

## 5. Consultation with key Government and other agencies in Queensland

Representatives from a range of key Government and other agencies were interviewed to provide further input into the project. These included:

- Queensland Police Service (including members of the Prostitution Enforcement Task Force and a representative of the Legislation Development Unit);
- the Department of Health;
- the CMC;
- the Department of Justice and Attorney-General (JAG);
- the Local Government Association of Queensland (LGAQ);
- the Anti-Discrimination Commission of Queensland (ADCQ);
- the Department of Premier and Cabinet (DPC);
- the Ethnic Communities Council of Queensland (ECCQ);
- QABA;
- the Crimson Coalition;
- USWNQ; and
- officers and members of the PLA.

These interviews did not involve formal questions, but began by asking the key research question (How can Queensland better regulate the sex industry?) and followed the lead of each interviewee.

Again, transcripts of these interviews were sent to each interviewee with an invitation to amend the transcript as

desired. The finalised transcript was used to input into the project.

## 6. Consultation with interstate jurisdictions

Discussion with regulators interstate enabled the key research question to be explored from the perspective of those jurisdictions that have regulated prostitution in some way. Interviews were conducted with representatives of relevant agencies in the ACT, NSW, NT, Victoria and WA. The agencies identified for interview included sex worker advocacy organisations, regulating bodies and legal operators.

### Interviewees were asked the following questions:

- Is there anything about the current regulatory regime in your jurisdiction that limits the viability of sex industry businesses?
- What could be changed about the prostitution laws to make sex industry businesses more attractive to new operators?
- What would be the implications for the community of any suggested changes?
- What would prevent government from introducing these changes?
- Are outcalls legal in your jurisdiction? If yes, what measures are currently in place to prevent workers from becoming victims of violence during outcalls? In legalising escort agencies, what have been the:
  - implications for the community?
  - implications for the sex workers?
  - implications for the clients?
- Can you identify the different sex industry business types in your jurisdiction? What are the risks of doing outcalls from each of these sex industry business types?
- Can you comment on the nature and prevalence of violence against workers performing outcalls in your jurisdiction?
- What additional measures could be put in place to prevent workers from becoming victims of violence during outcalls?

Interviewees were provided with a copy of the transcript of their interview and invited to amend the document as desired. The finalised transcript was used to input into the project.

## Consultation on key findings

Once the data collection phase of the project was complete, the key findings were documented and circulated to the PLA. Following presentation of the findings to the PLA Board, they were then distributed to as many interviewees as we could contact, providing them with an opportunity to input into this phase of the project. The findings were sent to 55 email addresses; the recipients were asked to provide any comment and feedback within 10 days. Feedback was provided by seven individuals and some of this feedback was incorporated into the final report.

Following consideration of the key findings, the final report was drafted and presented to the PLA in March 2009.

## Appendix B: Themes arising from stakeholder interviews

This document provides a full description of the key issues raised by interviewees with the Project Team through consultations conducted for the project. It presents material arising from interviews with:

- brothel licensees and managers;
- sole operator sex workers;
- illegal sex workers;
- clients of sex workers;
- Queensland stakeholders; and
- interstate stakeholders.

### 1.0 Issues emerging from interviews with brothel licensees

The area most discussed by brothel licensees and managers was the question of how their businesses could be improved. Interviewees also discussed their views about sex workers and their feelings about regulation of the sex industry.

### 1.1 Measures that would help their business succeed

While the issue of outcall prostitution, as a means of enabling licensed brothels to generate more income (and therefore as a means of posing a greater threat to the illegal industry), became the subject of a specific inquiry by the CMC, brothel licensees appear divided about the importance of outcalls for attracting clients and workers and therefore securing business success. Some licensees are clearly passionate about the need for outcalls:

*Outcall prostitution is a must. We did a lot of work on this for the CMC review but our recommendations were ignored. There are risks with outcalls but they're just different risks which can be controlled. New Zealand and just about everywhere else has outcall prostitution and it's not causing problems.*

*As an owner, with the CMC coming down with their recommendations... We need escorts, basically. And I know the PLA did back us on this issue, but it would give us a level playing field and would help to demystify the whole sex industry.*

*Outcalls are an absolute necessity if you want to get rid of the illegal industry. We receive at least a dozen calls every night for an escort. For the Gold Coast, outcalls are a HUGE issue. It's a holiday destination with lots of business conferences, etc.*

*Outcalls would make the key difference to our future. But the model proposed by QABA and rejected by the CMC was ridiculous. QABA is controlled by one or two large brothels and no one else. The CMC report said they'd re-look at the issue in three years. That was two and a half years' ago so hopefully that will be soon.*

*On Friday and Saturday nights, I get three times as many calls for outcalls as for brothel work. We have a car that picks up clients and that means around 10 per cent of those wanting escorts come in. Clients don't care if it's legal or illegal. They just ring the next number.*

*I believe that the CMC report is the only thing preventing the introduction of escorts from brothels. The person that wrote the CMC report, in my opinion, has no understanding of the industry whatsoever. Escorts are already happening – they are already*

out there – so there's no additional impact on the community. Legalising escorts makes them work safely and properly; it gives clients security and recourse if something goes wrong; it's safer for the girls; it becomes a proper business. Also, it gives the girls some choice and some management of their income. Introducing outcalls from here would definitely improve my business... (and) ... would have a HUGE impact on the illegal industry.

While many of these licensees clearly feel let down by the CMC's recommendation against outcalls, and the subsequent Government endorsement of this position, others commented that outcalls was not necessarily a panacea. Several licensees commented that the costs associated with providing outcalls might outweigh the benefits. Several expressed scepticism that outcalls could be provided with the same level of safety than provided to workers in-house. Almost all interviewees commented on the number of calls they regularly receive seeking outcall services (some estimate these as very high, others as smaller).

Licensees made a range of other suggestions in preference to outcalls that they believed would improve their business. These included:

- more working rooms;
- the ability to serve alcohol responsibly to some clients or to provide entertainment for waiting clients (e.g. having a pole dancer or stripper);
- tougher enforcement of illegal operations;
- control of illegal operations through advertising - require a registration number to be attached to advertisements for prostitution (for sole operators and for brothels), thus placing a barrier to advertising on illegals, ban mobile phone numbers

as part of advertising and by default increase the visibility of illegal operators;

- reduce advertising restrictions for brothels (compared to sole operators or strip clubs) and improve advertising opportunities (e.g. sponsorship);
- get rid of sole operators, or require them to be registered, pay a fee and comply with various health and safety rules (i.e. create a level playing field);
- introduce a simpler, cheaper process for certifying managers, or allow an interim manager for the brothel while an application is being processed;
- reduce licence fees, require sole operators to pay fees, or introduce a fee structure that is calibrated to the level of the brothel's income, or introduce the ability to pay fees in instalments;
- reduce regulation;
- enable licensees to run more than one brothel;
- restrict the number of brothels allowed in any one area;
- allow brothels to be sited in areas other than industrial areas (e.g. CBD or commercial areas);
- enable the business to advertise for workers; and
- educate clients and the community about the legal framework.

