



Speech by

**Mr M. HORAN**

**MEMBER FOR TOOWOOMBA SOUTH**

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Hansard 20 June 2001

### **PROSTITUTION AMENDMENT BILL**

**Mr HORAN** (Toowoomba South—NPA) (Leader of the Opposition) (10.37 p.m.), in reply: I thank everybody who has joined in this debate tonight. There have been some good, constructive speeches from both sides. There was a fair bit of anger and a bit of vitriol here and there, but overall, tonight's debate illustrates the serious concern that exists about prostitution and how prostitution can be limited, controlled or managed. The overwhelming view of everybody in this House is that prostitution has always been around and always will be. Those who have tried to accuse this side of the House of putting our heads in the sand are completely wrong. But I do want to thank everybody for their contributions tonight.

In particular, I want to thank those on this side of the House who made a contribution. I thank my deputy, the member for Gregory. The member for Nanango spoke very sensibly about towns with a population of 25,000 or more people. The member for Nanango understood what this bill is all about. It is about communities having the right to make decisions on social amenity or the social structure and nature of their town based on their local knowledge. The same rights should be available to communities which have more than 25,000 people as are available to those which have fewer than 25,000 people. I thank the members for Warrego and Robina. I thought the member for Nicklin put very simply, in about one or two sentences, exactly what it was all about.

The member for Maroochydore spoke very well on women's issues and on values. Much of this debate involves values and the value that people in local communities put on their area. It might simply be the value that they put on a particular part of their community, a part that does not fit exactly to the formula of the prostitution legislation, which might say that a brothel can go into a particular industrial area, but local knowledge would tell councillors that that is not right; or the local knowledge might be that the person next door vehemently objects to that brothel, and they should have someone who can stand up for them, that being the local council.

The member for Southern Downs—he followed on from the member for Toowoomba North—spoke well about the fact that the member for Toowoomba North got it wrong. We opposed the bill totally. The member for Toowoomba North tried to refer to particular clauses of that bill. We opposed that bill totally. We saw no point in amending any clause because we opposed that bill right across-the-board. We did not want it. We did not want to have any part of it. Therefore, we did not seek to amend any particular clause of that legislation.

The member for Cunningham spoke very accurately about the difference between the impact assessment and the code assessment. In the current legislation there is a system of code assessment that does not give people the same sort of rights that they would usually have to object. I thought that the member for Surfers Paradise spoke very well. I remember reading a media clipping in which he said that, when he was a councillor, he voted with a heavy heart, because he did not want it. As a councillor, he did not feel that he was making the right decision, but from the way the current law stood, there was no option but for that council to vote for it. What a shame that an elected councillor, who has a genuine reason for feeling a certain way about an issue, cannot do what his mind and his heart tells him to do.

The member for Gladstone spoke in a very sensible, genuine and caring way. As usual, she was very practical and honest about the whole situation. I think that she put the lie to those members opposite who keep denigrating the members on this side by saying that we are taking the high moral ground. That seems to be the major argument against this bill.

I thank the minister for his contribution. He started off by saying that this opposition amending bill was giving councils the right to torpedo brothel applications. Basically, that is what happens to councils with communities of 25,000 residents or fewer. That is our exact point. If we agree with one part of the existing act, it is that those communities of 25,000 or fewer have the right to make their own decisions about their social amenity. But the minister is arguing against communities of 26,000 or more not having the same right. That makes no sense, and it is discriminatory. The minister spoke about the fact that prostitution exists. No-one on this side of the House has denied that. He said that opposition members were pandering to a small group in their electorates. I think that most of us find that pretty insulting. We represent our electorates in a genuine way. I think that is typical of the denigration that has been attempted of members of this House.

The member for Bundaberg said that, if this bill became law, there would be no point to it at all. I think the member for Bundaberg probably stated reasonably accurately the feeling of many councils throughout the state. She said that there would be no point to it at all, because it would be voted out everywhere. Isn't that what we are about—trying to do the right thing by communities? If communities of 25,000 or fewer have the right to say no, why should those communities of 25,000 or more not have the right to say no? The minister picked it in one: a fair percentage of them—if not many or all of them—would want to do that or, in many cases, they would want to do it in particular instances because from their local knowledge it would just not be the right thing for their town or in the right area for their town.

The member for Toowoomba North referred to the passing of the legislation in 1992. I can tell the member for Toowoomba North that the opposition opposed that bill in totality. There was no point in us trying to pick out clauses and saying, 'We would like to fix this and fix that', because that would not have sat with our principle that we opposed it totally and absolutely. There was no point in the opposition bringing into this House an amending bill. We had to be realistic. The government was not going to overturn its own act, but we did think it would reconsider some issues after seeing what is happening in some of the towns and communities around the state and with the hindsight of the year and a half since the act has been in place and seeing the problems that have been experienced by the Prostitution Licensing Authority.

