



Speech by

Hon. Neil Roberts

MEMBER FOR NUDGE

Hansard Tuesday, 17 August 2010

PROSTITUTION AND OTHER ACTS AMENDMENT BILL

Hon. NS ROBERTS (Nudgee—ALP) (Minister for Police, Corrective Services and Emergency Services) (2.51 pm), in reply: Firstly, I thank all members from both sides of the House for their contributions to this debate. As I outlined in my second reading speech and indeed as many speakers have indicated, this bill endeavours to strike an appropriate balance between the need for strict regulation of the prostitution industry and also the need to address the social factors, and members have spoken about many of those issues in this debate. The main objective is to deter the involvement of organised crime in illegal prostitution activities and also to enhance the health and safety of those people who choose to work within this industry, however distasteful some people may find it.

The bill sends a very clear message to operators masquerading as social escort agencies. This debate has clearly identified that as a major area of concern, and that is why the bill contains some specific measures to address the illegal prostitution activities of that sector. The Criminal Code already contains a number of offences dealing with prostitution. In terms of the operating of the business of prostitution, those offences primarily target illegal brothels operating at a specific place. That has presented some difficulties in terms of enforcement, and that is why the new offence of carrying on the business of prostitution has been introduced with a significant penalty of up to seven years imprisonment. For example, one of the problems identified that businesses that masquerade as a social escort agency often rent office space to undertake activities other than the provision of prostitution, with the prostitution actually provided or delivered elsewhere, limiting the ability of police to target and prosecute people in that sector. This bill gives police the powers to specifically target that type of operation and indeed illegal prostitution providers wherever they operate and under whatever guise they operate. Illegal operators risk being jailed for up to seven years and having their assets seized, and I note some comments about the level of penalties and will make further comment about that shortly.

In its 2006 review, the CMC found that the regulated industry of legal brothels did provide a viable alternative to dangerous illegal brothels. I take the opportunity to correct the record of my second reading speech and indicate that this bill in fact implements 14 of the 23 recommendations made by the CMC. The remaining nine CMC recommendations have already been addressed through non-legislative processes, meaning that the passing of this bill today will complete the government's response to all of the CMC recommendations from that report.

The bill makes it an offence for social escort agencies to employ minors and also for a person to obtain sexual services from a 16- and 17-year-old sole operator prostitute. That is an issue which a number of members have made comment on, and I will refer to that again later as well. The bill in particular regulates the advertising of social escorts and social escort services, and that issue has been canvassed widely. It will restrict the manner in which social escort providers advertise and create offences if they carry on the business of illegal prostitution. The bill also ensures that social escort providers comply with the same advertising restrictions as legal prostitution providers, and again that was an issue canvassed by many members. The bill also provides enhanced safety for legal sole operator prostitutes when attending

outcalls by allowing the employment of a driver or a bodyguard and allowing a person to take an advisory message for a sole operator.

I now turn to making some specific comments on issues raised by a number of members. In terms of the extent of the illegal industry, the members for Gregory, Aspley, Burdekin, Mudgeeraba, Gaven, Nanango and indeed others spoke about the extent of the illegal industry in Queensland, citing figures of around 90 per cent of the industry not being carried out in legal brothels, and that may in fact be the case. The members for Aspley and Currumbin cited a CMC report which identified that 75 per cent of sexual services are provided by outcalls, mostly illegally. The key message of this bill is that a great deal of illegal prostitution offered particularly through escort agencies is a matter which is addressed through the provisions which regulate the advertising and other measures. Those statistics do not reveal or highlight, however, the number of sole operators. So I think it is not quite correct to suggest that 90 per cent or indeed figures anywhere near that of prostitution activity in Queensland is indeed illegal. There is certainly a significant proportion, but I do not know whether there is any evidence to suggest that it is as high as what some people are claiming. The bill, as I have indicated, proposes strict and effective regulation on the advertising of escort providers which, on the evidence, are significant providers of prostitution services. Following the passage of this bill, those operators will find themselves on the wrong side of the law if they continue to operate in the way in which it is quite evident many are.