## 1.2 Attitudes to sex workers

Several licensees commented they would like to see sole operators eliminated from the competition via legislation, to ensure a better supply of workers for their brothels and to encourage more clients to come to licensed brothels. Some licensees spoke about sole operators as though they were illegal, feeling that sole operators advertising in the paper are simply a front for an illegal operation. Other licensees expressed frustration that sole operators are legal, yet unregulated. There was an element of anger expressed about the right of a sole operator to carry on their business in the absence of legislative control. Some interviewees suggested registering sole operators, or controlling them through their advertising (requiring a number before an advertisement can be placed):

*Private workers are a key competitor and they have no regulations to comply with. Reduce the number of sole traders, or make them more accountable, this would entice them into brothels... The Government hasn't regulated sole traders probably because it's too hard to keep track of them – that's their biggest problem. But it's no different registering girls than it is to register cars, so why don't they just use the same system?*

*Sole operators are working together and they take business from the brothels. It's not right that we're regulated and they're not. Our girls have to have health checks but sole operators don't. They should be made illegal which would push them into the legal brothels and make the brothels more viable. If they were threatened with jail or a fine for working as a sole operator, they'd come to us and that would be safer for them.*

*Independent workers (sole operators) shouldn't be allowed to advertise in the paper unless they pay some sort of fee to the licensing authority and have a registration number. Advertising is the way the illegal escort agencies get their business – we can always tell when the Asians have hit town – and if there could be more control over who can advertise, this would help. Sole operators also don't have to have any kind of health checks. There's no regulation on them at all. They need to be regulated in some small way.*

*Private girls should be subject to some form of licensing, this would enable some regulation and*

*would ensure they are not running illegally. This would make it a level playing field. Even brothel managers have to pay a licence fee, so there should definitely be a requirement for private girls to do the same.*

*I have no problem with the cost of the licence, as long as the industry is protected, but it's not. Sole operators should be required to be part of this as well and contribute to the industry along with brothel licensees. If everyone was required to contribute then it would be fairer.*

*Sole operators are not regulated and should be. If you're going to continue with the PLA – and it seems we are for now – then they should be regulating the sole operators who currently have no regulation and no guidance about how to operate well, how to screen clients, set up a business, stay safe. Sole operators should be required to have health checks and there should be a register of service providers maintained by the PLA. This is the case in Victoria, the ACT and the Northern Territory. They shouldn't be allowed to advertise unless they've had a health check.*

*Private workers should need to be registered before they can advertise. This would enable the PLA to regulate them. Require private workers to have a health certificate, or even an ABN or TFN. At the brothel the workers need a health certificate and the brothel comes under heavy regulation. This is discrimination, because there are two different sets of rules. There's no incentive for workers to come and work in brothels.*

A number of licensees complained about their workers and expressed considerable frustration about the unreliability of workers and their own inability to control workers through means such as fines or other punishments. Several licensees clearly want the ability to impose penalties on workers who cause problems for them:

*The biggest problem is that we can't put any kind of structure in place in terms of ensuring we have workers available. We have a big problem with sex workers not turning up for shifts. This is unfair to the business. It's also unfair to other workers who could have had the shift... The workers really think they can do what they like. They say, 'I work for myself.' We have a system here where they can look at the*



client before they go out and do their intro. But then some of them go out and do the intro and then come back in and when the guy picks them, they say they won't go with him because he's too fat or ugly or something. We always go along with this of course but it makes it really hard. It would be better if they said they didn't want to go with the guy in the first place.

The working girls are working for themselves, they are allowed to do as they please. It is very hard to run a business this way. I have to let them do as they please. They tell me rather than the other way around. I'm essentially just creating a safe house for someone who can then tell you to get knotted anyway. There's not much that can be done about this.

All the power rests with the service provider and all the obligations with the operator. Workers make all the choices in the room and the operator has no control over what happens. This means that service providers could never be employees, they will always have to be independent contractors. Workers have no business acumen. The ATO knows they are not getting many workers who are complying with tax laws. Only about 20% of workers run it as a business. So they are not employable! If they had to become employees, and had to be taxed, etc, they'd just leave the brothels and go private. There is no solution to this problem. Unless you implement some kind of reciprocal obligation between the brothel and the worker, built into the deed of licence that the brothel has with the worker. This would require legislative change. We would like to have a penalty system in place as part of our deed of licence with workers, so there is some way of encouraging workers to support the brothel business.

We didn't allow for the psychology of the business. We have no control over the girls, so we have to treat the girls with kid gloves. We would love to employ the girls, but the girls don't want to be employed (some are on pensions, some are on child support, etc). The workers would leave tomorrow if they were to become employees. The girls do not have the right approach to the job; not enough respect.

On the other hand, some licensees had a softer approach to sole operators and their own sex workers:

*There's a lot of work involved in dealing with the mental welfare of the service providers. We get a lot of girls who approach them who have never worked in the industry before, so we make sure the girl is really mentally prepared for what she is getting into – once a girl crosses that line and does her first booking, she can never really go back. The more effort you put into preparing workers at the beginning, the fewer problems they and you experience later on. We take a lot of care to look after the girls and to create a friendly, happy environment, because the girls are the business and you need to look after your people.*

*I have no objections to sole operators. Legitimate sole operators have a place. I don't mind the idea of collectives either. They should be registered though and maybe they should have to get development approval if they want to run a business from home. I used to live in a unit block where a sole operator worked. I'd get buzzed at 3 am by guys getting the wrong unit number. Any other business would have to have development approval.*

*I'm very strict with the girls. They know me and I have built a relationship of mutual respect. When I do an induction with the girls, I like to find out more about them, what draws them to work in this field. I then like to keep them focused and goal-orientated. I expect the staff to understand the girls. I have found that many of the girls that I have met come from broken families and have broken hearts and dreams. They build friendships within the industry and they all become an extended family.*

### 1.3 Attitudes towards regulation

While some licensees feel they have been over-regulated, others are happy that the level of regulation is tight, setting and maintaining a high standard. Some licensees perceive the compliance regime as being over-zealous and uneven:

*We are over-regulated and micro-managed by the PLA. One small example: we've just been told we have to sign in using our full names and titles. They should stop sweating the small stuff. Things are going well.*

*The PLA audits don't recognise how hard we work to keep in line with the regulations. They have no experience in the industry so they don't know what's workable. We have a really clean place and we work hard to do it right. And then they come in and nit-pick – a girl had scribbling over her signature in the sign-in book and they complained. How are we supposed to stop that? ... The PLA isn't always clear about what we should do in situations. We had a girl who was pregnant and the PLA said they weren't sure but they felt we couldn't discriminate. They said we should get a doctor's certificate and let the girl work... From what the girls tell us, other places are run differently and get away with it. They have all these rules and the PLA don't do anything.*

*The PLA need to relieve some of the pressure; they've done a good job of getting the industry to this point, and some owners are scared of them, but we don't buy into it... just lighten up a bit; stop with the whip!*

A small number of other interviewees appreciated a high level of regulation, which they felt set Queensland's standards higher than other jurisdictions with legalised prostitution.

*We are happy with the level of regulation...*

### 2.0 Issues emerging from interviews with sole operators

There were 35 sole operators interviewed for the project, 21 of whom were interviewed prior to the change of focus in the project away from outcalls. When the focus of the project was altered to concentrate on the first research question (How can Queensland better regulate the sex industry?), the questionnaire for sole operators was also re-drafted. Therefore, 21 sole operators were asked a number of questions about their experience doing outcalls, and the remaining 14 sole operators were asked questions that focused more on their general experience of doing sex work and their views of the legislative framework and how it could be improved.

This makes it difficult to report their responses. This section of the report provides a description of the key issues arising from interviews with sole operators. Responses will be described according to whether they arose from the first sample (the 21 respondents interviewed prior to the change in the questionnaire), the second sample (the 14 respondents interviewed after the questionnaire was changed), or the whole sample (those questions that were asked of all 35 of the interviewees).

#### 2.1 Outcalls

The first sample were asked a number of questions about their experience of the demand for and their provision of outcalls to clients. Many of these questions were not asked of the second sample.

The majority of sole operators (23 of the 35) interviewed reported that 'in-house' services provide the bulk of their business. Only five workers said that the demand for outcalls outstripped the demand for in-house services (tables 1 and 2). Several workers pointed out that demand



for outcalls was different depending on your location – one worker commented that demand for outcalls was significantly less than demand for incalls in regional Queensland, and another worker said the demand for outcalls was higher when she worked on the Gold Coast than when she worked in Brisbane. Several workers also commented that the demand for incalls versus outcalls depends on the wording of your advertisement; if you advertise incalls only then the demand for outcalls will be significantly less.

