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## Transcript of Proceedings

CRIME AND MISCONDUCT COMMISSION

MR R NEEDHAM, Chairperson

No IHJ-05-0001

PUBLIC HEARINGS INTO WHETHER ESCORT SERVICES  
IN QUEENSLAND SHOULD BE LEGALISED

BRISBANE

..DATE 13/09/2005

..DAY 1

**WARNING:** The publication of information or details likely to lead to the identification of persons in some proceedings is a criminal offence. This is so particularly in relation to the identification of children who are involved in criminal proceedings or proceedings for their protection under the *Child Protection Act 1999*, and complainants in criminal sexual offences, but is not limited to those categories. You may wish to seek legal advice before giving others access to the details of any person named in these proceedings.

CHAIRPERSON: Good morning, everyone. This public hearing of the Crime and Misconduct Commission is held pursuant to the provisions of section 176 and 177 of the Crime and Misconduct Act 2001.

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Just announcing it formally, this is hearing number IHJ-05-0001 of 2005. The hearing will be held over two days. I will be presiding as Chairman of the Crime and Misconduct Commission and Commissioner Margaret Steinberg, Professor Margaret Steinberg, will be sitting with me for part of the hearing only. She is unable to be here for all of this afternoon.

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Pursuant to section 5 of the Recording of Evidence Act 1962, I direct that the proceedings be recorded by a recorder, as defined by that Act. I'd like to welcome you all and thank you for coming.

Described by the media in the late 1980s as the "Moonlight State", Queensland was exposed by the Fitzgerald Inquiry as having entrenched links between illegal prostitution, organised crime and police corruption. As a result of the Fitzgerald Inquiry, the Criminal Justice Commission was created.

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One of the first tasks of that Commission was to assess the best way forward for prostitution in this State. Based on extensive research, the CJC made a number of recommendations, including a proposed model for the legalisation of prostitution.

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The CJC recommended that organisations with no more than 10 people, regardless of whether they operate as a brothel, an escort agency, a cooperative, or any other form of organisation offering sexual services, should be legalised and subject to approval by a local authority and a registration board.

Individual sex workers operating from their own homes were also considered to be a legal alternative, subject to local planning provisions.

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However, the CJC's recommendations were not adopted at that time; illegal prostitution continued unabated and in 1999 the Queensland Government enacted the Prostitution Act, which allowed for the creation of the heavily regulated legal brothel industry.

The Prostitution Act required the Crime and Misconduct Commission to evaluate the effectiveness of that Act. The results of the CMC's evaluation, when published in December 2004, in a report entitled, "Regulating Prostitution and Evaluation of the Prostitution Act 1999". That report is available on our website. There are also, I understand, a number of hard copies available if anyone would like one.

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The evaluation conducted by the CMC indicated that the legal brothel industry in Queensland, albeit much smaller than originally envisaged, had developed a good track record for providing a healthy and safe environment for sex workers and their clients and an industry free of organised crime and corruption. Indeed, the CMC stated that it believed it was a better model than most of those enacted within the other states of Australia.

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However, the evaluation also indicated that illegal prostitution had continued and indeed, that most prostitution in Queensland, estimated to be about 75 per cent, remained illegal. One of the contentious issues arising from the evaluation, was whether escort or out call services should be legalised in Queensland.

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Many consulted for the evaluation argued that the legalisation of escort services was crucial to the continued financial viability of licensed brothels and was the most powerful tool for creating a sustainable alternative to the illegal industry which had continued to prosper, despite the availability of legal alternatives. On the information available to it at that time, however, the CMC was unable to recommend that escorts be legalised. The CMC held two major concerns:

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First, that any expansion of the legal industry may lead to an overall increase in the amount of prostitution in Queensland and along with it, the potential and unacceptable risk of sex trafficking, child prostitution and organised crime.

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Second, that a clear workable model for the regulation of escorts have not been provided by any of those consulted for the review. There even appeared to be vastly differing views on how legal escorts would work and be regulated amongst those who unanimously call for it and little middle ground upon which to gauge the best way forward. One of the key recommendations of the CMC's regulating prostitution report was, therefore, that the CMC extend its review to examine the question of whether escort or out call prostitution services should be legalised in Queensland and if so, how this could best be done.

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When the CMC released its public report in December of last year, there were 14 legal brothels operating in Queensland. I understand that now, just nine months later, there are 18 legal brothels open for business. Any recommendations regarding the legalisation of escort services must also consider, therefore, the continually changing landscape of both the legal and illegal industries in Queensland.

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This inquiry is limited to determining whether out call or escort services should be legalised in Queensland. The inquiry will not consider whether Queensland should take a completely different regulatory approach to prostitution, such as decriminalisation or prohibition. However, I understand that some aspects of those approaches will be presented during the hearings, in the context of discussing escort services, to enable us to consider more fully the potential impact of

legalisation on the health and safety of sex workers providing out calls and to examine various industrial relations issues. We have invited a number of speakers to present their views at the hearings. We considered it important for the vast array of opinions about escort services to be aired, to ensure first that the Queensland public understands the range of issues involved and; secondly, that the key stake holders in the industry have the capacity to examine and discuss the conflicting views about escorts across the industry.

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However, prostitution is still a largely hidden industry and this hearing is just one of a number of information gathering exercises by the CMC.

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We have undertaken a number of oral and written submissions, which will not be published, because they may identify the authors. This does not mean that the views expressed in these submissions will be overlooked. I want to reassure the sex workers and other members of the public who spoke to us privately and/or provided us with written submissions, that their views have been heard and will be respected and considered in our decision making process.

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Nevertheless, these hearings will enable the Commission to explore a range of issues and options for reform with people who are closely associated with the industry.

Those of you who were invited to appear at the hearing are representatives of organisations and support groups which made submissions to the CMC and have been identified by the CMC as having a particular interest or expertise in issues relating to the topic.

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All of you are volunteers and we are most grateful for your willingness to assist us at this time. I would also like to acknowledge the attendance of representatives from the Department of Tourism, Fair Trading and Wine Industry Development, Workplace Health and Safety, the Australian Tax Office and the Liquor Hospitality and Miscellaneous Workers Union, who have been invited to attend the hearings and provide the CMC with specialist advice as required.

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I should say that this will be essentially an informal hearing process. Witnesses will not be sworn; however, they will be protected by the relevant provisions of the Crime and Misconduct Act.

The way the hearings will proceed is that witnesses will be asked to briefly outline their submission and I will then ask them questions relating to issues or information provided in their submission.

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As you will all appreciate, the time allocated for each witness is limited and I would ask that responses remain informative and succinct.

I would also like to emphasise that the public hearings are not a forum to consider individual complaints or particular cases. Specific complaints of official misconduct received by the CMC will be assessed in the normal way by our complaints services section, to determine whether investigative or other action is required.

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Now to ensure the privacy of any of you who do not want your identity revealed, I have the power under section 183B of the Crime and Misconduct Act, to prohibit the publication of information that might enable the existence or identity of a person who gives evidence before the Commission at a hearing to be ascertained. I will make any orders of this nature, if requested and as necessary throughout the hearing.

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At the entrance to the hearing room somewhere, with Lisa, you will find a stack of blank forms which we hope you will use for a number of purposes. First, we invite you to fill in your personal details, including an email address, so that we can send you the preliminary position paper which the CMC will develop after this hearing. We hope to release that paper in mid-October.

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Secondly, you may also use the forms to record any comments you may have on any of the hearing submissions. The CMC will take these comments into account when preparing the preliminary position paper.

Thirdly, you may use this form to record any questions which you would like me as Chairperson to ask any representative. If time permits, these questions will be put to the representatives, so with any of those questions, if you could get them to Lisa, who is sitting down beside the door, they can then be brought up to me on the bench.

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You will also find at the entrance to the hearing room, copies of some of the written submissions which have been made to the CMC, including a copy of the submission of the Queensland Police Service, which was received yesterday.

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We will now start with Dr Margot Legosz, who was the principal research within the CMC working on this particular hearing, to present on behalf of the CMC, the preliminary findings about research conducted to date, an overview of how escorts operate in other jurisdictions, both within Australia and overseas. Margot will give us a description of how the inquiry has been run, including a list of the submissions that have been received, possible changes to the legislation being considered, the decision making process that we will have to go through, a brief outline of some possible models for the legalisation of escorts provided to the CMC in some of the submissions and an insight into some of the key issues that will be examined at the forum that we will be holding tomorrow. Yes, thank you, Dr Legosz.

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DR MARGOT LEGOSZ, SENIOR RESEARCH OFFICER,  
CRIME AND MISCONDUCT COMMISSION:

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DR LEGOSZ: Thanks, Mr Needham. First of all I do apologise for the smallness of the print. I'm used to dealing with very large boards, but hopefully, you will understand as I talk through the words that are written up on the screen.

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As indicated by the Chairman, I am first of all going to provide a brief overview of some of the relevant research regarding the community's views about prostitution and the health and safety of sex workers, topics of great relevance to these hearings, although much of this information has already been documented in our public report.

Then I'll briefly illustrate the current status of escort services locally and internationally and I'd also like to foreshadow that we will be hearing vastly different views about some of these issues throughout the hearings, many of which will disagree with my own presentation.

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I would like to emphasise that prostitution is a social issue, not an exact science and that the CMC welcomes the discussions and debate that will follow to illustrate the complexities involved in any decisions regarding the sex industry.

Queenslander's views about prostitution have been sought regularly over the last decade. There have been three large random sample surveys, first of all in 1991 conducted by the Criminal Justice Commission, then in 1997 by the Queensland Government Statistician's Office and then just two years ago by Charlotte Woodward and her colleagues for the PLA.

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Now across all three of those surveys, there have been consistent findings and these findings included the following:

The majority of respondents have indicated a desire to eliminate street prostitution. There have been mixed views about sole operators working from home and the majority of respondents have indicated broad support for legal brothels, providing there are restrictions imposed, such as location and the type of people to hold licences and those wishes were actually translated into the Prostitution Act.

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The reasons for the consistent support for restricted off street legal prostitution were described as "including benefits such as healthier environment for sex workers and greater control of the industry and the economic benefits, such as enforcement of taxes". There were also reservations which largely related to location, how well controlled and infiltration of crime.

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There was also considerable natural international research; however, what is not generally known is that most of the adverse findings and stereotypes reported about sex workers generally relate to street base workers, rather than off

street workers, such as those working in brothels and escort agencies. It is important to know that off street workers generally are less likely than street workers to have experienced abuse, either at work or from others, they're healthier, both sexually and physically than street workers and they are less likely to use drugs or to have drug use as a reason for working in the sex industry than street workers. On conclusion, it may be that off street workers are more able to make informed decisions.

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I'd now like to talk a little bit about the legal status of escorts in other jurisdictions. Overall, our review of the available evidence indicates that Australia is more likely than other countries to legalise escort services, but where escorts are legal, there are literally no limits on the number of escorts anywhere and there's also very limited monitoring.

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There's also limited evidence that legalising escorts has increased the health and safety of workers or minimised the size of the illegal industry. Now these are common arguments that are provided for the favour of legalising the escort services.

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Internationally, few countries have legalised escorts and those that have legalised the escorts, such as the Netherlands and Germany, are now recognising the difficulties associated with monitoring and policing and the implications for and effects on sex trafficking and child prostitution associated with both escorts and brothels.

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However, taking a broader overview of the issue, escorts are not generally a prime target for police, predominantly because the activity is largely hidden and police activity is generally driven by complaints and there are generally few of these and also police have other priorities.

Turning more specifically to Australia, in New South Wales, prostitution is largely decriminalised and there are no offences which apply to escorts. There's also no planning approval required, although this process is currently under review and again, in New South Wales, it's a complaints driven enforcement by Councils and police.

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In Victoria and the ACT, escorts are legal from both legal brothels and agencies, but they must be registered and they are monitored by local Councils and the Business Licensing Authority in Victoria and the Registrar in the ACT. However, there are minimal restrictions and limited monitoring.

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In the Northern Territory escorts illegal. Agencies, but not sole operators, must be registered and they are monitored by the Escort Agency Licensing Board and again it's a complaints driven enforcement by police. In Western Australia, South Australia and Tasmania selling sex per se is not illegal. However, there are a range of prostitution offences which maybe applicable depending on how services are provided, such as soliciting in a public place and so on. And again, it's a

complaints driven enforcement process although sole operators who provide escort services are rarely prosecuted.

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Finally, in Queensland sole operators provide the only legal escort service in the State. Escorts from licensed brothels are not legal and neither are escort agencies per se. Turning to overseas, in the Netherlands escorts are legal but individual escorts must be licensed. There are some regulations - sorry, there is some regulation but escorts are very difficult to trace and inspect and there are concerns about trafficking. Similarly, in Germany escorts are legal, and again, there is some regulation, and again, they are difficult to trace and inspect. It's also important to note that Germany required or did require the registration of sex workers but that initiative failed with many workers going underground and consequently suffering more abuse. There were also concerns about trafficking in Germany.

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In the USA all prostitution is illegal except in Nevada where legal brothels are allowed in counties with a population of less than 400,000 but legal brothels are heavily regulated and do not provide out calls. So, in the USA all escorts are illegal. In Canada escorts are legal but all activities associated with prostitution are illegal but that is currently under Parliamentary review. As with South Australia, Western Australia and Tasmania, in the United Kingdom escorts are legal but most activities again linked to prostitution are illegal.

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Running an escort agency or brothel is illegal, for example, because this activity is classified as controlling prostitutes. But prosecutions only occur if business is a large scale and/or involve illegal immigrants and police largely turn a blind eye, providing there are no drugs or under age people involved and providing nobody has complained. Looking at Sweden however prostitution is considered abuse of women in that Country and they have additional resources to help sex workers out of the industry and to educate clients. The impact to date seems to have resulted in very few visible workers, for example, on the streets, but there is also evidence that some sex workers have gone underground and now face greater risks to their own health and safety.

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Now, I'd like to spend just a little time talking about New Zealand, our nearest neighbour, which as with New South Wales is largely decriminalised prostitution in recent times. The New Zealand Prostitution Reform Committee recently released a report about the number and nature of sex workers in New Zealand in 2003. That report serves two purposes. First of all it provides baseline information to assist the impact of the new legislation. Secondly, it provides comparable data for earlier research which was conducted in 2001. The information was gleaned from surveys of police and sex workers provides a rare opportunity to look at research about escorts, including the prevalence of under age prostitution and organised crime. Many of these issues are relevant to the debate that will be conducted here over the next two days.

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As with all research in the sex industry however, these data have a number of limitations and must be considered indicative only. The sex industry is a dynamic industry with many workers moving into and out of it, making it difficult for people to count the participants. Also, many sex workers work across different industry environments at the same time, such as brothels and escort agencies and as private workers making counting even more complex. And thirdly, some of the information has come from police registers, many of which were out of date or cumulative, that is, sex workers who had left the industry were still counted as part of the industry so those figures maybe somewhat exaggerated.

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Here we have the police and sex worker estimates of the proportion of workers providing different services in 2003. As you can see, the police estimate is much larger than the prostitutes collective estimate overall but both sources estimate the proportion of escort service providers to be around 20 per cent of the industry. We need to determine in the hearing the current proportion of the industry in Queensland which involves escort services and whether legalising escort services may change that profile, and if so, in which way.

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When asked to estimate the number of under age workers in each sector, the police suggested that of all under age people in the sex industry, most young people are on the street but about one-quarter of the under age workers were thought to have been providing escort services. Regarding under age street workers this is largely a homelessness problem where sexual favours are traded for food and other needs and, yes, sometimes for drugs. This problem needs to be addressed by governments perhaps in a different way to other street prostitution.

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When asked about the links between the sex industry and organised crime, the police consistently reported links between either operators or workers and organised crime. The column on the left-hand side of this screen indicates that the proportion of regions out of 12 indicating links between organised crime and prostitution in their area. The column on the right-hand side of the screen indicates the proportion of businesses and/or workers in their region thought to have those links. As you can see, escort agencies were reported to have similar levels of involvement in organised crime as the other levels of the industry.

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The police also noted strong links between sex workers and drugs and about one-quarter of the survey respondents reported knowledge of exploitation of the workers themselves, and I would remind you that these are data from before decriminalisation in New Zealand. However, compared to the police - police response, the views of sex workers themselves were quite different. It was their belief that there were few under age workers and little gang or organised crime involvement. However, sex workers did agree that they were frequently exploited by employment conditions and that stigmatisation of workers was a key issue.

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So, what can we learn from all of this information? Clearly research about the sex industry has its limitations. Nevertheless we must make the most of what we can and supplement it with other information including the abuse of the participants in the industry which is partially why the CMC has sought to hold these hearings. Having said that, I would now like to turn to the practicalities of the public hearing process.

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As the Chairman has foreshadowed, I am now going to give you a brief overview of how the inquiry will proceed including the submissions provided, the changes being considered, CMC's decision making process, some of the possible models for the legalisation of escorts in Queensland under consideration and some of the key issues that will need to be considered.

I have here a list of six phases, printing is far too small. We do have some printouts of these outside. In phase 1, you will have noticed some of the submissions received by the CMC have been posted on our website so that the broad range of views can be disseminated, better understood and can inform our debate. I should note that some individuals and groups did not want - did not give us permission for their submissions to be posted onto our website and some - in some instances we want to protect the identities of the individuals involved. Also some submissions were inappropriate for general publication but their views will be considered nevertheless.

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Phase 2, which is day one of our public hearings today, will involve the presentation of the views of some of our key stakeholders. Phase 3, day two, or tomorrow of the hearings, will involve the right of reply, the key stakeholders and a forum. In phase 4, the CMC will release the interim position paper and Mr Needham has already spoken to you about that. This will occur in about one month's time and, as indicated, we will release the paper on our website and send it out electronically to interested key stakeholders for their final comments. Phase 5 of course will be publication of the report with recommendations to Government. And phase 6 will be the Government's decision.

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Here is an overview of the range of the submissions received. As you can see, just about every sector of the industry and many representatives of the community have provided us with their views and many of those people are here today. And here are the changes being considered by the inquiry. It's the CMC's view that we cannot discuss escorts without considering the only escorts which are currently legal in Queensland, those provided by sole operators.

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There have been a number of safety concerns raised with us by sole operators in the context of examining the key issues involved in the decision to legalise escorts from agencies and/or licensed brothels. Therefore we propose that the implications for sole operators also be considered. The other changes being considered include the provision of legal

escorts from licensed brothels and/or the legalisation of escort agencies. We will not be considering any changes regarding illegal brothels or street prostitution.

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This is a diagrammatic overview of how we may come to a decision about legalisation. I will just leave that on the screen for you for a few minutes just to have a look at. The next few slides that I'm going to work my way through will examine more fully the meaning of the CMC's decision making process and what we can actually mean by some of these concepts.

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First of all, as indicated by the Chairman, some prostitution has been legalised in Queensland and this inquiry will not consider whether Queensland should change this approach. Nevertheless there are some aspects of alternative approaches to prostitution such as decriminalisation and prohibition which are relevant to our discussion. Namely, the implications for the potential expansion of the legal and illegal industries and the size of the industry overall and various industrial and workplace health and safety issues. These aspects of alternative models will be presented and considered by the CMC's review. For example, although largely immeasurable, we will have to consider the potential impact on the size of the industry, both legal and illegal. We will also have to consider the views of the key stakeholders. The majority of the key stakeholders in Queensland's sex industry endorsed wholeheartedly the concept that escorts from legal brothels should be legalised during our review.

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However it became apparent during the consultations that the views and plans about how these services should be operationalised differed vastly. And further that there had been little discussion between stakeholders about the practicalities of running and regulating escort services. These differences were endorsed by the written submissions received by the inquiry and many of you will now realise how difficult it is going to be to come to any consensus about the practicalities of legalising escort services, should that be one of the CMC's recommendations.

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However it's my understanding that since the announcement of the public hearings there have been a number of meetings between different groups, such as licensees and the PLA, for example, which have been quite productive and constructive. It's our hope that we can continue this approach throughout the hearings and in particular at the forum tomorrow.

Clearly we will also have to look at the implications of legalising escorts on the effectiveness of the Act. Legal brothels are currently quite contained, well managed and very open and accountable to the PLA and to the QPS. It will be important for this to continue but this will clearly be much more difficult to do if sexual services are to be provided off site. As I indicated earlier, we will also have to look at the implications for sole operators in the illegal industry and of course the implications for the illegal industry, which I have just said twice.

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And, finally, we need to consider the potential impact of any changes to the legalisation on the guiding principles of the Act. The CMC's evaluation of the Act indicated that licensed brothels had had little impact on the communities in which they had opened and were free of organised crime and corruption. The review also demonstrated that the Queensland Government had resourced an exit and retraining program to assist sex workers wanting to leave the industry. And that a number of workers had also taken advantage of that service. 10  
The review also indicated that sex workers providing services in brothels were healthy and safe. We will need to be satisfied that any changes to the legislation will not have a detrimental impact on those findings.

