Queensland
Government

**Prostitution
Licensing Authority**

10 April 2017

Mr Duncan Pegg MP
Chair
Legal Affairs and Community Safety Committee
Parliament House
George Street
BRISBANE QLD 4000

Dear Mr Pegg

Thank you for the opportunity to make a submission to the Legal Affairs and Community Safety Committee Inquiry into the Court and Civil Legislation Amendment Bill 2017 (the Bill).

This submission will be confined to Part 24 of the Bill. That is, those clauses that amend the *Prostitution Act 1999*. The Department of Justice and Attorney-General has developed the amendments in consultation with officers of the Prostitution Licensing Authority (PLA). The PLA is supportive of the amendments, which will improve its operational efficiency.

The removal of the requirement that an application for variation of an approved manager's certificate be treated as if it were an application for a certificate reflects that a variation is administrative in nature as it involves altering or adding to the licensed brothel premises stated in the certificate for which the approved manager is authorised to work. It is commonplace for approved managers to vary their certificate as they move from one brothel to another or because they work at multiple brothels. Approved manager's certificates are granted by the PLA for a period of three years and a person is only granted a certificate if they have been found suitable. An application for variation of a certificate does not affect a person's ongoing suitability to be an approved manager of a licensed brothel.

The Bill amends the Prostitution Act to enable the Governor in Council to appoint a member of the PLA to act as chairperson during a vacancy in the office of the chairperson or when the chairperson is otherwise unavailable. Currently, there is no provision in the Prostitution Act for the appointment of an acting chairperson. This is impractical because it has meant that the chairperson has needed to remain on duty even during periods which would ordinarily be considered leave, such as absence overseas for personal reasons.

The Bill will remove the 'chief executive, or a person nominated by the chief executive' as a member of the PLA. The 'chief executive' is the Director-General of the Department of Justice and Attorney-General. The PLA is an independent statutory authority, which makes decisions at arms-length from the Government.

There is no functional reason for the department to be represented on the PLA and the presence of the 'chief executive' as a member of the PLA is contrary to its independent status.

Under the Bill, the quorum for meetings of the PLA will be amended from 'half the number of members plus one' to five members. With the removal of the 'chief executive' from the PLA, the quorum would revert from six to five members under the half plus one formula in any event. However, by expressly stipulating that a quorum for a meeting is five members, the amendment will ensure that the quorum will remain at five should the membership composition of the PLA be altered in the future. A quorum of five from eight members will ensure sufficient breadth of views at meetings of the PLA.

The Bill will enable the PLA to approve all forms under the Prostitution Act, except for those relating to disclosure of changes in criminal history. Currently, it is the 'chief executive' of the Department of Justice and Attorney-General who is responsible for approval of forms, except for those relating to prostitution advertising or social escort services advertising. This is contrary to the status of the PLA as an independent statutory authority. It is the PLA that is the decision-maker under the Prostitution Act and it is appropriate that this should extend to deciding on its own forms. As the Prostitution Act currently stands, the PLA is not even responsible for deciding on its own application forms for a brothel licence or an approved manager's certificate even though it is responsible for deciding if an applicant is a suitable person to be granted a licence or certificate.

Yours sincerely

Margaret Isaac
Executive Director