

PROSTITUTION REGULATION 2014

Explanatory notes for SL 2014 No. 192

made under the

Prostitution Act 1999

General Outline

Short title

Prostitution Regulation 2014

Authorising law

Section 140 of the *Prostitution Act 1999*

Section 763 of the *Sustainable Planning Act 2009*

Policy objectives and the reasons for them

The primary objective of the *Prostitution Act 1999* (the Act) is to regulate and control prostitution and related activities in Queensland. The primary objective of the *Prostitution Regulation 2000* (the 2000 Regulation) is to provide the necessary detail on matters associated with the control of prostitution in Queensland, in order to enable the Act to perform its function as intended.

The Act provides a strict planning and licensing framework for the operation of legal brothels in Queensland, covering issues such as development approval processes, the health and safety of the workers and clients, the closure of prohibited brothels and offence provisions. It also establishes the Prostitution Licensing Authority (the PLA), the regulatory agency for administering the brothel licensing system.

The 2000 Regulation prescribes: the fees associated with the brothel licensing system; frequency of health checks; particulars of approved advertising activity; and details of records to be created and retained by licensed brothels and the Queensland Police Service. The 2000 Regulation also sets out the development assessment code for the purposes of local council decisions regarding brothel development applications.

The 2000 Regulation will automatically expire on 31 August 2014 and must be remade to enable the Act to perform its function as intended.

The *Prostitution Regulation 2014* (the 2014 Regulation) will be remade with the following minor and technical amendments:

- references to the Crime and Misconduct Commission (CMC) in section 24 and schedule 1 of the 2014 Regulation have been amended to reflect the CMC's change of name to the Crime and Corruption Commission;
- schedule 1 of the 2014 Regulation that lists the prescribed entities with which the PLA is to liaise has been updated; and
- a note in schedule 3 (which provides for development applications) has been added to assist the reader in referring to the correct sections of the *Sustainable Planning Act 2009*.

In addition, the fees prescribed in Schedule 2, as amended by the *Justice Legislation (Fees) Amendment and Repeal Regulation (No. 1) 2014*, have been updated in the schedule.

Achievement of policy objectives

The proposed 2014 Regulation gives effect to the provisions of the Act which require further detail on how the obligations imposed by the Act may be achieved. Without the proposed 2014 Regulation, the operation of the Act cannot be supported.

Consistency with policy objectives of authorising law

The amendments to the 2014 Regulation are consistent with the policy objectives of the Act.

Inconsistency with policy objectives of other legislation

The 2014 Regulation is consistent with the policy objectives of other legislation.

Alternative ways of achieving policy objectives

There are no alternative ways in which the objectives could be achieved.

Benefits and costs of implementation

There are negligible costs associated with the implementation of the 2014 Regulation.

Consistency with fundamental legislative principles

The 2014 Regulation is consistent with fundamental legislative principles.

Consultation

The PLA, Department of the Premier and Cabinet, Queensland Treasury and Trade and the Office of Best Practice Regulation were consulted. The PLA and each department consulted supported the 2014 Regulation as drafted.

