

Attachment A

A MESSAGE FROM THE CHAIRPERSON ABOUT YOUR BROTHEL LICENCE CONDITIONS

Dear Licensee

The Prostitution Licensing Authority (“PLA”) grants a licence to operate a brothel pursuant to ss. 18 and 19 of the *Prostitution Act 1999* (the “Act”) and the *Prostitution Regulation 2014* (the “Regulation”) to which all licences and licensees are subject.

The licence is further subject to “conditions or restrictions” set out under the Act or Regulation, together with any other “conditions or restrictions” imposed by the PLA (ss.19 and 21 of the Act).


Your brothel licence is therefore granted subject at all times to your compliance with the Act and/or Regulation and/or conditions or restrictions imposed and a breach of the Act and/or Regulation shall also be deemed a breach of your licence which may result in your being the subject of disciplinary action under the Act, independent of any other action taken against you at law.

The PLA encourages you to familiarise yourself with the Act and Regulation which can be found at www.legislation.qld.gov.au and it is your responsibility to do so.

Chapter 22A of the *Criminal Code Act 1899* (“Criminal Code”) deals with the subject of prostitution at law.

The PLA has published an *Operational Standards Manual*, which you will have received when you first applied for a brothel licence. The PLA expects you are familiar with it and also that you apply it to ensure compliance.

The PLA draws your attention to the following which are deemed by the PLA to be conditions of your licence. The conditions must be read in conjunction with the attached definitions.



WALTER H TUTT
CHAIRPERSON

BROTHEL LICENCE CONDITIONS

Section 21 *Prostitution Act 1999*

Brothel Licence number xxxx is subject to the following Brothel Licence Conditions.

COMPLIANCE WITH ACT AND REGULATION

- 1.1 The *Prostitution Act 1999* (the Act) and the *Prostitution Regulation 2014* (the Regulation) must at all times be complied with. A breach of the Act and/or Regulation is deemed a breach of your licence.
- 1.2 The brothel licensee (the licensee) must continue to be a suitable person to operate a brothel in terms of section 17 of the Act.

ACCESS AND RECORDS

- 2.1 The licensee must:
 - (a) allow a member of staff of the Prostitution Licensing Authority (PLA) to enter, inspect, and search the brothel premises, or any part therein, at any time the brothel is open for business, whether the licensee is on the premises or not;
 - (b) allow a member of staff of the PLA to speak privately with any person within the brothel premises, without impediment to or obstruction of the staff member, and if requested by the staff member, in the absence of the licensee or approved manager; and
 - (c) not obstruct, hinder, impede, attempt to conceal any person or thing, or otherwise prevent or inhibit a member of staff of the PLA, in the course of that staff member's duties, from speaking to or attempting to speak to, any person within the brothel premises or otherwise frustrate or attempt to frustrate that staff member in the course of their duties.
- 2.2 Any record required to be kept under these conditions must be made available to the PLA or a member of staff of the PLA, on request.

PROOF OF AGE OF SEX WORKERS

- 3.1 All sex workers must be aged 18 years or over and the licensee or an approved manager must sight the original of an acceptable form of identification as proof of this.
- 3.2 Each sex worker record must include the:
 - (a) name of the sex worker (working name is sufficient);
 - (b) type of acceptable form of identification sighted;
 - (c) date of birth of the sex worker; and
 - (d) name and signature of the licensee or approved manager who sighted the identification.

SEXUAL HEALTH

- 4.1 The licensee must take all reasonable steps to ensure that personal protective equipment (PPE) is used for sexual intercourse, oral sex and 'hand relief'.
- 4.2 Sex workers and staff must be made aware by the licensee or approved manager at induction, that PPE must be used for sexual intercourse, oral sex and 'hand relief'.
- 4.3 A sex worker who provides prostitution of any description, including sexual intercourse or oral sex, must be provided with PPE. All PPE must be stored in accordance with the manufacturer's specifications.
- 4.4 The licensee or an approved manager must obtain proof, in the form of a current document of medical examination from a clinician (e.g. sexual health check certificate of attendance), that a sex worker had been medically examined or tested to ascertain if the worker was infective with a sexually transmissible infection (STI). The document of medical examination must establish that the examination or test was about sexual health status.

