

PROSTITUTION AMENDMENT BILL QLD

Second Reading

Resumed from 28 March (see p. 845).

Mr JOHNSON (Gregory—NPA) (9.23 pm): The Prostitution Amendment Bill 2005 has been introduced as a result of the 2004 CMC review of the Prostitution Act. I have to say from the outset that the opposition has looked at this legislation long and hard and, whilst there are some very good aspects of it, we will be opposing it for reasons that I will make known during my contribution this evening. One of the objectives of the Prostitution Amendment Bill 2006 is to clarify that brothel licences may operate under a corporate structure. We received a briefing on this issue from the minister's departmental officers. I put on the record at the start of my contribution my thanks to the minister's adviser and Senior Sergeant Jeff Crow.

We thought that the provision relating to a person who operates a brothel in association with another person who directly receives income from that brothel could have had a hidden agenda. We thought that prostitutes involved in the operation of a brothel could be beneficiaries of that brothel, but we have been instructed that they cannot be beneficiaries of that operation. One area of concern—and I believe it has been addressed in the body of the legislation—is that bikies and security type people could be beneficiaries. The bill covers that issue. We are truly grateful for that.

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There are many aspects of this legislation that the opposition supports, but there are certain aspects of it that we have reservations about. Recommendation 8 of the evaluation report provided that the act be amended to allow task force officers to seek the advice of a health professional such as a doctor or nurse, social worker or counsellor. I understand that 'social worker' and professional counsellor' will be prescribed in regulation. The important issue is the monitoring of health within these institutions. Whilst prostitution is alive and well around the world, not just in Queensland, we have certainly got to keep it clean and we have to make sure that the police and authorities know precisely what is going on. Health standards have to be up to scratch. We have to keep the criminal element out. That is why I believe the report by the CMC has been very well received.

The one issue that I have concerns about—and the minister might like to elaborate on this—is social workers and professional counsellors being prescribed in the regulation. I do not see why social workers and professional counsellors would be included with the health professionals who make inspections within those institutions.

One area of opposition concern is the display of licence numbers at a premises. If we are talking about a hotel then the licensee has to display their name and number at the front of the hotel. That is applicable for all licensed premises around Queensland. A brothel owner or licensee does not have to display their name, only their number. The opposition finds this a little concerning. Why are these people not required to display their names so that the general public knows who they are? If these premises are run as businesses then they have to display their business name. Any other business displays their name and is registered as a business. What are we doing here? Are we protecting an element—

Mr Hopper: They are hiding what they don't like.

Mr JOHNSON: I take the interjection from the member for Darling Downs. There are people out there who are endeavouring to do the right thing. There may be people who are shady. The police have a big enough job as it is now. We know what sort of scum prostitution attracts. It is paramount that we make absolutely certain that all aspects of prostitution are covered in this legislation. When it comes to the criminal element, we can be sure that they will surface somewhere. If we went down to the Valley tonight I bet the police would be eyeing off somebody who is part of some activity that is not appropriate. Recommendation 13 of the evaluation report relates to section 64K, appeals by applicants, and the assessment managers' decisions about the applicability of the code or impact assessment under the Integrated Planning Act. This is local government's heart. The Integrated Planning Act is an integral part of the operation of local government in this state. We have seen how much emphasis has been put on the Integrated Planning Act in recent times. The IPA is applicable to all local authorities.

The real concern is for big councils like Toowoomba, Townsville, Rockhampton and Cairns that have the populations to enable brothels to be established in the communities. It is absolutely paramount that those councils have a say in relation to brothels and that the government does not have the power to totally override the concerns of local government. That is one of the opposition's fears. At yesterday's briefing the minister's advisors explained that local authorities have sometimes overridden the process by deeming the premises to be impact assessable when it was clearly a code assessable premises. I

would have thought that local government and government would work through this in a proper and manageable way. It is not right that government can override local government, which would mean taking local authorities out of the approval process. That is not what it should be about. I believe that it is absolutely paramount that local governments be allowed to make a ruling in relation to this process. Townsville Mayor Tony Mooney has made reference to exactly this point. We all know how Townsville city has progressed in recent years. Again, this smacks of government interference and that is one reason why we will oppose the legislation. It is a case of big government interfering with local government, trying to make certain that they have it right in their own backyard. How many times have we seen executive government interfere with local government? We only have to look at the current situation with water in the south-east corner of Queensland. The Premier, now the Minister for Water, is interfering with the water operations of 18 local authorities in the south-east corner. That is no different to this situation. This is interference of executive government, and the opposition will not adhere to it.