**Table 1: Demand for outcalls versus in-house services (whole sample)**

Response	Number
The majority of clients attend for in-house services	23
The majority of clients request outcalls	8
Demand is about even for in-house and outcalls	2
No response	2

**Table 2: Estimated demand for outcalls compared with demand for in-house services (whole sample)**

Demand for outcalls is:	Number
Significantly higher than for in-house	2
Probably higher than for in-house	3
About the same as demand for in-house	9
Probably less than for in-house	10
Significantly less than for in-house	9
No response	2
TOTAL	35

All 35 workers were asked if they would be more likely to work in a brothel if outcalls were allowed from a licensed brothel, but only four workers said this would make a difference to their decision to work in a licensed brothel (table 3). Most workers who responded 'no' to this question cited their success as a sole operator, both financial success as well as their ability to be selective about clients. Several workers were sceptical that a brothel would be able to protect them while doing outcalls.

**Table 3: If outcalls were permitted from licensed brothels would you be more likely to work at a licensed brothel? (whole sample)**

Response	Number
Yes	4
No	30
Don't know	1
TOTAL	35

The second sample of respondents (n=14) were also asked whether they would be more likely to work for an escort agency, were it legal, than work as a sole operator, with the majority responding in the negative (table 4). Reasons were largely similar.

**Table 4: If escort agencies were legalised would you be more likely to work from there, rather than be a sole operator? (second sample)**

Response	Number
Yes	3
No	9
No response	2
TOTAL	14

The first sample (n=21) were asked to identify the risks of doing outcalls. The key risks identified were:

- attending the booking to find more than one client waiting;
- the risks of working alone, particularly being unable to have a driver waiting outside;
- being in an unfamiliar environment, so not knowing the layout of the property or how to escape if necessary;
- concerns about hidden cameras or hidden weapons;

- clients who may be drunk or drugged and therefore potentially violent;
- 'dud' or 'joke' bookings, or attending to a false address;
- violence or robbery;
- theft or refusal to pay; and
- the possibility of a wife or girlfriend coming home unannounced.

One respondent commented that a key risk for outcalls has arisen due to the absence of SQWISI and its Ugly Mugs publication: "workers having no-one to complain to about ugly mugs".

The first sample was asked if they had ever experienced threats or violence while doing outcalls in the past. More than half reported violent or threatening experiences while doing outcalls (table 5).

**Table 5: Have you ever experienced threats or violence while doing outcalls in the past? (first sample)**

Response	Number
Yes	12
No	9
TOTAL	21

Sole operators reported a range of innovative measures they had put in place to prevent violence from occurring while doing outcalls. Many workers spoke about their practice of using the initial phone call to screen clients, using their intuition to weed out clients that sound drunk, drugged or otherwise suspect. This included making sure clients understand the nature of the service they will be receiving:

*I listen for signs of intoxication, more than one voice, anything out of the ordinary.*

*I make sure clients are aware of the do's and don'ts before a booking is confirmed. If a client asks to pay*

*extra for no condom etc, I just don't take the booking. I don't do anal. My business offers no extras just a straight full service.*

*Listening skills whilst on phone.*

*Ask questions about sexual expectations of client, do not accept sexual techniques I feel uncomfortable with. Do not accept intoxicated/drugged clients.*

*I don't do a job if I get a bad feeling on the phone.*

*I reject callers on instinct – tone of voice, words they use, no private numbers.*

Workers expressed their desire to involve others for assistance with outcalls, particularly a driver. Several workers were informing friends or using a driver regardless of the legal situation, while others were simply creating the illusion that they had someone waiting:

*I have a driver that waits the whole time for me and I call him in/out. I have a code if something is wrong.*

*Informing someone where I am, all information on clients in my diary in my car.*

*If it wasn't illegal and I had a friend to tell where I'm going for security.*

*Pretend to ring security agents.*

*Pretend that I have a girlfriend waiting for me in a car close by.*

*Share my room with another worker, have my friend call me when the client's time is up.*

*Warn clients someone else knows where I am.*

*I've asked the taxi driver to wait for me to wave him off after the client comes to the door; I've sometimes told the client that I need to pay the driver and then taken off; I've grabbed my gear and run off and hid in nearby bushes until I could phone for a ride home. If I am a little uneasy about a client, I phone a friend or family member before, at the beginning and at the end of a booking.*



*Call a friend and let them know I'm safe when I arrive and calling again when I leave.*

*Fake security measures when sole trading to make it appear as if I had back up.*

Other measures used included: not carrying much cash, only working during daylight hours, never working while drunk or drugged, checking the premises fully before doing the booking, confirming the phone number prior to attending the booking (many workers stated they would not do a booking for a client with an anonymous phone number), only providing outcalls to trusted, regular clients, carrying a loud whistle or perfume spray to use in difficult situations, using an authoritative manner and having good negotiation skills.

All 35 sole operators were asked what they thought a brothel licensee could do to protect sex workers while doing an outcall. Many workers suggested that having a security person or driver attend the booking with the worker, and waiting outside the booking until the worker is finished, would be the best or the only way of ensuring the safety of outcall workers. Several workers suggested the security person or driver could meet the client with the worker prior to the booking, check the premises for potential danger and take the payment. Five respondents felt that nothing could provide enough protection for workers doing outcalls, and that brothels should be prevented from running outcalls because their drive for profit would always outweigh their duty of care to workers. Other suggestions included the use of personal alarms, routines involving phone calls from the receptionist when the worker arrives and again when she should be finished the booking, developing emergency signals and routines or having code words to use when there is a problem for the worker at the booking, or having a dedicated emergency phone line back to the brothel. Several workers suggested the need for particular management expertise:

*Vetting the clients on the phone – to do this you need a certain amount of instinct.*

*You need to make sure your management aren't just money hungry and sending girls out to anything.*

*You need to be able to vet them over the phone. There's got to be the ability to turn a booking down once you get there.*

Finally, one worker commented on the need for workers and brothel licensees to have confidence that police will respond to a call for help.

The 35 workers were roughly divided when asked whether they thought licensed brothels should be permitted to provide outcalls (table 6). Some were sceptical of the ability of licensed brothels to protect sex workers while doing outcalls. Others were concerned that if brothels were permitted to offer outcalls it would jeopardise the businesses of sole operators, being the only part of the industry currently able to conduct outcalls lawfully. Those who thought brothels should be able to provide escorts services commented that they should be able to compete with sole operators, and that it might improve the safety of outcalls for young workers starting out. A number of workers commented on the need for proper regulation of outcalls from brothels if this were to become legal.

**Table 6: Do you think it would be a good idea for licensed brothels to be able to provide escort services? (whole sample)**

Response	Number
Yes	14
No	16
Maybe/don't know	2
No response	3
TOTAL	35

## 2.2 Working at a brothel

The sole operators interviewed for the project were, on the whole, adamant that they would not consider working for a brothel or other operator, principally due to their ability to earn more as a private worker, and the flexibility they have to work around other commitments in their lives.

More than half of the sample had worked at a licensed brothel at some point in their lives as a sex worker (table 7). The 14 workers who had never worked at a licensed brothel said they didn't want to pay half their earnings to an owner, or did not want the rigidity of working shifts. Several felt they did not want to compete with younger girls, or said they thought brothels only wanted younger girls. Others commented with distaste on the nature of brothel work, where you have to "walk the catwalk" or where you end up being "an assembly line vagina – a factory pussy". These workers preferred the privacy of working alone.

