

Introduction to the PLA

Abbreviations

CJC	Criminal Justice Commission
EEO	Equal Employment Opportunity
LGAQ	Local Government Association of Queensland
PAC	Prostitution Advisory Council
PC	Personal Computer
PLA	Prostitution Licensing Authority
QCC	Queensland Crime Commission
QPS	Queensland Police Service
SOE	Standard Operating Environment
SQWISI	Self-health for Queensland Workers in the Sex Industry

The Prostitution Licensing Authority (PLA) was established by the *Prostitution Act 1999*. The PLA officially began operation on 1 July 2000 when the Prostitution Act became law in Queensland. The PLA had its inaugural meeting on 6 July 2000.

Mission statement

To ensure that licensed brothels are regulated in the community interest.

Values

Respect
Integrity
Health and safety

Operating principles

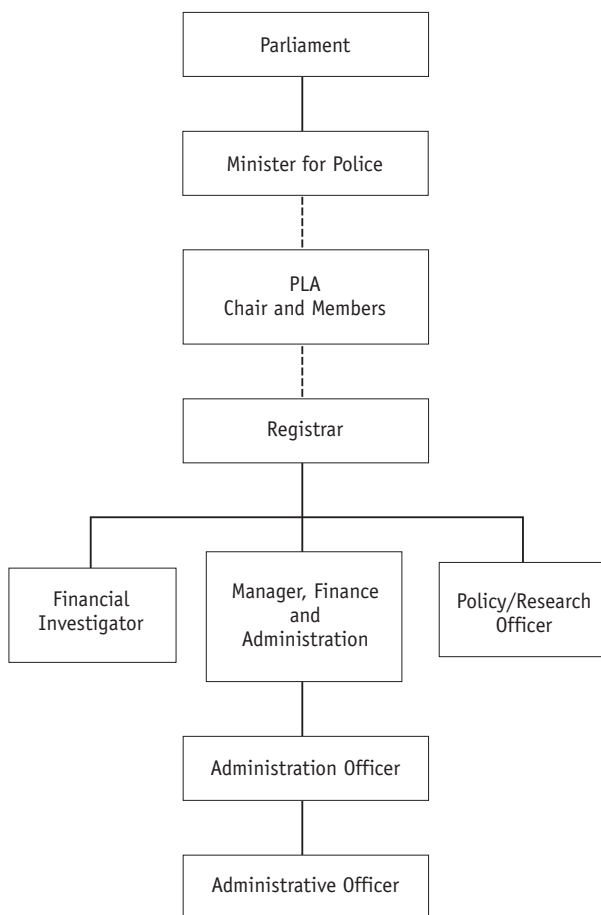
The PLA:

- acts in the public interest
- is committed to eliminating corruption and organised crime in the prostitution industry
- is committed to promoting and improving safety and health in the sex industry and in the wider community
- places emphasis on consultation to reach the objectives of the PLA
- provides a stimulating, satisfying and safe work environment free from discrimination on the basis of gender, race, religion, sexual preference or disability
- operates to ensure that all its activities are based on the best information and research available to it.

Reporting structure and organisation

The PLA employs six officers under the *Public Service Act 1996* to support the work of the PLA. Staff of the PLA answer to the Registrar, who in turn reports to the PLA. The PLA reports to the Minister for Police and the Parliament.

Figure 1: PLA organisational structure



Key achievements for 2000–2001

- > The PLA licensing system has been established and is operational.
- > A review of the PLA licensing database has been conducted.
- > A risk assessment has been completed on the processing of applications.
- > A complaint handling and referral policy has been developed and implemented.
- > Advertising guidelines for prostitution services provided by sole operators have been established.
- > Liaison has occurred with the print media in relation to appropriate advertising for newspapers.
- > An education strategy on the role and function of the PLA and the Prostitution Advisory Council (PAC) for key stakeholder groups has been implemented.
- > Security at the PLA office has been upgraded.
- > Law reform proposals relating to prostitution have been developed.
- > Negotiation has commenced with the Criminal Justice Commission (CJC) about its review of the Prostitution Act.
- > A Code of Conduct has been developed and implemented.
- > A Strategic Plan has been developed and will take effect during the 2001–2002 financial year.

from the dark days...

