



Speech by

Hon. RUSSELL COOPER

MEMBER FOR CROWS NEST

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PROSTITUTION BILL

Hon. T. R. COOPER (Crows Nest—NPA) (2.56 p.m.): Thank you, Mr Deputy Speaker.

Mr Reeves: Here is some more scaremongering.

Mr COOPER: Who was that? I will decide what I say. The honourable member can have his go later. Does he want to get up on his hind legs?

Mr DEPUTY SPEAKER (Mr D'Arcy): Order! I suggest that the member get on with his speech.

Mr COOPER: Quite obviously there is provocation from the start. It is a case of identifying whomever it was so that they can possibly stand up on their hind legs and have a go themselves. Quite obviously they will hide behind their own—

Mr Reeves: We will shortly.

Mr COOPER: Okay, it will be good to hear from the honourable member.

I am entitled to have my say, just as the honourable member opposite is entitled to have his say. We did quite a lot of work on this issue when we were in Government. I want to go back through some of that; I want to go back to 1992 to when the Goss Government brought in prostitution legislation. That was proclaimed in February 1993 and we were told then that there would be a review in two years' time—in 1995. That is a review that was not carried out. That was the Claytons review. The coalition when in Opposition said that we would undertake a review, which we did, and a report was presented. I will just take honourable members through some of what happened at that time.

The Goss Government legislation actually drove prostitution into the suburbs, which people generally did not like. That certainly put the safety and health of people at risk. It was felt that, when we came to Government, we would have a review. Quite often in these circumstances, as the current Minister would know, the Minister for Police and Corrective Services is placed in positions in which he has to deal with these issues whether he likes it or not. That is his job as a Minister.

It is all very well for a Minister to stick his head in the sand and moralise and say that these things do not exist, therefore shoot them, burn them or do something like that; but if the Minister is going to be responsible, then he must take his responsibilities seriously and must act in the interests of the people of this State. That is his job. If the Minister has personal or religious hang-ups, he should not be in the job, because his job is to make sure that he represents people and the public interest. That does not mean to say that he can fall in and go along with what minority groups or whoever want, but he can have his views. He has to really conduct himself in such a way that he is representing the Cabinet, his party, the people and so on.

I will just take honourable members through some of those things. Firstly, if a Minister is going to draft future legislation, he must base it on fact and on a good, sound, honest review or report. At that time quite a number of reviews and reports had already been done. They had been done earlier by the CJC and by the PCJC. My instructions from Cabinet when I was the Minister was, "Okay, this coalition is going to do a review. You are the Minister. We want you to come back with a report." So I went out and put together a comprehensive team comprising members of Government departments, people in Ministers' offices and all of the stakeholders concerned so that everyone could have a say. I then had that collated and put into a report from which legislation could be developed.

The course that the legislation takes depends on the political spin that is then placed on it, whether that be by those opposite or those on this side of the Parliament. But we did not get that far. We certainly got as far as a very comprehensive report. I acknowledge all those people who took part in that. Sue Johnson certainly had a very strong role to play in collating and coordinating report, but I will not mention other names. Certainly, there were people from various ministerial offices, the departments, the stakeholders, the police and local government. All those people were heavily involved, as was the Department of Justice and Attorney-General and the Office of Women's Affairs. Everyone was included.

We also involved church groups. I remember inviting a very large number of church people into my office to have a discussion with them on it. I said, "Now is the time to walk out of this if need be. You do not have to stay. I realise that this is going to be extremely difficult for you to come to grips with. We in the political world, the people world, have to come to grips with these particular problems whether we like it or not. You can walk out the door now if you feel this is too tough." None walked out the door, and I commend them for that. They realise that prostitution is a no-win social issue. There are no votes in it.

I found that out as a young Minister in 1987 when I was confronted with having to come to grips with a prison system that had absolutely collapsed. It was either do something about it or run away. I believe that a lot of people before me had run away. When I am confronted with a challenge of that magnitude, I am going to deal with it, like it or not. Whatever the role happens to be, it is the job of the person in the position to deal with it. As for the responsibility, once we produced that report—which we did; it was presented to Cabinet and Cabinet noted that report—the next step was to form a ministerial task force. We said that we would adopt that report as our policy. We did that. Unfortunately, we went out of office at that time, but the normal procedure would have been for that ministerial task force to come to grips with that report. It would then be the role of the Minister to go into the community and conduct public consultation, as we did with police powers and responsibilities legislation, the Crime Commission and all those things. We had very comprehensive public discussion.

In those instances, I certainly made sure that all stakeholders were involved. Similarly, in relation to this issue, they too would have been involved to get the variety of community feeling about it. The next step is to go to the respective political parties and party rooms. So it goes through the whole process. I am not sure what would come out at the end of that process because we are not in Government any longer. But I am saying this: firstly, we had to have something based on fact. We did that. Secondly, the solution we arrived at would have been entirely up to all of those people involved. Again, I am not sure, but I do believe—and I have said it previously—that this legislation goes too far. We would never have gone to the extent that this legislation has, because the idea was never to expand prostitution but to contain it, control it and regulate it.

