

Working legally in Queensland

This fact sheet explains what is legal and illegal in Queensland, answers frequently asked questions, and provides useful contact details.

Queensland's laws define prostitution as "engaging, or offering to engage, in the provision to another person, under an arrangement of a commercial character, of any of the following activities:

- sexual intercourse
- masturbation
- oral sex
- any activity other than sexual intercourse, masturbation or oral sex, that involves the use of one person by another for his or her satisfaction involving physical contact."

Sexual intercourse is defined as including "either or both of the following activities:

- the penetration, to any extent, of the vagina, vulva or anus of a person by any part of the body of another person
- the penetration, to any extent, of the vagina, vulva or anus of a person, carried out by another person using an object."

What is legal in Queensland?

There are a number of different laws in Queensland, including the *Prostitution Act 1999*. Each Australian state has its own prostitution laws. What is legal in one state is not necessarily legal in another. As a private sex worker, it is important to know what is legal and what is not. This way you can make informed choices about how and where to work without the risk of being arrested.

There are two forms of legal sex work in Queensland:

- **Private work (sole operators)** – This is where a single sex worker works alone, whether it is from their home, unit, motel or hotel. Sole operators are lawfully allowed to provide outcalls to clients provided they are working by themselves. You may not work as an escort for an escort agency regardless of where the agency is located (eg. you may not work for an interstate escort agency and provide escorts in Queensland). The only other person who can participate in the business is a licensed security guard or crowd controller. Sole operators are not allowed to have support staff such as receptionists, drivers or cleaners.
- **Sex work conducted in a licensed brothel** – To work in a licensed brothel, a sex worker needs to have a current sexual health certificate issued by a health professional. Copies of these certificates are required by licensees and must remain current for the time you are working at the licensed brothel.

Laws on use of prophylactics

In December 2003, an amendment to the *Prostitution Act 1999* was passed that requires all sex workers and clients to use prophylactics during sex and oral (giving and receiving). This means using condoms for penetrative sex, using condoms for giving head and using dams while receiving oral sex. Any penetration could be included (eg. gloves/finger cots for penetration by fingers or hands and condoms on dildos, vibrators and strap ons).

Fact sheet for sex workers

Laws on advertising sexual services

All advertising of sexual services must comply with the *Prostitution Act 1999*. This includes publishing information about your services in Queensland or elsewhere by way of television, newspaper, radio or another form of communication.

The Prostitution Licensing Authority (PLA) has developed advertising policies for brothels and sole operators.

These policies state, among other things, that:

- you can describe yourself
- you can NOT describe the service/s you offer
- you can place a photo in your advertisement but you are limited to a head and shoulder shot
- advertising for staff is illegal.

If you are in any doubt about whether an advertisement complies with the law, contact the PLA (who may require you to submit a proposed advertisement for consideration) for advice before publishing the advertisement.

What is illegal in Queensland?

- **Unlicensed brothels or parlours** – A list of licensed brothels is available at www.pla.qld.gov.au. If you are unsure about whether the brothel is licensed, ask to see their brothel licence issued by the PLA (or contact the PLA).
- **Two or more sex workers sharing a premises** – Even if you are not answering each other's phones or sharing clients, the fact that you are both on or share the premises makes it an illegal premise. By law, a premise includes a building or structure of any type (full use, part use or use of a group of buildings), the land or water on which the building/s or structure/s are located, and any vehicle, caravan, vessel or aircraft.

- **Soliciting in public** – Soliciting in any public places such as cafes, casinos, streets, truck stops, clubs, hotels and nightclubs is illegal under the *Prostitution Act 1999*.
- **Escort agencies** – The only way you can work providing outcalls is as a private operator. Under the *Prostitution Act 1999*, escort agencies are illegal.
- **Massage parlours** – In Queensland, it is illegal to advertise or describe yourself as providing massage if you provide any sexual service eg. hand relief.
- **Double acts** – Organising another sex worker to participate in a double act with you is illegal.
- **Not using prophylactics** - It is illegal in Queensland to provide any sexual service to a client without using the appropriate prophylactic.
- **Procuring prostitution** - By law, to procure prostitution means to “knowingly entice or recruit for the purposes of sexual exploitation”. It is illegal to entice a person to engage in prostitution either in Queensland or elsewhere. If the person is not an adult or is an intellectually impaired person, the offender can face a maximum penalty of 14 years in jail.
- **Knowingly participating in the provision of prostitution by another person** – If you do this, directly or indirectly, you are committing a crime. This includes:
 - through a company, or other entity, or through another individual
 - providing financial or other resources to enable the establishment of premises from which prostitution is or will be carried out
 - franchising a network of prostitutes as if they were operating independently

Fact sheet for sex workers

- receiving financial or other benefit from another person engaging in prostitution in return for referring clients
- drivers, operators and hirers of vehicles who knowingly provide transport for prostitutes or clients
- receiving, directing or redirecting telephone calls or other forms of messages, taking bookings or receiving money, knowing the action is in connection with prostitution by another person.

Frequently asked questions

Q: A client rings you and says "my mate and I are from interstate, we wanted to see a couple of girls." Can you do that?

A: No, it is illegal for two sex workers to work together or be on same premises. You have to book girls separately.

Q: A client wants two sex workers and he asks you if you have a friend. Is this legal?

A: No, it is illegal for you to refer a client to another sex worker (even if she is your friend) or to work with another sex worker.

Q: If a client offers me more money not to use a condom, is this illegal?

A: It is illegal for you to provide a sexual service without the use of a condom/dam. It is also illegal for the client to ask for a service not using a condom/dam. This includes oral sex.

Q: Can my friend be with me when I work or drive me when I am working?

A: No. If your friend is a registered security guard or has a crowd controller licence, they can only be on your premises and sit beside you when you drive.

Q: Can I approach or give my details to clients in public places such as cafés, casinos, nightclubs, hotels, streets, clubs and truck stops?

A: No. It is illegal and you can be charged with soliciting.

Q: Can I offer massage when working as a sex worker?

A: No. It is illegal for you to advertise as providing massage services.

Q: I advertise in the massage section of the newspaper. Is this illegal?

A: Yes. It is illegal if you are providing any sexual services (eg. hand relief). You must advertise in the adult services section.

Q: Is it illegal for me to advertise in both the massage and adult services sections of the newspaper using the same phone number?

A: Yes, it is illegal. However, if you are offering therapeutic massage only, having two different phone numbers is recommended.

Useful contacts

For licensing and advertising information:
Prostitution Licensing Authority (PLA)
3858 9500
plaadmin@iprimus.com.au
www.pla.qld.gov.au

For information on working in Australia, contact DIMA regarding your Visa.
Department of Immigration
www.immi.gov.au
Phone: 131 881

For support group, cultural information and access to ECCQ's statewide health program:
Ethnic Communities Council of Queensland
www.eccq.com.au
Phone: 3844 9166

If wanting to exit the industry or preparing to exit:
BSIL Southern Edge
(07) 3343 6222
www.southernedge.com.au