

APPLICATION FOR ADULT ENTERTAINMENT PERMIT

General Information

What is an adult entertainment permit?

An adult entertainment permit is an approval issued to liquor licensees and permit holders to allow the provision of sexually explicit entertainment. Sexually explicit entertainment is regulated under the *Liquor Act 1992*, and may only be conducted on premises to which a licence or permit relates.

Permits can be issued for one-off occasions, or for an ongoing period of up to 12 months. Licensees or permittees may make up to 6 one-off applications per year, otherwise an annual permit is required.

What is sexually explicit entertainment?

The restrictions on activities allowed under an adult entertainment permit are detailed in a code. Compliance with the Adult Entertainment Code is a condition of the permit, and breaches of the code will be pursued under the Liquor Act or other relevant legislation. The code is attached at the back of the form.

Do I need a permit?

Not all activities that might be considered "adult entertainment" need to be conducted under a permit. However, if the anus, vulva, vagina, penis or scrotum of any performer or staff member will be visible, either deliberately or by accident, during the provision of entertainment or other activities at your venue, then **you do need a permit**.

How long will the application take?

Applications for adult entertainment permits, both one-off and permanent, must be lodged **at least 4 months** prior to the date of the proposed function in the case of one-off permits, or the date on which you propose to start offering adult entertainment in the case of an annual permit. This allows time for the Office of Liquor, Gaming and Racing to conduct the necessary investigations for all applications.

What happens once the application is lodged?

Investigations will be undertaken into the criminal histories of the operator, controllers and all associates. Consideration will be given to the previous conduct of the applicant in the business. Checks will be conducted through the Prostitution Licensing Authority to ensure that no links exist between approved brothels and premises to which an adult entertainment permit relates.

Comments regarding the application will be sought from the police and local authority. Licensing officers will inspect every venue subject to an application to verify that the specified area is suitable for the entertainment, ensuring that the area:

- is fully enclosed in a way that prevents a person outside the area from seeing inside; and
- does not contain a lounge, booth or compartment for private use by persons attending the entertainment.

Does the application have to be advertised?

Initial annual applications

The chief executive may require initial annual applications to be advertised, notifying the public of the application and the grounds for objection. These grounds are that:

- the permit, if granted, will cause undue annoyance, disturbance or inconvenience to people residing, working or doing business in the locality, or to people travelling to or from a place of public worship, hospital, school or other place regularly frequented by children for cultural or recreational activities; or
- the permit, if granted, will lessen the amenity, quiet or good order of the locality in some way.

Advertising must occur twice in the local newspaper, once in the Government Gazette and a conspicuous sign must be displayed at the premises for a period of 28 days. The chief executive will advise the applicant of the wording, size and timing of the advertising.

Subsequent annual applications

The chief executive may require subsequent annual applications to be advertised.

General Information (Continued)

One-off permits

It is not mandatory for applications for one-off permits to be advertised, however the chief executive **may** require the application to be advertised.

Trading restrictions

There are a number of restrictions on what can or cannot occur in relation to adult entertainment. Each permit issued will carry a number of standard conditions. In addition to the standard conditions, the Act requires the following:

- If an operator is conducting sexually explicit entertainment under an adult entertainment permit, the operator **must** display a sign at the entrance to the room or area advising patrons that adult entertainment is being provided and that minors cannot enter. The sign will be provided by the Office of Liquor, Gaming and Racing upon approval of the permit.
- If the operator wishes to advertise the adult entertainment, the advertisement must not describe the sexually explicit nature of the acts performed in the entertainment.
- If the operator wishes to advertise the adult entertainment through print media, the advertisement must not contain graphics or photographs and it must be limited in size to not more than 80mm x 50mm.
- Any other advertising for adult entertainment such as matchboxes, napkins, coasters, building signs, car signs, etc, must not contain graphics or photographs.
- The operator must not publish any advertisement for adult entertainment through radio or television, or by film or video recording.

