



Speech by

SHAUN NELSON

MEMBER FOR TABLELANDS

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PROSTITUTION BILL

Mr NELSON (Tablelands—IND) (4.33 p.m.): The Prostitution Bill is a very difficult topic on which to speak. I am a young person; I am only 26 years of age. I have not lived what would be called by some members of this Parliament a virtuous life. I am not going to stand in this place and moralise and speak on issues that I have no moral authority to speak about. There are many members of this Parliament who are probably a lot more virtuous than I am. I know that there are certainly many who are a lot less virtuous than I am.

I am not a Christian. I do not believe in the fundamentals of the Christian faith, nor am I of any other religious persuasion. I simply have my own personal moral views and standing. Ultimately, the important point that has to be made is that I am not the member for Shaun Nelson; I am the member for Tablelands. As the members for Crows Nest and Mansfield quite rightly said, we are sent here to represent the views of our electorate. Those who are familiar with the State of Queensland and the area that I come from will not be surprised to hear me say that predominantly the people of the tablelands are against this Bill simply as a matter of principle. There are many people in my electorate who have religious views and others who have a moral view against prostitution. I come from a rural area. If one looks at the demographics of rural areas, one finds that it is mostly families who live in rural areas rather than large groups of single people. Members can be assured that there are no single girls on the tablelands!

I carried out extensive consultation on this issue by walking around my communities and discussing it. I also received a flood of phone calls from people who are against the concept of prostitution in principle. I went into it further with them. I said, "I'm against murder, but it still happens," and a few points were made quite clearly to me. I would like to go through them.

I am not into scaremongering and trying to induce people into doing something because of my own political point of view. I am here to represent the people of the tablelands. It is very important to remember—and I have made this quite clear throughout my electorate—that the people of the tablelands will not be affected by this Bill. The tablelands would not be affected because it does not meet the 25,000 person threshold. This means that local councils—and my understanding might be a little warped here—have the power of veto over any proposal to approve a licence.

Anyone who knows the Chairman of the Eacham Shire Council and the Chairman of the Atherton Shire Council would be aware that no brothel licence would be approved on the tablelands. I have certainly made that quite clear to the people at home, and they understand that. Their opposition is not because of any inherent fear that brothels are going to open in their area; they are opposed to the legislation as a matter of principle.

Many problems were raised with me, and I will go through a few of them. Certain points stuck in my mind when people were making their representations to me as the local member. This proposal is attractive to youth from the point of view of the currently high levels of unemployment, particularly youth unemployment. This means that we could see a higher participation rate from youths. I used to live in Canberra, as some people might know, because they have been circulating some of the things that I said when I lived there. It must be remembered that prostitution is legal in Canberra. The bastion of virtue that is our nation's capital certainly has brothels in Fyshwick and Mitchell, and some other things that I should not go into.

When driving through Fyshwick every day on my way to work I used to see a big sign on the edge of one of the brothels. I know that there are limitations on advertising in this Bill, but there was a big sign on that brothel which read, "Earn up to \$2,000 a week. Now hiring." As a person who has at one stage in life been without work, I can tell members that when people drive past a sign like that—I do not care what that sign is advertising—there are some who will look at it and say, "\$2,000 a week! I could certainly do with \$2,000 a week."

Mr Robertson: I've got bad news for you.

Mr NELSON: I probably would not earn \$2,000 a week, but you never know. There are some sick people out there.

Mr Purcell: Have a look in the mirror.

Mr NELSON: I have a girlfriend. I have a picture to prove it.

It is my belief that 98% of teenagers driving past that sign who saw what it was advertising would move on and not even consider it. But it is those 2% of people who are in desperate circumstances that think, "I need an income. I don't like living off the dole." The dole is no way of life for anyone. I am not saying that prostitution is better than being on the dole. It certainly is not. But my concern and the concern that was raised with me is that the 18-year-old girl who drives past that sign, who has been on the dole and who has a self-esteem problem from being on the dole, would look at that sign and think twice. There is no signage in Queensland, but she is going to know. She is going to hear it on the streets. She is going to hear it in the nightclubs. She might listen to her friends saying, "I earned \$250 the other night working down in the Valley."

