



*Prostitution Act 1999*

# Prostitution Regulation 2014

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## Queensland

# Prostitution Regulation 2014

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# Prostitution Regulation 2014

## Part 1 Preliminary

### 1 Short title

This regulation may be cited as the *Prostitution Regulation 2014*.

### 2 Commencement

This regulation commences on 1 September 2014.

### 3 Definitions

The dictionary in schedule 4 defines particular words used in this regulation.

## Part 2 Licensing system

### 4 Definition for pt 2

In this part—

*application* means—

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

### 5 Photograph to accompany application

An application must be accompanied by a colour passport-size (4.5cm x 3.5cm) photograph of the applicant.

**6 Withdrawal of application—Act, ss 12 and 37**

A withdrawal of an application must be in writing.

**7 Condition of licence about payment of annual licence fee and annual licence return fee—Act, s 19**

For section 19(5)(d)(i) of the Act, the prescribed day for paying the annual licence fee and the annual licence return fee for a licence is the licence anniversary day for the licence.

**8 Condition of licence about giving annual return for licence—Act, s 19**

For section 19(5)(d)(ii) of the Act, the prescribed day for giving the Authority an annual return for a licence is the licence anniversary day for the licence.

**9 Other conditions of licence—Act, s 19**

- (1) For section 19(5)(d)(iii) of the Act, it is a condition of a licence that, in the operation of the brothel, the licensee may only use a telephone number or business name that has been notified to the Authority in writing.

*Examples of documents in which a telephone number or business name may be notified to the Authority—*

- application for a licence
- notice of change under section 20(2) of the Act
- annual return for a licence

- (2) If, for subsection (1), a licensee notifies the Authority of a telephone number or business name in a notice for which a fee is not otherwise payable, the notice must be accompanied by the administration fee stated in schedule 2.

**10 Condition of certificate about payment of annual certificate fee and annual return fee—Act, s 44**

For section 44(4)(d)(i) of the Act, the prescribed day for paying the annual certificate fee and the annual return fee for

a certificate is the certificate anniversary day for the certificate.

**11 Condition of certificate about giving annual return for certificate—Act, s 44**

For section 44(4)(d)(ii) of the Act, the prescribed day for giving the Authority an annual return for a certificate is the certificate anniversary day for the certificate.

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

For section 61 of the Act, the following particulars are prescribed in relation to the entry of a licensed brothel—

- (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.

## **Part 3 Requirement about prohibited brothels**

### **13 Requirement for copy of declaration that premises are prohibited brothel—Act, s 67**

For section 67(3) of the Act, a copy of a declaration mentioned in section 67(1)(c) of the Act must be in the form approved by the Authority.

## **Part 4 Provisions about offences**

### **14 Interval for medical examination or testing—Act, ss 89 and 90**

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

### **15 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 92 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 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 be a sticker;
  - (d) the advertisement must not—



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- (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—state or imply that more than 1 prostitute may be available; or
  - (iv) advertise a business or event without the written consent of the person conducting the business or event; or
  - (v) if the advertisement is an advertisement on the internet—link the advertisement with, or otherwise permit access to, a website other than—
    - (A) the website of the Authority, the Queensland Adult Business Association, or the yellow pages; or
    - (B) a website that is also an advertisement that complies with this subsection.

## **16 Approved form for advertisement for social escort services**

- (1) The purpose of this section is to provide for matters to be included in an advertisement for social escort services for section 92 of the Act, definition *approved form*, paragraph (b).
- (2) An advertisement for social escort services must comply with the following—
  - (a) the total surface area of the advertisement, other than an advertisement on the internet, must be the permitted size or smaller;



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**18 Agencies with which Authority is to liaise—Act, s 101**

Each agency mentioned in schedule 1 is prescribed for section 101(g) of the Act.

**Part 6 Miscellaneous**

**19 Health professionals protected from liability—Act, s 134A**

(1) For section 134A(6) of the Act, definition *health professional*, paragraph (d), the following persons are prescribed—

- (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 the Commonwealth or a State.

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

- (a) ambulance services, hospital services, mental health, medical, paramedical or pharmaceutical services; and
- (b) 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.

**20 Fees**

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

## **21 Records to be kept by licensees**

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

## **22 Documents to be given to Authority**

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

- (2) The notice may be given only if the Authority believes on reasonable grounds that the document is relevant to an investigation, or an inspection, of the brothel.
- (3) Despite subsection (1), the notice may require the licensee or approved manager to give the document 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.

## **23 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 stating 'only safe sexual activities are practised on these premises' is prominently displayed in the brothel's reception area.

Maximum penalty—40 penalty units.

## **24 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—
    - (i) an assessment of the nature of a complaint; and
    - (ii) 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 complaints agency relevant for the complaint if the person is not satisfied with the outcome of the complaint; and
  - (i) ensure—
    - (i) the number and nature of complaints made are recorded; and
    - (ii) complaint trends are identified; and
    - (iii) 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) allow 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 human rights commissioner under the *Anti-Discrimination Act 1991*;
- (b) the Crime and Corruption Commission;
- (c) the ombudsman under the *Ombudsman Act 2001*.

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

## 25 **Assessment benchmarks for Planning Act—Act, s 140(2)(f)**

- (1) This section applies to a development application for, or change application relating to, assessable development that is a material change of use of premises for a brothel, if a local government is the assessment manager or responsible entity under the Planning Act for the application.
- (2) The code in schedule 3 sets out the assessment benchmarks against which the local government must assess the assessable development.
- (3) In this section—

*assessable development* means development categorised as assessable development under the Planning Act.

