

Guidelines about the Approved Form for Advertisements for Prostitution

Section 139A, Prostitution Act 1999

Version 13 of the guidelines commences 6 August 2018 and replaces Version 12

PART 1

1.1 PURPOSE OF THE GUIDELINES ABOUT THE APPROVED FORM FOR ADVERTISING (THE GUIDELINES).

Advertisements for prostitution published in Queensland must be in the approved form. An advertisement which complies with the guidelines will be in the approved form. It is an offence to publish an advertisement that is not in the approved form. [s139A]

This should be read in conjunction with Part 6, Division 4 of the Prostitution Act 1999 and Regulations 15 and 16.

1.2 TO WHOM THE GUIDELINES APPLY

The guidelines apply equally to advertisers and publishers.

The guidelines apply to: licensed brothels, sole operator sex workers, and all other prostitution service providers and their publishers.

1.3 MEANING OF APPROVED FORM FOR ADVERTISEMENTS FOR PROSTITUTION

1. Advertisements appearing in Queensland that meet these guidelines and other relevant legal requirements will be considered to be in the approved form. [s92]
2. *Approved form* includes content (photos, drawings, and wording) of the advertisement. Content will be determined based on where the advertisement is to be published. For example, an advertisement for an adult only publication may not be appropriate for general print publication.

1.4 LEGISLATION

The *Prostitution Act 1999* (the Act) provides for prostitution advertising. It is an offence to publish an advertisement for prostitution if it is not in the approved form. Section 92 of the Act refers to the approved form.

These guidelines include the matters dealt with under s. 15 of the Prostitution Regulation and may be used by any person who wishes to place an advertisement for publication in Queensland as well as print publishers and website developers.

The Approved Form means:

- (a) if guidelines under s139A or a regulation provides for the form of an advertisement, including matters that may or may not be included in an advertisement – a form that complies with the guidelines or regulation; or
- (b) otherwise the approved form under s139 (2)

1.5 DEFINITIONS

An advertisement includes : a notice, a sign, a circular, or a matter that is not in writing, but which conveys a message because of the form or context in which it appears. Primarily these guidelines must be applied to brothel and sole operator websites, associated social media and general print publications.

Note: This includes posters, stubby holders, cups/mugs, clothing, pamphlets, and other similar things.

“Publish” an advertisement or statement means :

Publish, or cause to be published, in any way including by newspaper, internet, periodical, notice, sign or circular or through radio or television or by film or video-recording. Internet includes: any technology-based platforms such as Facebook, Twitter or blogsites.

Brothel - The word “brothel” in these guidelines refers to a licensed brothel in Queensland, or a lawful interstate brothel.

PART 2

2.1 PROHIBITED ADVERTISING

1. Advertisements for prostitution published through radio or television or by film or video recording are not permitted.
2. Advertising on motor vehicles or other forms of transport are not permitted. Example: buses, taxis, trailers, limousines, etc.
3. Stickers are not permitted.
4. Advertising by bill board/A-frame/sandwich board and the like, is not permitted.
5. Advertising by skywriting is not permitted

2.2 UNLAWFUL ACTIVITY

1. Advertisements which state or imply that unsafe sex (that is, sexual intercourse or oral sex without the use of a prophylactic) will be provided are prohibited.
For example: use of words "natural", "bareback", "basic", "skin to skin", and the like are prohibited.
2. Advertisements which may hold out or include a statement intended or likely to induce a person to seek employment as a prostitute are prohibited.
3. Advertisements for brothel staff are prohibited unless they include the title of the role/position and are published in the positions vacant/employment section or the equivalent. The role/position title must not imply that the position is for a sex worker. For example, the use of the word 'hostess' is prohibited.
4. Prostitution advertisements which infer that prostitutes do not have a choice in the services they provide are prohibited.
5. Consistent with s. 95(1) of the Act, any prostitution advertisement that states directly or indirectly that the person's business is connected with or provides massage services, is prohibited. "Business" of a person means the business of a licensed brothel or of an individual prostitute. References to professional memberships or qualifications in massage or massage therapies are prohibited.
Note: By way of example, the following words are acceptable: sensual touch, intimate touch, exotic relaxation.
6. Brothel advertisements must not directly or indirectly state that the brothel is associated with escort services. Brothel web sites which appear on a host web site advertising escort services must not hold out or claim that escorts services are available from the brothel.
7. Brothel advertisements which state or imply that more sex workers are available at any one time than the law permits in Queensland are not permitted. [s78(2)]
8. Sole operator advertisements which state or imply that more than one sex worker is available are prohibited.

PART 3

3.1 CONTENT FOR ALL ADVERTISING

1. Advertisers and publishers should consider if a proposed word or phrase could be construed as offensive to reasonable community standards (publishers should think in terms of their average reasonable readership) and if it is the case that it can be construed as offensive the word or phrase should be rejected.
2. Advertisements describing or referring to body fluids or body waste are not permitted. Example: tasty, juicy and the like.
3. Advertisements referring to drugs and drug use are prohibited. **Note 1:** References to "drug free" are allowed.
4. Section 93(1) of the Act specifies that advertisements for prostitution must not describe the services offered. Under the guidelines this includes descriptions that may

be read as a service that is provided or that is an acronym for services e.g. BJ, B&D, or a euphemism for services e.g. Greek. **Note 2:** Words that do not directly describe the services offered may be used in a prostitution advertisement. Example: fetish, fantasy, role play, Mistress, Master, Submissive, passive, dominatrix, double pleasures (brothels only), hard core, man action and straight-acting.

