



Speech by

Hon. TOM BARTON

MEMBER FOR WATERFORD

Hansard 2 December 1999

PROSTITUTION BILL

Hon. T. A. BARTON (Waterford—ALP) (Minister for Police and Corrective Services) (12.57 p.m.), in reply: I thank all those who spoke in this debate yesterday and today. While I think some members made a much more positive contribution than others, I thank all for putting forward their views. I particularly thank the Government contributors—the members for Kurwongbah, Archerfield, Mulgrave, Mansfield, Fitzroy, Bulimba, Cairns and Lytton—because it is very clear that not only have they studied the Bill very thoroughly but also they have a very good understanding of what the Government is attempting to do with this legislation and why it is so absolutely necessary. I am very confident that they, along with others, will get the support of this Parliament when this is put to a vote.

It has certainly been a very long road. I would like to thank all those people who have been of such great support to me, particularly my team. A significant number of people from the Queensland Police Service have been involved, and Inspector Dale Pointing is here today. I thank Sue Johnson, who got some accolades from the previous Minister yesterday afternoon. She deserves those accolades. Sue worked as part of my team in a similar way to the way she worked for the coalition under Russell Cooper. We did ask for and received the work they had done to date and we built on that. I think that is important.

I also thank my personal staff. All of them have carried some very heavy additional load while we have gone down this long, hard road. I thank particularly those who have been directly involved: my senior policy adviser, Louisa Pink; policy adviser Louise Foley; and senior media adviser Bill Ferguson. These people have been right at the cutting edge in this area, but all of my staff have carried an additional load because of this particular issue, which has been very time consuming and extensively discussed around the State.

I also thank the Premier, because he has been steadfast in his commitment to ensuring that we get appropriate reform of prostitution in Queensland. He has very solidly stuck to his position, which is consistent with the one that he expressed as far back as 1991-92, when as chairperson of the parliamentary CJC he played a major role. He and this Government have come forward with a model that is not too far removed from the CJC's model in 1991-92 and a model that he has consistently advocated. I thank him for that support.

Sitting suspended from 1 p.m. to 2.30 p.m.

Mr BARTON: I will discuss some of the issues that have been raised by various members, particularly Opposition members. That will help the clarification process at the Committee stage. One concern raised by the shadow Minister was that brothels would appear in our waterways and marinas. I refer him to clause 79 of the Bill, which says that a licensee must operate a licensed brothel in a building. That attracts a penalty of 200 penalty points or five years' imprisonment. It must be a fixed structure wholly or partially enclosed by walls and be roofed. Although a brothel may be established in floating premises, it must have a fixed location and address and must be the subject of a planning approval from the relevant council under the Integrated Planning Act. The proposed address must be advised to the Prostitution Licensing Authority prior to the consideration of a licence application. Even if the premises are floating physically, they cannot float off somewhere else. The brothel must be in a fixed location. It cannot be in a fixed location in a residential area and it cannot be within 200 metres from one of the other proscribed areas. It is a nonsense to suggest floating brothels will be floating all over the place. That simply is not possible under this Bill.

Another issue raised by the Opposition is that organised crime bosses will put individual sex workers in each of the six units in a typical suburban sixpack block of units and that that would be a very attractive option for them. No changes have been made to the current laws in regard to individual sex workers, except with regard to their being allowed to have personal security. If it has not happened already, it will not happen. Under this Bill, a person engaging in organising prostitution activity in that way is liable to a penalty of up to 14 years in jail. There is no basis to the claim that legalisation of brothels would result in the situation as claimed. No more incentive exists than has existed since 1992 when the existing legislation was brought in. The very significant penalties for organising an illegal brothel provide a disincentive.

The issue of organised crime was raised by the shadow Minister and also by my predecessor. They claimed that every sleazy drug lord and opportunistic crime boss would be attracted to Queensland and that those persons would assist 39 of their friends with licences, which would result in organised prostitution on a grand scale. Absolutely nothing has been put forward in this Parliament to back up that claim. The proposed system in Queensland will be by far the strictest in Australia. We examined the issues in every other State and Territory. We considered what was being put forward in Western Australia and South Australia. Those States both spat the dummy and ran away from the issue.