Additionally, licensees should be aware that even where the chief executive approves more than one discrete area for adult entertainment under the permit, any number of defined permitted areas may be used as long as a controller is present.

This permit can only apply to the licensed area described within the licence or permit document. It cannot be used in conjunction with a catering away privilege for functions away from the main licensed premises.

<p>Section 1 Venue details</p>	<p>What are the venue details? Give the situated address and contact details of the venue where the adult entertainment is to be conducted.</p>
<p>Section 2 Licence or permit details</p>	<p>Is the venue subject to a licence or permit? Sexually explicit entertainment can only occur at venues which are subject to a liquor licence, restricted liquor permit or community liquor permit under the <i>Liquor Act 1992</i>.</p> <p>Directions:</p> <ul style="list-style-type: none"> • If the venue is subject to a liquor licence, write the licence number from the top of your licence document at Section 2 and go to Section 3. • If the venue is subject to a restricted liquor permit or a community liquor permit, write the permit number from the top of your permit document at Section 2. • If a licence or permit has not yet been granted for the venue, write "application" at Section 2.
<p>Section 3 Licence or permit holder</p>	<p>What is the name of the licensee or permit holder? The applicant for the adult entertainment permit must be the licensee or holder of the community liquor permit or restricted liquor permit. This will be specified on either the licence or permit document, which you should have on the premises.</p>
<p>Section 5 Solicitor or agent</p>	<p>Do you have a solicitor or agent acting on your behalf <u>for this application</u>? If you have engaged a solicitor or agent for this application, the Office of Liquor, Gaming and Racing will direct all routine correspondence through the solicitor or agent, although there still may be a need to contact you directly on occasions.</p>
<p>Section 6 Annual or one-off permit</p>	<p>Are you applying for an annual permit, or a permit for one-off occasions? Licensees and permittees may apply for one-off permits, where adult entertainment is only to be conducted on an occasional basis, or for an annual permit, where the entertainment is to be conducted more regularly.</p>
<p>Section 7 Regular days and hours for permit</p>	<p>What regular days and hours do you want to provide sexually explicit entertainment? You must be very specific about the days and hours you wish to conduct sexually explicit entertainment so they may be described on your adult entertainment permit. Any breach of these hours may result in the permit being revoked or the licensee being prosecuted. You cannot apply for hours on this permit outside of those trading hours currently approved under your liquor licence or permit.</p>

Section 8 Days, dates and times for the permit

What day(s) and date(s) do you want the one-off permit(s) for?

You may need to specify the day, date and time that you want the permit(s) for. While you may apply for more than one date at a time, it is important to note that no more than six one-off permits will be issued to any venue in each calendar year. If you require permits more regularly than this, you should apply for an annual permit.

Directions:

- Complete the table at Section 8 and **go to Section 9**.

Section 9 Trading conditions

Trading conditions under an adult entertainment permit

If this application is successful, you will be issued with an adult entertainment permit carrying the following standard conditions.

1. The permittee must comply with the management plan submitted to the Office of Liquor, Gaming and Racing.
2. The permit does not authorise adult entertainment on Christmas Day or Good Friday.
3. The permittee must ensure that spruiking or touting for business does not occur outside or in the proximity of the premises.
4. Sufficient lighting must be provided to ensure controllers can properly supervise the entertainment and patron behaviour.
5. The approved area must be fully enclosed in a way that prevents a person outside the area from seeing inside the area.
6. The permittee must keep and maintain an up-to-date daily register of the name of each controller, with each controller's starting and finishing time entered at the time of commencement and completion of duties at the premises as a controller respectively.
7. When adult entertainment is being provided under the authority of an adult entertainment permit, a licensee, permittee or controller must be present at all times, in all rooms and/or areas where the adult entertainment is being conducted to ensure that it is provided in accordance with the Liquor Act and all conditions of the permit.

Further special conditions may be imposed at the discretion of the chief executive.