The history of prostitution in Queensland

The oldest profession

Prostitution in Queensland is not a new phenomenon. It has always existed in this State, but has often been shrouded in anonymity. From the penal settlements through to the colonial pastoral, mining and maritime frontiers, the role of prostitution in Australian society has been an important avenue for women's economic survival (Frances 1994).

From as early as 1881, a report of the Commissioner of Police suggested that eliminating prostitution was not practical and that prostitution should be regulated through a licensing system:

'Many complaints have been made during the year of the presence of prostitutes on the streets of Brisbane and applications have been made to the police to take steps for closing brothels and other places resorted to by this sort of woman. Such places will continue to exist and perhaps the best plan to adopt will be to place them under police supervision as much as possible, which might be done by licensing common lodging houses and giving police power to inspect them at any hour.'

It has always been the fear of disease and the consequential threat to the sexual health of the community that has presented the most powerful argument for controlling prostitution. Following the introduction of similar legislation in Britain, Queensland legislators passed the *Act for the Prevention of Contagious Diseases in 1868*. The Act imposed compulsory examination for venereal disease on registered prostitutes, upon penalty of imprisonment. The registration of prostitutes for the purposes of the Act created, in effect, a form of regulation.

The 'Contagious Diseases Act' was the target of some debate and criticism over time, with opponents of the legislation labelling it an 'unjust, degrading, demoralising failure' (Lewis 1998). Officials had wide discretionary powers to register an individual as a prostitute and the subsequent compulsory examination, focusing on only one party to the illicit transaction, was seen by some as a violation of civil liberties. If disease were discovered or suspected, or if the registered prostitute did not attend for the weekly examination, the Act provided for compulsory imprisonment in a 'lock hospital', an institution more akin to a prison than a hospital. Ultimately, the Act became ineffective as it applied only to

particular population centres. Towards the early part of the new century it was generally agreed there was no evidence that the Act had resulted in a decline in venereal disease (Lewis 1998).

The Act was finally rescinded in 1911, although the key elements of the framework survived in the *Health Act 1911*, which contained regulations requiring prostitutes to present for medical examinations. A proclamation was issued, applying to Brisbane, South Brisbane and adjacent towns and shires, which required continued fortnightly examinations of registered prostitutes (Lewis 1998).

The practical result of continued regulation was that prostitution in the metropolitan area became a relatively stable industry. A number of well-known 'houses of ill-repute' – which seem to have been relatively open and well-tolerated – operated in the inner-city and South Brisbane areas.

The established sex industry in Queensland rose to national attention during the Second World War, when the presence of large numbers of American servicemen in Queensland stretched the regulated and the unregulated sex industry to well beyond its capacity. In September 1942, the need for prostitutes became so intense that Prime Minister John Curtin decided to act:

fact:

A recent study of sex workers in Queensland found that about two-thirds of the sample had experienced threats, just over half had been the victim of a robbery, and about a third had been the victim of assault or sexual assault

Host 1999

'There were a quarter of a million servicemen in Brisbane, a number equal to the city's pre-war population. Curtin was told by State officials that they could no longer keep the peace unless more females were provided for the soldiers at once. The federal authorities were in fact very explicit in their approach to a Sydney underworld figure: Could anyone fill a train with warm, active females willing to help the war effort by relieving pressures building up on Brisbane? Sydney filled the train and Curtin gave it a high priority clearance.' (Moore 1981)

The established houses, known to the visiting Americans as 'cat houses', prospered. The longest queues were formed on Wednesdays – the day after the ladies' Health Department check. Excess demand, and the exclusion of black servicemen from some of the better areas of the city, gave rise to less salubrious establishments, usually close to liquor supplies.

