



Changing Your **Perspective**







The Environment in which we Operate

The purpose of the Act (section 3) is stated to be the regulation of prostitution in Queensland. Prostitution services available in Queensland are provided legally by licensed brothels and bona fide sole operators and illegally by:

- unlicensed brothels
- small numbers of sex workers operating in cooperation
- organised escort services
- street prostitution.

Since its inception on 1 July 2000 the PLA has accepted that the considerations which underpin the statutory process of regulation and control of prostitution in Queensland are:

- enhanced community sexual health
- the safety of sex workers
- ensuring that sex workers operate in an acceptable workplace regime
- the minimisation of official corruption.

In line with these principles, the PLA worked throughout the year to continue the development of the licensed industry in Queensland and continued to make submissions to Government to represent and further the interests of the industry.

The number of operating licensed brothels has increased from 13 in 2003-04 to 16 in 2004-05. The PLA has continued to develop resources for the industry and in January 2005 released a *Handbook for Approved Managers of Licensed Brothels*, which has been well received by certified managers across the state. The PLA is currently finalising *Guidelines*

for the Operation of Licensed Brothels in Queensland, which will further assist in the ongoing development of the industry.

Certainly, the regulated sex industry in Queensland has developed since the introduction of the Act. However, the PLA recognises two key CMC projects may impact on the development of the licensed sex industry and, by extension, the environment in which the PLA operates.

Firstly, on 21 December 2004, the Chair, CMC, handed the CMC report *Regulating Prostitution: An Evaluation of the Prostitution Act 1999 (Qld)* (the Report) to the Speaker of the Legislative Assembly. Twenty-nine recommendations were contained in the Report, which are yet to be considered by Parliament.

While the CMC recommendations are still to be considered, the CMC was confident that the Act has upheld its principles. The review of the Act indicated that:

- overall, legal brothels in Queensland provide the safest and healthiest environments for sex workers and their clients;
- compliance with the health and safety requirements of the Act in legal brothels has been generally high; and
- there was no evidence of any adverse effects on community amenity by licensed brothels.

Significantly, the CMC also reported that the regulatory approach taken by the PLA has resulted in a crime free industry that provides one of the safest and healthiest environments for legal sex workers in the country.

While there were positives, the CMC also recognised the impact of illegal prostitution on the industry. The CMC estimated that outcall or escort services constitute some 75 per cent of prostitution in Queensland. The PLA recognises that a proportion of escort and outcall services are provided by legal sole operators. However, many escort services are provided illegally. Illegal prostitution remains as one of the biggest challenges to the success of the licensed brothel industry.

Secondly, in March 2005, as an extension to the evaluation of the Act, the CMC called for submissions from key stakeholders and members of the public to provide comment on the possible legalisation of escort prostitution services in Queensland.

The PLA has been consistently informed by licensees of legal brothels and their managers that up to 50 per cent of daily telephone requests are for outcall services. These requests have to be rejected and we are advised by legal brothel owners and managers that callers may then turn to the illegal industry for service.

The PLA and other industry stakeholders from the outset have advised that the inability of licensed brothels to service outcalls is detrimental to the proper development of the licensed brothel industry. The proper and more effective regulation and control of prostitution requires that licensed brothels be able to service outcalls.

In response, the PLA developed a comprehensive submission to the CMC's inquiry relating to the legalisation of escort or outcall services. The PLA proposed that the extension of regulation to escort services be by development of the existing licensing scheme through licensed brothels.

Without pre-empting the outcomes of the CMC's current inquiry, should outcalls be allowed to be provided by licensed brothels, the PLA considers that many of the operators who are operating illegally would be more likely to become part of the licensed industry (due to increased competition from the licensed brothels). They would then be subject to the requirements for safe sex practices, appropriate workplace health and safety arrangements for sex workers, reasonable workplace arrangements and be subject to scrutiny by the PLA through its compliance program activities. This provides a simple model for service delivery and, at the same time, will entice illegal providers to submit to the requirements of proper regulation and control.

Currently, only sole operators are lawfully allowed to provide outcalls in Queensland and this has inherent risks. Importantly, the health and safety needs of sex workers must be considered and options must be provided for them to have a safe environment within which to work. Licensed brothels are well placed to provide this support for workers.

The PLA considers that the benefit to sex workers in providing outcalls from licensed premises is that workers can rely on the existing and developed licensed brothel infrastructure to manage outcalls and thus minimise the risks currently associated with outcall work.



The *Selling Sex in Queensland 2003* Report identified that respondents as a whole were not opposed to the availability of prostitution services and that the vast majority of the community supported the location of brothels in designated areas. Incorporating the provision of escort or outcall prostitution services as an extension of the service provided by licensed brothels is the most viable option for ensuring communities are not adversely affected by legalising these services. The CMC Report also recognised the safety of workers within licensed brothels and pointed to the success of the licensed brothel system.

In any scheme some illegality will remain. However, if the statutory scheme is realistic and able to accommodate most workers and their clients, law enforcement can be more focused and directed at those who choose to ignore it.

The PETF of the QPS remains the critical element in discouraging illegal operators from providing services in Queensland. Introduction of escort prostitution services, within the infrastructure of licensed brothels, will allow PETF to take a more targeted law enforcement approach to illegal prostitution by being able to more readily identify legal escort providers through licensed brothels.

While the CMC makes inquiries into the possible legalisation of escort or outcall prostitution services, the PLA recognises that it is a policy matter for decision by the government after a final report by the CMC.

Until there is resolution of the CMC recommendations in respect of the evaluation of the Act and their inquiries into outcalls from licensed brothels, the PLA will continue to fulfil its purpose as described in the Act. While this work aims to develop the licensed industry in Queensland, the PLA is mindful that it is a regulator and will therefore continue to balance industry development with the needs of the community.

“Overall, legal brothels in Queensland provide the safest and healthiest environments for sex workers and their clients.”