**Table 7: Have you ever worked at a licensed brothel? (whole sample)**

Response	Number
Yes	21
No	14
TOTAL	35

While many workers reported that working at a brothel had been a positive experience, where they had learned a lot and enjoyed the companionship of other workers, others reported negative experiences:

*I didn't like it. The owner was ruthless and didn't want to do necessary repairs and improvements. He put pressure on managers to make more money for him. In other brothels the managers put pressure on the girls to work double shifts. The manager put pressure on me to work back to see his VIP clients. I didn't like the lack of privacy and anonymity. The preference was for younger girls. Most of the clients were drunk. Many were obnoxious. The managers let them stay because if they turned away all the drunks the figures would go down. The manager over-rode my decision to not see clients due to a suspicious rash. A lot of the workers were drug takers and highly strung – I didn't feel comfortable with them. The owner banned SQWISI from visiting the brothel. I thought that that was unreasonable. Managers turn a blind eye to workers taking drugs or being drunk because they are under pressure to make money.*

*I was sacked. I made sure I was, as I wanted to quit.*

*Due to being fired over a manager being beaten up by my client and owner saying "due to altercation last night your services are no longer required". Unfair dismissal laws need to be put in place.*

*Bad clients without security when the owner should be protecting the workers. Boss took too much money, hours too long.*

## 2.3 Experiences of violence while working

Of the 35 workers interviewed, tables 8 and 9 show that 17 had experienced threats or violence either doing outcalls (first sample) or working as a sole operator (second sample).

**Table 8: Have you ever experienced threats or violence while doing outcalls in the past (first sample, n=21)?**

Response	Number
Yes	11
No	10
TOTAL	21

**Table 9: Have you ever experienced threats or violence while working as a sole operator in the past (second sample, n=14)?**

Response	Number
Yes	6
No	8
TOTAL	14

Workers described a range of incidents they had experienced, some involving serious violence and attempted murder (broken bones, rape, permanent injuries or the use of weapons), while others described incidents that were potentially violent but that ended well. Several workers expressed the devastating outcomes that serious violence had caused in their lives, leading in one case to the worker experiencing lasting fear that left her house-bound and isolated.

*Broken wrist as client wouldn't let me leave. Told him someone was waiting for me to call and that if I didn't they will rock up in 10 minutes. Worked well.*

*Dissatisfied client – was too drunk to perform and demanded his money back and became quite agitated. Negotiated with him to try other activities without penetration and managed to diffuse what could have been a volatile situation.*

*The client refusing to let me out after service was finished. No injuries were sustained as I threatened to jump off the balcony, which shocked him into letting me go.*

*Sometimes clients have been aggressive or violent or I felt unsafe. I have been roughly handled and had clients remove condoms. Most times I have used my communication skills to diffuse situations.*

*I was robbed and threatened and the police refused to help me. This issue went to the CMC and a*

policeman in ... was reprimanded as a result. There were two people at the booking – I put the money in the bag. The money was taken.

I had a bloke grab me as soon as I opened the door – he got me in a headlock and he sat on my back. I lost my vision, I nearly died, I couldn't breathe. I prayed to God to help me and the guy got up and left. He thought he'd killed me. On an outcall with an agency years ago – there were two of us workers and two clients – we had to drive down a huge driveway, narrow and heavily treed. A guy appeared on the veranda with a shotgun. The driver shoved the car in reverse and we got out of there. On another outcall I went on my own – the driver dropped me off and I was on my own. The guy pulled a knife on my throat. I told the guy he could have the money and I begged him not to hurt me. He did that, and I took off. I made an emergency call to police who came. I got them to drop me back at the agency. They didn't do anything about it... the agency just black-listed him and they never sent anyone to him again. I started to drink a bit after that. I still drink a bit...

No injuries, talked myself out of it. Client became very angry and aggressive when no sexual intercourse occurred during the paid for timeframe and refused to pay for more time.

This is not a big one, but I found he wanted to do more than I would let him and he held my hand so I could not go, but I did get away and left so the outcome was not that bad, having said that I did not have control over the time there. Not nice.

The client wanted more than I wanted to give and tried to force himself upon me. Another client fell in love with me and was ringing me every day and making me feel very stressed out.

2004 I was bashed that badly that finger permanently bent. 2006 wife came home and wife's amazon friend bashed me to the ground. 2007 bashed. Broke my face in three places and I had to have two pins put in and now have permanent numbness under the eye and was awarded \$500 from court as no weapon was used. I still have pin.

I was tied up in a situation where I could not move or get free. So I leave it for your imagination as to what happened. I can't explain what happened.

I had a wife come home and I needed to jump out the window and get dressed behind a bush as wife was threatening. I have found hidden video camera in a bedroom and threats were made by the client when I refused to do the booking or return his money. Drunk clients are always problematic. Arsehole clients tend to target me more when sole trading than escort agency work.

I had a stalker once. But it turned out to be a regular client of mine who had been taking the drug fantasy and was threatening me while under the influence. I was really screwed up though, I ended up not being able to leave the house – I became totally house-bound. When I worked out what was happening the guy was mortified and worked really hard to help me get back on my feet. We are now flat-mates. Mostly, though, the worst it gets is disgusting phone text messages... and the weirdos that ring up and want to get off while you describe what you look like and what you do in your service.

I was held hostage for three hours. I was able to make contact with a registered security company.

On the whole, the majority of workers felt their experiences of violence were rare, with only one worker stating their experience of violence as being other than an uncommon event (table 10).

Table 10: Frequency of violent experiences (whole sample)

Response	Number
Rarely or never	26
Almost never	7
Quite often	1
Very often	-
Other	1
TOTAL	35

Other response: I've experienced violence more than once, but not every day. There's always the possibility of it.

Workers were asked to describe the measures they had put in place to prevent or avoid violence from occurring, either on outcalls (first sample, n=21) or while working as a sole operator (second sample, n=14). Responses from the first sample are outlined above on p33 in the section on outcalls. Responses from the second sample are not dissimilar. Some workers point out their choice of apartment provides them with added security, with the use of intercoms or other barriers to entry. Some workers will not work after dark. One worker keeps a door closed in the house with a radio on to create the illusion of there being a second person on the premises.

Screening clients on the phone was again cited as an important strategy, and creating the illusion of there being someone waiting for the worker after the booking. One or two workers admitted to working illegally with another worker to maintain safety. Several workers commented that they only do outcalls to city hotels with reception desks, where they can check the client is genuine with the reception desk before arriving at the booking.

When asked what strategies have been successful, two comments particularly stood out:

*It doesn't matter what procedures are used to help prevent violence, whether during an incall, outcall, illegal or legal. Clients can and do still act violently. It only takes a second for a client to harm or kill a worker. There's no time to reach for a phone or duress alarm.*

*It is important to have a variety of strategies as no one strategy is going to work in all difficult situations.*

#### 2.4 Support needs of sex workers

*More help is needed for both brothel workers and private workers. The Government takes our taxes but pretends we don't exist rather than giving us the help we deserve.*

The need for support services is clear.

Several of the sole operators we spoke to were clearly vulnerable and in need of support. This is particularly true of several workers we interviewed who were from CALD backgrounds. These workers often do not have colleagues and peers to de-brief with or to discuss health and safety measures with. These workers were reluctant to access sexual health services or any government-run support service, and are particularly vulnerable to misinformation about working in the sex industry.

Some workers we spoke to said they accessed Queensland Health sexual health clinics for their sexual health checks. Others said they did not. There was some concern expressed by two workers about accessing sexual health checks at Queensland Health clinics in terms of the waiting times they had experienced. Other sex workers we spoke to were unclear about the legal framework for prostitution.

*I don't access the sexual health clinics because SQWISI closed. SQWISI was a great place... I can't get any answers as to why they closed, I keep ringing... now I go to my GP and I bet there are girls out there who don't have their health checks because SQWISI is gone. It was a great service. They had a full record of all my injections for hepatitis, they had a record of all my sexual health checks. They were just like big sisters, and some of them were ex-working girls too... Bring SQWISI back! (Sole operator)*



One sole operator was unclear about what was legal in terms of number of clients; she thought two clients and one worker was illegal. She also thought there were certain words she wasn't allowed to say over the phone and had questions about sexual health clinics. Currently she goes to her GP for sexual health checks, but he doesn't know what she does for a living (so it is unlikely that she would be getting the full range of checks she might need). This worker is the perfect example of why there is such a need for a SQWISI.

General information about the legalities of working in the sex industry is a critical need for sex workers as is information about health services and other support services available.