Directions:

- Acknowledge that you have read this information on standard trading conditions by ticking the box at Section 9 and **go to Section 10**.

Section 10 Management Plan

Have you attached a management plan?

An application for an adult entertainment permit **must** be accompanied by a management plan. Licensing officers will inspect every venue that is subject to an application to verify the details of the management plan. The management plan must include the following information. You can use this list as a checklist to ensure that your management plan contains all necessary information.

- a description of the proposed areas to be used for sexually explicit entertainment, including dimensions
- a layout plan (scale 1:100) of the proposed area, including:
 - the liquor service points;
 - how the area will be fully enclosed to prevent a person outside the area from seeing inside the area;
 - the audience seating area;
 - any stage area and how it will be separated from the audience;
 - the performers change rooms;
- the minimum number of staff and security persons who will be on duty in the area during performances;
- the name and contact details of the promoter of the adult entertainment.

Make sure that your management plan includes all of the above details before you proceed any further.

Directions:

- Do not proceed with this application until you have completed all questions in **Section 10** and have attached a 1:100 scale layout plan.

Section 11
Financial
structure of
the business

Financial structure of the business?

The chief executive must be satisfied as to the transparency of the financial structure of the business. You must therefore provide details of the business financing, and where people or companies (other than publicly listed companies) have provided finance, you must identify these people and companies as associates of the licence at Section 15 of this application.

Directions:

- If the business has been financed using **only** your own money, tick box A at Section 11 and **go to Section 12**.
- If the business has been financed by borrowing from a recognised financial institution, tick box B at Section 11, write the name of the financial institution/s in column D, the amount still owing in column E, and what charge (if any) has been taken over the business in support of the finance (eg, secured mortgage, bill of sale) in column F.
- If the business has been financed by funds from individuals (including family), or companies that are not recognised financial institutions, tick box C at Section 11, write the name of the individual or company in column D, the amount still owing in column E, and what repayment arrangements or charges have been made with the lender in consideration of the loan in column F.

Section 12
Personal
Details
Schedule

Personal Details Schedules

The Office of Liquor, Gaming and Racing must undertake substantial investigations into the criminal histories of the licensee or permit holder. Therefore, each of the following people must be identified in the application and must submit a *Personal Details Schedule* (Form 33). Complete the following details in the table at Section 12 as instructed. For each individual identified below, tick column C when the Personal Details Schedule is completed and attached to the application.

Directions:

- If the licensee is an individual – write full name in column A and "licensee" in column B.
- If the licensee is a company – write full name of all directors in column A and "director" in column B.
- If the licensee is a trust – write full name of all trustees in column A and "trustee" in column B.
- If the licensee is a partnership – write full name of all partners in column A and "partner" in column B.
- If the licensee or permit holder is a club:
 - office bearers such as president, treasurer, secretary – write full name of all office bearers in column A and their position in column B
 - board members or directors of the club – write full name of all board members or directors in column A and their position in column B.
 - members of the management or executive committee – write full name of all members in column A and their position in column B

REMEMBER: Tick column C for each individual when their Personal Details Schedule has been completed and attached. If you do not have Personal Details Schedules for all people identified in Section 12, **do not lodge this application until they are available and attached.**

If there is insufficient space at Section 12, attach a separate sheet of paper continuing the table.

Section 13 Controllers

Controllers

The Office of Liquor, Gaming and Racing must also undertake substantial investigations into the criminal histories of any person, other than the licensee, who will supervise the adult entertainment. These people must be approved as controllers. They must be identified in the application and **must** submit a *Personal Details Schedule* (Form 33).

Directions:

- List the full name of all controllers in column A at Section 13. Do not include people who have already been identified at Section 12.
- For each individual identified in column A, tick column B when the *Personal Details Schedule* is completed and attached to the application.