Under clause 17, the suitability provisions for licence applicants state that the Prostitution Licensing Authority will consider the applicant's reputation, character, honesty and integrity. There is absolutely no capacity for those people to do what was suggested. Whether they have been convicted of an indictable offence or an offence under this legislation or charged with various offences of a sexual nature will be revealed when the Prostitution Licensing Authority considers their applications. It will consider whether they have any associates who have been convicted of a disqualifying offence. It is not just the individuals who will be under consideration. If they have 39 sleazy mates and we are aware of that, the Prostitution Licensing Authority will exclude the 39 sleazy mates from being considered for the licensing regime, because associates include those people as well as members of the family, a person in a business arrangement, the owner of the premises or the lessor of brothel premises.

The licences are personal to the licensee. They cannot hide behind corporate veils. We have put a lot of effort into those provisions, because in Queensland in the eighties under the coalition and under the National Party in its own right, prostitution was run by organised crime figures. We have been absolutely adamant about ensuring that we have the tightest and toughest provisions to prevent the 39 sleazy mates and their sleazy first-up mate from owning brothels in Queensland. Persons are entitled to only one licence. A person can have an interest in only one brothel. They cannot have any form of interest in any other. If they were to do that, they would be in breach of the law, and they would be operating an illegal brothel. If they were to attempt to do that, the penalties in this legislation are most severe indeed.

The legislation provides for financial audits. The Prostitution Licensing Authority will consider whether people who seek to be licensed applicants have the necessary financial resources. An extension of the allegation that we will have every sleazy person in Australia flocking to Queensland is that people will be fronts for sleazy people. As a result of the probity checks under this legislation, the Prostitution Licensing Authority can reach behind the facade to examine whether money is coming from organised crime or other inappropriate people to fronts who may be cleanskins in their own right. The authority will consider whether the business structure is sufficiently transparent. If it is not transparent and unless we can be sure that the people involved are cleanskins, licences will not be issued.

We are absolutely adamant that we will not let the sleazy characters own small brothels in Queensland. Financial audit trails will be in place. A person can be involved in only one licence. They cannot be involved in any shape or form with a second or subsequent licence. Police may enter brothel premises at the request of the Prostitution Licensing Authority, inspect and photocopy documents and seize books or any other relevant document. The Prostitution Licensing Authority can do very thorough audits to ensure that what is contained in this Bill when it comes into force from 1 July next year is absolutely as strict as we can possibly make it.

Claims have been made that street prostitution will proliferate. Certainly, that will not occur. The Opposition Leader and the shadow Minister have made the claim that, with the legalisation of brothels, the two systems will be competing, resulting in a growth in street prostitution. I cannot understand the logic of members who make accusations without any backup at all. There is no evidence to suggest that this will happen. Contrary to this claim, that has not been the case in Victoria or the other States that take a balanced approach.

Under this Bill, we will also put in place much stronger law enforcement to crack down on street prostitution, and that enforcement will be counterbalanced by services and programs to deal with the underlying reasons for some sex workers, be they women or men, getting involved in street prostitution. SQWISI has been doing good work in recent years. We are now aware that many of those underlying

reasons relate to homelessness, drug addiction and so on. Through the body that will advise the four Ministers on the ministerial council, we will develop what we are confident will be effective exit programs to get people who have fallen into the trap of prostitution out of the industry and provide them with a strong support base, over and above even the HELP program, which was mentioned by my predecessor. We know full well that people get trapped into prostitution. If they do not want to be there, we will do our level best to get them out. This Bill provides for those types of programs to be developed.

We have also heard claims by the Opposition spokesman that the Minister can veto the decisions of councils with populations of 25,000 people or less not to have brothels. This might be using language that is too strong, but essentially the allegation was made that I would collude with the Prostitution Licensing Authority to force brothels into those small communities. I do not know how often we have to say this: we are absolutely adamant—and any clear reading of the Bill and the Explanatory Notes makes this clear—that there is no way for me to collude with the licensing authority, nor would I want to. We have conducted extensive consultation around the State. Small communities that do not want to have brothels should not have brothels forced on them. That is what this Bill provides for. Clause 64 gives local governments with populations of less than 25,000 people the power to refuse all brothel applications. There is only a requirement for the Minister to agree that applications refused by councils can be formalised in council decisions. Records of councils refusing brothels will also be maintained. This will prevent people coming back through the door and trying to inflict brothels on small communities that have already made an emphatic decision not to have them. This will ensure that the Prostitution Licensing Authority will not go down any dry gullies.