Many submissions to the CMC proposed how legal escort services might operate and a number of speakers invited to the hearings will talk about these in detail. To provide a very brief overview I am now going to describe for you some of the general models. The first model would include a very structured and heavily regulated process which would, for example, dictate the number of escorts allowed at any one time, that all sex workers would leave and return to a licensed brothel, that licensees would provide drivers and other safety measures for each escort and that there would be the same emphasis on licensee's responsibilities regarding the health and safety of workers as currently exist under the Act. 20

Alternatively, many submissions described a relatively unstructured and lightly regulated approach. This approach is heavily based on the concepts of supply and demand and marketing. In other words, it's been proposed that there be no limits on the number of escorts allowed, no requirement for escorts to attend a brothel at all, no limits on the distance away from a brothel that escort services can be provided. For example, a Brisbane based brothel may be able to provide escort services to Cairns or Mount Isa. And heavy emphasis on a worker's responsibilities rather than those of the licensee. This structure would limit the capacity for monitoring but may of course have many other advantages. 30  
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The majority of supporters of a relatively unstructured and lightly regulated model only endorsed it's application for licensed brothels. However there are a number of submissions which support the legalisation of escort agencies and a similar approach, that is, one that is relatively unstructured and lightly regulated, could also be applied to escort agencies. 50

Indeed, on the face of it, it's difficult to argue against this perspective especially if there are likely to be health and safety advantages for the workers providing services from escort agencies, all of which currently operate illegally, as well as the capacity to regulate a currently illegal activity. Some of the key arguments to be examined by the hearings therefore are those for and against legalising such a model for brothels and/or for escort agencies. And as indicated earlier, we also need to examine the provision about calls by 60

sole operators who are legal but unregulated and must work completely alone while providing out calls. Research has indicated that these service providers are at a higher risk of abuse and assault than brothel workers but much safer than street workers.

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So we need to consider alternative ways to protect sole operators. A number of ways of doing this have been suggested but there are, of course, advantages and disadvantages for all of these options.

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Currently many workers work together either from their home or through escort agencies to ensure their safety. This is an illegal activity and one that will be prosecuted by the police.

Sole operators can, of course, apply for a brothel licence but the associated costs, the competition, limited available locations and the long term investment offer disincentives for them to do so. Client preferences also need to be considered.

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Now even if one of these models is demonstrated to be the preferred option the actual details won't be difficult to tie down and one of the key goals of the forum to be held tomorrow will be to examine some of these issues. For example, workplace health and safety issues, business and industrial issues and regulatory issues will need to be examined in detail, and unless most of these can be ironed out a decision to legalise escort services may be very difficult to achieve.

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Because finally, of course, one of the options open to the CMC will be to recommend that there be no change to the current legislation. The CMC's review found that Queensland's current situation, even though most of it is illegal, is better than most other States of Australia. Organised crime is limited and sex trafficking and under age prostitution are virtually non-existent. One of the things we do know is that any change to the sex industry can have unanticipated and often negative consequences.

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So where do we go from here? I am conscious that I've provided you with an extremely simplistic overview of what's a very complex issue and unfortunately there's very little available research evidence for decision-making regarding escorts in particular. Therefore, we welcome further debate to increase our awareness of the complexities, increase awareness of the likely effects and impacts of any changes to the legislation, and to resolve any operational practical difficulties, and also to look at other models. I've only shown you some very, very basic overviews at this stage.

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The CMC has not yet made a decision and the hearings will provide valuable insight. Thank you.

CHAIRPERSON: Thank you, Dr Legosz. All right, at this stage we will commence the presentations. The first presentation - I think there's been a time table set out, an agenda, that you've probably seen. If not it should be available

somewhere. The first presentation - we're listing them in groupings of perhaps what could be termed somewhat like-minded organisations, will be from the Prostitution Licensing Authority, with the Honourable Manus Boyce QC who is the Chair of that Authority. That will be followed by the Queensland Police Service and represented by Detective Superintendent Gail Hogan and Detective Senior Sergeant Trevor Kidd, and then the Local Government Association of Queensland represented by the Environment and Health Police adviser, Bryce Hynes, and the Planning and Development Policy adviser, Janet Frost.

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So if we could start with you, thank you, Mr Boyce.

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THE HONOURABLE MANUS BOYCE, QC,  
CHAIR, PROSTITUTION LICENSING AUTHORITY:

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THE HON M BOYCE: Yes, thank you, Mr Chairman. It may be helpful at the outset to place the question of escorts in context.

It is commonly said that death and taxes will always be with us. One may say that death, taxes and prostitution will always be with us. In a modern society with telephones and cars escorts will always be with us.

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Human nature does not change. The experience of mankind is that it is impossible to eliminate prostitution. No amount of wishful thinking or strong condemnation will make prostitution go away. Further, the criminal element always has a great interest in securing control of the income of sex workers. The experience world-wide is that wherever prostitution is illegal there is corruption of the police force. In a modern society public health issues and the safety and health of sex workers are primary considerations.

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The Queensland model of licensed brothels is thought to be the best model in Australia. There are stringent probity checks to ensure that organised crime is kept out of licensed brothels. There is insistence on public health requirements being observed in licensed brothels. Prevention of the spread of sexually transmitted infections is a matter of great importance. Licensed brothels are situated in industrial or commercial light industrial areas and advertising of the premises is discreet. By and large there is acceptance by the Queensland public of licensed brothels in these areas. Allowing licensed brothels to provide escort services will make very little difference to the impact on the community.

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Street sex workers are engaged in a high risk occupation and are at considerable risk of violence. In recent years there have been three street sex workers murdered in Brisbane. Street sex workers operate in a workplace that is often cold, wet and dangerous. Licensed brothels provide a safe environment for sex workers and where public health requirements are insisted upon.

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Licensed brothels amount to only 10 per cent of the sex industry in Queensland. Some 75 per cent of the market is for escorts and that is serviced, for the most part, by the illegal industry. Licensed brothels are denied access to the escort market. Requests for escorts are serviced by the illegal industry which flourishes throughout Queensland. Licensed brothels are placed at a significant commercial disadvantage.

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Some advertisements for escorts are placed by sole operators but many are placed by persons masquerading as sole operators. I am advised that a phone call to an advertisement for an escort will often be answered by someone interstate or even

overseas who will then phone a sex worker in Queensland. One suspects that the criminal element is involved with various illegal escort agencies.

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The illegal industry is fragmented and highly mobile and very difficult to investigate. Police investigations are time consuming. As soon as one illegal operation has closed down another one operates.

The existing escort services make up the bulk of the industry. They are, for the most part, illegal, free from any regulatory supervision, have no accountability for workplace health and safety or public health standards, pay no licence fees, and usually operate outside of the taxation system.

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Licensed brothels have substantial establishment costs which commonly range between \$500,000 and 1 million, are subject to regulatory oversight by the PLA, are required to observe public health requirements and operate within the taxation system. Licensed brothels are at a great disadvantage compared to the illegal industry. Some licensed brothels are barely viable because of the competition from the illegal industry.

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Concern has been expressed that to allow licensed brothels to provide escorts may increase the amount of prostitution in Queensland. This idea is extremely naïve. One wonders if persons holding these naïve views ever read newspapers.

Many advertisements in newspapers circulating all the larger cities of Queensland demonstrate that escort services are flourishing. Is it really thought that these ladies are offering to participate in a candlelit dinner? The sex industry may be compared to a pie. The licensed brothels presently have a slice amounting to about 10 per cent of the pie.

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If licensed brothels are allowed to supply escorts, they will have a larger slice of the pie. It is wrong to argue that the size of the pie will increase if licensed brothels are given a larger slice of the pie. No doubt we shall be told that we are not dealing with pies but with human beings. The analogy is still valid.

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Prostitution is a matter of supply and demand. The demand for services from sex workers is persistent. Newspaper advertisements show that the supply is flourishing. Human nature does not change. In any given society it is unlikely that there will be any significant change in the supply of prostitutes or demand for prostitutes, except for some major upheaval such as wartime.

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There is no evidence to suggest that allowing licensed brothels to supply escorts would increase in any way the amount of prostitution in Queensland. A consequence of allowing licensed brothels to provide escorts would be that sex workers presently working in the illegal industry may find it far more convenient to operate from licensed brothels.



If amending legislation is unduly restrictive, then sex workers are likely to continue to operate in the illegal industry. The PLA is strongly opposed to independent escort agencies. They are able to operate with almost no infrastructure requirements.

It is said that they could operate out of a telephone booth. To lose a licence or to have it suspended for a breach of licence conditions may have very little impact on the owner of an independent escort agency. Concern is expressed about child prostitution and trafficking in women. That is not a problem in licensed brothels in Queensland.

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Minors tend to enter into prostitution through street work and this may be thought to be a case of sex for survival. There is no evidence of organised child prostitution in Queensland. In regards to the trafficking of women, Queensland is not currently seen as an entry point for trafficked women.

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Reports from overseas countries as to child prostitution and trafficking of women make very depressing reading. They are of little relevance in Queensland other than as emphasising the need for constant vigilance against all organised crime.

Reports from other parts of Australia need careful scrutiny. The legislative framework varies greatly from State to State. It is highly fanciful to suggest that allowing licensed brothels to provide escorts in Queensland is going to result in child prostitution and trafficking of women. The licensing and compliance requirements of licensed brothels is a more than sufficient deterrent for these activities.

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The PLA has prepared a further submission on matters of detail that need to be addressed if licensed brothels are permitted to supply escorts. These are matters such as booking procedures and safety requirements. Copies of that submission are on the table outside for interested parties.

There is probably a great deal of common ground as to booking procedures and safety requirements amongst the various stakeholders. The PLA submits that for sex workers working as escorts there should be no mandatory sign on sign off requirement. It is considered that this adds nothing to the safety of sex workers which would be managed in other ways.

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Further, the PLA submits there should be no limitation to the number of escorts that a licensee has on its books, not on the premises but on the books. Further, there should be no limitation as to the area within which a licensee may supply escorts.

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The majority of licensees have indicated that they do not wish to have a mandatory sign on sign off model as it inhibits the distances workers can travel to bookings and the cost for service provision. This issue is important for those brothels that are not located close to a city centre or for those in

more regional areas where travel times and distances are greater.

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Additionally, the time of service provision may be affected by traffic peaks and a policy of return to the brothel at these times would cause delay to service provision. Travelling times across Brisbane may be significant. Feedback from sex workers suggests that they prefer providing escort services as it offers flexibility in the use of their time while not working.

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Further, they do not presently sign on sign off and would find this very restrictive. It should be borne in mind that it is hoped to persuade workers in the illegal industry to move into the legal industry. It is likely that the workers' proximity to a booking from home or brothel may be the deciding factor in determining whether they wish to start or finish at the brothel.

It is thought that many sex workers will be resistant to any sign on sign off requirement. Many of the sex workers may already be working for an escort agency with no sign on sign off requirements. Further, workers will be very unhappy to be spending time at a brothel when there are no or very few outcalls.

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If sex workers are burdened with too many requirements, they may well prefer to continue to work for illegal operators. Flexibility in start and finish procedures would be an operational issue and be specifically addressed in the brothel operational plan and risk management strategies for outcalls. It is essential that any procedure includes a mechanism confirming the safety of the worker at the completion of a booking and at the end of a shift. If they are not required to return to the brothel, these procedures would be considered by the PLA as a component of licensed approval and audited during compliance inspections.

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The provision of escort services presents security issues that do not exist in a fixed brothel environment. Most obviously is that the environment into which the sex worker is entering is unfamiliar to them. There is no immediate backup or support from other workers and response time would be longer.

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However, many sole operators are currently working without added personal security. It has been submitted by the Queensland Business Association that a large Victorian escort agency has had only one serious incident in 11 years of operation.

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Management should have no difficulty in putting proper safety procedures in place. It would be required to do so. Escorts working for a licensed brothel would have greater safety than sole operators. Options exist not to attend private addresses. Inquiries with Victorian businesses providing escorts generally revealed that it provided services only to city hotels and motels. This is an operational issue to be

decided by the licensee and the worker, taking into consideration health and safety needs of the sex worker.

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PLA submits that imposing a restriction on the locations in which escorts could work would limit the opportunities for brothels in suburban and regional areas of the state, and would also limit access by clients with special needs such as people with a disability.

A possible approach is to set out these matters of detail, such as booking procedures and safety and security procedures, in a code to be annexed to a statutory regulation or to be the subject of licence requirements imposed by the PLA as a condition of a brothel licence. It is submitted that it is preferable not to set out these matters of detail in the statute. Thank you.

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CHAIRPERSON: Thank you, Mr Boyce. I see your submission that you have provided this morning again talks about the number of workers that a brothel should be calculated on, a ratio of workers to rooms at a rate of 3 workers to 1 room which means for a 5 room brothel, 15 workers. Are you saying that should be the limit on the number of workers be in-house or out-call workers at any one particular shift?

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THE HON M BOYCE: Well, that would be the number of the workers on site at the brothel. We submit there should be no limit to the number of escorts that are on the books but currently, of course, there is no limit as to the number of sex workers a licensee may have on his books.

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CHAIRPERSON: Yes, but I'm not really still very clear on that. You say there is no limit to the number they can have on their books but what about working at any one individual time. At the moment I understand they can only have 5 workers working at any one shift. Now, you're suggesting they can have, say for a 5 room brothel, they can have up to 15. Is that only 15 workers per shift or is that only 15 workers at the premises but are unlimited or some other number working on out-calls at the same time?

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THE HON M BOYCE: It would be only 15 workers at the brothel at any one time. There could be an unlimited number of escorts on the books and working away from the brothel.

CHAIRPERSON: I see. So no limit on the number of girls who can work at any one time from any particular establishment, working out?

THE HON M BOYCE: No.

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CHAIRPERSON: Okay. You place a deal of emphasis on the fact of the high set-up costs for the existing brothels and the difficulties that some of them are having and remaining viable. With what you're suggesting now, wouldn't be possible for new operators to come into the business, set up with a much cheaper standard of establishment compared to what is presently in existence in the existing brothel, and to mainly

perhaps set up with only a two-room brothel but mainly then to operate as an escort agency? 1

THE HON M BOYCE: Well, that's a possibility. It would be a matter for the CMC to make a policy decision on that issue.

CHAIRPERSON: Right. And does the PLA concern itself at all with the issues of sole workers and the issues of safety for sole workers providing escorts when they're, as I understand it, they're not allowed in any way to advise any person of the fact that they have received a call to a particular location, to advise anyone when they arrive there, to advise anyone what time they're expected to be terminating the services; in other words, to have someone looking after their safety while they're working on escorts. 10

THE HON M BOYCE: Well, a sole operator is permitted to have a driver who is required to hold a current licence which, for simplicity, I will call a security licence, but apart from that there is no other allowance for a second person to be present with a sole operator who's providing prostitution services. 20

The police force may be better able to discuss this issue with you.

CHAIRPERSON: I see. All right. You indicate about the size of the pie, to use your metaphor, that there is no reason why the size of the pie will increase. It might be suggested by some people who are not as favourably disposed to prostitution as others that the size of the pie might well increase if additional advertising takes place by the licensed brothels for their escort services; in other words, it's the old thing that if you put it out there in the public more, then more people are going to become aware of and avail themselves of the services. Has the PLA got any thoughts on any limitations that should be imposed on advertising to make sure that the size of the pie is over duly increased? 30

THE HON M BOYCE: Well, the PLA has to approve of advertising for these services. It's a fairly complex matter which is not easily summarised, but I doubt that there is going to be any huge increase in the number of advertisements for escorts. As I said earlier, every newspaper in Queensland, at least in the larger cities, is full of advertisements for escorts. We think it unlikely there is going to be any significant increase. 40

CHAIRPERSON: All right. And you indicate that there are no underage women working to any extent in prostitution in Queensland at the moment. 50

THE HON M BOYCE: Well, I'm talking-----

CHAIRPERSON: And certainly not in legal brothels I think you limited it to.

THE HON M BOYCE: I'm only talking about licensed brothels.

CHAIRPERSON: Yes. I certainly have no real difficulty in accepting that because of the way that you are able to regulate it at the moment. But if licensed brothels are able to have escort workers who perhaps never even come to the premises, a brothel say in Brisbane operating sex workers in Mt Isa, how will you be able to be so sure in those circumstances that all the workers will, in fact, be overage?

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THE HON M BOYCE: Well, the licensee has to avoid risking his licence in this situation, so he has to meet with the person initially and satisfy himself by evidence, such as a driver's licence, that the person that he's going to put on his books is overage. There would from time to time, obviously, have to be physical contact between a licensee and an escort. So I doubt that that's a real issue.

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CHAIRPERSON: All right. Thank you, Mr Boyce. You can remain at the table if you like while perhaps the police representatives come forward.

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THE HON M BOYCE: It maybe easier if I retire.

CHAIRPERSON: Okay.

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DETECTIVE SUPERINTENDENT GAYLE HOGAN AND  
DETECTIVE SENIOR SERGEANT TREVOR KIDD,  
QUEENSLAND POLICE SERVICE:

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CHAIRPERSON: Now, it's Detective Superintendent Gayle Hogan and Detective Senior Sergeant Trevor Kidd. Is that right?

DET SUPT G HOGAN: That's correct.

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CHAIRPERSON: Now, you have a submission.

DET SUPT G HOGAN: Yes, I do.

CHAIRPERSON: Has that been available to everyone who wants copies?

DET SUPT G HOGAN: No, that hasn't, just what was sent to you last - yesterday evening is what's made available.

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CHAIRPERSON: Do we have copies? There are copies outside I'm told if people would - perhaps Lisa could copies be brought in and handed around to people. That might be the easiest way. Okay. Yes, if you would proceed thanks.

DET SUPT G HOGAN: The Queensland Police Service is pleased to be invited to present at this hearing into the possible legalisation of out-call prostitutions in Queensland. While the resolution of policy issues central to this inquiry is ultimately a matter for government, on behalf of the Queensland Police Service I am pleased to offer the following comments from a law enforcement prospective and trust they will be of assistance to the CMC Inquiry.

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At the outset the QPS would acknowledge that there are legitimate legal escort services operating in Queensland and other jurisdictions. However, for the purpose of this presentation the term out-call services is used to describe those services that currently constitute illegal off-premises prostitution and the term out call agency is used to describe an agency providing out-call prostitution.

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The Prostitution Act does not make provision for out-call services and does not attempt to regulate this form of prostitution. As a consequence the provision of out-call services in Queensland remains illegal other than the case of sole operators and the service continues to discharge its functions in relation to policing this and other criminal activity. However, it should be acknowledged that the nature of out-call services makes this form of criminal activity particularly challenging to police.

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Much of this illegal activity takes place in private premises and is consensual in nature. The identification of offenders often requires use of labour intensive covert policing strategies as witnesses are reluctant to be identified or involved in the Court proceedings. It is the QPS position

that while out-call services remain unregulated and illegal in Queensland the extent to which desirable legal and social policy objectives can be pursued, is somewhat limited. This was a key consideration in the development of the regulatory model for licensed brothels as reflected by the objects of the Prostitution Bill, which included ensuring quality of life, safeguarding against corruption and organised crime, addressing the social factors which contribute to involvement in the sex industry and ensuring a healthy lifestyle and promoting safety.

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In the view of the QPS the same policy objectives are equally applicable and relevant to out-call services. The QPS position is that it is important that detailed consideration be given to assessing the impact of legalising out-call services on the commercial viability of legal brothels. Historically, the elimination of illegal prostitution has proven to be beyond the capacity of law enforcement alone. The establishment of a viable legal industry offered an opportunity for law enforcement to contribute to the transitioning - to transitioning the illegal industry into a legal regulated framework and at the same time allowed for a range of social and health interventions to be more effectively pursued.

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Should the approach taken to legalising out-call services undermine the commercial viability of legal brothels, this may in turn limit the extent to which the objectives of the Act can be achieved. The QPS has strong concerns about any move to decriminalise out call prostitution given the well documented links with organised crime and the potential for exploitation of vulnerable people. The provision of out-call services remain a high profit, low margin activity and as a result will attract criminal interest.

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While distinct in many ways from out-call services, the establishment of a regulatory framework for licensed brothels has been beneficial from a policing perspective. In particular arrangements for probity checks, licensing and administrative structures, protection from exploitation and criminal activity historically inherent with prostitution and health screening have contributed to what is considered an effective regulatory model.

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As a result, the QPS would anticipate that regulating out-call services using similar controls to those currently in place for the legal brothels under the Prostitution Act would also assist policing efforts. As outlined in the discussion paper there are two main options for a regulatory model, extending the current legislative framework to allow legal brothels to provide out-call services or legalising stand alone out call agencies. In respect to the first option, to allow legal brothels to provide out-call services, licensed brothels are currently subjected to extensive probity investigations and compliance checks. Their business structures are well established and it appears feasible for them to facilitate out-call services.

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Significantly breaching the regulatory scheme may lead to serious impunity for the license holders of a legal brothel including the loss of a license. Given the considerable financial investment required to obtain a license and establish the infrastructure associated with a legal brothel, there is a strong commercial incentive to protect these assets through strict compliance of the Act.

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In respect to the second option, while it is not clear what criteria would need to be met for stand alone out call agencies to be legalised, it is likely that associated infrastructure costs would be considerably less than those of a legal brothel. In particular there may not be any requirement to establish and maintain physical business premises. As such the commercial incentive for strict compliance with any regulatory framework may not be as great.

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In addition, policing and compliance activities will not be as effective where there are no physical premises associated with the business. Of particular concern is the continuing advancement of technology making it possible to operate a stand alone out call agency by telephone and/or the internet with the potential for this to be conducted outside Queensland's boundaries.

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The QPS views on the potential impact of legalising escort service on the overall size of the sex industry in Queensland and the likelihood of either expanding or contracting the legal or illegal sectors are that legalising escort services may not significantly impact on the overall size of the sex industry but as previously stated, it is anticipated that this legislation would offer an opportunity for law enforcement to contribute to the transitioning of the illegal industry into the regular - regulated framework.

