



Speech by

**Hon. T. McGRADY**

**MEMBER FOR MOUNT ISA**

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Hansard 8 November 2001

### **PROSTITUTION AMENDMENT BILL**

**Hon. T. McGRADY** (Mount Isa—ALP) (Minister for Police and Corrective Services and Minister Assisting the Premier on the Carpentaria Minerals Province) (12.57 a.m.), in reply: I thank all of those members who made a contribution to the debate on the Prostitution Amendment Bill. Most of the contributions tonight were very well thought out and sensible, although I must say that I certainly do not agree with many of the comments that were made.

I emphasise that there is nothing sinister in these amendments. There is certainly not a grab for power by the state government or indeed the minister. This bill is not about setting targets for the number of brothels in the state or, indeed, about increasing the number of brothels in the state. I believe they are simply commonsense amendments.

When I became minister and took over from my colleague, who did an excellent job, one of the first things I did was try to get myself some information and some knowledge about this particular part of my new portfolio. I had many discussions with numerous people who were involved in this trade.

Let me say at the outset that there is nothing pleasant about this industry. I had a meeting in Mackay last Sunday. I met three reverend gentlemen: a Catholic priest, an Anglican priest and a Uniting Church minister. We had a good, sensible discussion, and I put my cards on the table. I have never been inside one of these places. I do not advocate prostitution. But the facts of life are that, whether we like it or not, it is out there, it has been there since the beginning of time and, no doubt, it will be there for many, many years to come.

What I have learnt about this profession—if that is what people want to call it—is that there are clients out there who want these services, rightly or wrongly. There are people who require and demand these particular services. I have been given a profile of the people who work in this industry. I am told that the 90 per cent-plus of the people who work the streets are addicted to some form of drug. They simply ply their trade to raise money to get their next hit. When dealing with somebody in this category, the chances of spreading sexually transmitted diseases and other diseases which we associate with this industry are very, very high. Quite honestly, whereas I have a role to play, I will do my best to ensure that we keep people away from those diseases.

There is another profile which has been explained to me, rightly or wrongly. In Queensland, we have only one legal parlour or brothel—whatever people want to call them. The profile of a person who works in a brothel is somebody who works there for a set period. They normally are not drug users. The reason for that is that the person who owns that business wants somebody who is reliable and clean. Therefore, if we are going to have clients who frequent these places, I would much prefer that we had a facility that people can patronise rather than taking the risk of going to those people who will do anything at all for a quid, which means they are not healthy and they are certainly not clean. So that is where I come from, and this is where our government comes from.

**Opposition members** interjected.

**Mr McGRADY:** I sat here for four hours and I did not interrupt one single member of the opposition. I am asking them now to please pay me the courtesy which I gave every one of them.

This debate is all about public health and public safety. As the shadow minister said, it is not about moralising. That debate took place a couple of years ago. That debate is over. What we are

talking about tonight are basically four changes to this legislation. Those members who have seen some of the annual reports would know that the Prostitution Advisory Council certainly wanted us as a government to relax the original conditions of our legislation. It wanted more girls to work in the brothels. It wanted to use the brothels as escort agencies whereby people could ring in. We made it perfectly clear that we are not prepared to go down that track. It is non-negotiable. Some of my colleagues were at the meeting when we made it perfectly clear that we were not going down that track. The Prostitution Licensing Authority also wanted us to go further.

There are basically four aspects to this legislation which we are discussing tonight. Let me briefly go through them. Under the present legislation people with criminal records can apply for a licence. That is already in the legislation. Yet under the current legislation a person who may have a conviction for some sort of prostitution activity 25 years ago—it may have been her turn to be picked up on a Saturday night in the bad old days—is not even allowed to apply. So some of the biggest villains in the world can make an application. But because it might have been one person's turn 25 years ago in the bad old days and that person has a conviction, they are now barred from even applying.

What we are suggesting is that these people can apply. There is no guarantee whatsoever that they would be successful. It is not me, it is not the cabinet, it is not the Minister for Local Government or the Minister for Health who gives this approval; it is the Prostitution Licensing Authority. Who makes up this authority? Who are the people on the Prostitution Licensing Authority? The first person, the chairman, is a retired Supreme Court judge. The second person is the Commissioner of Police in the state of Queensland. The third person is an Assistant Commissioner of Police who runs or is in charge of or holds a very high position in the ethical standards branch. The fourth person is the Chairman of the Crime Commission. These are the types of people who will be making the decision as to whether or not an applicant will be successful. And judging by the record of the Prostitution Licensing Authority, there are no easy touches, because to date it has approved how many? One!

The point I am trying to make is that in my opinion this amendment that we are proposing is fair and just. I will repeat what I said a moment ago. Under the current legislation some of the greatest villains in this state can apply. Yet a person who has a conviction for a prostitution charge from 25 years ago cannot. What we are saying is let them apply and then allow the PLA, with those distinguished citizens, to make the decision. We are not letting the big killers and the villains and the rogues take over the industry. In my opinion that is simply a fair proposal.

