



Speech by

**Mrs J. SHELDON**

**MEMBER FOR CALOUNDRA**

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Hansard 8 November 2001

### **PROSTITUTION AMENDMENT BILL**

**Mrs SHELDON** (Caloundra—Lib) (9.53 p.m.): I would like to contribute to the debate on this Prostitution Amendment Bill and say that I personally have some grave concerns about it, and so does the Liberal Party per se. I think that we need to look at the history behind this legislation. In 1992, the Goss government introduced a bill enabling prostitutes to operate on a sole basis from their own unit or house. That legislation was intended to deal with the issue of keeping prostitution to a minimum, or so Mr Goss said. Resulting from that—and it is still the situation today even with 'legalised brothels'—these so-called single units still operate. They are often located in residential areas. I know that I have some in my own electorate. They create problems for the residents who live next to them, with generally drunken fellows around all hours of the day and night, often going into the wrong house. They create problems for children. Frankly, the prostitution industry is not well controlled in that in a lot of cases more than one person works from that house or unit. Generally, it is accepted that, despite the Goss government believing that it could control the situation, the situation is out of control. If I asked any member in this House whether they would like a brothel next door to their house and their families, I can imagine what their answer would be. It would be a resounding no.

Some time ago a lot of work was done, particularly by the PCJC when the Premier was a member of that committee, on the issue of legalising brothels. At that time the CJC found that, frankly, legalising brothels, which had occurred in Victoria, did not work. The criminal element still controlled their own brothels, they still sold drugs in those brothels and money was still laundered. Obviously, that must happen in legal or illegal brothels in Queensland. It concerns me particularly that one of the provisions of the bill, which I will go into in some detail, states that people who have previously run brothels will now be able to run brothels, even though they were convicted of running illegal brothels. There is no doubt that the Premier seems to have changed his mind on legalised prostitution, because he certainly had some serious doubts about the workability of it when he was chairman of the PCJC back in 1991.

There is no doubt that prostitution has an effect on families, on crime, on local communities, and certainly on women. I am very concerned that one of the reasons that the current government introduced the Prostitution Bill that it is now amending was to make sure that health provisions were more regulated for the women working in these brothels. I would like very much to get an update on how the health of prostitutes has improved under that legislation, what health issues have been attended to and the severity of diseases that may exist in prostitution. Unfortunately, a lot of women who work in brothels are on drugs. They are doing that to get money to feed their habit. They are very much in the hands of the pimps and underlings who run them and the brothels, even though they are not supposed to be there. I do not think that is a very positive thing for families at all.

The whole idea of having people running brothels who had no previous criminal history was to look at making it a 'clean industry'. It has been said, I think by the Prostitution Licensing Authority, that those people are a bunch of amateurs. Evidently, the corollary to that is that it is better to have a bunch of criminals running brothels because they are better at it. I find that an extraordinarily strange thing to be admitting and, furthermore, to be putting into legislation. We are virtually doing that: we are saying that the criminals and the crooks, the heavy-handed individuals, the thugs, the drug dealers and the money launderers should be able to run brothels. The minister should not say that these were not the sort of people who were running brothels previously, because indeed they were—unless he, too, is going to say that brothels do not exist.

One of the main concerns that is raised by the councils that I have spoken to and from information that has come to me is the effect that this Independent Assessor will have on councils having the Planning and Environment Court look at brothel applications. Again and again we are seeing this Beattie Labor government get rid of functions by putting in 'independent' boards that bring the issue to the minister, such as in the case of Lang Park, and circumventing the Planning and Environment Court. One has to wonder whether that court is going to be abolished. That court was set up so that the public could object if they felt that they had been unfairly dealt with in matters of planning and the environment. More and more the government is saying that, by taking matters to this court, procedures are being held up. So the government is attempting to streamline the process by getting rid of the provisions that allow people the opportunity to take their cases to court. In other words, the court of the people is being silenced. I think that is a very retrograde step. One has to wonder why the government is doing this. The Planning and Environment Court was set up for a particular reason. Now the government is saying, 'Let us take away all of these abilities of people to go to the court because it is holding up what we would like to do via our legislation.' I believe that this smacks of a very arrogant government that has the numbers. It wants things done its way and it will not allow any court to stand in its way. So much for justice for the ordinary people!