Dr Douglas: It will not work unless you have local government involved.

Mr JOHNSON: I take that interjection from the member for Gaven.

Mr DEPUTY SPEAKER (Mr English): Order! If the member for Gaven is going to interject, he will return to his seat.

Mr JOHNSON: He will be right. I will look after him.

A government member interjected.

Mr JOHNSON: The member is not in his seat anyway.

Mr DEPUTY SPEAKER: Order! The member will return to the bill.

Mr JOHNSON: Mr Deputy Speaker, I thank you for your protection. Under the legislation, associates of brothel applicants may disclose information directly to the authority. According to the 2762 Prostitution Amendment Bill 09 Aug 2006

briefing we have been given, all efforts will be made to streamline probity requirements without compromising their integrity and, to this end, the associates of brothel applicants will be dealt with directly providing that the applicant is made aware of which associates are to be contacted and that the privacy of all parties is respected. Again, this comes back to the privacy of the holders of brothel licences. The question that I ask is: what are we hiding in relation to the processing of these licences by not letting them be made available to whoever may apply?

There seems to be a hidden agenda as the evaluation report outlines that licensees as well as managers have expressed concerns about the time taken in processing the applications. From the briefing, I understand that the current application process can take approximately six months to complete. I know that there has to be a probity report. I know that investigations by police and maybe the CMC have to be done. We are talking about a pretty technical issue. At the end of the day, the general public should know what is going on. We do not need a secret society involved when processing these licences.

The other question concerned interest in a brothel, and I canvassed this issue with the minister's advisor in the briefing process. I was concerned that prostitutes themselves may be partners in the operation of these institutions. However, I was informed that that is not the case, which is good. The bill will amend section 7 of the act to clarify that a prostitute is not to be regarded as being involved in a brothel simply because they are entitled by way of remuneration to a proportion of payments made for sexual services provided by the prostitute. I believe that that is an important function of this legislation. Allowing for the annual payment of licence fees and the confirmation of relevant information details of licensees is a good part of the legislation. It is very important that the bill amends the act to require a licensee who is issued a brothel licence for a period of three years to provide annual confirmation of the relevant details in question. As I understand it, in three years time there will be another review by the CMC. Its role is that of a watchdog. It is a very integral role in making certain that the criminal element is kept at bay.

The bill covers a host of issues such as information concerning licensed brothels, enabling managers certificates to be granted for a three-year period, the extension of the regulation-making power and prostitution advertising, all of which give effect to CMC recommendations. The important factor is the role that the CMC plays in all of this. It is also proposed that a regulation be developed for Governor in Council approval within the next six months, outlining that where advertising for licensed brothels and sole operators meets the requirements outlined in the regulation, similar to those currently displayed on the authority's web site, the approval of the authority is not required. The minister has stated that, where an advertisement does not meet the requirements, the licensed brothel or sole

operator will be liable to a fine of 70 penalty points or a \$5,250 fine. It is very important that those fines are in place in this part of the legislation. During the briefing I asked about the inspections. I was informed that there will be two random audits a year and two audits on notice. That is a good part of the legislation.

In summary, the real issue is that local governments have been left out in the cold because they are not an integral part of the consultation process, although I acknowledge that the explanatory notes say that local government has been consulted. It is very important to remember that local authorities have a right to have the final say in the establishment and location of these facilities, and there are guidelines for the location of brothels. I believe that state government and local government should work hand in hand to make certain that the law is upheld and that the local authority and the community are happy with what is happening.

I am also gravely concerned about the appointment of representatives from local government to the association. I would like the minister to elaborate on this point. Will it be an elected member of local government? Will it be a former elected member of local government? Will it be an administrator with local government? What is the situation going to be?