Note: The interval between medical examination or testing for sexual health status is not more than three months.

- 4.5 The licensee or an approved manager must sight the original document of medical examination and retain, for a period of one year, a copy of the original document endorsed with the date, name and signature of the person who sighted the original. Demonstration that this condition is met includes:
 - (a) keeping relevant records to comply with condition 4.4;
 - (b) the application of procedures to assess documentation against standards;
 - (c) systems to manage records and retrieval of documentation; and
 - (d) recording sex worker name changes and the date of the name change so that the name accords with the sign-in register.
- 4.6 Written information about STIs must be made available:
 - (a) in client waiting areas; and
 - (b) to all staff and sex workers.

SEX WORKER AUTONOMY

- 5.1 Sex workers must not, either expressly or impliedly, be:
 - (a) coerced, directed, bullied, threatened or unfairly penalised by whatever means; or
 - (b) compelled to provide an introduction, to see a client, or to provide a particular service.

INDUCTION OF SEX WORKERS AND INFORMATION TO BE PROVIDED

- 6.1 Sex workers must be given an induction by the licensee or an approved manager, prior to commencing work at the brothel. A record of all induction information given to each sex worker must be kept, including the date of the induction, and the name and signature of the person who provided the induction.

- 6.2 The induction must include detailed information about:
- (a) sexual health;
 - (b) dealing with difficult or violent clients or situations;
 - (c) condition 5.1 (sex worker autonomy);
 - (d) fire safety; and
 - (e) security procedures.
- 6.3 Contact details, including telephone numbers, must be provided or immediately available to all sex workers for:
- (a) the PLA;
 - (b) Respect Inc;
 - (c) sexual health clinics;
 - (d) the Prostitution Enforcement Task Force (PETF) of the Queensland Police Service;
 - (e) translator services;
 - (f) transport (e.g. local taxi and bus services); and
 - (g) domestic violence support services, e.g. DVConnect.

APPROVED MANAGERS

- 7.1 The licensee must give approved managers an induction prior to commencing work at the brothel. A record of all induction information given to each approved manager must be kept, including the date of the induction, and the name and signature of the person who provided the induction.
- 7.2 The induction must include information about:
- (a) brothel procedures to comply with the Act, Regulation and the brothel licence conditions; and
 - (b) condition 5.1 (sex worker autonomy), including that approved managers must comply with the condition at all times.
- 7.3 The licensee must give approved managers a copy of the brothel licence conditions.
- 7.4 The licensee must ensure that an approved manager holds a current approved manager's certificate in respect of that brothel.
- 7.5 The licensee must notify the PLA in writing, within 10 days of any changes to the employment of approved managers at the brothel. For example, approved managers commencing or ceasing employment.

FAIR WORK

- 8.1 Ensure workplace arrangements for:
- (a) staff or another person employed at the brothel are negotiated and meet relevant fair work standards; and
 - (b) sex workers are negotiated in good faith between the licensee and sex worker, and agreed to in writing, with a copy provided to the sex worker.

SEX WORKER SIGNAGE

- 9.1 SIGN A Sex worker rights (as provided by the PLA) must be displayed in a conspicuous location of the sex worker area of the brothel.
- 9.2 SIGN B Sexual servitude/slavery (as provided by the PLA) must be displayed in a conspicuous location in both the sex worker area and the reception area of the brothel.