**2.5 Improving the legislative framework**

Of the 35 workers, the first sample (n=21) were asked to suggest measures that might make brothels more attractive to own as a business, most often suggesting that brothels be allowed to serve alcohol (table 11). The second sample (n=14) were asked to suggest measures that would help to better regulate the sex industry (table 12), with nearly half suggesting that workers should be allowed to work together.

**Table 11: Measures suggested by sex workers to make brothels a more attractive business (first sample, n=21)**

Response	Number
Allow alcohol	8
More workers	5
Allowing brothels in commercial areas	5
More rooms	4
Better split for worker	4
Lower the licence fee	3
Allow other forms of adult entertainment	3
Pick up and drop off service	3
Under cover parking	2
Providing outcalls	3
Provide a smoking area	2
More assistance/support for the girls	2
Simplify licensing process	2
Encourage industry experience of licensees	2
Privacy screens for worker and clients in the car park	1
A blue movie room	1
Look after sex workers	1
Supply meals for girls on long shifts	1
A minimum building standard	1
More cameras/longer video footage	1
Minimise the influence of male owners in the brothel	1
More entries and exits	1
No lining up and picking the girls	1
Allow brothels to promote themselves more creatively	1
Schedule a day a month for disabled clients	1
Ensure owners and staff have respect for sex workers	1
Provide child care within walking distance	1
Register sole operators	1
Get rid of illegals	1
Advertising for girls/business	1
Marketing	1

Note: Multiple responses were permitted

**Table 12: Suggested measures to better regulate the sex industry (second sample, n=14)**

Response	Number
Allow two girls to work together	6
Increase the cut to brothel workers	2
Allowing outcalls from brothels	1
Shut the brothels down	1
Standards for tax auditing	1
Advertising – better regulation of wording	1
Registration of private workers	1
Be on par with the rest of the states	1
Have escort agencies	1
Leave private girls alone (no regulation)	1
Make sure all private girls have their certificate	1

Note: Multiple responses were permitted

**2.6 Experiences in the illegal industry**

About half the sample had worked in an illegal operation during their life as a sex worker (table 13). Seven workers had worked with others in a sex worker 'co-operative', with the others having worked for an illegal escort agency or other illegal operation.

**Table 13: Have you ever worked in the illegal prostitution industry? (whole sample)**

Response	Number
Yes	17
No	18
TOTAL	35

Workers described both positive and negative experiences working illegally. Their comments are reported here verbatim (it is important to note that some workers are reporting their experiences of working illegally prior to the Fitzgerald Inquiry):

*The operator had favourites. It was a bad experience, I felt isolated.*

*It was a blast. It felt safe and something I will have fond memories of.*

*It was a good experience. I learnt a lot from other girls and always felt protected. Sometimes no security when you really needed it. Bosses (male) think they*

*can do what they want with you. Escorting no driver and security (bad client) no back up for help.*

*Fun as it was with my girlfriend. Felt safe. All workers were good friends and the boss was insistent on the use of condoms and no drugs.*

*Better than the licensed brothels.*

*The 'safety' aspect was most noticeable, the receptionist screened the clients – being able to recognise drunks and those affected by drugs. The driver knew where you were and you knew when they would return to pick you up, so if the client was difficult you only had to 'hold out' until the driver returned. You would ring in to the receptionist who would have a code that you knew how to use to indicate you were in danger and they would organise this without alerting the client and get you assistance immediately.*

*Apart from worrying about the police, it was an experience that kept me financial for seven years. Having worked for males and females I found the female to be more in tune with the girls needs. Whereas the men were more prone to violence.*

*Two workers working together – safer option, more enjoyment for client and workers. Sharing expenses, someone to talk to.*

*Unpleasant. I was new to Queensland and unaware of the legislation. I found the owners to be unscrupulous. They were only interested in making money. They put girls in dangerous situations. I sometimes had to wait 15-20 minutes for the driver to pick me up. The majority of the girls were rough, drank too much and used drugs. At the Golden Hands in Moorooka it was a roaring trade; it was absolutely psycho. It was all massage tables and a few of us fell off those tables – can you imagine it? Some operators were better than others. We were told if we saw clients on the sly that we would be in the Brisbane River... Got about 25-26 fines being busted by the Licensing Squad (pre-Fitzgerald).*

*It was interesting... the administrative side was up to scratch. But cleanliness was a problem. Linen cleaning wasn't great. You were responsible for your own cleaning of linen, etc. We did have the police come through and I was charged, but I wasn't fined or anything. The police gave me a big lecture*



and told me you're a smart girl. Get out and work on your own. I said that's what I'm intending to do. I was doing it all properly (while working at the escort agency) and doing my tax, but he (the operator) told her that I couldn't do that.

It was good – a very nice house – it all started off very nice, but he (the owner) got greedy and he ended up installing audio-visual equipment.

Fantastic, frightening, back in those days we didn't have a service or people you could turn to for help or advice. We stuck together, we went on outcalls together for backup – and the drivers, even cabbies would act as protectors.

Not bad, again looking over the shoulder, you were never really comfortable.

### 3.0 Issues emerging from interviews with illegal workers

While four of the five illegal workers had worked prior to the introduction of licensed brothels in 2000, none of them felt the legislation had had any impact on them as a sex worker. Four of the five had worked in a licensed brothel, four had worked in a 'sex worker co-operative' and all had worked as a legal sole operator. When asked what the advantages or disadvantages of working in a sex worker co-operative, responses indicate that the advantages outweighed the disadvantages for these workers, with only one disadvantage offered by one worker:

Someone for security, to talk to and share washing, cleaning and phones.

Safety, increased bookings.

Safety, someone to talk to after good and bad experiences, someone to answer the phone.

Safer work environment, getting in trouble with the law.

All had worked as either an escort for an agency, or for an illegal brothel. Two of the workers had enjoyed their experience and felt safe and relaxed. But three workers had negative experiences:

Very hard not to get involved in drugs and illegal activity. Someone tried to steal my I.D. while I was there working.

Wasn't safe as we just did it by ourselves. No security/have to pay driver out of our share if you wanted one.

It was hard and you get stuck at jobs waiting and also if you just left because you didn't do the job you would be left waiting. Also you couldn't go home when you wanted; if you didn't do anymore jobs you had to wait till everybody stopped to go home or go back to base.

When asked if there was anything that would encourage an illegal operator or illegal sex worker to start working legally, interviewees again commented on the importance of being able to work legally in small co-operatives:

If they could get the proper information on what you need to do and realised that there isn't a black mark against them that shows up in different places. It's a lot better being legal and very beneficial. I wish I had of known years before.

If the brothel paid more then they would work there. I am currently a legal sole operator.

I work totally legally but would love another lady or receptionist-driver for safety.

If you could work with others legally. If you could do doubles as a private worker (two girls or couples working together). In a brothel if they are female owned with owner and managers respecting my rights. In a brothel if they took less of my money and I could choose what I charge, not the brothel deciding what I charge for my time/service.

I would not ever work in a brothel again if I could work with another sex worker.

All but one worker estimated their risk of being caught for operating illegally in Queensland as being 'high', with the fifth worker stating the risk was 'moderate'.

All but one of these workers described violent incidents they had experienced, some while doing outcalls and some while doing incalls:

In a brothel a client tried to electrocute me. Another tried to beat about five of us with a baseball bat and so we shut shop for the night.

Only a couple of times. 1. [A client] drugged my drink, so I don't remember too much but woke up with furniture broken, lamps broken and sore and bruised. Then went to SQWISI and did an ugly mug report. 2. Verbal abuse and physically rough.

On outcall – client locked me in wardrobe, tied up and gagged for two hours. I got free and ran away. This happened eight years ago. On incall – client slapped me in the face, told me to shut up and raped me.

1. Co-op girl took booking. Client arrived asked to use toilet, then when he came out grabbed me by my hair and pushed me upstairs and said where is your money? I said upstairs, I went to the room the other girl was in. He saw her, pushed me onto her and ran downstairs and out the door. 2. Dirty cop came around and intimidated me, showed badge and wanted free service. Complaint made by three workers. Cop disciplined.

