

Attachment A

Brothel Licence Conditions

Brothel licence number xxx is subject to the following conditions or restrictions

The licensee must:

Access by the Prostitution Licensing Authority into the brothel	<ol style="list-style-type: none">1. Allow the Prostitution Licensing Authority, or an officer of the Prostitution Licensing Authority, to enter and inspect the brothel premises or any part therein and all operational aspects of the brothel business. This includes being able to speak privately to any person within the brothel without impediment or presence of the licensee or approved manager.2. Provide upon request by the Prostitution Licensing Authority, or any officer of the Prostitution Licensing Authority, and allow any officer of the Prostitution Licensing Authority to inspect, examine, take extracts from, make copies of or take possession of any report, document or thing, which may relate to the operations of the licensed brothel.
Brothel facilities	<ol style="list-style-type: none">3. Ensure each working room provided for prostitution has a shower, toilet and hand basin within the room or as an en-suite to that room, whether shared or otherwise.4. Provide showers, toilets and change facilities that are separate from those used by clients.
Record keeping	<ol style="list-style-type: none">5. Record and keep the following particulars of all entries onto licensed brothel premises by police officers. This will include:<ol style="list-style-type: none">a) date and time of the entry,b) if an approved manager was at the brothel at the time of the entry – the name of the approved manager,c) if a licensee was at the brothel at the time of the entry – the name of the licensee,d) the name, rank and station of each police officer who entered the brothel,e) purpose of the entry,f) if possession of a thing was taken during the entry – a description of the thing,g) if a police officer authorised the entry the name and rank of the police officer.

**Record keeping
(cont'd)**

6. Record and keep the following particulars of all entries onto licensed brothel premises by officers of the Prostitution Licensing Authority, Queensland Department of Health, Local Government or any other agency of government on official business:
 - a) date and time of the entry,
 - b) if an approved manager was at the brothel at the time of the entry – the name of the approved manager,
 - c) if a licensee was at the brothel at the time of the entry,
 - d) the name and official position of each officer who entered the brothel, purpose of the entry,
 - e) if possession of a thing was taken during the entry – a description of the thing.
7. Conduct an annual health and safety risk assessment for the operation of the brothel.
8. Ensure complaints about brothel operation are recorded and responded to in a timely manner and that the resolution/actions are documented.
9. Licensees are to provide sufficient electronic surveillance of the brothel to provide surveillance for the safety and security of sex workers staff and clients. This includes but is not limited to external areas of the brothel allowing ingress and egress, designated car parking areas for sex workers, internal areas not including working rooms, designated change areas or other areas agreed to by the Prostitution Licensing Authority to require reasonable privacy. Licensees are responsible to ensure that their knowledge and capacity of their electronic surveillance system enables it to be:
 - a) Viewed on request of an officer of the Prostitution Licensing Authority or Queensland Police Service as soon as practicable.
 - b) Downloaded to a portable medium such as CD or DVD where requested by an officer of the Prostitution Licensing Authority/Queensland Police Service and that this be provided as soon as practicable.
 - c) Recorded information shall be maintained for a minimum of 21 days.
10. The licensee or approved manager must sign the record of a sex worker that the sex worker is 18 years of age or over. The only acceptable form of identification a licensee or approved manager must sight is:
 - a) a proof of age card issued to the person by a department prescribed by regulation or an entity of another State or a Territory performing functions similar to the functions of the department; (e.g. 18+ card); or
 - b) a motor vehicle drivers or riders licence or permit issued to the person