GENERAL, FINANCIAL AND OPERATING INFORMATION TO PLA

- 10.1 The licensee must:
- (a) upon request by the PLA, or a member of staff of the PLA, provide such information as requested, as soon as possible, and if possible immediately, but in any event within 14 days of the request. If the request specifies the form in which the information is to be given, the information must be given in the specified form;
 - (b) allow any member of staff of the PLA to inspect, examine, take extracts from, make copies of or take possession of any report, document or thing, which may relate to the operations of the brothel;
 - (c) provide the following to the PLA within one month of its completion, for each financial year during which the brothel licence is held:
 - (i) personal tax return;
 - (ii) tax return for the brothel operations; and
 - (iii) Balance Sheet and the Profit and Loss Statement for the brothel operations that is associated with the tax return for the brothel operations, and which has comparable figures with the immediately preceding year;
 - (d) keep and maintain an appropriate computerised accounting system;
 - (e) notify the PLA of the details of any change in financial circumstances that may adversely affect the financial viability or operation of the brothel business, in writing within 10 days of becoming aware of the change;
 - (f) provide the PLA with a schedule of standard operating times indicating the days and hours on and during which the brothel will be open for business. Any change to the schedule must be notified in writing to the PLA within 10 days of the change;
 - (g) notify the PLA of the use of an alternative telephone number or business name in relation to the brothel that was not used when the last licence fee was payable; and
 - (h) advise the PLA of any changes to the structural layout of the brothel.

RECORDS OF ENTRIES TO THE BROTHEL

- 11.1 A record must be kept of all police entries to the brothel. The record must include:
- (a) date and time of the entry;
 - (b) the name of the licensee or approved manager at the brothel at the time of the entry;
 - (c) the name, rank and station of each police officer who entered the brothel;
 - (d) purpose of the entry;

- (e) if possession of a thing was taken during the entry – a description of the thing; and
- (f) if a police officer authorised the entry – the name and rank of the police officer.

11.2 A record must be kept of all entries to the brothel by Australian, State and Local Government officers on official business other than the police (e.g. a member of staff of the PLA, Queensland Health, Workplace Health and Safety Queensland, Queensland Fire and Emergency Services, Australian Border Force, Brisbane City Council). The record must include:

- (a) date and time of the entry;
- (b) the name of the licensee or approved manager at the brothel at the time of the entry;
- (c) the name of the government agency;
- (d) the name and official position of each person who entered the brothel;
- (e) purpose of the entry; and
- (f) if possession of a thing was taken during the entry – a description of the thing.

FACILITIES IN BROTHEL PREMISES

- 12.1 Each room at the brothel must either have a shower, toilet and hand basin within the room, or as an ensuite to that room (shared or otherwise).
- 12.2 Sex workers must be provided with showers, toilets and change facilities at the brothel that are separate from those available for use by clients.
- 12.3 Each room at the brothel, as well as the staff bathroom facilities, must have a non-reusable sharps container that complies with AS4031.

ACCOMMODATION ON BROTHEL PREMISES

- 13.1 In addition to any relevant requirements of Local Government or Queensland Fire and Emergency Services, where accommodation is provided for sex workers, the *Guidelines for Brothels that Provide Accommodation*, issued by the PLA, must be complied with.

ROOMS USED FOR PROSTITUTION AT BROTHEL PREMISES

- 14.1 The number of rooms available for prostitution must not exceed the number of rooms permitted as it appears on the current licence. Additional rooms must be decommissioned.

ELECTRONIC SURVEILLANCE

- 15.1 The licensee must provide sufficient electronic surveillance of the brothel for the safety and security of sex workers, staff and clients. This includes, but is not limited to:
 - (a) external areas of the brothel allowing parties to be viewed entering and leaving the brothel;
 - (b) all car parking areas; and

- (c) internal areas, particularly where clients have or may gain access.
- 15.2 Rooms used for prostitution, showers, toilets, bathrooms and change facilities, or other areas approved by the PLA to require privacy, must not be subject to electronic surveillance.
- 15.3 Electronic surveillance footage must be recorded and stored on-site for a minimum of 28 days.
- 15.4 As soon as reasonably practicable, and if possible immediately, on request of a member of staff of the PLA or of an officer of the QPS, it must be permitted that electronic surveillance footage be:
 - (a) viewed by that person; and/or
 - (b) downloaded to a portable medium (e.g. USB, external hard drive) and given to that person.
- 15.5 The licensee must have the personal capacity to comply with condition 15.4.

