

P A BROTHEL LICENSEES

Licensed brothels

To legally operate a brothel in Queensland a person must first hold a brothel licence granted by the Prostitution Licensing Authority (PLA) and have received development approval from the local government authority for the premises to be used as a brothel. All other brothels in the state, however they might be described, are illegal and liable to face criminal sanction.

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

The *Prostitution Act 1999* 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 Prostitution 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 or other authority under the Prostitution Act or a corresponding law cancelled in the last three years
- is subject to an order of the PLA declaring the person to be ineligible to apply for a licence.

Under s. 16 of the Prostitution Act, the PLA must refuse to grant an applicant a licence if it is satisfied they are not a suitable person to operate a licensed brothel. Section 17 of the Act specifies those matters the PLA must consider in determining if an applicant is a suitable person, 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
- 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
- any other matter prescribed under a regulation.

Under s. 9 of the Prostitution Act, a person is not entitled to apply for, or eligible to be granted, more than one brothel licence. This means that a person may not own multiple brothels. Under s. 16 of the Act, if an applicant has an interest in another licensed brothel, the PLA must refuse to grant the applicant a licence.

The Prostitution 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 adult entertainment premises 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

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. Any act of prostitution must take place only at the brothel premises. This means that outcalls (escort arrangements) from the brothel are illegal.

The obligations of brothel licensees

Licensees must comply with all relevant provisions of the Prostitution Act, *Prostitution Regulation 2000*, any other relevant legislation, and their conditions of licence. For example:

- have measures in place to address risks to the health and safety of staff (including sex workers) and clients
- ensure that the brothel is personally supervised at all times it is open for business
- all staff (including sex workers) must be at least 18 years of age
- inform the PLA after becoming aware of a change in the information given in their application for a licence
- there must not be more than 13 staff at the brothel at any one time

PLA contact details

Street address:
Level 3, 5 Gardner Close
MILTON QLD 4064

Telephone: 07 3858 9500 * Facsimile: 07 3876 3641
E-mail: plaadmin@iprimus.com.au * Website: www.pla.qld.gov.au

- take reasonable steps to ensure that only safer sexual practises occur at the brothel
- not permit a person to work as a sex worker at the brothel during any period in which they know the worker is infected with a sexually transmissible infection
- sex workers must hold a current sexual health certificate.

The Prostitution Act and the Prostitution Regulation may be obtained from:
www.legislation.qld.gov.au.

How does a person apply for a brothel licence?

They should contact the PLA office and ask for the application forms. Completed forms plus all required documentation should be submitted to the PLA, along with the required fees. Schedule 2 of the Prostitution Regulation contains the fees and they can also be found on the PLA website. Although licences are issued for a period of three years, annual fees are payable.

Prospective applicants should be aware that the application process is both intensive 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 the sex industry, details of any associates, and financial details (including your assets and liabilities).

Disclaimer: *This is not intended to be a comprehensive account of the relevant legislation. Whilst the PLA has made every effort to ensure the accuracy of this information at the time of printing, it does not warrant its accuracy and accepts no liability for reliance on the information.*