

QUEENSLAND  
Prostitution Act 1999  
Part 3 Section 44 (4)(d)(ii)



## Prostitution Licensing Authority

# ANNUAL RETURN CERTIFICATE

### Contains

1. Brief to Applicants
2. Instructions for completion
3. Authority for Release of Information
4. Sections A to D - Annual Return Certificate
5. Statutory Declaration
6. Definitions

**Please read instructions carefully before completing all forms and lodging with:**

The Office of the  
Prostitution Licensing Authority  
GPO Box 3196  
Brisbane Qld 4001

**Applicant Surname** \_\_\_\_\_

# IMPORTANT

## **WARNING ABOUT FALSE OR MISLEADING INFORMATION** **OR INCOMPLETE DISCLOSURE**

**Applicants and other persons completing this form should be aware that action may be taken should information or documents be supplied that are false, misleading or incomplete.**

**Further, a certificate is automatically cancelled if the manager is convicted of an offence of giving false or misleading information or documents to the Prostitution Licensing Authority.**

**Staff are available, by appointment, to provide information about making an application to the Prostitution Licensing Authority. You may contact the Office of the PLA between 9.00am and 5.00pm Monday to Friday on telephone (07) 3858 9500**

**Applicant Surname** \_\_\_\_\_

## INSTRUCTIONS FOR COMPLETION

### **1. The questions asked relate to the last three years only.**

2. Type or print in BLOCK LETTERS and answer EVERY question.
3. Please use a BLACK or BLUE ballpoint pen when completing forms.
4. Corrections are to be struck out with a line and initialled. Correction fluid is not acceptable.
5. If a question does not apply state 'N/A' (not applicable) in the box.
6. If there is nothing to disclose in reply to a particular question state 'NIL'.
7. If there is insufficient space to answer a question, additional information may be provided by attachment. When using an attachment page begin each answer with the title and question number being answered.
8. Each attached page should be signed and dated by the applicant.
9. All dates should be completed in the form: DD/MM/YYYY for example 01/01/1950
10. This application is to be completed in the English language. Any documents not in English are required to have a certified English translation attached.
11. Documents or other information sought from authorities in Australia may not be applicable to an individual currently or previously residing in another country. In such cases the documents or information should be obtained from the equivalent authority of that country.
12. Please enclose all relevant fees with the Annual Return Certificate. Any application form received without the correct fees will be returned to sender.
13. Relevant enquiries should be directed to:  
The Office of the Prostitution Licensing Authority on telephone (07) 3858 9500.  
(for calls made outside Australia the number is 61 7 3858 9500).

**Applicant Surname** \_\_\_\_\_

# AUTHORITY FOR RELEASE OF INFORMATION

I, .....  
Full name of the applicant

of .....  
Address of applicant

grant an Authority on the following terms:

1. I acknowledge that, for the purpose of determining my suitability to hold an approved manager's certificate, I authorise the Office of the Prostitution Licensing Authority and/or Queensland Police Service, to conduct any inquiries considered appropriate by the Office of the Prostitution Licensing Authority and/or Queensland Police Service under the Prostitution Act 1999 (the Act).
2. I authorise the Office of the Prostitution Licensing Authority and/or Commissioner and any person conducting any investigations or inquiries on behalf of the Office of the Prostitution Licensing Authority and/or Commissioner for the purposes of the Act to obtain any information and make any investigations or inquiries which relate to me and may be relevant to any of the purposes of the Act, in any jurisdiction.
3. I authorise the manager or other authorised officer of any branch or office of a bank or financial institution in any jurisdiction to whom a copy of this Authority is presented to inspect and obtain copies of, or to release to any official, any record, document or other information of any kind, in written, electronic or any other form, which relates to me and is held by the bank or financial institution.
4. I authorise any officer of any police service, law enforcement agency or regulatory body in any jurisdiction to whom a copy of this Authority is presented to release to any official any information or official record of any kind, in written, electronic or any other form, which relates to me and is held by the police service, agency or body, including any information relating to my personal and criminal history.
5. I will at all times sufficiently indemnify those persons referred to in 3 and 4 above and keep those persons referred to in 3 and 4 above indemnified against all liability in respect of the supply or publication of the information and against all actions, suits, proceedings, claims, demands, costs and expenses whatsoever which may be taken against those persons referred to in 3 and 4 above or incurred or become payable by the persons in respect thereof.
6. To make arrangements for the Office of the Prostitution Licensing Authority to obtain information directly from a person who is or may be an associate.

