

Queensland



Prostitution Act 1999

PROSTITUTION REGULATION 2000

**Reprinted as in force on 26 April 2002
(includes amendments up to SL No. 67 of 2002)**

Reprint No. 1A

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the Office of the Queensland Parliamentary Counsel
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Information about this reprint

This regulation is reprinted as at 26 April 2002. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes.

Minor editorial changes allowed under the provisions of the Reprints Act 1992 have also been made to use aspects of format and printing style consistent with current drafting practice (s 35).

This page is specific to this reprint. See previous reprints for information about earlier changes made under the Reprints Act 1992. A table of earlier reprints is included in the endnotes.

Also see endnotes for information about—

- **when provisions commenced**
- **editorial changes made in earlier reprints.**

Queensland



PROSTITUTION REGULATION 2000

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PROSTITUTION REGULATION 2000

[as amended by all amendments that commenced on or before 26 April 2002]

1 Short title

This regulation may be cited as the *Prostitution Regulation 2000*.

2 Commencement

This regulation commences on 1 July 2000.

3 Definition

In this regulation—

“**room**” means a room to be used for providing prostitution.

4 Photographs to accompany applications

The following applications must be accompanied by a colour passport size (4.5 cm x 3.5 cm) photograph of the applicant—

- (a) an application for a licence;
- (b) an application for a certificate.

5 Withdrawal to be in writing—Act, ss 12 and 37

A withdrawal of an application for a licence or an application for a certificate must be in writing.

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

(1) It is a condition of a licence that a licensee of a brothel notifies the Authority if the licensee has used a telephone number or business name in relation to the brothel that was not used when the last annual licence fee was payable.

(2) An administration fee is payable for notifying the authority.

7 Particulars to be given to Authority after entry—Act, s 61

The following particulars in relation to the entry of a licensed brothel are prescribed—

- (a) the name of the licensee;
- (b) if an approved manager was at the brothel at the time of entry—the name of the approved manager;
- (c) the address of the brothel;
- (d) when the entry took place;
- (e) the purpose of the entry;
- (f) if possession of a thing was taken during the entry—a description of the thing;
- (g) the name of each police officer who entered the brothel;
- (h) if a police officer authorised the entry—the name of the police officer.

8 Requirement for copy of declaration that premises are prohibited brothel

A copy of a declaration mentioned in section 67(1)(c) of the Act must be in the form approved by the Authority.

9 Interval for medical examination or testing

For sections 89(3)(a) and 90(3)(a) of the Act, the interval is 6 weeks.

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

The Council must liaise with each agency mentioned in schedule 1.

11 Records to be kept by licensees—Act, s 140(2)(b)

(1) The licensee of a brothel must keep a record of the following for each period the brothel is open for business—

- (a) the times during which the brothel was open for business;
- (b) the licensee or approved manager who personally supervised the brothel during the period;

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- (c) the times during which the licensee or approved manager personally supervised the brothel;
- (d) the name of each person who provided prostitution at the brothel during the period;
- (e) the times during which each person who provided prostitution during the period was at the brothel during the period.

Maximum penalty—40 penalty units.

(2) The licensee of a brothel must not—

- (a) remove, or allow a person to remove, a part of the record; or
- (b) erase or obliterate an entry in the record; or
- (c) allow a person to erase or obliterate an entry in the record.

Maximum penalty—40 penalty units.

(3) The licensee of a brothel must keep the record for 7 years after the last entry was made in the record.

Maximum penalty—40 penalty units.

12 Documents to be given to Authority—Act, s 140(2)(c)

(1) The Authority may give a notice to the licensee or approved manager of a brothel requiring the licensee or manager to give to the Authority a stated document within a stated time.

(2) The notice may only be given if the Authority believes, on reasonable grounds, that the stated document is relevant to an investigation, or an inspection, of the brothel.

(3) Despite subsection (1), the notice may require a document to be given to the Authority immediately if the Authority believes, on reasonable grounds, that delay in obtaining the document may result in—

- (a) the destruction, removal or concealment of the document; or
- (b) serious prejudice to the conduct of an investigation, or an inspection, of the brothel.

(4) The licensee or approved manager must comply with the notice unless the licensee or manager has a reasonable excuse.

Maximum penalty for subsection (4)—40 penalty units.