Suggestions for the better regulation of the Queensland sex industry included:

- less cut taken by brothel;
- only ex-sex workers to own and run brothels;
- sex workers union and complaints officer;
- let brothels have more ladies;
- find a way to stop the girls giving unsafe oral sex;

- have a way that girls can report clients for asking for unsafe sex acts;

- female ownership of brothels; and

- make brothels illegal.

None of these workers were in favour of allowing brothels to do outcalls, seeing outcalls as the domain of sole operators, and because of concerns for the safety of brothel workers doing outcalls.

### 4.0 Issues emerging from interviews with clients of sex workers

This section reports results firstly for clients of brothel workers and then for clients of other workers (sole operators and illegal workers).

#### 4.1 Brothel clients

Clients of brothel-based sex workers provided a range of responses when asked why they attended a brothel (see table 14). It is interesting to note, however, that legality was one of the least often cited reasons for visiting a licensed brothel.

Table 14: Why do you choose to come to a licensed brothel?

Response	Number
It's safe	6
It's convenient	5
I can choose	5
It's clean	5
It's easy	3
It's legal	2
It's discrete	1
Other	7

Note: Multiple responses were permitted

Other comments:

The girls are nice; It's effective; You get what you ask for and there are no drug addicts here; Come to have a bit of fun – it's my 21st and this is part of my birthday celebration; The disadvantage is that sometimes the service can be a bit more clinical, whereas private workers can spend more time; The disadvantage is having to catch a cab.



When asked if they would prefer to have an outcall service, the majority said no (see table 15), with only four in the sample stating they would prefer this service.

**Table 15: Would you prefer to have a sex worker come and visit you?**

Response	Number
Yes	4
No	13
Don't know/Don't care/Depends	6
TOTAL	23

Less than half the sample had seen a sex worker somewhere other than a licensed brothel (see table 16). While this was most likely to have been a private worker (table 17), only three clients thought the worker was working on her own (table 18).

**Table 16: Have you ever used a sex worker somewhere other than a licensed brothel?**

Response	Number
Yes	9
No	11
Missing	3
TOTAL	23

**Table 17: What kind of worker did you see?**

Response	Number
Escort worker	1
Private worker	5
Don't know	4

Note: Multiple responses were permitted

**Table 18: Was the worker on her own?**

Response	Number
Yes	3
No	3
Don't know	3

When asked what sort of service clients preferred, it is not surprising that the majority of brothel clients preferred to visit a brothel (table 19). The next most common preference was "anything that's safe and legal", which confirms the importance of legality for brothel users.

**Table 19: What sort of service would you prefer to use?**

Response	Number
Licensed brothel	12
Private worker	3
Escort agency	2
Anything that's legal and safe	9
Whatever is cheapest	1
Don't know/Don't care	1
Missing	3

Note: Multiple responses permitted

Nine clients were able to identify an advantage to obtaining an outcall service from a brothel or an escort agency, with the most commonly cited advantage being the convenience of having someone come to visit you at your home (four clients). Two clients referred to increased comfort of having a sex worker in your own home. Two clients also commented that they would feel safer in their own home.

A further nine clients also identified at least one disadvantage of an outcall service, with five of these being that they wouldn't be able to choose the worker without seeing them first. Two clients referred to the safety of

the worker as a disadvantage, and a further four clients commented that they wouldn't want a sex worker visiting them at home.

Clients were also asked to identify advantages and disadvantages of having an escort service by a private worker. Four clients cited convenience as an advantage of using a private worker for an outcall, and one client pointed out that a private worker can be more flexible with her time and easier to talk to about special requests due to the absence of a middle person. Two clients again cited the inability to assess the attractiveness of the worker as a disadvantage.

#### 4.2 Clients of other sex workers

Clients that were surveyed while visiting a sex worker somewhere other than at a brothel gave very different responses to survey questions than brothel clients. When asked why they chose to visit a private worker instead of a brothel, most clients said it was because it was discreet (see table 20). Most of these clients, however, had also visited a brothel at some time (table 21).

**Table 20: Why do you choose to visit a private worker instead of a licensed brothel?**

Response	Number
It's discreet	6
No pressure to stay if I don't want	2
I can develop a relationship over time	2
It's cheaper/better value for money	2
Comfortable and relaxed	1

Note: Multiple responses were permitted

**Table 21: Have you ever visited a licensed brothel?**

Response	Number
Yes	7
No	4
TOTAL	11

When asked why they had visited a brothel it shows that clients are generally either just interested to try a brothel service, or they could not get access to a private worker:

*It was on a business trip and I could not contact a private girl.*

*Because I was horny.*

*To see what it's about, have a look at the girls but it's just like a meat market. Not a pleasant experience.*

*Talked into it.*

*Advertisement and curious.*

*Private girls were busy.*

*Curious. Once only, didn't like.*

Just over half of clients said they would prefer to have a worker come to visit them (table 22).

**Table 22: Would you prefer to have a sex worker come and visit you?**

Response	Number
Yes	6
No	2
Missing	3
TOTAL	11

The series of questions asking clients what sector of the sex industry the private worker works in provided some interesting insights (tables 23-25). One of the workers who agreed to interview her clients on behalf of the project, who interviewed four clients, was working illegally in a co-operative arrangement with a receptionist and two other workers. While only one of her clients obviously suspected she was not a sole operator, the response of two others also indicated that they were clearly suspicious (see tables 23 and 25). The fourth client was clearly mistaken in thinking he was seeing a sole operator. All the clients of sole operator sex workers seemed to have a clear understanding that their worker was working on her own.

**Table 23: Is the sex worker you are visiting today an escort or from an escort agency?**

Response	Number
Yes	1
No	8
Don't know	2
TOTAL	11



**Table 24: Is the sex worker you are visiting today a private worker?**

Response	Number
Yes	10
No	-
Don't know	1
TOTAL	11

**Table 25: Does the sex worker you are visiting today work on her own?**

Response	Number
Yes	8
No	1
Don't know	2
TOTAL	11

As with the brothel clients expressing a preference for brothel services, it is not surprising to see that most clients of non-brothel workers prefer to see a private worker (table 26).

**Table 26: What sort of service would you prefer to use?**

Response	Number
Licensed brothel	-
Private worker	10
Escort agency	1
Anything that's legal and safe	1
Whatever is cheapest	-
Don't know/Don't care	-

Note: Multiple responses permitted

Only one of these clients could see an advantage in visiting a brothel rather than another sector of the sex industry (this worker said the advantage is 'more choice of ladies'). All the others could only find disadvantages, including the risk of seeing someone they knew, the perception that the sexual health of private workers is better, the dislike of being 'rushed' and the desire to see the worker keep all the fee for their service. The list of disadvantages cited by clients is provided here to conclude this section:

*You could run into someone you know. Don't like being rushed out the door. Private ladies are more discreet than lining up for a girl at a brothel. There is*

*more likely chance of catching crabs at a brothel. I don't like waiting rooms. Feel uncomfortable choosing which girl to be with.*

*General public know it's there and likely to be recognised. Prefer discreet service. Rather the girl get all the money, not the brothel (extortion). No advantages.*

*Brothel is impersonal. Don't like egg timers or taps on the door to hurry up.*

*They rush you and doesn't feel real in a way, compared to a private worker.*

*Not discreet or private. Knowing that the girl doesn't get all the fee – it's halved I've been told.*

*Brothels are more expensive. Don't like the pressure from licensed brothels. Feel obliged to go ahead. Private workers are more discreet. I like one-on-one – private. With private can negotiate. Brothels scared of seeing a family member.*

*Private girls cleaner, politer and better service. Brothels rushed.*

*No rush with private girl.*

## 5.0 Issues emerging from interviews with Queensland stakeholders

The first section below provides a brief outline of the response of each agency to the broad question about the effectiveness of the current regulatory framework and any specific issues faced by the agency. The issue of outcalls is briefly commented on, as this issue was raised independently by many of those interviewed. Finally, some of the issues raised by PLA members themselves are included here to conclude this section.