.....  
Signature of applicant

.....  
Signature of witness

..... / ..... / .....  
Date

.....  
Witness name

.....  
Address of witness

.....  
Date of birth of witness

**Applicant Surname** \_\_\_\_\_

# ANNUAL RETURN CERTIFICATE

**Please use BLOCK LETTERS**  
**Please place an "X" in the boxes where appropriate, to show your answers**

## Section A – Managers identification details

**1. Your surname**

Given name(s) (First and any second names)

Title (please circle)  
 Mr/Ms/Mrs/Dr/Other please specify:

Other names or aliases (including maiden name if applicable)

  


**2. Date of birth**                      **Gender (circle)**

<input style="width: 100%; height: 20px;" type="text"/> / <input style="width: 100%; height: 20px;" type="text"/> / <input style="width: 100%; height: 20px;" type="text"/>	<input style="width: 100%; height: 20px;" type="text"/> Male / Female
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**3. Current residential address**  
 (PO Box not acceptable)

  


Postcode

Daytime contact number	After hours number
( )	( )

Fax number	Mobile phone number
( )	

E-mail address (if applicable)

Current postal address. The PLA will send all correspondence to this address.

  


Postcode

## Section B – Brothel Details

**4. What are the names of the brothels you currently manage? (Additional information to be provided by attachment.)**

1	
2	
3	
4	

## Section C – Other details about Manager and associates

**If any of the following information has changed in the last 12 months you must answer 'Yes' and provide full and comprehensive details by attachment**

- 5. Has your marital status changed?**
- No  Go to the next question
- Yes  Please specify details by attachment
- 6. Has there been any change to your family associates or their details, for example children over the age of 18.**
- No  Go to the next question
- Yes  Please specify details by attachment
- 7. Have you or has a company which you are associated with purchased/gained a controlling interest (greater than 15% shareholding or greater than 15% representation on the company board) in any company?**
- No  Go to the next question
- Yes  Please specify details by attachment

List all trading names and trademarks under which the company, its holding company and subsidiaries of the holding company operate.

Provide details of the position you hold with regard to the company

8. Have you become a trustee or has any company of which you are a director become a trustee?

No  Go to the next question

Yes  Please specify details by attachment

9. Have you entered into a business partnership agreement?

No  Go to the next question

Yes  Please specify details by attachment

10. Has there been a change to any other associates previously identified, other than family associates?

No  Go to the next question

Yes  Please specify details by attachment

11. Under the Bankruptcy Act 1966 (C'wlth) have you been bankrupt or subject to an arrangement?

No  Go to the next question

Yes  Please specify details by attachment

12. Have you made an application to any local authority in Queensland to use premises for a brothel?

No  Go to the next question

Yes  Please specify details by attachment

13. Are you the owner or lessor of any property or premises in Australia:

- for which an application has been lodged with a local authority for use as a brothel, or
- for which it is intended to lodge an application with a local authority for use as a brothel?

No  Go to the next question

Yes  Please specify details by attachment

14. Have you applied or do you currently hold a licence or permit under the *Liquor Act 1992*?

No  Go to the next question

Yes  Please specify details by attachment

## Section D – Litigation, detentions and arrests

15. Under the *Bankruptcy Act 1966 (C'wlth)* have you been bankrupt or subject to an arrangement?

No  Go to the next question

Yes  Please specify details by attachment

16. Have you, in Australia or elsewhere, been convicted of a disqualifying offence (a 'disqualifying offence' is explained in the definitions) or a criminal offence?

