



Speech by

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MEMBER FOR GREGORY

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PROSTITUTION AND OTHER ACTS AMENDMENT BILL

Mr JOHNSON (Gregory—LNP) (5.39 pm): In rising to speak to the Prostitution and Other Acts Amendment Bill—the one that we thought was never going to be debated here; finally the day has come, some 12 months after it was introduced—I can say that the opposition has some reservations regarding the bill. We will be moving two amendments at the consideration in detail stage.

This bill is the hallmark of this spin government. A review of outcall services was conducted and a report presented to this parliament in late 2006. Almost three years later, after a spate of bad headlines, this bill suddenly appears in the parliament. Whilst the content is not being disputed, it is nothing more than a diversion from the fact that research has emerged that shows that in Queensland, despite legislation regarding brothels, only 10 per cent of prostitution is conducted legally.

During the late 1980s the Fitzgerald inquiry highlighted the entrenched nature of organised crime and illegal prostitution in Queensland. In 1992, after a review by the then CJC, the rights of sole operators were recognised. But at that stage no steps were taken to legalise any form of prostitution. It was not until 1999 that the Prostitution Act was enacted.

At the time of the three-year review of the Prostitution Act, the CMC found that there were far fewer legal brothels than had been forecast. This meant that only about 10 per cent of all prostitution services available in Queensland were at that time operating through the legal brothel system. According to *Selling sex—regulating prostitution in Queensland*, a report of the Prostitution Licensing Authority in Queensland, a small brothel industry is being regulated but it operates in the context of a much larger industry comprising both sole operators and escort agencies which continue to operate illegally and outside legislation.

Whilst the broader issue has once again been avoided, the bill can be divided into four parts. The first part of the bill deals with the prohibition of outcall service prostitutes other than sole operators. The second part of the bill deals with the advertising restrictions for social escort services. The third part of the bill deals with prosecuting illegal operators and seeking asset confiscation. The fourth part of the bill deals with improving safety for sole operators. In its report on outcall services the CMC wrote—

An examination of outcall prostitution services in other jurisdictions, both interstate and overseas, was considered important for the inquiry. Its aim was to provide an understanding of the possible implications for Queensland should these services be legalised for licensed brothels and independent escort agencies.

The CMC went on to say—

Common arguments put forward for legalising outcall prostitution services in Queensland are that the legalisation of these services elsewhere (nationally or internationally) has either improved the health and safety of the workers or has minimised the size of the illegal industry. We have found no evidence, and none has been submitted to us, to support these arguments. In fact, the available evidence appears to be to the contrary.

For Queensland, unlike some other states and jurisdictions, sole operators provide legal incalls and outcalls. Licensed brothels provide legal incalls only, and all other outcall prostitution services—for example, escort agencies and street based prostitution—are illegal. Enforcement of the legislation by the police is largely complaint driven.

In trying to quantify the number of sole operators, the CMC has found that it is not known how many sole operators are currently working in Queensland. There is no requirement for sole operators to be registered or licensed and, therefore, no means of determining the number of participants. With regard to the percentage of workers who operate within the law, the CMC concluded by saying—

Nevertheless, it is clear that the illegal industry does exist in Queensland and, even if the stakeholders cannot agree on its size, they do agree that measures should be taken against it.

When reflecting on prostitution services overseas, the CMC found—

Internationally, few countries have legalised outcall prostitution services and those that have (e.g. the Netherlands and Germany) now appear to be recognising the difficulties associated with monitoring and policing such services. There also appear to have been some increases in sex trafficking and child prostitution.

In focusing on the issue of health and welfare, the CMC found—

All those who participated in the escort inquiry agreed that a primary consideration in deciding whether to legalise outcall services from licensed brothels and/or escort agencies was whether the health and safety of the sex workers providing those services could be assured. This has been the motivating factor in most prostitution law reform, including the introduction of the *Prostitution Act 1999*.

In turning to the issue of advertising for social escorts, the CMC found in its review—

Our research suggests that the small number of legitimate social escorts are already complying with the requirements recommended. The reason for the recommendations is to target illegal prostitution providers. If there is a set of regulations defining the advertising and other activities of 'social escorts', illegal prostitution providers will no longer be able to masquerade as 'social' escorts and thereby obtain a competitive advantage over the legal prostitution industry.

One significant issue that the CMC found in 2006 which is very concerning is only being addressed some three years later. The CMC found—

Currently, there is no law in any jurisdiction of Australia to prevent people under the age of 18 years from providing social escort services. We believe there should be a prohibition on employing or contracting a person under the age of 18 years for the purpose of providing social escort services.