REMEMBER: If you do not have a *Personal Details Schedule* for all people identified in Section 13, **do not lodge this application until they are available and attached.** If there is insufficient space at Section 13, attach a separate sheet of paper continuing the table. Additional *Personal Details Schedule* forms (Form 33) are available from the Office of Liquor, Gaming and Racing.

Section 14 Associates of the licensee

Associates of the licensee

You must identify all associates, including the lessor/owner, family, shareholders, promoters, and other people who have a business relationship with the licensee in relation to the adult entertainment or who derive a financial benefit from the provision of the adult entertainment. Although there is no mandatory requirement for these people to complete and attach a *Personal Details Schedule*, the **chief executive may seek further information in individual cases during the course of the application.** List all of the following people in the table at Section 14. Do not include people who have already been identified in Section 12 and 13.

Directions:

- **Parents, siblings, spouse (including de facto spouse) and children over 18 years of age** (including step-parents, siblings and children, and foster parents, siblings and children) of the licensee (licensee includes directors of the licensee company) – write the full name of each family member in column A at Section 14, their relationship to the licensee in column B, their current residential address in column C, their date of birth in column D and their place of birth in column E.
- **Promoters and consultants** who will be involved with the staging of the entertainment – write their full name in column A at Section 14, their position in column B, their current residential address in column C, their date of birth in column D and their place of birth in column E.
- **Shareholders** in companies associated with the adult entertainment business (except publicly listed companies) – write their full name in column A at Section 14, "shareholder of [company name]" in column B, their current residential address in column C, their date of birth in column D and their place of birth in column E.
- **Owner or lessor of the premises** – write their full name in column A at Section 14, their tenure over the premises in column B, their current residential address in column C, their date of birth in column D and their place of birth in column E.
- **If you ticked box C in Section 11**, you must supply details of any individuals or the directors of any companies that have provided you finance [other than recognised financial institutions] – write the full name of all such people in column A at Section 14, "finance" in column B, their current residential address in column C, their date of birth in column D and their place of birth in column E.
- **All other associates of the adult entertainment business** – write their full name in column A at Section 14, their business or financial relationship with the licensee in column B, their current residential address in column C, their date of birth in column D and their place of birth in column E.

Section 15
Company or
club

Is the applicant a club or a company?

Where the applicant is a club or a company, you must provide a statement by the person appointed to administer the financial affairs of the company or club (eg, accountant, treasurer). This statement must certify that, where the applicant is a company, it complies with the requirements of the Corporations Law, and where it is a club, it complies with the requirements of the *Associations Incorporations Act 1981*.

Section 16
Financial
administrator
details and
statement

If the application for the Adult Entertainment Permit is a company or club, this section must be completed by the financial administrator of the licensee company or club.

Section 17
Declaration

The applicant, being the licensee or permit holder, must sign the declaration on the application form at Section 17. Before you do so, here is a final check list to ensure that all necessary steps have been taken. You should be aware that if you have not included all attachments or identified all associates of the licensee, and you sign the declaration, you could be charged with making a false or misleading statement, which has a maximum penalty of \$7500 or imprisonment for six months. So complete the following check list before signing the declaration.

	Yes	No
Have all questions been answered as instructed?	<input type="checkbox"/>	<input type="checkbox"/>
Have you identified all associates of the business?	<input type="checkbox"/>	<input type="checkbox"/>
Have all Personal Details Schedules been attached as required by Sections 12 and 13?	<input type="checkbox"/>	<input type="checkbox"/>
Have certified references and identification documents been verified/certified and attached as required by the Personal Details Schedule (Form 33)?	<input type="checkbox"/>	<input type="checkbox"/>
Have you attached the management plan including the requisite layout plan?	<input type="checkbox"/>	<input type="checkbox"/>

Directions:

- Sign the declaration at Section 17 and lodge your application in accordance with the instructions below.

