



Prostitution
Licensing Authority

GUIDELINES FOR THE ADVERTISEMENT OF SOCIAL ESCORT SERVICES

Section 139A, *Prostitution Act 1999*

Version: 2

Date of commencement: 28 June 2017

These guidelines are issued by the Prostitution Licensing Authority (PLA) in accordance with s. 139A of the *Prostitution Act 1999*. These guidelines may be replaced or varied by a later guideline issued under s. 139A of the Prostitution Act.

1. Application of these guidelines

- 1.1 For the purpose of clarity, these guidelines apply only to the advertising of social (**i.e. non sexual**) escort services. They do not apply to sole operator sex workers who perform escort work (outcalls). The *Guidelines About the Approved Form for Advertisements for Prostitution* continue to apply to sole operator sex workers.
- 1.2 Escort agencies that provide sexual services (prostitution) are illegal in Queensland under Chapter 22A of the Criminal Code.

2. Prohibited advertising

- 2.1 It is prohibited to publish an advertisement for social escort services that is not in the approved form. These guidelines constitute the approved form.
- 2.2 It is the responsibility of persons placing advertisements and publishers to self-assess the proposed advertisement against the guidelines and thereby determine whether the advertisement is in the approved form. Under no circumstances will the PLA accept advertisements for approval.
- 2.3 The primary role of the PLA is to provide advice on the application of the guidelines. Queries should be forwarded to plaadmin@iprimus.com.au or by telephone on 07 3858 9500.

3. Scope

- 3.1 Social escort services advertising includes advertising by both social escorts and social escort providers. Refer to the attached definition of 'social escorts' and 'social escort providers'.
- 3.2 *Approved form* includes the size and content (photos, images, and wording) of the advertisement.

- 3.3 These guidelines apply to social escort services advertising **published in any way**, including by newspaper, periodical, notice, sign or circular or through radio or television or by film or video recording or on the internet. It includes matters that are not in writing but which convey a message.
- 3.4 It makes no difference if the act done to publish the advertisement in Queensland is done outside Queensland, or if an internet site that has published an advertisement is located outside Queensland.
- 3.5 For further information or clarification, refer to the attached definition of 'advertisement' and 'publish'.
- 3.6 Social escort services advertising on stickers is prohibited.

4 Content of advertisements

- 4.1 Advertisements for social escort services must not suggest, either expressly or impliedly, that sexual services are provided. For example, by the use of innuendo, or sexually suggestive wording or images, or by references to sexual organs.
- 4.2 Advertisements must unequivocally state that the services are not sexual or that sexual services are not provided. All advertisements **MUST** prominently state the following words:
- 'non sexual'; OR
 - 'sexual services are not provided'.
- 4.3 Advertisements must not state or imply that social escorts are under the age of 18 years.
- 4.4 Depictions of the following are prohibited:
- children
 - animals
 - a sexual act (sexual intercourse, masturbation or oral sex) or a simulated sexual act
 - the sexual organs (vagina, mons veneris, penis, scrotum, testicles and mons pubis) of a person, the anus of a person, or exposed female breasts or nipples (this does not preclude images of cleavage or the like), or exposed buttocks.
- 4.5 An advertisement for social escort services must not contain any references or links relating to prostitution. For example, a link to an advertisement for prostitution.
- 4.6 Advertising on the internet must not permit access to, or link the advertisement with, a website that is an advertisement for prostitution or a website that contains an advertisement for prostitution.
- 4.7 An advertisement must not advertise any other thing without the written consent of the advertiser of the thing.

5 Size of advertisements

5.1 Except for an advertisement on the internet, the total surface area of the advertisement must be no larger than:

- **for a business card** – 90mm in length and 55mm in width
- **for a print directory advertisement** (e.g. yellow pages) – 253mm in length and 215mm in width
- **otherwise** (e.g. classifieds advertising, posters, notices, signs) – 54cm².

6 Location of advertisements

6.1 Social escort services advertising must not appear in a part of a publication used for the advertising of prostitution. There must be an obvious distinction and separation of social escort services advertising from prostitution advertising.

For example: social escort services advertisements must not be interspersed with advertisements for prostitution, such as under a generic 'escort services' heading or an 'adult services' heading.

Note: Advertisements for social escort services and advertisements for prostitution may appear on the same page of a publication but there must be an obvious distinction and separation of the two different types of advertisements.

6.2 In respect of the classifieds section of publications, and print and web directories, advertisements for social escort services MUST appear under a discrete heading entitled either 'social escort services' OR 'social escorts' OR 'social escort providers'.

7 Contacting the PLA

7.1 The PLA can be contacted by telephone on 07 3858 9500 or via email at plaadmin@iprimus.com.au.

Attachment

LEGISLATIVE FRAMEWORK & DEFINITIONS

1. LEGISLATIVE FRAMEWORK

Prostitution Act 1999

s. 96A

- (1) A person must not publish an advertisement for social escort services that does not, by the use of the words 'non sexual' or 'sexual services are not provided', unequivocally state that the services are not sexual or that sexual services are not provided.
- (2) A person must not publish an advertisement for social escort services that is not in the approved form.