We have heard comments that maybe the standard should be lowered because the authority cannot get the right sort of applicants. We have even heard comments that the whole system might have to be adjusted because they are not able to get the brothels, almost as though the government wants more of them. We heard the member for Surfers Paradise saying how, when he was a member of a council, he had to vote with a heavy heart. I have heard it already in my own town. I support my own town and the way in which that council feels.

The Urban Local Government Association, at its annual general meeting in Mackay, voted to have available to it this legislation that is before the House today so that it can make its own decisions for its community. We have heard that the Local Government Association of Queensland, at its annual meeting on the Gold Coast, voted in favour of this sort of legislation so that it could have the right to be able to make its own decisions.

Tonight, many members have argued that, by passing this bill, the intent of the government's legislation, all the health checks and so on, would be taken away. It does nothing of the sort. It does only one simple thing: it allows local governments to make decisions for their own local communities. Some local governments may well say yes, but others will say no. If they say no on moral grounds, because that is what they want for their community, that is how it should be. In many instances, they are probably going to say no because, although the application might fit in terms of the specifications of the legislation and it is proposed to be in an industrial area, it does not suit the people who live around that industrial area. What rights do people have if they have a business and the state government says to them, 'You have to have a brothel next to your business,' and their local councillors are not in a position to say, 'No. Even though it fits the regulations of the legislation and it is an industrial area, it is not wanted. It is not right for this area. The people are rejecting it. We are not going to have it'? Local communities should have the right to make those sorts of decisions.

I also found it pretty insulting when the member for Toowoomba North said that the National Party was doing this to gain some sort of electoral advantage. It seems that if members want to stand up for something in this place on principle, they have to cop that sort of criticism and sniggering from the members opposite. If that is the case, so be it.

I think the member for Glass House referred to the member for Toowoomba South in every single sentence of her speech. At one stage, I started to think she did not like me. She resorted to going back through the history of the prostitution legislation. She went back to 1992 when the original legislation was introduced. She probably accurately reflected what I said as it appears in *Hansard* when the 1999 legislation was passed. From memory, I think my comments were along the lines that the then Premier, Wayne Goss, realised that prostitution was around and something had to be done about it. He endeavoured to put in place what he believed was the minimalist system—the system of sole

operators. Now, with the existing legislation in Queensland, we have the maximum system. We have sole operators, we have boutique brothels and we also have what we have always had in society regardless of what controls or regulations there are, that is, the illegal streetwalkers—the tragic cases, the drug-addicted prostitutes—

**Mr Cummins:** Is this amendment going to stop it?

**Mr HORAN:** That has always been there. Sadly, it always has been.

**Mr Cummins:** Is this going to stop it?

**Mr HORAN:** The brothels are not going to stop it, either. The two systems that are regulated by the parliament, the sole operators in combination with the boutique brothels, mean that we have the absolute maximum amount of prostitution available in this state. In that 1999 debate I made the comment that that bill maximised the availability, the accessibility and the acceptability of prostitution in Queensland by adding another layer—this time a legalised layer—of prostitution. I think the last speaker in this debate from the government side spoke about the things that are associated with prostitution—the money laundering, the drugs, the pimps, the standover merchants and so forth. That is what has come with this increased availability of prostitution.

The member for Mulgrave spoke about regulating health risks. I thought that the member for Gladstone and the member for Maroochydore were able to put some practicality into the debate. There is a limit to how much health safety there can be in prostitution. Yes, health checks may be made every so many days, but I think that everybody knows and understands that, as far as sexually transmitted diseases are concerned, prostitution is a high-risk activity and no amount of checks every week or fortnight will eliminate or reduce those risks.

The member for Kawana spoke about local communities and prostitution, state issues and so forth. He spoke about street prostitution and those poor women who have psychoses, are drug addicted or for whatever social reasons have been forced into illegal street prostitution. Regardless of the fact that in Queensland prostitution has been legal since 1992 through the system of sole operators, street operators have always been in existence. The police—

**Mr Cummins:** And decreasing.

**Mr HORAN:** The member might have some numbers, but that has never been able to be eliminated. It will continue even after the legal brothels are established.

The member for Redlands talked about off-loading this responsibility to local authorities. There are some circumstances and social structures within towns that mean that local governments want to have some say. They do not want measures imposed upon them, they want to have a major influence on how their towns or communities operate.

The member for Gaven spoke about the impact of licensing requirements. This amending bill makes no impact on those whatsoever. It does one simple thing: it simply gives communities of 25,000 or more the same rights that communities of 25,000 or less have. Again the member spoke about the known association of drugs, criminals, money laundering and so forth with prostitution. That is worldwide. It does not matter what regulations one enacts, that will always be the case.