5. Advertisements must not state or imply that sex workers are under the age of 18 years or are virgins. The following words are prohibited: "fresh", "new to the industry/business", "beginner" and "never been touched". **Note 3:** The use of the words "young", "student", "girl" or "boy", or similar, are permissible when used in conjunction with an age that is at least 18, because it makes explicit that the sex worker is at least 18 years of age. **For example:** 22 year old student, or 18+ girl.
6. Brothel advertisements which include mobile phone numbers are prohibited unless the mobile phone number refers to an automated SMS text message service.
7. Brothel advertising **MUST** include the name of the: a) licensed brothel as it appears on the brothel licence (for brothels in Queensland) b) the contact details for the brothel (for brothels in Queensland) as notified to the Authority c) for brothels in jurisdictions other than Queensland, the name of the brothel and contact details.
8. Sole operator advertisements naming a brothel or the phone number for a brothel are considered an advertisement for the brothel and are not permitted. E.g. A sole operator advertisement which contains "now working at (brothel name)".
9. Advertising of discounts at brothels is not permitted unless the advertisement states that the discount is in respect of room hire only, in a font size no less than the font size of the main text and is clearly visible.

3.2 PROHIBITED IMAGES ALL ADVERTISING

1. The sexual organs or anus of a person.
2. A sexual act or simulated sexual act.
3. A person under the age of 18 years.
4. Prostitution advertisements which contain an image of a person, which render that person child-like in appearance, unless immediately accompanied by a statement that the person depicted is at least 18 years of age.
5. An animal in reference or implication to bestiality.
6. Pictures, drawings or references to alcohol, drugs, drug use, unsafe sex, underage sex or sexual activity.
7. Prostitution advertisements which include pictures of tools of trade for Bondage & Discipline, Sadism & Masochism services are prohibited in general publications. For brothel websites or classifiable publications relevant images are permitted.

3.3 ADDITIONAL INFORMATION FOR METHODS OF ADVERTISING [sic].

3.3. (A) SIGNAGE FOR A BROTHEL

1. Advertising signage for brothel premises is regulated by the IDAS Code for Development Applications and/or relevant local laws. Refer to your Local Government Town Planning Department. Content of signage must comply with these guidelines.
2. Advertising signage for prostitution services is prohibited unless it is – a) located on brothel premises or b) located in 18+ venues with the permission of the relevant venue (e.g. fixed flyer advertising) or c) provided for under these guidelines.

3.3. (B) FURTHER INFORMATION FOR WEB BASED ADVERTISING

1. A prostitution website is a website concerned wholly or partly with prostitution advertising. The entire content of a prostitution website is taken to be an advertisement for prostitution, and accordingly, must be in the approved form.
2. Prostitution websites must indicate that they are restricted to persons who are 18years or over.

3. A website link on an internet prostitution advertisement, can only be a link to the Prostitution Licensing Authority or the Yellow pages, or a website that is also an advertisement that complies with the Guidelines.

3.3. (C) FURTHER INFORMATION FOR PRINT PUBLICATIONS

1. Print publications include newspapers, magazines, print directories, newsletters, brochures, flyers and other printed publications for general distribution.
2. Print media advertisements larger than 50cm² are not permitted.

3.3. (D) FURTHER INFORMATION FOR PRINT DIRECTORY ADVERTISEMENTS

1. For sole operator sex workers, advertisements in print directories may be placed under a heading which relates to adult entertainment and services, or escort services.
2. Escort services from brothels are illegal in Queensland. Accordingly, advertisements for brothels should appear under a heading which relates to adult entertainment and services, or a heading which is not used exclusively for escort services.

3.3. (E) FURTHER INFORMATION FOR CROSS PROMOTION

1. Sponsorship of any event or organisation is not permitted. Example: a sporting or corporate event, a club, a team, a public event, an exhibition.
2. Trade promotion or any other type of gaming advertisement offering sexual services as a prize, are prohibited.
3. Prostitution advertisements which include the advertisement of another thing are prohibited unless the person responsible for the thing has consented to inclusion in the advertisement.

For example: a prostitution advertisement which includes the offer of a discount voucher for a shop must have the written consent of a person who is responsible for the shop.

3.3. (F) FURTHER INFORMATION FOR MERCHANDISING

1. Merchandise, and corporate gifts including clothing and items of property such as mugs, pens, stress balls, etc. may only be distributed from the licensed brothel premises, and 18+ adult entertainment venues or events. Example: Sexpo, adult shops, and strip clubs.
2. The only information permitted to appear on merchandise items is the brothel name, brothel address, brothel website address, and social media account and/or land line phone number/s.

3.4 INTERSTATE PUBLISHERS WITH ADVERTISEMENTS APPEARING IN QUEENSLAND

1. All advertisements for prostitution published in Queensland must comply with these guidelines. This includes prostitution advertisements for interstate brothels and sex workers.
2. Where advertisements for interstate brothels and sex workers are published in Queensland, they must not include matters which are illegal in Queensland.

PENALTIES WHEN THE GUIDELINES ARE NOT COMPLIED WITH

Offences for advertising may result in court proceedings or dealt with by issue of a Penalty Infringement Notice (PIN). The maximum penalty for an advertising offence is 100 penalty units. *At 1 July 2018* the value of a penalty unit is \$130.55.

WHERE FURTHER INFORMATION CAN BE FOUND

The Guidelines are available on the PLA website www.pla.qld.gov.au

Last updated 24/08/2018