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The QPS views about the potential impact on the guiding principles of the Prostitution Act such as the health and safety of sex workers and their clients, the quality of life of social - local communities, organised crime and corruption and the social factors that contribute to the involvement in the sex industry are that we would anticipate that regulating out-call services using similar controls to those currently in place for the legal brothels under the Prostitution Act would be consistent with the guiding principles of that Act.

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In conclusion, the QPS considers that the establishment of a legal industry in a regulated framework potentially allows for a range of social and health interventions to be more effectively pursued and that while out-call services remain unregulated and illegal in Queensland, the extent to which desirable legal and social policy objectives can be pursued, is somewhat limited.

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CHAIRPERSON: Thank you, Superintendent. Now, the - at the moment in Queensland as I understand it, the only source of legal out call work is the sole operator.

DET SUPT G HOGAN: That's correct.



CHAIRPERSON: But we know that apparently a very large amount of the prostitution that occurs is out call work.

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DET SUPT G HOGAN: That's correct.

CHAIRPERSON: A lot of that will be not done by the sole operators but will be done by what we can call the illegals.

DET SUPT HOGAN: That's exactly right.

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CHAIRPERSON: How do they work? How do they operate? Do they use a front of the sole operator to do their advertising? Can you just explain it briefly to us how it works?

DET SUPT HOGAN: Yes. Yes, they do, they use all forms of advertising media. They advertise quite extensively and they advertise in such a way that they're purporting - that the - the escort will be a social event and that there is no sex involved with that.

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CHAIRPERSON: I see.

DET SUPT HOGAN: The - then the people behind it are saying that whatever happens is between the girl and the client, it's got nothing to do what they're organising. So to - to follow those links, to try to find out the organisation and who are doing that is quite resource intensive.

CHAIRPERSON: Mmm. So some of it might be purporting as if it's sole operator advertising, other advertisements are purporting to be for dating type services?

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DET SUPT HOGAN: Just a dating service sort of, yes.

CHAIRPERSON: I see. Well, we have had submissions. There was one submission from the Family Counsel of Queensland who will be presenting later today-----

DET SUPT HOGAN: Mmm.

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CHAIRPERSON: -----that it would be simple for the Police Service to enforce the law. They make the comment, "How hard is it really for police officers to pose as clients and ring the advertised numbers of escort services to arrange meetings at which arrests can be made. If the existing law makes this difficult then the law should be changed." Can you respond to that comment?

DET SUPT HOGAN: Yes, it is one of the methodologies that we can and do use. It is still resource intensive and it still doesn't show the links behind the - who is organising the group. We - it - the enforcement of all of the prostitution law is a high priority and we do target that, but it doesn't really address the needs behind that.

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CHAIRPERSON: So if you were successful, you might pick up the worker-----

DET SUPT HOGAN: Exactly and we're not getting the people who are organising the worker-----

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CHAIRPERSON: No.

DET SUPT HOGAN: -----and they're left out to dry.

CHAIRPERSON: Yes, and to really to be effective in stopping it you've got to get through to the operators presumably?

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DET SUPT HOGAN: Yes, yes.

CHAIRPERSON: It suggests that if the existing law makes this difficult then the law should be changed. Is there any changes that you could see to the law that might make your policing function more effective?

DET SUPT HOGAN: I might defer to my Senior Sergeant on that.

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DET SNR SGT KIDD: Any changes to the law in relation to that would perhaps be a government issue, but from a policing perspective, legislation that clearly defines what people can do and can't do and what the offences are would certainly assist us in investigations of this kind.

CHAIRPERSON: Yes. I must say I couldn't visualise any - having been involved in prosecutions and defence work myself over many years, I couldn't envisage any easy change that could be made-----

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DET SUPT HOGAN: No.

CHAIRPERSON: -----to the law to make your task simpler-----

DET SUPT HOGAN: No.

CHAIRPERSON: -----less intense resource wise. There are always we know the difficulties in the onus of proof and the standard of proof in getting through from the individual girls and it's not much good just picking them up all the time to get through to the operators-----

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DET SUPT HOGAN: Yes, that's correct.

CHAIRPERSON: -----behind the inside operation. Okay. The - you said - I can understand what you're saying that if there is going to be escorts, then there is advantages in making it through the present brothel, licensed brothel system because of the integrity checks et cetera and everything that is done in that situation, but if that was the recommendation of the CMC and if the government wants to accept it, what effect would you think it would have upon the illegal sector, the fact of there being able to be lawful escorts carried out from the licensed brothels. Would that, in your opinion, have any effect upon the size of the illegal industry?

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DET SUPT HOGAN: Well, we would see that it would probably have a positive effect in reducing the size of the illegal industry because more people would be encouraged to work within the legal framework. You know, there - the legal industry would probably still exist but we would see that there would be more people moving to the legal area under the framework.

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CHAIRPERSON: All right, well, one motive, one incentive for them to so move might well be, of course, that what they were then doing would be legal-----

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DET SUPT HOGAN: Yes.

CHAIRPERSON: But that's only perhaps a strong motive if there is the chance that they're going to be prosecuted and convicted if they remain in the illegal side, and that seems to be a difficulty.

DET SUPT HOGAN: Yes.

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CHAIRPERSON: Is there any - we mentioned before the questions I asked you about the advertising that leads me into the situation is there any way that the advertising can be regulated to make it harder for the illegals to continue to operate?

DET SUPT HOGAN: That's a matter - sorry, you go.

DET SNR SGT KIDD: If we - well, as mentioned by Mr Boyce, the PLA monitor advertising. From the policing perspective should the decision be made to go down the track of the escorts operating from the licensed brothels, it would need to be clearly defined what the advertising requirements were for the licensed brothels and then define what is in fact illegal from the other operators, so you'd need something that clearly states the advertising perimeters and what is not acceptable, identifying the people behind the ads in the illegal industry will always be an issue-----

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CHAIRPERSON: Yes.

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DET SNR SGT KIDD: -----and continues to be one.

CHAIRPERSON: At the moment is there any requirement on the media outlets to check the bona fides of an advertiser before accepting the advertisement? That, in other words that if it is advertising escorts that it is from a person who is legally able to carry out that type of business?

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DET SNR SGT KIDD: The - with the media outlets, the newspapers in the State, they - for the legal prostitution they monitor that. They have specific sections in the papers where sole operators can advertise and where the licensed brothels can advertise. The issue of services provided by the illegal operators I see it as a difficult one for the newspapers in determining what is in fact a legitimate advertisement and what is not. They obviously have their own

structures in place to do the best they can with that, but to determine whether that ad is for the purposes of prostitution or not is a - it'd be a big ask for the newspapers.

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CHAIRPERSON: Mmm. Yes, all right. Just it does seem to me, and I must confess I'm an amateur at this at this stage, but if one could limit the advertising to some degree to make it that the - at least the illegals have to be very careful in the way they word it, that they can only advertise the sexy dating service say, rather than being able to be more upfront with their advertising as far as the PLA would allow them, that that might be one way of making it more difficult for the illegals and easier for the licensed brothels.

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DET SNR SGT KIDD: It's-----

CHAIRPERSON: I'm just trying to think of any way-----

DET SUPT HOGAN: Yes.

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CHAIRPERSON: -----in which we can-----

DET SUPT HOGAN: I don't know that we can answer that definitely.

CHAIRPERSON: No.

DET SUPT HOGAN: It's something that'll probably come out of all of the submissions that you receive.

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CHAIRPERSON: Yes, some of the people later in the day may be able to assist.

DET SUPT HOGAN: Yes.

CHAIRPERSON: See, you'd remember that in this report last year the CMC said that one of the things - and I wasn't with the CMC then. The CMC said at that stage that one of the reasons why they were not confident in making the recommendation to the government to legalise escorts that it wouldn't lead to an increase in the size of the pie, to use Mr Boyce's analogy. And I indicated before that it might be the situation if more and more advertising does occur that they might increase the size of the people-----

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DET SUPT HOGAN: The legal-----

CHAIRPERSON: -----out there utilising the service. I do take Mr Boyce's point; he tells me that there are plenty of ads in the paper anyway so a few more probably wouldn't make much difference. But in any way in which we could be satisfied that if we open it up more for the legals, that the illegals are going to be cut down in the amount of services they provide. If any of you can give any assistance to us in that regard I'd be most grateful.

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DET SUPT G HOGAN: I'm afraid we don't have the definitive answer at all.

CHAIRPERSON: No. No. Okay. All right. The sole operators, as I understand it at the moment, are in the situation where they can provide escorts, provide out calls, but in a situation where they cannot - they can do it with a security driver and he can't drive-----

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DET SUPT G HOGAN: And he can't drive. Yes.

CHAIRPERSON: He can just be in the car with them and I understand there are concerns at times there with the stand over of the girls by the driver-----

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DET SUPT G HOGAN: Yes.

CHAIRPERSON: -----but if they elect not to go to the expense of providing a - employing a licensed security operator, then they're very much on their own. As I understand it, they're not even allowed to tell someone where they're going, to ring someone when they get there, to again ring when they finish the service to indicate they're okay-----

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DET SUPT G HOGAN: That's correct.

CHAIRPERSON: -----that if they don't ring back, then that person can take some action to assist them if they might be in trouble. Have the police any concerns about this, about the safety of the sole operators providing out calls, as to whether any changes should be made to make that safer for them?

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DET SUPT G HOGAN: That is something that comes up. We haven't received a lot of information or complaints where safety has been a major issue, but I feel we would agree that it would be something the inquiry may well look at to clarify that area, because it is a little bit of a grey area, especially in particular in relation to having a security person who can't actually drive the car and the very fine line between participating and being security.

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CHAIRPERSON: All right. Well, you're not able at the moment - you haven't given thought to any of those sorts of things. Could I ask you perhaps if you can do that and we might be able to put something in writing to us or-----

DET SUPT G HOGAN: Yes.

CHAIRPERSON: -----or we could speak to you at a later stage of anything like that, because it does seem to be a concern, sending these people out, not allowing them to take any steps to try and protect themselves.

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DET SUPT G HOGAN: Mmm.

CHAIRPERSON: All right. Just excuse me - a note - I'm not understanding a note that's been handed up to me. Perhaps I'll ask Dr Legosz to ask the question herself.

DR LEGOSZ: Superintendent, you mentioned earlier that you would support escorts from legal brothels-----

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DET SUPT G HOGAN: Yes.

DR LEGOSZ: -----because the same controls would be provided and not only the licensees, but also for the sex workers and at the moment, all sex workers provide services in-house-----

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DET SUPT G HOGAN: Yes.

DR LEGOSZ: -----so when the compliance officers go out or the QPS arrive on the scene, it's relatively easy to establish what's going on. I suspect the controls would be quite different if nobody - if people are not providing services on sight.

DET SUPT G HOGAN: On sight. Yes.

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DR LEGOSZ: I'm just wondering whether you could talk to that a little bit more about the QPS's role or even the compliance officers of the liaise role, because I suspect that the controls would be quite different.

DET SUPT G HOGAN: I will let Trevor talk on that.

DET SNR SGT T KIDD: It's a complex issue as we've addressed a number of times here. The regulatory side when they're on premises, certainly we have the controls. From the QPS' perspective, the resourcing of shall we say to follow up and compliance with the workers away from the brothel could certainly be an issue and it's something that perhaps this forum can discuss further how we would do that, but there would be resourcing issues potentially from the Services' point of view with looking at that expanded areas of responsibility with the workers away from the brothel.

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DET SUPT G HOGAN: And I think for the PLA as well, from both organisations.

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DR LEGOSZ: I suspect it would also be more difficult though as well as a resourcing issue.

DET SNR SGT T KIDD: Certainly.

DET SUPT G HOGAN: Yes.

CHAIRPERSON: Yes. Does the QPS have any view on the number of workers that, say if escorts were allowed to license brothels, on the number of workers that they could have on any one shift operating as escorts?

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DET SUPT G HOGAN: The only consideration we would have would be the effect on the community around, wherever the brothel would be. Other than that, we don't have a firm view on any particular number.

CHAIRPERSON: And do you have any view on whether the workers should sign in at the beginning of a shift, sign off at the end or whether-----

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DET SUPT G HOGAN: No. Again, we have no firm view on that either way.

CHAIRPERSON: Okay. Any view on a brothel - a licensed brothel in Brisbane being able to operate escorts say in Cairns?

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DET SUPT G HOGAN: We could - there's probably some problems with that, but-----

DET SNR SGT T KIDD: It's - again you get back to I guess just the point of - if it's - when you have that sort of expansion, you just have to look at the issues of-----

DET SUPT G HOGAN: The resources.

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DET SNR SGT T KIDD: -----resourcing it and enforcing any compliance schemes that may in fact be put in place to regulate it. There are obviously market opportunities I guess from the brothels competing with each other, or whatever, but-----

DET SUPT G HOGAN: And it's currently what's happening in the illegal industry now. They are working throughout the state and we have the capacity, the Prostitution Enforcement Task Force, does work throughout the state. We have the capacity to do that, but you know, we just have to look at the resource implications with those changes.

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CHAIRPERSON: Yes. All right. Okay. The thought of operators being able to set up, as you say, just using the phone and the internet alone and that they could operate from outside Queensland boundaries, that they could even operate from overseas, is a little bit concerning-----

DET SUPT G HOGAN: Yes.

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CHAIRPERSON: -----that we could get all sorts of criminal elements involved in that sort of situation.

DET SUPT G HOGAN: Yes. That is one of - that is our major concern with that.

CHAIRPERSON: But of course that could happen now, of course as legals doing that now.

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DET SUPT G HOGAN: Illegals doing that now.

CHAIRPERSON: Illegals doing that now.

DET SUPT G HOGAN: Yes. Yes. It could be and we know that there is people from inter-state already working in the illegal industry and that the workers come up through those avenues.

CHAIRPERSON: Yes. Allowing licensed brothels to do out calls, the only effect that I could see that it might have on that sort of situation, that the illegals setting up that sort of out of state operation, would be in providing competition and making it a little bit harder just purely through providing competition-----

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DET SUPT G HOGAN: Yes.

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CHAIRPERSON: -----is that the only assistance you would see in that regard, or is there some other aspect that I'm-----

DET SUPT G HOGAN: And that it would be happening within Queensland, so our legislation would cover-----

CHAIRPERSON: Yes.

DET SUPT G HOGAN: -----what is happening.

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CHAIRPERSON: Yes. Yes. I certainly-----

DET SUPT G HOGAN: Yes.

CHAIRPERSON: -----see what - hear what you're saying, that you would have a better chance of regulating it when it's happening through the licensed brothels.

DET SUPT G HOGAN: Yes.

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CHAIRPERSON: All right. Did you have any questions?

PROF STEINBERG: I'm just interested in the incentives, because regulation and complying with regulation and moving into the legal industry in this transition that we're trying to encourage, is one incentive, but of course financial matters are a huge incentive and I just wonder, in terms of sorting out the money trails and so on, whether you see any advantage from the QPS perspective that the financial side would come into play?

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DET SNR SGT T KIDD: The financial issues are very difficult to determine. There's obviously - the licensed brothels that have their own financial structures. One would have to look at how best to have the workers come across from the illegal side to the legal side and that's a complex issue in itself of how to do that and we will continue to investigate money trails and the organisers of illegal prostitution with our normal investigative processes, so it's - the money trail is an important issue.

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DET SUPT G HOGAN: That's - yes - and it's also - a money trail in the illegal side as well as the legal side, so as into which would be the better for the workers, I couldn't honestly say that, but they would still be paying a cut off in the illegal side, as well as they'd have to pay it within the legal.



CHAIRPERSON: Does the QPS have any view with regards to the registration of sex workers, even if the registration was able to be done in ways that protected the identity of the workers, such that it would only be held by say the PLA and that they then work under a pseudonym if they so desired? If they were registered with say a photo ID but without the name, then the pseudonym and that pseudonym then be tracked back only through the PLA to the actual person's name?

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DET SUPT G HOGAN: Yes. That's a good point, that we probably don't have a strong position on. Currently, we don't have a way of tracking the workers and we are very mindful that they do want to remain anonymous, but at this stage, I don't know that we could - we haven't really got a firm position on that at all.

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CHAIRPERSON: I thought it might be of assistance in the policing aspects.

DET SUPT HOGAN: A way of tracking the workers and knowing who they are would quite - well-----

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CHAIRPERSON: Yes.

DET SUPT HOGAN: Your Honour, be of a benefit.

CHAIRPERSON: All right. Okay. We have - perhaps we could leave five more minutes, Dr Legosz. Do you have any further questions? I am prepared to give it a try. I know Mr Morris in his inquiry took questions from the back of the room and regretted it later. I'm prepared to give it a try here. If anyone has a sensible question to address to the police officers? Yes?

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UNIDENTIFIED SPEAKER: Are you also prepared to take sensible observations?

CHAIRPERSON: Yes.

UNIDENTIFIED SPEAKER: I'd like to make an observation about the regulation of advertising because I notice that you had some enthusiasm for pursuing that line of inquiry.

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CHAIRPERSON: Perhaps if I could ask you to give your name for the record.

UNIDENTIFIED SPEAKER: Yes, my name is-----

COURT REPORTER: Excuse me, Chairman, could he come to the microphone or it won't be recorded.

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CHAIRPERSON: Okay. Now if you want to use a pseudonym, that's fine.

UNIDENTIFIED SPEAKER: No, that's okay. Is that where-----

CHAIRPERSON: Yes.

MR CHRISTIE: My name is Gayr Christie, secretary of QABA. It seems to me that you've put your finger on a very large issue which is the issue of illegal prostitution on Queensland, and the QABA position is that there's a relatively simple way of regulating the illegal industry and that's to do it through advertising, and I'm assuming that that was - that you had some reason for wanting to excavate what those particular possibilities might be, and the possibility that QABA favours is to have all sole operators and other service providers have a registration number and for advertising to be illegal except by using that advertising number.

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Now, that might be used in conjunction with your other suggestion which was a photo ID but with a pseudonym to protect and maintain anonymity, but it seems to us that the suggestions that I've just made provide a clear and very simple way of regulating advertising.

You yourself put your finger on the point that there are dozens, and in our camp sometimes many dozens of advertising - advertisements euphemistically for social escorts which are clearly sexual escorts untouched by any kind of regulation. Our contention is that by regulating advertising in the way that we are suggesting we can provide the QPS with considerable - a considerable tool to make their job much easier. We are absolutely convinced of the resource intensiveness of any investigation for illegal operators and how difficult and frustrating it is for the QPS to make those prosecutions stick.

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CHAIRPERSON: Yes, but if you're regulating the advertising, if you - you talk about the photo ID. If you had it, say, that Jessica, if I can use a pseudonym, was registered, had a photo ID, her real name is on the records hidden away so it can be confidential within the PLA.

MR CHRISTIE: Yes.

CHAIRPERSON: Strict rules about who could access it, Jessica then advertises, whether there must be then a name of the person who is advertising so that if the police do an undercover check and ring up that ad for Jessica, if Jessica then arrives at the motel, Jessica then must be able to produce that photo ID, that it is her and that she is Jessica.

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MR CHRISTIE: Yes.

CHAIRPERSON: If anyone else turns up not matching that photo ID then obviously-----

MR CHRISTIE: Then it's an offence.

CHAIRPERSON: -----that person has committed an offence.

MR CHRISTIE: Yes.

CHAIRPERSON: And because that person has answered to the ad for Jessica.

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MR CHRISTIE: Yes.

CHAIRPERSON: And that they only be allowed to place an ad for someone who has in fact that registration card-----

MR CHRISTIE: Yes.

CHAIRPERSON: -----from the PLA.

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MR CHRISTIE: Yes. That's our position.

CHAIRPERSON: Now, I would have thought that that might assist with policing it. Am I correct or wrong in that?

DET SUPT HOGAN: Yes, it would be good to have that information and-----

CHAIRPERSON: All right. And - but then it would be fairly hard to require that the media outlets, to use that for - I don't know if there is legitimate sort of non-sexual escorts goes on in the community. I presume there's legitimate dating services in the community that we don't want to stop.

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MR CHRISTIE: To our - to our knowledge there is one in New South Wales. Whether or not there are any others in Australia we don't know, but we only know of one in New South Wales. We don't know of any in Queensland. But we do know that any numbers that we've called in the newspapers for social escorts have not been social escorts.

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CHAIRPERSON: Right. Okay. All right. Mr Boyce, did you want to make any comment on that? If you can keep your voice up so as you can be heard on the microphone.

THE HON M BOYCE: Well, a fundamental problem is that sex workers want to remain anonymous and the PLA view is that registration of sex workers is undesirable. It's generally thought that it's likely to drive them underground and it's also thought that in effect this is branding women for life because no matter what sort of security arrangements or confidentiality arrangements you have, there's always the risk that something can be leaked.

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So if you don't have a system of registration of sex workers I think it's extremely difficult to do anything about advertising.

CHAIRPERSON: Yes, that was the thought I had, that if you don't have some system of registration you really can't do anything about advertising because anyone can place an ad under any name and 50 people can work to that one ad. All right.

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UNIDENTIFIED SPEAKER: Mr Chairman, could I just ask a question?

CHAIRPERSON: Yes.

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UNIDENTIFIED SPEAKER: One of the questions that I'd like to ask perhaps of the QPS or the PLA-----

CHAIRPERSON: This is Ms Sue Johnson, the Director of Research and Prevention in the CMC.

MS JOHNSON: Sorry. If licensed brothels were to be allowed to provide escort services in remote locations, for example, what could be put in place to enable the police or the compliance officers from the PLA to know whether or not those escorts were attached to that licensed brothel? How do you make that link?

