

## What sole operator sex workers want

The sole operator sex workers interviewed for this project also expressed a great diversity in views about the current regulatory framework. Of those workers who were asked to suggest measures to better regulate the sex industry, nearly half of them said that to allow two girls to work together would make a difference to them. Diversity is demonstrated in the other responses to this question, which included:

- increase the cut to brothel workers;
- allow outcalls from brothels;
- shut the brothels down;
- establish standards for tax auditing;
- increase restrictions on wording of advertising;
- introduce registration for sole operator sex workers;
- change the regulatory framework to be similar to other states in Australia;
- include escort agencies in the legal framework;
- remove all regulation of sole operator sex workers; and
- ensure sole operator sex workers have a sexual health certificate.

As a representative of USWNQ commented, sex workers are certainly not a homogeneous group:

*At the end of the day, every worker wants to see something different in place. We'll never come to a common agreement about what the laws should look like. But if the health and safety of workers were the core intention of the legislation, this would make a difference.*

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## Awareness of the current framework

*It just depends how hot they are – that's the only thing that matters. (Brothel client)*

*In Queensland it sucks – there's all these Asian workers advertising in the paper and they're all run by the same two operators. They all over-charge and you pay for an hour but they just want to bank you and then leave. It's good here (at the brothel) because you can see the girls and make a choice, decide whether you get on with her...*  
(Brothel client)

The first survey questions developed by this project for brothel clients included the question: 'Would you prefer to use the services of a worker in the legal or illegal industry?' Having tested the questions on an initial group of three clients, however, the question had to be removed – none of those interviewed knew what was legal and illegal in Queensland. While it was not a specific question for sole operators, several of those interviewed also commented on the lack of knowledge that clients have about the legality of prostitution, and also their poor knowledge of sexual health and STIs. A lack of understanding among clients about sexual health and the legal requirement for condom use is particularly concerning, with sole operators reporting regular client requests for unprotected sex and their own efforts to educate clients about the risk of STI transmission. The other key risk to sex workers posed by a lack of client knowledge about the legality of sex work is the perception that clients have about the legal protection of sole operators. If a client believes a worker is working illegally, she is at increased risk of violence given the client's perception of her access to the protection of police and other authorities.

The most recent Queensland study of sex workers' clients was conducted in 2003 by Woodward et al. The study found that protection from criminal prosecution was nominated as 'very important' by nearly 80 per cent of clients, but it did not include questions about clients' knowledge of the legal framework in Queensland.

If these two findings are placed side-by-side, it would suggest that despite clients being concerned about the legality of seeing a sex worker, they generally have a low level of knowledge about the legal framework in Queensland.

The brothel clients surveyed for this project were primarily concerned with safety and service (see table 1). Responses to the open-ended question: 'Why do you choose to come to a licensed brothel?' revealed that legality is one of the least cited reasons for clients to visit a brothel.

**Table 1: Brothel client motivations for visiting a 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; Came 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.*

Client comments suggested that being able to see the girls first, and being able to choose a girl themselves, rather than 'not knowing what you're getting' with an escort or private worker, was more important than the legality of the transaction.

Lack of client knowledge about what's illegal also rose as an issue in the CMC inquiry into outcall prostitution. Submissions from several sole operators confirmed the need for public education and education of clients about legal issues as well as sexual health issues.

While clients seem largely in the dark about the legality of sex work (at least the clients surveyed for this project), this also appeared to be true for many sex workers, particularly now when there are fewer support networks for sex workers. Although the sole operators interviewed for this project clearly understood they were operating legally, there were several areas where the fine detail of the legal situation was not clear to them. For example, two sole operators spoke about having their partners wait for them outside in the car while they undertook an outcall, unaware that this is technically not legal. Another worker asked whether she was permitted to describe her services over the phone to

a client. The PLA has indicated that some of these issues relate to the Criminal Code, placing them outside their jurisdiction and making them difficult or inappropriate for the PLA to answer.

Representatives of both of the existing sex worker support organisations – USWNQ and Crimson Coalition – spoke about the need to ensure that sex workers are clearly advised about what is legal and what is not. USWNQ's representative also spoke about the need for certainty in the policing of the legislation, claiming that individual police officers interpret particular provisions differently (particularly the offence of knowingly participate in the provision of prostitution as it relates to hotel and motel owners), leading to variation in the policing of prostitution depending on the rotation of police personnel through the local police station. This interviewee also suggested the implementation of an amnesty period following a change in the legislation, to allow Government to conduct a public awareness campaign informing all Queenslanders of legislative change.

