



Speech by

**LINDA LAVARCH**

**STATE MEMBER FOR KURWONGBAH**

Hansard 1 December 1999

### PROSTITUTION BILL

**Mrs LAVARCH** (Kurwongbah—ALP) (12.30 p.m.): I rise today in support of this important Bill. It is an important Bill because its passage will see a regulated industry with a tough inspection regime and harsh penalties for those who seek to use prostitution to sell drugs, conduct organised crime activities, or to exploit our young people or others who are vulnerable within our society. With the passage of this legislation, the sleazebags of the industry of old will have no place.

As members of Parliament, by passing this Bill we can protect the broader community from the negative impacts of the prostitution industry on local communities. Although members of this place may find the thought of prostitution abhorrent and, indeed, degrading to women—and men—and a danger to our young people, it is important that, in passing personal judgment, we do not abrogate our responsibility to do the right thing. And the right thing to do here is to follow the lead of the Honourable Minister for Police and Corrective Services by taking our heads out of the sand and dealing with the realities of prostitution and the realities of its current impact on our society. We should do the right thing by acknowledging that the scumbags of the sex industry are pretty much free to do as they wish in the current unregulated environment, and by acknowledging that, under current laws, police are faced with enormous difficulties in gathering evidence of prostitution. After all, how many men use the services of a prostitute and then go to their local police station to complain?

We can do the right thing by giving police the tools they need to clamp down on street prostitution and illegal brothels in our suburbs; by bringing in laws that ensure that brothels are away from the suburbs—the places where we live—and by bringing in laws that ensure that those who would seek to exploit our children and the disadvantaged face the harshest penalties. By doing all this, we will have done what the people of Queensland elected us here to do.

Passing moral judgment is all very well. But while we stand ostrich-like with our heads in the sand, the abuses and excesses continue. No-one in Queensland and no-one in this place could forget the revelations of the Fitzgerald inquiry. Those revelations should have left every member of this House in no doubt as to what happens when we stand ostrich-like with our heads in the sand.

**Mr Lucas:** No-one will ever forget what Russ Hinze said about these things.

**Mrs LAVARCH:** No. Those in power at the time hid behind those denials and a prohibition on prostitution. Those in authority hid behind the denials that prostitution even occurred; it was out of sight, out of mind, and look what happened. It was a hothouse for corruption and organised crime.

**Mr Sullivan:** And it wasn't even out of sight. It was obvious in the Valley and anywhere else.

**Mrs LAVARCH:** As the member for Chermside said, it was obvious, but they kept denying that it was happening, and they let corruption and organised crime breed in this State. What came out of the Fitzgerald inquiry was an inquiry by the CJC into regulating morality. Then there was a further inquiry by the PCJC in 1991. Each of those inquiries gave us the key to what we do to address the revelations of the Fitzgerald inquiry.

The Beattie Labor Government has had the courage to act where the previous Government just dithered. Despite the efforts of the former Minister for Police, the honourable member for Crows Nest, the Borbidge/Sheldon Government lacked the courage to do the right thing. Two and a half years of Government and an election commitment by the coalition to review Queensland's prostitution laws resulted in nothing more than a paper to the Borbidge/Sheldon Government. Members of the coalition

did not ask the public of Queensland what they thought, as this Government has and as this Minister has. They did not travel around the State and hold public meetings with community leaders, councils, churchgoers, members of the public and Queensland sex workers, as this Government did. They lacked the courage and failed to do the right thing.

I have no doubt that those opposite today will try to take the high moral ground, to paint supporters of this Bill as promoters of prostitution and evil. They will talk of family values as if political conservatism has a mortgage on families and all that they entail. But what they ignore is the anecdotal evidence that suggests that most clients of prostitutes are married men—married men who, no doubt, are family men. They will ignore the fact that those men are actively involving themselves in the horror of the current prostitution industry—the exploitation of the young and the vulnerable. I am confident that we will not hear alternatives from those opposite. None of us is comfortable with the realities of prostitution. But the difference between this Government and those opposite is that we on this side of Parliament are prepared to suspend moral judgment and find practical solutions to an age-old problem. We are prepared to do the right thing. Are they?

