exemption. Of course, a licensee will still have judicial review options available to them if they choose and the jurisdiction of the Supreme Court will remain unaffected by this bill.

I commend the bill to the house.

Debate adjourned on motion of Mr O’BRIEN (Malvern).

Debate adjourned until Thursday, 23 October.

PROSTITUTION CONTROL AND OTHER MATTERS AMENDMENT BILL

Statement of compatibility

Mr ROBINSON (Minister for Consumer Affairs) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act:

In accordance with section 28 of the Charter of Human Rights and Responsibilities (the charter), I make this statement of compatibility with respect to the Prostitution Control and Other Matters Amendment Bill 2008 (the bill).

In my opinion, the Prostitution Control and Other Matters Amendment Bill 2008, as introduced to the Legislative Assembly, is compatible with the human rights protected by the charter. I base my opinion on the reasons outlined in this statement.

Overview of bill

The bill will amend the Prostitution Control Act 1994 (the act) to ensure that the regulation of prostitution in Victoria meets its harm minimisation objectives.

The provisions introduced by the bill will strengthen enforcement against brothels operating without permits and licences, and strengthen the administration and enforcement of the licensing framework for prostitution service providers.

Human rights issues

Human rights protected by the charter that are relevant to the bill

Section 25(2) of the charter provides:

A person charged with a criminal offence is entitled not to be compelled to testify against himself or herself or to confess guilt.

The right provides a limited right to pretrial silence, but only once the person has been charged. However, the section does not provide a general privilege against self-incrimination that the common law provides.

Section 24 of the charter provides:

A person charged with a criminal offence has the right to have the charge decided by a competent, independent and impartial court or tribunal after a fair and public hearing.

Based upon the jurisprudence of other jurisdictions, particularly the United Kingdom and Europe, I consider that section 24 of the charter is likely to protect the privilege against self-incrimination where a compulsory requirement to provide information to authorities elicits incriminating statements; and either those incriminating statements are used as evidence against a person in criminal proceedings or the person is subjected to prosecution for failing to comply.

The bill introduces a new offence of failing to notify the Business Licensing Authority (BLA) of any matter that occurs to the licensee, that is referred to in section 47(1) of the act. All matters referred to in section 47(1) are court findings (for example a conviction or finding of guilt under the Drugs, Poisons and Controlled Substances Act 1981) that result in automatic cancellation of a licence.

I have considered whether a licensee who is the subject of a court order that results in automatic cancellation of his or her licence and notifies the BLA of that fact, is potentially incriminating himself or herself by doing so. However, this is not the case, as any of the court findings referred to in section 47(1) would be matters of public record, and are taken, therefore, to be within the knowledge of the BLA already. Therefore, these rights are not engaged.

Accordingly, the bill is compatible with the charter.

Conclusion

I consider that the bill is compatible with the Charter of Human Rights and Responsibilities because none of the clauses of the bill raises human rights issues.

Hon. Tony Robinson, MP
Minister for Consumer Affairs

Second reading

Mr ROBINSON (Minister for Consumer Affairs) — I move:

That this bill be now read a second time.

This bill will amend the Prostitution Control Act 1994. The introduction of that act represented an important advance in the regulation of prostitution, to minimise the risk of harm that can arise in this industry by promoting public health and protecting sex workers from violence and exploitation.
