

COMPLAINTS POLICY

1. Introduction

- 1.1 The Prostitution Licensing Authority (PLA) is committed to an effective client complaint process that aims to be fair, timely, easy to use, and confidential.
- 1.2 Effective complaint management is about accountability, access and business improvement. It is an important part of our client service.

2. Scope

- 2.1 This policy applies to:
 - PLA members
 - staff of the Office of the PLA (OPLA), including temporary staff, contractors and consultants
 - any other person who provides a service, on a paid or voluntary basis, on behalf of the PLA.

3. Complaints that can be made

3.1 Complaints Regarding Brothel Operation or Prostitution Related Matters

Members of the public, clients, brothel licensees, approved managers and sex workers may make complaints to the OPLA about relevant prostitution-related matters, including:

- the operation of licensed brothels
- suspected illegal activities occurring at licensed brothels
- the actions of a brothel licensee, approved manager or a sex worker at a licensed brothel
- prostitution advertising of a licensed brothel that is not in the approved form.

If the complaint relates to the operation of a licensed brothel, in the first instance and before making a complaint to the OPLA, the complainant should have made a complaint to the brothel licensee or approved manager on duty at the time, to give brothel management an opportunity to resolve the matter.

Complaints about OPLA Staff or the Authority

Complaints can be made about the service or action of the OPLA or staff of the Office of the PLA, by a person who is apparently directly affected by the service or action, including:

- a decision made or a failure to make a decision
- an act or failure to act
- the formulation of a proposal or intention
- a recommendation
- the customer service provided.

Among other matters, this could relate to:

- a public interest disclosure (PID) about wrongdoing in the public sector, made under the *Public Interest Disclosure Act 2010*
- misconduct (inappropriate or improper conduct in an official capacity or in a private capacity that reflects seriously and adversely on the public service) under the *Public Service Act 2008*

- corrupt conduct (such as fraud and theft, extortion, obtaining or offering a secret commission, and nepotism) under the *Crime and Corruption Act 2001*
- personal information not being dealt with in accordance with the Information Privacy Principles of the *Information Privacy Act 2009*
- unlawful discrimination based on an attribute listed in the *Anti-Discrimination Act 1991*.

3.2 A person may also complain if they believe that the PLA, or member of staff of the Office of the PLA, has breached their human rights. The *Human Rights Act 2019* requires public entities to be compatible with human rights, as well as give proper consideration to human rights when making decisions. There are 23 human rights set out in the legislation. For further information: www.qld.gov.au/law/your-rights/human-rights.

4. Complaints that are out of scope

- 4.1 Complaints from clients about their dissatisfaction with the 'quality' of a service received from a sex worker will not be accepted.
- 4.2 Complaints alleging criminal behaviour not connected with a licensed brothel, or about unlawful prostitution operators, or about non-licensed brothel prostitution advertising, should be made directly to the Queensland Police Service (QPS) via Crime Stoppers (www.crimestoppersqld.com.au/) or Policelink (www.police.qld.gov.au/units/policelink-131-444).

5. How to make a complaint or provide a compliment

- 5.1 Complaints/compliments to the OPLA regarding brothel operation or prostitution related matters should be forwarded to the Compliance Team by:
- sending an email to PLAAdmin@justice.qld.gov.au
 - calling the Office of the PLA on 07 3858 9500 (however, complainants may be asked to put their complaint in writing, if possible)
 - sending a letter to GPO Box 3196, Brisbane, Queensland, 4001.

Complaints/compliments to the OPLA regarding OPLA Staff or the Authority should be forwarded to the Executive Director, PLA by:

- sending an email to DL-TheExecutiveDirectorPLA@justice.qld.gov.au
- calling the Office of the PLA on 07 3858 9500 (however, complainants may be asked to put their complaint in writing, if possible)
- sending a letter to the attention of The Executive Director marked **Strictly Private and Confidential**, GPO Box 3196, Brisbane, Queensland, 4001.

- 5.2 Complainants should provide sufficient detail to enable the complaint to be investigated, including any evidence to support the complaint.
- 5.3 Reasonable assistance is provided to anyone wanting to make a complaint. Language assistance is available through the Translating and Interpreter Service by calling 131 450.
- 5.4 Anonymous complaints are treated like any other complaint but anonymity may hinder investigation of the complaint.

6. Complaint investigation

- 6.1 Complaints are taken seriously and are handled fairly, objectively and without bias.

- 6.2 Complainants are treated with respect and are not adversely affected by making complaints about the PLA or staff of the Office of the PLA. Grievances about the PLA or staff of the Office of the PLA may be pursued without fear of recrimination.
- 6.3 Complaints will be assessed to determine the nature of the complaint. Should a complaint be assessed as being of a vexatious or trivial nature or lacking in substance, it may not be investigated.
- 6.4 Complaints are acknowledged prior to the close of business the following day and responded to fairly, reasonably and in a timely manner. Unless otherwise stated, and where reasonably practicable, the PLA will attempt to resolve complaints within 20 business days.
- 6.5 Complaints about the PLA or staff of the Office of the PLA will be handled by the Executive Director, or by the Chair of the PLA if it involves the Executive Director. In some circumstances, complaints may be referred to the human resources area of the Department of Justice and Attorney-General.
- 6.6 Complaints about prostitution-related matters will be handled by the compliance unit of the Office of the PLA.
- 6.7 Complaints or complainants may be referred to another government agency with jurisdiction over the matter the subject of the complaint. For example:
- the QPS about matters that may be unlawful
 - the Crime and Corruption Commission about corrupt conduct
 - the Fair Work Ombudsman about employee entitlements
 - Workplace Health and Safety Queensland about work health and safety matters
 - local government about matters to do with brothel development approval such as provision of accommodation to sex workers.
- 6.8 Complaints related to licensed brothels that are referred to other agencies will be recorded by the PLA as finalised.
- 6.9 While the complaint is being investigated, complainants are entitled to reasonable progress reports. When the investigation has been finalised and a decision made about the action that will be taken, the complainant will be advised of the outcome and the reasons for the decision (unless confidentiality provisions or other considerations apply).
- 6.10 Appropriate remedies that are fair to both the complainant and PLA are offered. Complainants are able to request a remedy that is considered as the first option. Informal resolution and compromise are attempted wherever possible.
- 6.11 After investigation of a complaint involving a licensed brothel, the PLA may consider whether to hold a disciplinary inquiry to determine if there are grounds for taking disciplinary action against a brothel licensee or an approved manager.
- 6.12 Complainants will be notified of available review mechanisms. If they are not satisfied with the outcome of their complaint, depending on the nature of the complaint, they may complain to a relevant complaints' agency, such as the:
- Ombudsman under the *Ombudsman Act 2001*
 - Crime and Corruption Commission under the Crime and Corruption Act
 - Human Rights Commissioner under the Anti-Discrimination Act or the Human Rights Act
 - Information Commissioner under the Information Privacy Act.

7. Complaint record keeping

7.1 Complaints will be assigned a unique reference number and a record of documents related to the complaint and relevant file notes will be made and stored securely at the Office of the PLA.

7.2 A complaints database is maintained to ensure that:

- the number and nature of complaints and the outcome is recorded
- complaint trends are identified
- the time taken to resolve complaints is monitored.