With respect to local government input into brothel approval processes, again the members for Gregory, Aspley, Gladstone and Toowoomba South raised the issue of the power of councils to veto brothel applications. The current act of course does provide a provision where local government areas or towns with a population of less than 25,000 can apply for exempt status, and indeed, as the list of local government areas shows, that is quite extensive. I will be providing some response to that proposed amendment, but I would just say that if the amendment was passed it would in effect basically undermine the entire foundation of the legal industry in Queensland.

I am sure that there are many communities both within large cities and indeed in smaller communities that do not wish to have a brothel in their midst. I can understand that, but the government went through a very extensive consultation process a decade ago and determined that it was in the public interest to regulate the prostitution industry and simply allowing a blanket provision for any local authority to undermine that fundamental policy objective is something which cannot be supported, and I will say more about that when the member moves his amendment.

The member for Currumbin and others referred to the ability of a sole operator to employ a driver or a bodyguard. She raised the fact that the head of a security firm could act as a pimp to delegate, for example, 25 crowd controllers or bodyguards to look after 25 prostitutes. On the face of it, that type of activity would clearly indicate a collaborative effort between those individuals which would be illegal under the laws that exist and also the proposed amendments to the act.

Members—particularly the member for Currumbin—raised the issue of a recommendation of the CMC review regarding protocols developed between the Commonwealth and the state that allow for action to be taken against people using the telecommunications network for unlawful purposes such as prostitution. I can advise the House that those protocols are in place and that the police are already using those powers now under those protocols to, in effect, disconnect or disable telecommunication services where illegal brothel or prostitution activities have been mentioned.

The member for Currumbin also raised the Project Axis report. Project Axis was an investigation into child prostitution and organised crime and its report was published in 2000 by the former Queensland Crime Commission prior to its merger with the former Criminal Justice Commission in 2002. For the member's information, I point out that that report is on the CMC website. All four volumes are there and are, in fact, available for anyone to access. They are public documents. The Project Axis reports are now 10 years old and, although they are useful in some respects for historical research, to some degree they have been supplanted by the CMC's own reviews into prostitution in 2004, 2005 and 2006—the latter report being the foundation report that underpins many of the amendments in this bill.

A number of members raised the issue of prostitution and links to human trafficking—the members for Maryborough, Burnett and Toowoomba South in their contributions today and a number of other members previously—and quoted from a University of Queensland research report into prostitution and human trafficking. I think it is fair to say that all members of this House would support the fact that trafficking of young women and children in particular is a heinous crime, is abhorrent and is something no society should tolerate. However, the same report that members quoted from also found that there was no firm evidence that such crimes are rampant or rife within Queensland.

I think it would be fair to say that no-one could deny that there may well be some people who arrive on tourist visas or student visas and who may engage in prostitution activity illegally. Those people are putting themselves at high risk. If they are students here to attend courses, they are not only potentially

ruining their careers but also committing criminal offences. A number of members have raised this as a significant issue and I recognise that they would be concerned about it, but I would simply say that the police advice to me is that, although it is recognised as a serious issue, there is no evidence of an endemic problem. But if members or people in their communities have evidence, I invite them to provide that to the police so that it can be pursued and prosecuted because, as we have all said and acknowledged in this place, this is an abhorrent activity that needs to be stamped out wherever it might be existing.

I will turn quickly to a few of the comments that were made today. The member for Toowoomba South—and indeed other members on the opposition benches—recognised at least that this bill goes some way towards addressing the issue of illegality in the prostitution industry and stamping out some of the worst aspects. There is obviously an illegal industry out there and there are probably some abhorrent practices taking place. No-one denies that. This bill and the recognition of the government that this sector requires regulation is a significant step forward in ensuring that we support the legal industry as much as possible and that we do as much as we humanly can to stamp out the illegal industry and all of the nasty elements and nasty aspects of it.