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THE HON M BOYCE: Well, the escort would have to carry an identification card and it's a matter of working out what would be on that identification card to show that the escort worker is working for this particular brothel, but all licensed brothels have computer programs and all the bookings, et cetera, would be on the computer program. It's not difficult to inspect the records and to identify what's happened with a particular transaction with a particular worker.

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SNR SGT KIDD: The police have access to the - to the brothel records in instructions as they now stand, so if that structure was extended we could continue our ability to go in and check records in supporting the compliance taskings that the PLA follow, so I don't see a particular issue with that.

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CHAIRPERSON: Yes, all right. Thank you very much, Superintendent, Senior Sergeant. Now, the next presenters are from the Local Government Association of Queensland, Bryce Hines, as I indicated, the Environment and Health Policy adviser, and Janet Frost, the Planning and Development policy adviser. Are they here? Are the Local Government - we'll wait and see for a minute if they've logged in. If those people aren't here we'll wait a minute and see if they've registered in our security outside.

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Is Ms Matthews from SQWISI here?

MS MATTHEWS: Yes.

CHAIRPERSON: Well, we'll wait a minute but otherwise we might ask to move on to yours. If you - will you be happy with that? Thanks. Would you prefer not to be - have the camera going?

MS MATTHEWS: I'm fine.

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CHAIRPERSON: You're fine, okay, whatever you like. All right, if I could ask Ms Matthews then to move to the table and assist us.

MS CHERYL MATTHEWS, SELF HEALTH FOR QUEENSLAND  
WORKERS IN THE SEX INDUSTRY:

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CHAIRPERSON: Now, you're Cheryl Matthews, is it?

MS MATTHEWS: That's correct, yes.

CHAIRPERSON: And the State manager of SQWISI, which stands  
for?

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MS MATTHEWS: Self Health for Queensland Workers In the Sex  
Industry.

CHAIRPERSON: And that's an organisation that's been going now  
for a number of years, as I understand it?

MS MATTHEWS: About 15 years.

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CHAIRPERSON: Right. It receives funding, some funding  
through Queensland Health?

MS MATTHEWS: Yes, we receive - our only funding is through  
Queensland Health.

CHAIRPERSON: All right. Now we have a copy of your  
submission and that has been placed, as I understand it, on  
our website. Now, if I can - hopefully everyone has read  
that, if I can ask you to speak to that and make any extra  
comments that you want to?

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MS MATTHEWS: Not a problem. I think one of the things I'd  
like to do is actually talk about what our submission was  
governed by, and that is that the regulation of morality is  
not a legitimate goal of prostitution regulation. We think  
that's really important. That employment in the sex industry  
is legitimate work. That the sex industry businesses are  
legitimate businesses. That criminalisation drives the sex  
industry underground where health and safety and other  
legitimate objectives cannot adequately be addressed. That  
criminalisation impacts on sex workers rights to conceptualise  
their occupation as legitimate employment and to have  
appropriate occupational health and safety protection.

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That regulation should be directed towards maximising  
occupational health and safety and improved working conditions  
for sex workers regardless of the sector in which they work.  
And that the law - and those laws governing the sex industry  
must take account of the needs and experiences of sex workers  
or they will necessarily fail.

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It is SQWISI's belief that there is a tension between some of  
the legislative objectors identified. For example, measures  
designed to address the perceived need to prevent corruption  
and the involvement of organised crime can undermine measures  
designed to promote the health and safety of all sex workers.  
SQWISI believes that ensuring the health and safety of all sex

workers should be the primary legislative priority. Furthermore the Act has been compromised by its failure to legitimise prostitution as a valid work or business choice and by an implicit condemnation of the activities it aims to regulate. Conflicting goals and the failure of the Act to be more inclusive is at the heart of the reasons why the Act has not been effective.

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Today, five years after the Act's commencement there are only 17 licensed brothels operating in Queensland. There are a larger number of sole operators working legally with a high proportion of sex workers in Queensland working illegally. This is the direct result of the failure of prostitution laws in Queensland to be more inclusive and offer sex workers a range of lawful work choices to suit their individual needs and circumstances.

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SQWISI is of the opinion that escort and out-call services for the sex industry should be legalised both within legalised brothels and independent escort agencies. We believe that this gives sex workers options on where they wish to work. It should go without saying that sex industry businesses, like all businesses, are subject to the laws of supply and demand and the predictable change of market forces. Contrary to popular myth, prostitution services are not a licence to print money. If sex industry business cannot offer their clients convenience and a range of attractive choices that clients are seeking then those businesses will be unable to attract and keep a customer base.

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Our closing statement is SQWISI maintains its position that sex work is legitimate work and sex industry businesses are legitimate businesses. The occupational health and safety of sex workers should be the primary legislative objectives. These goals cannot be achieved until the majority of sex workers are working legally. SQWISI reiterates its position that sex work is legitimate work and sex industry businesses are legitimate businesses. The overwhelming majority of sex workers make conscious and informed choices to enter the sex industry. Many find their work empowering and enjoy flexibility and financial independence that sex work provides.

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SQWISI are in support of any changes that will open up opportunities and bring about informed choices for sex workers to independently choose where they want to work. Our recommendation is that legal brothels be allowed to offer out-call services. That the restriction on the number of sex workers allowed on premises at any one time be removed. That escort agencies be legalised to facilitate improved safety standards and encourage the reporting and prosecution of offences against sex workers. That prostitution laws aim to bring the majority of sex workers within the scope of the legalised industry where occupational health and safety can be more effectively addressed.

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Support of the argument requested by the CMC are particularly interested in the following, whether SQWISI support or disagree with the legislation of escorts from brothels and/or

escort agencies, taking into consideration that sole operators currently provide their services quite legally. SQWISI are in support of all sex workers having a choice to work where they want in a legal, safe and supported environment.

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At present working as a sole operator in Queensland remains the preferred choice even though there are 17 legal licensed brothels. This is due to a number of factors. Earning 100 percent of the service they provide. Clients preferring a certain type/age of sex worker. However the only area of private work the Act covers is advertising.

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Private workers in Queensland have the highest rate of assaults compared to sex workers who work from licensed premises due to the Criminal Code that will not allow sole operators to work in pairs or have drivers. Their environment is legal but unsafe and unsupported.

SQWISI support changes to the Criminal Code Act that will recognise sole operators as small businesses and create a safer and more empowering environment for the sex worker.

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Our views on the potential impact of legalising escort agencies on the overall size of the sex industry in Queensland and the likelihood of either expanding it or contracting the legal or illegal sectors. It is SQWISI's opinion that legalising escort services, allowing sole operators to work in pairs and like the possibility of escorts from licensed brothels may have a driver for out-calls. SQWISI believe it will have significant impact on the illegal sector.

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Our views about the potential impact on the guiding principles of the Prostitution Act such as health and safety of sex workers and their clients, the quality of life of local communities, organised crime and corruption and the social factors that contribute to involvement in the sex industry. Since the demise of the PAC there is no longer a guiding body for sex workers in Queensland.

The Prostitution Licensing Authority has closed its doors on having a member on their Board with any relationship with the sex industry. SQWISI strongly recommended - recommend the development of a Ministerial advisory committee that will address the health and safety of all sex workers and social factors of the industry.

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CHAIRPERSON: Thank you. Why is it at the moment that sex workers work in the illegal industry? What's the incentive for them to work in the illegal rather than the legal?

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MS MATTHEWS: There isn't any choices in the legal industry except as a sole operator if you don't want to work in a brothel environment.

CHAIRPERSON: Yes.

MS MATTHEWS: A lot of workers working in the illegal sector are working for escort agencies.

CHAIRPERSON: But if licensed brothels were allowed to have escort or out-calls would those workers move over into the licensed brothels and work as an escort for them?

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MS MATTHEWS: Some may. Not all. It would depend. It's about the workers having actually choices on where they wish to work. I think that's the - some people don't want to work in a - for a brothel environment. And - which is different than an escort environment.

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CHAIRPERSON: Yes.

MS MATTHEWS: It's - the sex industry has - it has it's own culture.

CHAIRPERSON: Yes. But if it was as the PLA has suggested, that the licensed brothels should be able to have escort workers, out-call workers, who don't have to come in and sign on at the beginning of a shift and sign off at the end, in other words, they could work from home or the local coffee shop or wherever, take the phone call and then just go.

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MS MATTHEWS: How is the licensed brothel going to get it's money then?

CHAIRPERSON: Oh, presumably they have to-----

MS MATTHEWS: They would have to go into the premises.

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CHAIRPERSON: At some stage, yes.

MS MATTHEWS: At the end of each shift, yeah, at the end of the shift.

CHAIRPERSON: But one would assume this could be done through credit cards or whatever and arrangements, I would think that sort of thing could be organised.

MS MATTHEWS: Mmm.

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CHAIRPERSON: They certainly wouldn't have to go in there everyday the way the PLA is suggesting. They might go in there once a fortnight or whatever. How - would workers swap over in those circumstances?

MS MATTHEWS: I think workers would swap over to the - to escort agencies operating out of brothels, yes.

CHAIRPERSON: Because I presume the illegals, you know, the - you mention the sole operators keep 100 percent of what they earn, less, of course, what it costs them to advertise et cetera.

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MS MATTHEWS: Their outlays, yes.



CHAIRPERSON: Yes. But presumably just like the licensed brothels would take a cut of the girls earnings, presumably the illegals do exactly the same.

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MS MATTHEWS: Most definitely. And they don't have any support or back up if anything goes wrong.

CHAIRPERSON: No, right.

MS MATTHEWS: And they fear reporting crimes because they're working in the illegal sector as well.

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CHAIRPERSON: Exactly. So there would be some incentives then for the sex workers to move into the legal industry if they were able to do it without having that regimen of working from the brothel.

MS MATTHEWS: Most definitely.

CHAIRPERSON: All right. Okay.

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UNIDENTIFIED SPEAKER: Well that's a key point really.

CHAIRPERSON: Yes. Okay. The sole operators who might choose though to continue to work as a sole operator-----

MS MATTHEWS: Well, there's a lot of sole operators who will remain as sole operators because that's - a lot of the brothels or escort agencies don't employ them because they're mature workers and they don't fit into that criteria.

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CHAIRPERSON: I see. They do escort work or outcall work?

MS MATTHEWS: Yes. Yes.

CHAIRPERSON: You express concerns earlier for their safety?

MS MATTHEWS: Most definitely. A recent incident was - that involved the Prostitution Enforcement Taskforce was in booking an outcall with one of the workers from the Coast who got her 65-year-old flatmate to drive here there because she normally didn't do outcalls but both of them ended up being arrested and charged, and there was no money, no - but he drove here there.

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So it's the concern of the safety mechanisms for sole operators so I think whatever safety mechanisms were put in place for escort agencies need to be put in place for solo escort workers as well.

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CHAIRPERSON: How does one do that, though, without then leaving it open for standover merchants or something, you know, the traditional pimp-----

MS MATTHEWS: Well, I think the fact that we've got the-----

CHAIRPERSON: -----to be exploiting the woman?

MS MATTHEWS: Mmm. I think we've got - the fact that we've got the PLA and we've got a complaints mechanism that is quite highly promoted through the brothels - the brothel licensees and are through SQWISI and a number - and even the sexual health clinics are all aware of the processes of making complaints. They're all aware of the complaints to the CMC as well. I think that you would find people would complain about it if it became a legal factor.

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CHAIRPERSON: I don't you could complain to us. We-----

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MS MATTHEWS: Well, complain - well, complaints-----

CHAIRPERSON: We say now about people complain to us about many things that we have no jurisdiction over and we have no jurisdiction over-----

MS MATTHEWS: Well, it depends what the standover - where the standover person comes from, doesn't it?

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CHAIRPERSON: All right. We won't go too far there. Would you be prepared to sit down at some stage and put down on paper the sorts of things, suggestions you would make that would be required for the sole operators as to whether they need someone to be able to take the calls for them or to be monitoring where they are?

MS MATTHEWS: We've actually just done that. We've actually just completed a survey with the sole operators on - and especially workers providing outcall services that we've actually got some data on that. I haven't got it here, it's over there, but we do have the data.

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CHAIRPERSON: All right. If you could provide that to us that would be of great assistance.

MS MATTHEWS: Yes, I can do that.

CHAIRPERSON: But I'd be interested in it in a way that tried to protect the workers from standover people, you know, that - whether it be someone who's totally unpaid, not paid for it but just drives them there or takes the call, the mother or sister or someone.

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MS MATTHEWS: I think that's fine. I think that's perfect. I mean, I don't think - I mean, the thing that I don't understand is that sole operators are a small business and they're not allowed to employ staff or get someone else to answer their phone. I think that's a bit of a problem.

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CHAIRPERSON: And the - look, these are just thoughts, random thoughts. I've got no concluded, considered view on any of these, but the possibility of say two or more sole operators being able to work together-----

MS MATTHEWS: Yes.

CHAIRPERSON: -----but required to be licensed through the PLA and that they - the licence be in the name say of the two or the three workers and the only person who could do any work from that organisation be one of those licensed workers.

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MS MATTHEWS: Couldn't-----

CHAIRPERSON: In other words, they couldn't employ people to work for them.

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MS MATTHEWS: As a licence, I'm a bit concerned about licence. I think two workers being able to work together and not be deemed a brothel but maybe the business, business registration in their working names, their business working names, would be a way to be able to do that without it being actually a licensing process for the sole operators.

CHAIRPERSON: I understand there is a - what's called an exempt brothel in Victoria - as to whether there could be an exempt escort agency where two or perhaps maximum three women could work together and get the benefits of working together for security, peer education, those sorts of things, but looking very much at it to be controlled in a way that it couldn't be used as a front for an illegal brothel.

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So in other words the only workers who could work from that place would be the registered - the women whose licence the name is in, the two or three of them, not employ anyone else.

MS MATTHEWS: Mmm. I think - I mean, they can do that now. They can actually have a coop brothel by having licensing and doing that now. They choose not to do that for the fact that it's about the anonymity of the sex worker. They like to maintain their confidentiality and their personal details and it's the same with registration; you know, registering sex workers is - no-one's going to register, they just going to go underground.

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Some will, some will come forth but they may want to do it with just their working name and their date of birth, so there's - you know, like, it's a really - I can't see - I think if you're going - two workers working together and not be deemed as a brothel is where it needs to start and possibly a registered business name for those two workers and it could be both their working names.

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CHAIRPERSON: And what's SQWISI's view with respect to advertising, the discussion we had earlier with Mr Christie and with the - Sergeant Kidd and Superintendent Hogan?

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MS MATTHEWS: Look, advertising's the bane of everyone's life. I have a lot of - I would like to give the licensed brothels a lot of support because they can't advertise for staff and I find that quite amazing - not that everyone wants to enter the sex industry. But I think advertising is - it is problematic that anyone can go in and place an ad in there and they can just pay for it.

You have to sign, though, a stat dec on some of the newspapers if you're working in different sectors that you're doing this or you're providing this or whatever the case may be. I think from our perspective as far as registration of solo operators is concerned, we're adamant that registration of sex workers should not be put on the table, and I will just come back to the anonymity and that - that is the only way that you could actually look after the advertising is by registration.

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CHAIRPERSON: Yes, but we have concerns about the illegal industry to cut that down.

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MS MATTHEWS: To cut it down I think escort agency will minimise the illegal sector by a substantial amount, but there's always going to be an illegal sector in this industry-----

CHAIRPERSON: Sure there will be.

MS MATTHEWS: -----always, and I don't think the legal sector's as big as everyone makes out to be. I think it's quite large but when I say it's quite large I think that's two solo operators working together for safety that - that's illegal, or one girl doing day shift and one girl doing night shift or - or a married couple working within the sex industry living - you know, working from the same premises.

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That's all illegal. I think the humungous industry that people are talking about are the escort agencies which run - a lot of them run from the Tweed border over here or from Melbourne. So I think it's just the escort agency. I don't think we've got such a huge illegal industry per se, if you take out the sole operators working together.

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CHAIRPERSON: All right. But looking at the illegal escort agencies that are there that might come from the Tweed or whatever, the suggestion we had before about advertising that they - the sex worker has to have a registration through the PLA which can be done in the card on the name of the pseudonym rather than their own name on it but with a number and have to be able to produce that to the media outlet before they can have an advertisement.

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MS MATTHEWS: The thing is that the Prostitution Act actually says that they hold records for seven years-----

CHAIRPERSON: Yes.

MS MATTHEWS: -----and that means that you could be in the sex industry for two months and register as a sex worker and your record as a sex worker's going to be held for seven years and you don't know who's going to see it.

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CHAIRPERSON: Would sex workers have no - I presume they all pay tax, don't they? You're not suggesting they-----

MS MATTHEWS: Yeah, it's not a problem about the tax. It's-----

CHAIRPERSON: Okay. Well, they all then have their name with the Tax Office but we know there are confidentiality provisions at the Tax office, that they don't go giving out these sorts of details.

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MS MATTHEWS: But they don't necessarily register as sex workers with the Taxation Department. They may register as a dog groomer; they may register as a caterer. They don't necessarily register with the Taxation Department as a sex worker.

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CHAIRPERSON: What do they do when they sign the statutory declaration to put the ad in The Courier-Mail now? Do they do that in a false name or-----

MS MATTHEWS: No, I'm not sure. I haven't seen one for ages.

CHAIRPERSON: You said they have to sign a statutory dec.

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MS MATTHEWS: Yeah, I haven't - I haven't seen them. Margaret, do you know the ones that the papers get them to sign?

MARGARET: It used to be Quest - it used to be Quest but not any more.

MS MATTHEWS: You don't have to do it at Quest any more?

MARGARET: No, I don't know if you've got do it [indistinct]

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MS MATTHEWS: Was it - yeah, was that in your real name or a false name, do you remember?

MARGARET: Well, I signed with my real name.

MS MATTHEWS: Real name.

CHAIRPERSON: So immediately if they want to put an ad in, they have to put in a statutory declaration in their real name-----

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MS MATTHEWS: Well-----

CHAIRPERSON: -----so it would seem to be a benefit to bring in a system where they could-----

MS MATTHEWS: Well, you know, your real name might be Candy Smith.

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MARGARET: Yes, that was back in the days when you had to produce a massage certificate as well, so [indistinct]

MS MATTHEWS: Yeah.

CHAIRPERSON: Can you repeat that?

MS MATTHEWS: She was just saying that that was in the days when the advertising - people were advertising under massage and you had to produce a massage certificate as well, so they don't do that any more because they now have a particular section for the industry.

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CHAIRPERSON: Okay. All right. I'm just advised that apparently Local Government Association will not be appearing here so we have a little bit extra time with the rest of the presenters which could be handy. All right. Do the illegals use sole operators or advertising as if it's for a sole operator as a front for their own business?

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MS MATTHEWS: Yes. Yes, they do.

CHAIRPERSON: And how would you - do you have any suggestion as to how we could, perhaps, stop that?

MS MATTHEWS: Well, I think PEDEF's doing the best job. They're actually booking the workers and when the worker turns up they - a lot of workers will actually, if they're told about the Certificate of Discharge, will actually give evidence and tell you who the operator is, but it's about actually getting the operator. And what happens is they just move from place to place or another one will pop up or someone will pop up in their place, that they've directed in there.

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Unless you - the only way to curb illegal escort agencies is to make escort agencies legal because you can't compete with the - the illegals can't compete with the legal ones.

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CHAIRPERSON: All right. I have no further questions. Do you?

MS JOHNSON: Sue Johnson speaking. Ms Matthews, I just wondered if you could comment on the fact that the QPS raised some issues about some of the problems with - if you made escort agencies stand-alone escort agencies legal, the fact that they have very limited set-up costs and infrastructure investment makes them, perhaps, more susceptible to organised crime or other activities such as that. Do you have a view on that issue relating to escort agencies compared to, for example, licensed brothels providing escort services?

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MS MATTHEWS: I think it's true, an escort agency would have less outlays than a licensed brother. However, I think they should still come under the same regulations as the licensed brothel. They would still have to have the same computer set-up, they would have to - all the compliance checks would have to be the same, and so forth. And I can't see it being - if you're doing the same probity checks and the same checks through compliance with them, how organised crime could get into that area.

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And I mean, you know, everyone keeps talking about organised crime, the only organised crime that I'm aware of in Queensland is the sex workers themselves. They're very organised. They know when to turn their phones on, when to

place their ads, and they go to their bookings. You know, that's the only thing that's organised about this sex industry at the moment and I think that organised crime just keeps rearing its ugly head and I don't think that's - sex workers are very empowered people.

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They don't just follow suit. They will stand up for their rights and they will stand up and be counted, and I think people need to realise that as well.

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CHAIRPERSON: Underage workers?

MS MATTHEWS: Underage workers, the only underage workers that I'm aware of are the homeless youth who may be doing sex for favours, sex for a roof over their head, or whatever the case may be, but within the sex industry there is no underage workers that I'm aware of.

CHAIRPERSON: BDSM, is that - yes-----

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MS MATTHEWS: Bondage and discipline.

CHAIRPERSON: BDSM, that's the correct term. I've heard suggestions that that should not be allowed on out-calls for safety reasons-----

MS MATTHEWS: Well, it's very-----

CHAIRPERSON: -----that that should only be at a brothel.

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MS MATTHEWS: Well, 9 times out of 10 that would only happen within a dungeon environment, whether the brothel has got a dungeon or a private operator's got a dungeon. It's very difficult to do B and D in a hotel room, depending what you're doing. I mean, you know, some people call themselves bondage mistresses or masters, whatever the case may be, but it's really only fetish work; it's not full on B and D.