One of the most outrageous allegations came from the master of the half-truth and sleazy political spin—the Opposition Leader—who claimed that brothels are coming to a street corner near you; that there will be a proliferation of closely located brothels in many communities; that brothels will be like 7-11 stores. What a load of codswallop. The Bill makes it very clear that brothels will not be in residential areas. Brothels will not be within 200 metres of any churches, hospitals, schools or places frequented by children, such as playgrounds, railway stations, shopping centres, caravan parks, holiday units, public swimming pools and so on, even where they are in commercial or industrial areas. For the benefit of the Opposition Leader, who either cannot read or chooses not to understand the facts of life, let me make it very clear and nail this furphy once and for all.

Mr Sullivan: Maybe they're the corner shops that he hangs around in.

Mr BARTON: Perhaps that is his problem. Perhaps he has hung around a few too many corner shops in his youth.

The Prostitution Licensing Authority must also refuse to grant a licence if doing so would affect the character of the locality, that is, create a red-light district. That is covered in clause 16(3). We will not allow red-light districts to evolve anywhere, be it a commercial or industrial area, and irrespective of whether in every other respect the criteria are met. The Prostitution Licensing Authority will be required to knock back applications so that we do not have inappropriate developments of red-light districts and enclaves of brothels. I want to make that clear for the parliamentary record. I hope the Opposition Leader is at least prepared to read the Hansard record and find out why he is wrong.

I should make one other point about this. Unlike 7-11 stores, brothels will not be allowed signage that is anything other than discreet. That will be clear after the Committee stage, because I intend to make some minor amendments with respect to brothel advertising and nail this issue once and for all. We believe it is clear the way it is. However, we will put this in the Bill in neon lights so that people cannot read it in any other way than is intended. Advertising and any signage will be very discreet.

Also, the Opposition Leader claimed that brothels will appear in or near Cavill Mall. Malls would be regarded as places frequented by children and thus no brothel could be located within 200 metres of either Cavill Mall or any residence, hospital, church, school and so on—something we have already made abundantly clear.

I do not wish to belabour the point, but the exit programs are very important. We have all heard stories about people who have fallen and been trapped into prostitution—mainly young women but certainly some young men also. Under clause 114, we will give the Prostitution Advisory Council certain functions, including promoting and coordinating programs to promote sexual health, to help prostitutes leave prostitution—the exit programs that we have spoken of—and also, probably more importantly, to divert minors and other vulnerable people away from getting involved in prostitution in the first place. The Prostitution Advisory Council will also circulate information on the dangers of prostitution. These matters do not need to be specifically legislated for. That is why they are not spelled out in the clearest possible terms in the Bill. It is appropriate that they be allowed to be developed through the programs of the advisory council. These matters will also be the subject of regulation.

Both the Opposition Leader and my predecessor, Russell Cooper, referred to the HELP program, which was not included in legislation, either. It was a program administered under the previous

Government. It was a very helpful and necessary program, which we supported while in Opposition. There is no more a need for us to enshrine in legislation the exit programs that we intend to develop than there was for the HELP program to be enshrined in legislation. The exit programs will provide appropriate and relevant alternatives, training and opportunities for those people who wish to leave prostitution.

Another furphy concerned the power of entry of law enforcement officers. The shadow Minister claimed that police will be unable to enter brothels without written permission even in the case of a fire, a serious assault or other emergency situations. I will explain the position for the shadow Minister. In relation to a routine inspection, the police should have the written permission of the Prostitution Licensing Authority, rather than running willy-nilly in and out of brothels. The police may enter any brothel premises at any time to investigate criminal offences pursuant to the Police Powers and Responsibilities Act. That is the principal legislation providing for police powers in this State. As the Parliament is aware, it was passed in late 1997 by my predecessor with my support as the then shadow Minister. It is an appropriate platform that gives the police the power to walk into any brothel to investigate any form of criminal activity or misdemeanour at any time without having to have permission or be invited.

There is no restriction on police or fire authorities or anybody else in responding to fire or other emergency situations. However, in monitoring this legislation, police will require written authority from a police officer of the rank of inspector or above if it is simply a normal inspection. We do not want a return to the old days of corruption. This is an important anti-corruption measure, because we do not want to revisit those corrupt days of when the National Party was last in Government in this State in its own right, when another one of my predecessors used to roam around the Valley with his white cane and his dark glasses, ignoring the neon lights and the signs and the handouts, saying, "I don't see any prostitution down here." We are not going back to those days, because we are absolutely adamant that we are going to have the toughest regime on prostitution anywhere in Australia.