South Brisbane was one such place and was a concern to both civil and military police.

During this period, the National Security (Venereal Diseases and Contraceptives) Regulations of 1942 came into force, granting the chief medical officer in each State the power to compel a person to undergo a medical examination and to detain and compulsorily treat the person. In response to a rise in the incidence of syphilis and gonorrhoea, and aimed at protecting the allied troops, the regulations were enthusiastically applied in Queensland, which was the only State in Australia to have retained the lock hospital. The regulations were almost exclusively applied to women, particularly registered prostitutes, and were repealed in 1945.

The Second World War had created a black market for numerous luxury foodstuffs and consumer goods and this situation persisted for several years after the war. In contrast to the localised corruption of the past, some police officers responded to the opportunity to engage in diverse corrupt activities. Such activity was defended on the grounds that the information so gained from informants helped solve crime.

In 1957, a Country Party – Liberal Government was elected in Queensland. A new Police Commissioner was appointed. Declaring that brothels had transgressed the guidelines concerning toleration, the Police Commissioner soon moved unilaterally to end the regulated system of prostitution.

In Cabinet, the Minister for Police produced a Cabinet minute stating his intention to close all brothels and to bring their control directly under the police. The Minister for Health warned that closing the brothels would drive the girls to freelance and reduce control of venereal disease.

In 1958, the Solicitor-General advised a government under pressure from the morality lobby that in the case of the house at 58 Albert Street:

The keeping of these houses is definitely unlawful, but every government has refrained from enforcing the law to such an extent, as to not close all these places up, there being little doubt that strict enforcement of the law would be against the public interest, not only from a

health point of view but also in many cases on the grounds of public safety.’ (Letter Solicitor-General to Under-Secretary, Department of Labour and Industry, 15 December 1958)

fact:

A study in New South Wales surveyed 280 female sex workers and found 98% consistently used condoms at work

Lovejoy et al
1991

Regulated prostitution in Queensland came to an end in 1959. Control of prostitution shifted from the Health Department to the Police Department, thereby creating a concentrated opportunity for corruption. Prior to this, police corruption appears to have been localised and based around arrangements with individual SP bookmakers and publicans infringing the liquor laws.

When the houses closed, the focus of prostitution moved into hotel lounges and inner-city flats. Hotel-based prostitution was highly visible and it became a glaring public issue in the early 1960s following allegations that police were involved with prostitutes and after-hours drinking at an inner-city hotel.

The resulting National Hotel Royal Commission failed to cast any light on the developing milieu. With hindsight, historians consider the Royal Commission to have been superficial, lasting only 34 days, involving few witnesses and commanding only limited terms of reference.

fact:

A study conducted of Melbourne students aged 17 to 20 found that 80% had sex with a regular partner in the previous three months, and only 18% had always used a condom

Moore 1991

The spectacular round of gangland killings in the Sydney underworld in 1967-68 saw several crime figures move north. The massage parlour and its close stablemate, the ‘photographic studio’, first appeared about this time.

In about 1979, when individuals with experience in the Sydney crime scene came to Brisbane and established several massage parlours and escort agencies, the Police Department’s Licensing Branch was again corrupted. Two groups dominated prostitution in Brisbane and the Gold Coast. Both had extensive interests in other criminal activities and their syndicates can fairly be described as organised crime.

Corruption of police between 1981 and 1987 enabled these two syndicates to prosper in the following ways:

- It provided security, making capital investment worthwhile
- The regulatory burden was borne only by the sex workers themselves

- A disproportionate amount of law enforcement was directed towards single sex workers, one effect of which was that street prostitution virtually disappeared from Brisbane.

Officials sought to give the impression that laws were being actively enforced. Impressive numbers of convictions were recorded, and the Police Department was quick to counter any suggestion that 'breaching' occurred by arrangement. However, in 1987, allegations were raised in articles appearing in *The Courier-Mail* by journalist Phil Dickie and in the ABC Four Corners program *The Moonlight State* about police corruption and toleration of organised crime in prostitution.

