



13 September 2011

RECEIVED

16 SEP 2011

Legal Affairs, Police, Corrective Services
and Emergency Services Committee

The Hon Dean Wells MP
Acting Chair
Legal Affairs, Police, Corrective Services and
Emergency Services Committee
Parliament House
George Street
BRISBANE QLD 4000

Dear Mr Wells

Thank you for inviting the Prostitution Licensing Authority (PLA) to make a submission to the Legal Affairs, Police, Corrective Services and Emergency Services Committee inquiry into the *Police Powers and Responsibilities and Other Legislation Amendment Bill 2011* (the Bill).

The PLA is a regulatory agency whose functions are restricted to prostitution-related matters, primarily the regulation of the licensed brothel sector of the sex industry in Queensland. Accordingly, this submission will be confined to the proposed clause 101 of the Bill, which will expand Schedule 5 (Additional controlled activity offences) of the *Police Powers and Responsibilities Act 2000* to include s. 77A(2), (3)(a) or (b) of the *Prostitution Act 1999*. This will provide immunity for a police officer engaging in a controlled activity. It would mean that a police officer could pose as a:

- sex worker to offer to provide a person with prostitution involving sexual intercourse or oral sex without the use of a prophylactic
- client of a sex worker to ask a sex worker to provide prostitution involving sexual intercourse or oral sex without the use of a prophylactic or to accept such an offer from a sex worker.

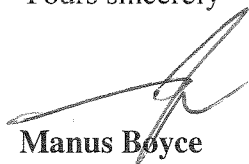
The PLA is satisfied that these controlled activity offences will not be used indiscriminately. For example, it could not possibly encompass a situation in which a police officer, posing as a client, was attempting to entrap sex workers by cold calling them asking for unprotected sex. Rather, a controlled activity would only be authorised in circumstances where police had credible information that a client was asking sex workers for unprotected sex or where a sex worker was offering to provide clients with unprotected sex or where sex workers and clients are engaging in unprotected sex.

Australia's *Second National Sexually Transmissible Infections Strategy 2010-2013* identifies sex workers as a priority population, "because of their significantly higher number of sexual encounters than other community members and the higher potential for transmission of STIs" (p. 17). Sex workers or clients infected with a STI may be asymptomatic and if they are engaging in unprotected sex they may unwittingly

spread these infections. However, the strategy acknowledges that, “the incidence of STIs in sex workers in Australia is among the lowest in the world” and safe sex is the norm (p. 16). Despite community perceptions of sex workers as vectors of disease, studies consistently show that the sexual health of sex workers is comparable or even superior to that of the general community. Sex workers are motivated to have safe sex because their livelihood depends on remaining healthy and well. They do not want to contract a STI from a client. The problem is not sex workers but clients. Client demand is critical in shaping the sex industry. In the absence of client demand for high risk activities, very few sex workers would offer or provide unsafe sex.

The PLA supports clause 101 of the Bill as a measure to enhance public health. It is in the public interest that prostitution involving sexual intercourse or oral sex occurs only with a prophylactic.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Manus Boyce', with a long horizontal stroke extending to the left.

Manus Boyce
Chairman