No  Go to the next question

Yes  Please specify details by attachment

17. Have you been convicted of an offence against the *Prostitution Act 1999* or any corresponding law in Australia (a 'corresponding law' is explained in the definitions)?

No  Go to the next question

Yes  Please specify details by attachment

18. Have you, in Australia or elsewhere, been convicted of a prostitution related offence?

No  Go to the next question

Yes  Please specify details by attachment

19. Have you, in Australia or elsewhere, been convicted of an offence, the facts of which constitute the running of a brothel?

No  Go to the next question

Yes  Please specify details by attachment

20. Have you, in Australia or elsewhere, been charged with an offence of a sexual nature?

No  Go to the next question

Yes  Please specify details by attachment

21. Are you an associate of a person or body corporate or an executive officer who has been convicted of a disqualifying offence or a criminal offence, in Australia or elsewhere?

No  Go to the next question

Yes  Please specify details by attachment

22. Are you an associate of a person or a body corporate or an executive officer who has been convicted of an offence against the *Prostitution Act 1999* or any corresponding law, in Australia or elsewhere?

No  Go to the next question

Yes  Please specify details by attachment

23. If you are a director or officer of a company has the company:

- been the subject of any investigation by any State or Commonwealth Government Authority or State or Commonwealth Government Department (or by any overseas equivalent)?
- been placed into liquidation, receivership, scheme or arrangement or under other formal insolvency administration;
- had an agent for the mortgage appointed; or
- had an investigation into the affairs of the company authorised under the Australian Securities and Investments Commission (ASIC), its predecessors or equivalent overseas body?

No  **Go to the Statutory Declaration**

Yes  Please specify details by attachment

# STATUTORY DECLARATION

I, .....  
*Full name of the applicant*

of .....  
*Address of applicant*

**in the State of Queensland, do solemnly and sincerely declare that the contents of the Annual Return Certificate application including attachments and the attached document are true and correct in every particular.**

**And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the *Oaths Act 1867*.**

.....  
Signature of person making this declaration

.....  
Signature of witness

.....  
Declared at (print suburb or town)

.....  
Printed name of witness

in the State of Queensland, on

.....  
.....

this ..... day of ..... 20 .....

.....  
Address of witness

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**In accordance with the Oaths Act 1867 the following people may witness a Statutory Declaration in Queensland:**

- a justice
- a commissioner for declaration or notary public under the law of the State, the Commonwealth or another state
- a lawyer
- a conveyancer or another person authorised to administer the Queensland oath, under the law of the State, the Commonwealth, or another state.



# Definitions used in association with the *Prostitution Act 1999*

## Useful Definitions

The following definitions are provided for your reference only. Full definitions are available under the Act.

**"associate"** means any person who-

- (a) is a member of the individual's family; or
- (b) has entered into a business arrangement or relationship with the individual for the provision of prostitution; or
- (c) is the owner or lessor, either alone or jointly, of premises used or proposed to be used for the provision of prostitution under licence; and
- (d) includes an **"associate"** of a body corporate if the person is an executive officer of the body corporate.

**"brothel"** means premises made available for prostitution by 2 or more prostitutes at the premises.

**"corporation"** includes a body corporate or politic.

**"corresponding law"** means a law of another State corresponding to this Act.

**"development permit"** means a development permit granted under the *Sustainable Planning Act 2009*.

**"disqualifying offence"**

- money laundering under section 250 of the *Criminal Proceeds Confiscation Act 2002*
- trafficking in dangerous drugs under section 5 of the *Drugs Misuse Act 1986*
- the Criminal Code offences of Official corruption; official corruption not judicial but relating to offences; unlawful homicide; attempt to murder; rape; attempt to commit rape; kidnapping; kidnapping for ransom; demanding property; benefit or performance of services with threats; an offence against morality in chapter 22 if the offence relates to a child or

intellectually impaired person; or a prostitution offence in chapter 22A if the offence relates to a child or intellectually impaired person.

