Speech by

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PROSTITUTION AMENDMENT BILL

Mr LANGBROEK (Surfers Paradise—Lib) (9.37 pm): I rise to speak to the Prostitution Amendment Bill, which seeks to amend the Prostitution Act 1999. I note the comments of the shadow minister for police and corrective services and his concerns about this legislation being unworkable without local government and that overriding local government makes it impossible for this legislation to have the support of the opposition. I note that the 1999 act required the Crime and Misconduct Commission to review the effectiveness of the act after three years and that it made a number of recommendations. The review resulted in a quite positive report. The CMC described the Queensland model of prostitution regulation as one of the best in the country. However, it made a number of recommendations as to how the industry could be improved. To use the words contained in the report, amendments to the act are required to make the legal industry a more viable option for clients, sex workers and licensees.

Some of these recommendations are set to be implemented under this bill, but I note that not all of them are. In relation to prostitution legislation, I want to raise four issues. The first one is accountability in the administration with particular reference to the Financial Administration and Audit Act. New section 108D of the legislation states that the minister will require a report from the authority on the efficiency and effectiveness of the operations of the authority. Often the direction from the minister is not substantive or recorded on the scope and boundaries of the reporting or auditing of operations. There needs to be more extensive requirements on what the minister requires. The report should be open to public scrutiny and any directions given to the authority appropriately recorded in the reporting process. Fitzgerald was critical of the corruption mechanisms that existed in the prostitution industry and a minister of the Crown should ensure that the reporting and directions given are available for public scrutiny.

The second issue is to do with the land and building use referring to the Integrated Planning Act. The requirement for the authority to delegate functions and responsibilities to the executive director, section 110E, is in accordance with current government practices in the Public Service. However, the issues of independence, impartiality, fairness and the public interest are not sustainable in the position description and the long-term functionality of the position. The authority and government will constantly intervene which will effect the above public sector values. To ensure that those core values exist and operate effectively, there needs to be a process whereby external scrutiny can support the executive director—for example, the Public Interest Monitor can test the decision making or the CMC can review an agency to audit its values.

The third issue is to do with regulating behaviour in relation to offences. The question is: should the CMC be the overview agency for the effectiveness of the act and processes? Often the CMC takes a more analytical approach to issues without consideration for the wider community interests. Perhaps the review should be completed by the Parliamentary Crime and Misconduct Committee with a review submission from the CMC.

The final issue is human resource management or regulation in relation to appointment of the executive director. In terms of section 77A regarding the offer of sexual acts and the use of a prophylactic, it may be difficult to prove this offence due to the nature of the sexual act and the onus of proof provisions

in criminal law. This amendment will need further examination to determine how the offence is to be proved in a court of law.

I note that the rest of the bill contains only minor amendments. The police powers to use specialists to examine intellectually impaired people is a useful initiative and perhaps should be expanded.