I mentioned earlier my concerns about the exploitation of children, and in my contribution today I want to consider that in more detail. As I have travelled about my electorate, I have heard—as no doubt the Minister has in his travels—a number of myths regarding the Government's proposals. Two of the most common myths—and they are very silly arguments and most irresponsible, really—which I would like to rebut here today include that, under the Government's proposed regulated model, schoolchildren will be required to do work experience at brothels. They argue, after all, that it will be legal and that, surely, it will be like any other business. They are desperate arguments, are they not?

The second myth which I want to debunk as well and, once and for all take it off the agenda, is that Centrelink and other employment services will push prostitution onto the unemployed. For those who think that these points are serious, or for those who are out there using them, I want to put their minds at rest once and for all and dismiss these arguments entirely by spelling out what nonsense they really are.

There are some very good reasons why neither of these things will occur. The claim that schoolchildren will be required to do work experience in brothels is just arrant nonsense. Under the Government's proposals, licensed brothels are not allowed to have minors on the premises. The definition of a minor, for the purposes of this Bill and for the purposes of the Acts Interpretation Act, is a person who is under the age of 18 years. A minor means an individual who is under 18 years of age. That is in the Acts Interpretation Act. And the Criminal Code defines an adult as a person of or above the age of 18 years.

Licensed brothels are not allowed to have minors on the premises. All of the provisions associated with prostitution and the Criminal Code are not excluded from brothels when a minor is involved. The mere presence of a minor on premises which are suspected, on reasonable grounds, of being used for prostitution is an offence under the Criminal Code. A minor cannot even visit a brothel, let alone work there in any capacity, without invoking the harshest penalties under our Criminal Code. No protection will be provided to the licensee of a brothel if a child is on the premises—again, whether they are working or just visiting. If school authorities were sending minors to a brothel for work experience—which I absolutely doubt—

**Mr Sullivan:** It is just crazy.

**Mrs LAVARCH:** It is just crazy, as the member for Chermside said. Those persons would also be party to an offence under the Criminal Code. To leave honourable members in absolutely no doubt, I thought I would go through the sections of the Criminal Code so that honourable members can quote them chapter and verse if anyone suggests this as an argument against the Bill.

Firstly, we have section 229G of the Criminal Code which deals with procuring for prostitution. Where the procured person is a minor, it is a crime which carries a maximum penalty of 14 years' imprisonment. Section 229H of the Criminal Code deals with knowingly participating in the provision of prostitution. Where a minor is involved—anyone under the age of 18 years—the offence is a crime and carries a maximum penalty of 14 years' imprisonment. We then have section 229I which deals with persons found in places suspected of being used for prostitution. Where a minor is involved, the offence is a crime which carries a maximum penalty of 14 years' imprisonment.

These sections do not simply apply to the licensee or the person running the brothel. There is a much wider scope for offending against the criminal law. This is covered by section 229K of the Criminal Code. A person who has an interest in a brothel includes anyone who owns, leases or otherwise has an interest in the premises. This person can be charged with the offence. It could be that premises are leased. In that case, the owner could be charged under this section of the Criminal Code. The provisions are very harsh and severe.

Section 229L of the Criminal Code deals with permitting a young person to be at a place used for prostitution. This is a crime and carries a penalty of 14 years' imprisonment. In this Bill, a brothel

licensee or an approved manager convicted of any of these offences would automatically lose his or her licence or certificate as an approved manager and would be ineligible to obtain a licence or certificate in the future. The protection afforded by the Criminal Code and this Bill should ease our minds with regard to having minors involved in prostitution. It should also dispose of the arrant nonsense which people have raised with regard to work experience.