Somehow or other we get the spin from the Labor government that we will have the nicest brothels in the world and that the nicest people in the world will be running them. Suddenly, these lovely people will operate brothels in Queensland and those brothels will be different to the brothels and the associated money laundering, drugs and so on that are associated with brothels everywhere else in the world.

I will run through a few points, and I have probably already touched on some of them. I have already mentioned that Queensland has had a legalised sole-operator system in place since 1992. That was a minimalist system. When the new act was passed in 1999, we increased the potential, the availability, the accessibility and the acceptability of prostitution in Queensland. I ask: is that good government? Is that what we really want to do? Do we want to have a minimalist system or a system in this state that allows for the maximum amount of prostitution? If one thinks about it, would one really vote to maximise prostitution if there was a minimalist system in place, with all its imperfections—and there will always be imperfections when trying to regulate prostitution?

We all hear people from our electorates say that things are going to the dogs. People are concerned about violence on TV, they are concerned about the movies and censorship, and they are concerned about the values of society. How can one do something about maintaining values in society if we keep allowing things such as prostitution to grow? That is one of the fundamentals that members should consider when thinking about how to vote tonight.

As I have said before, why should we discriminate against communities that have 25,000 or more people when we allow those communities of 25,000 or less to make decisions on their own behalf? Let us look at a town the size of Maryborough, which has about 22,000 to 23,000 people. The Maryborough council can make decisions for its community and it would be able to veto certain

applications for brothels. A larger town, such as Bundaberg—which is just up the road—would not be able to do that. How fair is that?

I have mentioned the Local Government Association conference and the Urban Local Government Association conference in Mackay. Both conferences voted for the simple legislation that we have put before the House here tonight.

The minister and another speaker made some derogatory remarks about the fact that I was introducing this legislation because of the situation in Toowoomba. It does not frighten me to stand up and support my town and what the majority of the people in Toowoomba want. We are all here to represent our own people and our own towns. The councillors from Toowoomba who took this motion to the ULGA meeting in Mackay and the LGA meeting at the Gold Coast showed courage, conviction and values. They do not deserve to be sniggered at or to have derogatory statements made about them because they had the courage to stand up on behalf of their own town and because they have a few values. We need a few more people like that in this state.

A couple of times I made the point that one of the important aspects of this issue is the fact that whilst the government regulations might state that a brothel can be located in an industrial area so long as it is more than 200 metres from a school and it meets all the other requirements, still it may not be right for that particular area or town. Only the local council would know that through the complaints that come to it from the residents of that particular area. Is it right that if someone has strong feelings about the issue—say they take pride in their business that is located in a nice little industrial estate, cul-de-sac or whatever, where a brothel is to be located—and if they do not want that brothel there, they cannot do a thing about it through their own local government. If they are lucky enough to live in a town with a population of 24,999 they could, but if the town has a population of over 25,000, they cannot do anything. How discriminatory and how wrong is that? This bill is about that simple principle.

This legislation is not about overturning the legislation that the government passed in 1999, which we totally opposed and which we still oppose, because we know that the government is not going to overturn its own act; it is about making one change to that legislation with the benefit of hindsight, with the experience of what has happened since the bill was passed in the parliament in 1999 and with the knowledge of the motions that have been passed at the ULGA and the LGAQ annual general meetings. Discontent has occurred in certain towns and communities that want desperately to have the same rights as their cousins in communities of less than 25,000.

Discontent about particular issues in certain areas has been expressed. I think it was the member for Surfers Paradise who spoke about particular areas where it was not suitable for brothels to be located. From memory, he said that he had a personal feeling that it could be zoned areas. The councils have local knowledge about areas where brothels are not wanted regardless of whether or not they fit the regulations. Some councils might vote to allow a brothel in certain areas, but they want the right to make decisions for their local towns and to maintain the values that are important to those communities.

Honourable members need to consider one thing. We are all here for the purpose of good government. Here is a simple amendment to an act that, despite the fact that we opposed it and the government approved it, in hindsight we can all see has created a problem. The local communities want to have some say in the social amenity of their areas. Here is a chance for honourable members to stand up on behalf of their communities and give them a chance of—

**Mr Cummins** interjected.

**Mr HORAN:** I have hardly heard the member speak since he came into the parliament, but he has not shut up since this debate started. He has obviously got a bee in his bonnet about this.

Here is a chance for members of parliament to stand up for their communities, to stand up for their local councils and to stand up for some values in their electorates. Here is an opportunity to pass a simple amendment that fixes one of the major discriminatory anomalies in this act. As much as we dislike the act, this amending bill gives local governments a chance to do the right thing by their electing communities.

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