

21.03.03

Mr David St Henry
15 Madge Street
NORTH ROCKHAMPTON QLD 4701

Dear Mr St Henry

I refer to your petition against the possible establishment of a licensed brothel in Parkhurst, which was tabled in State Parliament on 26 February 2003 by the Honourable Vince Lester MP, Member for Keppel.

Let me begin by assuring you that the Beattie Government is committed to making the prostitution laws work for all Queenslanders. The *Prostitution Act 1999* (the Act) was introduced to regulate the sex industry and to safeguard public health and safety. Far from promoting the growth of prostitution in this State, the legislation aims to ensure that sex workers have the opportunity to work in a regulated environment where safety and health standards can be monitored and further, that prostitution activity is located away from sensitive areas and conducted in keeping with community expectations.

It should be emphasised that the Beattie Government does not condone, through the passage of legislation, people becoming involved in prostitution. However, this Government has taken a realistic approach to this issue by recognising that prostitution cannot be eliminated, and that it had previously been carried out without any effective controls designed to prevent abuses of the young or other vulnerable people.

Governments do have the capacity, and must accept the responsibility, to regulate this activity in a manner that will protect the health and safety of the broader community. The Beattie Government accepts this responsibility and has initiated a package of prostitution law reforms to protect the community as well as those involved in the prostitution industry.

Whilst there are currently no plans to make further amendments to the Act, the Government continues to consult with all relevant groups involved in the administration of this legislation including the Local Government Association of Queensland, the Queensland Police Service and the Crime and Misconduct Commission. There is also a statutory requirement for the Crime and Misconduct Commission to review the legislation, as soon as practicable, three years after its commencement (circa July 2003).

I stress that neither the Government nor the Queensland Parliament has a role in deciding individual brothel development applications. The establishment of a licensed brothel in Parkhurst is, however, far from guaranteed under the rigorous two-part application process established by the Government under the *Prostitution Act*. I have outlined the application process below for your assistance:

Part One - Brothel Development Applications

An applicant seeking to establish a brothel needs to satisfy a number of criteria. For example, under Part 4 of the *Prostitution Act* a brothel applicant requires development approval for the material change of use of the land in accordance with the *Integrated Planning Act 1997*. Any brothel development in Parkhurst would be assessed under the planning scheme for the relevant local government authority. Brothel development applications are subject to either "Code assessment" or "Impact assessment" depending on the existing land use of the proposed brothel site.

Code Assessment

Code assessment is required for the material change of use for a licensed brothel in an industrial area or on strategic port land. An "industrial area" includes:

1. Heavy industry.
2. Commercial industry.
3. Light industry.
4. Service industry.
5. General industry.
6. Waterfront industry.

The Government makes no apologies for forcing brothels into industrial areas. This ensures that activity in brothels occurs in places well removed from our local communities, our homes and places where our children play.

In this regard, might I point out that section 64 of the *Prostitution Act* – 'When assessment manager must refuse application' is designed to address the types of concerns you have raised about the proximity of any intended brothel development to a school. This section provides in part that:

(1) The assessment manager must refuse a development application if-

(a) the application land-

(i) is in, or within 200 m of the closest point on any boundary of, a primarily residential area or an area approved for residential development or intended to be residential in character; or

(ii) is within 200 m of the closest point on any boundary of land on which there is a residential building, place of worship, hospital, school, kindergarten, or any other facility or place regularly frequented by children for recreational or cultural activities;

measured according to the shortest route a person may reasonably and lawfully take, by vehicle or on foot, between the application land and the other land; or

(b) the application land is within 100 m of the closest point on any boundary of land on which there is a residential building, place of worship, hospital, school, kindergarten, or any other facility or place regularly frequented by children for recreational or cultural activities, measured in a straight line; or.....

Code assessable brothel development applications are assessed against a detailed set of requirements (related to the nature and scale of the development) as prescribed in Schedule 3 (attached) of the *Prostitution Regulation 2000*. There is no requirement for code assessable brothel development applications to be publicly advertised nor is there a public objection or third party appeal process.

Impact Assessment

Impact assessment means the assessment of the environmental effects of the proposed development and the ways of dealing with those effects.

Impact assessment is required for the material change of use of premises for a licensed brothel other than in an industrial area or on strategic port land, unless a local planning instrument, or amendment of a local planning instrument, made after 1 July 2000 requires code assessment.

For brothel development applications requiring impact assessment, public notification is required, alerting potential objectors to the proposal. In the first instance, objections should be lodged with the relevant local government authority for the area in the manner prescribed by that local government.

Local government assessment managers are required to consider these objections in the light of the local government's planning scheme and any relevant planning guidelines. In the case of impact assessment development applications, objectors may subsequently appeal a local government decision in the Planning and Environment Court.

Part Two - Brothel Licence Applications

The establishment of any licensed brothel also requires the approval of the Prostitution Licensing Authority, which is an independent body established to assess and approve or reject applications for brothel licences. This part of the application process includes stringent character and background checks of potential brothel owners and managers by the Queensland Police Service.

The Prostitution Licensing Authority is responsible for issuing brothel licences in accordance with the strict requirements outlined in Part 3 – “Licensing System” of the *Prostitution Act*.

Queensland has the toughest prostitution legislation in Australia. By bringing this activity out into the open and regulating it, the Beattie Government has greatly diminished the ability of organised crime elements to infiltrate the industry. The enforcement of laws relating to prostitution, illicit drugs and other associated offences is a high priority of the Prostitution Enforcement Task Force of the Queensland Police Service.

Since the commencement of the *Prostitution Act* the Beattie Government has been strong in cracking down on illegal prostitution. The police are closing illegal brothels at a rate of more than one per week in Queensland, and this fact alone is a clear indication of the seriousness with which the authorities view these activities. The Beattie Government has taken a tough stance against the criminal elements associated with illegal prostitution and the enforcement action taken by police serves to reinforce the message to persons in the illegal industry that their activities will not be tolerated.

I understand and appreciate your views on this matter; however, the Beattie Government does not resile from the tough position it has taken on prostitution nor its determination to ensure the effective regulation of prostitution in the interests of all Queenslanders.

I trust this information is of assistance to you and your fellow petitioners.

Yours sincerely

TONY McGRADY
Minister for Police and Corrective Services
and Minister Assisting the Premier on the
Carpentaria Minerals Province

Ref: 2013 F5A TB
P/03/01143

Enc