

pla

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Prostitution and the law in Queensland

What types of sex work are legal in Queensland?

There are two forms of legal sex work in Queensland:

- Sole operators (private work) - where a single sex worker works alone - but it is an offence to publicly solicit for the purposes of prostitution.
- Sex work conducted in a licensed brothel.

Any other form of sex work is illegal in Queensland. This includes unlicensed brothels or parlours, street workers, two sex workers sharing one premises (even if they both work alone in split shifts), and out-calls provided by a licensed brothel.

The Prostitution Act

The *Prostitution Act 1999* (the Act) allows a person to apply for a brothel licence, or a certificate to manage a brothel on behalf of a licensee. The Act also requires that any advertisements for prostitution be in an approved form (which may include complying with guidelines). The Act also prescribes a process for declaring a building a prohibited brothel.

Would you like more information? You can contact the PLA. Copies of the Act and the *Prostitution Regulation 2000* can be obtained from: www.legislation.qld.gov.au



Prostitution Licensing Authority
Queensland Government

Advertising Sexual Services

Under the Act, a person must not publish an advertisement:

- that describes the services offered;
- which might induce a person to seek employment as a sex worker;
- that states directly or indirectly, that the person's business provides or is connected with massage services; or
- using radio, television, film or video recording.

In addition, an advertisement (including on the Internet) that is published must be in the approved form. The Act provides guidance about what constitutes an approved form.

The Act allows the PLA to issue guidelines about the approved form for advertisements for prostitution. An advertisement that complies with the guidelines will be in the approved form. The intention is that sole operators, brothels, and publishers are able to self-assess whether the proposed advertisement is in the approved form.

The guidelines are available on the PLA's website, www.pla.qld.gov.au, or by contacting the PLA office on 07 3858 9500.

How does the *Prostitution Act 1999* regulate sole operators?

The Act contains no licensing or registration requirements for sole operators, but they are required to comply with any relevant sections of the Act.

For example, it is an offence to publicly solicit for prostitution. It is also illegal for a sex worker to provide, or offer to provide, prostitution involving sexual intercourse or oral sex without the use of a prophylactic (condom). Sole operators must also comply with the advertising requirements of the Act.

Otherwise, the law relating to prostitution by sole operators is contained in the *Criminal Code Act 1899*. Under the Criminal Code, one sole operator must not work in conjunction with another sole operator. Two sole operators are prohibited from working out of a single premises. It is an offence for a person, without reasonable excuse, to be found in or leaving a place suspected of being used by two or more prostitutes.

Brothel Licensing

There are two separate processes that must be satisfied before a brothel can commence operation legally. A person must apply to the local authority for development approval of a brothel premises. For further information on this requirement contact your local council. A person must also apply to the PLA for a brothel licence.

It is an offence for a licensee to provide prostitution at a place other than the licensed brothel. There are restrictions on the number of working rooms, the number of sex workers and the total number of staff allowed on a premises at any one time. The Act provides that there must not be more than 13 staff at the brothel at any one time. The number of prostitutes permitted at the brothel at any one time is dependant on the number of rooms permitted at the brothel. Schedule 3 of the Act contains further details.

Applying to the PLA for a brothel licence

A brothel licence is granted only to individuals who meet the criteria under the Act. You are ineligible to apply for a brothel licence if you:

- are a corporation;
- are a minor;
- are an insolvent under administration;
- hold a licence or permit under the *Liquor Act 1992*;
- have been convicted of a disqualifying offence;
- have had a licence or certificate under the Act cancelled in the last three years; or
- are subject to an order from the PLA declaring the person to be ineligible to apply for a licence.

The PLA must refuse to grant you a brothel licence application if you are not a suitable person to operate a licensed brothel, if you have an interest in another brothel, or if the PLA considers that granting the licence would substantially affect the character of the area. For example, if it means the area will become a 'red light district'.

In deciding whether to grant or refuse a licence the PLA is also required to consider the suitability of the applicant, including:

- the applicant's reputation, having regard to character, honesty and integrity;
- whether the applicant has a conviction for an offence against the Act, or a conviction for an indictable offence, or a conviction for an offence the circumstances of which constitute the running of a brothel, or whether the applicant has ever been charged with an offence of a sexual nature;
- whether the applicant has, or will be able to obtain, financial resources that are adequate to ensure the financial viability of the brothel;
- whether the applicant will have in place arrangements to ensure the safety of sex workers;
- whether the business structure for the operation of the brothel is sufficiently transparent to enable all associates of the applicant to be readily identified; and

- whether any of the applicant's associates have a conviction for a disqualifying or indictable offence or whether they hold a licence or permit under the *Liquor Act 1992*.

Applying for a licence or certificate if you have a conviction for prostitution

A conviction for prostitution does not automatically preclude a person from obtaining a licence or certificate. In fact, the Act requires that the PLA must not decide that an applicant for a brothel licence or a manager's certificate is not a suitable person to be a licence or certificate holder simply because the applicant has been a sex worker. However, in deciding whether or not to grant a brothel licence or manager's certificate, the PLA must consider whether the applicant has been convicted of an offence, the circumstances of which constitute the running of a brothel.

Where to get a licence or certificate application form

Application forms for a brothel licence or manager's certificate are available from the office of the PLA. The process for receiving, processing and considering applications may take some months.

Licence and certificate fees

There are application, licence and certificate and renewal fees associated with brothel licences and manager's certificates. These fees must be paid when the application is lodged with the PLA. If an application for a licence or certificate is withdrawn by the applicant or rejected by the PLA, the PLA must refund the entire licence or certificate fee.

The list of fees is set out in Schedule 2 of the *Prostitution Regulations 2000*. They are available by contacting the PLA, or from its website.

If you are eligible to apply, will you automatically get a licence or certificate?

No. The PLA is required to consider a range of matters, such as those specified above, prior to deciding whether or not to grant a licence or certificate. Refer to the Act for more detail about these matters.

Requirements relating to licensed brothels

There are a number of requirements for brothel licensees and managers that must be met for the efficient and lawful operation of the brothel, including:

- supervising the brothel at all times;
- ensuring that there is no liquor at the brothel;
- ensuring the correct number of staff and sex workers are on premises at any one time;
- recording particular details of brothel operations;
- ensuring safety and security of sex workers and staff;
- maintaining financial records;
- managing complaints;
- applying infection control measures; and
- general professional management of the brothel systems, facilities and workplace ensuring that it is operated in accordance with all government requirements.

Licensees and Managers must also:

- allow entry by officers of the PLA;
- assist police who have lawfully entered a licensed brothel under the Act;
- provide documents requested by the PLA or police at a licensed brothel;
- provide particulars about age that are requested by the PLA or police at a licensed brothel;
- provide the name and address of licensees and managers to police;
- display the licence prominently at the entrance to the brothel; and
- produce a licence or manager's certificate if requested by police.

Only police of the rank of inspector or above may enter, or authorise an entry, to a licensed brothel when it is open for business. Police officers who wish to inspect, copy or take possession of documents or things must seek prior written authorisation from the PLA. Details about police entry of licensed brothels must be reported to the PLA.

Contact details for the PLA

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Level 3, 5 Gardner Close
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