Comments were made by the shadow Minister with regard to resourcing for law enforcement to the effect that the Government's model will be too resource intensive. I make no bones about it. This is going to be a very tough law enforcement model; but it will also avoid the hundreds of hours of police time that are now being spent on surveillance and other intensive evidence-gathering processes. This Bill assists police to collect evidence and conduct prosecutions with regard to prostitution offences very effectively, indeed.

It has never been intended by the Government that the sex industry in legal brothels would be regarded as just any other industry. It is important to take a cautious approach and to strike a balance between guarding against a return to the bad old days of the eighties, which were rife with corruption, and a well-regulated, aboveboard, sensibly monitored industry.

As part of bringing this legislation to Cabinet—and I am not going to give any Cabinet secrets away—I can assure this Parliament that we had to put together a business plan in terms of what the costs are and in terms of the costs of enforcing this. But while we will be spending with one hand, we will be saving a lot of funds with the other. But we make no apologies for the fact that this model is a tough law enforcement regime. If we are going to relax prostitution laws, we are going to do it in a way whereby we make sure that there is very effective policing by the Queensland Police Service.

One of the other statements that I found quite intriguing was an allegation by the shadow Minister that there would be a slush fund that the Minister would be able to spend at his discretion without accountability. I immediately thought to myself, "Gee, I had better have a look at this provision." It did not sound right to me. Let me put this in its proper context. The fund is covered in clauses 123 to 126. The Prostitution Licensing Authority is responsible for the administration of that fund—not me, but the Prostitution Licensing Authority, an independent body of very high-powered appropriate people appointed by the Government. The Minister may give written directions about the purposes of expenditure to make sure that the authority stays within some form of ministerial guidelines. However, the Prostitution Licensing Authority is required to report annually. It will report on the administration of its funds, together with any ministerial directions received.

That is no different at all from what happens now when I come in here year after year with the Police Service's annual report. I am also required to table—as is the Police Commissioner—any directions that I give to him. So there will be absolute transparency in terms of the funding arrangements. The Prostitution Licensing Authority has to have funds—the same as any other Government body—but there will be absolute transparency in terms of any direct involvement by the Minister and decisions by the authority, and the expenditure directions will all be tabled in this Parliament by the Minister at the end of that process.

I do not intend to comment on every statement that members opposite made, because in only 30 minutes I obviously cannot traverse the entire debate, which covered many hours yesterday and again today. However, I do have this view: this is good legislation. We have consulted as widely as we

have on any legislation—certainly in the time that I have been involved in the Queensland Parliament, which covers most of the post-Fitzgerald period—so it is as good as it has ever been in terms of consultation. We believe that everybody has had the opportunity to be consulted and to express a view, and it is now time to make a decision and get on with putting it into place. That is why I am asking this Parliament to support this legislation today.

I probably should mention—because it did get mentioned by a few members—that a fortnight ago, the Scrutiny of Legislation Committee brought down its first report on this legislation and indicated that it wanted me to look at some aspects. It also drew some aspects to the attention of the Parliament. I have answered that report, and I think that those answers are in the committee's digest this week. The members of the committee have noted my responses. I simply make mention of that, because it is really up to the Parliament now to determine that. But from my perspective, no major issues were raised by the Scrutiny of Legislation Committee that would cause us to want to change our view. However, I flag that I have a small number of amendments—three or four—which I will move at the Committee stage and which have come out of the debate over the past few days. That is simply so that we can clarify even more firmly the intent of several provisions, and I will cover them at the Committee stage.

Once again, I thank all members for their participation. In my response before lunch, I think that I thanked individually most members who have played a major role in this debate. It has been a hard road. This is not easy legislation, and many members have expressed that point of view. I remember meeting Jan Wade, the previous Victorian Attorney-General, who was responsible in recent years for that State's legislation. Pardon me for swearing, Mr Speaker, but she said to me, "Tom, this is a bloody awful industry, and it's a bloody awful thing to be involved with, but it has to be done."

And as Russell Cooper said yesterday, whoever the Minister is, they have to accept the responsibilities on behalf of their party and their Government and the public of Queensland and do what they believe is in the best interests of the public of Queensland. That is the stage we have reached. We do not believe that this will be the be-all and end-all. We know that a review of the CJC will take place in three years' time. But if we find that we do not have it quite right, we will be big enough as a Government to come back in here and make the adjustments that are needed. I commend the Bill to the House.