CHAIRPERSON: So you would see no difficulty if the law was that any services in that regard should only be provided within a brothel setting rather than in an out-call setting?

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MS MATTHEWS: In-house I would say rather-----

CHAIRPERSON: Yes, in-house.

MS MATTHEWS: Yes. So that could mean a private worker's dungeon or-----

CHAIRPERSON: Yes.

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MS MATTHEWS: Yes.

CHAIRPERSON: Yes, sorry, at a sole operator's.

MS MATTHEWS: Yes.

CHAIRPERSON: Yes. All right. All right, I have none. Are you prepared to take any comments, questions from the floor if we have sensible questions or comments? 1

MS MATTHEWS: Yes.

CHAIRPERSON: Yes?

MR HOLZWORTH: I will move the microphone. 10

CHAIRPERSON: Yes. Move to the microphone, identify yourself if you're happy to and ask the question or make your comment.

MR HOLZWORTH: Mr Chairman, Mark Holzworth, from the Australian Family Association. Noting that anyone in business, and particularly that I in my business even would be happy to pick and choose whom I have an opportunity to provide a service to, you seem to uphold the standard that perhaps the discriminatory or discriminatory provisions or the law as it stands don't apply to those providing prostitution services. Is that the case? 20

MS MATTHEWS: Could you just rephrase that? I'm finding it hard to understand what you mean.

MR HOLZWORTH: Okay. You indicated that a prostitute should be able to identify whom they wish to provide a service to.

MS MATTHEWS: No, they should be able to identify where they want to work. They should have choices on where they wish to work. 30

MR HOLZWORTH: I can indicate where you indicated that-----

MS MATTHEWS: Okay, yes.

MR HOLZWORTH: -----that you said they can pick and choose a person to whom they wish to provide a service to. That being the case, would that not be anti-discriminatory in Queensland? 40

CHAIRPERSON: I think your submission does talk about the fact that if the prostitute - if the worker - if the client turns out to be, say, someone she knows, then she might prefer not to-----

MS MATTHEWS: That's correct, yes.

CHAIRPERSON: -----provide a service for that person.

MS MATTHEWS: No, I don't think it's discriminatory. I think that people have a right to choose who they provide services to. 50

MR HOLZWORTH: Well, that's contrary to what we understand the law to be in Queensland.

UNIDENTIFIED SPEAKER: Then the law needs to change.



MS MATTHEWS: Yes.

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MR HOLZWORTH: Well, it's not just simple to merely just change the law-----

MS MATTHEWS: But I mean, you can-----

MR HOLZWORTH: -----to accommodate some-----

MS MATTHEWS: You can refuse service in a hotel to a person. You can refuse-----

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MR HOLZWORTH: The law requires that, though. That's the difference.

MS MATTHEWS: But you can actually refuse - you can ask someone to leave your premises if you don't want to serve them and so forth. It's exactly the same. You can actually-----

MR HOLZWORTH: I don't believe that's the case, Mr Chairman.

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MS MATTHEWS: Okay. Well, we're going to disagree on that.

CHAIRPERSON: Well, I don't know that that's - I don't know, Mr Holzworth, whether that's perfectly correct and I don't know that a house painter has to paint just anyone's house.

MS MATTHEWS: That's right.

CHAIRPERSON: If he chooses not to paint your house, he's free to do so. But all right, have you any other-----

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MR HOLZWORTH: No, that's it, thank you.

CHAIRPERSON: No, okay, thanks. Yes?

MS FAWKES: Janelle Fawkes, Manager of Scarlet Alliance, the Australian Sex Workers Association. I've got a question for Cheryl and that relates to private sex workers. You were talking before about some ways in which private workers might be protected if they were providing escort services in Queensland, and I guess I wanted to ask you just to - if you could go over a couple of those points again because I wasn't clear of a couple of them.

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So in particular, you're saying that if a private worker is to be providing escort services that you think it's quite feasible that that person might work with another person for their protection, whether it be a driver-----

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MS MATTHEWS: Another worker.

MS FAWKES: -----a receptionist, a co-worker, et cetera.

MS MATTHEWS: Yes.

MS FAWKES: And you believe that that would improve the occupational health and safety?

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MS MATTHEWS: No, I don't believe that will improve the occupational health and safety. I think that would improve - increase the safety mechanisms that they would have in place. I think occupational health and safety for the sex industry as a whole needs to be looked at very very seriously and very very clearly. This is about the legalisation - the legalities around working within the sex industry. I think that sole operators are disadvantaged and I believe that they should be able to work together.

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MS FAWKES: And my question, I guess, about that is that in the current situation now where private workers are unable to work together, many people seem to indicate in their submissions that the traditional ways in which sex workers had protected themselves by working together, et cetera, has been removed by the legislation. I guess my fear is that if we were to look at only escort being available from legal brothels and not from independent escort agencies, whether that be a small number of people or a large number of people, it would exclude a whole number of sex workers regionally and rurally from being able to operate legally and safely.

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MS MATTHEWS: Yes, but we are for both independent out-call services and attached to the brothels. We went both ways because we believe that it's the worker's choice on where she wants to work. It's not about choosing any form - no matter - any part of the sex industry we believe that it should be - all of it should be looked at, the whole legislation, and the sex workers should have choices on where they choose to work.

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MS FAWKES: Okay, thank you, that's clear.

CHAIRPERSON: Okay, thank you. We will now adjourn - well, we might adjourn now for lunch and we will come back at 1 o'clock. All presentations in the afternoon will be brought forward about half an hour earlier because of the absence of the Local Government representatives.

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HEARING ADJOURNED AT 12.07 P.M. TILL 1 P.M.

THE HEARING RESUMED AT 1.03 P.M.

CHAIRPERSON: Now, the next presenter on our list was from SSPAN. Unfortunately, they've indicated that they don't want to speak today. However, they have provided a further submission and have asked that it be read out, and we are prepared to do that. Dr Legosz will read it out. I would ask the photographer not to take any photographs of Dr Legosz at this stage because of course, it's not her submission - she is just reading. So thank you.

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DR LEGOSZ: Thank you. We also have multiple copies of this submission outside. Right. Now, I've been instructed to speak very closely to this microphone this time. We'll see how we go. You'll have to forgive me if I falter through this; I've only glanced at it once as well.

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"This is the submission from SSPAN Queensland, position statement for the CMC Escort Hearings today. We detail below our general concerns as well as more specific issues as outlined in your invitation letter. Number one, general position: SSPAN represents sex workers in all spheres of the industry, both legal and illegal, and we stand for decriminalisation of the Queensland sex industry. We reject the over-regulation and criminalisation of sex work and feel that the police should be tasked with enforcing compliance.

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The boutique brothel system has failed in one of its claimed intentions - as a means by which a number of private workers could come together to work in mutual support and safety. It failed because the system was over-regulated. We feel that the boutique brothel system, the highly regulated legal face of prostitution, reflects the hypocrisy of mainstream society which desires the services of prostitutes but seeks to control them and make them invisible.

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The State takes licensing fees and taxes from this sex work and redirects this money into either more rigid regulation and policing, or exit and retraining programmes. This says to us, 'We will take your money if you continue to do this work, but we don't really want you doing this work at all.' We object to this paternalistic approach and emphasise that most of us choose sex work as a temporary or long-term profession and all things considered find it a positive experience.

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The fact that none of the SSPAN members that have worked toward making their voices heard in this submission phase of this process felt able to present at this hearing is indicative of the pressures upon sex workers which silence them and make it difficult for full consultation with us. Sex workers cannot speak because of stigma, but decisions are made about our lives nonetheless because the system is not set up to properly consult with sex workers without them risking exposure.

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We believe that SQWISI provides a valuable service to sex workers, that all sex workers would be worse off without it. But SQWISI has a conflict of interest in that they now stand for legalisation and they are entrenching the legitimising of the legal system and therefore cannot represent the majority of sex workers who work as sole operators and in unlicensed venues and outside the law for other reasons such as age and migrant status. We make a special note that we reject in the strongest possible terms the spirit and content of the AAETI; that is, the Australian Adult Entertainment Incorporated

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submission on this issue, which would seek to register all sole operators and force sole operators to undergo mandatory health testing.

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We also reject the central arguments of CATWA that we as female sex workers are not informed in choosing agents of our own will. Far from being victims of forced consciousness, some of us feel we have in fact transcended the patriarchal false consciousness which has historically attempted to repress and control through stigma our sexual power.

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Two: Specific CMC interest areas. 2.1: Do we support legalisation of escorts for brothels or escort agencies? We do not support the legalisation of escorts from legal brothels unless our current concerns around safety, industrial regulatory and policing issues in the licensed brothel sector and for sole operators are addressed. Some of our members who work in licensed brothels would like to be able to do escort work but realise the concerns they have now in the brothels would be exacerbated by the addition of escorts without addressing the original concerns.

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Existing issues in licensed brothels which need to be addressed before or alongside the introduction of escort services are these:

- (a) a perceived lack of negotiations between the sex workers and some brothel owners' managers and a lack of formal complaints mechanisms for workers in brothels;
- (b) lack of ability for brothel workers to make anonymous complaints to the PLA;
- (c) the practical aspects of health and safety factors for workers doing escorts from brothels must be addressed;
- (d) the issue of the gathering and retention of identifying information by brothels and escort agencies must be clarified so that brothel owners and managers realise they do not need to keep this identifying information and pseudonyms will suffice for record-keeping compliance;
- (e) the issue of whether brothel workers are deemed to be contractors or employees needs to be worked out on consultation with the workers;
- (f) the ability for off-shift sex workers to be on premises for the purposes of disseminating information about collective action and associations needs to be considered.

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Existing issues for sole operators which must be addressed before the implementation of escort services include:

- (a) we are adamant that changes in the law which would allow brothels or licensed escort agencies to conduct escorts should not impact on sole operators in the form of more rigid laws or more rigid application of the laws

which will increase police harassment on sole operators. Some of the submissions to this Inquiry have suggested that the implementation of escort services for licensed brothels will only work if it is accompanied by more intensive policing of illegal escort agencies and advertising. It is the legal sole operators who will bear the brunt of this policing blitz;

(b) any changes in the law must be accompanied by regular, clear and unambiguous policy statements by the police on how they intend to interpret the legislation. This applies to the PLA as well. Sole operators who currently do escorts operate in fuzzy legal areas. For example, sole operators have been told they cannot hire a permanent escort driver who is also a bodyguard. They cannot hire someone to watch over them unless this person is security qualified. They cannot give this person the booking money to hold onto while they conduct the booking. They cannot call sole operators to help them do health checks or to do double bookings without breaking the law. Many of these charges seem punitive and outside of the original mandate to address organised crime.

2.2. Do we think this will increase the size of the industry? We believe that allowing licensed brothels or licensed escort agencies to conduct escorts will not increase the overall size of the sex industry in Queensland. It might increase the visibility of the industry in that the overall number of advertisements might increase, but we reject the argument that illegal workers will swap to legal venues causing the illegal operators to recruit more vigorously.

We believe that some sex workers who are currently working and doing illegal escorts might transfer to the legal escort sector if they think that more work will be obtained there. However, those workers who reject the legal industry because they do not wish to risk the exposure that comes with working in the legal sector will not move across - only a decriminalised or low-regulation legal system which guarantees that identifying information will not be available to the authorities - that is the police, the PLA, the tax department and so on - will tempt these workers into a changeover.

2.3: Views about Potential Impact on Health and Safety of Workers and Clients, Local Communities, Organised Crime and Corruption:

Many of our members already feel that they are in control of their own sexual health while working. Brothel policies and condoms use and provision of condoms and dams rightly reinforce these attitudes. If escorts are implemented the workers doing these bookings will be in control of sexual health matters such as they are in licensed brothels. One issue that must be addressed is the ability for an escort worker to demand a second check if necessary on an escort client, thus the driver should be trained in sexual health, but this raises a problem if

the driver is a male. In this case the booking must be abandoned by the worker's discretion or another sex worker brought to conduct the second check.

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Local communities should not be impacted by escort work any more than they currently are by the comings and goings of sexually active private citizens from their private homes and hotel rooms. We believe that organised crime and corruption develops more readily out of highly regulated systems than they do in decriminalised ones, as long as police are enforcing rigid laws in profitable industries, there is potential for corruption.

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Key forum issues, workplace health and safety, physical safety regarding dangerous clients and provision of bondage and discipline services: Dangerous clients: It is true that it is more dangerous for sex workers to see clients away from the brothel environment where he or she is alone. Often on the client's home ground. Nonetheless sole operators provide these services without even the backup of an escort agency or brothel staff who can be called in case of danger. These problems can and should be addressed through a number of practical precautionary measures and these are their suggestions:

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- a) Clients should be screened to ensure that they are who they say they are;
- b) Drivers must be security trained and should be required to wait outside the booking;
- c) Sex workers must be provided with a mobile phone with emergency fast dial numbers entered into it and they should call in at the beginning of the booking and at the end prior to leaving;
- d) Other emergency equipment can be provided like alarms;
- e) Ugly mug lists should be compiled and maintained by the agencies and disseminate to each other on a regular basis;
- f) Sex workers could be trained in assertiveness and self defence by the brothels, escort agencies; and
- g) Sex workers who do not wish to do escorts, should not be compelled to do so by the brothel managers or owners.

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### Section 3.1.2: Bondage and Discipline and Sadomasochism:

B & D services are provided at the discretion of the sex worker and training should be given to any sex worker who wishes to specialise in this area. Brothel managers/owners and sex workers must understand the differences between B & D, light tying, psychosexual control and S & M which involves inflicting of pain, penetration by objects et cetera and more extreme control. S & M is much more dangerous than B & D but either can be problematic. Generally sex workers will not allow these forms to be conducted on them as submissives and when they do, it is usually only in the presence of another worker. Mostly there's a sex workers

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conducting these acts on the clients. The general advice of SSPAN is that these services need to be addressed seriously through education, presenting problems being the best practice model here.

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Current SQWISI management refuses to implement a training program for these services on the basis that they don't want to be held accountable if anything goes wrong. This is an irresponsible approach and needs to be addressed not just for potential legal escorts but for all sex workers currently working.

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Section 3.1.3: Exposure to Alcohol and Drugs:

Many sex workers already think the no alcohol rule for licensed brothels is somewhat paternalistic. We believe the dry brothel situation is unappealing to some sex workers and maybe another reason for them choosing private and unlicensed venues from which to work. Drunk clients can be difficult but one or two drinks can make the experience more pleasant for both worker and client. Sex workers are adults who can make their own informed decisions about these matters on their own. Some workers like to party with their clients. On the other hand a sex worker who arrives to find a client drunk and drugged should be able to boycott the booking at his or her discretion if the situation makes them uncomfortable.

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Section 3.2: Industrial Relations Issues: The Relationship between Licensees, Escorts and other Sex Workers:

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As stated above in our general concerns, provisions must be implemented to allow for:

- a) Negotiation between sex workers and brothel owners/managers about the conditions of escort work, for example, which workers will do escorts and which will do in house work and which desire to do;
- b) A formal complaints mechanism for workers in brothels and escort agencies;
- c) Ability for brothel workers to make anonymous complaints to the PLA;
- d) The issue of whether escort workers are deemed to be contractors or employees needs to be worked out in consultation with the workers; and
- e) The ability for off shift sex workers to be on premises for the purposes of disseminating information about collective action and associations needs to be considered.

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Section 3.2.2: Maintaining the Privacy and Identity of Escorts:

There should be no register of sex workers identity information. Licensed brothel or escort agency owners and managers must be clearly informed that they are not

required to keep this information and that a worker's pseudonym is adequate.

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Section 3.2.3: Maintaining an escort's right to choose clients and services to provide:

This issue will be more problematic for escorts because brothels and agencies will not want to have a boycott - sorry, because brothels and agencies will not want to have to boycott a potential booking because the escort worker does not wish to see the client there will be more pressure for the worker to see the client. Nonetheless this right must be respected, the right of the worker to decide which services to provide must always be respected and is as - and should be at the discretion of the worker.

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Section 3.3: Business Related and Regulatory Issues:

3.3.1: Limitations on Numbers of Workers:

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There are two models for escort agencies:

- (1) Centralised: where sex workers congregate at one place for a set shift and they are taken from there to the booking site and returned afterwards;
- (2) Uncentralised: sex workers - sex workers are contacted whenever a job is available and are picked up from wherever they are, taken to the job and returned to wherever they wish to go. In this model, six workers should be able to register with several escort agencies because there is no set shift.

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There is no reason to limit the number of workers on the books of escort agencies who use model 2. But licensed brothels are more likely to adopt model 1 because they already have workers at a central location. In this case the numbers of workers on site at any given time will have to be increased significantly.

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3.3.2: Impact of Taxation and other Regulatory Obligations on Willingness of Sex Workers to work legally:

As stated above we reject the argument that illegal workers will swap to legal venues. We believe that some sex workers who are currently doing illegal escorts might transfer to the legal escort sector if they think that more work will be obtainable there.

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However those workers who reject the legal industry because they do not wish to risk the exposure that comes with working in the legal sector will not move across. Only decriminalised or a low regulation legal system which guarantees that identifying information will not be available to the authorities, that is the police, the PLA or the Tax Department



will tempt these workers in a changeover and that's it. It's signed Span Queensland, 13th September 2005.

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CHAIRPERSON: Yes, thank you, Dr Legosz. Ms Matthews, I noticed you looking at one matter on page 3 - sorry, page 4, on the basis as if you might not agree with the comment that's made. Do you want to have the right to reply to that at all?

MS MATTHEWS: Yes.

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CHAIRPERSON: I might mention that I see it as somewhat irrelevant to what we're interested in looking at today but if you - that's been read into the record. If you want it to correct it on the record, that's fine.

MS MATTHEWS: I'm just concerned about the B & D and S & M information. We don't offer those workshops because we believe the people that work within that sector, which is a specialised field, they need to do intensive training in it. I don't think it's something you can do in an hour, so that's why we don't offer that particular course and that's - I'd just like it to go on the record.

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CHAIRPERSON: Okay, thank you. All right. Next presenter is Ms Janelle Fawkes from Scarlet Alliance.

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MS JANELLE FAWKES, MANAGER,  
SCARLET ALLIANCE,  
AUSTRALIAN SEX WORKERS ASSOCIATION INC

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MS FAWKES: If it's suitable with you, I'd like to do my presentation in two parts; one which is fine to be recorded and photographed and the second part which I'd like suppressed. I'll indicate when I'm at that stage?

CHAIRPERSON: Okay.

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MS FAWKES: Yes. Scarlet Alliance is the Australian Sexworkers' Association Incorporated. We're a national peak organisation representing the interests of sex workers and that of sex worker organisation projects, networks and groups throughout Australia. Our membership is spread throughout Australia. We have a national forum each year with an AGM and where our representatives from each member organisation elect delegates, spokespersons and an executive body. Our organisation is made up of sex workers; it is not separate to sex workers.

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I think it's important to make that clear because I feel like part of what I wanted to address today, it's important to understand that our reason for being here is because we believe any legislation or any legislative change must respect or must show that its main focus is the occupational health and safety of sex workers in that industry. I understand from much of what's been said this morning that much of the focus has been around surveillance, detection and preventing a whole range of factors from entering the industry. My concern is that the focus should rather be on the realities of the current industry and that we should stick to the factual evidence, the problems that do exist and that our focus should very much be on protecting the occupational health and safety as the key outcome of any inquiry.

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Scarlet Alliance would support the removal of criminal sanctions against sex workers providing escort services, of course. Our preference would be for the decriminalisation of the industry. In saying this it is important that you understand our position that the model of legislation in place in Queensland is not legalisation but an over-regulatory model.

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Continuing the farce that this model is in fact legalisation results in people looking at this model and indicating that legalisation is not successful, and in particular sex workers, but in fact this model is a licensing frame work of over-regulation. Our concern is that the outcomes of former inquiries have indicated the success of this legislation and I raise these issues because I think it's pertinent to any movement forward in relation to legal escort.

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The current state is that a small percentage of people can operate legally. It is irresponsible for us to continue to speak as if this legislation is successful. We heard from the submission from Span and I will also add some points from

Scarlet Alliance that in fact the resulting impact on the majority of sex workers in Queensland is not a positive outcome.

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I am going to move through a few points from our submission but I will come back to some of my main points, I guess.

One issue we'd like to address today is the capacity for legal brothels to provide escort or out-call services. Currently sex workers providing services in legal brothels in Queensland experience high level of industrial relations concerns and ambiguity over their employment status as employee or subcontractor. Although this is anecdotal evidence, without some form of whistleblower's legislation in place and so few legal workplaces, it is unlikely that workers in Queensland in legal brothels are likely to be empowered to make complaint for fear of being sacked or having too few other legal workplace options.

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In the Prostitution Licensing Authority annual report 2001/2002, it is shown that 46 percent of complaints received related to licensed brothels and that 42 percent of the people making complaints were sex workers.

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Scarlet Alliance position is that this would seem to indicate an excessively high level of complaints from sex workers and that an equally higher level of those complaints were about legal brothels. We don't believe that this is being sufficiently taken into account.

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Independent escort or outcall prostitution agencies; Scarlet Alliance believe that escort services provided by independent escorts and escort agencies in Queensland should be decriminalised. The Queensland Government should be showing - will be showing an extreme bias if it was to only allow escort services from legal brothels. Escort services have historically been part of those services provided by sex workers and Scarlet Alliance believes these services should never have been made illegal as part of the Prostitution Act. Clearly, legislators at the time did not have the best interests of sex workers at heart.