Lodgement
details

Please lodge the completed application, any supporting documentation and fees at the Office of Liquor, Gaming and Racing at the address below or any Office of Liquor, Gaming and Racing office at Gold Coast (Southport), Sunshine Coast (Maroochydore), Toowoomba, Wide Bay, Rockhampton, Mackay, Mt Isa, Townsville or Cairns. The counter is open Monday to Friday, 8:30am to 4:30pm.

By mail: Locked Bag 180, City East Q 4002

In person: Office of Liquor, Gaming and Racing, Level 4, 33 Charlotte Street, Brisbane Qld 4000
or your nearest regional office

Adult Entertainment Code

(Section 103N Liquor Act 1992)

Interpretation

- 1 "**Adult entertainer**", this is the person performing an act of an explicit sexual nature (adult entertainment), as live entertainment that may be performed for an audience, on licensed premises or premises to which a community liquor permit or restricted liquor permit relates under an adult entertainment permit.
- 2 "**Adult entertainment**" does not include the performance of sexual intercourse, masturbation, or oral sex.
- 3 "**Adult entertainment permit**" means an adult entertainment permit granted under the *Liquor Act 1992* and in force.
- 4 "**Code**", this is the "Code" for adult entertainment referred to in section 103N of the *Liquor Act 1992*. This Code prescribes the live entertainment that may be performed for an audience, by a person performing an act of an explicit sexual nature (adult entertainment), on licensed premises or premises to which a community liquor permit or restricted liquor permit relates under an adult entertainment permit.¹
- 5 "**Genitalia**" is not defined in the *Liquor Act 1992*, *Prostitution Act 1999* or Criminal Code therefore it is presumed to have its ordinary meaning. For the purpose of this Code, it includes the penis, scrotum, testicles and vagina.
- 6 "**Masturbation**" is not defined in the *Liquor Act 1992*, *Prostitution Act 1999* or Criminal Code therefore it is presumed to have its ordinary meaning. Sexual stimulation not involving intercourse; sexual self-gratification; onanism ((1997) The Macquarie Dictionary, 3rd ed, The Macquarie Library Pty Ltd, NSW, Australia).
- 7 "**Object**" includes an animal.
- 8 "**Oral sex**" means the bringing into contact of any part of the genitalia or anus of a person with any part of the mouth of another person.
- 9 "**Penis**" includes a surgically constructed penis.
- 10 "**Sexual intercourse**" includes either or both of the following activities –
 - a) the penetration, to any extent, of the vagina, vulva or anus of a person by any part of the body of another person;
 - b) the penetration, to any extent, of the vagina, vulva or anus of a person, carried out by another person using an object.
- 11 "**Vagina**" includes the external genitalia, and a surgically constructed vagina.

Code's relationship with Acts

- 12 This Code is to be read and construed with the Criminal Code, *Prostitution Act 1999*, *Prostitution Regulation 2000*, *Liquor Act 1992* and *Liquor Regulation 2002*.
- 13 To the state of any inconsistency between this Code and the *Liquor Act 1992* or *Liquor Regulation 2002*, *Prostitution Act 1999* or *Prostitution Regulation 2000* or Criminal Code, those enactments shall prevail over the Adult Entertainment Code.

Prescribed behaviour for adult entertainment

- 14 The prescribed behaviour for the purposes of section 103E of the *Liquor Act 1992* is an act of an explicit sexual nature but does not include an adult entertainer:
 - participating in sexual intercourse, masturbation or oral sex;
 - touching the genitalia or anus of another person;
 - allowing another person to touch the adult entertainer's genitalia or anus;
 - allowing penetration, to any extent, of the vagina, vulva or anus, either by any part of the body or by an object;
 - placing his or her face in the close proximity of the genitalia or anus of another person;
 - allowing an audience member to put his or her face in the close proximity of the genitalia or anus of the adult entertainer;
 - soliciting any person for the purposes of prostitution.

¹ Any entertainment of an explicit sexual nature that is performed at licensed premises without an adult entertainment permit may be subject to prosecution, if the entertainment is of such a nature as to constitute a criminal offence.