Maximum penalty for subsections (1) and (2) –

- (a) if an internet website has been established for the advertisement –
 - (i) if the cost of establishing the website is \$1000 or less – 70 penalty units; and
 - (ii) if the cost of establishing the website is more than \$1000 – an amount that is 10 times the commercial cost of establishing the website; or
- (b) otherwise –
 - (i) if the cost of publishing the advertisement is \$1000 or less – 70 penalty units; or
 - (ii) if the cost of publishing the advertisement is more than \$1000 – an amount that is 10 times the cost of publishing the advertisement.

The Explanatory Notes for the *Prostitution and Other Acts Amendment Bill 2009* provide further guidance as to what Parliament intended in terms of internet advertising. They say that:

A person will be deemed to have published an advertisement through an internet website established for an advertisement, where that person has established a website that is an advertisement for a ... social escort service. This provision is not meant to capture a person who attaches an advertisement for ... social escort services to [an] external website. This will be captured under the second tier of the penalty 'publishing an advertisement through any other means' (p. 8).

s. 139A

- (1) The Authority may issue guidelines about the approved form for advertisements for prostitution or social escort services.
- (2) Without limiting subsection (1), a guideline may provide –
 - (a) for the form of an advertisement for prostitution or social escort services; or
 - (b) matters that may or may not be included in an advertisement for prostitution or social escort services.
- (3) A guideline may be replaced or varied by a later guideline issued under this section.

Prostitution Regulation 2014

s. 16

Approved form for advertisement for social escort services

- (1) The purpose of this section is to provide for matters to be included in an advertisement for social escort services for section 92 of the Act, definition *approved form*, paragraph (b).
- (2) An advertisement for social escort services must comply with the following—
 - (a) the total surface area of the advertisement, other than an advertisement on the internet, must be the permitted size or smaller;
 - (b) the advertisement must not be a sticker;
 - (c) the advertisement must not—
 - (i) contain a photograph or image of—
 - (A) the sexual organs or anus of a person; or
 - (B) a sexual act or a simulated sexual act; or
 - (C) a child; or
 - (D) an animal; or
 - (ii) advertise a business or event without the written consent of the person conducting the business or event; or
 - (iii) if the advertisement is an advertisement on the internet—link the advertisement with, or otherwise permit access to, a website containing an advertisement for prostitution.

Example for subparagraph (iii)—

A social escort service's advertisement on the internet may link the advertisement with the social escort service's advertisement on the yellow pages website. However, a social escort service's advertisement on the internet must not link the advertisement with an advertisement on the yellow pages website for a licensed brothel.

2. DEFINITIONS

Criminal Code

s. 229E

- (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 a person with an impairment of the mind; and
 - (c) the activity is authorised under the permit.

- (3) Subsection (1) applies equally to males and females.
- (4) It does not matter, in relation to an arrangement for the provision of an activity mentioned in subsection (1)(a), (b), (c) or (d), whether –
 - (a) the arrangement is initiated with the person engaging in the provision of the activity or a third person; or
 - (b) the pecuniary or other reward under the arrangement is to be received by the person engaging in the provision of the activity or a third person.

Prostitution Act 1999

s. 92

advertisement includes the following –

- (a) notice;
- (b) sign;
- (c) circular;
- (d) matter that is not in writing, but which conveys a message because of the form or context in which it appears.

publish an advertisement or statement means publish, or cause to be published, in any way including by newspaper, periodical, notice, sign or circular or through radio or television or by film or video recording or on the internet, even if –

- (a) the act done to publish the advertisement or statement in Queensland is done outside Queensland; or
- (b) if the advertisement or statement is published on an internet site – the site is located outside Queensland.

approved form means – ...

- (b) if guidelines under section 139A or a regulation provides for the form of an advertisement mentioned in section 93(2) or 96A(2), including matters that may or may not be included in an advertisement – a form that complies with the guidelines or regulation ...

Schedule 4

social escort means a person who, under an arrangement of a commercial character, is held out to the public for hire to –

- (a) accompany another person to social affairs, places of entertainment or amusement; or
- (b) consort with a person in any place, whether public or private;

but does not include –

- (c) a person who provides the services mentioned in paragraph (a) or (b) as part of health services for the other person; or
- (d) a person who provides prostitution.

health services means services prescribed under a regulation for maintaining, improving and restoring people's health and wellbeing.

social escort provider means a person or entity that, under an arrangement of a commercial character –

- (a) provides, or offers to provide, names of social escorts to persons; or
- (b) introduces, or offers to introduce, persons to social escorts; or
- (c) takes any other step for the purpose of introducing persons to social escorts.

Prostitution Regulation 2014

s. 3

oral sex means the bringing into contact of any part of the sexual organs or anus of a person with any part of the mouth of another person.

permitted size, of an advertisement, means the following –

- (a) for a business card – 90mm in length and 55mm in width;
- (b) for an advertisement in the yellow pages – 253mm in length and 215mm in width;
- (c) otherwise – 54cm².

sexual act means sexual intercourse, masturbation or oral sex.

sexual organs means the following –

- (a) for a female – the vagina and the mons veneris;
- (b) for a male – the penis, scrotum, testicles and mons pubis.