



Queensland

Prostitution Amendment Regulation (No. 1) 2007

Subordinate Legislation 2007 No. 192

made under the

Prostitution Act 1999

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1 Short title

This regulation may be cited as the *Prostitution Amendment Regulation (No. 1) 2007*.

2 Commencement

This regulation commences on 12 August 2007.

3 Regulation amended

This regulation amends the *Prostitution Regulation 2000*.

4 Amendment of s 3 (Definition)

(1) Section 3, heading—

omit, insert—

‘3 Definitions’.

(2) Section 3—

insert—

‘certificate anniversary day means the date in each year that is the anniversary of the grant of an approved manager’s certificate.

licence anniversary day means the date in each year that is the anniversary of the grant of a licensee’s licence.’.

5 Insertion of new ss 5A and 5B

After section 5—

insert—

‘5A Conditions of licence—annual licence fee and annual licence return fee—Act, s 19(5)(d)(i)

‘The licensee of a brothel must pay the annual licence fee and the annual licence return fee at least 3 months before the licence anniversary day.

‘5B Conditions of licence—annual return—Act, s 19(5)(d)(ii)

‘The licensee of a brothel must give the Authority an annual return, in the approved form, about the information given for the application for the licence at least 3 months before the licence anniversary day.’.

6 Amendment of s 6 (Conditions of licence—Act, s 19(5)(d))

Section 6, heading—

omit, insert—

‘6 Other conditions of licence—Act, s 19(5)(d)(iii)’.

7 Insertion of new ss 6A and 6B

After section 6—

insert—

‘6A Conditions of certificate—approved manager’s annual certificate fee and annual return fee—Act, s 44(4)(d)(i)

‘The holder of an approved manager’s certificate must pay the annual certificate fee and the annual return fee at least 3 months before the certificate anniversary day.’.

‘6B Conditions of certificate—annual return—Act, s 44(4)(d)(ii)

‘The holder of an approved manager’s certificate must give the Authority an annual return, in the approved form, about the information given for the application for the certificate at least 3 months before the certificate anniversary day.’.

8 Amendment of s 9 (Interval for medical examination or testing)

Section 9, ‘6 weeks’—

omit, insert—

‘3 months’.

9 Insertion of new s 9A

After section 9—

insert—

‘9A Authority to consult with licensees

‘The Authority must consult with licensees when and in the way decided by the Authority in relation to the performance of the functions of the Authority mentioned in section 101(c), (j), (k) and (l) of the Act.’.

10 Amendment of s 10 (Agencies with which Council must liaise—Act, s 114(1)(c))

(1) Section 10, heading, from ‘Council’ to ‘s 114(1)(c)’—

omit, insert—

‘**Authority must liaise—Act, s 101(g)**’.

(2) Section 10, ‘Council’—

omit, insert—

‘Authority’.

11 Insertion of new s 10A

After section 10—

insert—

‘10A Health professionals protected from liability—Act, s 134A

‘(1) For section 134A of the Act, the following persons are health professionals—

- (a) a social worker who is engaged in providing health services;
- (b) a professional counsellor who is engaged in providing health services.

‘(2) In this section—

government funded means funded fully or partly by a State or the Commonwealth.

health services means services for maintaining, improving and restoring people's health and wellbeing, including, for example—

- (a) hospital services; and
- (b) medical, pharmaceutical, paramedical or mental health services; and
- (c) ambulance services; and
- (d) community welfare services that are government funded.

professional counsellor means a person who is employed, either under a contract of service or a contract for services, as a counsellor.

social worker means a person who is employed, either under a contract of service or a contract for services, as a social worker.'.

12 Insertion of new ss 13A and 13B

After section 13—

insert—

'13A Approved form for advertisement for prostitution

- '(1) The purpose of this section is to provide for matters to be included in an advertisement for prostitution for section 93(4) of the Act, definition *approved form*, paragraph (b).
- '(2) An advertisement for prostitution must comply with the following—
 - (a) the total surface area of the advertisement, other than an advertisement on the internet or an advertisement inside premises used for prostitution that can not be viewed or heard by a person outside the premises, must be the permitted size or smaller;
 - (b) if the advertisement is an advertisement for a licensed brothel, the advertisement must state the business name of the licensed brothel;
 - (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) if the advertisement is an advertisement for a licensed brothel—contain a telephone number that has not been notified to the Authority; or
 - (iii) if the advertisement is an advertisement for an individual prostitute—imply that more than 1 prostitute may be available; or
 - (iv) advertise any other thing without the written consent of the advertiser of the thing; or
 - (v) if the advertisement is an advertisement on the internet—permit access to, or link the advertisement with, any other website other than the website of the Authority, the Queensland Adult Business Association, the yellow pages or a website that is also an advertisement for prostitution;
- (d) the advertisement must not be a sticker.
- (3) In this section—
- 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.

