

pla

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Prohibited Brothels

Legal Brothels

For a brothel to be legal in the state of Queensland it must:

1. be operated by a person that holds a brothel licence issued by the Prostitution Licensing Authority (PLA); and
2. operate only from the premises stated in the licence, which have received development approval as a brothel under the *Integrated Planning Act 1997*.

Any brothel that does not meet these requirements is operating illegally and can be declared a prohibited brothel.

What is the process for declaring a prohibited brothel?

Under the *Prostitution Act 1999* (the Act) a police officer, the PLA or an authorised officer of the relevant local government may apply to a Magistrates Court for a declaration or temporary declaration that particular premises are a prohibited brothel.

Under s. 66 of the Act, the court may declare premises to be a prohibited brothel if it is satisfied, on the balance of probabilities that:

- a person is or was operating a brothel without a licence; or
- the premises are or were being used for a brothel in contravention of the *Integrated Planning Act*.

The declaration may be made for an unlimited or for a specified period.

Similarly, a temporary declaration may be made under s. 66A of the Act if the issuer is satisfied, on the balance of probabilities, that there is a likelihood the premises will be a brothel because:

- a person will operate a brothel without a licence at the premises; or
- the premises will be used for a brothel in contravention of the *Integrated Planning Act*.



Prostitution Licensing Authority
Queensland Government

Publication of declaration

Once a declaration has been granted, the applicant for the declaration must:

- publish a notice of the declaration, on two consecutive days, in a newspaper sold and circulated in the locality in which the premises are situated;
- give notice of the declaration to the occupier of the premises, the owner of the premises and the registered mortgagee; and
- post up at or near the entrance to the premises a visible and legible copy of the declaration.

Offences in relation to declarations

It is an offence, punishable by a fine or imprisonment, for a person to interfere (meaning cover, remove, deface or destroy) with a copy of a declaration posted up on a brothel.

In addition, it is an offence, punishable by fine or imprisonment, for a person to be found in or entering or leaving a prohibited brothel. There are exceptions for:

- a person, other than the owner or occupier, who was in or entering or leaving the premises for a lawful purpose; and
- the owner or occupier, if they enter the premises under a court order.

Furthermore, if a prohibited brothel is used as a brothel at any time after notice of the declaration has been given to the occupier and owner of the premises and while the declaration is in force, the occupier and the owner will each commit an offence, punishable by fine or imprisonment.

Rescinding a declaration

The following persons may apply to the court for an order rescinding (lifting) the declaration:

- the owner, occupier, or registered mortgagee of the premises;
- a police officer;
- the PLA; or
- an authorised officer of the relevant local government.

The Act provides that the court may rescind the declaration on any terms that it considers appropriate. For example, the giving of security to ensure that the premises are not used as an illegal brothel again.

Further information

This fact sheet is intended to provide broad and general, rather than detailed and comprehensive information on prohibited brothels. It should be read in conjunction with the relevant provisions (that is, Part 5) of the *Prostitution Act 1999*.

The Act can be obtained from the website:

www.legislation.qld.gov.au

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