That happens already. No-one denies that that happens already. The problem put to me is that the Government's legalising prostitution would therefore make it a little more socially acceptable. I suppose that is the point we have to look at. As I said, 98% of teenage girls would walk away from it. Most teenagers these days have a fair amount of commonsense, believe it or not. But one person may consider it, and that is what it all comes down to. Someone may look at it and think, "Maybe that is an option for me. The Government has legalised it. It can't be as bad as was made out to me when I used to go to the Catholic school, so therefore I am going to give it a try."

Mr Purcell: It is legal now.

Mr NELSON: I am talking about it at this level. As I said right at the start of my speech, these are points that have been made to me. I did not have the answers when the people came to me and said, "What do you think of that, Shaun?" I had to say, "I can see where you are coming from. That is a legitimate concern and I will raise it in Parliament, rightly or wrongly."

Another concern raised with me and which is dear to my heart relates to death rates and hospitalisation rates for things such as AIDS. One of the people I served with in my previous career died of AIDS. We are pretty sure he got AIDS from using a prostitute overseas. The point is that people do die from AIDS. That cannot be denied. Death rates and hospitalisation rates for AIDS, STDs, hepatitis A, B, C and so on are comparable to the death rates for other things, for example, firearms. In this State we are banning and restricting the use of firearms but we are legalising prostitution. That is just one example given to me. The same argument could be used in relation to knives and in relation to cars. We put restrictions on who can operate a motor vehicle.

I recognise that in this Bill a lot of time and effort has been put into restricting and regulating this so-called industry. This has caused me a fair bit of consternation on a good many points. As honourable members know, I come from a police family and I know a lot of police officers. I took the draft legislation home and handed it around to a few coppers, many of them of longstanding experience. I let them go through it, as only police officers can, to pick out the points that they thought they would have difficulty with if they had to work with it. Many of them came back to me with a number of interesting points.

I hate to raise the point—it is a very difficult one for me to raise—but after reading this legislation I feel like I must be the only one in this House getting any action. I do not want to insult anyone, but the people who wrote this legislation cannot honestly say to me—

Mr Bredhauer: If you don't want to insult anyone, why don't you sit down?

Mr NELSON: I do not know if there is anything more insulting than that. I have a legitimate concern. How will clause 91, which relates to the use of condoms in a sexual act, be policed? If a police officer goes in to bust up a ring of prostitutes who are not using condoms and he gets into the room with a prostitute, does he say, "I am not going to wear a condom"? That instantly implicates him, because he has initiated it.

Ms Bligh: Oh, dear, dear.

Mr NELSON: If I do not raise these concerns here, who will? These are concerns that have been raised with me by people that the Minister for Police will send out on the streets. They have to

wear the uniform and police this sort of rubbish. My father served on the force for 18 years. He has seen some bloody horrible stuff and has done some bloody horrible things in his time. Police officers are saying to me, "How on earth do we police this? Do we have to actually consent to have sex or even go the whole hog of having sex without protection to prove that they have done it?" Then how on earth are we going to prove that that did or did not happen? What level are we going to take it to?

I am raising these issues so that they can be answered. I know that the Minister might not think they are worth responding to, but I sincerely hope that some of these points are listened to. I do hope there is an answer for them. I really hope that this afternoon when the Minister makes his reply he can say, "No, Shaun. Your concerns are allayed because of X, Y and Z." This is certainly an issue.

The Criminal Code considers someone an adult at the age of 18 years, but the age of consent for carnal knowledge is 16 years. Let us say a man pays for sex with a person he believes to be 18 years of age but it turns out that she is 17 years of age. The owner is charged—he is guilty of an offence for employing her—but what of our "innocent brothel visitor"? I have known of people who have been in this situation.

I cite the example of a soldier fresh back from Timor, looking to spend some of his hard lying allowance, the \$125 a day danger money that he has earned. I guarantee that some of those boys will come home hot to trot. Let us say he goes into a brothel. He is an innocent young man. He might be guilty of what some people in here would consider a moral offence, but I have heard many people say—this is a very important point—that they would rather spend \$150 at a brothel than spend \$200 in a nightclub.