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In many other States and territories in Australia, escort services are legal. Escort services are traditional services provided by sex workers and negotiated between the client and the worker. The benefits of being able to provide escort services include discretion for the sex worker and client, reduced overhead costs of establishing business premises and flexibility for the transient and temporary sex workers.

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Our next point refers to our - the question of do you believe that sex workers providing escort services for legal brothels should be monitored. The need to monitor compliance of Queensland current requirements with regard to health checks for sex workers are out of step with both the epidemical ecological statistics in Queensland which showed sex workers have low rates of STI's. This includes illegal sex workers.

These statistics have remained within a similar range since prior to the Prostitution Act.

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Our next point refers to the licensing or registration of sex workers that has been raised today. The 2002 annual general meeting of Scarlet Alliance attended by all its State member organisations and projects considered the issue of registration of individual sex workers. Those in attendance are experts in their field of sex worker occupational health and safety, sex industry legislative reform and an understanding of government and community concerns relating to the sex industry.

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As they have considerable experience across all Australian jurisdictions and a comprehensive understanding of the failure and its success of various models of law reform applied in Australia over the previous 20 years, their input into consideration of this matter is invaluable. The meeting unanimously concurred with existing Scarlet policy that the licensing registration of sex workers is contrary to the best interests of sex workers, it is unworkable and has failed in every jurisdiction it has been enacted in.

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I refer to some comments made earlier today and in particular in relation to registration. It has been very clearly our experience and in each State where registration of individual workers has been attempted it has been a failure. In Queensland in particular women have lost their children in Family Law Court decisions based on the fact that it has been proved in Court through subpoenaed documents that that person was formerly a sex worker. These are the risks that sex workers take. This is the reason that sex workers will not register.

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My next point relates to do you have a view on the potential roles of various agencies such as the PLA and QPS in monitoring of escort services.

Scarlet Alliance advocates that there are serious problems with the current regulation of the sex industry in Queensland. Scarlet Alliance receives regular anecdotal evidence from sex workers which would indicate discrimination against sex workers by both police and the PLA. For the reasons outlined below, we would not support police regulating sex workers.

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Scarlet Alliance believes laws in Queensland, which allow entrapment in relation to individual sex workers, puts sex workers, mainly women, in an unnecessarily vulnerable situation, where police corruption could occur.

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The Fitzgerald Inquiry uncovered endemic police corruption in relation to the sex industry and Scarlet Alliance warns that it is inevitable that police corruption will exist when police are the regulators of women, who are forced by law to work alone or outside of the law, in the case of private workers, and in the case of street based sex workers, who are marginalised as a result of the Queensland laws which deem them to be operating illegally.

Current policing of the Prostitution Act is a contradiction to the intent of the legislation, as articulated in the Second Reading Speech. Clearly, legislators correctly identified the reality of police corruption when police have a role regulating the sex industry and introduced measures to attempt to prevent its occurrence.

The following clause shows the intent to ensure this legislation should reduce opportunities for police corruption and for an external body to track police contact with the sex industry.

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"Police will be permitted to enter and inspect a licensed brothel at any time when the brothel is open for business, but subject to certain conditions. These are:

1. Only police above the rank of inspector or those with the written permission of an inspector or higher ranking officer will be able to exercise this power; and
2. The PLA will keep a register of any police entry into licensed brothels for which the police are required to inform them.

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Unfortunately, these parts of the regulation only protect those workers within legal brothels; they do not protect the workers, the majority of workers, who operate outside of the legal brothels, or who work as private sex workers.

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I have the final two points. In relation to the prostitution licensing authority, Scarlet Alliance has received anecdotal complaints from a number of sex workers and is aware of complaints made to the PLA which have received courteous but little response. Anecdotal information from the Queensland sex workers, as part of a recent Scarlet Alliance teleconference, included many statements by sex workers, indicating they were unhappy with contact with the PLA. Scarlet Alliance has been contacted by sex workers with complaints regarding issues of confidentiality, breaches by PLA compliance officers reported to the PLA, lack of sensitivity to sex workers' privacy concerns, lack of assistance when providing information regarding poor workplace standards and practices and lack of processes to capture complaints of an anonymous nature.

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Concern with complaints are not followed up and lack of interest in concerns ranging from unwanted camera surveillance in staff change areas, being threatened with fines, implementation of daily shift fees or amenity fees, charges by brothels deducted from the workers' earnings and bonds from the workers' earnings held until the end of the shift, et cetera, are all complaints, including - an important one I think - the sale of condoms and lubricant to staff, rather than the free provision of such, which is indicated in the Act.

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Finally, I believe that - and I will add to what Cheryl Matthews from SQWISI said that we believe that it is extremely problematic that the Prostitution Advisory Council, the PAC, was disbanded. This happened with no consultation with the sex workers or the sex industry and in fact it now creates a situation where there is no formal method for sex workers to have input into legislation, policy or the current policing of the Act.

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Just to finalise, there are - I am - I have to say that I'm horrified that the model - a model as retrograde as licensing of individual workers has been raised again here today. It has been raised numerous times in different States, putting forward law reform. Each time sense has prevailed and it has been realised that this would create such an unsurmountable barrier to sex workers participating in the legal sector, that in fact it would have the reverse effect.

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IN CAMERA PROCEEDINGS ENSUED

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CRIME AND MISCONDUCT COMMISSION

MR R NEEDHAM, Chairperson

No IHJ-05-0001

PUBLIC HEARINGS INTO WHETHER ESCORT SERVICES  
IN QUEENSLAND SHOULD BE LEGALISED

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BRISBANE

..DATE 13/09/2005

..DAY 1

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**THIS SECTION OF THE TRANSCRIPT IS SUBJECT TO A SUPPRESSION  
ORDER AND IS NOT AVAILABLE FOR PERUSAL.**

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PUBLIC SESSION ENSUED

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NIKKI, Sole Operator:

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NIKKI: Good afternoon.

CHAIRPERSON: Now, can - would you prefer not to have photographs?

NIKKI: No, I'm fine. Thank you.

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CHAIRPERSON: You're fine?

NIKKI: Yep.

CHAIRPERSON: Not worried about any-----

NIKKI: No.

CHAIRPERSON: -----suppression of evidence at all?

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NIKKI: No. Not at all.

CHAIRPERSON: No? Okay.

NIKKI: Okay. First of all, thank you for inviting me here today to speak. I am a sole operator sex worker and I've worked in this industry for over nine years, so I'm able to speak with the strength of knowledge of the sex industry in Queensland because I work in it hands-on every day. Sorry, I'm a little nervous. Private sole operators represent almost three-quarters of the sex industry in Queensland, yet we don't have an organisation to represent us exclusively.

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We are represented by organisations who work on behalf of sex workers in general but we think it's important our specific views are aired and considered, particularly when it comes to legislative changes. However, sole operators are by nature private and are reluctant to belong to a group, let alone speak at submission hearings. I therefore contacted approximately 20 sole operators and sought their viewpoint before formulating the submission. Here are collective responses to the questions put before us.

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Should Queensland legalise the capacity for legal brothels to provide escort or out-call prostitution services? No, Queensland should not because:

- (1) it will over-saturate the out-call market;
- (2) there will be no great benefits to sex worker safety; and
- (3) it will allow the potential monopolisation of the sex industry by brothels.

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Firstly, legalising out-calls from brothels will be a further saturation of an already oversaturated market. Brothels have become a sole operator assembly line creating far too many sole operators via their establishments, thus overfilling the industry, making it harder for all of us to make money, not

just the brothels. We feel that legalising out-calls from brothels will have a huge effect on our current income, which is already decreased by almost half since the legalising of legal brothels for purpose of in-call only.

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Next, one of the arguments from the brothels lobby for out-call services is that sex workers would be safer. Having outcall services from brothels would not make it any safer for the sex worker providing a service as she is still in a room with a man alone. There is no sure thing about your safety when you walk into a stranger's home. As sole operators, we take responsibility for our own safety in several ways: We can have a friend wait for us, we have a phone - phone a contact person to let them know our whereabouts and how long we will be; have a contact person phone us at the end of the service time to make sure we are okay; have a security officer working for us or use back-to-base alarms.

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Sole operators simply need some of these options made legal to avoid prosecution, but we do them nonetheless. Brothels cannot provide sex workers with any more safety on out-calls than what is already available to us everywhere. The safety risk is in fact higher for sex workers doing out-calls from a brothel because the service provider may be left at a premises by the brothel's driver is he or she is running late to pick her up. I'm working on the basis that I didn't realise that it was going to be allowed Queensland-wide and not from the brothels only.

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This is especially so if the driver is running around, dropping off and picking up multiple out-call sex workers. We fear that if our calls are legalised, the brothels would be given a means of making big profits and that will eventually stretch the boundaries and put profit before the sex worker's health and safety.

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Our third point is that it is a possibility that legalising out-call services to brothels will lead to a monopoly of the sex industry by them. The legislation should not be changed to improve the profit margins of the brothels and their power hold within the industry. It is common knowledge in the sex industry that most brothel licensees went into the business, hoping to make a lot of money and bet on out-call services eventually being legalised. We also believe that monopolisation by any one organised group may foster corruption.

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If brothels monopolise the prostitution industry in Queensland, this will seriously impact on sole operators' businesses and may eventually squeeze them out of business or pressure them to work for brothels, which is something which we sole operators are adamantly against. The fact is the majority of sole operators don't want to work in brothels for various reasons such as privacy, autonomy, flexibility in work times, the convenience of working from home and a right to choose which clients to seek. Likewise, there are clients that don't want to use brothel services for many reasons including privacy and discretion.

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When prostitution was legalised in Queensland, expansion was supposed to be limited. They, the brothels, know they have a minority in this industry; they offer no more than 10 per cent of all prostitution services in Queensland and they always will be minority.

Next question: Should Queensland legalise independent escort or out-call agencies? No, it should not be legalised as we believe it would be difficult for agencies to be monitored properly by the authorities. There really would be little way to police these agencies by QPS due to what we are guessing would be a lack of manpower, because this is one of the reasons why the current illegal Asian market and other illegal outcall agencies have not been cleaned up in Brisbane.

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A good portion of sole operators in Brisbane do the right thing by the law - well, the law as they understand it as it's not very clearly written and has some very grey areas. Education is something that has been severely acting in the sex industry across the board. Focus on education for all sex workers and actually getting the information out to them about the law should be a high priority so that they can comply, thus helping QPS focus on more serious sex industry criminals.

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So in closing we, the sole operators of Brisbane say no to escort or out-call prostitution services for brothels at this time. We, the sole operators, also say no to independent escort or out-call agencies at this time. Also in your consideration of changing the legislation, bear in mind that there are more women working as sole operators in Queensland than there are women working in licensed brothels. We feel that help in regards to the legislative changes should also be directed towards the sole operator sex workers in the near future, just as you are considering these changes here today.

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I appreciate your attention and the opportunity to speak here today. I am a sole operator sex worker and I am proud of who I am and of what I do. And please keep in mind there are many hundreds more out there like me in Queensland. We are the majority in the sex industry; don't forget about us. Thank you.

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CHAIRPERSON: Can I ask you, what percentage of the normal workers, such as yourself, work would be out out-calls as opposed to in-house?

NIKKI: Okay. Well, I was only a full-time in-call - only offered in-calls full-time for the last - three out of the last four years. It's only in the last year that I've actually personally started doing outcall services because my income considerably dropped once brothels opened for in-call services.

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CHAIRPERSON: Mmm-hmm.

NIKKI: So the percentage now, in ratio, I'd say I do about 25 per cent of out-call services.

CHAIRPERSON: Twenty-five outcall?

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NIKKI: Twenty-five per cent of my business is outcall services, yes.

CHAIRPERSON: And what about the others that you have contact with and know, the ones that regularly do outcalls more?

NIKKI: In this group that I speak of today, there are some that actually exclusively do out-call services only.

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CHAIRPERSON: All right.

NIKKI: They fear that their business is obviously going to be disrupted by legislation change. The rest of them, probably around the same or maybe a little bit higher, because I - like I said, I've only just started doing it myself in the last year, so I've yet to build regular clientele properly.

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CHAIRPERSON: And you rely upon advertising?

NIKKI: Yes.

CHAIRPERSON: To get you regulars?

NIKKI: Yes.

CHAIRPERSON: Once they're regulars, of course.

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NIKKI: Yes. That's right. Yes.

CHAIRPERSON: And is that in the newspapers, or-----

NIKKI: Newspaper and the internet.

CHAIRPERSON: Right.

NIKKI: And Yellow Pages, sorry. Yes.

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CHAIRPERSON: Okay. The out-calls that you get - are you able to give us any idea of what percentage of those would be into, say, a hotel/motel as opposed to into a private residence?

NIKKI: It would be a 50/50 split. Definitely.

CHAIRPERSON: Is there any - is it more dangerous or less safe for you to go to a private residence than say, into a motel or hotel?

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NIKKI: I personally feel that yes, private residence are the more dangerous because of the size of the residence - there's more rooms - people to lurk in, hide in so that you can be jumped and jacked once you walk into the premises. Yes. You don't know who's on the premises. I do make it - I personally make it a condition that when booking, that there are no other people on the premises when I come out there. Mmm-hmm. And if there is, I leave immediately. Mmm-hmm.

CHAIRPERSON: All right. You told us that some systems that workers used to protect themselves, of-----

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NIKKI: Yes.

CHAIRPERSON: -----having a friend-----

NIKKI: Mmm-hmm.

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CHAIRPERSON: -----who knows where you are, phone contacts-----

NIKKI: Mmm-hmm. Yes.

CHAIRPERSON: You said a back-to-base alarm?

NIKKI: Back-to-base alarm? Well, you can have an alarm system that'll go back to a person or go back to a security provider.

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CHAIRPERSON: So - what, is this like a pager thing?

NIKKI: Yeah. A pager. Yep.

CHAIRPERSON: You can press it and it-----

NIKKI: Mmm-hmm.

CHAIRPERSON: -----sets off an alarm back somewhere.

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NIKKI: That's right.

CHAIRPERSON: I see. And do you then rely upon that person say calling the police or is it-----

NIKKI: That's right, yes - yep.

Okay. And have you ever had occasion to have to use that?-- No.

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All right. Any recommendations then that you would make to enhance the safety of sole operators doing outcalls?-- Ah, obviously being able to have a friend, relative, legally be able to be with us - or like, not on the premises but in the car with us that would be - would be very helpful and of course like we already know it's illegal to call someone but we do it anyway, that would be nice to be able to have that legalised, yep.

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Mmm?-- Just so that someone knows where we are and if we don't check in on time then they can either call us or call the person's premises and if that phone is not answered then call the police.

Yes?-- Mmm-hmm.

I assume from what you say about the way the money has fallen off that it wouldn't be really feasible to be employing a receptionist for a sole worker; that you'd have to rely-----?-- Yes, it would be-----

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-----upon a friend doing it?-- ----- because currently if I'm in an hour or two hour booking I'm not sitting there taking appointments for my next free available time so that means I'm losing business because I have to answer the phones myself and I'm - I can't do that not while I've got a client. I do understand there are some ladies that actually have the mobile phone attached to their ear while they're you know - in the act of their service which clients seem to complain about publicly.

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Complaints about mobile phones in restaurants, I've never heard of that one?-- Well, now you've heard it all.

All right. So the employing a receptionist or someone to act in that sort of answering the phone both for new clients or - and for safety aspects?-- Yes, that's correct.

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Can you just tell us briefly why you choose to work as a sole operator rather than to go into a licensed brothel?-- Myself personally; I choose it so that I can start work when I choose to start work and finish work when I choose to finish work. I prefer to keep my money to myself not share it with an organisation or with other persons. I prefer to work from home; I - obviously because then with quiet times I've got things to do at home that, you know-----

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Mmm?-- -----quiet times when you're sitting in a brothel because I have actually worked in brothels in New South Wales and Western Australia and you're just sitting around; you're doing nothing so it's kind of not constructive and it's not very good stimulation mentally so at least at home there's other things to do so, yeah, no I prefer the freedom of working for myself, yep.

Right. Would there be many sex workers who might transfer into a brothel if they were able to do the escort work from a brothel and without having to go in and sign on at the beginning of the shift and sign off at the end?-- I don't believe so; not the ones that I've spoken to.

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No, those that value their independence-----?-- That's right, they-----

-----that stay out?-- -----prefer to be independent, yep.

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Okay. Do you accept that there are what - I've been using the term "illegals"-----?-- Mmm-hmm.

-----who use the sole operators in effect as a front?-- Yes.

And what suggestion do you have, if any-----?-- Mmm-hmm.

-----that would enable policing of that to enable that to be stopped but still not to impact upon the ability of the sole operator to operate?-- Okay. Well, I recommend definitely that QPS pay attention to some of the complaints that are directed in their way because I personally have made complaints about certain persons advertising in the newspaper and those advertisements are still there day after day, week after week and they haven't been cleaned up and they are illegal agencies-----

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What sort of advertisements are these?-- -----but - advertise as a girl's name. So they'll advertise - I won't use an example because my tongue wants to slip out the actual illegal one so - but they'll advertise about someone, you know, outcalls only, seven days a week, 24 hours a day, phone number, you know, so they're generally the ones that are - are operating illegally.

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It's fairly obvious that it's not a sole operator?-- You couldn't really tell from the advertisements; you'd have to call around. I mean, some of those advertisements if you actually do call because I actually had my husband call one - this particular one just to confirm because I'd had a complaint from a client about this particular illegal outcall operation because he got bad service. You can call up and they'll offer you a - multiple girls. They'll offer you a choice of women so yeah, it's not that difficult to find out who is actually operating illegally through The Courier-Mail, yep.

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The discussion we had this morning about advertisements, if the newspaper were required to see say a card from the worker-----?-- Mmm-hmm.

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-----and then to have the number - registration number on the advertisement. In other words, that the worker would have to have a card say issued by the PLA which could be done under a pseudonym but have photo identification?-- Mmm-hmm.

Would you see workers objecting to that?-- Ah no, I don't. Most sole operators that I - I actually participated with SQWISI in the - with helping with their - their compiling their information on a survey and most operators - actually I think all the operators - oh, no, one didn't - one said no out of all the people that we surveyed whether they would consider registration and they all said yes for the purpose of advertise only - advertisements only, yes.

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And advertise - registration with their name was actually recorded at the PLA but perhaps not put on the card?-- The work name - the work name, yep.

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Well, the work name on the card-----?-- Or business name, yep.

-----but what about at the PLA to be in confidential register? Would there be an objection to the actual real name going into that?-- From my personal opinion I have no objections to having my identity given to the PLA but there will be a good

portion that won't - wouldn't like to have their private details simply because, like I said, to this - the sex industry is a private industry so operators are private. A lot of families don't know that they're-----

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Sure?-- -----Mum's work and stuff like that but they work so that they can support their children. I have a, you know, friend who's got an autistic child so this is a convenient occupation for her to - to be in so, yeah - no, people like that, no they wouldn't because they're also dealing with Government agencies in regards to aid on certain things, yeah.

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Yes. Well, I certainly took note of what Ms Fawkes said about the woman who had difficulties at the Family Court-----?-- Yeah.

-----from having-----?-- So that's an issue, yes.

Yes, yes. All right. The - are you able - and you might not be able to answer this but you say there's a very large percentage of the industry - three-quarters of the operators you said are sole operators?-- Mmm-hmm.

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But are - is that really correct that three-quarters-----?-- That's rough statistics.

-----are sole operators or-----?-- Yeah.

-----sole operators who work for an illegal agency?-- Well, if you judge by - well, that's hard to deem, isn't it because if you judge by the advertisements in the newspaper, we're all sole operators but obviously, yes, there's a portion in there that probably are illegal operators.

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I see?-- But again the term "illegal" is like the lady from Scarlet Alliance said, you only step outside that box in one direction or whatever and you're an illegal operator.

Yes. No, well, putting that aside-----?-- I mean, technically, you know, I have - I call a friend when I do an outcall; I'm an illegal operator.

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Mmm. Yes - no, if I can put that aside and forget that sort of - what I might regard as a minor breach-----?-- Yep.

-----and look at it more as the illegals-----?-- Yeah.

-----the operators-----?-- The serious illegals, yeah.

The serious illegals?-- Where there's multiple girls working for one person.

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Yes?-- Yeah.

Yes?-- Yeah, that's going to - that's very difficult - very difficult.



CHAIRPERSON: All right. The idea that I mentioned this morning that - it's purely just an idea that came into my head, whether there could be two or three, and I say women - I acknowledge that not all sex workers are women but if I can just use that.

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NIKKI: Yes.

CHAIRPERSON: If two or three women were to be given a form of licence, somewhat less than a licensed brothel licence whereby they could work together and they were the only one who could provide services from that escort agency, would you see any pluses or minuses in such a concept?

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NIKKI: No, it would be a good thing, yes, because the majority of sole operators would prefer to work with another worker in some manner as long as, obviously, it's cost effective for us, yes.

CHAIRPERSON: Okay. What about licensed brothels can only be in industrial areas.

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NIKKI: Mmm.

CHAIRPERSON: A situation like that whereas it's only out calls, if it was out calls only, no in-house, there might still be problems of doing it, say, from some residential areas but the sort of upstairs-type office in a suburban shopping centre - you know, the cheaper rent offices upstairs.

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NIKKI: Yes. I suppose commercial could be a possibility, yes, commercial - instead of being industrial because, obviously, industrial is far more expensive to gain property in it.

CHAIRPERSON: Yes.

NIKKI: So that could be a possibility.

CHAIRPERSON: Would you see that as being attractive in any way to the sole operators to enable them to work in a way that was safer and better for them?