### 5.1 Comments on the current regulatory framework

While few interviewees made suggestions about how to better regulate the sex industry in Queensland (many felt it was outside their jurisdiction to comment), many did comment on the operation of the current regulatory framework.

From the perspective of LGAQ, the model is generally working well. In particular, the LGAQ felt the planning issues had changed over recent years, with the "heat" having gone out of the issue. The LGAQ identified that the principal source of complaint from local communities about prostitution arises from the operation of illegal prostitution. The LGAQ felt that the highest priority should be for joint police and local government operations to target and eliminate illegal prostitution.

JAG commented that there are not many calls to loosen up the current framework, although an area of greater interest is the position of sole operators and the call to allow sex worker co-operatives to operate legally. From the perspective of JAG, relaxing the regulatory framework is more a timing issue than anything. A more relaxed approach to the regulation of prostitution may well occur in the future.

DPC commented on the nature of their role with regard to an issue such as prostitution. As a central agency, DPC merely act as a coordinating body for the work of other relevant agencies when it comes to reviewing or changing legislation.

Queensland Health commented that, while the provisions of the Prostitution Act had contributed to improved health outcomes for both sex workers and their clients, there are still opportunities for more effective regulation, particularly in relation to the health of sex workers and extension of sex worker health checks more broadly to all parts of the sector rather than just brothel workers. Queensland Health is supportive of legislative change that would both extend the application of health checks to all sex workers and place greater responsibility for maintaining sexual health on sex workers themselves, reducing reliance on the production of sexual health certificates. Queensland



Health is also supportive of the role of an inter-departmental working group that would enable legislative problems facing relevant Government departments such as Queensland Health to be considered, and where possible practically addressed, without the potential for public and media attention. Queensland Health also pointed to current service delivery gaps for sex workers from a CALD background, and street sex workers. Queensland Health stated there has been a drop-off (anecdotally) in the number of non-brothel sex workers attending sexual health clinics since the demise of SQWISI.

Queensland Health is in the process of replacing the sex worker support program in the absence of SQWISI. However, they don't expect to have a service up and running until late 2009. Queensland Health has outlined the need to balance the needs of a range of at-risk groups in an environment where funding is scarce and hard-won:

*Queensland Health remains supportive of a community based response for sex workers consistent with the principles of self empowerment, however it notes that in Queensland the strong legislative framework in place supporting safe sex, and the currently low prevalence of STIs within the sex worker population make education programs for sex workers a lower priority than for other high risk populations, such as gay men, and people living with HIV/AIDS. It is important that government funding continue to reflect these priorities. (Queensland Health)*

The Prostitution Enforcement Taskforce (PETF) at Queensland Police commented on the financial stress that brothels appear to be suffering. PETF commented that, while registration of sole operators would be ideal, the reality would make it virtually impossible to achieve. Rather, they felt there is a need to require all sex workers to have a sexual health certificate. They also felt strongly about the need to prohibit sole operators providing services if they are aged under 18 years. They commented about the difficulty of policing the internet with regard to advertising for prostitution offences, including for trafficking offences. Finally, PETF commented that if they had the ability to use telephone intercepts this would allow them to collect sufficient evidence to prosecute illegal prostitution.

The Legal Services Branch at Queensland Police stated that the prostitution legislation appears to have struck the right balance.

The CMC commented on the need of sex workers for more information. The CMC also commented on the need for a group to perform the original functions of the now defunct PAC, although it was clear that this body as originally designed did not function effectively when it was in operation. The CMC commented on the need to maintain close regulation of brothels, considering the turnover of brothel licensees. With new entrants to the industry, regulations need to remain tight.

ECCQ commented on the extreme vulnerability of workers from CALD backgrounds, and the need for dedicated support services particularly targeting this group. ECCQ

does not have the resources to provide support to sex workers needing assistance with legal and health issues. SQWISI used to provide a good service for these workers, but since they have gone, sex workers will sometimes contact ECCQ for help. ECCQ commented that language and communication skills are critical for workers providing support to CALD sex workers, along with the ability to acquire an understanding of the sex industry and the legal framework.

One sole operator sex worker from a CALD background had provided services for a client who accused her of being infected with syphilis. Although she wanted to check her health status, she was frightened. She was working for an illegal brothel and in her country of origin there was no guaranteed confidentiality in health services. The worker approached ECCQ whose Coordinator for the Sexual Health Program convinced her to attend a sexual health clinic and accompanied her to the appointment. The sex worker was anxious. While waiting at the clinic, she was contacted by phone several times, possibly by the illegal brothel owner, anxious that her operation not be exposed, who wanted reassurance that the police were not involved in the health check. Even during the consultation with the doctor, the worker mistook a pink ribbon for a symbol for HIV/AIDS, renewing her panic. The ECCQ's Sexual Health Program Coordinator quickly explained the pink ribbon represented breast cancer not HIV/AIDS. At the conclusion of the appointment the worker expressed relief that the doctor and nurse had been kind and that nothing adverse had happened. Despite this positive experience, the worker was still nervous when it came time to return for the results. The ECCQ's Sexual health Program Coordinator accompanied her again and all went well (results were negative). ECCQ is not funded to undertake the intense work required to assist this target group. This was a service SQWISI formerly provided for sex workers, including those from CALD backgrounds.

The ADCQ commented on three issues in relation to prostitution legislation. The first was the particular vulnerability of transgender workers. A second issue related to the position of pregnant adult entertainment workers, who are not clearly protected under their arrangements for work (these workers, like brothel workers, are not employees, but are engaged by a premises under a 'deed of licence', or a sub-contracting basis, which means that the protection of the Anti-Discrimination Act does not automatically extend to them). Finally, the ADCQ commented that the largest group of complaints lodged

with them relate to sex workers travelling regionally that rent space from a hotel, motel or apartment. Provisions in the Criminal Code prevent a person from 'knowingly participating' in the provision of prostitution, making it difficult for inn-keepers who discover the nature of the business being conducted on their premises by a sex worker. An inn-keeper may feel they are vulnerable to prosecution under the Criminal Code and ask the sex worker to leave the hotel, motel or apartment, thus contravening the Anti-Discrimination Act. In these situations, the ADCQ have noted that an inn-keeper tends to prefer to be in breach of the Anti-Discrimination Act rather than the Criminal Code.

QABA, which currently has 20 corporate members, commented that licensed brothels are over-regulated in Queensland and felt that brothels deserve a more relaxed approach to regulation, particularly considering their strong compliance record over the life of the Prostitution Act. QABA commented that the PLA should adopt a more educative and collaborative role with licensed brothels, rather than taking on a punitive approach to regulation. QABA would like to see more involvement of brothel licensees in the regulation of the industry, whether this might involve a licensee sitting as a representative on the Authority itself, or at least having an advisory role. QABA recommended that licence fees are reduced, and the costs of establishing and running a brothel are reduced also. QABA identified the need to educate the public about what is legal and illegal in Queensland, to encourage prostitution users to engage the services of legal sex workers.

USWNQ were strongly of the view that the health and safety needs of sex workers should be the focus of any future reform efforts. They pointed to the loss of SQWISI as having a major impact on sex workers: "It will take years to recover from the absence of SQWISI". USWNQ point to the information needs of sex workers, particularly in relation to the legality of sex work, and the need for a plain language explanation of the legislation.

They commented that sex work has not been addressed by Government in terms of workplace health and safety, and that the focus of any prostitution legislation should enshrine worker safety as its key objective.

The service that has provided interim support for sex workers following the closure of SQWISI, Workers in the Sex Industry (WISI) Information Service, commented that there should be a better model in place for sole operators to allow them the support they need to operate safely.



