



Speech by

Dr Alex Douglas

MEMBER FOR GAVEN

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PROSTITUTION AND OTHER ACTS AMENDMENT BILL

Dr DOUGLAS (Gaven—LNP) (8.49 pm): The CMC has suggested that about 90 per cent of prostitution in Queensland takes place outside legal brothels. Today we have a bill that looks like it is going to make this activity more likely to occur outside licensed brothels, and that is on top of the existing 90 per cent. The CMC has further stated that 'laws are only effective at protecting workers in licensed brothels'. It might seem that we are regulating an ever diminishing number of prostitutes.

Is this bill really part of the solution or is it part of the problem? I think the latter might be true. This is a very serious concern. The government has a duty to protect sex workers. Far from the daily spin of protecting workers' rights and this perception of looking after workers, when it comes to the sex industry the reality is that Bligh Labor is failing the workers—in fact, 90 per cent of the workers in this industry, and that number might increase with this bill.

I, too, acknowledge that the intention of this bill is ostensibly to regulate the manner in which social escort services advertise for business. Sex workers obviously are dealing with the very basic needs of a variety of those in our communities. It is all very well to turn a blind eye to their needs but, as in the past, this has not helped to either solve the problem of uncontrolled sexual activity with no regard to health issues or solve the social problems associated with prostitution—those being crime, drug use and, sadly, trafficking in women for sex slavery.

It is no secret that brothel owners are stating that the new laws will lead to a massive increase in illegal prostitution. Lyn Black, operator of Cleo's on Nile at the Gabba, as reported in the *Queensland Courier-Mail*, says that not only are illegal prostitution rings already rampant in Queensland but, if this bill is passed as proposed by the government without opposition amendments, it is going to make it even more difficult for police to identify who is operating legally and who is not. This framing was confirmed by the University of Queensland's Human Trafficking Working Group, led by Associate Professor Dr Andreas Schloenhardt. Whilst this group confirmed that 25 brothels were 'highly and well controlled', this represents only 10 per cent of the industry. Critically, the issue relating to the other 90 per cent was that, effectively, there are far too many unlicensed sole operators. This new bill has no plans to license these groups.

The minister in his second reading speech has said that this bill will increase the safety of sole operators. Regarding these claims about increasing the safety of sole operators, who says so? The problem is that these people are rarely sole operators. Case after case, including Lyn Black's case, has stated that these groups are just pooled sole operators performing as illegal brothel groups. These groups avoid a \$30,000 a year licensing fee, have no checks and, dangerously, are more likely not to practise safe sex. Evidence confirming this is based on recent arrests, with single pimps being found to have multiple phone numbers advertising sex services for differing sex workers.

The real tragedy of this new bill is that it does not build on the original Prostitution Act of December 1999. This bill allowed boutique brothels with up to five rooms, and the hope was to break the links between prostitution and organised crime. The laws had been largely effective initially, and the last 10 years have shown that they were operating very safely for the small slice of prostitution that actually takes

place in legal brothels—that is, the 10 per cent that is regulated. The rest, as I say, is unregulated. It is no holds barred out there, and no-one really knows what is going on. That was highlighted earlier. The researchers highlighted that illegal street prostitution is continuing and that the escort business is flourishing. Little else is known about this growing problem. There are plenty of assumptions being made here due to a lack of statistically significant data on this illegal activity.

The hope of this incompetent government, that we are not moving back to a clandestine era of prostitution in Queensland before legalised brothels, is wrong. The evidence seems to suggest that we are indeed moving that way and quickly. The Bligh Labor government's mantra reverts to the policy of 'what I can't see won't hurt me', yet it claims the high moral ground and outrageously claims that it is a reformist government. This bill is nothing of the sort. It entrenches much of the tragedy affecting women caught in the illegal sex trade.

For those who are uninformed, this is an industry largely of tawdriness and misery that trawls new depths of human suffering. Women are forced to sell their bodies for small returns, often with the payment being converted into quick cash for drug habits to criminal gangs and increasingly in payment to criminal sex slave traffickers—human bondage for the purists amongst members. That is sexual slavery of migrants and illegals—mainly passport overstayers—with trafficked victims being forced into prostitution against their will and in many cases without their knowledge until their first service encounter, as they are misled under the pretence of other means of work. They are told that they will be waitresses, in the main. Their relatives in their home country are often threatened if the sex slave refuses to submit and comply. Very few weeks go by when some random offender is not being prosecuted for having been found to have tested our human trafficking laws so as to provide cheap sex workers in illegal brothels or pooled illegal sole operator groups.