I turn to the issue of convicted criminals obtaining a licence. Who is going to decide who is a good criminal and who is a bad criminal? I gather that the planning advisory council will look at the issue. It has even been suggested that yet another level of bureaucracy be put in place instead of the government and the parliament making the decisions. Surely there are no good or bad criminals. You are not just a criminal; you have a record to prove it.

Why will the Independent Assessor have more ability to decide on certain situations than the Planning and Environment Court? The people who work in that court are there because of their particular abilities in the field. Local governments are greatly concerned about this issue. The real reason that only one brothel has been approved and only six have been put forward by local councils is that people do not want them. Local governments speak on behalf of their constituents, and their constituents do not want brothels. That is the real issue.

The government is saying, 'That's too bad. The people may have said that, but we will change the legislation to ensure that brothels run by illegal operators can continue to operate and, indeed, their numbers may even increase.' I really wonder about the morality of this government. I wonder about the sheer hypocrisy of what it is trying to put over the people of the state while the Premier says, 'I'm a great family man; we're for families; we're a government that looks after the interests of families.' Can the government show me how it is doing that, because this bill does not, in any shape or form, look after the interests of families.

This legislation is a political manoeuvre to obtain a desired result by excluding public comment and the appeal process. It is a blatant erosion of the role of local governments, and they see that clearly. The people and local governments are being railroaded to ensure that the community is silenced. One has to wonder if this is the way that this state is going. It has been said that we are the secret state. This certainly gives a lot of ammunition to the proponents of that theory.

The Minister for Local Government has said that she understands the importance of local governments and the development of sound local planning policies. Surely, if a local government and the people it is elected to represent do not want to plan for a brothel, they should not have to. They should not have it rammed down their necks, which is what will happen under this legislation. Furthermore, the way that the Independent Assessor performs his or her functions will not be subject to control or direction by anyone. The legislation confers much greater powers than should normally be given to any person or, indeed, any parliament that is dealing with these situations. The government wants this issue to be kept at arm's length. It does not want anything to do with it. It wants to be able to say, 'It's the Independent Assessor's fault,' or, 'It's the Prostitution Advisory Council's fault. It has nothing to do with us.' That is an abrogation of duty of the worst kind, because this issue does concern the government. The government can run but it cannot hide. The people do not like what is happening in this regard.

I am very concerned about proposed new section 63A, which extends the definition of industrial land to include heavy industry, commercial industry and light industry. Then comes the crunch: the definition includes service industry. What sort of services are we talking about? In local government plans, areas can be designated for medical services. Such areas can be located in the CBDs of towns and cities. Could the minister further define what a service industry is? What is excluded and what comes under that heading? Further, what comes under general industry? Where would we find general industry in the plans and the DCPs of local governments? What does waterfront industry relate to? Is it wharves or does it mean any industry or service that is set up along a waterfront? A number of areas, including my own electorate, have waterfront industries, which mainly involve tourism. We certainly have service industries and general industries.

**Mr McGrady:** Are they frequented by children?

**Mrs SHELDON:** They are frequented by children, adults, the elderly, the disabled and all sorts of people. Is the minister now saying that any light industry, any service industry, any general industry and any waterfront industry that is frequented by children will not have a brothel anywhere near it?

**Mr McGrady:** That is what I am saying.

**Mrs SHELDON:** Let us see the minister put that into practice.

**Mr McGrady:** If they are frequented by children, it's not on.

**Mrs SHELDON:** If industry of any kind is not on, why put it in the legislation? Why have service industry, general industry and waterfront industry mentioned in the legislation when the minister says that, if those industries are frequented by children, it is not on? How will he police that? That is an absolute nonsense.

The legislation makes the Independent Assessor solely responsible for adjudicating on brothel related town planning appeals. That right is given to no other assessor. That would suggest to anyone who wanted to develop a brothel in the state that the assessor was above and beyond normal planning laws, normal objecting laws and normal laws of appeal to a court. The government is saying to people in those areas, 'Forget about your rights because we have trampled all over them.' That is an absolute travesty of what we, as legislators, should be doing in this House.

A number of councils have spoken against this legislation. My own council is one of them. By their very nature, councils are close to the people. It seems that in this situation councils are not allowed to have their say. I do not know how the Minister for Local Government will support the legislation. She is a former mayor and her own council does not support the legislation. I do not know how she will come into this place and support something that her council does not support.

I have really grave concerns about this bill and the people of Queensland have concerns about it also. They are not being listened to adequately. I certainly will not be supporting this bill.

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