The other myth concerns Centrelink. The Federal Government's Centrelink and other employment agencies will push prostitution onto unemployed persons at their peril. The Courier-Mail carried an article which had the heading "Warning on 'Centrelink prostitutes'". Claims were made by Logan City Councillor Peter Collins—

**A Government member:** Scaremongering.

**Mrs LAVARCH:** Absolute scaremongering.

**Mr Mickel:** Councillor Green said the women of Logan would turn to prostitution.

**Mrs LAVARCH:** Another example of disgraceful scaremongering.

**Mr Mickel:** A disgraceful attack on Logan women, I thought.

**Mrs LAVARCH:** Absolutely. Councillor Peter Collins has been trying to whip up mass hysteria. He said—

"If they are made a legitimate business, what stops them getting allowances such as JobStart and other benefits, with taxpayers footing the bill?"

**Mr Mickel:** Did he tell you how he had sent the Logan council broke with his water policy?

**Mrs LAVARCH:** No, he did not. He does not mention that at all. He is just whipping up mass hysteria. Employment National answered and said that the organisation was "contractually prevented from recruiting for the sex industry". There is a much more important and essential point as to why that is nonsense. Centrelink would do this at its peril, as would Employment National or any other employment agency because procuring for prostitution, inducing procuring persons to become prostitutes, and public soliciting for prostitutes are offences and are punishable by the full force of the law.

It would be an offence against section 229G of the Criminal Code for any agency to advertise in an attempt to procure people to work in the prostitution industry. If the person procured is a minor, or is an intellectually impaired person, the penalty is 14 years' imprisonment. That is double what the sentence would be for any agency which tried to procure people for prostitution. The maximum penalty in that case is seven years' imprisonment. Should an employment agency advertise for prostitutes, or publish any statement that is intended or likely to induce a person to seek employment as a prostitute under the Bill, that agency would be liable to a penalty of 100 penalty units, which is \$7,500. Under the proposed Bill it will be an offence to publish a statement which is intended or is likely to induce a person to seek employment as a prostitute.

This myth, this scaremongering, and this trying to whip up some mass hysteria is a direct spin-off from the essential argument which was advanced back in 1992 as to why we should not allow single operators. This argument is couched in terms that, by legalising prostitution, more people will think it is acceptable to enter prostitution. It is argued that it will be seen as a respectable career choice for young women. The member for Toowoomba South advanced that argument in the Parliament today. It has been seven years since the introduction of the legalisation of single operators and I have not noticed any discernible difference in social attitudes towards prostitution. I do not believe that what was advanced back in 1992 has come to fruition in 1999. I do not believe that it will come to fruition under this Bill, either.

The whole point of whether prostitution is seen as respectable has nothing to do with whether it is legalised, decriminalised or absolutely prohibited. It comes down to the social stigma or the social mores. That does not come from any law that we make in this Parliament; it comes from our socialisation with our families, our churches and other significant institutions in our lives. A good example would be adultery. Adultery is not prohibited; it is not illegal. But the question of whether it is acceptable or not has not come from a law made in this Parliament; it comes from one's own social values.

In conclusion, I thought I might quote from the PCJC report which was handed down in 1991. The now Premier was chair of the PCJC at the time and the Minister for Health, Wendy Edmond, was a member of the committee. I believe that what they said encapsulated the situation. In the report's conclusions the honourable members said—

"We believe that an education and social strategy should be determined to address the social problems which underpin prostitution such as poverty, unemployment and child abuse.

The CJC recommended a three-year trial of the proposed regulatory system. The prohibition approach has failed in Queensland and we have observed the failure of the half-

measures tried in other States. The adoption of the regulatory system is a new approach that is worth trying and importantly should be reviewed in three years' time. Bearing in mind the failure of existing systems it is certainly worth implementation to test its effectiveness. Queensland could provide a reform model for the rest of the world.

It is important that we face up to prostitution as it exists in Queensland today and not be diverted by exaggerated difficulties from distant history."

I endorse those views. I also endorse the views of the Minister in concluding his second-reading speech, in which he said—

"The Beattie Government does not shy away from the tough decisions or take the easy, most palatable option. We have listened to the public on prostitution reform and this Bill accurately reflects the views of the vast majority of the Queensland people."

That is why I am comfortable in supporting this Bill. I congratulate the Minister on his hard work and effort in bringing it before the House.

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