Sure, there are many stories about anonymous university students who put themselves through their studies on the proceeds of prostitution and go on to worthwhile careers and find a considerate mate who understands. Also, there are unskilled housewives from the suburbs just doing daylight school-hour shifts to pay for school fees and children's costs. To those who just choose the money and lifestyle, the reality seems to be somewhat different. The researchers from the university suggest that 'sex workers generally do not want to commit themselves to several years working in the industry'. They do not want to become victims at all. And for those migrant sex workers with a large bond owed—and I carefully use those words—this leaves those migrants in a terribly compromised position.

UNESCO for Asia Pacific has stated that the Asia-Pacific region is the most vulnerable for trafficking because of its huge population pyramid as well as growing urbanisation. The University of Queensland study found a number of human trafficking cells in Victoria and New South Wales. It further found in regard to Queensland that 'perhaps we have not found them yet, but again it is an area that the legislation currently leaves completely unaddressed'. The longer we turn a blind eye to these issues the longer we tolerate a large clandestine industry and the more vulnerable we make some people to human trafficking.

The bill, as has been explained, falls into three clear parts: firstly, the amendments to the Prostitution Act 1999 on the basis of the October 2006 CMC recommendations, which I have here; secondly, the amendment to the Criminal Code to insert a new provision of carrying on a business of providing unlawful prostitution; and, thirdly, the amendment to the Child Employment Act 2006 which prohibits the employment of a child as a social escort.

To examine the bill and those components more completely, the CMC report has sat there for three years whilst most prostitution went back to the streets. Furthermore, the bill has sat for 12 months whilst Labor tried to contemplate navel gazing at new levels. The chairperson of the CMC, in his foreword comments to the report, clearly outlined that the aim of the report was to understand the legal prostitution industry and how to impede the illegal industry with appropriate laws. In his summary at that time he stated that the illegal industry was 'relatively small' in Queensland 'compared with other states' and that 'large-scale organised crime' was virtually non-existent in the Queensland prostitution industry—legal or illegal.

Well, how things change and how quickly it occurs when your eye is off the ball. The CMC chair thought that the current news was good and urged gentle future caution. The evidence of the growing escort sole operators information was there. The CMC thought that legalising outcall services, on the basis of evidence from either licensed brothels or escort services, was not warranted at that time. The CMC felt that it would not minimise the size of the illegal industry nor improve the health and safety of sex workers. This was in the face of compelling evidence then and now from the other mainland states stating this to be false.

The CMC has recommended against legalising outcalls. But it did recommend a multiprolonged approach to attack legal prostitution in the following four key areas: regulating social escort providers; tightening the existing advertising policy of the PLA, the Prostitution Licensing Authority; improving police enforcement measures; and improving the safety of sole operators. Do honourable members know what this bill does? It goes very close to legalising pimping and makes licensed brothels less commercially

competitive, and that is a worry for us all. That was not what the CMC recommended. But the minister, in his second reading speech, highlighted the need for licensed brothels to be competitive.

This bill in its current state, without opposition amendments, is taking us backwards. It reinforces the role of illegal prostitution and deems all the changes of the PLA, the Prostitution Licensing Authority, irrelevant because the legal brothels are absolutely certain to be a minority grouping. The amendments suggested both by the shadow minister, the member for Gregory, and the Liberal National Party platform policy seek to ensure a much greater quantum fine of \$100,000 as opposed to the miserable \$2,000 for illegal operators. Furthermore, the sensible proposal to recognise the proper role of local councils, giving local councils a right of determination in approvals for brothels, achieves this aim. Do members opposite really want to turn back to the days of the red-light districts in all of our suburban streets, with taxis and all sorts of strange people turning up at home at all times of the day and night?

Members need to understand the consequences of their actions here. Illegal operators once given the green light will reorganise their groups and go back to proven methods of trade. Very soon the organised criminals will be back in serious business. For those ignorant members, these organised criminal groups are involved now but they want a bigger slice of the action. No member responsibly representing their community wants any of this to occur, and I do not want it either. Do not bury your head in the sand when thinking about prostitution. We will never stop it and maybe we should not try. The critical point is to largely accept that pimps are running more than one prostitute and they have multiple phone numbers.

The bulk of the CMC recommendations should be embraced. Recommendations 1 and 2 said that outcall prostitution services from licensed brothels and independent escort agencies should not be legalised. This bill proposes to allow a licensed security guard to accompany an escort. I see this as allowing a pimp, after doing a once-a-week security licence, *carte blanche* to operate an illegal prostitution ring. To those who say we will never remove pimps because prostitutes need protection, I say that is nonsense. The rules contained in this bill regarding how these pimps will be licensed, as security guards, is dubious but has to be trialled. Does anyone think the bikies missed this change? These bikies own and operate plenty of licensed security businesses and they have form in prostitution too. I put it to honourable members that we will never protect sex workers and ourselves from organised crime taking advantage of them until we stamp out the activities of pimps.