<p>Record keeping (cont'd)</p>	<p>under a law of the State or a law of another State or a Territory that bears a photograph of the person; or</p> <p>c) an Australian or foreign passport issued to the person.</p> <p>The licensee or approved manager must record the following details:</p> <ol style="list-style-type: none"> 1. an identifying name of the sex worker (working name is sufficient), 2. the type of identification sighted, 3. the date of birth of the sex worker, and 4. the signature of the licensee/approved manager sighting the identification.
<p>Financial operations</p>	<ol style="list-style-type: none"> 11. Keep and maintain an appropriate computerised accounting system and on request provide an officer of the Prostitution Licensing Authority with any information recorded on the system. 12. Notify details of any change in financial circumstances that may adversely affect the financial viability or operation of the licensed brothel business to the Office of the Prostitution Licensing Authority in writing within 7 days of becoming aware of the change. 13. Not enter into or be a party to any contract, agreement or arrangement, written or unwritten, with any other person to provide any thing or to furnish any service in return for any direct or indirect interest in or percentage or share of revenue, profits or earnings from or of the brothel unless the person is also licensed in respect of that brothel.

Brothel operational plan

14. Document and provide current copies to the Office of the Prostitution Licensing Authority, of policies and procedures for the day-to-day operations of the brothel.

The policies and procedures, should include but are not limited to:

- Roles and responsibility of management, employees and worker
- Marketing proposals
- Sexual health education for sex workers, their clients and management
- Sexual health assessment for sex workers
- Personal protective equipment management (for example, storage, handling of PPE, sex toys and other equipment; disinfecting equipment, storage and handling of waste)
- Reproductive health (for example, pregnant workers)
- How workplace, health and safety will be approached including strategies to prevent discrimination, coercion of workers and harassment
- Security and safety from violence, including arrangements that are in place to ensure the safety of persons directly involved in providing prostitution
- Accident and incident reporting
- Rehabilitation
- Worker's compensation (if applicable)
- Cleanliness
- The extent of the licensee's involvement in the day-to-day operation of the brothel
- Staffing structure of the brothel and duties of staff
- Recruitment strategies
- Training of approved managers

<p>Workplace arrangements</p>	<p>15. Ensure workplace arrangements are appropriately negotiated and mutually agreed to and signed and a copy provided to all signatories. This includes the approved manager, a person employed at the brothel or a sex worker.</p> <p>16. Provide appropriate and comprehensive workplace induction for approved managers, a person employed at the brothel or a sex worker and maintain a record of the training provided.</p> <p>17. Provide sex workers with information about: sexual health, detection of sexually transmissible infections, dealing with difficult or violent clients or situations, the right to refuse clients and the right to refuse to provide particular services, and maintain a concise record of the information provided.</p> <p>18.1. Not unfairly penalise, any sex worker, by whatever means.</p> <p>18.2. Not coerce or harass any sex worker.</p> <p>19. Not, either directly or indirectly, compel a sex worker to service a client or compel a sex worker to provide a particular service.</p>
<p>Workplace health and safety</p> <p>Awareness and prevention of the transmission of infections</p>	<p>20. Have arrangements in place to ensure the health and safety of all sex workers and other staff engaged at the brothel.</p> <p>21. Provide written information about sexually transmitted infections (STIs) in the client waiting area and ensure written information about STIs is available to all staff and sex workers.</p> <p>22. Ensure sex workers hold a current sexual health certificate. A licensee or manager is required to sight each original sexual health certificate and to retain, for a period of one year, a photocopy of the original sexual health certificates endorsed by the licensee or manager who sighted the original for all sex workers working at the brothel.</p> <p>23. Provide non-reusable sharps containers that comply with AS4031 in each room provided for prostitution and in the staff bathroom facilities.</p> <p>24. Provide in each room provided for prostitution, disinfectants, gloves and associated cleaning products in sufficient quantities and varieties to assist in the immediate cleaning of body fluid incidents within a working room, or for other cleaning as required.</p>