- Migration offences under Schedule 2 of the *Migration Act 1958 (C'wlth)*.

**"exempt prostitution service provider"** section 23 of the *Prostitution Control Act 1994 (VIC)* provides that certain persons who carry on a prostitution service providing business are exempt from the requirement to be licensed.

**"family"** of an individual, consists of the following members-

- (a) the individual's spouse;
- (b) each of the individual's children who is 18 years or more, including a stepchild, an adopted child and a person for whom the individual was foster-parent or guardian when the person was a child;
- (c) each of the individual's parents, including a step-parent, and a person who was a foster-parent or guardian for the individual when the individual was a child;
- (d) each of the individual's siblings who is 18 years or more, including a step-sibling and a person who was a foster-sibling when the individual was a child.

**"indictable offence"** Crimes and misdemeanours are indictable offences. An indictable offence is a more serious offence that is usually decided in the District of Supreme Court. Examples include murder, rape, robbery, assault and break and enter.

**"interest in a brothel"** a person has an "interest in a brothel" if the person-

- (a) is the licensee of the brothel; or

- (b) is a member of the family of the licensee of the brothel; or
- (c) is an approved manager of the brothel; or
- (d) is a member of the family of an approved manager of the brothel; or
- (e) is the owner, either alone or jointly, of premises used by the licensee of the brothel for the provision of prostitution; or
- (f) is a member of the family of an owner mentioned in paragraph (e); or
- (g) is the lessor of the premises used by the licensee of the brothel for the provision of prostitution; or
- (h) is a member of the family of a lessor mentioned in paragraph (g); or
- (i) has entered into a business arrangement or relationship with another person for the provision of prostitution at the brothel; or
- (j) directly receives income from the provision of prostitution at the brothel; or
- (k) is able to exercise a significant influence over the operations of, or in relation to the provision of prostitution at, the brothel; or
- (l) is an executive officer of a body corporate that is a person mentioned in paragraphs (e), (g), (i), (j) or (k)
- (m) for (1)(i), (j) and (k), a prostitute does not have an interest in a brothel merely because the prostitute is entitled by way of remuneration to a proportion of the payments made for the provision of prostitution by the prostitute at the brothel.
- (n) If a financial institution is a mortgagee of premises used by the licensee of a brothel for the provision of prostitution, the institution does not have an **"interest in a brothel"** only because the institution is a mortgagee of the premises.

**"minor"** a person under the age of 18

**"operate"** a brothel means to carry on the business of providing prostitution at the brothel.

**"partnership"** is the -

- state or condition of being a partner; participation; association; joint interest.
- relation subsisting between partners.

**"prostitution"**

(1) a person engages in "prostitution" if the person engages, or offers to engage, in the provision to another person, under an arrangement of a commercial character, of any of the following activities -

- (a) sexual intercourse;
- (b) masturbation;
- (c) oral sex;
- (d) any activity, other than sexual intercourse, masturbation or oral sex, that involves the use of 1 person by another for his or her sexual satisfaction involving physical contact.

(2) However, a person does not engage in prostitution if –

- (a) the activity is an activity mentioned in subsection (1)(d); and
- (b) the person is providing adult entertainment under an adult entertainment permit and is an adult and is not an intellectually impaired person; and
- (c) the activity is authorised under the permit.

(3) Subsection (1) applies equally to males and females.

**"trustee"** a person -

- (a) or one of a body of person's, appointed to administer the affairs of a company, institution etc.
- (b) who holds the title to property for the benefit of another.

**Disclaimer** - This document is intended to be a guide only and it is not intended to take the place of either the written law or regulations. It is only intended to be a general summary of information to you. As such, no responsibility is accepted for any loss or damage arising from action taken in reliance on the contents of this document. Any person contemplating action pursuant to the Act should first obtain a thorough knowledge of all aspects of the Act. It is strongly recommended that independent legal advice should be sought before taking any action.