



Speech by

Hon. Neil Roberts

MEMBER FOR NUDGEЕ

Hansard Tuesday, 18 August 2009

PROSTITUTION AND OTHER ACTS AMENDMENT BILL

Second Reading

Hon. NS ROBERTS (Nudgee—ALP) (Minister for Police, Corrective Services and Emergency Services) (12.52 pm): I move—

That the bill be now read a second time.

I introduce a bill into the House today that continues to reflect the Bligh government's commitment to prostitution law reform in Queensland. This bill is a direct result of the October 2006 Crime and Misconduct Commission review *Regulating Outcall Prostitution*. The bill puts into legislation the outcomes of the review of outcall prostitution from licensed brothels and independent escort agencies, part regulates the social escort industry and creates further disincentives for those who engage in the business of unlawful prostitution.

This bill continues to support the five guiding principles regulating prostitution in Queensland: ensuring quality of life for communities, safeguarding against corruption and organised crime, addressing the social factors that contribute to involvement in the sex industry, ensuring a healthy society and promoting safety. Prostitution in Queensland is legal in two ways: licensed brothels can provide legal incalls from rooms within the licensed brothel and sole operators can provide legal incalls from their own home and legal outcalls to another place.

While the CMC has highlighted the need for the legal industry to remain competitive and sustainable in a way which would not lead to an overall increase in the industry, it also recognises that further deregulation by legalising outcall services would not achieve this and may in fact leave the legal industry open to those who seek to legitimise their illegal activities through legal means.

The government is committed to implementing the recommendations contained in the 2006 CMC report. Sixteen of the 23 recommendations are implemented through this bill by amending the Prostitution Act 1999 and the Criminal Code and the Child Employment Act 2006. The bill inserts a new section 8B into the Child Employment Act which provides that an employer must not require or permit a child to work as a social escort. This amendment was recommended by the Crime and Misconduct Commission in its report and received general support from stakeholders consulted by the CMC. The government believes this provision will protect vulnerable young people from the pressures and situations that may arise in providing social companionship to adults.

One recommendation from the CMC report is yet to be finalised, with a protocol to be developed between the telecommunications industry and the Queensland Police Service to allow advice to be provided by police to telecommunication carriers about individuals or businesses that breach prostitution advertising guidelines and action taken to prevent their continued use of the telecommunications network for that unlawful purpose. The remainder of the CMC recommendations have already been addressed through non-legislative means.

This bill will create a framework to part regulate the social escort industry by restricting the manner in which these businesses advertise and by creating offences for social escort providers who carry on the business of illegal prostitution. Currently in Queensland there are no restrictions on the manner in which social escort providers advertise their businesses. Advertising is unregulated both in print and on the internet and has resulted in the publishing of large provocative style advertisements which look like advertisements for prostitution. As a result, social escort services have maintained a competitive edge over the highly regulated legal prostitution industry.

The bill remedies this by amending the act to ensure social escort services comply with the same advertising restrictions as legal prostitution providers. Social escort services will be limited on the size and content of their advertisements and will be required to inform that sexual services are not provided. The Prostitution Licensing Authority will have the power to issue guidelines and approve advertising for social escort services in the same manner as advertising for prostitution.

The obligation to inform is a continuing theme of this bill. Amendments to the act will require employees of social escort services, social escorts and social escort providers to inform clients or prospective clients that prostitution is not provided, prior to any booking being made or any service being rendered. Failure to inform will result in penalties of up to \$7,000.

Social escort providers will also be held accountable for the actions of employees or social escorts who do not inform clients or prospective clients that prostitution is not provided, unless it can be proven that appropriate instructions were given regarding the obligation to inform and that despite all reasonable precautions being taken, the social escort provider did not know an offence was committed or could not have prevented the offence from being committed.

For the purposes of clarity, the bill will define who a social escort and a social escort provider is. These definitions will be referred to in the act and subsequent amendments to the Criminal Code. The Criminal Code contains a number of offences dealing with prostitution. These offences are designed to target illegal brothels occurring at a specific place. However, illegal prostitution providers who masquerade under the guise of a social escort agency often rent office space to undertake business activities other than the provision of prostitution. Prostitution services are provided elsewhere, limiting the ability of police to effectively target and prosecute illegal prostitution providers.

Further, the penalties associated with these offences are not reflective of the crime. A person who runs a million-dollar illegal prostitution business is subject to the same penalty as a person who drives a sole operator prostitute to a legal outcall appointment. This bill amends the Criminal Code to directly target those people who carry on a business of unlawful prostitution in Queensland. New penalties will fit the crime including asset confiscation and terms of imprisonment of up to seven years.

To support the new carry on a business offence the bill will introduce additional provisions aimed at those who engage in or obtain prostitution services through an illegal business. While these provisions are aimed at sex workers and their clients, a certificate of discharge will be available in exchange for evidence relating to the illegal prostitution business. These new offences send a clear message that illegal prostitution will not be tolerated in Queensland.

This bill also addresses the ongoing safety concerns held by sole operator prostitutes when attending calls for service. Currently a sole operator can employ one person to act as a bodyguard. This person must be appropriately licensed and only act in that capacity for that sole operator. A bodyguard cannot drive the sole operator to outcalls nor can they or any other person take messages for or from a sole operator. To enhance the safety and welfare of sole operators the bill will amend the Criminal Code to allow for the employment of a driver and to allow a person to take an advisory message from a sole operator. A message taker under this provision is not a receptionist.

New evidentiary provisions will support amendments to both the act and the Criminal Code. Under the act published advertisements will be evidence of an advertising offence while advertisements and records of employment and telecommunications will be used as evidence for a carry on a business offence. However, in the interests of public health and safe sex practices, condoms and other safe sex materials will not be evidence of an offence under the new provisions.

I am confident that members of the House will agree this legislation is consistent with the five guiding principles regulating prostitution in Queensland. Further, that this bill creates an appropriate balance between the need for strict legislation and the need to address social factors that arise from prostitution. The Bligh government has and will continue its commitment to prostitution law reform in Queensland. I commend the bill to the House.