



Speech by

**Jann Stuckey**

**MEMBER FOR CURRUMBIN**

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## **PROSTITUTION AND OTHER ACTS AMENDMENT BILL**

**Mrs STUCKEY** (Currumbin—LNP) (6.02 pm): I rise to join in the debate on the Prostitution and Other Acts Amendment Bill 2009, which was introduced into this House on Tuesday, 18 August 2009 by the Minister for Police, Corrective Services and Emergency Services. I assume that the rapid introduction of this bill came as a result of August 2009 press reports from the *Australian*, the *Courier-Mail*, the *Brisbane Times* and local papers exposing to the public a sex trade industry rife with illegal bordellos, streetwalkers and massage parlours offering escort services. It never ceases to amaze me how the members of this Labor government can sit on their hands and do nothing but when their legislation falls under public scrutiny and is proven to be flawed, they swiftly bring in amendments to existing laws as it suits them. After this flurry of activity, one would expect this legislation to be debated. But instead the Bligh government has allowed it to languish on the *Notice Paper* for two weeks short of one year.

As honourable members have heard from my colleague the shadow minister, the honourable member for Gregory, the LNP will not be opposing this bill in its entirety. However, as is often the case with the introduction of legislation by Labor, it is sorely wanting, and we on this side of the House acknowledge the need to further amend provisions within the current legislation.

Prostitution legislation was first introduced into this parliament in 1999. Over the past 10 years since the legislation's inception this government has had to amend the Prostitution Act five times. During that time the Crime and Misconduct Commission has issued one position paper, two reports and a discussion paper—namely, in December 2004, the *Regulating prostitution: an evaluation of the Prostitution Act 1999 (Qld)*; in March 2005, an escort inquiry discussion paper; in December 2005, *Should legal outcall prostitution services in Queensland be extended to licensed brothels and/or escort agencies*; and in October 2006, *Regulating outcall prostituting: should legal outcall prostitution services be extended to licensed brothels and independent escort agencies?*

During the second reading speech on the third review of the act, the then minister for police and corrective services saw fit to inform this House—

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.

The minister stated further—

We have introduced a regulated prostitution brothel system that is working.

Whilst that notion might have been correct several years ago—but I have my suspicions—it seems that it has taken only a short while for the sex industry in Queensland to come crashing down around this government's ears. The *Courier-Mail* reported on 17 August 2009 that illegal prostitution rings and cathouses riddled the south-east corner. It was estimated in one article that only 10 per cent of the industry was operating legally and that the 2004 CMC review estimated that 75 per cent of sexual services were provided by outcalls or escort services and most were illegal. Indisputably, illegal prostitution is rampant and near impossible to eradicate, which means that boys and girls as well as men and women will continue to be exploited by the insatiable greed and for the sexual gratification of others. The

government's amendments could do more not only to protect the vulnerable people lured into this industry but also to implement much harsher penalties for those who are caught breaking the law.

This legislation will amend the following acts: the Prostitution Act, the Criminal Code Act and the Child Employment Act and, according to the minister's second reading speech, it continues to support the five guiding principles regulating prostitution in Queensland. The minister states further that 16 of the 23 recommendations of the 2006 CMC report are to be implemented via this bill, which will see changes for licensed brothels and independent escort agencies, a part regulation of the social escort industry and further deterrence for those who participate in unlawful prostitution.

What is disappointing—and which again leads me to question this government's flurry of activity when preparing this legislation—is the fact that not all 23 recommendations are being implemented. Granted, six of them have been accomplished through non-legislative means. However, some have been omitted. I mention in particular recommendation 22, which would allow for the disabling of telephone numbers advertised by illegal prostitute providers. Perhaps the minister would enlighten honourable members as to the delay with this recommendation.

Legally, some 25 bagnios currently operate in Queensland: 12 in greater Brisbane; five on the Gold Coast; two each in Maroochydore, Townsville and Cairns; and one apiece in Townsville and Mount Isa. Presently in this state the only forms of prostitution sanctioned by law are within the confines of a licensed brothel and incalls or outcalls by sole operators. However, it is outcalls that appear to pose the most danger for legalised solo prostitutes, and this bill purports to address this issue by allowing the holder of a crowd controller's licence issued under the Security Providers Act 1993 to be employed as a driver for a sole operator.

I remember vividly the main story on the news on Saturday, 1 May in 1993—a long time ago, but it is still etched in my memory—when Melissa Ryan was murdered in the Currumbin electorate. Melissa was 21 years old at the time and as an outcall sex worker she responded to a call to visit a client at the Sun Valley Motel in Currumbin. Tragically for Melissa, she would not return home again. Charles Sewell was later convicted and sentenced for her murder but only because of what can be described as brilliant detective work from the police investigators working on the case at that time. If Melissa had had the opportunity to employ the services of a security guard as per the recommendations in this legislation, she may well be alive today. Of course, there is always the fact that if she had not been a sex worker she would most likely not have suffered this terrible fate.

Allowing sole operators to use the services of a security guard or monitoring firm does offer a new dimension of security and is intended to offer increased safety for prostitutes who work as sole operators in Queensland. However, whilst it is a move in a positive direction, these amendments are still open to misinterpretation and abuse. Undeniably though, by far the riskiest business in this line of work is conducted by street workers with no fixed address. Numerous grisly murders of street based prostitutes have been vividly reported upon over the past decade or so and highlight the inherent added dangers of illegal prostitution.