Having made the important step in Queensland of legalising brothels, it may be that there has been a failure to properly educate users of prostitution services and sex workers about the legal framework for prostitution. A more knowledgeable consumer base, however, may well have an impact on the market for illegal prostitution, encouraging not only a preference for sole operators and brothels, but also for safe sex and the prevention of STIs. In addition, the efforts of sex workers to protect the sexual health of themselves and their clients would be supported and the safety of sole operators would potentially be improved.

## Conclusion and recommendations

Queensland's political climate must make the regulation of prostitution extremely difficult, but if ever there were a public policy area where leadership is needed to articulate a position right now, prostitution is the issue. Sex workers are potentially at greater risk now than when the Prostitution Act was introduced and brothels were legalised because of the removal of the PAC from the regulatory framework and the closure of SQWIS, leaving workers without a formal advocate and service provider. Workers are turning to the PLA, which assists to the extent that it can, to each other or to brothel managers for information, advice and support. Anecdotally, their use of sexual health services has been affected, and vulnerable workers (particularly workers from CALD backgrounds and street workers) are becoming increasingly marginalised.

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Clients and, to a lesser extent, sex workers themselves expressed a lack of knowledge about the legal framework for prostitution, suggesting the need for a targeted information strategy to address this.

Regulating Morality envisaged a substantially different model for prostitution reform, responsive to contemporary community views about prostitution and grounded in research. The model didn't make a distinction between brothels and escort agencies. It allowed for owner operated brothels or sex worker collectives as well as managed brothels, not unlike the model adopted in New Zealand. The proposal was that groups of up to 10 (including workers, managers and other staff) could operate as a managed brothel, sex worker collective or escort agency.

In the CJC's recommended structure, a registration board was to be established which was to have the functions of ensuring there was no criminal involvement in the sex industry, of maximising the safety, self-determination and employment conditions of sex workers and of ensuring all workers and the premises from which they worked were accessible to health workers and other social service providers. The licensing body was to report to the Minister for Health. The community survey commissioned as part of the CJC's research had found that only 18 per cent of Queenslanders surveyed felt the police should enforce regulations whereas 57 per cent felt local councils or a government agency other than the police would be more appropriate (p.75).

## This project recommends:

That, as a matter of priority, Government establish and adequately resource an independent organisation which can provide sex workers with advice, counselling and advocacy.

That Government reaffirm the following original principles on which prostitution regulation was to be based, or change them, and affirm new principles to guide regulation and include them in the objectives of the Prostitution Act:

- protection of children from exploitation and coercion;
- protection of sex workers and their clients (and thereby the community) against health risks;

- prevention of criminal involvement and corruption;
- prevention of exploitation of sex workers; and
- cost-effectiveness.

That, based on the principles adopted by Government, the Department of Premier and Cabinet be asked to undertake a review of the current regulatory framework to decide what changes might better serve the principles and the overall objective of the Prostitution Act to regulate prostitution, with particular attention to:

- the Crime and Misconduct Commission estimate that only 10 per cent of prostitution in Queensland is currently regulated;
- the views of stakeholders expressed in this and other reports;
- the potential tensions for the Prostitution Licensing Authority as the body with responsibility for regulating prostitution and the body with responsibility for advising the Minister about programs designed to help sex workers leave the sex industry;
- the most appropriate agency location within Government for the regulation of prostitution, given the principles upon which regulation is based; and
- the need to educate the community about what is legal and illegal in Queensland.

The initial report on which Queensland's prostitution legislation is broadly based – the CJC's 1991 *Regulating Morality* – was one of the first attempts in Queensland to develop social policy based on a process of community consultation and research. Government adoption of the recommendations of *Regulating Morality* was courageous, not least because of Queensland's history as a state where the moral right had tended to dominate policy in a range of social areas on both sides of politics and in a context where corruption at the highest levels had, at that time, so recently been brought into the light. The time has come for Government once again to be courageous, to look at prostitution regulation and based on evidence and community views, come up with a statement upon which a reasonable future can be built.

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