This is a very important part of this legislation and I believe that the people in local government certainly want to know about it. The bill states—

(2) The executive director is to be appointed by the Governor in Council.

(3) The executive director is appointed for the term stated in the instrument of appointment and is eligible for reappointment.

(4) The stated term must not be longer than 5 years.

(5) The *Public Service Act 1996* does not apply to the appointment of the executive director.

The bill states further—

(1) The executive director is to be paid the remuneration and allowances decided by the Governor in Council.

The real issue is contained in that amendment to section 102 of the act to include a health practitioner of five years standing as a member of the licensing authority. That is a very good and solid amendment. But I would like the minister to clarify the amendment that relates to a representative of local government being a member of the licensing authority. It is a very important part of this legislation. Is that person going to be a senior elected person? Is that person going to be somebody who is currently an elected representative? Is that person going to be somebody from the administration of 09 Aug 2006 Prostitution Amendment Bill 2763

local government? Or is that person going to be somebody who is a former mayor of a local authority or whatever?

I will finish by saying that there are many good aspects to this legislation. The opposition is not opposing it for the sake of opposing it; it is opposing it because it is not happy with those two clauses that I have canvassed. If we are going to have a cohesive working relationship with local government, we have to make certain that local government and state government are singing from the same hymn sheet. That will make the job easier for the police and for the authority.

Mr CHRIS FOLEY (Maryborough—Ind) (9.31 pm): I rise to participate in this debate. This is an area that troubles me greatly. I believe that legalised prostitution is legalised sexual abuse. Every prostitute is some daddy's little girl or some mother's son.

Government members interjected.

Mr CHRIS FOLEY: I can hear all the oohs and aahs from the other side of the House, but I ask members to treat this issue with compassion and ask themselves whether they would like their daughter, their sister, their granddaughter, or their grandson to enter into prostitution. Where are the feminists on the government side of the House speaking out against this institutionalised degradation of women? All I hear are catcalls. I just cannot understand why any logical feminist who cares about the rights of women could possibly support this incredibly dehumanising experience.

Of course, one of the arguments is that prostitution is consensual sex, and, therefore, it is fine.

But the average age of entry into prostitution is somewhere between 12 and 16 years of age. I ask: how can there be consensual sex between a child and an adult? There are so many places around the world where younger and younger girls are being dragged into sexual slavery to sate the appetites of dirty johns. The very fact that sex workers, or legalised brothels, are asking for more sex workers because they cannot make enough money because of all the street prostitution is an admission that legalised prostitution has not removed the street prostitutes.

I refer to a \$250,000 reward issued by the Queensland Police Service for information relating to the murder of Elizabeth Rebecca Henry. The Minister for Police and Corrective Services has approved a reward of \$250,000 for information that leads to the apprehension and conviction of the person or

persons responsible for the murder of Elizabeth Rebecca Henry at Samford in 1998. I want to spare members the absolutely horrid and sordid details of the circumstances surrounding Elizabeth Henry's death, but let me say—

Ms SPENCE: Mr Deputy Speaker, I appreciated the shadow minister's contribution because he kept to the legislation and made some very valid points. But this has nothing to do with this legislation. We have some specific clauses to debate. It is not about a prostitute's murder. I would ask the member to contain—

Mr DEPUTY SPEAKER (Mr Fouras): I take that point of order. I think when a bill is on narrow aspects of the legislation—

Mr Hopper: Is that a point of order?

Mr DEPUTY SPEAKER: I accept that it is a point of order. I suggest to the member for Maryborough that he may make some comments on a broader base, but when the legislation is on a narrow basis, he has to keep to the clauses.

Mr CHRIS FOLEY: I respect that, but I am talking about the difference between street prostitution and brothel prostitution.

Ms SPENCE: This legislation is not about the difference between street prostitution and brothel prostitution. It is not about the member's ideological views on prostitution. We are debating some very specific clauses relating to our prostitution legislation.