The allegations led to the establishment of the Fitzgerald Inquiry, which continued from 1987–1989. The Fitzgerald Inquiry discovered significant vice and apparent inaction by Queensland police in enforcing prostitution laws throughout the preceding years. Several former Licensing Branch officers, having abused their power by demanding favours and payment of protection monies from brothel owners, were subsequently charged and convicted of corruption. Fitzgerald recommended the establishment of the Criminal Justice Commission (CJC) and recommended that the proposed CJC undertake a review of prostitution laws to consider the merits of decriminalising prostitution.

In 1991, the CJC produced its report on prostitution, *Regulating morality? A review of prostitution laws in Queensland*, which was the result of significant research, consultation and survey work. The key recommendations of the report were that:

- Sole workers operating from their home should remain lawful
- Street soliciting should remain illegal
- Brothels of 2–10 workers (including a manager, security personnel, receptionist and sex workers) should be lawful subject to a licensing regime and local authority approval
- A Regulatory Board should be established which would report to the Minister for Health
- Minors should be protected from exploitation (CJC 1991).

The recommendations made by the CJC were considered controversial, with support coming from neither the Parliamentary Criminal Justice Committee nor the Government. The Government responded to the CJC report by introducing the *Prostitution Laws Amendment Act 1992*,

with the central aim of eliminating the involvement of organised criminal activity in the sex industry. The main features of the Amendment Act were that:

- Sole operators remained lawful
- Facilitating or controlling prostitution became an offence
- Police powers were increased to allow them to demand the name and address of any person associated with prostitution
- Police were granted the power to arrest without warrant
- Advertising prostitution was prohibited.

In introducing the legislation, the Police Minister stated that 'the Government recognises that prostitution will not be eliminated from our society, nor would it be appropriate to do so at the expense of other problems in our society'.

There was significant criticism of the legislation at the time of its introduction. Social and political commentators at the time dubbed the framework 'abolitionist'.

Some argued that the Amendment Act had failed to address the involvement of organised crime altogether and that sole operators were placed at increased physical risk. Amid predictions that the reforms would only drive prostitution further underground, make sex workers more vulnerable to coercion and create further opportunities for official corruption, the Government made a commitment to review the laws in due course.

The further review of the prostitution laws was eventually initiated by Government in the mid-1990s, although the discussion paper presented to Cabinet was never publicly released and the reform process stalled.

The review was recommenced with the change of government in 1998, when the newly elected government released a discussion paper and undertook an extensive process of consultation. The Prostitution Bill was introduced into the Parliament in 1999. It was read a second time on 10 November 1999 and, after debate, was passed and assented to on 14 December 1999. The Prostitution Act came into effect on 1 July.¹

fact:

One survey has shown that a large proportion of clients of sex workers, somewhere near half, are married men, and nearly half said they visited a sex worker at least once a month

Perkins et al 1996

¹ The PLA gratefully acknowledges the work of Anne Philtrip (Intelligence Analyst, CJC) who gave this description of the history of prostitution regulation which was derived from the CJC report entitled *Regulating morality: A review of prostitution laws in Queensland* and from an unpublished dissertation by L.Cullinan.

What have we learnt so far?

The sex industry, despite a strict law enforcement response to it, has survived in Queensland and, at times through history, has clearly prospered. In fact, one analysis of the Australian sex industry has estimated it to be an industry equivalent in economic significance to the sugar industry (Queensland Crime Commission and Queensland Police Service 1999).

Control of the industry has traditionally concentrated on efforts to ensure the sexual health of individual sex workers and, consequently, the enhanced sexual health of clients and the wider community.

In an attempt to address organised crime identified through the Fitzgerald Inquiry, the Prostitution Laws Amendment Act represented a move away from a policy of containment and toleration of brothels and escort agencies to a policy of strict enforcement of the criminal law. Increased law enforcement, enhanced by increased police powers, has seen a reduction in the number of large illegal traditional-style brothels in Queensland. For the most part, illegal brothels that continue to operate in Queensland consist of premises in which small numbers of workers operate (not necessarily at the same time) while trying to maintain the appearance of being single operators.