The second aspect relates to the Independent Assessor. I have heard many members talk about the role of local government. I was 17 years in local government, and I was the mayor of a city for five and a half years, so I have some idea of what local government is all about. There are three levels of government in this nation: local, state and federal. Nobody in this chamber tonight would suggest that this parliament has the control or should aspire to have the control of the Army, the Navy or the Air Force, because everybody here knows that that is the responsibility of the federal government.

The state government runs the health services. We run the schools. We run the police. Everybody knows that. Local governments have their role in this, too. Their role is not about public health. The whole basis of the legislation which Tom Barton brought in here some years ago was public health and safety. We do know that there are some councils in this state—for whatever reason—who are determined not to allow brothels in their areas. They are entitled to that point of view, and I am not decrying that. I have met many times with councillors from Toowoomba and other places. I do not agree with their reasons, but I understand why they do not want brothels in their shire or their city. But it is not fair, because they are going against the will of this parliament. Whether we like it or not, this parliament made decisions two years ago. What we basically said is that brothels are permitted and will be permitted in an industrial area, but it has to be 200 metres away from a church, a school or a place that children frequent.

If negotiations break down and we have a council which steadfastly refuses to give an inch, all we are doing here is saying that the Independent Assessor should make the decision. The member for Gladstone raised the issue about he or she not being responsible to anybody. Imagine the outcry if I had brought legislation to the House tonight requiring that person to be responsible to me or to the Minister for Local Government. This person is strictly independent. Members might ask why should the minister appoint this person. For heaven's sake, we are the government of the day, elected by the people; we have a right to appoint people to these positions. This is, as its title indicates, an Independent Assessor. I would have been rightly criticised if I had brought in an Independent Assessor who was responsible to me. So this person is independent. He or she is not responsible to me as the minister and is certainly not responsible to the cabinet. It is simply a trigger to allow a decision to be made; that is all it is. A person is appointed simply to break any deadlock with a council which will not accept the will of this parliament.

**Mrs Sheldon:** The will of the people, you mean.

**Mr McGRADY:** The will of the people—I thank the member for Caloundra. I will take the member up on that and we will come back to it. Listening to the member's contribution tonight—and I do not wish to become personal—anybody would think that we were discussing the introduction of legal brothels in this state. Before the member came back into the chamber, I did say that that battle had been fought a couple of years ago and the opposition had lost. Since then there has been a state election during which every single person in this state knew what policies and legislation had been introduced by the Beattie government—and what happened? We had the greatest landslide in the history of this state. When members say to me that this is not what the people say, they are wrong. I have had negotiations with a prominent organisation in this state that tells me that it did its polling and sampling and 72 per cent of the people polled supported this legislation.

The member for Mirani has said that there were demonstrations in Mackay on Sunday. There were about 40 people who came along and expressed their concerns. They are entitled to do that. That is one of the reasons we have community cabinet meetings, where people can meet ministers and express their points of view. Forty people in a city the size of Mackay does not demonstrate to me that the whole of the state is against what this government is attempting to do. Let us get that clear. There is support for what this government is attempting to do. I accept that those people who oppose our actions have the right to do so and I appreciate where they are coming from. However, as one of the clerics said to me, 'Heavy is the head that wears the crown,' because I said, 'What are the alternatives?' And the priest said, 'Well, that is the job that you have.' As I said before, it is all about health and safety.

Another amendment relates to the Magistrates Court. The reason this amendment is before the House tonight is that we were requested to do this by the police and by the PLA. Nobody has raised this issue, so I accept the fact that the House supports it.

I reiterate that in this system local councils have a role to play, but local councils do not have the power or the authority to run the state in relation to health and other matters. They have a role to play in planning and, as I have said, there are instances where we believe that they have put impediments in the way of this government.

I really do not have sufficient time to respond to some of the comments that have been made by all members on this bill.

**Mr Hopper** interjected.

**Mr McGRADY:** I just say to the member for Darling Downs that I have heard many contributions in this House over a period of 12 years. The member referred to his name being on the board outside. When that occurs there may be some comments alongside his name because his performance tonight was an absolute disgrace.

I have made all the comments I wish to make on the contributions from members.

I conclude by saying that I have made inquiries around the Commonwealth as to the rules of the various states and territories. As an example, in the ACT a person can walk into the office of the relevant government department, place \$250 on the counter and be given a licence for a brothel. There are no probity checks—there are no checks at all. In fact, the same person who signs the licence to run a brothel also signs a licence to run a liquor outlet or a licensed premises—for \$250.

Even if these amendments are passed tonight, Queensland will still have the toughest prostitution laws of any state. In my opinion and in the opinion of this government, these amendments simply bring fairness into the system. We have not, as the shadow minister implied, set targets and we do not aspire to have brothels on every street corner. I leave members with the thought that there are two organisations—the council and the Independent Assessor—that have a role to play in determining whether or not planning permission will be given to establish a brothel. The Prostitution Licensing Authority establishes whether or not a person is a fit and proper person to have a licence. When the PLA is constituted by a retired Supreme Court judge, the Commissioner for Police, the Assistant Commissioner for Police and the Chairman of the Crime Commission, every Tom, Dick, Harry, Mary or Jenny will not be getting a licence to run a brothel. Once again, I thank all members and I commend the bill to the House.

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