



Speech by

WARREN PITT

MEMBER FOR MULGRAVE

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PROSTITUTION BILL

Mr PITT (Mulgrave—ALP) (3.37 p.m.): I rise to speak in support of the Prostitution Bill. As with many other Queenslanders, my religious beliefs play a key role in my life, and therefore I understand the moral arguments against this Bill only too well. I respect the views of others, even when I think those people are blinkered.

Having said that, my Christian upbringing also makes me well aware not just of the problems within our communities but also of our obligations to do what we can to improve the lives of those who get caught up in the ills of society. Prostitution is one of society's ills. While we live in a secular world, we cannot afford even for one minute to ignore the realities of that world.

Yes, I am concerned that prostitution is a growing problem. I believe that the existence of prostitution is deplorable. However, I refuse to pass selective moral judgment on others. In a world where we are all responsible for our own consciences, I will not be one of those people who chooses to bury my head in the sand and hope that the problem will just go away.

The Beattie Labor Government will not stand for this, either. This is why we are here today debating this Bill which will go a long way to addressing the concerns of the vast majority of Queenslanders. It is morally defensible to go down the road of regulation if the intention is to save lives; if the intention is to help those who want to get out of the industry; if the intention is to ensure that those who stay are working in a safe and clean environment; and if the intention is to protect all Queenslanders.

These new laws are about addressing a complex problem that has been with us for many centuries. If any of us in the Chamber today believes that the legislation we are debating, if passed, will provide some sort of solution to the issue of prostitution, they are kidding themselves. Those who claim that the measures contained in this Bill will in some way open the floodgates, or contribute to the complete moral breakdown of our society as we know it, are also deluded.

Prostitution has been with us since the beginning of humankind and I have no doubt it will remain while human habitation of the planet continues. This legislation is not about morality; it is about regulating a practice that carries with it health risks, violent behaviour, association with drug usage and the involvement of criminal elements. We will never stamp out prostitution; however, we cannot sanctimoniously and piously ignore its effects. The world's oldest profession will simply not go away just because it is illegal.

For thousands of years, methods of prevention—some quite draconian—have failed. Why? They have failed because human sexuality and human frailty cannot be legislated. At the core of this issue is the reality that morality is, in the final analysis, a very personal thing. We may wish the sex industry to go away, but that will never happen. So long as there are clients there will be individuals prepared to meet their needs for a financial consideration. I am aware that many good people have deep convictions that do not allow them to accept the existence of brothels, nor do they condone the view that practitioners should be afforded any degree of legitimacy. Minister Barton and the Beattie Government are facing up to reality. We are not passing moral judgment. I am sure that personal objections to both prostitution and the existence of brothels is not restricted to the Opposition benches. However, we are taking the necessary practical measures to ensure the health and safety of the sex

worker and the client, and that the general community is protected as best we can from the unsavoury side of prostitution.

Every citizen deserves the protection of the law. Like any other citizen, sex workers deserve not to be exploited. They deserve not to be subjected to physical violence and intimidation. As the Minister has pointed out in his second-reading speech, the legislation contains many safeguards and exclusions that are in the best interests of society as a whole. Far from taking a soft or permissive approach to prostitution, the Beattie Labor Government is introducing the toughest regulatory regime in Australia.

Prostitution is legal in this State already. The world has not come to an end because of that. This Bill will do nothing to increase the prevalence of prostitution, as some have claimed. It will put in place a regulatory framework to control its location, its visibility and its susceptibility to criminal involvement. This is a tough issue. For some, it is a very divisive issue. I am pleased to belong to a Government that has the courage to face up to difficult issues. It is worth remembering that the previous coalition Government carried out a review of prostitution and it went so far as to consider many of the regulatory elements in this Bill that we are debating today. Pragmatic individuals within the coalition were prepared to bite the bullet, so to speak, but were overridden by elements who did not have the political courage to bring the review to legislation. As is so often the case with conservative politics, the Opposition took the cowardly course and did nothing, even though real problems were apparent. These problems of health and safety deserve to be addressed, yet the coalition ran scared and retreated into their hypocritical shells.

I turn now to the two misconceptions that quite often are peddled as fact by opponents of regulation. I speak of the assertion that the Victorian legislation has failed and that the Queensland legislation will face a similar fate, and also that brothels will become a venue that promotes the misuse of drugs. There are more than just moral arguments to contend with; there seems to be some difference of opinion as to whether the Victorian experience in regulating prostitution has failed. Certainly, there have been some teething problems in regulating brothels. However, that was to be expected.