Those who watched last year's ABC documentary on Terry Clark, the New Zealander who crossed the Tasman and led the infamous Mr Asia syndicate and destroyed much of our police force and our young people's lives with heroin, would know that Terry Clark graduated from truancy to petty crime then pimping. He was still pimping at the height of his drug trading, importing and murderous activities. It was the fundamental basis of his money-laundering activities. There are similar examples of this in our part of the world currently and they have not been named.

What sort of message should we have from this part of the bill? The message should be that we are not going there and the reason is that we have all learned from what did not work before. This bill can take us there faster than ever before if our amendments are not adopted.

The second aim of the bill is the amendment to the Criminal Code with the new provision of carrying on the business of providing unlawful prostitution. This probably represents in part a follow-on of recommendations 19 to 25 in the original CMC report. Clearly, as I have indicated, the fine for this offence is appallingly low. It really is \$2,000. This was clearly demonstrated as that was all that was awarded as a fine in the most recent case on Queensland's Sunshine Coast. The member for Buderim spoke about this in the House. It was a joke. The increase in fine to \$100,000 as proposed by us would have teeth. It is the critical opposition amendment.

There was a very compelling article by Sheila Jeffreys on sexual financial bondage—for want of a better word—published in *Arena* magazine in 2002. She stated that over 10 years ago in Sydney at any given time up to 500 trafficked women were working illegally on false papers. They are being kept in servile conditions. They are extremely vulnerable and there is no situation to control their conditions at work. They often do not even know what country they are in and often they are told they are going to work as a waitress. As expected, in the early years the majority of these trafficked women in southern states were excluded from legalised prostitution.

There are examples of what occurred in London and Amsterdam in the early 1990s. Trafficked women came to dominate illegal prostitution because they were cheap, powerless and replaceable. That is what is going to happen here in Queensland. We are not so different from those other places. Some 90 per cent of prostitution here is illegal and we are much closer to the huge population of Asia. For example, on the Gold Coast we have 10 million tourists a year.

Most commentators state that in Western countries, the trafficking of women into prostitution and the prostitution industry generally cannot be reasonably separated. There are two opposing examples with regard to illegal street prostitution. They are to be seen in Holland where only EU holders from 2001 could

work in brothels. There were not enough workers for the legalised brothels but street prostitution massively increased using largely trafficked women and these were under the control of vicious pimps. Sweden in 1999 penalised the buying of all sexual services as part of a comprehensive legislative approach to combat all forms of violence against women. Traffickers have diminished under that law.

Ms Jeffreys's final paragraph on the people in Sydney says—

... as states consider reforming their prostitution legislation in the light of problems such as the burgeoning illegal escort into the legalised system, they need to work out how trafficking can be best combated.

Here we have weak laws being implemented that will only take us along the above path. Interestingly, the current bill was developed in the light of the following principles: ensuring quality of life for local communities; safeguarding against corruption and organised crime; addressing social factors which contribute to involvement in the sex industry; ensuring a healthy society; and promoting safety.

It would seem this bill fails pretty much on all the principles on which it is built. Firstly, local communities are going to see greater street prostitution than ever before. Secondly, organised crime will flourish in an environment where there is no regulation or any corporate knowledge of what is going on. I have emphasised that throughout my speech. We need to know what is going on. Thirdly, without stronger laws against sex slavery, sex slave trafficking will rise, drug use and abuse will continue unabated and marginalised women will continue to be victims of male owned syndicates. Fourthly, illegal prostitution increases unsafe sex on the basis of evidence. Finally, how can unregulated street sole prostitution be safe? Who knows what will happen next?

The CMC report was supposed to be a blueprint of where to head next. It would seem the minister took a good look at the abyss and decided to give his luck a go and jump. In some ways he has done the right thing. Perhaps the CMC is unable to manage this issue either. Do we need a new permanent review structure that has some ability to inform the public about the reality of what is going on out there in the sex world? Unfortunately, the end result of the present plan is to leave the licensed brothels to a safe but expensive future where their every move is watched. The sole operators will just flourish and be a far greater problem than we will have experienced before. The money will move to illegal activity and the work of our police forces will be massively increased.

Organised criminals require captive markets for their captives. Unregulated prostitution entirely suits their operations. Combined with loan sharking, illegal gaming, drug trading and stolen property, this is the basis of a solid criminal funding structure. Why are we allowing these key areas to make a return when real progress had been made to reduce crime and legitimise the sex industry?

For those who want to believe the dream that the sex industry is just a cottage industry, I say that they are fooling themselves and ignoring reality. I put it to some of them on the government benches: would they want their son or daughter or sister caught in this dreadful cycle of degradation, victimisation and criminality? I have been involved in corrective services for 20 years and I can assure you many do. For many of those the only way out is death. Sadly, their death rate due to suicide, drug overdose and ill health is disproportionately high. There should be no role for pimps and spivs. Organised criminals should be looking for softer targets. The bill needs to be significantly amended to make it focused on making a sex worker's life a better one. That said, it might work.