The net effect of the Prostitution Laws Amendment Act had been to drive the sex industry further underground. This had resulted in workers avoiding contact with health officials and has effectively created opportunities for official corruption. As a result of these laws and due to high levels of police activity, sex workers have operated within an inaccessible, fragmented industry for fear of attracting police attention.

Before 1992, Queensland Health clinicians had access to workers through 'tolerated brothels' and through advertisements for prostitution. After 1992, with the prohibition on advertising and the end of tolerated brothels, health specialists had to rely on word of mouth which was frustrated by the breakdown of previously established networks. It has been reported that the relationship of trust which had developed between health workers and sex workers

prior to 1992 deteriorated after that time. In the case of single workers, any female health worker entering the premises could compromise the sex worker if it was viewed by police that 'two workers' were operating from the premises.

fact:

Many members of the community believe that sex workers are more likely to spread sexually transmissible infections than other members of the community. Evidence collected in Australia in the past decade does not support this belief

Queensland Government
1998

In the debate leading up to the introduction of the Prostitution Bill, health workers argued that introducing licensed brothels would go some way to alleviating these problems. A regulated industry, where workers could operate openly from brothels, would facilitate access to workers for the provision of peer support and education and the implementation of consistent safe sex policies. Licensed brothels, it was argued, would enable the effective regulation of health-related practices occurring on the premises – with management encouraging staff to attend medical services and having greater control over client compliance with rules requiring the use of condoms and other safe sex practices.

Police themselves have agreed that enforcing prostitution laws is difficult and expensive, particularly in relation to investigating organised prostitution. Obtaining evidence on which to base a successful prosecution is difficult in the case of victimless crimes (crimes in which there are no traditional victims that report offences to police).²

fact:

HIV prevalence among females identifying as sex workers remains low, at around 0.1%

Australian National Council
on AIDS and Related
Diseases 1999

Police often have to conduct lengthy surveillance to establish whether one or two workers are operating out of a particular premises, particularly when workers are not working simultaneously. It is also very difficult and time consuming for police to gather evidence to show that apparently single operators are, in fact, part of an organised network. After police have invested the time and resources necessary to secure a conviction, an illegal brothel will often simply reopen or relocate elsewhere and continue to operate. Because brothels have developed the ability to be highly mobile, sex workers have often operated in environments with poor working conditions and poor occupational health and safety standards.

The public health imperatives, and the difficulty of enforcing unrealistic laws, has led to an approach of official tolerance and containment of prostitution, rather than outright abolition. In reforming the prostitution laws in Queensland,

the Government has sought to reflect the reality of prostitution as a continuing social issue and to reflect community expectations about how prostitution should be handled. Recognising that organised crime is a critical issue, the criminalisation of organised prostitution made it more difficult for the police to investigate any other associated illegal activity, with participants in the illegal industry being reluctant to co-operate with police. Police intelligence suggests that, despite assiduous enforcement, illegal operatives from the pre-Fitzgerald era, some of whom have links to other areas of organised crime, continue to operate in Queensland.

There is an almost universal acceptance by the community that prostitution will always occur in one form or another. A significant majority favour its regulation and control. Since the first public attitude survey of prostitution in 1991 (CJC 1991), there has been little or no change in public feeling about the issue (Queensland Government 1998). The majority of Queenslanders believe that prostitution exists in Queensland, with a significant majority believing there is nothing wrong with a person paying for sex, and that two or more prostitutes should be allowed to work from premises in non-residential areas. Since the introduction of the Prostitution Act, surveys have confirmed these attitudes.

