

# Queensland's Prostitution Licensing Authority (PLA)

## Summary of Laws

### Australian Capital Territory

The *Prostitution Act 1992* requires brothels and escort agencies to register with the Registrar of Brothels and Escort Agencies. The Registrar operates from the Department of Fair Trading, and there are no inspectorial powers attached to the role. Sole operators can operate legally under the Prostitution Act, and register with the Department of Fair Trading in the same way as brothels and escort agencies.

There is no limit on the number of rooms for brothels, and no probity investigation conducted as part of the registration process. Street work is illegal.

### New South Wales

New South Wales has a decriminalised framework for prostitution. Under the *Summary Offences Act 1988* the only activities that are illegal are:

- living on the earnings of a prostitute, although persons who own or manage a brothel are exempt
- causing or inducing prostitution
- using premises, or allowing premises to be used, for prostitution that are held out as being available for massage, sauna baths, steam baths, facilities for exercise or photographic studios
- advertising that a premises is used for prostitution, or advertising for prostitutes
- soliciting for prostitution near or within view of a dwelling, school, church or hospital.

Brothels are exempt for the purposes of the *Disorderly Houses Act 1943*.

Local authorities handle the siting of brothels and have developed policies for the management of brothels in their area.

### Northern Territory

Under the *Prostitution Regulation Act* escort agency businesses must make application to the Escort Agency Licensing Board for a licence to operate the business. Assessment of applications for licences requires the Board to appraise the eligibility and suitability of the applicant. A person is ineligible to apply for a licence if they:

- are under 18 years
- are not a resident of the Northern Territory
- have been found guilty of a disqualifying offence
- have an associate (spouse, de facto partner, homosexual partner, business partner or business associate) who has been found guilty of a disqualifying offence.

The suitability of an applicant requires assessment of the personal character of the applicant. In assessing the suitability of an applicant, the Board may consider their criminal history. There are no planning requirements attached to the establishment of an escort agency.

Brothels and street work are illegal in the Northern Territory. Sole operators can operate legally but are un-regulated.

## Queensland

*The Prostitution Act 1999* allows a person to apply for a brothel licence, or a certificate to manage a brothel on behalf of the licensee. At the same time, the Prostitution Act has increased the penalty for public soliciting from a maximum of \$750 for a first offence to a maximum penalty of \$1,125 for a first offence. The Prostitution Act introduces new laws relating to advertising, and provisions creating a process for [prohibited brothels](#) (see below).

### Prohibited brothels

The Prostitution Act established a new process of ‘declaring a building as a prohibited brothel’. A police officer, the PLA, or an officer of a local authority can apply to a Magistrates Court for an order declaring a building to be a prohibited brothel. Once an order has been made by the Court, the declaration is published in a newspaper, notices are given to the occupier, the owner and the registered mortgagee, and a notice is fixed at the entrance to the building. Anyone found on the premises following the declaration can be charged with an offence under the Act.

### How does the Prostitution Act regulate sole operators?

Individual sex workers (‘sole operators’, ‘private workers’) are not prevented from conducting their business under the Act. However, the restrictions placed on sole operators continue to apply. A single sex worker must not be found on premises with any other person unless the other person has a current crowd controller’s licence under the *Security Providers Act 1993* and is only participating in the provision of prostitution as a bodyguard. The law relating to prostitution by sole operators is contained in the Criminal Code and remains unchanged.

The only provisions relating to ‘sole operators’ under the Prostitution Act relate to advertising.

## **South Australia**

All prostitution activity in South Australia is illegal. During 2001, the South Australian Parliament debated a Bill – the Prostitution (Regulation) Bill – that proposed a □legalized framework for prostitution using a ‘negative licensing model’. The Bill was defeated, and there will be no further consideration of the issue under the current Government.

## **Tasmania**

The offence of ‘living on the earnings of prostitution’ (s.8(1)A of the *Police Offences Act 1935*) prohibits all prostitution but for sole operators. There is currently a Parliamentary Committee report before Cabinet that recommends a □legalized framework under a licensing regime, with local government input into siting issues. There is no indication yet that Government will endorse the recommendations made in the report.

## **Victoria**

The *Prostitution Control Act 1994* creates a dual licensing system for six room brothels, although:

- small owner-operated brothels are exempt from the licensing regime under the Act and can operate legally within the planning requirements of local authorities
- private escort workers must be registered
- escorts from brothels are permitted.

Any person who operated a brothel prior to the introduction of the Act, and who made an application for a licence within three months, was deemed, at the commencement of the Act, to hold a licence until the actual licence could be processed. This has created a situation where a number of brothels, operating prior to the Act, have been allowed to continue business with more than six rooms. The largest legal brothel in Victoria has 18 rooms. Street work is illegal.

## **Western Australia**

Brothels operate under the informal 'sanction' of police via the 'containment policy' (not a written, approved policy as such but an informally established arrangement between police and brothel operators).

A Bill to regulate prostitution and introduce brothels was defeated in the Parliament during 2003.

(Source: <http://www.pla.qld.gov.au>)