

pla

Brothel Licensees

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Licensed Brothels

To legally operate a brothel in Queensland a person must first hold a brothel licence granted by the Prostitution Licensing Authority (PLA). All other brothels in the state are illegal and liable to face criminal sanction accordingly.

Who can apply to become a brothel licensee and what are the criteria?

The *Prostitution Act 1999* (the Act) specifies those persons that are ineligible to apply for a licence, as well as the criteria for determining if the applicant is a suitable person to operate a licensed brothel.

Under s. 8 of the Act, a person is ineligible to apply for a brothel licence if the person:

- is a corporation;
- is a minor;
- is an insolvent under administration;
- holds a licence or permit under the *Liquor Act 1992*;
- has been convicted of a disqualifying offence;
- has had a brothel licence or manager's certificate cancelled in the last three years; or
- is subject to an order of the PLA declaring the person to be ineligible to apply for a licence.

Section 17 of the Act specifies those matters that the PLA must consider in determining if an applicant is a suitable person to operate a licensed brothel, including:

- the applicant's reputation, character, honesty and integrity;
- whether the applicant has been convicted of an offence against the Act or a corresponding law, or has been convicted of an indictable offence;
- whether the applicant has been convicted of an offence, the circumstances of which constituted the running of a brothel;
- whether the applicant has been charged with an offence of a sexual nature that involves violence, intimidation, threats, or children;
- whether the applicant has, or will be able to obtain, financial resources that are adequate to ensure the financial viability of the brothel;
- whether there will be arrangements in place to ensure the safety of persons directly involved in providing prostitution and that comply with the requirements of the Act;
- whether the brothel's business structure is sufficiently transparent to enable all associates of the applicant to be readily identified;



Prostitution Licensing Authority
Queensland Government

- whether the applicant is an associate of a person who has been convicted of a disqualifying or an indictable offence;
- whether the applicant is an associate of a body corporate, an executive officer of which has been convicted of a disqualifying or an indictable offence;
- whether the applicant is an associate of a person who holds a licence or a permit under the *Liquor Act 1992*; and
- any other matter prescribed under a regulation.

Under s. 9 of the Act, a person is not entitled to apply for, or eligible to be granted, more than one brothel licence.

The Act also requires the PLA to refuse to grant a licence if it considers that, if the application were granted, the combined total of licensed brothels and premises permitted to provide adult entertainment in the locality in which the brothel is to be situated would substantially affect the character of the locality. For example, if the locality would become a 'red light district'.

The licence

Under the Act, a brothel licence is granted for a term of three years, unless it is surrendered, suspended or cancelled in the meantime. The licence is personal to the licensee and may not be transferred to any other person.

A person may only operate a brothel at the premises stated in the licence, subject to the *Integrated Planning Act 1997*. Moreover, a licensee may not operate a brothel at more than one premises. Any act of prostitution must take place only at the premises stated in the licence. The effect of this is that 'out calls' (a prostitute visiting a client at premises other than the brothel) are illegal from licensed brothels.

The obligations of brothel licensees

Licensees must comply with all relevant provisions of the Act. For example:

- they must inform the PLA after becoming aware of a change in the information given in their application for a licence;
- they must take reasonable steps to ensure that a person does not provide, or offer to provide, or obtain, or ask a prostitute to provide, prostitution involving sexual intercourse or oral sex at the licensed brothel without the use of a prophylactic;
- there must not be more than 13 staff at the brothel at any one time; and
- they must not permit a person to work as a prostitute at the brothel during any period in which they know the prostitute is infected with a sexually transmissible disease.

Licensees must also comply with any conditions specified on their licence. There are a number of standard conditions attached to each licence issued by the PLA. For example, licensees must:

- allow the PLA to enter and inspect the brothel premises and all operational aspects of the business; and
- ensure that sex workers hold a current sexual health certificate.

How do I apply?

You should contact the PLA office and ask for the application forms.

There are several forms required when completing your application. Once the application is completed, you will need to submit the forms and all relevant information to the PLA, along with the applicable application and licence fee. The PLA website has a schedule of the relevant fees.

Prospective applicants should be aware that the application process is both exhaustive and intrusive. For instance, you will be asked about any convictions for a criminal offence, for details of any company in which you have a controlling interest, details of any international travel over the previous five years, your employment history, details of any prior involvement in prostitution, details of any associates, and financial details (including your assets and liabilities).

Further information may be obtained by contacting the PLA or from our website. The Act may also be downloaded from: www.legislation.qld.gov.au.

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