References

- Criminal Justice Commission, 1991. *Regulating morality? A review of prostitution laws in Queensland*, Goprint, Brisbane.
- Cullinan, L. 1998, *Prostitution and social policy*, unpublished dissertation.
- Frances, R., 1994. 'The history of female prostitution in Australia', in *Sex work and sex workers in Australia*, eds R. Perkins, G. Prestage, R. Sharp and F. Lovejoy, University of New South Wales Press, Sydney.
- Lewis, M., 1998. *Thorns on the rose: The history of sexually transmitted diseases in Australia in international perspective*, Australian Government Publishing Service, Canberra.
- Moore, J.H., 1981. *Over-sexed, over-paid and over here: Americans in Australia, 1941-1945*. University of Queensland, St. Lucia.
- Queensland Crime Commission and Queensland Police Service, 1999. *Project KRYSTAL: A strategic assessment of organised crime in Queensland*, Queensland Crime Commission and Queensland Police Service, Brisbane.
- Queensland Government, 1998. *Review of prostitution laws in Queensland: Discussion paper*, Queensland Government, Brisbane.

² Prostitution offences in reality involve informed consenting adults – the provider and the receiver of the services. With crimes that have a victim, police have a complainant willing to give evidence and often witnesses and corroborating evidence that can then be presented in court. This is rarely the case with prostitution offences.

...into the light of day

The first twelve months of the Prostitution Act 1999

Our first year in business - Implementing the Prostitution Act

A new phase in the regulation and control of prostitution in Queensland began on 1 July 2000. The enactment of the Prostitution Act has moved the issue significantly beyond where it stood as a result of the enactment of the Prostitution Laws Amendment Act. The latter had confirmed the legality of sole operators in the sex industry who worked at their own premises or who provided sexual services to clients at the latter's home, hotel or other address (the so-called escort services). The 1992 legislation created offences in respect of those who knowingly participated in the provision of prostitution by another. The totality of these legislative provisions effectively rendered unlawful the provision of sexual services at a brothel which employed persons to provide infrastructure support for both sex workers and clients.

Effective law enforcement, consequential upon the enactment of the 1992 legislation, had the effect of closing many existing known brothels and thereby fragmented the sex industry to the point that the capacity of Queensland Health to effectively address issues of sexual health in the community was seriously compromised. Henceforth, sole operators were to remain the only form of 'legal' prostitution. One unfortunate consequence of this was an escalation in the incidence of serious assault upon female sex workers.

Accordingly, the Prostitution Act, which came into effect on 1 July 2000, was to enlarge the extent of legality in the provision of sexual services in Queensland by the core provision in the legislation that sexual services could lawfully be provided at a licensed brothel.

One can readily identify four compelling reasons for regulating and controlling prostitution by means of a system of licensed brothels:

- 1 The issue of the sexual health of the community can be more effectively addressed through a process which not only insists on safe sex practices but which also imposes on licensees sexual health standards as a condition of a licence.
- 2 The safety of sex workers within a licensed brothel can be assured by the provision of security measures both as a matter of law and as a condition of a licence.

- 3 The promotion of acceptable workplace practices within a licensed brothel, which, inter alia, are designed to avoid the exploitation of sex workers, can best be assured within a licensing system.
- 4 The risk of official corruption, which is demonstrably an incident of maintaining an illegal sex industry, can be minimised.

Commencement and consultation

The first working day in the life of the Prostitution Act was Monday 3 July 2000. A small staff handled the numerous phone calls only with considerable difficulty. Callers included prospective applicants, sex workers, those engaged unlawfully in the sex industry, lawyers, accountants, real estate agents, media representatives and members of the community who

hold competing views about the regulation and control of the sex industry. In the following

days this process was persistent. On Thursday, 6 July 2000, there were 216 hits on the PLA web site. The available supply of application forms was quickly exhausted.

One can safely conjecture that this immediate flood of apparent interest was the product of a number of factors:

- An unrealistic expectation that obtaining a brothel licence was a mere formality and that it was a case of first in, first served
- Sheer curiosity

- A lack of understanding of the fact that the establishment of a licensed brothel required development approval by local government for the premises and a rigorous process of scrutiny and probity as part of the licensing requirements

- A poor understanding of the legislation and its requirements
- A realisation upon perusal of the application form that the PLA was required to elicit a significant body of personal and financial information from intending applicants.

