

QUEENSLAND
Prostitution Act 1999
Part 3 Section 19(5)(d)(ii)



Prostitution Licensing Authority

BROTHEL LICENCE ANNUAL RETURN

Contains

1. Brief to Licensees
2. Instructions for Completion
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Please read instructions carefully before completing all forms and lodging with:

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

Licensee Surname _____

IMPORTANT

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

Licensees 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 licence is automatically cancelled if the licensee 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 by telephone (07) 3858 9500

Licensee Surname _____

INSTRUCTIONS FOR COMPLETION

The questions asked relate to the last year only

1. Type or print in BLOCK LETTERS and answer EVERY question.
2. Please use a BLACK or BLUE ballpoint pen when completing forms.
3. Corrections are to be struck out with a line and initialled. Correction fluid is not acceptable.
4. If a question does not apply state 'N/A' (not applicable) in the box.
5. If there is nothing to disclose in reply to a particular question state 'NIL'.
6. 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.
7. Each attached page should be signed by the licensee.
8. All dates should be completed in the form: Day/Month/Year for example 01/01/1950
9. This application is to be completed in the English language. Any documents not in English are required to have a certified English translation attached.
10. 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.
11. Please enclose all relevant fees with the application form. Any application form received without the correct fees will be returned to sender.
12. 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).

AUTHORITY FOR RELEASE OF INFORMATION

I, _____
Full name of the licensee
of _____
Address of licensee

grant an Authority on the following terms:

1. I acknowledge that, for the purpose of determining my suitability to hold a brothel licence, 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 licensee

Signature of witness

____ / ____ / ____
Date

Witness name

Address of witness

ANNUAL RETURN

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

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.

Section A – Licensee's details

1. Your surname

Given name(s)

Other names or aliases (including maiden name if applicable)

2. 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

3. Has there been any change to your personal details in the last 12 months that include but not limited to the following:

a) Change of name

No

Yes

b) Marital status

No

Yes

c) Company associates, directorships, trustee arrangements, business partnerships

No

Yes

d) Company associates, directorships, trustee arrangements, business partnerships

No

Yes

If you answered **Yes** to any of the above, please provide full details by attachment.

4. Have you applied for or been issued with a Liquor Licence?

No

Yes

Section B – Offences and Debt Recovery

5. Have you, in Australia or elsewhere, been convicted of a criminal offence?

No Go to the next question

Yes Please specify details (date, type of offence, State /Territory) by attachment

6. Have you, in Australia or elsewhere, been 'charged', 'whether or not a conviction was recorded', with a criminal offence, other than those mentioned in question 5?

No Go to the next question

Yes Please specify details (date, type of offence, State /Territory) by attachment

Licensee Surname _____

7. Have you in Australia or elsewhere, been the subject of a Domestic Violence Order?

No Go to the next question

Yes Please specify details by attachment

8. Have you in Australia or elsewhere been the subject of a disqualified, cancelled or suspended driver's licence?

No Go to the next question

Yes Please specify details by attachment

9. Have you in Australia or elsewhere been the subject of debt recovery action?

No Go to the next question

Yes Please specify details by attachment

Section C – Other details about licensee and associates

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

- been placed into liquidation, receivership, scheme of arrangement or under other formal insolvency administration; or
- had an agent for the mortgagee appointed; or
- had an investigation into the affairs of the company that has been authorised under the Australian Securities and Investment Commission, its predecessors or equivalent overseas body.

No

Yes

Not Applicable

11. Are you a trustee or is any company(s) in your control a trustee of any trust?

No

Yes

➤ If you answered **Yes** specify details below and for newly acquired trusts supply a copy

of stamped trust deed. (Additional information to be provided by attachment.)

Full name of trust	Name of trustee	Deed Document supplied (new trust only)

Section D – Brothel details

12. Has the business name of the brothel changed?

No

Yes

13. Has the telephone number/s or fax number/s of the brothel changed?

No

Yes

14. Has the owner(s) of the premises from which the brothel operates changed?

No

Yes

Licensee Surname _____

15. Has the lessor of premises from which the brothel operates changed?

- No 
- Yes 
- Not Applicable 

16. Have the lease arrangements, of the premises from which the brothel operates, changed?

- No 
- Yes 

➤ If you answered **Yes**, please provide a certified photocopy of the lease agreement

17. Have you exercised an option to renew the lease for the premises from which the brothel operates?

- No 
- Yes 

➤ If you answered **Yes**, please specify details by attachment

18. Have the banking details relating to the business structure for the brothel operations changed?

- No 
- Yes 

19. Have any systems in relation to determining financial viability of the brothel operations changed, for example implemented new accounting software program?