Mr DEPUTY SPEAKER: There is a lack of specificity in the bill because we are talking about 'and for other purposes'. But that does not mean that you can meander too widely from the bill.

Mr CHRIS FOLEY: I mentioned that because Elizabeth Henry was the sister of a very close friend of mine. It certainly touched our family in a terrible way. As the government does not wish to be honest and hear things that are said and instead wishes to curtail debate on this matter and sweep it under the carpet, I will contribute no further to this debate.

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 2764 Prostitution Amendment Bill 09 Aug 2006 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.

Ms LEE LONG (Tablelands—ONP) (9.40 pm): I rise to speak to the Prostitution Amendment Bill 2006. I note that there are no government members listed to speak at all, except for the minister in reply. It is amazing that they are not speaking to this bill but will vote for it even when so many of them claim to be Christians, go to church each Sunday and say their prayers and make the sign of the cross each day in this House. This is what is called hypocrisy of the highest degree.

As we all know, prostitution was legalised in Queensland in 1999 under this Beattie Labor government. It could be seen as the culmination of a 10-year process that began when the ALP came to power in 1989 after the Fitzgerald inquiry. The Prostitution Act 1999 was amended in 2001 to allow for more prostitutes to work in brothels because the numbers at the time could not keep up with the demand. Here we are in 2006, five years later, with another amendment before us to increase the numbers again because they still cannot keep up with demand. This amendment will mean that more prostitutes will be crammed into the same sized establishments so that the beds can rock and roll 24 hours a day. Even as prostitutes take a smoko break or a meal break or some other break, another will be able to dart in and make sure that the bed remains occupied and earning lucrative dollars not only for the establishment but also for the government. It is all about money. The government is getting its hands deep into the pockets, purses and wallets of prostitutes.

We are told that there are as many as 10 men in waiting rooms at any one time but that waiting is considered to be bad business. The men want their services and they want them much more quickly; hence these amendments. It is a pity that the Beattie government does not apply the same rule of thumb to those people looking for a bed in one of our public hospitals. Can anyone imagine a line-up of 10 people in a hospital waiting room triggering similar legislation to cut down the length of time it takes for them to get a bed, and having a three-year CMC inquiry into how well the numbers of doctors and nurses are coping in our public hospital system and how well they are handling the conditions they have to work under and how many beds are needed? It is a pity a similar inquiry was not held into how many people are waiting in waiting rooms and ambulances outside emergency departments and on long waiting lists for cancer treatment and elective surgery or even just to see a specialist.

Here we are instead debating how to cut back the time anxious blokes have to spend waiting for a working girl. It is claimed that these amendments are needed because prostitutes are too busy to take

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smoko breaks or meal breaks or any other break. The mind boggles at the thought of all of these men anxiously pacing the waiting rooms until it is their turn. One wonders about their wives and families at home and the money spent on prostitutes and not on food for the table or for the kids' education or for health and so on. After all, sex workers do not come cheap.

We are told that each prostitute can earn up to \$1,000 a night. That is a lot of money in anyone's language—it is certainly enough to tempt a girl who finds herself in a situation where she needs the cash. I am sure that very few women would do such a job unless there were high monetary rewards. There must be an enormous amount of money changing hands every day in the name of prostitution, especially when in legal brothels a prostitute can make \$1,000 a shift. When you take into account the cost of overheads and the profits for the owners, the money changing hands would be staggering. It is worth considering that this is just in the legal industry, which is only about 10 to 25 per cent of the industry across the state.

These amendments also clarify that brothels can operate as corporations. We see corporations taking control over so much of our lives these days and here is another example of big multinationals

able to own and control yet another industry. This bill will also close a loophole in the use of condoms in the industry. As the minister described in her second reading speech, there was an incident where a defendant escaped conviction on the basis of making an 'offer' to provide oral services and did not actually perform the services and that is what got him off the hook. This amendment will ensure that 'making an offer' will attract a conviction.