I refer to an article in the Melbourne Age on Monday, 1 March 1999, which states—

"Illegal parlours, crime, drug use and exploitation continue, although the industry is undoubtedly cleaner, less violent and more regulated than before."

We will never get rid of the negatives in prostitution. However, in this instance it would appear that, where the industry has been regulated, it has, in fact, improved the situation. In the same article by Forbes, there is the statement—

"Yet operators who worked in the illegal days remain nostalgic for the past. When we were illegal the place was fun, it was fantastic"—

and these are comments of the owner of the Daily Planet, John Trimbole. He states further—

"Legislation has made it boring, it's so restrictive. There are so many rules and regulations we are thinking of packing up and going to Queensland."

I have news for him: there is no place for him in Queensland.

One of the problems in the Victorian legislation was the difficulty that the prosecuting police faced in trying to prove that the owner was aware that prostitution was occurring on the premises. Once premises have been declared a prohibited brothel, the Queensland Bill creates a strict liability offence for the occupier or owner found entering or leaving unless he or she is at the premises under the authority of a court order. There is also a strict liability offence for the occupier or owner if the prohibited brothel is again used as a brothel.

Another difficulty with the Victorian legislation was that the Victorian Government legally sanctioned brothels, many operating under the old legislation, to operate until such time as they could become licensed. As one would expect, some undesirable persons were allowed to operate lawfully, without having been assessed as suitable for licensing. For example, there have been reports of persons with child prostitution convictions and another with multiple interests in brothels operating in the industry. Queensland has no such transition period. A person convicted of prostituting children is ineligible to apply for a licence and multiple interest in brothels is prohibited.

Victoria has also allowed a two-tier system to develop. That has meant that existing mega-brothels were already in operation before an attempt had been made to restrict brothels to six rooms. In Queensland, there will be no mega-brothels and, under this proposed legislation, licensed establishments will be restricted to five rooms. The Victorian experience is entirely different from that which we will have in Queensland. For example, the Daily Planet has 18 beds but, because it was operating before the Victorian law was enacted, it was allowed to continue operating at that level.

I have talked about the morally defensible aspect of this Bill and outlined the fact that, in Queensland, we have learned from the mistakes that Victoria made in regulating its industry. Another big problem that is expected by those who are opposed to this Bill is that drugs will become prevalent in licensed brothels. It is important to rebut the myths surrounding the Government's proposals. Of course, it would be very naive to believe that there will never be an incident where dangerous drugs are found at a licensed brothel. However, what are some of the likely consequences of bringing drugs onto the premises? Charges under the Drugs Misuse Act 1986 include possession of dangerous drugs, supply of dangerous drugs, and trafficking in dangerous drugs. The penalties for these offences depend on several variables: the type of dangerous drug, the quantity of the dangerous drug, and the offence committed. The maximum penalties for these offences range from 14 years' to 25 years' imprisonment—a deterrent indeed.

It should be noted also that the Criminal Code is read and construed with the Drugs Misuse Act 1986 and, consequently, the parties to offences provisions in the Criminal Code have application to the offences in the Drugs Misuse Act 1986 that I have mentioned. Thus, if a prostitute was supplying a dangerous drug to clients and the brothel licensee was enabling or aiding that prostitute in supplying that dangerous drug, then the brothel licensee may also be found guilty of supplying the dangerous drug as if he or she had actually supplied the dangerous drug himself or herself. The Criminal Code provisions apply to a person who actually does any act or makes the admission that constitutes the offence; they apply to a person who does or omits to do any act for the purpose of enabling or aiding another person to commit the offence; they apply to every person who aids another person to commit the offence; and they apply to any person who counsels or procures any other person to commit the offence.

In addition to any penalty, under this Bill the brothel licensee may be subject to disciplinary action. For example, if the brothel licensee was charged with the trafficking of a dangerous drug, the brothel licensee's licence would be suspended and, upon conviction, cancelled. Under the Bill, trafficking is a disqualifying offence and a licence is automatically cancelled upon conviction for a disqualifying offence. In this instance, the convicted brothel licensee would be ineligible to obtain a licence in the future.

If a brothel licensee was charged with possession of a dangerous drug or supplying a dangerous drug, the authority may suspend the brothel licensee's licence and, upon conviction, it may impose further disciplinary action, which includes a variety of penalties ranging from reprimands and monetary penalties to cancellation. There is also provision for disciplinary action where the brothel is being managed in a way that makes it desirable that action should be taken against the licensee. Thus, even where a brothel licensee did not have knowledge of a prostitute or some other person possessing, supplying or trafficking a dangerous drug at the brothel premises, it may be that his or her way of management, or lack of management, has allowed an atmosphere to develop where such activity is able to be occur undetected. Consequently, these shortcomings in management may lead to disciplinary action.