<p>Awareness and prevention of the transmission of infections (cont'd)</p>	<p>25. Provide direct and immediate access to a supply of personal protective equipment (PPE) for the sex worker in each room provided for prostitution. PPE includes condoms, dental dams, lubricants and disposable gloves. A licensee must not impede or otherwise discourage immediate access to PPE supplies, whether physical, verbal, written or otherwise.</p> <p>26. Have arrangements in place to ensure that prophylactics are used for all contact sexual services including masturbation e.g. 'hand relief'. Sex workers and staff must be made aware of this condition through induction.</p> <p>27. Ensure all condoms, dental dams, lubricants and disposable gloves are stored in accordance with manufacturer's specifications.</p> <p>28. Ensure the proper management of clinical waste which shall include the provision of clinical waste bins in each room used for prostitution.</p>
<p>Cleanliness</p>	<p>29. Ensure all towelling and bedding is laundered to satisfy the Australian/New Zealand Standard for Laundry Practice AS 4146:2000. Ensure all linen and towels that come into contact with clients or workers are replaced with clean linen and towels immediately after each client. Ensure that quilts and other linen are maintained in a clean condition.</p> <p>30. A) Ensure single use spa baths are drained and cleaned with appropriate sanitising agents after each use; and;</p> <p>B) Ensure that spas are operated and maintained in accordance with the <i>Queensland Health Swimming and Spa Pool Water Quality and Operational Guidelines</i> and any other regulatory controls that may apply.</p>

<p>Alteration to business operations</p>	<p>31. Provide the Office of the Prostitution Licensing Authority a schedule of standard operating times indicating the days and hours on and during which the licensed brothel will operate. Any change of the schedule of standard operating hours is notified in writing to the Office of the Prostitution Licensing Authority, within 5 working days.</p> <p>32. Not apply for a licence or permit under the <i>Liquor Act 1992</i>.</p> <p>33. Not change the structural layout of the licensed brothel without prior notification to the Office of the Prostitution Licensing Authority.</p> <p>34. Notify the Office of the Prostitution Licensing Authority if the licensee intends to use an alternative telephone number or business name in relation to the brothel that was not used when the last licence fee was payable.</p> <p>35. Not use the premises referred to in the licence, or make available for its use, whether for payment or otherwise, for any purpose other than as a licensed brothel as defined in Schedule 4 of the <i>Prostitution Act 1999</i>, without the approval of the Prostitution Licensing Authority.</p>
<p>Obstruction of Prostitution Licensing Authority Officers</p>	<p>36. Not in any way obstruct or hinder an authorised officer of the Prostitution Licensing Authority in the exercise of his or her performance of duties.</p>
<p>Annual returns and fees</p>	<p>37. Pay the annual licence fee and the annual licence return fee as prescribed under <i>Prostitution Regulation 2000</i> at least 3 months before the anniversary day (the date in each year that is the anniversary of the grant of the licensee's licence).</p> <p>38. Give the Authority an annual return, in the approved form, about the information given for the application for the licence at least 3 months before the anniversary day (the day in each year that is the anniversary of the grant of the licensee's licence).</p> <p>39. Not personally supervise a licensed brothel without holding a current Senior First Aid Certificate and CPR component. Evidence of currency is to be produced on submission of an annual return, or at any other time on request of an officer of the PLA.</p>

Performance Criteria - Acceptable Solutions

Brothel Licence Conditions

The following acceptable solutions are provided as a guide for licensees and approved managers.

These solutions are not provided to limit brothel solutions however any variation must adhere to the intent of the brothel licence conditions.

Access by the Prostitution Licensing Authority into the brothel	<ol style="list-style-type: none">1. As stated2. As stated
Brothel facilities	<ol style="list-style-type: none">3. For existing premises that are non-compliant with this condition an acceptable solution will be that the premises shall be altered to meet this requirement upon:<ul style="list-style-type: none">• change of ownership of the business• as part of relevant renovation to the building• at the discretion of the Prostitution Licensing Authority.4. As stated
Record keeping <i>Records of police entry</i>	<ol style="list-style-type: none">5. An acceptable solution would be to implement a designated register/folder and record all particulars on the standard template provided by the Prostitution Licensing Authority.