Among these amendments, which cover 17 of the 29 recommendations in the recent CMC report, are some that are aimed at extending the jurisdiction of the independent assessor to include the capacity to hear appeals against 'code' or 'impact' assessment decisions. This will enable local councils to have their decisions overridden in certain cases by the independent assessor. Surely if any level of government should have the strongest possible input into the control of this industry it is the grassroots level of government—that is, our local councils. I think that there are far better answers to this than to simply take the matter out of council's hands—for example, clearer definitions of what is or is not code assessable versus impact assessable. If a brothel operator wanted to install additional office space, for example, that would be very different to an application to increase the number of bedrooms. This industry is one where the voice of the people through their local elected representatives should be heard, and I support the continued strong involvement of local councils.

Other changes include extending a brothel licence and a manager's licence from one year to three years; laws relating to advertising which impose heavy penalties if not properly adhered to and which can attract fines of up to \$5,250; and changes relating to the display of the brothel's licence. Last year a petition with some 20,000 signatures was tabled in parliament opposing the further liberalisation of sex industry laws. This was a highly supported petition and is a good indicator of the vehement opposition to legalised prostitution in this state. Most women feel that it degrades them and certainly would not like a brothel in their backyard or anywhere in the vicinity of their homes or where their children are likely to be. There are now about 21 legal brothels in Queensland. They are mainly in Brisbane and on the Gold Coast and Sunshine Coast. There are also two in Townsville and one each in Gladstone and Mackay. Cairns, which is the closest city to my electorate, has an application for one. There is strong opposition to legalised prostitution, as indicated by the petition tabled last year. People believe that our Christian values are being devalued by legalising this industry and that more effort should be put into cracking down on the illegal industry by the police of this state. Not much has changed since Fitzgerald. I do not support this bill.

Mrs LIZ CUNNINGHAM (Gladstone—Ind) (9.48 pm): I rise to oppose the Prostitution

Amendment Bill 2006. I note the comments from the minister that the bill is a technical piece of legislation—it amends the technical aspects of the current legislation in this state. I will not repeat what the member for Maryborough said but I reinforce that he presented the real face of this industry. He was talking about real people and that this legislation, even though the bill may be technical or may be called technical, is about real people and the impacts of this type of activity.

The National Party speaker, the member for Gregory, made a number of very good points. He said that the opposition would be opposing the bill because of two sections. I will be opposing the bill because I oppose the principle of prostitution, which this bill espouses—that is, that prostitution is the most dehumanising and degrading abuse of women and young men that we have ever legislated for. The legislation increases the number of prostitutes at a brothel from five to eight. It was always a concern when the first legislation for brothels was introduced in 1999 that it would be the thin end of the wedge—that it would see an increase in the availability of prostitutes and the availability of brothels; that over time the placement of brothels, the regulation of brothels, the checks and balances on those who are either forced or required because of their financial circumstances to work in brothels would be relaxed; and that the protection that was purported to be achieved by the prostitution legislation in 1999 would over time be lost and undermined.

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I oppose this legislation because I oppose the principles of prostitution. The other matter I wish to raise is the involvement of local government. Initially local governments were going to have the opportunity to have a right of veto in the establishment of brothels in their local government areas. Once the legislation was passed and some time had transpired, it was clear that most local authorities would not support the establishment of a brothel when an application was made. The government then amended the legislation so that cities with a population of 20,000 and above lost that right of veto. Many of us, including the coalition and Independents, opposed the removal of the rights of local councils to have a say in the social fabric of their local authority area. After all, local councils receive a lot of

firsthand messages from members of their community in terms of social standards and expectations, more so than perhaps the state government and certainly more so than the federal government. I again put on the record my belief that local governments, in all areas, should have a right of expression and re-establish a right of veto in relation to the location of brothels in their local authority areas. That is not why I am opposing this legislation. I am opposing this legislation because I am opposed to prostitution, the demeaning and belittling of men and women who are caught up in this industry.

We have seen indications in the media in Australia that people are brought over from other countries and forced into prostitution. That can now occur in Queensland because we have a brothel industry. I am opposed to the legislation.