The first step, though—and I recognise this—is that we as a political party had to recognise that prostitution does exist. We did have a problem a few years ago, as has been mentioned, of people saying that it did not exist. We had the moonlight State. We simply could not bury our heads in the sand. Everyone is entitled to their view—as I am—but one thing I will not wear is those who go around moralising, tut-tutting and saying, "Isn't this terrible." It might be terrible, but that does not mean to say that people should walk away from the issue completely. It is recognised that we are all trying to come to grips with it. We on this side of the Parliament have our point of view, and I say that the Government is going too far. I also say that we here on this earth are mere mortals and that we have to come to grips with the various problems that exist because they are not going to go away. We might be judged in another place, depending on our faith and belief, and that is fine; but right now we have problems to deal with and grapple with and we cannot run away from them. We cannot bury our head in the sand when we are trying to grapple with problems. I believe that we must be able to face up to these issues and deal with them.

It is not just prostitutes we are talking about. There can be no prostitutes without clients. Let us not just talk about one group; let us talk about the lot. I have seen and heard all of these holier than thou do-gooders. During the day they moralise about something, but God knows what they get up to at night. We have seen and heard them, and those opposite know it. I say this to those people, "Me thinks that some of them protesteth too much." It does not matter what view I or others have, there is an issue there that will not go away. Therefore, it has to be dealt with. As I say, I get sick and tired of listening to people who want to ram things down my neck about how terrible things are without coming to grips with the issue. On that score, I am sorry and disappointed that this legislation is going so far and extending prostitution so much. I think that is the last thing on earth we need to do.

I want to take the House through various issues that occurred in 1998 when we had dealt with the report. I want to go through some of the surveys that were done so they are on the record in the Parliament. I know they have been dealt with before, but I want to read into the record a statement I made on 20 April 1998 in relation to prostitution laws. I said—

"Today, Cabinet considered an Issues Paper on the current Prostitution Laws in Queensland. The Paper was prepared by a Working Group which was formed in August 1997 and reported to me in February this year.

The most important responsibility of a Government is to protect the health and safety of the community—sex workers are part of the community and have a right, like anyone else, to be protected and to be safe.

This is not about moralising the rights and wrongs of prostitution nor is it about condoning the practice. Prostitution wouldn't exist if clients didn't. The Government's intention to fix the current laws is about a recognition that the practice exists and the laws should protect the health and safety of the community. The Government is also committed to action programs to divert people from prostitution—keeping children and others safe from it.

We can not pretend the practice doesn't exist nor that it will go away—it won't. We must do our duty as a Government and the community to deal sensibly with both the causes and effects of prostitution and address the problems through law reform and diversionary programs.

The completion of the Review and the pilot program that I will announce today are milestones in the control of prostitution related activities in this State and has completed the first stage of the reform process—an election commitment of the Coalition.

In preparing the Issues Paper, the Working Group reviewed the approach of other jurisdictions, surveyed public attitudes and called for submissions from interested stakeholders.

Cabinet agreed that the current legislation is problematic and that there is a need for legislative change. The findings and recommendations of the Working Group are outlined in my media release."

I will table both those releases for the benefit of the House. I went on to say—

"Cabinet did not consider any specific models for legislative change—that is the next stage of the reform process. However, Cabinet noted that there are three broad options for future reform:

- no change to the current laws;
- legalise prostitution and impose no regulation;
- reduce the application of the criminal law and impose other forms of regulation.

I think everyone would agree that the first two options are not viable.

However, the Government realises that prostitution is a morally contentious issue and any changes to legislation must be carefully considered and thoroughly worked through by all relevant stakeholders, including the wider community.

The Government will not make change for change's sake given the complexity of this issue. Prostitution law reform in other jurisdictions has taken years and Queensland will take its time and get it right.

The Labor Party and the Opposition Leader Peter Beattie have no credibility on this issue. Mr Beattie had the opportunity to reform the current laws—he was a senior Minister responsible for health—yet he did nothing and his party reneged on a promise to review their own rushed and inadequate legislation.

In fact, in true 'back flip Beattie' style, in 1992, he voted for the weak and downright dangerous Labor legislation, when everybody knew he had serious doubts about the laws' workability and had previously supported a substantially different model when he was a member of the PCJC. He knew what was right, but—typically—he sold out his principles in the face of factional threats.

Now to the second part of the announcement for today—interim safety measures for sex workers.

At the Cabinet meeting in Gladstone earlier this year, I undertook to assess interim safety measures for sex workers following recent violent attacks.

I asked the Queensland Police Service for advice on various options and was advised that there is a current policy which provides an immunity from prosecution for security providers who provide security that would be available to any other member of the community. Cabinet has noted this policy.

Cabinet also noted that most of the violent attacks and assaults have been perpetrated against street workers, who in the majority of cases work on the street because of social problems such as homelessness and drug addiction.

