not believe this legislation will do that.

This legislation will do little to control the criminal elements involved in prostitution and protect women and children from exploitation. It will not ensure the safety of sex workers, because it does not require sex workers to have mandatory health checks. I understand that currently sex workers must have a health check every month. Under this legislative framework there is no requirement for mandatory monthly health checks; they will be done quarterly. That concerns me. We should all be concerned about the important issue of sexually transmitted diseases. We should ensure that there are mandatory health checks so that sex workers and their clients will not exacerbate the spread of sexually transmitted diseases.

The member for Kingsley, the lead speaker for the Opposition, has told us that the Government has failed to explain how prostitution will be controlled. I will reiterate those comments. The Government has failed to show how this Bill will prevent the growth of prostitution. If anything, the legislation will send prostitution underground. That is a concern that has been expressed to me by many people within my community. I will refer to the legislation that was introduced by the Victorian Government in 1994 when it went down the path of legalising prostitution. The Victorian Prostitution Control Act requires all prostitution service providers to obtain a licence, and applicants must undergo a police check into their background, character and finances. In addition, brothels must obtain a council permit and are not allowed to be located within 200 metres of schools or churches, or in houses. I understand that the objects of the Victorian Act were to ensure the protection of children from exploitation, which is important; lessen the impact of prostitution on the community; and remove from prostitution the criminal element. Those are all aspects that I think this minister is hoping to provide in this legislative framework. The legalisation of prostitution in Victoria has had a number of adverse outcomes. I will take this opportunity to briefly highlight some of those outcomes. I understand that the number of both legal and illegal brothels in Victoria has increased. Even the Victorian police have acknowledged that the legalisation of prostitution has failed to control prostitution in Victoria. The increase in costs and restrictions on legal brothels has led to an increase in the number of illegal brothels and in the amount of illegal street prostitution.

The members for Hillarys and Kingsley have referred to a recent forum that was held at the City of Joondalup that they attended, along with me. There was a diverse group of speakers at that forum, from sex workers through to clergy. The Minister for Police and Emergency Services has said in this place that it is very different to try to engage the community and provide a piece of legislation that will be completely acceptable to all

members of the community. I understand that. Nevertheless, it was interesting that not one person at that forum supported the legislation or had any confidence in what was being proposed by the minister. That is important to note. The City of Joondalup and the City of Stirling have both raised the issue with me. They are very concerned that they will not be involved in the process of determining where brothels will be located and firmly believe that that has been taken out of their control. Many of the brothels in their districts are now located in industrial areas. They believe that under this legislation an increasing number of lone sex workers will operate in the local communities. They are very concerned about this prospect.

As I have stated, there appears to be nothing in the legislation to limit the growth of the sex industry. As a woman I find it difficult to contemplate that prostitution is a desirable career option. If I had a daughter I would not wish her to choose prostitution as a career path; fortunately I have sons rather than a daughter. There also appears to be no mechanism in the legislation to ensure the protection of sex workers and their general wellbeing and welfare. I am most concerned that this legislation will not address the many aspects that it is claimed to address. I recognise that prostitution is a reality of our time.

Debate interrupted, pursuant to standing orders.

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