<p>Record keeping (cont'd)</p> <p><i>Records of entry by government officials</i></p> <p><i>Annual health and safety risk assessment</i></p> <p><i>Complaints</i></p> <p><i>Records of electronic surveillance</i></p> <p><i>Proof of age</i></p>	<p>6. An acceptable solution would be to implement a designated register/folder and record all particulars on the standard template provided by the Prostitution Licensing Authority.</p> <p>7. An acceptable solution would be to follow a risk assessment process as recommended by Workplace Health and Safety, Queensland. This process may include information resulting from any complaints received, maintenance logs and discussions with staff and sex workers</p> <p>8. a. Complaints may be of a formal or informal nature in relation to general brothel operation. They may include complaints from sex workers, clients and staff. Complaints may include those relevant to the <i>Prostitution Act 1999</i>, the <i>Workplace Health and Safety Act 1995</i>, the <i>Antidiscrimination Act 1991</i>, the <i>Industrial Relations Act 1999</i> or other legislation.</p> <p>b. Complaints are recorded and responded to and may include any issues or concerns of bullying by management, penalties by management, charging for PPE, pressure to provide sexual services, inappropriate negotiation or terms of workplace agreements or Deeds of Licence.</p> <p>9. As stated</p> <p>10. The licensee or approved manager must sight an original photographic identification such as a driver's licence, passport or 18+ card as evidence of age (18 or over) with the signing of sex worker induction records (or other records) that this evidence has been sighted. An acceptable solution is to adopt the template provided by the Prostitution Licensing Authority for this purpose.</p>
<p>Financial operations</p> <p><i>Computerised accounting systems</i></p>	<p>11. MYOB, QuickBooks and other similar journal entry systems are acceptable. These may be maintained by the licensee/staff member or business accountant.</p>

<p>Financial operations (cont'd) <i>Changes to financial circumstances</i></p> <p><i>Parties that may not have an interest in the brothel</i></p>	<p>12. As stated</p> <p>13. As stated</p>
<p>Brothel operational plans</p>	<p>14. An acceptable solution is to ensure that suitable policies and procedures are developed and maintained for the brothel and to provide current copies to the Prostitution Licensing Authority</p>
<p>Workplace arrangements <i>Employment arrangements</i></p> <p><i>Staff workplace Inductions</i></p> <p><i>Induction records for sex workers</i></p> <p><i>Unfair penalties of sex workers</i></p> <p><i>Sex workers right to choose</i></p>	<p>15. Workplace agreements with staff or workplace agreements with contractors must be negotiated within reasonable timeframes and acceptable to the Department of Industrial Relations or benchmarks set by industrial instruments.</p> <p>16. Participation in an appropriate sexual health training course would be an acceptable solution.</p> <p>17. Participation in an appropriate training course would be an acceptable solution.</p> <p>18. Unfair penalties includes but are not limited to removal from shift as punishment, withholding of shift money, financial impost of shift fees to the sex worker without free negotiation and agreement of this arrangement through Deed of Licence or any behaviour that the Prostitution Licensing Authority would assess as unsuitable. Licensees are also responsible to ensure that Approved Managers meet the condition of licence.</p> <p>19. Sex workers must not be pressured coerced, into providing a particular service under any circumstances. In addition second health checks are not to be utilised as a strategy to pressure a sex worker to service a client either directly or indirectly. Licensees are responsible to ensure that approved managers are appropriately supervised or trained to ensure that the sex workers may refuse any service, duration of service or any client.</p>

