Regulating prostitution: The pitfalls of perception

Margaret Isaac
A/Executive Director
Office of the Prostitution Licensing Authority
The history of prostitution regulation in Qld

- Official corruption centring around prostitution was uncovered by the Four Corners report *The Moonlight State*
- Led to the establishment of the Fitzgerald Inquiry
- The Criminal Justice Commission (CJC) was created in 1989
- CJC recommends licensing brothels in its 1991 review report *Regulating Morality?*
- The Goss Government responds by introducing the hardline *Prostitution Laws Amendment Act 1992*
The 1992 legislation legalised sole sex workers but criminalised all other forms of prostitution.

Organised prostitution was significantly disrupted and went ‘underground’, frustrating the public health imperative.

The Beattie Government revisits the issue in the late 90’s and introduces the *Prostitution Act 1999*.
Why regulate?

Four key objectives:

1. Promote sexual health
2. Protect sex workers from physical danger
3. Protect sex workers from exploitation
4. Prevent official corruption
Prostitution Act 1999

- Sole operators remain legal
- Small, five-room brothels permitted within a licensing regime that locates brothels in designated areas of Queensland
- Establishes the Prostitution Licensing Authority (PLA), an eight-member board appointed by Government, to oversee a range of functions
Functions of the PLA

- To decide brothel licence and manager applications
- To monitor prostitution in licensed brothels
- To conduct disciplinary inquiries
- To receive complaints about prostitution
- To liaise with police and other agencies
- To advise the Minister for Police
The Office of the PLA

- Minister for Police
- Prostitution Licensing Authority
- Executive Director
  - Finance and Administration Manager
  - Research, Policy and Corporate Governance Manager
  - Probity and Compliance Manager
  - Admin Support
  - Compliance Officer
  - Compliance Officer
2001 risk review

- Conducted by Crime and Misconduct Commission at the request of the PLA
- Identified several discrete groups of risk:
  - Security breaches
  - Threats to information and data
  - Staff
  - Financial systems and records
  - Other
Physical security

- Break-ins and unauthorised access
- Inadequate alarm and monitoring systems
- Duress alarms not in place
- Unauthorised visitors
- Lack of sound-proofing – illegal listening devices
Threats to information and data

- Management of confidential data
- Computer hacking
- Loss of laptops with PLA information and data
- Lost or misappropriated incoming mail – applications and fees
- Disaster management and recovery
Personnel - Risks

- Role separation
- Staff morale
- Small number of staff and unplanned leave
- Ethical dilemmas and threats
- Exceeding powers and authorities
Risks - Financial systems and records

- Non compliance with *Financial Administration and Audit Act 1977* and subordinate legislation
- Non compliance with Queensland Treasury guidelines
- Budget mismanagement
Other Risks

- Relationships with key stakeholders
- Inadequate Code of Conduct
- Inadequate licensing database
- Frequency of staff turnover
Some of the steps taken to address risks

- Code of Conduct updated and regularly reviewed
- Detailed (compliance and probity) policy and procedures manuals introduced and regularly updated
- High quality computer systems in place
- Appropriate security arrangements established
- Financial and Administration Manual introduced
Some of the steps taken to address risks

- Appropriate financial management systems and appraisals introduced
- Position descriptions regularly reviewed and clarified
- Defined work boundaries and role identification
- Relevant complaint procedures introduced
- Whistleblower provisions established
- Strategies to maintain high staff morale
- Comprehensive risk reviews undertaken regularly
Focus on four key risks

- The perception of industry capture
- Recruitment and staffing: the perceptions of prospective employees
- The sex industry’s perception of the PLA
- Debunking public misperception of the sex industry
“... I don’t think I want to talk about sex anymore today”