Speech by

KERRY SHINE

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Hansard 20 June 2001

PROSTITUTION AMENDMENT BILL

Mr SHINE (Toowoomba North—ALP) (9.13 p.m.): The Prostitution Act 1999 sets out to regulate legal brothels in Queensland. It provides for licensing, that is, applications for licences, licence cancellation, disciplinary action and the surrendering of licences. These matters are covered by part 3 of the act, as are provisions dealing with certification of managers. Part 7 of the act contains necessary provisions concerning administration and sets out in detail matters relating to the Prostitution Licensing Authority, the Prostitution Advisory Council and the Prostitution Licensing Authority Fund. These parts 3 and 7, together with part 4, are the substantive parts of the 1999 legislation dealing with the authorisation for and regulation of brothels in Queensland.

The bill before the House relates only to one part of the overall scheme of things in the act in that it proposes an amendment to only one subparagraph of one section, namely, section 64. Frankly, I am amazed at the opposition's actions. I say this because I was expecting from the opposition either a total opposition to the concept of legalised prostitution or, alternatively, some legislative scheme setting out the National Party's concept of how effectively to deal with the vexed problem of prostitution in Queensland, perhaps along the same lines as propositions put forward by the former Premier and Minister for Police, Mr Cooper.

The only logical conclusion one can draw is that, apart from the fact that there are different positions for towns with more or less than 25,000 people, the opposition has dropped its previous opposition to the 1999 act. I take it that the opposition now has no concerns about, for example, the 200-metre rule with reference to proximity to residential areas; the 200-metre rule with respect to residences, churches, hospitals, schools, kindergartens and other places frequented by children; and the restriction of no more than five rooms or any other provision in part 4.

Likewise, one can only draw the conclusion that the opposition has no qualms about other significant portions of the 1999 act, that is, provisions set out in detail in other parts of the act, for example, licensing; who is eligible; the method of dealing with them; suitability of applicants; licence cancellation; disciplinary action; application for certificates; cancellation of certificates and disciplinary action in that regard; powers of entry; prohibited brothels, including offences of being in or entering upon or leaving a prohibited brothel; the general offences relating to prostitution, for example, soliciting; offences relating to the operation of licensed brothels, for example, possessing liquor in a licensed brothel; offences relating to prostitutes; working in licensed brothels; and advertising offences.

Moreover, we can only assume that the opposition has no concerns about the administration and general provisions set out in parts 7 and 8 of the act. In fact, one can only assume that the opposition is completely content with all of the provisions of the Prostitution Act 1999 other than the subsection to which the bill before the House relates, that is, section 64(1)(c), which deals with land in a town with a population of less than 25,000 people. For if the opposition did in fact have doubts, concerns or qualms about any of the other provisions of the act other than section 64(1)(c), the time and place to deal with them would be now and here. Why hold back? Surely if there are genuine concerns about any other aspect of the 1999 legislation—and bearing in mind that the practical application of this act is near at hand—the time to prevent any offending activities condoned, controlled or required under the 1999 act is now.

In the absence of such action, let us no longer hear or read from members opposite propositions to the effect that the Prostitution Act 1999 will lead to an increase in prostitution generally,

an increase of drug usage among sex workers and others, an increase in organised crime, an increase in corruption, an increase in disease, an increase in moral decay, or an increase in exposure of moral harm to young people. Given the chance tonight to redo the whole of the act and not doing so, it would be plain hypocrisy still to propound those alleged effects.

Alternatively, perhaps the situation is that the opposition has, though belatedly but nevertheless correctly, come to the view that as the legislation was passed in 1999, as there has been an election since and as the government was returned, and returned with a record majority, the government is therefore adopting the quite basic democratic principle that it does in fact have a mandate to administer the act at least in so far as the major features are concerned. If that is the case, then I congratulate the opposition; it has no doubt been influenced by the Premier's words earlier tonight in relation to another matter, words that related to mandates and democracy in action. But alas, I remain vexed as to why we now see this bill before the House. One assumes that the opposition regards the section that the bill would amend, section 64(1)(c), as having been the most objectionable, obnoxious and offensive part of the 1999 act. Curiously, however, my research of *Hansard* dealing with the committee stage reveals no such attitude on the part of the opposition. Only two non-government members spoke: Mr Horan and Mr Turner, the then member for Thuringowa. Mr Turner spoke about his observations of Mary Street in 1958, and Mr Horan made passing reference during the committee stage to section 64. I invite members to look at *Hansard* from page 5847 onwards.

Clearly, the opposition are Johnny-come-latelies so far as any real opposition to section 64 is concerned. The proof of this is in the reading of *Hansard*, to which I have referred. In fact, *Hansard* reveals that at the conclusion of the discussion on section 64, what is recorded? 'Clause 64, as read, agreed to.' No division; no great point of principle there. What has happened since to justify the raising of section 64 to such singular notoriety? What divine revelation has been visited upon the opposition? What now has come to light which was indiscernible on 2 December 1999?

The facts demonstrate that there has not, since then, arisen some important matter of principle, nor some significant point unrecognisable at the time. The truth is—and it is the only fair and reasonable explanation—that what has happened is that the National Party sees some electoral advantage in this action. No matter of principle here!

The issue of prostitution, whether it be legalised or not, whether brothels be regulated or not, is one that affects all Queenslanders. These are state issues. These issues were dealt with in 1999 by the Prostitution Act, which had statewide application. The state, in the form of the people, on 17 February this year, passed judgment on that act, on the ALP, on the government. In the clearest possible manner, people across the length and breadth of Queensland have decided. There is no need for each and every local authority to revisit this issue. Responsibility lies where it falls, and it falls on this parliament, not local authorities, with respect to this issue.

Although the bill tonight deals with a specific provision—that is, section 64—I trust I may be permitted to make some comments with respect to the subject matter generally. On half a dozen occasions during the election campaign I was challenged as to my views on prostitution and what the Labor Party's views were. People were well aware of the Prostitution Act prior to that election. I oppose prostitution. I criticise men who seek the services of prostitutes. I am unhappy that there should be a cause for prostitution. I accept, though, that prostitution does exist and will exist, and therefore no government can be derelict in its duty by burying its head in the sand and ignoring the problems of organised crime, drugs and disease.

Time expired.