At the outset it was apparent to the members of the PLA, and some members of the PAC (the PAC included some persons engaged in or knowledgeable about the operation of the sex industry), that consultation with the various stakeholders was necessary to better understand the sex industry, its

fact:

The annual earnings of the Australian sex industry are estimated to be \$1.25 billion. It is estimated that, across Australia, there are 800 legal brothels and as many as 350 illegal brothels, employing about 16,000 people, and servicing as many as 12.5 million client visits annually. It is estimated that the annual earnings of the sex industry are equivalent in economic significance to the sugar industry.

QCC and QPS 1999

participants and its potential clientele and the issues identified above which had led to the enactment of the legislation.

The Chair and Registrar of the PLA visited Melbourne, conferred with officers of the Business Licensing Authority and visited a number of licensed brothels to confer with licensees, managers and sex workers. The licensing model for regulation and control of the sex industry in Queensland is modelled on the Victorian prostitution legislation and is to be contrasted with that operating in New South Wales, the Australian Capital Territory and the Northern Territory.

Consultation continued with representatives of the Local Government Association of Queensland (LGAQ), councillors and planning staff of the Brisbane, Gold Coast, Ipswich, Mackay, Townsville and Cairns City Councils, representatives of SQWISI in Brisbane, Gold Coast, Townsville and Cairns, sole operators, brothel managers and staff in the Tweed district of New South Wales, intending applicants and members of community groups.

As this report discloses, the PLA, in the period 1 July 2000 to 31 January 2001 received 11 applications for a brothel licence and four applications for a manager's certificate. On 7 June 2001, the PLA granted its first licence to three persons who are associated with the one premises located within the City of Brisbane. Other applications are currently under consideration in respect of premises in Cairns, Townsville and the Gold Coast. The PLA is aware of premises which have been approved for development as a brothel in Logan City and the Gold Coast, but in respect of which it has not yet received an application for a brothel licence.

It is readily apparent, therefore, that the level of interest which emerged at the commencement of the Act's operation, did not translate into serious applications for a brothel licence.

Consultation has revealed some of the probable reasons for this:

- Ignorance of or misunderstanding about the legislative requirements for development approval by local government for premises, about the requirement of the PLA for approval of a brothel licence and about the legislation generally.
- Concern about certain legislative restrictions which are perceived to operate adversely upon the financial viability of the brothel.

- The reluctance of those who presently operate unlawfully to undertake the processes involved in having premises approved by local government and in having a licence granted by the PLA.
- The delays likely to be encountered in the premises approval process and in obtaining a licence, particularly where a significant investment in property is involved, the completion of which is conditional upon the approval of premises and the granting of a licence.
- An apparent reluctance on the part of some sections of local government to approve premises for political and/or moral reasons.
- Perceived shortcomings in the legislation itself which inhibit the establishment of a proper system of licensed brothels and which unduly restrict the number of potential applicants.

It was realistic at the outset to assume that the establishment of licensed brothels would take some time. The need to identify and acquire suitable premises, obtain development approval for the premises and the grant of a brothel licence is reasonably time consuming. There are present indications that the level of real interest may now quicken, more particularly as licensed brothels continue to be established. However, one can only be cautiously optimistic.

There are sound social reasons for the regulation and control of the sex industry. These have been identified above. Again, the known results of community surveys can leave one in no doubt that a significant majority of Queenslanders favour the regulation and control of the sex industry. Many who presently operate illegally have indicated their preference to operate lawfully and thereby avoid the impact of law enforcement. However, such persons remain reluctant to embrace involvement in the licensed brothel environment or are prohibited from doing so.