Under this Bill, it is proposed to allow brothel inspections by police officers at the rank of inspector of police or above, or a police officer authorised specifically by an inspector or above to do an inspection. However, in a situation where a police officer of any rank reasonably suspects that an offence against the Drugs Misuse Act 1986 has been committed at a licensed brothel, then he or she may enter and search the premises with or without a warrant in accordance with his or her powers as outlined in the Police Powers and Responsibilities Act 1997.

As I said, sadly, prostitution is one of society's ills. The aim of this legislation has been to limit the impact of prostitution on the community and to limit the involvement of drugs, exploitation and organised crime. The legislation ensures that people issued with licences are of reasonably good reputation and do not have convictions for serious offences. We must ensure that the connection with organised crime, as highlighted in the Moonlight State, does not recur. We must keep criminal elements out of this industry. A criminal past means individuals have a propensity to break new laws and must be excluded. The legislation only allows individuals, and not companies, to be licensed. We can clearly identify individuals. Therefore, organised crime cannot hide behind a company front.

The legislation imposes audits and probity checks on brothels and their owners. There is a need to be vigilant if we are to keep the industry within the regulated framework as much as possible. We must ensure that exploitation of minors, foreigners and the disabled does not occur. That exploitation can be economic and physical. Whatever its form, we must ensure that the regulations exclude the possibility of that action or, if it cannot exclude it entirely, we must reduce its impact.

The legislation restricts people to one brothel licence, which will keep the big operators from infiltrating the industry in Queensland. As someone has said previously in the debate, this industry is not to be equated with a chain of retail outlets.

The legislation creates a prostitution licensing authority to issue licences to the owners and operators or managers of brothels. There is a need for an independent regulator. There is a need for a watchful eye. That regulator must have sufficient powers and sufficient clout to do something about things when breaches are noted.

The legislation strictly regulates advertising so that there are no street signs and no advertising for sex workers. Other advertising is also restricted. We do not want the industry to be "in your face", so to speak.

The legislation permits individual sex workers to continue to operate legally as they have done since 1992. I think it is generally accepted by the community that there have been very few problems in respect of that. However, this situation will now be one of choice by prostitutes. We should also note that the legislation allows for improved security for them. Registered security personnel are now to be hired to give people the protection that they deserve.

The legislation ensures a healthy society in that it will be an offence for brothel operators to fail to ensure that sex workers have regular health checks. Today I have heard people say that one cannot keep disease out an industry like this, and I accept that. However, to do nothing is worse. Under the current system there is no incentive to maintain good health. There is an inherent danger to workers and clients as it is. In these circumstances, the onus will be on management and not just the worker, because there are severe penalties for management and workers.

The legislation prohibits the consumption, sale or storage of alcoholic drinks in brothels. We must never allow brothels to become social clubs and they should not be promoted as such. Alcohol and premises such as brothels will bring problems.

The legislation restricts cooperative brothels to a maximum of five rooms and between two and 10 workers, including sex workers and others such as receptionists and cleaners. In Queensland we will have no repeat of the Daily Planet situation that exists in Victoria.

The legislation will prohibit the creation of red light districts because the placement of premises will be strictly controlled. We do not need another Kings Cross. We should all turn our minds back to the situation that existed in the Valley under 32 years of National Party Government. The National Party merely turned a blind eye and professed the non-existence of illegal casinos, street prostitution and illegal brothels. We need not turn the clock back to that.

The legislation provides advice to get sex industry workers out of the industry. It is very important that this be done. It is just as important to discourage people from getting into the industry in the first place. This is a very difficult ask indeed, and I will support any measures to this end.

The legislation requires the Criminal Justice Commission to evaluate the effectiveness of the framework and the legislation after three years. I applaud that. No legislation in this place can stand forever, least of all legislation on prostitution. This will not be the last time that a Government will revisit this issue in this place.

There is no ultimate solution when we are dealing with human frailty. All the reputable surveys indicate that the people of Queensland are in favour of regulating the practice of prostitution.

As a member of the Beattie Labor Government, irrespective of my personal views on prostitution, I am not prepared to bury my head in the sand on this matter. I believe that the Government has learned from the experiences of other States. It has proposed a model which is moderate and sensible and which will limit the impact of prostitution on the community. I commend the Bill to the House.