The Government has a social responsibility to protect this group of vulnerable people from the hazards of working on the street and their needs will not be ignored. The incident last week involving juvenile street workers highlighted this responsibility.

Today Cabinet approved the piloting of the Health and Safety Liaison Program or HELP, in the Valley and New Farm area.

HELP will provide additional resources to coordinate and build upon existing health and welfare services and will involve diversionary programs to tackle the underlying causes of street prostitution.

Rather than be a program delivered by public servants, HELP will be coordinated and delivered by a community group or organisation that has existing networks and experience with working with sex workers.

Expressions of interest for the project will be sought in the immediate future and the project will be overseen by an experienced management committee which I will appoint in the near future.

The Government plans to tackle the underlying causes of street prostitution and the project will aim to boost access of street workers to diversionary programs, drug education and rehabilitation services, and other health and welfare services.

It is planned to get the project underway as soon as possible and after 12 months HELP will be evaluated by the Police Service."

That is the way I believe prostitution should be dealt with. We should certainly be trying to divert people away from it and assist people who are in it to get out of it.

I believe the most important responsibility for Government is to protect the health and safety of the community. This is not about moralising the rights and wrongs of prostitution. It exists—it always has and always will. I think everyone agrees that the current laws do not work and that legislation is needed to regulate and control the industry.

Government has a responsibility to take a practical approach to controlling prostitution. There should be three fundamental aims: protecting the health and safety of the community, including sex workers; minimising the impact of prostitution on the wider community; and implementing practical actions to assist sex workers exit the industry by attacking the underlying causes of prostitution, especially with street workers. Unfortunately, this Bill fails on all three accounts. The Bill is clouded by bureaucracy and secrecy and focuses on process rather than the three points I have just mentioned.

I mention the issue of the safety of single operators. This Bill will not improve the health and safety of single operators. In fact, they have been ignored. The claim that safety will be improved as single operators can now employ security guards is misleading as this has been possible under both the Goss and Borbidge Governments. However, in reality this just simply does not work. Single workers cannot afford to employ security guards and the Government has avoided this issue. The hope that single workers will move into brothels is a pipedream. Why would they when they would have to give up some of their income to brothel owners? There is just no incentive. Therefore, to compete with the proliferation of brothels they will have to take more risks, and that will compromise their health and safety and that of the clients and the community.

There is also no doubt that the legislation will not regulate but promote the sex industry. One clause in the entire Bill refers to the impact on the local community of brothels. Once the brothels are approved, they are there to stay. There is no review of the impact on the community. They just pay the fees and away they go. The functions outlined for the Prostitution Licensing Authority do not include any reference to monitoring the impact of licensed brothels on the community. Its functions are pure process. Furthermore, despite clever words such as "associates", there is nothing in the Bill to stop the Warren Armstrongs of this world expanding their influence in the sex industry.

I will go through some of the findings of the ministerial working group that reported when we were in office. I believe it makes interesting reading. Community attitudes is something I find quite enlightening. This community attitudes survey was undertaken in five selected regions throughout Queensland by the Government Statistician's Office and was designed largely to be a comparison with a similar survey on prostitution issues undertaken by the CJC in 1991.

There was widespread opposition to allowing prostitutes and clients to solicit for prostitution in a public place, with 90% of Queenslanders objecting to it. Nearly two-thirds of Queenslanders believed that two or more prostitutes should be allowed to work from premises in a non-residential area, although most people believed there should be restrictions on such things as places at which prostitution activity could operate, who could operate the premises and advertising. Over 70% of people believe the level of prostitution was moderate or widespread. Sixty per cent of people surveyed believed there was nothing wrong with a person paying for sex with a prostitute. 52.7% of people surveyed agreed that prostitution should be regarded as an occupation like any other. Around 40% disagreed. Fifty-seven per cent of respondents thought a prostitute should be allowed to provide services from their own home,

while nearly two-thirds of Queenslanders believed that two or more prostitutes should be allowed to work from premises in non-residential areas. About 70% of those in the 35 to 54 age group thought this type of activity should be allowed. And it goes on.

Those community attitudes surveys are available for people to avail themselves of. Quite honestly, I think most members of Parliament will have done their homework with the people in their constituency. As has been said by other speakers, it is the responsibility of parliamentarians to represent their people and to do it in the best way they possibly can.

I have tremendous sympathy for people on both sides of the Parliament when they are trying to come to grips with issues such as this. They are and always will be put to the test on this issue and other social issues that I will not mention right now. Nevertheless, whenever members are in doubt quite often they have to make up their own minds and come to their own conclusions, but they can always fall back on their constituents. They can get together with people in their areas and say that they have a massive and difficult problem to deal with. People will always give honest and decent advice. Most of them will be broad-minded enough to recognise that we have problems like this which will not go away and which have to be dealt with. We will continually try to come to grips with these things because this legislation will not fix it now. When the coalition returns to Government it, too, will be confronted with a similar problem. And so it goes.

Time expired.
