



Prostitution  
Licensing Authority

25 September 2019

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

Dear Chair

Thank you for your correspondence of 20 September 2019 seeking a submission on the Legal Affairs and Community Safety Committee inquiry into the Police Powers and Responsibilities and Other Legislation Amendment Bill 2019.

This submission is confined to the proposed amendments to the *Prostitution Act 1999* (the Act) which are intended to improve the operational efficiency and effectiveness of the brothel licensing framework and to facilitate Prostitution Licensing Authority (PLA) oversight of the licensed sector of Queensland's sex industry.

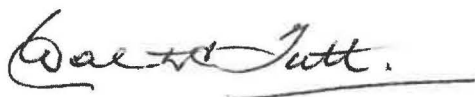
The Bill will end the three-year ineligibility period to apply for another brothel licence or an approved manager's certificate in circumstances where a person's licence or certificate has been automatically cancelled for failure to pay annual fees. The ineligibility period was an unintended consequence of the automatic suspension/cancellation provisions for non-payment of annual fees. A period of ineligibility, let alone for three years, is an unduly harsh consequence for the simple non-payment of fees, especially in circumstances where it prevents a person who would otherwise have returned to the industry. The PLA has already achieved its objective by the automatic suspension/cancellation of a licence or certificate for non-payment of annual fees. There is no need for an ineligibility period in these circumstances.

The Bill will also reduce contravention of a condition of a brothel licence or an approved manager's certificate from an indictable to a simple offence, lowering the maximum penalty from 200 penalty units or five years imprisonment to 20 penalty units. A standard set of conditions is attached to each licence and certificate, encompassing a range of matters including proof of age of sex workers, sexual health matters, safety and security, sex worker autonomy, inductions for sex workers and approved managers, information to be provided to the PLA, records to be kept, and maintenance and cleaning. A significant number of these conditions might be described as administrative and fairly low level in nature. The penalties imposed by the courts for contravention of a condition are invariably lower than 20 penalty units, with no conviction recorded. It is fanciful that a period of imprisonment would ever be imposed. For these reasons, it is appropriate that contravention of a condition be made a simple offence with a maximum penalty of 20 penalty units. At a future point, it may also make the offence suitable for prescription as an offence for which a Penalty Infringement Notice can be issued, easing the burden on the police and diverting the offences from the courts.

Additionally, the Bill provides for statutory powers for authorised PLA officers to enter, search and seize, require the production of documents and not be obstructed in their duties. It is a function of the PLA to monitor the provision of prostitution through licensed brothels, including by way of audits and inspections to monitor and ensure regulatory compliance. In this way, the PLA ensures a clean, healthy and safe licensed brothel sector, for the benefit of the community. These powers are commensurate with the role of the PLA as an industry regulator and are fundamental to effective PLA oversight and regulation of licensed brothels and the Act has been deficient in not providing for them. While the PLA has sought to manage this by brothel licence condition, it has relied on the goodwill of licensees and approved managers, who might otherwise refuse to comply. If PLA officers were denied access to a brothel, for instance, they would need to involve the police to secure access, which would be an unnecessary utilisation of police resources. The powers provided by the Bill are subject to a range of safeguards, as outlined on pages 20 to 21 of the Explanatory Notes.

I trust this information is of assistance to the committee.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Walter H Tutt', with a horizontal line underneath.

**WALTER H TUTT**  
**CHAIRPERSON**