- No 
- Yes 

20. Has the person/s who directly receives an income from the provision of prostitution at the brothel changed?

- No 
- Yes 

21. Has the business structure for the operation of the brothel changed?

- No 
- Yes 

Section E – Brothel financial details

22. Are you and the brothel company up to date with taxation lodgments?

- No 
- Yes 

23. Please provide a copy of your personal tax return for the last available financial year.

24. Please provide a copy of the tax return for the brothel operations for the last available financial year.

25. Please provide a copy of the Balance Sheet and the Profit and Loss Statement for the brothel operations that is associated with the tax return provided in question 24. The financial statements must have comparable figures with the year before.

26. Please provide a copy of the Balance Sheet and the Profit and Loss Statement for the brothel operations from the previous 1 July to the end of the month prior to lodging this Annual Return.

Section F – Sources of funds

27. Indicate below the sources over the past year of all income and other benefits received for your use or disposal (whether received in money or in kind) whether as a result of your employment or association with any corporation, partnership, trust, joint venture business or otherwise. List the amount and source of each item received by yourself (and your spouse/de facto, if received jointly).

Source	Amount
	\$
	\$
	\$
	\$
TOTAL	\$

Licensee Surname _____

Section G – Licensee’s Statement of Personal Net Assets (non-brothel related)

28. As atday of..... 20 (that is, date of this statement) NB: Should there be insufficient space please provide details by attachment.

ASSETS				OTHER INFORMATION	
CASH ASSETS - CURRENT ASSETS				OTHER INFORMATION	
Financial Institution Other	Branch/Country/ Address stored	Account name	Total Amount \$	Percentage of share relating to licensee	Name of other parties who hold remaining share (if applicable)
DEBTS OWING TO YOU BY OTHER PERSONS				OTHER INFORMATION	
Please Circle	Name of debtor	Due Date	Total Amount \$	Percentage of share relating to licensee	Name of other parties who hold remaining share (if applicable)
Secured/ Unsecured					
Secured/ Unsecured					
Secured/ Unsecured					
Secured/ Unsecured					
TOTAL OF ASSETS			\$		

Licensee Surname _____

ASSETS					LIABILITIES					OTHER INFORMATION	
INVESTMENTS Shares, bonds, debentures, notes (including family, company shares but excluding brothel related assets)					DEBTS RELATING TO INVESTMENTS (if applicable)						
Company/ Fund/Trust/ Shares/Type	No. held	Year of acquisition	Total acquisition cost \$	Estimated market value \$	Financial institution	Amount of Loan \$	Amount outstanding \$	Year Due	Please Circle	Percentage of share relating to licensee	Name of other parties who hold remaining share (if applicable)
									Secured/ Unsecured		
									Secured/ Unsecured		
									Secured/ Unsecured		
									Secured/ Unsecured		
									Secured/ Unsecured		
									Secured/ Unsecured		
									Secured/ Unsecured		
									Secured/ Unsecured		
									Secured/ Unsecured		
									Secured/ Unsecured		
									Secured/ Unsecured		
									Secured/ Unsecured		
									Secured/ Unsecured		
									Secured/ Unsecured		
TOTAL OF ASSETS			\$		TOTAL OF DEBTS			\$			

Licensee Surname _____

FIXED ASSETS (that is, own residence and other properties)				DEBTS RELATING TO FIXED ASSETS					OTHER INFORMATION	
Location and description	Year of acquisition	Total acquisition cost \$	Estimated market value \$	Financial institution	Amount of Loan \$	Amount outstanding \$	Year Due	Please Circle	Percentage of share relating to licensee	Name of other parties who hold remaining share (if applicable)
								Secured/ Unsecured		
								Secured/ Unsecured		
								Secured/ Unsecured		
								Secured/ Unsecured		
								Secured/ Unsecured		
OTHER ASSETS (that is, motor vehicles, caravan, boat, furniture, jewellery)				DEBTS OR MORTGAGES RELATING TO OTHER ASSETS					OTHER INFORMATION	
Description		Total acquisition cost \$	Estimated market value \$	Financial institution	Amount of Loan \$	Amount outstanding \$	Year Due	Please Circle	Percentage of share relating to licensee	Name of other parties who hold remaining share (if applicable)
								Secured/ Unsecured		
								Secured/ Unsecured		
								Secured/ Unsecured		
								Secured/ Unsecured		
TOTAL OF ASSETS		\$		TOTAL OF DEBTS		\$				