Mrs PRATT (Nanango—Ind) (9.51 pm): I rise to speak to the Prostitution Amendment Bill. It is relevant at this time. One of this bill's objectives is to amend the Prostitution Act 1999 to allow the maximum number of sex workers permitted on a brothel premises at any one time to be increased. Why is it that Tasmania, where prostitution and brothels are legal, is now doing a backflip on legalising brothels? An article states—

On 5 October, Tasmanian Attorney-General Judy Jackson announced the amazing news that her government would no longer seek to legalise brothels. She said the government would instead amend the controversial sex industry regulation bill to tighten laws against brothels. MPs in the Tasmanian Legislative Council received many letters from citizens concerned about the impact of the illegal prostitution industry on families and society. Some former prostitutes told the stories of damage done by both legal and illegal prostitution and reported the stories of Shannon Collett and Linda Harrison who flew to Hobart from Linda's House of Hope in Perth to talk to Tasmanian MPs.

There was a feminist academic who gave evidence, Melbourne University associate professor of political science Dr Sheila Jeffreys, of the Australian Coalition Against Trafficking in Women. She spoke to MPs in Hobart. She pointed out that in 2002 Australia signed a United Nations protocol against trafficking in women and agreed to take all measures to discourage the men who foster the exploitation of people leading to trafficking, yet this state continues to push prostitution with this bill. Trafficking women is found in both legal and illegal brothels. The demand for trafficking in prostitutes cannot be separated from the demand for prostitution generally.

One of the first treaties passed by the newly formed United Nations half a century ago was the 1949 Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others. The 1949 UN convention was passed because of the enormous growth in the trafficking of women for prostitution within and between nations. Studies have shown that countries that had illegal or regulated brothel systems had the worst trafficking problems of all. This Prostitution Amendment Bill pushes to increase prostitution and subject our women, children and young men and girls into prostitution.

The Beattie government legalised brothels in 1999, so there is no reason why anyone should not work in a brothel, yet Peter Beattie was upset when a Queensland teacher was found to also be a prostitute, stating that it was not in accord with community standards. As far as I am concerned, the government cannot have it both ways; it is either legal or not. This bill pushes prostitution to remain legal and continues to grow the disgusting occupation that it is.

Hon. JC SPENCE (Mount Gravatt—ALP) (Minister for Police and Corrective Services) (9.54 pm), in reply: Tonight we are debating some technical amendments to our prostitution legislation.

These amendments came about because of a CMC report. I remind members, who have cared to look at that CMC report, that the CMC found that Queensland's legal prostitution industry was one of the safest, crime-free models of regulated prostitution industry anywhere in the world. We have introduced a regulated prostitution brothel system that is working.

I appreciate that some members of this House philosophically oppose prostitution. There are many members in the Labor Party who feel the same way, but we do acknowledge that we cannot stamp out prostitution. People have tried to do that everywhere in the world, and it has never succeeded. We can create a prostitution industry, a brothel industry, where women who work in the industry are safe, where the people who use the services of brothels do so in a safe manner and we eliminate, as far as possible, the crime, violence and health risks associated with prostitution. We have done that in our legalised brothel system in Queensland. We have done all that we set out to do in our own model.

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The CMC found all that. It made some minor recommendations to change the legislation, and that is what we are here to do tonight. We are not here to debate the pros and cons of our own particular

philosophical opposition or support for a prostitution industry.

I am disappointed that the opposition is opposing this legislation. It claims to be opposing it primarily for two reasons. Its main concern is section 87 of the bill, display of licence. This is a section that is asking a licensee to display, in a conspicuous place, the details of their licence. I acknowledge that in the future the licensee will have to acknowledge their licence number, their address and the date on which the licence was obtained. In the future they will not have to display the name of the licensee like a hotelier would. I frankly do not know why hoteliers are required to display their names. Licensees in the prostitution industry have told me that this is still an industry where they do not want their name displayed. Why would we hold them to displaying their name when their licensee number is a sufficient indication to police, to government or to the regulators of who actually holds that particular licence? I do not think this is a major stumbling block in the legislation; I think it is a minor technical amendment.

The second point the opposition has expressed some concerns about is the issue of local government. I think that is a bit more of a valid objection, probably from a philosophical point of view.

Mr Johnson interjected.