<p>Workplace health and safety <i>Health and safety at the brothel</i></p>	<p>20. Health and safety includes the ongoing review of procedures to identify potential risks, assess suitable control measures and implement and monitoring of these for effectiveness. Identification of risks may include but is not limited to:</p> <ul style="list-style-type: none"> a) Behavioural - violent clients, armed hold-up, assault, threats, intimidation, alcohol or drug effected persons. b) Situational - internal and external areas of the brothel such as car parks and the smoking area, approved managers and sex workers during night shifts. c) Physical - effective maintenance and implementation of appropriate security measures and procedures at all times including sufficient security cameras and monitors, recording equipment, duress alarms and limiting the movement of clients into and throughout the premises.
<p>Awareness and prevention of infectious disease: <i>Information on sexually transmissible infections</i></p> <p><i>Valid and current Sexual Health Certificates</i></p> <p><i>Safety from needle stick injury</i></p> <p><i>Access to cleaning materials</i></p>	<p>21. Brochures may be obtained from Queensland Health and displayed for the information of clients and available to be given out as information for clients.</p> <p>22. a) Where sex workers choose to change their working name, records should be kept to enable tracking of these changes of names so that currency of sexual health certificates can be determined for each work name appearing on current and past shift registers.</p> <p>b) Only Sexual Health Certificate of attendance issued by Queensland Health is to be accepted or the equivalent issued by another jurisdiction.</p> <p>23. An acceptable solution is to provide sharps containers located in side drawers or cupboards. These are required as a harm minimisation strategy to reduce the threat of needle stick injury.</p> <p>24. An acceptable solution is a supply within the room of domestos/white king or other bleach based products, together with disposable cloths and gloves.</p>

**Workplace health and safety
(cont'd)**

*Safer sex - condoms, dams,
lubricant and rubber gloves*

Use of prophylactics

Storage of PPE

Disposal of clinical waste

25. An immediate supply of PPE must be supplied at no charge and be accessible within each room used for prostitution. This may be achieved through the provision of a fully equipped PPE kit allocated to a sex worker at the commencement of a shift, or immediately available supplies within side drawers of bedside tables or by other methods approved by the Prostitution Licensing Authority. Any impediment to access PPE does not meet this condition of licence.

The following are not acceptable solutions:

- emergency kits
- taped containers
- locating PPE in an impractical location
- any charges whether directly or indirectly for PPE
- any other impediment to access of PPE whether financial or physical.

26. The licensee must:

- a) ensure that prophylactics are used for all contact sexual services including, but not limited to, masturbation e.g. 'hand relief' provided or obtained at a licensed brothel.
- b) ensure sex workers and staff are made aware of this condition through induction.

27. Ensure condoms, dams and personal lubricants are stored in accordance with manufacturer's specifications. In hot climates an air conditioned room or refrigerator may be indicated for storage of PPE.

28. Appropriate clinical waste bins that are exchanged at least once a fortnight by a licensed contractor will be an acceptable solution. Receipts for the contracting of clinical waste removal from the premises will provide evidence of this solution. Note: Bin contents are not to be pushed down to expose staff to risks associated with clinical waste.

Cleanliness

Laundering standards

29. This may include use of commercial contractors or appropriate commercial grade on site facilities that achieve the requirements of the standard.
- Automatically chemically dosed commercial washing machines and/or
 - Linen that is thermally (heat) treated by exposure to temperatures not less than a minimum of 65° for not less than 10 minutes, or at a minimum temperature of 71° for not less than 3 minutes. Achieved through either an appropriate hot wash cycle or tumble drying.
 - Home laundering or air drying without sufficient prior chemical treatment are not acceptable solutions. All linen and towels that come into contact with clients or workers are to be replaced with clean linen and towels immediately after each client. Ensure that quilts, fantasy costumes and other linen are also maintained in a clean condition.

Sanitising of spas

30. Circulation of an appropriate sanitiser and wiping of the spa with an appropriate sanitiser after each client is an acceptable solution. Routine maintenance such as the use of a degreaser on a regular basis will contribute to the acceptable maintenance along with other recommendations provided by organisations such as Queensland Health.

Alteration to business operations

Operating times

31. As stated

Prohibition of Liquor Licence

32. As stated

Renovations or structural alterations to building

33. As stated

<p>Alteration to business operations (cont'd)</p> <p><i>Change to telephone lines/numbers</i></p> <p><i>Uses of the brothel other than for the provision of prostitution</i></p>	<p>34. As stated</p> <p>35. As stated</p>
<p>Obstruction of Prostitution Licensing Authority Officers</p>	<p>36.As stated</p>
<p>Annual returns and fees</p>	<p>37.In compliance with ss 5A and 5B</p> <p>38.In compliance with ss 5A and 5B</p> <p>39. As stated</p>