The facts are that between 2003 and 2008, 2,038 public soliciting offences were reported. Between 2003 and 2008 there has been a 264 per cent increase in the number of reported offences of knowingly participating in the provision of prostitution. Between 2003 and 2008 there were over 3,000 prostitution related offences reported to the police.

Brothel data for 2007-08 shows that 23 licensed brothels operated in Queensland, down from 24 the previous year. During 2007-08, 184 licence and certificate applications were investigated and 157 were decided. Some 31 police entries were made to 15 licensed brothels during 2007-08. I refer to table 10 in the report which details the brothels that were visited by police and the number of occasions on which those brothels were visited. The table relates to police entries to licensed brothels. It states—

During the year we received advice from police and licensees, as required under section 61 of the Act and the conditions of licence, of 31 entities to 15 licensed brothels, detailed below.

Some 9,349 advertisements for prostitution were approved by the Prostitution Licensing Authority in 2007-08. Over a four-month period during 2007-08 approximately 1,299 inquiries were responded to. Some 61 complaints relating to prostitution were received during 2007-08 compared to 75 complaints in 2006-07. The majority of the complaints were about licensed brothel operations and illegal prostitution activities. In respect of amenity, the Prostitution Licensing Authority has not received any complaints from the public about operating brothels.

I want to speak to the lack of strength in the current criminal sanctions for those who illegally operate a business of prostitution. It concerns me that a person found guilty after a raid on an illegal brothel is fined \$2,000 by the court and yet a legal brothel owner is forced to pay in excess of \$25,000 for a licence. I ask the minister to comment on that in his summary because that seems to be an inequity that is totally unfair—that is, unlicensed operators are only subjected to a \$2,000 court fine when a licence costs in excess of \$25,000. The sentencing system for these types of offences is offering no deterrent whatsoever to anyone operating or thinking of operating an illegal brothel. That is why during the consideration in detail stage I will be introducing a minimum fine of \$100,000 for a person found guilty of unlawfully conducting the business of prostitution. Even with the government's proposed confiscation measures, it still requires the court to approve the seizure of property. The proposed measures put forward by the LNP will ensure a real deterrent. Anything less would be a failure to achieve the desired outcome of stopping illegal brothels.

The final point I want to speak about relates to council and local community involvement in deciding the location of a legal brothel in a town. Currently, the council and the local community in towns with a population of 25,000 or more are held to ransom by a board of faceless bureaucrats at the Prostitution Licensing Authority, made up of many former Labor members of parliament and councils who are not representatives of the local community. I can hardly see how former minister and former member of the Labor Party the Hon. Wendy Edmond represents the views of the people of Toowoomba who objected to a legal brothel yet had no say in the final decision. That is why I will be moving an amendment that will remove the population limit and the ministerial veto power and allow councils and local authorities to have the final say as to whether a legal brothel should be approved in their community. This is how it should be done. Local decisions should be made by local leaders who know the workings of their local community,

and that is why the opposition will be moving that amendment during the consideration in detail stage of this legislation.

In examining prostitution it must be remembered that most women involved in street based prostitution are not there through choice. They are amongst the most vulnerable people in our society. Many illegal prostitutes are addicted to drugs or alcohol. Many need help to rescue their lives from this misery. I hope the low-life men who pursue these women to give themselves pleasure look at themselves and think in time that these girls need some sort of professional assistance and do not need to be subjected to this life of vice to pleasure some people who take advantage of the unfortunate. Some of those women have been trafficked into this country by criminals and are held against their will. Many were abused as children and many are homeless. Many of these criminals are the Mr Bigs in the organised crime activities of our state, particularly the illegal influx of Asian women.

The most important function of brothels is that they can operate safely and be exposed to the scrutiny of police, the most important people in providing that mantle of safety for the people who operate in this industry. However, prostitution is a running sore for the police in this state. They never looked at the people in the industry who had connections. The people in that industry in the past who have been connected to illegal brothels need to be looked at. Those people historically could not get a licence so they are still there. Whether they are in unlicensed brothels or somewhere else, these people are still the scourge of police.