‘13B Authority to keep and implement complaints policy

- ‘(1) The Authority must keep and implement a complaints policy.
- ‘(2) The policy must—
 - (a) provide information about how a person may make a complaint about the Authority; and
 - (b) provide for an assessment of the nature of a complaint and a decision on how it should be dealt with and by whom; and
 - (c) enable a vexatious or trivial complaint to be identified and dealt with by the Authority; and
 - (d) ensure a complaint is dealt with fairly and objectively; and
 - (e) provide for a prompt response to complaints; and
 - (f) ensure grievances about the Authority may be pursued without fear of recrimination from the Authority; and
 - (g) ensure that a person who makes a complaint is provided with relevant and timely feedback on the outcome of the complaint; and
 - (h) provide for a person who makes a complaint to be advised that the person may complain to a relevant complaints agency if the person is not satisfied with the outcome of the complaint; and
 - (i) ensure the number and nature of complaints made is recorded, complaint trends are identified and the time taken to resolve complaints is monitored.
- ‘(3) The Authority must—
 - (a) publish the complaints policy on its website; and
 - (b) make the policy available for inspection at its office during office hours on business days for the office; and
 - (c) permit a person to—

- (i) inspect the policy without fee; and
- (ii) take extracts from the policy without fee.

‘(4) In this section—

complaints agency includes the following—

- (a) the ombudsman under the *Ombudsman Act 2001*;
- (b) the Crime and Misconduct Commission under the *Crime and Misconduct Act 2001*;
- (c) the Anti-Discrimination Commissioner under the *Anti-Discrimination Act 1991*.

complaints policy means a policy outlining the procedures and principles the Authority will use to deal with complaints about the Authority.’.

13 Amendment of sch 1 (Agencies with which Council must liaise)

- (1) Schedule 1, heading, ‘Council’—
omit, insert—
‘**Authority**’.
- (2) Schedule 1, entry for ‘SQWISI Inc’—
omit.

14 Replacement of sch 2 (Fees)

Schedule 2—
omit, insert—

‘Schedule 2 Fees

section 14

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Licences

| | | |
|---|---|----------|
| 1 | Application fee under section 10(2)(b) of the Act | 5 500.00 |
|---|---|----------|

| | \$ |
|--|--------------|
| 2 Licence fee under section 10(2)(b) of the Act | 7 165.00 |
| | plus 2 |
| | 867.00 for |
| | each room in |
| | the brothel |
| 3 Annual licence fee under section 19(5)(d)(i) of the Act . | the amount |
| | under item 2 |
| 4 Annual licence return fee under section 19(5)(d)(i) of the | |
| Act | 3 500.00 |
| 5 Renewal fee under section 23(2)(b) of the Act | the total of |
| | the amounts |
| | under items |
| | 1 and 2 |
| 6 Licence fee under section 33(5) of the Act, for each | |
| year | the amount |
| | under item 2 |
| 7 Replacement licence | 16.80 |

Certificates

| | |
|---|--------------|
| 8 Application fee under section 35(2)(b) of the Act | 760.00 |
| 9 Certificate fee under section 35(2)(b) of the Act | 40.00 |
| 10 Annual certificate fee under section 44(4)(d)(i) of the | |
| Act | the amount |
| | under item 9 |
| 11 Annual return fee under section 44(4)(d)(i) of the Act . . | 560.00 |
| 12 Variation fee under section 46(2)(b) of the Act | 56.80 |
| 13 Renewal fee under section 49(2)(b) of the Act | the total of |
| | the amounts |
| | under items |
| | 8 and 9 |
| 14 Replacement certificate | 16.80 |

Other fees

| | |
|--|-------|
| 15 Administration fee under section 6(2) | 56.80 |
| 16 Fee for giving particulars of a change under section | |
| 20(2) or 45(2) of the Act | 56.80 |
| 17 Fee for inspection of register under section 111(2)(b) of | |
| the Act | nil |

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| | | |
|----|--|-------------------------------------|
| 18 | Fee for copy of entry in register under section 111(2)(b) of the Act. | 22.70 plus 0.50 for each page |
| 19 | Fee on lodging notice of appeal to independent assessor under section 64L of the Act, including for— | |
| | <ul style="list-style-type: none"> • giving notice of appeal to other parties • documents provided by assessment manager • independent assessor’s preliminary assessment • giving of notice of decision. | 1 500.00’. |

ENDNOTES

- 1 Made by the Governor in Council on 9 August 2007.
- 2 Notified in the gazette on 10 August 2007.
- 3 Laid before the Legislative Assembly on . . .
- 4 The administering agency is the Department of Police.