MANAGEMENT OF CLINICAL WASTE

- 16.1 The licensee must ensure the proper management of brothel clinical waste, including:
 - (a) used PPE and other disposable items that have come into contact with bodily fluids arising from a sexual service must be placed in clinical waste bins;
 - (b) clinical waste bins must be appropriate yellow rigid walled containers, with close fitting lids, and a black biohazard symbol; and
 - (c) removal of clinical waste bins by an appropriate contractor.

POLICIES AND PROCEDURES

- 17.1 The licensee must:
 - (a) record and keep policies for safety and security systems, operational plans, and their review schedules; and
 - (b) document procedures specific to the day-to-day operations of the brothel, including:
 - (i) demonstrating how relevant statutory and regulatory obligations are met; and
 - (ii) how the licence conditions and other legal requirements under the Act (such as Division 2) and the Regulation are met.

COMPLAINTS AND COMMUNICATIONS

- 18.1 The licensee must ensure that all complaints or incidents are recorded and responded to in a timely manner and that the actions and resolution are documented.

PURPOSE OF BROTHEL

- 19.1 The licensee must not use the premises referred to in the licence, or make it available for use, whether for payment or otherwise, for any purpose other than

as a licensed brothel as defined in Schedule 4 of the Act, without the prior approval of the PLA.

NOT ENTER INTO A CONTRACT

- 20.1 The licensee must not enter into or be a party to any contract, agreement or arrangement, written or unwritten, with any other person to provide anything or to furnish any service in return for any direct or indirect interest in or percentage or share of revenue, profits or earnings from or of the brothel unless the person is also licensed in respect of that brothel.

APPLY FIRST AID AND CPR

- 21.1 The licensee must not personally supervise a brothel without holding a current Apply First Aid Certificate and relevant CPR component.

MAINTENANCE AND CLEANING

- 22.1 The licensee must ensure:
- (a) all surfaces are cleaned to a professional standard;
 - (b) maintenance and repair of interior fixtures and surfaces throughout the brothel, such as walls, ceilings and benches, so they can be readily cleaned;
 - (c) access to sufficient quantities and varieties of cleaning products, including bleach-based disinfectants, gloves and associated products to assist in the immediate cleaning of body fluid incidents within a room;
 - (d) single use spa baths are drained and cleaned with appropriate sanitising agents after each use. Ongoing maintenance cleaning must include the use of an appropriate degreaser at regular intervals or otherwise as recommended by the manufacturer;
 - (e) all towelling and bedding is treated by thermal or chemical means to satisfy disinfection practices as identified in the Australian/New Zealand Standard for Laundry Practice AS 4146:2000;
 - (f) all linen and towels that come into contact with clients or sex workers are replaced with clean linen and towels immediately after each service; and
 - (g) where coversheets are used, they must be of sufficient thickness and size to cover and protect the entire bed surface.

TEMPORARY RESIDENTS

- 23.1 A licensee who is a temporary Australian resident must:
- (a) hold a current visa which permits them to live in Australia;
 - (b) comply with the requirements of their current visa to obtain paid employment in Australia; and
 - (c) immediately notify the PLA in writing of any amendments or changes to their visa entitlements.

DEFINITIONS

acceptable form of identification – An acceptable form of identification is:

- (a) a proof of age card issued to the person by a department prescribed by regulation or an entity of another State or Territory performing similar functions to the department (e.g. 18+ card); or
- (b) a driver licence or permit issued to the person in an Australian State or Territory, which includes a photograph of the person; or
- (c) an Australian or foreign passport issued to the person.

oral sex (refer s. 229E(5) Criminal Code) – The bringing into contact of any part of the genitalia or anus of a person with any part of the mouth of another person.

personal protective equipment (PPE) – includes condoms, dental dams, lubricants and disposable gloves.

room or rooms – A room or rooms used for prostitution.

sexual intercourse (refer s. 229D(1) Criminal Code) – Includes either or both of the following activities:

- (a) the penetration, to any extent, of the vagina, vulva or anus of a person by any part of the body of another person;
- (b) the penetration, to any extent, of the vagina, vulva or anus of a person, carried out by another person using an object.