13 Licensee's duty about alarm, lighting and sign

A licensee of a brothel must ensure—

- (a) each room in the brothel has a concealed alarm button, or equivalent communication device, that is in working order; and
- (b) each room in the brothel has enough lighting to enable prostitutes to check for clearly visible signs of sexually transmissible disease; and
- (c) a sign is prominently displayed in the brothel's reception area stating 'only safe sexual activities are practised on these premises'.

Maximum penalty—40 penalty units.

14 Fees

The fees payable under the Act are in schedule 2.

15 IDAS Code—Act, s 140(2)(f)

The code for IDAS for development applications mentioned in part 4 of the Act is in schedule 3.

SCHEDULE 1**AGENCIES WITH WHICH COUNCIL MUST LIAISE**

section 10

Crime and Misconduct Commission

Department in which the *Criminal Code Act 1899* is administered

Department in which the *Family Services Act 1987* is administered

Department in which the *Health Act 1937* is administered

Department in which the *Integrated Planning Act 1997* is administered

Department in which the *Local Government Act 1993* is administered

Department in which the *Training and Employment Act 2000* is administered

Department in which the *Workplace Health and Safety Act 1995* is administered.

Liquor Licensing Division in the department in which the *Liquor Act 1992* is administered

Local Government Association of Queensland

Office of Fair Trading

Office of Women's Policy

SQWISI Inc

SCHEDULE 2

FEES

section 14

\$

Licences

1.	Application fee	1 500.00
2.	Licence fee under section 10(2)(b) of the Act .	5 000.00
		plus 2 000.00 for each room in the brothel
3.	Renewal fee.	the total of the amounts under items 1 and 2
4.	Licence fee under section 33(5) of the Act, for each year	the amount under item 2
5.	Replacement licence	15.00

Certificates

6.	Application fee	375.00
7.	Certificate fee	15.00
8.	Variation fee	50.00
9.	Renewal fee.	375.00
10.	Replacement certificate.	15.00

Administration

11.	Administration fee under section 6(2)	50.00
12.	Fee for giving particulars of a change under section 20(2) or 45(2) of the Act.	50.00
13.	Fee for inspection of register	nil

SCHEDULE 2 (continued)

	\$	
14. Fee for copy of entry in register	20.00	
		plus 0.50 for each page
15. Fee payable on lodging notice of appeal to independent assessor, including for—		
• giving notice of appeal to other parties		
• documents provided by assessment manager		
• independent assessor's preliminary assessment		
• giving notice of decision		750.00

SCHEDULE 3

IDAS CODE FOR DEVELOPMENT APPLICATIONS MENTIONED IN PART 4 OF THE ACT

section 15

1 Code

This code applies for the assessment of a development application under the *Integrated Planning Act 1997* for the making of a material change of the use of premises for a licensed brothel.¹

2 Definitions

In this code—

“**infrastructure**” has the meaning given by the *Integrated Planning Act 1997*, schedule 10.

“**planning instrument**” has the meaning given by the *Integrated Planning Act 1997*, schedule 10.

3 Purpose of code

The purpose of this code is to seek to ensure—

- (a) a licensed brothel is compatible with the form, function and amenity of the locality in which it is located; and
- (b) the safety and security of staff of a licensed brothel.

4 How to comply with code

(1) The code is complied with if each performance criterion in column 1 of the table is complied with for the brothel.²

1 Under the *Integrated Planning Act 1997*, section 3.5.11 conditions may be imposed on the development approval as provided under section 3.5.30.

2 See the *Integrated Planning Act*, section 3.5.13 for when an assessment manager’s decision may conflict with a code.

SCHEDULE 3 (continued)

- (2) A performance criterion is complied with if—
- (a) the acceptable solution to the performance criterion set out in column 2 opposite the criterion is complied with; or
 - (b) the criterion is complied with in another way.

TABLE

column 1	column 2
PERFORMANCE CRITERION	AN ACCEPTABLE SOLUTION
Car parking for clients	
1. Adequate car parking is provided, or available, for brothel clients.	Provide 1 car parking space on the brothel premises for each room in the brothel.
Car parking for staff	
2. Adequate secure car parking is provided, or available, for brothel staff.	Provide 1 car parking space on the brothel premises, that is well lit and directly accessible to an entrance to the brothel, for each 2 brothel staff members at the brothel at any 1 time.