Let us say this soldier comes home and pays for this act. Let us say he receives and pays for anal sex. He is then guilty of unlawful sodomy under the Criminal Code and he could be jailed for up to 14 years. That is a scenario that I would like the Minister to address in his reply to the debate. That man is guilty of an offence, but at no stage was he aware that he was committing an offence, because under the prostitution legislation that will be passed through this Parliament he was not committing an offence. He was, in good faith, going to a brothel to commit an act which might not be morally acceptable to some people. No member on the Government side of the House should be laughing right now, because they are making it morally acceptable for him to go to that place and do that. I am saying that, as a legitimate brothel visitor, he should be protected from being charged with the commission of an offence under the Criminal Code.

There has been a lot of giggling and carrying on on the Government side. Obviously some people are not mature enough to address these issues as they arise, but I did not bring this Bill into Parliament.

Mr Barton: We're all reading your comments in the Courier-Mail of 17 July.

Mr NELSON: I know that the Labor Party tried to circulate that rubbish to get itself out of some trouble that it thought it might be in, but not once in my community, when the Catholic Church or other people came to me, did I try to step away from the comments I made. Honourable members have to understand that in Canberra it is legal. The people of Canberra voted on this a long time ago and it has been legalised in the ACT. They have brothels there and they work. There is not an overwhelming public outcry or moral outrage in the ACT for the brothels to be closed down.

My point is that I am not a member of a political party. I am now currently an Independent member and I represent the views of my electorate. My morals have nothing to do with it. I must represent the people who send me down here to represent them. I will fight equally hard, even though my moral standing might be completely different from that of some of the other people who live in my electorate.

Ms Struthers interjected.

Mr NELSON: The member for Archerfield might not be proud of the work done by my father, but I am. I am allowed to draw on his wisdom, as many members of this Parliament have drawn on the wisdom of their families to address a topic. As I said at the very beginning of my contribution, I am by no means what would be considered by many members of this House to be a moral person, but I suppose that gives me the advantage here because I have seen a hell of a lot more than many members who get sheltered in this House and like to look at things from their ivory tower and think everything will be hunky-dory when they put it out there into society.

The simple fact is that all regulation is not perfect. All that regulation really does is provide a set of circumstances in which things can operate. It is illegal to use marijuana in Queensland, but people use it. It is illegal to do a lot of things in Queensland, but things happen.

Under the Prostitution Act it is illegal not to use a condom, but I guarantee that people will not always comply with that provision. It is going to be terribly hard to police. The Minister cannot tell me that that is not going to happen and that it will not establish another outlet in our community for the spreading of disease, including AIDS.

Let us face it, the streetwalkers who are operating now will not be the people who will be working in the brothels. I put it to honourable members that most people who are currently working on the streets will stay there. Only a few will be herded into brothels where they can give their money away to a brothel operator.

Mr Feldman: And the tax man.

Mr NELSON: Exactly—ultimately to the tax man. The Government will be simply re-forming another tier of the underworld element that already exists.

I live in a very small town. In fact, we have only small towns on the Atherton Tableland. We do not have streetwalkers in my area. I have certainly never seen any during my travels around Mareeba and Atherton.

Ms Bligh: Have you been looking?

Mr NELSON: Oh, I am always out looking. We find streetwalkers in Brisbane, Townsville and Cairns. When the people from the Atherton Tableland visit regional capitals they are exposed to this aspect of prostitution.

I could go into many aspects of law and order. I have raised a few aspects here. I would like the Minister to answer some of the matters I have raised. Even though we have seen a couple of immature Ministers giggling and carrying on on the other side of the Chamber, I hope the Minister for Police and Corrective Services will take the opportunity to answer some of my concerns.

I will not be voting for this Bill because the people of my electorate, the people I work with and my friends and family do not want me to vote for this Bill. I did not meet one single person who wanted me to vote for this legislation; rather, I met hundreds and hundreds of people who did not want me to vote for it. I am acting on behalf of the community which I represent.

An Independent member of Parliament has the power to do that because he does not have to toe the party line. As a result, he can represent the views of his electorate. An Independent member does not have to accept party views. In saying that, I do not want to detract from members who represent political parties and who are representing the views upon which they were elected. I simply say that I take this stand on behalf of my electorate.

I have a certain point of view, but that is not on trial in this debate. I am here to represent the views of the people of the electorate of Tablelands. I have tried my best to raise the issues involved. I implore the Minister to look at the matters I have raised because I believe they are legitimate concerns, otherwise I would not have raised them. Perhaps the Minister could go through some of those points in his reply and outline why the people of Tablelands should not be concerned.
