

EXTRACT FROM HANSARD re: Disorderly Houses Bill

Friday, 14 December 2001

The Hon. IAN COHEN [3.05 a.m.]: I move Greens amendment No. 2 on sheet C-126D:

No. 2 Page 3, proposed section 17A. Insert after line 20:

However, the presence in any premises of articles or equipment that facilitate or encourage safe sex practices does not constitute evidence of any kind that the premises are used as a brothel.

[Interruption]

Despite the frivolous interjections of the Hon. Dr Brian Pezzutti, important matters need to be ventilated and put on the record. The bill seeks to amend the Disorderly Houses Act to specify that the Land and Environment Court may rely on circumstantial evidence to establish that premises are being used as a brothel. The Greens are particularly concerned about the fifth category of circumstantial evidence that a court can rely on, namely, "which is evidence of the arrangement of the premises or of the furniture, equipment or articles in the premises that is consistent with the use of the premises for prostitution". By doing this the Government may impede the best practices in occupational health and safety standards in the sex industry-in particular, reference to equipment and articles could discourage condom use and the availability of literature that encourages the use of condoms, prophylactics or informs individuals about the early detection of sexually transmitted diseases. Allowing these items to be used as evidence discourages their availability and use. Thus, it works directly against the best interests of workers, their clients and society as a whole. The Greens amendment specifically excludes articles or equipment that facilitate or encourage safe sex practices being used as circumstantial evidence. Put simply, this is not a moral option but a health option for workers in the industry, for clients who go to these workers and for the whole of society.

The Hon. DON HARWIN [3.07 a.m.]: As I foreshadowed in my contribution to the second reading debate, the Opposition shares many of the concerns raised by the Hon. Ian Cohen. We are concerned to ensure, no matter what happens, that even in illegal brothels nothing is done to impede important HIV and other sexually transmittable disease prevention measures. That is important and is something that the Opposition supports. However, I am advised that the Government will not support the amendment. Therefore, the Opposition has decided to try to find a middle ground and a form of words that best describes what the Hon. Ian Cohen is trying to achieve in terms of prevention of sexually transmitted diseases and looking after the occupational health and safety of sex workers. Therefore, I move the following amendment to Greens amendment No. 2:

No. 1 In GRNS Amendment No. 2 omit "does not constitute" from proposed section 17A (3). Insert instead "does not of itself constitute".

Those are the terms of the amendment. I am advised that it may be in a form of words acceptable to the Government. Hopefully, therefore, some allowances will be able to be made to meet the concerns that have been raised with the Opposition about an amendment to the bill.

The Hon. JOHN HATZISTERGOS [3.10 a.m.]: The Government will accept the Opposition amendment to the Greens amendment. We wish to make it quite clear, contrary to some of the alarmist statements that have been made, that condom and safe sex literature will not of itself be enough to be probative evidence.

The Hon. IAN COHEN [3.10 a.m.]: Appreciating that the Greens amendment will fail, I thank the Hon. Don Harwin for making representations and putting forward the Opposition amendment, which at least goes a great part of the way towards achieving the desired end on this matter.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS [3.11 a.m.]: I do not know where the amendment of the amendment came from. I do not know whether it came from the Hon. Don Harwin. I congratulate the Hon. Ian Cohen on his amendment. I had responded to a number of people who had written to me asking what was the solution other than increasing the number of sex workers allowed to work in private, home-based premises. However, it is important that the amendment has been won.

Reverend the Hon. FRED NILE [3.11 a.m.]: I pose the question, if premises have all these sorts of things in it, what would it be if it were not a brothel?

The Hon. John Jobling: A chemist shop.

Reverend the Hon. FRED NILE: No-one would declare a chemist shop to be a brothel. What would such premises be?

Amendment of amendment agreed to.

Amendment as amended agreed to.