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NIKKI: In a commercial premises, no, no, because you're back to, like, massage parlours above the pubs, sort of thing, so, no, that wouldn't be attractive at all, so-----

CHAIRPERSON: But you think they'd still prefer to work just from home?

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NIKKI: Still prefer to work from a residence, yes.

CHAIRPERSON: I've heard suggestions that some in fact don't work from their home because of children or whatever.

NIKKI: That's right.

CHAIRPERSON: That they rent another unit.

NIKKI: That's right.

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CHAIRPERSON: And go there and use that other unit; is that correct?

NIKKI: Yes, that's correct. Yes. I don't do that, but, yes, that's correct, yes.

CHAIRPERSON: No. And is that for in-house then or do they-----

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NIKKI: Well, in and out.

CHAIRPERSON: In and out.

NIKKI: If the girl is doing both, otherwise it could just be in calls for some, yes, but it would be - there would be no point to a girl renting another apartment just to do out calls from - you know what I mean. She could do out calls from home.

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CHAIRPERSON: Home, yes.

NIKKI: Yes.

CHAIRPERSON: Yes. All right. Okay. I have no further questions. Thank you very much.

NIKKI: Thank you.

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CHAIRPERSON: We might have a brief 5/10 minute adjournment.

THE HEARING ADJOURNED AT 2.13 P.M.

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THE HEARING RESUMED AT 2.25 P.M.

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MARGARET ISAACS, REGISTRAR,  
PROSTITUTION LICENSING AUTHORITY

CHAIRPERSON: Now, our next presenter is Mr Mark Counter, the Acting Manager of HIV Aids Hepatitis C and Sexual Health Communicable Diseases Unit in the Queensland Health. But, Mr Counter, we might just before we go on to yours, it's been suggested that perhaps we should hear from Ms Margaret Isaacs who is the Registrar of the PLA to assist us in this issue that's raised about advertising. Are you able to give us some guidance, some help in that regard?

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MS ISAACS: Yes, I am. Over the last three to four years, the Authority has been conducting a media surveillance program where we regularly review at random prostitution advertising throughout the State, and over that period of time we've formed some very good close working relationships with some of the regional and major newspapers.

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What's come to our attention is that - my understanding is that there's a number of illegal operators who purport to be sole operators, and because the same people at the newspapers are taking the advertisements, they get to know the working names of the girls and the phone numbers of some of the workers, and from time to time it's not unusual for us to get phone calls from people running classified advertisements to call us up and say that an individual has attended the premises to place three or four different advertisements for three or four different workers and pay by cash.

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They are suspicious that these advertisements aren't for single or sole operators because they either recognise the name and the phone number from previous advertisements or the advertisements that they're running are very similar to advertisements printed by sole operators. So, they'll ring us up and say that, "We consider these to be advertisements for prostitution services and we've recommended that these people come to the Authority to get their advertising approved."

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Where the problem is is that once we have a conversation with these people and they advise us that they're not providing sexual services, then we are no longer required to consider their advertising and approve it. So, what the publishers have done is actually get those individuals to sign a statutory declaration to say that the advertisements are not for sexual services, they're just for social escorts. Where the competition becomes a bit unbalanced in respect of legal prostitution services and illegal prostitution services is that a long of them actually appear under the same column headings: for example social escorts and other agencies, much like the Yellow Pages.

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So, where the Yellow Pages will have the licensed brothels with their approved advertising printed, will have sole operators advertising who have their advertisements approved and printed, and then along side those two advertisements will be numerous other advertisements who purport to be social and have signed these disclaimers to say that they don't offer sexual services.

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CHAIRPERSON: Do you ever pass those sort of suspicious ones on to the PTF, the police?

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MS ISAACS: Yes, we do. Any suspicious advertisements or any advertisements appearing outside of the PLA policy guidelines are formally referred to the Prostitution Task Force or by way of complaint.

CHAIRPERSON: Can I ask, in the newspapers, what column headings do these sorts of advertisements come under?

MS ISAACS: All very different. There's really no general consensus amongst the regional or local newspapers as to what columns they should appear. Although, I do know that there are some newspapers who insist on licensed brothels going exclusively into just licensed brothels advertising, and because we have only a small number of licensed brothels, they sometimes tend to disappear amongst all of the other prostitution advertisements appearing under social escorts or escorts.

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CHAIRPERSON: All right. And in the Yellow Pages under what sort of categories?

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MS ISAACS: The PLA sought to have several meetings with the Yellow Pages consultants, and we actually got the column headings changed to allow Yellow Pages to include licensed brothels in the areas where other prostitution services are published. So, from memory, I think the general column in the Yellow Pages is now social escorts and other agencies, and it's the addition of the other agencies that allows the licensed brothels to advertise in that column.

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CHAIRPERSON: In some ways, it might be better if they were off totally by themselves as being more the licensed ones away from the others.

MS ISAACS: Yes, I suspect that if there were a lot more brothels and the column was a bit bigger and the advertisements are allowed to be - you know, compete with the size of some of the other advertisements which we suspect are from prostitution services, and that may be the case, but at the moment it doesn't appear to be.

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CHAIRPERSON: All right. From your viewpoint as the Registrar of the PLA, the practical hands-on side of it, how do you see the situation of the possibility of having these photo ID cards perhaps just in the pseudonym, not in the real name, and that the person has to be able to produce one of those before the newspaper can accept an advertisement?

MS ISAACS: I can see that that would relieve some of the issues in respect of advertising at the moment, but unless there was legislation to prevent someone getting several workers to go to the PLA to become registered and then managing or organising them, and also the fact of weighing up the benefits of how many sole operators we're going to lose because they don't want to provide identification to us, so it will be a matter of what the benefits would be from that, as opposed to how many workers you're likely to drive underground.

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CHAIRPERSON: Yes. But would the PLA, would you see any difficulty for the PLA to be able to have a registration system that did not have the real names on it, was just in effect a registration of pseudonyms?

MS ISAACS: Well the preference of course would be for the proper identification of that.

CHAIRPERSON: Yes.

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MS ISAACS: I mean we don't live in an ideal world, so if it was the case that we had to deal with just the working name, then I think that the PLA, given the appropriate resources, would be able to manage that. I have had from time to time conversation with publishers, who had said that it would be a lot easier for them if there was a register that they could refer to-----

CHAIRPERSON: Mmm.

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MS ISAACS: -----if someone comes to place an advertisement and if they're not on that register, then they don't get the ad published in that particular area.

CHAIRPERSON: Yes. Yes, exactly. All right.

MS ISAACS: Okay.

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CHAIRPERSON: Thank you. Thank you, Mr Counter, if we can hear from you now, thank you.

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MR MARK COUNTER, ACTING MANAGER, HIV/AIDS, HEPATITIS C AND SEXUAL HEALTH COMMUNICABLE DISEASES UNIT, QUEENSLAND HEALTH:

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MR COUNTER: Thank you. Queensland Health has provided already a submission to this inquiry and I won't go back in great detail over what's provided there, but there are a couple of comments I'd like to start with. Some are in relation to things that have been said earlier today and one thing I would like to have on the record is that the response to the sexual health of sex workers in Queensland has been exemplary and I agree with the speaker from Scarlet Alliance, that Australia's been very lucky, in that the sex industry has been incredibly cooperative right since the very early days of the HIV/AIDS epidemic and this is really where a lot of this work started, funding of agencies, such as Scarlet Alliance and SQWISI and in the gay and homosexual communities, AIDS Councils, injecting drug users agencies - it's been an incredible level of cooperation from all of those agencies and I would certainly support the work that's been done here in Queensland and whilst we don't have good data on the rates of STIs in sex workers, we know that they are extremely low and likely to be less for the equivalent age group population, so if you were to meet a sex worker aged 15 to 25 - well, sorry, I shouldn't say 15 - but 16 to 25 - that's our - they're our age groupings that we use, but if you were to meet a young person up to 25 years old, the likelihood is that someone working in the sex industry would be less likely to have an STI in their age equivalent population and that's largely because they do participate in sexual health checks and they see it as part of their industry and there's been a high level of support and cooperation, so - I wanted to make that point to begin with.

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Having said that - and the other - sorry, there is another issue that I'd like to point out and that is about harm minimisation. One of the important things, I think, for the - for this discussion, is that - just as with illegal drug use, there have been many debates and in fact the US continues to have the difficulty around whether or not needle exchanges should be provided for injecting drug users and has a high rate of injecting drug use.

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Australia has one of the lowest rates of injecting drug - sorry, one of the lowest rates of HIV infection related to injecting drug use in the world, because of the harm minimisation approaches that we've taken and I think that that's the same approach that we need to take to the sex industry, that is that we need to have a harm minimisation approach.

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So debates about whether or not sex work should be legal or illegal from our perspective are somewhat outside the question. The question is how to make it as safe as possible for both the workers and the population, accepting that it will occur regardless. So the debate about whether it's -

should be, you know, whether you make prostitution legal in Queensland I think is one that we wouldn't want to get into, rather that it should be made as safe as possible. So it's a harm minimisation approach that's important.

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Having made those two comments, we believe that the current licensed framework for brothels has worked well for Queensland and that the requirement for health checks has been important for both the workers and for the health of the public. We have had difficulties with the concept of six weekly health checks and have recommended that they be changed to three monthly and I believe this is under consideration at the moment and we think that that's consistent with the national framework around the frequency of checks for sex workers as recommended by the Australian chapter of sexual health physicians and certainly would be consistent with our views around the need for the frequency of screening of sex workers.

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There are a lot of questions in the CMC discussion paper which Queensland Health chose not to answer, because they don't - we don't - see themselves as relevant to health, so I am going to limit my discussion to just a couple of those issues and that's certainly around the frequency of health checks and the value of them.

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So in the context of talking about the escort industry, we believe - and again we don't want to make a comment about whether the escort industry should be licensed or not - but if in fact it provided some health benefits, both to the sex workers and to the overall population, we would support the licensing of the escorting industry, if it was consistent with the same sort of health check provisions being included, so that all licensed workers - all work - sorry, all workers working from licensed premises in Queensland, would have the same sort of health check requirement, so we would certainly be supportive of that.

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One of the other questions in the inquiry was - oh, sorry, in the paper that we were asked to comment on, was whether or not we felt that escort services would be better provided from brothels or from stand alone agencies. We're of the view that - and again supporting something one of the earlier speakers said - that there is advantages in peer education and we would be concerned, I suspect, if sex workers were not able to access other sex workers and be able to benefit from that peer support and peer education, which has been one of the hallmarks again of Australia's success in the area of the HIV/AIDS epidemic and funding programs to support peer education.

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We put a lot of money in Queensland into similar programs for people living with HIV/AIDS, for instance, where we encourage peer support - gay men, injecting drug users - all those agencies are funded to do similar types of work and we would encourage the idea that sex workers would come together and benefit from peer education models.

So if, for instance, escort services were to be provided from shop fronts, I think I called them cyber offices, in my submission, we think there would be some loss there. It would be much easier for agencies to provide some sort of training, if in fact the workers were to come together at various times or to have a place - a central place - that they were to work from.

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So - there is a question about where the market forces should apply in relation to the number of workers; we would agree that there have been concerns raised to us in our capacity about workers being asked to work long hours and double shifts and those sorts of things and we would think that the number of workers shouldn't be regulated. It should be market force driven and that there should be provisions in there to ensure the health and safety of the workers - or sorry - that the number of workers were sufficient to meet the demand and that there were no requirements placed on the workers to meet - to work over extensive hours.

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There is one other issue that I would raise in relation to the health checks and that is simply about if - if the escort agency was to be licensed and therefore potentially a large number of workers were to come in under a legal framework and therefore potentially come in under a requirement for regular health checks, there are difficulties with the current screening systems in Australia.

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Medicare doesn't provide for screening. You cannot go to a GP and be screened for anything. You have to actually go with some sort of symptomatic disease and that - it's not the only problem - that if you have a sexual health check there, the current requirements under Medicare are that you can only have three tests. It's called coning and a maximum of three tests can be charged to Medicare.

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Now, in the case of a proper sexual health check, three tests is vastly inadequate and therefore, a fair percentage of workers who want to undergo a quality sexual health check will come to a public clinic, such as the ones run by Queensland Health, because we don't have any of those sorts of limitations.

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If the escort agency was to be licensed and escort workers were to come under a legal framework requiring them to have health checks, we would expect to see a fair proportion of those workers coming in to the public system and that would place a pretty - a fair burden on a lot of the clinics and in some cases, they just wouldn't be able to meet that capacity, so there would be significant cost implications for Queensland Health if this was to be the case - not - not to say that it wouldn't be something that we wouldn't want to do, but it would just have significant cost implications, simply because the alternative of going to a GP just doesn't work for a lot of workers.

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It's a fairly difficult area for us to - to comment on as I say because we have two - two issues here. We're looking at the - obviously the health and safety of the public, we're also looking at the health and safety of the workers, so, I'm not sure that I want to say a lot more than that. Certainly, there maybe some benefits to workers if they're working from an escort - where we believe there would be benefits to an escort worker working from a licensed brothel in that there would be some extra safety. People would have credit card numbers, they could be issued with safety devices, they could be trained and I think training is one of the key issues here. If a sex worker is going to be working from a home or from a motel, the issue around safety does become much more - much more of an issue and - so training then becomes particularly important, infection control if there 's going to be bondage practices, understanding how to properly use universal precautions and disinfect equipment and toys and bondage equipment is really important and so we would want to see - already there are training provisions in place but we would want to see that as an important part of any - any change to make sure that workers working in that industry had undergone some form of appropriate training so that if they - particularly their own safety and universal precautions, those sorts of things.

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I think that's really all that - that's really all we put in our submission because most of the other issues are not really relevant to - to the Health Department but I'm happy to answer any questions if you have any.

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CHAIRPERSON: Okay. Thank you. The - the latter part thing that you mentioned if I can deal with that firstly, the BDSM, I raise that with, one, I think it was with Ms Matthews and she seemed to accept that that really should be just done in house, so, would you support, if there was going to be a recommendation going forward to government allowing out calls that it not be inclusive of BDSM work? In other words, that should, if that's going to happen, it should only be done in house? For health reasons, that's all I'm asking you on of course.

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MR COUNTER: I think the only thing I would like to say that if it was going to happen that there needs to be training and I agree with Cheryl that one of the difficulties is around the training. There are some things you can train, for instance, we've just worked on a program that's available online for sex workers but there are limitations to that sorts - those sorts of training, so, I think there are difficulties around the degree of education. I think that those sorts of things would need to be trained in a face to face setting and there may not be appropriate for online type-----

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MS MATTHEWS: There's quite extensive training on the-----

CHAIRPERSON: I think you might have to come up to the microphone, Mrs - Ms Matthews.

MS MATTHEWS: To do BDSM work and I think Janelle would agree with me here, to become a mistress or master, as I said before, it takes quite extensive training when you're looking at inflicting whippings and things like that you have to be extremely careful and you have to be sure that your clients aren't going to have a heart attack on you as well, so, you have to be quite well trained and that's not something that I believe that anyone can really offer. I think as far as training is concerned, you have to be trained by a - a mistress or a master in that field for quite some time.

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CHAIRPERSON: Yes, but that's on the training issue, it's just a question of whether if we were to make a recommendation that escort out-call services be allowed, should we put in on the basis that it not - those out-call services not involve BDSM?

MS MATTHEWS: Well, that's - I mean some clients may have a dungeon of their own so I mean if the setup's there, I mean, it's quite difficult - yeah-----

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CHAIRPERSON: I didn't realise people have their own dungeons.

MS MATTHEWS: But, you know, like, things like - it depends whether the actual act's taking place, I mean, and things like that. You have to be really, really careful. I mean you can't say, well, you can do out calls and not do this. I think if you're doing out calls, you're doing out calls.

CHAIRPERSON: I see. Perhaps if we were to make a recommendation we'd leave that in the hands of the PLAs who make it a condition of a particular license.

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MS MATTHEWS: It's up to the PLA.

CHAIRPERSON: There are a couple of other - thanks, Ms Matthews.

UNIDENTIFIED SPEAKER: Could I just address that one point-----

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CHAIRPERSON: I think I've perhaps worked out that the easy way out of that is to leave it in - if we were to go that way, leave it in the hands of the PLA.

MS FAWKES: I agree with what's been said here today that there is extensive training needed and in the area of BDSM but I think we have to not forget that there will be mistresses or masters or people who have had extensive training in the area who will come and work in Queensland from other States and so if we make it a blanket ruling where it cannot be provided on escort then we're cutting out those people who - who the training issue doesn't come into account for. The other issue I think that needs to be raised is if we're talking about BDSM, there is no simple definition of what that includes and a lot of the regular services that individual sex workers provides when they take their kit or their bag out on escort includes use of tools and small aspects of B & D, so, I - I would be very concerned if we tried to simplify this issue and

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just make a blanket ruling that BDSM cannot happen on escort.  
That is not workable for the industry.

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CHAIRPERSON: Okay.

MR GLEN POULTON: Yeah, I'd just like to say that  
[indistinct]-----

CHAIRPERSON: Well, we need to record-----

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MR GLEN POULTON: [indistinct] dungeon out of any house I walk  
into would [indistinct]

CHAIRPERSON: Okay.

MR GLEN POULTON: It's going to take a lot of training to get  
anywhere near half professional to get on escort services  
[indistinct] and prostitutes won't get out and do it.

CHAIRPERSON: Okay. Thank you.

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MR GLEN POULTON: [indistinct]

MR COUNTER: I suppose Queensland Health's position would be  
that regardless of whether it's bondage or whether it's just  
prevention of sexual health services - you know, a sex work  
service, there is a level of education that we believe would  
be required simply identifying STIs for instance and, you  
know, whether someone has a - potentially has an STI, that  
requires some training and then all the way through to, you  
know, provision of safe BDSM requires training, so, I think  
our position would be that that just as with any sector, you  
wouldn't start any job and not have some workplace health and  
safety training if you were starting in a factory or somewhere  
else, I think that this should be considered in the same way  
and that sex workers - that one of the things that we would  
like to see is that it become a condition of employment is  
that some degree of education - just basic education about  
safety and understanding safety and orientation to the premise  
and what - what maybe the safety features that a particular  
brothel or service might be able to provide and how to use  
equipment and how to, you know, infect, those sorts of things.

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I think they are - they should be minimum requirements of the  
industry and we are working that way but I don't believe that  
that - I think if the escort industry was to be licensed I  
think that becomes all the more important because those  
workers are working in - in settings where they don't have as  
much control for instance as a brothel that might have the  
infection control equipment handy and, you know, those sorts  
of things. So - so consistent with - with providing the  
degree of safety I think that there would need to be some  
recommendation or requirement that those workers undergo some  
sort of basic training. They maybe already know it but I  
think for their own protection and just renewal, that that  
would be a valuable thing.

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CHAIRPERSON: But those would be matters that I would imagine would normally be covered under the conditions of the license-----

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MR COUNTER: Yes.

CHAIRPERSON: -----issued by the PLA.

MR COUNTER: And that's where they should sit.

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CHAIRPERSON: Yes. All right. The - you talked about the advantages in peer education, how does that work though, if at all, in the present situation and if it doesn't, should there be changes made to the present situation to better enable it to work to the sole operators?

MR COUNTER: I think it does - I think it is a difficult area for sole operators and it - it's not unlike other areas that we come across where there are difficulties because people don't necessarily want to mix and meet with each other and injecting drug use is a similar area. We have a great deal of difficulty getting support groups together or work, you know, peer groups together for injecting drug users. I mean, they may congregate in very small groups but don't want to be part of anything much larger. I suspect it's much the same in the sex industry, that people might congregate in smaller groups and it's one of the challenges for an agency like SQWISI to engage workers in any sort of group - group work.

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I think that the opportunity for - for a licensed brothel would be that if a number of sex workers were coming together and they knew that there was the opportunity to participate in a training session for instance at 7 o'clock on, you know, Tuesday night we're going to have someone here to talk about this, and you could get potentially a number of workers together and they could talk and they could sit and discuss things with each other and have the benefit of professional training, that might be one way that you could do it. Wherever that has worked, it's certainly one of our major strategies around educating men with - or people with - living with HIV Aids how to negotiate safe sex for instance. It's a very difficult thing for someone with HIV to have to tell their sex partner that they have HIV and so to actually educate them and teach them ways to manage that, manage the rejection and manage the difficulties a peer based model is the best way of doing that because people will believe what the other person says and I think that the opportunity for sex workers to say, well, how do you handle that and what do you do and how do you work and what would you do in this situation is actually quite a valuable thing and any opportunity that you had to bring workers together in those formats, I think, is - would be encouraged

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And I suppose that's why we put in our submission that the idea of utilising brothels as a way of bringing workers together because there may not be any other way of bringing them together in a small town like Rockhampton, for instance,

might be a way to encourage more of those peer-based type approaches - education approaches.

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CHAIRPERSON: Yes, all right, thank you. Thank you, Mr Counter. Well, we move on to another grouping of people. It's the Family Council of Queensland First, then CATWA, then the Australian Family Association. So first Family Council of Queensland. So this is Patty Smith, is it?

MS SMITH: Yes.

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CHAIRPERSON: Yes. And Mr Baker, Alan Baker. Is it A-L-A-N or-----

MR BAKER: That's correct.

CHAIRPERSON: A-L-A-N; thank you. All right.