WISI recommended the introduction of two to three person sex worker co-operatives, and saw this as preferable to the engagement by a sex worker of a security guard or a receptionist.

WISI also commented on the difficulty of finding definitive answers for workers on legal issues, particularly in relation to advertising provisions. WISI was in favour of adopting a decriminalised model such as that currently operating in NSW.

The Crimson Coalition commented on the fact that Government has made changes legalising brothels but still doesn't condone sex work. The Crimson Coalition is in favour of allowing sex worker collectives to operate for the safety of those sex workers who choose to work outside licensed brothels, rather than a legislative provision to allow a worker to employ a receptionist.

The Crimson Coalition also commented on the need for reliable information for workers, who are often reliant on other workers or on brothel managers to provide them with information. This is not appropriate.

## 5.2 Outcalls

The issue of outcalls was spontaneously raised by many interviewees. Almost all Government agencies interviewed were in favour, or were not opposed, to allowing brothels to provide an outcall service.

*We made a submission to the CMC on outcalls. We didn't have any particularly strong views about the CMC recommendations.* (JAG)

*Local government has always been very supportive of outcalls.* (LGAQ personnel)

*Queensland Health was supportive of the possible legalisation of the outcall industry in its submission to the CMC. It argued that a legalised outcall sector could extend workplace health and safety protections to a wider array of currently largely unprotected workers, as well as further improve public health outcomes through the extension of the existing health check regime to a larger proportion of the sex worker population.* (Queensland Health)

*My view is that legal brothels should be allowed to operate escort services. The more lucrative it is to be a licensed brothel owner, the more likely they'll work in the legal sector. They help us do our work because they compete with the illegal operators. Clients will choose. Then the only way illegals can compete is to drop prices. There would have to be a tipping point. The Government concern is that we're expanding the industry. We're not. Some illegals might come into the legal sector. But at the moment you have a highly regulated sector here and a dog's breakfast on the other side.*

(Prostitution Enforcement Task Force, QPS)

*Providing outcalls to licensed brothels is the key to creating a legal industry that can compete with a thriving illegal industry. This is the PLA's interest in the issue.* (PLA member)

## 5.3 Feedback from PLA members

The Board of the PLA felt that while a safe and effective licensed brothel industry had been created, the intention behind the legislation had largely not been met because only a small proportion of the total sex industry is now regulated.

The Board felt that the Authority was working well internally and that it had been successful in achieving a high rate of compliance by licensees.

The Board acknowledged a number of issues with the environment for prostitution, including that:

- some brothels are struggling financially;
- the absence of SQWISI or a like body is of concern because it might leave sex workers more vulnerable; and
- the creation of a licensed industry has been a positive initiative, however, it also recognised that a thriving illegal industry continues to exist.

## 6.0 Issues emerging from interviews with interstate stakeholders

All jurisdictions report having a 'legal' and an 'illegal' industry, and that there is great tension between the two. This would suggest there is no one approach to regulating prostitution that has worked in Australia. Interviewees in all jurisdictions had negative comments to make about their regulatory framework. Several interviewees favoured a decriminalised approach.

On the question of whether the introduction of a regulated framework for prostitution has resulted in an increase in the sex industry, the majority of interviewees in NSW and Victoria responded that they didn't think there had been any expansion in the industry. Those interviewees who did think there had been an expansion were legal operators and their advocates.

*From SWOP's point of view, there has been little or no increase in the number of premises over the last 10 years.* (SWOP NSW)

*There has been no increase in the total number of brothels [in South Sydney City Council] since decriminalisation (approximately 40 premises). The market has directed this more or less, helped by the tight (but not overly constrictive) planning constraints.* (South Sydney City Council)

*In 10 years there have been 15 new brothels opened.* (Resourcing Health and Education in the Sex Industry, Victoria)

*The Business Licensing Authority (BLA) has found there have not been many new players entering the industry – it's a fairly stagnant group. Therefore, I'm inclined to think that there really has not been a huge increase in the sex industry... The majority of licensees were in operation prior to the legislation, and there really have not been many new entrants.* (Business Licensing Authority, Victoria)

*There has been a proliferation of illegal brothels since the Act was introduced. Today the AAEI alleges there are 400 illegal brothels, a figure which Victoria Police do not dispute.*

(Australian Adult Entertainment Industry Inc)

*There has been an expansion of the industry since the Act came into place. There are now 95 legal brothels; back in 2000 there were only 87 brothels.* (Legal operator, Victoria)

In NSW, councils have not responded well to their responsibilities with regard to legal brothels. The City of Sydney Council commented: "The regulatory agency can create enormous problems for themselves in disallowing existing well-run brothels". ACON<sup>10</sup> commented that "councils need to respond intelligently to high moral concern, they need to manage the media so that community outrage is minimised". It appears there are councils in NSW that have simply prevented brothels from becoming established.

Most interviewees from a health background were supportive of a hands-off approach to the regulation of sexual health among sex workers, favouring an 'honour' system, or a system that minimises the number of sexual health checks required and removes them as a mandatory requirement. This approach is seen as encouraging sex workers to be proactive about their sexual health rather than simply complying with a mandated scheme. If workers view their sexual health in this light they are more likely to seek regular sexual health checks.

Legal operators that were interviewed were all generally critical of the approach to regulating their business, feeling that the legal constraints are overly onerous. Brothel operators in Victoria feel the legislation is a restraint of trade, unlawfully discriminatory and anti-competitive.

Scarlet Alliance feels the needs of sex workers should be central to any legal framework for the regulation of prostitution. They point to a lack of understanding about how legislation affects street workers, something that has been particularly overlooked in Queensland.

<sup>10</sup> ACON is a NSW community-based non-government organisation promoting the health and wellbeing of a diverse gay, lesbian, bisexual and transgender community, and a leading agency in HIV/AIDS policy development and program delivery.

The policing of prostitution in several jurisdictions is minimal and there were comments made about a lack of enforcement in NSW, Victoria, the ACT and the NT. A number of interviewees expressed a preference for the policing approach taken in Queensland (i.e. a dedicated police taskforce for illegal prostitution), while the NT's Sex Worker Outreach Project (SWOP NT) commented that a lack of policing was a good thing, as it enables the industry to operate without disruption.

Several interviewees identified that the workers at highest risk of violence are street workers (data were cited in two jurisdictions to support this).

There was some debate about whether workers were at greater risk while doing outcalls, or whether the risk was no different to the risks of incalls. Most interviewees commented that outcalls were safe as long as they were managed properly. SWOP NSW pointed out that outcalls are safer from a brothel than otherwise, and that making outcalls safe from a brothel requires: "supportive management at the brothel, experienced workers to do the bookings... and strong peer support and training".

Other notable individual comments arising from interstate interviews:

- Escort agencies have the least community impact, but are the least attractive to regulators as the nature of their business (off-premises and mobile) makes them difficult to monitor and audit.
- The Sydney Sexual Health Clinic commented that legislation is not the answer to prostitution, it just

excludes people from the framework and hence excludes them from support services. There should be an insistence on good management rather than a concern solely with amenity. ACON commented that "the community get nothing more out of a licensing approach than they do out of a decriminalised approach". The Melbourne Sexual Health Centre commented that the "huge expense devoted to regulating the industry should be ploughed into education – this would be much more effective".

- The changing nature of the industry is a challenge – there is now less emphasis on premises-based services. This creates challenges for the regulator.
- The Melbourne Sexual Health Centre commented that "what works well in Victoria are the pragmatic relationships between agencies". This was identified as a gap in the NT, with NT SWOP recommending the establishment of a sex industry advisory board, with representatives of all the agencies.
- The requirement for registration of sole operators in the ACT has not been successful. SWOP ACT estimates there are four or five times the number of unregistered workers as those who register. They comment that sex workers have nothing to gain by registering, and they are concerned about the safety of their personal information. The requirement for registration of escort agency workers in the NT has also been unsuccessful in that the workers who do not want their personal details listed in a register must then work alone, and therefore at increased risk.

