

Queensland



Subordinate Legislation 2000 No. 176

Prostitution Act 1999

PROSTITUTION REGULATION 2000

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MENTIONED IN PART 4 OF THE ACT**

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Short title

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

Commencement

2. This regulation commences on 1 July 2000.

Definition

3. In this regulation—

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

Photographs to accompany applications

4. 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.

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

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

Condition of licence—Act, s 19(5)(d)

6.(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.

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

7. 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.

Requirement for copy of declaration that premises are prohibited brothel

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

Interval for medical examination or testing

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

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

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

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

11.(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;

- (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.

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

12.(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.

Licensee's duty about alarm, lighting and sign

13. 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.

Fees

14. The fees payable under the Act are in schedule 2.

IDAS Code—Act, s 140(2)(f)

15. 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

Criminal Justice 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 1991* 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

Queensland Crime Commission

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 |

SCHEDULE 2 (continued)

13. Fee for inspection of register	nil
14. Fee for copy of entry in register	20.00
	plus 0.50 for each page

SCHEDULE 3

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

section 15

Code

1. 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

Definitions

2. 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.

Purpose of code

3. 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)
How to comply with code

4.(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
<p>Car parking for clients</p> <p>1. Adequate car parking is provided, or available, for brothel clients.</p>	<p>Provide 1 car parking space on the brothel premises for each room in the brothel.</p>
<p>Car parking for staff</p> <p>2. Adequate secure car parking is provided, or available, for brothel staff.</p>	<p>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.</p>

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)
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.

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;

 SCHEDULE 3 (continued)

- (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.

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.

SCHEDULE 3 (continued)

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. Made by the Governor in Council on 29 June 2000.
2. Notified in the gazette on 30 June 2000.
3. Laid before the Legislative Assembly on . . .
4. The administering agency is the Department of Police.