## 26 **Sexually transmissible diseases**

The following diseases or conditions are prescribed for schedule 4 of the Act, definition *sexually transmissible disease*—

- hepatitis A—acute
- hepatitis B—acute or chronic (until non-infective)
- hepatitis C—acute

[s 26]

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- pubic lice
- scabies
- trichomoniasis.



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## **Schedule 1      Agencies with which Authority is to liaise**

### section 18

Crime and Corruption Commission

Local Government Association of Queensland

Office for Women

Office of Fair Trading

the department in which each of the following Acts is administered—

- the *Community Services Act 2007*
- the *Criminal Code Act 1899*
- the *Further Education and Training Act 2014*
- the *Gaming Machine Act 1991*
- the *Health Act 1937*
- the *Liquor Act 1992*
- the *Local Government Act 2009*
- the Planning Act
- the *Racing Act 2002*
- the *Work Health and Safety Act 2011*

## Schedule 2 Fees

section 20

\$

### Licences

1	Application fee (Act, s 10(2)(b))	8,140.00
2	Licence fee (Act, s 10(2)(b))	10,620.00
		plus \$4,245.00 for each room in the brothel
3	Annual licence fee (Act, s 19(5)(d)(i))	the amount under item 2
4	Annual licence return fee (Act, s 19(5)(d)(i))	5,190.00
5	Renewal fee (Act, s 23(2)(b))	the total of the amounts under items 1 and 2
6	Licence fee (Act, s 33(5))	the amount under item 2
7	Replacement licence	23.10

### Certificates

8	Application fee (Act, s 35(2)(b))	1,121.95
9	Certificate fee (Act, s 35(2)(b))	56.05
10	Annual certificate fee (Act, s 44(4)(d)(i))	the amount under item 9
11	Annual return fee (Act, s 44(4)(d)(i))	825.95
12	Variation fee (Act, s 46(2)(b))	81.40

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	\$
13 Renewal fee (Act, s 49(2)(b))	the total of the amounts under items 8 and 9
14 Replacement certificate	23.10
<b>Other fees</b>	
15 Fee for giving particulars of a change under sections 20(2) or 45(2) of the Act	81.40
16 Fee for inspection of register (Act, s 111(2)(b))	nil
17 Fee for copy of entry in register (Act, s 111(2)(b))	32.80 plus \$0.55 for each page
18 Administration fee (s 9(2))	81.40

## **Schedule 3      Code setting out assessment benchmarks**

section 25

### **1      Definitions**

In this code—

*infrastructure* see the Planning Act, schedule 2.

*planning instrument* see the Planning Act, section 8(1).

### **2      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 brothel staff.

### **3      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) 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**  
**Performance criterion**

**Column 2**  
**Acceptable solution**

**Car parking for clients**

<b>Column 1 Performance criterion</b>	<b>Column 2 Acceptable solution</b>
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.
<b>Car parking for staff</b>	
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.
<b>Vehicular access</b>	
3 The brothel is safely accessed by vehicular traffic.	<p>Locate vehicular ingress and egress to allow—</p> <ul style="list-style-type: none"> <li>(a) vehicles to enter and exit the brothel premises in forward gear; and</li> <li>(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.</li> </ul>

**Lighting**

**Column 1**

**Performance criterion**

**Column 2**

**Acceptable solution**

- |   |   |  |
|---|---|--|
| 4 | External lighting for the brothel is designed to ensure the safety and security of brothel staff and brothel clients without adversely affecting the amenity of adjoining premises. | Provide external lighting for the brothel that— <ul style="list-style-type: none"><li>(a) is static; and</li><li>(b) has no characteristic indicating the premises are used for a brothel; and</li><li>(c) facilitates surveillance; and</li><li>(d) is hooded and directed downwards.</li></ul> |
|---|---|--|

**Sign**

- |   |  |   |
|---|--|---|
| 5 | The sign for the brothel is compatible with the amenity of the locality. | Comply with each of the following requirements— <ul style="list-style-type: none"><li>(a) only 1 sign is displayed for the brothel;</li><li>(b) the surface area of the sign is not more than 1m<sup>2</sup>;</li><li>(c) the sign displays only the name of the licensee and the registered business name of the brothel;</li><li>(d) the sign does not display words or images that are sexually explicit, lewd or otherwise offensive;</li><li>(e) the sign is affixed to the brothel.</li></ul> |
|---|--|---|

**Loitering**

<b>Column 1 Performance criterion</b>	<b>Column 2 Acceptable solution</b>
6 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**

7 The brothel premises are unobtrusive in appearance.	Ensure the colours and materials for the brothel premises are unobtrusive.
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### **Entrances—security**

8 The brothel staff and brothel clients 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.
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### **Entrance—clients**

9 The client entrance to the brothel is clearly identified.	Ensure the entrance to the brothel makes it clear to brothel clients which premises to enter.
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### **Brothel siting and design**

10 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.
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**Column 1**  
**Performance criterion**

**Column 2**  
**Acceptable solution**

**Infrastructure**

11 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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## Schedule 4      Dictionary

### section 3

*application*, for part 2, see section 4.

*certificate anniversary day*, for a certificate, means the date in each year that is the anniversary of the giving, under section 43 of the Act, of the certificate.

*licence anniversary day*, for a licence, means the date in each year that is the anniversary of the giving, under section 18 of the Act, of the licence.

*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*, for 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—54cm<sup>2</sup>.

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

*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.