Ms SPENCE: Yes, I appreciate that the opposition's major concern is that it wants councils to be able to rule out a brothel anywhere in their local government district. Fundamentally that is the position the opposition is coming from. Fundamentally, the position that we are putting forward in this legislation is that we believe it is fair for a licensee to be able to go to the independent assessor on a number of grounds if a council knocks back their licence application. That is the fundamental point of difference between us tonight. Do we allow a businessperson who is interested in obtaining a licence lawfully for a brothel to go to an independent assessor and have their objections heard when a council knocks back their application? On this particular area we are going to have to agree to disagree this evening.

A number of other issues were raised tonight. An important part of the changes we are making tonight is that we are increasing the number of workers in a brothel from five to eight. Importantly, we are not increasing the number of rooms; that is, we are not increasing the size of our brothels. We are saying that, as the CMC has recommended to us, there are legitimate workplace health and safety reasons for allowing brothel owners to have eight people on the premises to provide services. In busy periods, only having five workers for five rooms means that those workers simply do not have a break. If we could increase that number slightly, then there is the opportunity for people to have meal breaks or other sorts of breaks on a very busy shift. I think that is a very reasonable recommendation.

A couple of members questioned the changes we are making here tonight where the simple act of a sex worker agreeing to have sex without a condom or offering to have sex without a condom is going to be an offence. I think this change to the legislation makes a lot of sense. We do not want our police officers who patrol and police these regulations to be put in the position where they are obliged to have sex with a worker without a condom to create an offence. Simply the act of agreeing or offering should be an offence. I think they are the major points that were raised in the legislation tonight. I commend the bill to the House.

Division: Question put—That the bill be now read a second time.

AYES, 48—Attwood, Barry, Barton, Boyle, E Clark, L Clark, Croft, Cummins, English, Fenlon, Finn, Fraser, Hayward, Hoolihan, Jarratt, Keech, Lawlor, Lee, Livingstone, Lucas, Male, McNamara, Mickel, Miller, Nelson-Carr, Nolan, Nuttall, O'Brien, Palaszczuk, Pearce, Pitt, Purcell, Reilly, Reynolds, N Roberts, Robertson, Schwarten, Scott, Shine, Smith, Spence, Stone, C Sullivan, Wallace, Welford, Wilson. Tellers: T Sullivan, Reeves

NOES, 24—Copeland, E Cunningham, Flegg, Foley, Hopper, Johnson, Knuth, Langbroek, Lee Long, Lingard, Malone, McArdle, Menkens, Messenger, Pratt, Rogers, Rowell, Seeney, Simpson, Springborg, Stuckey, Wellington. Tellers: Douglas, Rickuss

Resolved in the **affirmative**.

Consideration in Detail

Clauses 1 to 22, as read, agreed to.

Clause 23—

Mr JOHNSON (10.08 pm): In the minister's summing-up this evening she made mention of local government and the overriding factor, but she did not make mention of local government representation on the authority. I made representation during my contribution: what would the criteria be for that local authority member? Would it have to be an elected representative local government member, a member of administration from local government, or would the criteria also be acceptable to a former elected member of local government?

Ms SPENCE: We are changing it so that section F says 'a person who represents local government'. So it could well be a former mayor, a former councillor in local government—

Mr Johnson interjected.

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Ms SPENCE: Absolutely. What we are changing it from is a representative nominated by the LGA to a person who represents local government. I think any government would be very foolish to appoint someone to this authority who did not have the confidence of the Local Government Association or local government generally, but I am concerned that with the way it currently exists we could have a representative from a Local Government Association from an area in Queensland which, frankly, does not have any brothels or which is unlikely to have any brothels. That situation has not arisen so far. They have appointed quite responsible people from their number, but this obviously gives the government of the day the opportunity to appoint someone who represents local government rather than just a nominee of the LGA.

Clause 23, as read, agreed to.

Clauses 24 to 41, as read, agreed to.

Third Reading

Question put—That the bill be now read a third time.

Motion agreed to.

Long Title

Question put—That the long title of the bill be agreed to.

Motion agreed to.