Every worker in Queensland, no matter what their legalised occupation, has the right to feel safe at work. A 2008 report by Dr Antonia Quadara for the Australian Institute of Family Studies, titled *Sex workers and sexual assault in Australia: prevalence, risk and safety*, included figures from a survey conducted in 2004 that found that, of the 216 sex workers surveyed, 78.8 per cent of street workers had experienced sexual assaults at work and 60.6 per cent of these attacks were by clients. Let us compare this to the results for brothel workers which revealed that a lesser figure—still not good, of course—of 34.7 per cent had been sexually assaulted. That is under half the statistic for street workers. Of those brothel workers who had been sexually assaulted, only three per cent of the assaults were by clients.

These figures are not surprising given the vulnerability to attacks that non-brothel workers are exposed to. Permitting a security guard to be employed as a driver for a sole operator has its merits. However, as I mentioned earlier, I hold concerns that these new amendments can still be abused as they do not, from what I can gather—and I will very happily be proved wrong by the minister—shut a major loophole to stop what is commonly called pimping. Furthermore, they could expose sex workers to organised crime syndicates and underworld identities that they have to date avoided. I pose the following question: if a security firm has 25 employees that hold a current crowd control licence, what would prevent the head of the firm allocating one security guard from his firm to each prostitute? Is it not then possible for the boss of this firm to manipulate these laws to legally operate as the pimp for the 25 prostitutes given that security guards will be paid for their services? I would appreciate some comment on this from the minister in his reply.

On countless occasions both here in this House and in the public arena questions have been raised about the links between some security firms and organised crime groups such as bikie gangs. I am of the opinion that this area needs to be investigated further and defined more clearly so that the scenario I have just outlined does not occur. The amendment as it is at this point could be seen by some in the general

public to actually be helping organised crime gangs by legalising individual pimps who could be then coordinated by one person or a crime ring.

Having said that, I am very pleased to inform the House that illegal prostitution in Currumbin has not flourished in recent years due to the diligence of our local police. There has been little, if any, increase in these activities over the past decade as incidents are acted upon quickly. They seem to occur more in the section of Palm Beach located in the Burleigh electorate and they are often drug related. Overall, the Gold Coast is struggling to deal with a lack of resources, as was highlighted by the honourable member for Gregory when he referred to segments of the Gold Coast and its problems.

This bill seeks to tighten advertising of escort services, which will be well received in the community. On any given day when one opens the newspaper there can be up to two pages of escort and prostitution services advertised. The provision under section 96A, advertising social escort services, to make sure an advertisement is always followed with the words 'non-sexual' or 'sexual services are not provided', should result in a reduction of the number of advertisements in newspapers, significantly in turn cutting the exposure of our children to this material. It has been for a long time very easy for prostitution services to be offered by posing as escort services as a way to avoid the proper licensing fees that legal brothel owners have to pay. The new laws also go some way to curb the influx of 'people trafficking' for use in the sex industry. A case on the Gold Coast of a former local hairdresser luring two Thai women to the area under false pretences comes to mind. This predator coerced these women to come and work on the Gold Coast where he pimped them out to repay debts that he owed loan sharks. He has now been convicted and will spend several years behind bars.

Another area of this legislation that has been exposed as not going far enough to deter people from operating illegally is the issue of paltry fines for illegal operators. By comparison, the legal brothel and sex worker industries pay upwards of \$30,000 per year in licences, compliance fees and charges. They work under strict guidelines in all facets of the business and are regulated and reviewed regularly. These include all-important health and safety issues to make certain that both clients and workers are not exposed to any sexually transmitted diseases and, of course, that workers are in a safe working environment.

Owners of licences go to considerable lengths to make sure that all the requirements are met so as to keep their licence. It is absolutely ludicrous, after all the money spent on making sure a venue complies with the act, that when an illegal operator is brought before our court system they are fined a meagre \$2,000, as occurred in a case on the Sunshine Coast not long ago. One prostitute could earn this amount in a couple of days and a top-end escort could earn this amount overnight. Such small fines do not deter illegal operators who have the potential to rake in double that a night.

If this government is serious about cleaning up this industry it must put a penalty system in place that reflects the amount charged for licences on average in order to send a strong message to those operating in this industry that noncompliance will not be tolerated. The government needs to hit operators of illegal brothels and/or escort agencies operating under false pretences where it hurts—in the hip pocket—and severely so. Only then will we see some change in the reduction of illegal operators here in Queensland.

I move now to my final point in relation to amendments within this bill. That the Labor government in Queensland has not legislated against children under the age of 18 years working as social escorts before now absolutely beggars belief and highlights its half-hearted attitude to child protection. Omission of this amendment from the Child Employment Act 2006 reveals a shameful abrogation of responsibility by this government. Under no circumstances should a child under the age of 18 be exposed to some of the seedy behaviour that goes under the guise of the escort profession. Young, vulnerable and often lonely, they are easy targets. What is even more damning for this government that has been in power for over a decade is the failure to make public the findings of an investigation relating to child prostitution in the year 2000 as part of Project Axis's inquiry into child sex offending. It did not make it public because it had not uncovered any new information. Yet the draft report in February 2006 concluded—

Child prostitution is a significant problem in Queensland.

This casual approach to child abuse makes me sick to the stomach. How many kids could have been protected had the government acted swiftly almost four years ago? Despite considerable research by the Parliamentary Library, this final report has failed to materialise. I wonder, was this report ever made public? Were the recommendations ever considered or included? I do hope the minister will be able to shed some light on my questions on this.

In summary, whilst these amendments have some merit, there is more that this government should have done. Organised crime gangs could establish an easy foothold that would be hard to break if we do not look closely at the loopholes exposed here. Every Queenslanders deserves to feel safe at work no matter what their profession—in a legal sense, of course—and the government needs to address the ongoing issue of child prostitution and stop hiding reports that could be somewhat damning of its inaction over the last 12 years to protect the youth of Queensland.