



Speech by

STUART COPELAND

MEMBER FOR CUNNINGHAM

Hansard 20 June 2001

PROSTITUTION AMENDMENT BILL

Mr COPELAND (Cunningham—NPA) (9.40 p.m.): I have much pleasure in rising to speak in support of this bill to amend the prostitution legislation currently in operation in Queensland. As a result of applications lodged with the Toowoomba City Council recently, there has been a huge level of debate in that city regarding brothels and the requirements of the current legislation. There has been a lot of public comment, private comment and accusations of all kinds against anyone participating in the debate, regardless of the side that they are on. This legislation and its inherent inconsistencies have, in many cases, exacerbated the heat with which the debate is conducted.

Prostitution is an incredibly difficult issue to deal with and it is certainly a difficult issue to debate against without being accused of being a morals crusader or of having one's head in the sand, as we have seen and heard numerous times tonight. I claim neither of those things, but I do have strong views on legalising prostitution. I know that prostitution exists, that it has always existed and that it always will exist. However, I do not believe that legalising brothels is the way to address the many problems experienced by people involved in the sex industry, nor does it contribute to the health of our society.

Far from agreeing with the legislation, as the member for Toowoomba North has assumed in his speech, I believe that there are many problems with the existing legislation on many different levels. I recognise that the government will claim the mandate for the legislation legalising brothels. However, there are a number of areas where the legislation is inconsistent with the philosophy behind it.

What this amendment will achieve is a recognition that a Labor government means legal brothels, and it highlights the hypocrisy of the arbitrary 25,000 population level below which local councils can veto brothel applications and above which councils have absolutely no say at all in the application. Obviously, the Labor Party believes in brothels being a desirable outcome and, therefore, it follows that they must be suitable for all communities regardless of size. That being the case, the government should have introduced legislation consistent with that philosophy and made it compulsory for all councils, regardless of size, to rubber-stamp brothel applications that meet the legislative requirements. The government cannot have two bobs each way and discriminate between communities on the basis of their population. Given that the government has not treated all councils equally in enacting this legislation, I hope that it will support this sensible amendment that will give all councils the ability to decide upon the merits of any application and the impact it will have on their own communities.

The Minister for Police said that we were pandering to a small group of people in Toowoomba and the Minister for Local Government wants to work with councils to address the concerns with this legislation. This is not just a small group of people in Toowoomba; it is a statewide phenomenon. Certainly the Minister for Local Government—I notice that she is not in the chamber at the moment, although I wish that she was—must have ignored the advice that the peak body advising on local government matters, the LGAQ, has given her. The peak body representing all councils in Queensland, the LGAQ, has publicly supported this amendment, despite the misleading statement made by the Premier during question time on 4 April 2001. In response to a question asked by the Leader the National Party, the Premier said, and I quote from page 264 of *Hansard*—

... the Local Government Association actually supported our policy ...

The policy was that communities of 25,000 or less should, in fact, have the right to make the decision and the Local Government Association accepted the position in relation to communities with a population of 25,000 or more.

The LGAQ does not support that position.

I have a press released issued by the LGAQ on 16 May this year. It is headed 'Councils support Horan amendment to Prostitution Act'. The press release states—

National Party leader Mike Horan's introduction of a private member's bill to give councils with over 25,000 population the right to veto legalised brothels in their areas has been welcomed by the Local Government Association of Queensland.

'A resolution requesting this amendment to the Prostitution Act was carried by councils at the association's annual conference on the Gold Coast last year', the association's executive director, Greg Hallam, said today.

'Clearly, there are communities in Queensland which are strongly divided on this issue and this amendment would allow the council for that area to ban brothels in accordance with community wishes. It would, as Mr Horan said, reinstate in this instance the principle of community control over local amenity,' Mr Hallam said.

The last line of the press release is especially important and I would like everyone in the chamber to listen. It states—

Mr Hallam thanked Mr Horan for his leadership on the issue and encouraged all members of parliament to support the private members bill.

That press release was issued by the LGAQ. That is a significant statement from a very important peak body, representing all the councils that have to live with this legislation.

Perhaps of even greater significance is the fact that the same resolution, moved by councillors from the Toowoomba City Council, was carried without debate at the conference of the Urban Local Government Association of Queensland held in Mackay last year. I stress that that motion was carried without debate. That association represents the very people in the very cities who currently have absolutely no say over the brothel applications in their local government areas and obviously want that say. The amendment gives it to them. On a number of occasions the minister has claimed that this debate is taking place only in Toowoomba. The fact is clearly demonstrated, through the support of this amendment by the LGAQ and the urban LGAQ, that the same debate is taking place right across Queensland.

There is further concern with schedule 1 of the Integrated Planning Regulation 1997, which makes the material change of use for a licensed brothel in an industrial area subject only to code assessment. That means that for a development application to a council there is no requirement for public notification of the application and no mechanism for the consideration of formal submissions. I believe that regulation should be amended to make applications subject to impact assessment and, therefore, would require public notification and the ability for formal lodgment and consideration of submissions. Currently, there is no opportunity for businesses or individuals to object to an application for a brothel in an industrial area. It seems illogical to me that local businesses cannot object to a brothel, but objections can be lodged against an application, for example, for a church in the same spot in the same industrial area.

I have a copy of a letter from the Police Minister to a resident of Toowoomba. The information in paragraph 3 of that letter is grossly misleading. I will quote that section of the letter to the House. It states—

An applicant seeking to establish a brothel needs to satisfy a number of criteria. For example, under Part 4 of the Prostitution Act an applicant seeking to establish a brothel would need to seek development approval for the material change of use of the land in accordance with the Integrated Planning Act 1997. The development approval is assessable under the Toowoomba City Council's planning scheme. In cases where brothel development applications require 'impact assessment', Council decisions are subject to third party appeal rights.

That is grossly misleading because it is not relevant to industrial areas. Code assessment applies in industrial areas. The information in that paragraph is simply misleading and it gives the impression that the public has the right to lodge objections to brothel applications. The term 'impact assessment' is a local government planning term that applies to development applications that must go through the formal process of public notification. Impact assessment allows the public to review an application before it is approved and lodge submissions with the local authority.

The Prostitution Act has the clear aim of encouraging the new legal brothels to locate in industrial areas. Under the act, brothels have been exempted from impact assessment. Brothel applications in industrial areas are lodged under code assessment, requiring no public notification and allowing no opportunity for other businesses in the area to object. The Minister for Police should not be misleading the public in responses to queries that are raised with him.

I believe there are clear, logical reasons for all members to support this amendment purely on the grounds of consistent treatment of all communities and consistency of planning requirements while still preserving the right of the government to implement its philosophy of legalised brothels. I would like to go further, however, and question some of the reasoning behind the legislation. Unfortunately, time will beat me.

Reverend Tim Costello, a social commentator respected on both sides of politics, visited Toowoomba and has given some of his ideas. He said that he was one of those people who said, 'I guess legal brothels were going to come. They are going to come and we have to face it.' He has now taken a very different stance, given some of the actual results that that move caused in Victoria. He states that the legislation did not reduce any of the street prostitution and, in fact, that there are more sex workers on the streets of St Kilda now than ever before, and this legislation will have exactly the same effect.

The Police Minister has acknowledged that the illegal drug addicts who are street walkers—those people who are a real concern in terms of public health—will not be helped by this legislation. The legislation serves only to increase prostitution statewide.
