

PROSTITUTION BILL 2011

796. Mr J.M. FRANCIS to the Attorney General:

I briefly acknowledge that next Saturday, 19 November, marks the seventieth anniversary of the loss of HMAS *Sydney* and I also acknowledge the 645 Australians who now lie at rest off the coast of Western Australia.

I refer the Attorney General to the proposed prostitution legislation and ask him to please explain to the house how this legislation will help police keep brothels out of residential suburbs in my electorate?

Mr C.C. PORTER replied:

I thank the member for his question.

Ms M.M. Quirk interjected.

Mr A.P. O’Gorman interjected.

The SPEAKER: Member for Girrawheen, I call you to order for the first time today. Member for Joondalup, I call you to order for the first time today.

Mr C.C. PORTER: Thank you, Mr Speaker. The member’s asked a very good question. Clearly, the situation we are faced with regarding prostitution is not working. In the last decade in Western Australia there has been one successful prosecution for operating or managing a brothel—three years under this government and seven years under the Labor Party; 10 years and one prosecution. The problem has frequently fallen to local government, but it is simply ill-equipped to deal with this difficult situation. I received a letter from the City of Belmont, which, in fact, was cc-ed to its local member, and it reads, according to my notes —

I am aware that you are advancing the much needed legislation to control prostitution. This is becoming more urgent than ever with an increasing number of complaints from our residents about prostitution activities.

Mr E.S. Ripper: Did you refer it to the police force?

Mr C.C. PORTER: The letter went to the Leader of the Opposition; did he refer it?

Mr E.S. Ripper: You’re the Attorney General; you were asked to deal with it.

Several members interjected.

The SPEAKER: Thank you, members!

Mr C.C. PORTER: The member still has a copy; have a look at it. It went on to read —

It is simply beyond the resources of the council to deal with this problem because of the inadequacy of existing laws.

The absolute starting point for approaching this problem is one simple question: should prostitutes, whether it is one, two or more, be able to operate lawfully in a suburban street without possible criminal sanction from police? If prostitutes, whether it is one, two or more, start a business next to our house in a suburban street, should they be deemed to be doing something unlawful, something that is criminal, something the police can close down? In 2008, the Labor Party in its bill answered that question by saying that what it called a small owner-operated business of one or two prostitutes should be able to operate without criminal sanction from police, completely lawfully in a suburban street next to the homes of our constituents. That was the Labor Party’s answer in 2008. They would have repealed —

Mr E.S. Ripper: Your answer is a con because you’re telling people you can do something that you can’t.

The SPEAKER: Leader of the Opposition!

Mr M. McGowan: You are legalising it.

Mr C.C. PORTER: Our answer to that question, Leader of the Opposition, is that whether it is one, two or more prostitutes, if they set up next to someone in a suburban street —

Mr E.S. Ripper: You’re conning people.

The SPEAKER: Leader of the Opposition!

Mr C.C. PORTER: — that should be against the criminal law of the state.

Mr R.F. Johnson: Hear, hear!

Mr E.S. Ripper: You’re claiming that you can actually do this.

Mr C.C. PORTER: The member for Cannington was recently quoted in his local paper under the heading “Brothel Bill lacks clout.” As follows —

Mr Johnston said the changes failed to protect residents living in suburban areas from brothels.

Mr W.J. Johnston: That’s right.

Mr C.C. PORTER: How do we protect residents living in suburban areas from brothels if they are legal? If they are not against the law, how do we do that?

Mr W.J. Johnston: Shut down secret brothels today. Secret brothels right next to the Carousel Shopping Centre, and you will not shut them.

Several members interjected.

The SPEAKER: Thank you, members. Member for Cannington, I appreciate that you have been mentioned and I understand that you would want to respond. I will indicate to the Attorney General that if he is going to mention members in this place, he should expect some response from them.

Mr C.C. PORTER: Thank you, Mr Speaker; that is excellent advice.

Under the Labor bill of 2008, small owner–operators of brothels with one or two prostitutes could set up business next to the member for Cannington’s house and that would be lawful. The police would not investigate it. People could ring the police and say that two people were operating a brothel next to his house and they would say, “Tough”. That is what they would have said under the Labor Party’s legislation. We have introduced legislation that will allow the police to close those operations. The Labor Party may have the same view it had in 2008—that it should be lawful but it cannot be examined by police if two people set up a brothel next door. The member for Cannington may have the same view, but if he does, it is unclear and it would surprise me and this side of the house enormously because some very high profile members of his party have made some serious statements about residential suburban brothels. Indeed, I have brought in a picture of a suburban brothel. It is, unfortunately, somewhat obscured by the member for Mindarie standing in front of it.

Several members interjected.

Mr C.C. PORTER: In the background—the member for Mindarie is never shy of a bit of publicity—is a suburban brothel. We can see where it is because he is pointing to it. It is somewhat obscured.

Mr J.R. Quigley: Why don’t you have it prosecuted under section 190?

Mr C.C. PORTER: He’s quoted as saying, “I’m calling upon the Liberal government —

Mr E.S. Ripper: Your police minister said in opposition that if he were police minister, he would deal with that.

Mr J.R. Quigley: Exactly.

Mr C.C. PORTER: He is police minister and he is dealing with it because there is legislation on the floor of the Parliament to deal with it.

Mr E.S. Ripper: No he’s not.

Mr J.R. Quigley: Is that going to be shut down? That will not be shut down in this government’s term at all.

Mr C.C. PORTER: Let me give the member a guarantee.

The SPEAKER: Thank you members.

Mr C.C. PORTER: It reads —

I am calling upon the Liberal Government to introduce these laws this month,

We were a little late but they are here —

or be known as phoneys on the issue.

It begs the question: why call on the government to introduce the laws to shut down the brothels if they are going to oppose the laws? Why bother even calling for them?

I have another picture. It is a close-up taken shortly after the first picture. In this one—it is the same brothel—there is a brothel —

Mr J.R. Quigley: And there it’s been for three years. Under section 190, what have you done to prosecute it? Nothing; nothing.

Several members interjected.

The SPEAKER: Member for Riverton, you should know by now. I formally call you to order for the first time today. Although I expect, member for Mindarie, that photographs of you might occasionally find their way into this place, I do not understand the motivation. I am not making any comment about that, but I am going to ask you, member for Mindarie, to interject a bit less. I also indicate, Attorney General, that I would like to proceed with question time. I would like to give other people in this place the opportunity to ask questions and other people in this place the opportunity to answer questions that they are asked. Although theatre may be one element of this place, I am not interested in it continuing for a remarkably long time. So I ask you, Attorney General, to return to the substantial question asked by the member for Jandakot.

Mr C.C. PORTER: Mr Speaker, consider this the final act. There is a brothel —

Mr J.R. Quigley: This is the brothel that the Minister for Police said he would close down if he was elected, and he hasn't done it—three years!

Mr C.C. PORTER: It says here —

Several members interjected.

The SPEAKER: I am just going to say, members, that I think you have all had your fun. I am going to sit down and ask for another question.