SCHEDULE 3 (continued)

Vehicular access

- 3.** The brothel is safely accessed by vehicular traffic.
- Locate vehicular ingress and egress to allow—
- (a) vehicles to enter and exit the premises in forward gear; and
 - (b) if the brothel shares road access, parking areas or pedestrian areas with land used for other purposes—parking, vehicle manoeuvring and pedestrian movement for the brothel to be undertaken without adversely affecting the safety of traffic using the land.

Lighting

- 4.** External lighting for the brothel is designed to ensure the safety and security of brothel staff and clients without adversely affecting the amenity of adjoining premises.
- Provide external lighting for the brothel that—
- (a) is static; and
 - (b) has no characteristic indicating the premises are used for a brothel; and
 - (c) facilitates surveillance; and
 - (d) is hooded and directed downwards.

SCHEDULE 3 (continued)

Sign

- 5.** Sign for the brothel is compatible with the amenity of the locality.
- Comply with each of the following requirements—
- (a) only 1 sign is displayed for the brothel;
 - (b) the surface area of the sign is not more than 1 m²;
 - (c) the sign displays only the name of the licensee and the registered business name of the brothel;
 - (d) the sign does not display words or images that are sexually explicit, lewd or otherwise offensive;
 - (e) the sign is affixed to the brothel.

Loitering

- 7.** The design of the brothel discourages loitering outside the premises.
- Provide a reception or waiting area at the brothel for use by brothel clients.

Appearance

- 8.** The brothel premises are unobtrusive in appearance.
- Ensure the colours and materials for the brothel premises are unobtrusive.

Entrances—security

- 9.** The staff and clients of the brothel are provided with a secure environment within the brothel premises in the vicinity of each staff or client entrance to the brothel.
- Locate the staff and client entrances to the brothel in positions that facilitate surveillance.

SCHEDULE 3 (continued)

Entrance—clients

- 10.** The clients' entrance to the brothel is clearly identified. Ensure the entrance to the brothel makes it clear to clients which premises to enter.

Brothel siting and design

- 11.** The brothel premises are sited and designed in a way that is compatible with the character or intended character of the locality. Comply with the requirements about the character of the locality under a planning instrument, including boundary set-back, building height and bulk, and landscaping.

Infrastructure

- 12.** The brothel premises are adequately serviced by infrastructure. Comply with the requirements for infrastructure under a planning instrument applying to the locality, including the requirements to connect to sewerage and water.

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2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 26 April 2002. Future amendments of the Prostitution Regulation 2000 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Key

Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	prev	= previous
amd	= amended	(prev)	= previously
amdt	= amendment	proc	= proclamation
ch	= chapter	prov	= provision
def	= definition	pt	= part
div	= division	pubd	= published
exp	= expires/expired	R[X]	= Reprint No.[X]
gaz	= gazette	RA	= Reprints Act 1992
hdg	= heading	reloc	= relocated
ins	= inserted	renum	= renumbered
lap	= lapsed	rep	= repealed
notfd	= notified	s	= section
o in c	= order in council	sch	= schedule
om	= omitted	sdiv	= subdivision
orig	= original	SIA	= Statutory Instruments Act 1992
p	= page	SIR	= Statutory Instruments Regulation 1992
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered

4 Table of earlier reprints

TABLE OF EARLIER REPRINTS

[If a reprint number includes a roman letter, the reprint was released in unauthorised, electronic form only.]

Reprint No.	Amendments included	Reprint date
1	none	7 July 2000

5 List of legislation

Prostitution Regulation 2000 SL No. 176

made by the Governor in Council on 29 June 2000

notfd gaz 30 June 2000 pp 736–48

ss 1–2 commenced on date of notification

remaining provisions commenced 1 July 2000 (see s 2)

exp 1 September 2010 (see SIA s 54)

Note—A regulatory impact statement and explanatory note were prepared amending legislation—

Prostitution Amendment Regulation (No. 1) 2002 SL No. 67

notfd gaz 19 April 2002 pp 1477–8

commenced on date of notification

6 List of annotations

SCHEDULE 1—AGENCIES WITH WHICH COUNCIL MUST LIAISE

amd 2002 SL No. 67 s 3

SCHEDULE 2—FEES

amd 2002 SL No. 67 s 4