The member for Toowoomba South raised criticism of the \$2,000 fine. The member for Buderim and the member for Kawana raised similar issues. On that issue I simply say that this bill provides the courts with the option to impose penalties of up to three years, five years or seven years imprisonment. The bill also introduces a new offence of carrying on the business of prostitution, with a penalty of up to seven years imprisonment. Although each of us may have a particular criticism of an offence against this act or indeed the penalties handed down in any case, we live in a state where we respect and uphold the right of the courts to make determinations on the appropriate penalty based on all the facts and the circumstances of the case. So whereas at face value a fine of \$2,000 in light of a \$30,000 fee to register or license a brothel may appear to be out of kilter, you would not only need to look at the particular offence that was prosecuted but also bear in mind that the courts have the option of imposing very severe penalties for illegal prostitution activities. Indeed, through this bill we are providing the police with stronger tools and opportunities to prosecute illegal operators and there are penalties of up to seven years imprisonment involved in that as well.

The member for Buderim also talked about the 10 per cent of brothels operating legally in Queensland. I think I have addressed that issue. He also talked about people trafficking. The member for Burnett—and I acknowledge and thank him—recognised that this bill does get the balance right, but he criticised the penalty for employment of a minor as a social escort. Certainly, in that regard this bill picks up the CMC recommendation to make it illegal to employ a minor. The penalty is framed in the context of an employment situation. Certainly, if in that context there are any sexual offences or other offences involved, the Criminal Code and other acts provide for much more severe penalties. So I hear what the member says, but I think in the context of the employment arrangement that we are talking about that is the penalty that has been deemed appropriate in this particular case.

I thank the government members—the members for Brisbane Central, Pumicestone, Kallangur, Toowoomba North, Springwood, Mundingburra, Bundamba and Keppel—for their contributions and for highlighting a number of the positive aspects of the bill. The key issues that they referred to were improving the safety and health of sole operators; the focus of the amendments to keep organised crime out of the industry; the tough sanctions against anyone using minors for the purpose of prostitution, either as an illegal operator or as a client; the sanction for those carrying out the illegal business of prostitution—the new offence that I have mentioned; the regulation of the escort industry, particularly focusing on regulating the advertising regime that they are entitled to pursue; prohibiting minors working as social escorts, which I have talked about; and also the certificate-of-discharge provisions to assist police in prosecutions. Again, that is an important element where clients, or indeed prostitutes or people working in illegal brothels, can receive a certificate of discharge on the basis of providing evidence that can lead to a prosecution.

In closing, I would like to comment that the member for Gaven raised the claim—and I was quite surprised at his claim, actually—that Queensland is moving quickly towards ‘a clandestine era of prostitution ... before legalised brothels’ as if we are moving back to the dark old days which occurred when the party to which he belongs was in power. For those who need reminding I point out that, prior to the regulation of prostitution, under the former National Party government the illegal prostitution industry was rife. They were the days of Premiers being bribed and criminals paying hush money so that they could continue to ply their filthy business. Thankfully, this government has had the courage to step into an arena which many people in the community find quite offensive—and I can understand that from a personal point of view. But a policy decision was taken. It was the right decision: to clean up an industry as much as humanly possible and to put in place a legal framework to ensure we keep the crooks out of the legal industry—we certainly have an illegal industry that needs prosecution—and to seek to improve the health and safety of those participating in it.

I note again that the member for Gladstone has put her personal views on the table in relation to this issue and I respect that. The member for Toowoomba South mentioned the strong reaction to the

establishment of a brothel in Toowoomba. I met with a number of women involved in that. I have a great deal of respect for those women. They have strongly held beliefs and they prosecuted their case very strongly. The fact remains that prostitution has been with us for centuries world-wide. It will never be stamped out. We will never rid ourselves entirely of the illegal industry, but with proper regulation and proper enforcement we can at least try to minimise and reduce the criminal element to make that industry as safe as we possibly can.

In conclusion, the bill does continue to strike an appropriate balance between the need for strict legislation to prevent organised crime and corruption from once again gaining a foothold within this industry and, importantly, addressing the social factors arising from prostitution. With those few words, I commend the bill to the House.