Licensee Surname _____

LIABILITIES							OTHER INFORMATION	
OTHER MORTGAGES, LOANS AND LONG-TERM LIABILITIES - not previously stated								
Borrower's name	Financial institution	Amount of Loan \$	Amount outstanding \$	Year Due	Monthly repayment \$	Please circle	Percentage of share relating to licensee	Name of other parties who hold remaining share (if applicable)
						Secured/ Unsecured		
						Secured/ Unsecured		
						Secured/ Unsecured		
CREDIT CARDS AND OTHER LIABILITIES indicate name and address of lender or creditor and repayment details							OTHER INFORMATION	
Account name	Financial institution	Limit on account \$	Amount outstanding \$	Monthly repayment \$	Credit limit \$		Percentage of share relating to licensee	Name of other parties who hold remaining share (if applicable)
OTHER CURRENT LIABILITIES							OTHER INFORMATION	
Indicate details of creditor			Amount outstanding \$				Percentage of share relating to licensee	Name of other parties who hold remaining share (if applicable)
TOTAL OF DEBTS			\$					
CONTINGENT LIABILITIES (that is, liabilities of an indefinite nature or unspecified amount for which you may become liable in the future). Provide details								

STATUTORY DECLARATION

I,
Full name of the licensee

of
Address of licensee

in the State of Queensland, do solemnly and sincerely declare that the complete contents of the Brothel Annual Return including attachments 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

.....
Category of witness

this day of 20

.....
Address of witness

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.

Licensee Surname _____

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 -

- (a) state or condition of being a partner; participation; association; joint interest.
- (b) 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 persons, 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.

COLLECTION AND PROTECTION OF CONFIDENTIAL INFORMATION

Information is collected from licence and certificate applicants to determine their ongoing eligibility and suitability for a brothel licence or manager's certificate and to support decisions by the Prostitution Licensing Authority to grant or refuse licences and certificates.

Applicants supply detailed information through application forms about their personal, business and financial arrangements, their criminal histories and prior involvement in prostitution, their employment history, and their associates as defined by *the Prostitution Act 1999*. In addition to information sought through application forms, some information is sought from other agencies and financial institutions. Once an individual has made an application to the Office of the Prostitution Licensing Authority, records of contact between Prostitution Licensing Authority staff and the applicant may also be kept.

Access to records containing applicant personal information is granted to the staff of the Office of the Prostitution Licensing Authority. The Office of the Information Commissioner, the Crime and Corruption Commission and the Ombudsman may have access to Prostitution Licensing Authority records containing personal information in the course of their official duties.

All information collected by the Office of the Prostitution Licensing Authority in application forms is made available to the Queensland Police Service pursuant to sections 14 and 39 of the *Prostitution Act 1999*. The names and dates of birth of applicants and their associates are disclosed to the Liquor Licensing Division and to the Business Licensing Authority (Victoria) for relevant checks. The names of all companies with which applicants are associated are disclosed to the Office of Fair Trading and the Australian Securities and Investments Commission in the course of inquiries.

The *Information Privacy Act 2009* provides for the protection of personal information collected and held by Queensland Government Agencies. It is designed to protect all forms of personal information from being lost, misused or inappropriately modified or disclosed. Under the Information Privacy Act, the PLA must comply with Information Privacy Principles which govern how information is collected, stored used and disclosed.

Personal information about applicants is kept in both paper and electronic formats. Applicant's personal information is retained in locked filing cabinets at the Office of the Prostitution Licensing. Electronic information is retained in a password-protected environment.

If an individual believes that their personal information has not been dealt with appropriately, they may make a complaint to the Prostitution Licensing Authority.

A complaint must be made in writing within six months from the date when the breach was suspected to have occurred. Written complaints should be sent to the Office of the Prostitution Licensing Authority:

The Privacy Officer
The Office of the Prostitution Licensing Authority
GPO Box 3196
BRISBANE QLD 4001