

Queensland Laws – This information has been provided by the Prostitution Licensing Authority.

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:

Private work (sole operators) – where a single sex worker works alone – is legal in Queensland, but it is an offence to publicly solicit for the purposes of prostitution.

Sex work conducted in a licensed brothel is legal in Queensland.

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 the workers both work alone in split shifts), and out-calls provided by a licensed brothel.

How have the laws relating to prostitution changed?

The *Prostitution Act 1999* allows a person to apply for a brothel licence, or a certificate to manage a brothel on behalf of the licensee. At the same time, the *Prostitution Act 1999* has increased the penalty for public soliciting from a maximum of \$750 for a first offence to a maximum penalty of \$1,125 for a first offence. The other two key areas that have been changed are the laws relating to advertising, and some new laws which introduce a process for prohibited brothels. Both of these are described below in detail.

Advertising sexual services

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

describes the sexual services offered
might induce a person to seek employment as a sex worker
states, directly or indirectly, that the person's business provides or is connected with massage services.

Advertisements must not be published using radio, television, film or video recording. In addition, any advertisement that is published must be in the approved form (all newspapers in Queensland have a copy of the approved forms of advertising permitted in the State). Copies of the approved form for advertising can be obtained by calling the Prostitution Licensing Authority (PLA). Any advertisement that is not in the approved form must be submitted to the PLA for approval.¹ Advertising on the Internet also requires approval from the PLA.

Prohibited brothels

The *Prostitution Act 1999* introduced the new process of 'declaring a building as a prohibited brothel'. A police officer, the PLA, or an officer of a local authority can apply to a Magistrates Court for an order

¹ This can be done by faxing the Prostitution Licensing Authority (fax: 07 3876 3641) with the wording of the advertisement.

declaring a building to be a prohibited brothel. Once an order has been made by the Court, the declaration is published in a newspaper, notices are given to the occupier, the owner and the registered mortgagee, and a notice is fixed to the entrance to the building. Anyone found on the premises without a lawful purpose following the declaration can be charged with an offence under the Act.

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

Individual sex workers ('sole operators', 'private workers') are not prevented from conducting their business under the Act. However, the restrictions placed on sole operators continue to apply. A single sex worker must not be found on premises with any other person unless the other person has a current crowd controller's licence under the *Security Providers Act 1993* and is only participating in the provision of prostitution as a bodyguard. The law relating to prostitution by sole operators is contained in the Criminal Code and remains unchanged.

The only provisions relating to 'sole operators' under the Act are in relation to advertising (see above).

The remainder of this information pamphlet will briefly describe what is allowed as far as brothels are concerned, and explains how to apply for a brothel licence. If you are interested in more details, you can download a copy of the legislation from the Internet at www.legislation.qld.gov.au, or you can call the PLA (contact details are provided below).

Brothel Licensing

There are two separate processes that must be satisfied before a brothel can commence operation legally. A person who wishes to establish a brothel must apply to the local authority for approval to locate a brothel in particular premises, and must also apply to the PLA for a brothel licence.

Brothels in Queensland are limited to a maximum of 5 rooms. Escort services, or 'out-calls', are not allowed. At any one time the number of sex workers at the brothel must not outnumber the number of working rooms. In other words, if you have approval to operate a 5 room brothel, you must not have more than 5 sex workers at the brothel at the one time. The total number of all staff at a brothel, including the manager, receptionist and all other workers, regardless of the "room rule", must not exceed 10 staff at any one time.

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 minor
- are an insolvent under administration
- hold a licence or permit under the *Liquor Act 1992*
- have been convicted of a disqualifying offence²
- have had a licence or certificate under the *Prostitution Act* cancelled in the last three years

² Disqualifying offences are: official corruption, unlawful homicide, rape, abduction, kidnapping, demanding property, benefit or performance of services with threats, offences against morality, offences of prostitution that relate to a child or intellectually impaired person, and various offences under the *Migration Act 1985*(C'wlth).

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').

However, in deciding whether to grant or refuse a licence the PLA must also consider:

- the applicant's reputation, having regard to character, honesty and integrity;
- whether the applicant has a conviction for an offence against the Prostitution Act 1999, 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 is 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 persons directly involved in providing prostitution;
- whether the business structure for the operation of the brothel is sufficiently transparent to enable all associates of the applicant to be readily identified;
- 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 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 Prostitution Act requires that the PLA must not decide that an applicant for a licence or a manager's certificate is not a suitable person to be a licence or certificate holder simply because the applicant has worked as 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 licence or certificate are available from the PLA. These forms are also available from some Self-Health for Queensland Workers in the Sex Industry (SQWISI) offices and the PLA website: www.pla.qld.gov.au. The process for receiving, processing and considering applications will take some months.

The cost of a licence or certificate

Brothel licence

Application fee is \$1,537.50 per applicant; and
Licence fee is \$5,125 plus \$2,050 per room (maximum of 5 rooms).

Approved Manager's Certificate

Application fee is \$384.30; and
Certificate fee is \$15.30.

These fees must be paid each year and must be paid when the application is submitted to the PLA. If an application for a licence is withdrawn by the applicant or rejected by the PLA, the PLA may refund the whole or part of the application fee, and must refund the entire licence fee.

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

No. There are a range of issues the PLA must consider when deciding whether or not to grant a licence or certificate. Refer to the *Prostitution Act 1999* for more detail about these issues.

Offences relating to licensed brothels

Under the Act it is an offence for a brothel owner or manager to:

- Run escort services or 'out-calls' from a licensed brothel;
- Have more than 10 staff at a brothel at any one time;
- Have, at any one time, more sex workers at the brothel than the number of rooms permitted to be used for prostitution. The current maximum is five sex workers for a five room brothel;
- Leave a brothel unsupervised by the licensee or approved manager;
- Run a brothel in association with anyone who does not hold a brothel licence;
- Have an interest in more than one Queensland brothel;
- Permit a sex worker to work while infective with a disease.

Under the Act it is an offence for workers to:

- Possess liquor at a licensed brothel;
- Work as a sex worker while knowingly infective with a sexually transmissible disease; and
- Provide sexual intercourse or oral sex without a condom.

It is also an offence not to:

- Assist police who have lawfully entered a licensed brothel under the Prostitution Act;
- Provide documents requested by police at a licensed brothel;
- Provide particulars about age that are requested by 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.

However, 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.