These and related issues have continued to engage the attention of the PLA in the course of its first year of operation. Its developing knowledge and understanding of the sex industry and of those engaged in it have enabled the PLA to confidently identify the factors which are likely to inhibit the achievement of those worthy social objectives which are integral to the proper regulation and control of the sex industry.

At the same time, the PLA remains conscious of the moral issues inherent in prostitution and the concerns of those persons who energetically voice their objections on moral grounds to the licensing legislation. The PLA invites those

fact:
Recent data from Queensland Health show that less than 2% of clients attending sex worker outreach clinics were diagnosed with a sexually transmissible infection
Queensland Health submission

persons to recognise that the Parliament has enacted laws which, for good social reasons, are designed to properly regulate and control what might be seen as a vice.

The implementation of the legislation

The PLA is satisfied that the proper implementation of the Prostitution Act depends upon effective law enforcement in respect of illegal prostitution. The integrity of the licensing system, and of the brothel licence itself once issued, requires the protection by law enforcement of those who choose to accept the conditions which attach to the licence, including the obligation to pay licence fees, against those who operate illegally.

The PLA has therefore been concerned to explore the reasons why there persists an apparent reluctance on the part of otherwise responsible brothel operators, albeit operating unlawfully, but who seemingly prefer to remain outside the licensed system.

Accordingly, the PLA, in the course of its first year of operation, considered it appropriate to express its views on the operation of the legislation to the Honourable the Minister for Police and Corrective Services. At the same time the PLA recognises that issues of policy are a matter for government. The PLA's obligation to the Honourable the Minister and the Government in this respect consists only of the need for the PLA to ensure that the Honourable the Minister and the Government are properly and fully informed in relation to the operation of the legislation and, based on its knowledge and experience, to identify features of the legislation which might engage the attention of the Parliament.

Accordingly, the PLA has advised the Honourable the Minister of its concerns in relation to matters which impact adversely upon the optimal implementation of the Act in the pursuit of its objectives. Since assuming office, the Minister has generously received the submissions of the PLA and has himself initiated discussions with the various stakeholders. Matters discussed include:

- The definition of 'brothel' and whether the minimum number of persons should increase from two to three and the maximum from five to six. Such a proposal would facilitate the legality of a cooperative arrangement between two workers (rather than operate singly) so as to

enhance safety and avoid the need for two sex workers to apply for a brothel licence. This proposal is based on the Victorian model.

- Removing the prohibition upon applicants who have previously been convicted of an offence the facts of which constitute the running of a brothel.
- Permitting sex workers in a licensed brothel to provide escort services in accordance with the requirements of the licence in the interests of ensuring enhanced safety for workers.
- Removing the restriction which limits the number of workers to the number of rooms in the licensed brothel in the interests of providing more acceptable working conditions.
 - Reviewing the dual application process which involves separate applications to local government and to the PLA.
 - Amending the definition of 'industrial area' in the Integrated Planning Regulations to provide greater clarity.

fact:

Queensland police have reported that there is only limited street prostitution in Queensland which appears to be mostly disorganised and concentrated in the Fortitude Valley and New Farm areas of Brisbane

Queensland Government
1998

fact:

The majority of sex workers report having been offered more money by clients to not use a condom

Boyle et al 1997

Consultation with LGAQ and local government has been generally productive and positive, although some sections of local government are seemingly intransigent and continue to refuse to consider favourably development applications for premises, although these comply with existing legal requirements. This has resulted in applicants having to initiate costly litigation and to bear the associated delay and frustration.

The PLA, because of the statutory requirements in relation to probity checks for applicants, has necessarily had to work closely with the Queensland Police Service (QPS). Some aspects of this relationship were initially problematic, but these 'teething' problems have been addressed cooperatively and the PLA now enjoys the wholehearted support of those police who have been assigned to the Prostitution Enforcement Taskforce. The PLA has come to value highly the assistance of not only the Commissioner, himself a member of the PLA, but also that of Assistant Commissioner Kidcaff and Chief Superintendent Swindells of State Crime Operations Command.