



Queensland

Prostitution Act 1999

Prostitution Regulation 2000

Reprinted as in force on 12 August 2007

Reprint No. 2

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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 12 August 2007. 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. Also see list of legislation for any uncommenced amendments.

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 reprints is included in the endnotes.

Also see endnotes for information about—

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

Dates shown on reprints

Reprints dated at last amendment All reprints produced on or after 1 July 2002, hard copy and electronic, are dated as at the last date of amendment. Previously reprints were dated as at the date of publication. If a hard copy reprint is dated earlier than an electronic version published before 1 July 2002, it means the legislation was not further amended and the reprint date is the commencement of the last amendment.

If the date of a hard copy reprint is the same as the date shown for an electronic version previously published, it merely means that the electronic version was published before the hard copy version. Also, any revised edition of the previously published electronic version will have the same date as that version.

Replacement reprint date If the date of a hard copy reprint is the same as the date shown on another hard copy reprint it means that one is the replacement of the other.



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Prostitution Regulation 2000

[as amended by all amendments that commenced on or before 12 August 2007]

1 Short title

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

2 Commencement

This regulation commences on 1 July 2000.

3 Definitions

In this regulation—

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.

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 (4.5cm x 3.5cm) 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.

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 Other conditions of licence—Act, s 19(5)(d)(iii)

- (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.

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.

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 3 months.

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 Agencies with which Authority must liaise—Act, s 101(g)

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

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.

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.

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

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- (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.

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 Authority 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 *Vocational Education, 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

Schedule 2 Fees

section 14

\$

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

Schedule 2 (continued)

	\$
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
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—	
• 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

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.

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.

Schedule 3 (continued)

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
- (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.

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)

column 1**column 2****Performance criterion****An acceptable solution****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)

column 1	column 2
Performance criterion	An acceptable solution
Sign	
5 Sign for the brothel is compatible with the amenity of the locality.	Comply with each of the following requirements— <ol style="list-style-type: none"> <li data-bbox="708 566 1140 629">(a) only 1 sign is displayed for the brothel; <li data-bbox="708 635 1140 698">(b) the surface area of the sign is not more than 1m²; <li data-bbox="708 704 1140 839">(c) the sign displays only the name of the licensee and the registered business name of the brothel; <li data-bbox="708 844 1140 979">(d) the sign does not display words or images that are sexually explicit, lewd or otherwise offensive; <li data-bbox="708 984 1140 1048">(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.

Schedule 3 (continued)

column 1**column 2****Performance criterion****An acceptable solution****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.

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.

Endnotes

1 Index to endnotes

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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 12 August 2007. 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)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No. [X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfd	= notified	rv	= revised edition
num	= numbered	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 2002
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered
prev	= previous		

4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

Reprint No.	Amendments to	Effective	Reprint date
1	none	1 July 2000	7 July 2000
1A	2002 SL No. 67	19 April 2002	26 April 2002

Reprint No.	Amendments included	Effective	Notes
1B	2003 SL No. 133	1 July 2003	
1C	2003 Act No. 63	1 January 2004	
1D	2004 SL No. 163	1 September 2004	
1E	2005 SL No. 190	12 August 2005	
1F	2006 SL No. 250	13 October 2006	
1G	2007 SL No. 178	27 July 2007	
2	2007 SL No. 192	12 August 2007	

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—(1) The expiry date may have changed since this reprint was published. See the latest reprint of the SIR for any change.

(2) 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

Prostitution Amendment Regulation (No. 1) 2003 SL No. 133

notfd gaz 27 June 2003 pp 749–56

ss 1–2 commenced on date of notification

remaining provisions commenced 1 July 2003 (see s 2)

Training Reform Act 2003 No. 63 ss 1, 2(2), 60 sch

date of assent 13 October 2003

ss 1–2 commenced on date of assent

remaining provisions commenced 1 January 2004 (2003 SL No. 293)

Prostitution Amendment Regulation (No. 1) 2004 SL No. 163

notfd gaz 20 August 2004 pp 1238–9

ss 1–2 commenced on date of notification

remaining provisions commenced 1 September 2004 (see s 2)

Prostitution Amendment Regulation (No. 1) 2005 SL No. 190

notfd gaz 12 August 2005 pp 1297–1303

commenced on date of notification

Prostitution Amendment Regulation (No. 1) 2006 SL No. 250

notfd gaz 13 October 2006 pp 692–3

commenced on date of notification

Police Legislation Amendment Regulation (No. 1) 2007 SL No. 178 pts 1–2

notfd gaz 27 July 2007 pp 1645–6

commenced on date of notification

Prostitution Amendment Regulation (No. 1) 2007 SL No. 192

notfd gaz 10 August 2007 pp 1901–2

ss 1–2 commenced on date of notification

remaining provisions commenced 12 August 2007 (see s 2)

Note—A regulatory impact statement and explanatory note were prepared.

6 List of annotations

Definitions**prov hdg** sub 2007 SL No. 192 s 4(1)**s 3** def “**certificate anniversary day**” ins 2007 SL No. 192 s 4(2)def “**licence anniversary day**” ins 2007 SL No. 192 s 4(2)**Conditions of licence—annual licence fee and annual licence return fee—Act, s 19(5)(d)(i)****s 5A** ins 2007 SL No. 192 s 5**Conditions of licence—annual return—Act, s 19(5)(d)(ii)****s 5B** ins 2007 SL No. 192 s 5**Other conditions of licence—Act, s 19(5)(d)(iii)****s 6 prov hdg** sub 2007 SL No. 192 s 6**Conditions of certificate—approved manager’s annual certificate fee and annual return fee—Act, s 44(4)(d)(i)****s 6A** ins 2007 SL No. 192 s 7**Conditions of certificate—annual return—Act, s 44(4)(d)(ii)****s 6B** ins 2007 SL No. 192 s 7**Interval for medical examination or testing****s 9** amd 2007 SL No. 192 s 8**Authority to consult with licensees****s 9A** ins 2007 SL No. 192 s 9

Agencies with which Authority must liaise—Act, s 101(g)**prov hdg** amd 2007 SL No. 192 s 10(1)**s 10** amd 2007 SL No. 192 s 10(2)**Health professionals protected from liability—Act, s 134A****10A** ins 2007 SL No. 192 s 11**Approved form for advertisement for prostitution****s 13A** ins 2007 SL No. 192 s 12**Authority to keep and implement complaints policy****s 13B** ins 2007 SL No. 192 s 12**SCHEDULE 1—AGENCIES WITH WHICH AUTHORITY MUST LIAISE****sch hdg** amd 2007 SL No. 192 s 13(1)**sch 1** amd 2002 SL No. 67 s 3; 2003 Act No. 63 s 60 sch; 2007 SL No. 192 s 13(2)**SCHEDULE 2—FEES**

amd 2002 SL No. 67 s 4

sub 2003 SL No. 133 s 4; 2004 SL No. 163 s 4; 2005 SL No. 190 s 3; 2006 SL No. 250 s 3; 2007 SL No. 178 s 3; 2007 SL No. 192 s 14