The prostitution unit is still as busy as always, and this leads me to an issue that concerns me greatly. Compared to other major cities throughout Queensland, there is no fraud squad on the Gold Coast. There is no drug squad on the Gold Coast. There is no organised crime squad on the Gold Coast. There is no major crime squad. The AFP is there with about 20 officers working with the Queensland police. By 2020 the Gold Coast will be Australia's fifth largest city. By 2050 it will be as big as Melbourne, if not bigger. When the drug squads were rolled out in the early 1990s, Cairns and Townsville got their drug squads but the Gold Coast did not. Instead, the Gold Coast Drug Squad is still operating out of Brisbane. This is certainly an issue that needs to be addressed to assist the police on the Gold Coast to intercept some of this activity. There are the Russian Mafia and motorcycle gangs in that area, and anywhere there is vice in relation to prostitution you can bet this element of society will come to the fore. I know the government is working to try to get outcomes in relation to these issues on not only the Gold Coast but right across Queensland. We must give our police the support that they need at this time to comprehend the problems that they are being subjected to by this element of society.

The history of legal regulation of prostitution in the United Kingdom and Australia, according to Dr Linda Hancock, is one of state intervention which in Australia dates from attempts to curb prostitution under public nuisance provisions in the early colonies of the 1850s and the efforts to introduce the English Contagious Diseases Act into some Australian states in the 1870s and 1880s. From about 1910 all Australian states introduced criminal laws on prostitution whereby Dr Hancock wrote that the act of prostitution itself is not an offence but certain prostitution related activities are. These laws were based on English laws of soliciting, prohibiting under-age persons on premises used for prostitution, brothel keeping and leasing accommodation to prostitutes.

It has been reported that under Labor prostitution laws are failing to protect sex workers and are forcing them into illegal brothels. This has been backed by a team of Brisbane academics and its findings. Former Premier Peter Beattie introduced the Prostitution Bill in December 1999 which allowed boutique brothels with up to five rooms at the time. He said that if such rules had been put in place there never would have been a Fitzgerald inquiry which had detailed the link between illegal prostitution and organised crime. The new law established the Prostitution Licensing Authority to oversee the sex industry, but almost 10 years since the Prostitution Act was passed a major study has found that the laws are failing.

Trafficking in human beings—and what a deplorable situation that is—is a growing transnational, multimillion-dollar criminal activity. Although it is not a new phenomenon, the last decade has seen a significant change in the extent and nature of the problem. As has been previously reported, another murky area of Queensland's prostitution laws is the emerging issue of human trafficking and sex slavery. Professor Schloenhardt found that there is no legal protection to prevent migrants being exploited or forced into prostitution against their will. He has been reported as saying—

We know of a number of cases in Victoria and New South Wales. Perhaps we are lucky that we haven't seen any in Queensland. Perhaps we haven't found them yet, but it's again 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, the more vulnerable we make some people to human trafficking.

Further reports from the ABC by Candy Forrest, who works with the Brisbane based Crimson Coalition, an advocacy group for sex workers, shows that she agrees with Professor Schloenhardt that the laws must be changed to provide better protection for workers. She said—

A lot of people working in the industry are unhappy with the laws ... The workers who work in the licensed brothels generally feel physically safe most of the time, but we do get a lot of reports from workers in the licensed brothels where they feel like they're being coerced into working under conditions that they may not have chosen for themselves.

This bill does not expand or change the existing legislation surrounding outcall services; it is focused on strengthening social escort services, and that means that only non-sexual escort services can advertise legally. That is a good aspect of this legislation and one that I hope will certainly protect the women working in this industry. For legal brothels, nothing has changed. They can still have eight workers, five rooms and a total of 13 staff. They cannot exceed eight workers.

There is a need to create a level playing field between the brothel and the escort agency industries. The advertising which I made mention of—and this is something that the CMC picked up on in its report; the big flashy ads—does not paint an accurate picture of the services provided. The advertisements must be for social and not sexual services. This amendment is to create accurate advertising that will assist some of these people and expose some of these illegal brothels for what they are. This bill allows girls to have security, but they must have that security regulated. No doubt this legislation will assist in providing some form of protection for these women.

As I mentioned earlier, outlaw motorcycle gangs and other elements engaged in criminal activity on the Gold Coast and in other parts of Queensland are still the masters of some of these strip clubs in the more densely populated nightspots where young people are the main target for their attention. I hope that our police are going to be further equipped on the Gold Coast and the Sunshine Coast, in Brisbane and in other major centres throughout Queensland. I trust the minister can take on board the issues that I have raised in relation to the local authorities having a say in whether they want these types of operations in their local communities. It is very important that they be monitored. We all know that it is never going to be stamped out, but one thing that we have to stamp out and something that we have to have a bipartisan approach to, I believe, is getting rid of that scum element that seems to be attracted to prostitution and other areas of vice. With those few words, I look forward to the minister's summary on this important amendment to the Prostitution Act 2009.