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MS PATTY SMITH and MR ALAN BAKER  
FAMILY COUNCIL OF QUEENSLAND

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MS SMITH: I would just like to say I have a cough lolly in my mouth. I might have to take time out to cough, and K.M. Smith Funeral Directors are parked just around the corner in case we need them. But my name is Patty Smith and I'm the Vice President of the Family Council of Queensland which includes representatives from the Catholic Church, Salvation Army, the Australian Family Association, Drug Arm, Festival of Light, and Endeavour Forum.

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I would like firstly to thank the Commission for giving me the opportunity to speak to our written submission. While I don't propose to debate in depth the rights and wrongs of prostitution, suffice to say that when the legislation was introduced I was the President of the Australian Family Association and had a good deal to do with the discussion of and submissions to the Government.

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I therefore believe it is relevant to revisit the rationale for the regulation of the sex industry and the legalising of what were referred to as "boutique brothels". The stated reasons for the need for regulation were (1) to ensure the health and safety of prostitutes, (2) to eradicate illegal brothels and street prostitution, and (3) to outlaw official corruption.

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At the time of the debate on the legislation I pointed out that the legislation was so restrictive and prescriptive that legal brothels would struggle to survive and that illegal brothels would continue to grow and flourish. It would seem to have been a prophetic prediction given the statement on the 4th of the 11th '03 by Bill Carter QC, the then Chairman of the Prostitution Licensing Authority, when discussing necessary changes he believed to the legislation. He said, and I quote:

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"The financial expectations of the investors have not been realised."

He warned that the future of the legal sex industry was at risk unless the legal impediments to its growth were removed. Mr Carter further opined that licensed brothels were at a disadvantage because they were (1) limited to one sex worker per room with a five room maximum, (2) unable to conduct house calls forcing many clients to turn to illegal operators, and (3) not allowed to incorporate or commercialise their operations without all stakeholders having a licence.

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Now, I was unaware that when the legislation was introduced, it was meant to meet the financial expectations of brothel operators as a good business opportunity. The stated aims were to ensure the health and safety of prostitutes to get rid of illegal establishments and street prostitution and to

outlaw official corruption, not as far as I am aware to grow the industry.

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In 1999 the heads of Churches in Queensland signed a letter published in the press arguing against the legislation or the legalising of brothels, and those Churches and family organisations argued that when it was shown the legislation was flawed and unworkable, there would be moves by vested interests - re their brothel owners - to water down the legislation.

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This present debate to permit legal brothels the same escort service provisions as their illegal confreres would seem to confirm these beliefs. The good thing from a policing point of view, however, is that if you make an illegal action legal, the crime rate drops accordingly. This, of course, gives carte blanche to the illegal operators already using escorts. It will be very difficult to clamp down on these operations once escorts and out-calls become legal and it opens a real legal minefield in terms of prosecutions.

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I would like now to look at the issue of health and safety or harm minimisation in terms of health, as has been said today. I notice that the submission by Queensland Health states that out-calls and escort services can be regulated by keeping proper records, noting credit card numbers, giving the girls induction courses to identify sexual infections, and having panic buttons.

There is no harm minimisation in terms of safety for out-calls. As far as keeping proper records and noting credit card numbers, this becomes relevant only after a violent attack has happened, and it is necessary to trace the perpetrator. A lot of good that does the victim. The need for a panic button presupposes it will need to be used. Again, a bit late after the fact.

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Today you will hear from a young woman who worked in an illegal brothel. She will speak on behalf of the Australian Family Association. She also worked in escort agencies. She will attest that is the most dangerous place for a woman to work. I will leave that to her to tell her story, suffice for me to say that putting women in this most dangerous of situations negates the very reason the legislation was introduced and simply for the reason that legal brothels should have the same financial advantages as the illegal operations. So much for the social good and protection of workers.

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In terms of health, the use of condoms will be impossible to monitor and control for out-calls. The prostitutes will tell you that if extra money is offered for sex without a condom, many will take the money. Many prostitutes are selling their bodies to pay for their drug habits. Oh but I forgot, the same stringent guidelines will apply to legal escort services as apply to legal brothels and drug-dependent workers will not be employed.

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As Scarlet Alliance said, there is now a hierarchy of sex workers, legal, illegal, and street workers. From a societal point of view, all prostitution is an offence to the dignity of women and a grave violation of basic human rights but exacerbating this by allowing young girls, middle age women, young boys, middle age men I suppose, going on out-calls is going to make it much worse.

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Let us look for a moment at the trafficking industry where young women from other countries are enslaved in prostitution. I raise this issue because I received from his Grace Archbishop Battersby, when he knew I was coming here today, a document outlining the recommendations from the International Meeting of Pastoral Care for the Liberation of Women on the Street, which met in Rome on the 20th and 21st of June this year.

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There were 19 European countries and a number of Asian countries represented. Of course, they have the added problem of illegals coming in and going into the sex industry. Sometimes they don't think they're going into the sex industry; they think they're going for legitimate jobs but they become enslaved.

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The importance of this document from the point of view of this debate is that when supply exceeds demand and when you make something legal which has previously been illegal, demand surely will exceed supply. Young women from second and third world countries will be sourced to supply the demand.

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There have been cases right here in Brisbane where young Asian women are virtual sex slaves.

Finally, I would like to say that just as the original legislation to legalise boutique brothels was unworkable and is as has been proved to be unworkable because only those of good character could apply for a licence. I always thought that was a bit of an oxymoron, actually, that you need to be a good character to run a brothel but I digress.

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Obviously, there will be stringent controls imposed on the licensing of escort services so the same problems will arise. It will be unworkable. There will still be street prostitution because none of these girls will get work in licensed escort agencies because are either too old or too drug-ridden and girls will be standing shoulder to shoulder in our cities and suburban streets.

Licensing escort services will see street prostitution unchanged because increasing, maybe it will become increasing as for those who have no other benchmark on which to base their actions. To them, what is legal also becomes moral.

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Illegal escort agencies will most certainly increase as the operators via with the legal escort op services to protect their financial base. And, again, the legal operators will find they are having to break the law.



And incidentally, don't remain and think that they are not already providing escort services and they now only need the legislation to get it legitimately. They will have to break the law in terms of health and safety to encourage girls to work for them.

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What I find most disturbing about this whole industry is that the legal brothels advertise in the Yellow pages that they are Queensland Government approved. It is like having the government crest prominently displayed over the door of the brothel. Talk about the best little brothels in Brissie.

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In conclusion, let me make the following recommendations: And I made these same recommendations when the legislation was first being debated. Give more control to legal, sole operators in terms of health and safety.

Tighten existing laws and increase penalties for street prostitution and illegal brothels. Act to stem the incidents of opportunistic prostitution to protect growing numbers of homeless youth from recruitment into prostitution. Establish an effective exit strategy for prostitutes wanting to leave.

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I believe the present strategy has been an abject failure. Further, I will be taking the young women I referred to before who will present today who was a heroin addict and who sold everything she owned or stole to feed her habit and then when she had nothing else to sell, she sold her body.

I will be taking her to meet with Archbishop Battersby this month, next week, actually, to discuss establishing a safe haven modelled on the Western Australian House of Hope, established with an ex-prostitute and Archbishop Hickey.

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With the help of the churches, lay organisations and community groups, we would hope to offer a wide variety of services in outreach units, drop-in centres, shelters and safe houses. Training and education programs and where possible, financial help so that they can retrain and get the self-esteem to enter fulfilling employment.

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This, I believe, is being proactive and much better than further liberalising the legislation to further enslave and exploit vulnerable members of our society which does more to diminish each one of us. I get very emotional about this.

And every one of us who says it is okay as long as it it's not our mother, our sister, our daughter and let's not forget the male youth who are selling their bodies. Thank you once again for considering our written and oral submission.

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CHAIRPERSON: Thank you, Ms Smith.

MR BAKER: Could I just make a few points myself, Mr Chairman?

CHAIRPERSON: Certainly.

MR BAKER: Before you go to question time. I - in our submission, our written submission, we've quoted from your discussion paper, the CMC's discussion paper, where you made the statement that you're concerned - you're concerned that legalising escort agencies would result, "In a significant risk that an overall expansion of prostitution would occur."

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And it's implied in that statement that it would be a bad thing if the prostitution industry was to expand. Our objective government policy should have as its objective, reducing or controlling or containing the industry and why is that?

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Well, a few weeks ago, the Family Council of Queensland and the Australian Family Association and the Logan City Council sponsored a lunch in Brisbane, Dr Leydon, assistant professor of psychology and co-director of the Sexual Trauma and Psychopathology Program at the University of Pennsylvania in the US.

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And we brought her to Brisbane and she testified before the US Senate on this issue and I'd just like to just draw your attention to a couple of the statements she made in her address. She said, "Most of the women who work in prostitution have been raped as a child."

Some studies say it's about 60 per cent, some say its 80 per cent. Also being homeless or living in poverty; that's another pre-cursor and finally, substance abusing. Those are the things that precede somebody wanting to go into prostitution.

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She says, "My definition of the sexual exploitation industry is that it's sexual abuse for money. It's not a career. It's not a job. It's sexual abuse in which there's exchange of money." And she goes on and says, "Now, these are behaviours that are innately by their very nature psychologically damaging." By their very nature, they are boundary-crossing. They're invasive. You can't legalise that out of it.

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The pain that this kind of activity produces is tremendous so what are we going to do? We're going to have to numb the pain. We could use drugs to numb the pain of the psychological destruction and many prostitutes are alcoholics and many of them are cocaine addicts and if the drugs don't work, you'd better disassociate.

Now, disassociation is when you are not actually psychologically in your body so if drugs and alcohol don't do it for you, don't be in your body when you are working. Don't be there, it's too damaging to be there. Damage for the prostitutes are depression, post traumatic stress disorder, disassociated identify disorder, substance abuse disorder, eating disorder, low self-esteem, traumatic re-enactment. These are the consequences of working on that job.

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And what we say typically, in this population is that post traumatic stress disorder is far greater than of those people

who are in the frontlines in a war zone. It's worse to be a prostitute than it is to be a soldier. Psychological damage is just inherent in the sexual exploitation industry and it is no way to legalise it out.

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Now, that's just - I want to make that point about the damage that's being done to these women working in the so-called sex industry. That if we are to legalise more of the sex industry, we run the great risk of getting more of that rather than less.

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We run the great risk of expanding that harm to women who are victims, who found their way into the industry by virtue of sexual abuse as a child, homelessness, poverty or substance abuse or a combination of those and we have to think about that.

We also have to think about what legalisation is going to tell the men in this community because Dr Leydon goes on and talks about the demand. Permission giving beliefs. These are beliefs that say that what I'm doing is normal. It doesn't hurt anybody. It's what everybody else is doing. It's uncontrollable. It's innate.

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She says, "Men who use pornography are more likely to go to prostitutes, are more likely to be involved in rape and are more likely to believe the rape myth, that women want it." That's a rape myth. "Are more likely to be involved in non-consensual sex that's coercive or deceitful."

Now, here's something else that increases that permission-giving beliefs that men have - these are beliefs that it's okay to have sex with anyone whenever I want it and in any kind of circumstance.

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Now, here's something else that increases that permission-giving belief and therefore, increases demand. Legalising it. When you legalise it, you send a message it must be okay. It must be all right. The government said it's legal so it couldn't be hurting anybody because our government wouldn't legalise anything that hurts people so it must be okay. It's just common sense.

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These men who go to prostitutes because it's legal and as Patty said, for a lot of people, their only moral guide is whatever is legal is moral. That's the only moral guide they've got and it - it must expand the industry. When you legalise something, you get more of it, not less.

And so these men, they go to prostitutes, they bring home distorted and perverted beliefs about women as sexual objects to their wives and their families and that damages the entire society.

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Now, we've got plenty of evidence from various jurisdictions that legalising prostitution does expand the industry.

In 1995 there were 100 sexual service providers in Victoria before brothels were legalised. In the space of three years

there were 188, and that was - that's a quote from the discussion paper Review - the Queensland Government discussion paper, Review of Prostitution Laws in Queensland, published in November 1998.

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And then in your - in CMC's discussion paper published earlier this year in March you quoted - you had a comment on the bottom of the front page, "Despite the legalisation of escorts and brothels in Victoria there has been a significant increase in illegal prostitution and organised crime in recent years including child prostitution and sex trafficking." So the problem in Victoria hasn't gone away, it's increased.

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There's numerous examples, and I can give you this evidence, that legalisation or decriminalisation of prostitution does not control the sex industry, it expands it. The sex industry now accounts for 5 per cent of the Netherlands economy. It expanded - it's expanded in the Netherlands, in Holland, by 25 per cent since brothels were decriminalised in 2000.

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The same thing has been true in Germany, in Switzerland. Brothels in Switzerland doubled several years after the partial legalisation of prostitution.

So in numerous jurisdictions we've seen that when prostitution has been legalised the industry has expanded. There's too great a risk, we would submit, that that would be the case in Queensland also. Thanks for giving me that extra time.

CHAIRPERSON: There isn't a legal industry there at the moment. Do you have any suggestions about whether it would be better to have it as a legal industry rather than leaving it as an illegal?

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MR BAKER: Well, our recommendation is that we - we adopt the enforcement model and-----

CHAIRPERSON: Yes, I saw that. You heard the police this morning on that, on the enforcement model, the difficulties involved. Did you have any comments you wanted to make in reply to what the Superintendent said this morning?

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MR BAKER: Yes, it's obvious that the police need a lot more resources-----

CHAIRPERSON: Right.

MR BAKER: -----devoted to - to this. It's very difficult to get convictions, I'm quite sure.

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CHAIRPERSON: Yes.

MR BAKER: And as you pointed out, if they ring and - ring a number for an escort service they may just get the girl rather than operators.

CHAIRPERSON: It's the people behind we want to get, yes.

MR BAKER: Yes. But how do you stamp it out? It's very difficult.

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CHAIRPERSON: Yes.

MR BAKER: But I think more resources need to be given to the police to do the best that they can. We're all - with due respect to what Mr Boyce said earlier, in his submission for the PLA, prostitution always will be with us, it's impossible to eliminate. My response to that would be, so will crime. Crime will always be with us, it's impossible to eliminate. That doesn't mean we should legalise any other forms of crime either. We should do our best to contain and control and reduce these things which damage society, which damage marriage, which damage families, and which had the tendency to, as many studies show, to increase rape in the community.

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There is a myth that many Queenslanders believe, according to the public opinion polls, that legalising prostitution will reduce rape. That's not the case. The research doesn't show that. In fact there's about 10 studies around the world that, when taken together, show the opposite.

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CHAIRPERSON: All right. And did you have some comment to make as well on advertising and how that could be perhaps used in any way to control the illegal industry?

MR BAKER: Well, I think the reason that - well, the main reason was given by the Government for legalising brothels six years ago was for the health and safety of prostitutes, and it's a given, I think everyone here would agree with it, that that's - if prostitution is to take place a legal brothel is the - is the most safe and secure place for it to occur, not in - in an out-call where, for all that the escort worker knows, she could be one on one in a room with a rapist who's just been released from gaol. I mean, how safe is that? So if that's the only "safe" place for this - leaving aside the psychological damage, for this activity to occur, in legal brothels, then why don't we have an advertising regime in Queensland which prohibits all advertising of prostitution except for legal brothels? And then you don't have the worry about is this a sole operator or is this an illegal operator with many girls? I mean, if you look at the Yellow Pages, I mean, I can tell which are the illegal operators just by the wording in the ads and so can everyone in this room.

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CHAIRPERSON: I must have a look at them. All right.

MS SMITH: Can I just say a little bit about - the PLO I think indicated that - the PLO - not the PLO, I'm terribly sorry. The PLA indicated that they would probably need some more resources, that means more funding, and I think Queensland Health also indicated that they'd probably need more resources, that means more funding, and who funds it? I mean, the Government hasn't any money, the taxpayer funds it and it's probably just lucky that they don't get a return on their investment, because then we might find that the poor old taxpayer is being called a pimp.

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I mean, you know, you can't say that you - I thought the licensing of brothels was to pay for all of the regulatory controls, but now, of course, we find that's not so and we knew that it wasn't going to work and I just hope in another five years when I'm probably in a wheelchair by then that I'm not coming back here saying, "We told you so, that the escort agencies would not work, this has expanded, this is wrong," and the whole bit.

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I think the way the Goss Government had it where single operators were legal, can't stop people from selling their bodies if that's what they want to do, and that's the way it should have stayed, instead of decriminalising, legalising, regulating, brothels to make money by - you only have to look at some of them. I mean, they're as flash as chain lightning, some of them, and the poor girls are the ones who are - who are working and - and they're not getting proper recompense, I wouldn't say, if there's any proper recompense for selling your body.

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MR BAKER: One of Patty's quotes from the debate six years ago which I remember well is that - in relation to the law which allowed sole operators to work legally before legal brothels came into being. Was it - it's no more possible to enforce a law against sole operators than it is to enforce the law against enthusiastic amateurs doing the same thing?

MS SMITH: That's right.

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MR BAKER: And so that's always going to be with us, and - but just because we have some illegal prostitution doesn't mean that we've got to throw up your hands and say let's legalise everything, or legalise more of it.

MS SMITH: We're certainly on the slippery slope because next they're going to be wanting to have all sorts of odd things I suppose that happened that probably a good little Catholic girl like me wouldn't know about but we might have to sit around here talking about whether we're going to legislate that they are legalised, decriminalised or regulated.

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CHAIRPERSON: Okay. I think Mr Counter would like to make some comment. Would you perhaps go up to the table?

MR COUNTER: Your Honour, just in point of clarification in relation to the exit and retraining programs that were mentioned. Queensland Health has provided an exit and retraining program in Queensland for the last three years and our assessment is that is a very successful program. It operates through the State. There's been a large number of sex workers who have gone through that program. Some of those people are now at universities as a result of those programs. Many have found well paid jobs.

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The only shortcoming of that program that we understand is that it does have difficulty getting sex workers into drug beds if they do have an injecting drug use problem, that when

a sex worker actually puts up their hand to say they'd like to leave the industry there is a delay in the system at the moment in getting them in and we recognise that delay and that's a difficulty across the program for access to drug beds.

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But where there is no evidence of injecting drug use, then the sex worker exit and retraining program has been largely very successful. A lot of people have had, you know, CVs done; they've had retraining; they've learnt new skills; they've gone to all sorts of things, so - and I think it's probably one of the - I understand it's one of the most successful in Australia, so I just wanted to put that on the record that we have - do have that program in Queensland and it's been working well for some time.

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CHAIRPERSON: Yes. Thank you for that, Mr Counter. All right. We'll move on to the coalition against the trafficking in women in Australia. Thank you. Thank you, Ms Smith, thank you, Mr Baker.

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MS CAROLINE SPENCER, COALITION AGAINST  
THE TRAFFICKING IN WOMEN AUSTRALIA:

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CHAIRPERSON: This is Caroline Spencer?

MS SPENCER: Yes, that's right. Thank you very much for this opportunity to speak. Just by way of introduction of my organisation, CATLA, the Coalition Against Trafficking in Women is the Australian Branch of the Coalition Against Trafficking in Woman International, which is a non Government organisation having category 2 consultative status with the UN Economic and Social Council.

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It works locally and internationally to end all forms of sexual violence and exploitation of women, especially the violence of prostitution, trafficking and pornography. Obviously we're in Australia; we're based in Melbourne and I've hailed from Melbourne this morning so that's my tired eyes in front of you today, but obviously I've come with information from Melbourne and Victoria and our experience of legalisation since 1984.

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So if I could I'd like to first cast the Commission's mind back to one year after the legalisation in 1985 and turn to an Age newspaper Good Weekend article describing the situation that they'd reached by this stage, and if we can remember that escort was legalised along with brothel at this stage.

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So an Age newspaper Good Weekend article in 1985, a year after the legalisation, highlighted that, "The most lucrative and booming side of Victoria's prostitution industry is escort services continue to remain unchecked by either municipal council planning authorities or law enforcers."

I go on to quote, "Escort agencies," the article claimed, "were the main advertisement in tourist literature. Nine out of 10 advertisements were for escort agencies with few of the licensed brothels rating a mention." And then the article concluded that, "The licensing of brothels has actually proved a boon for escort agencies."

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Now, the reason why I bring this quote to the Commission is because I feel Queensland is on the cusp today with this decision. As I think Nikki mentioned, probably the only person to mention here today - and perhaps my immediate speakers before me - that we see a massive revenue injection coming to the industry with the legalisation of escort.

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I don't think we can forget that. This is where the push has come from to legalise escort. Now, with this massive revenue injection, as from the Victorian experience, what we will see is that capital being used to diversify the industry and that will press Queensland authorities into a position of catch up legislation.



You cannot foresee where the sex industry, the prostitution industry is going to take the exploitation of women and their bodies, and certainly the Victorian example's shown that. We've had terrible times - and I know the Commission is very aware of this - with table top and prostitution within those venues, and I know you've obviously looked into this in your adult entertainment industry report as well.

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So the situation will be that massive capital injection into the prostitution industry in the State will diversify the venues, the services. BDSM will be a problem as it is in Victoria right now, and you will never be able to catch up with that kind of legislative - the complexity of - for example, as we've seen today, the complexity of regulating BDSM makes a mockery of the regulated system, and this is the main contention of CATWA today is that you will undermine the validity of your current regulating system if you allow a capital injection which will diversity the industry.

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So I'll move on from that point. I've made that point already. Okay. To put paid to the PLA's assertion - I don't know where the research has come from for this - that legalisation of the industry will not expand the industry in its entirety and that's including the legal industry. We only have to look to Victoria; we only have to look south. We don't have to go to New Zealand. We can see that in 1994 we had 40 brothels, 2004 92 brothels, and this is legal and obviously the Commission or the PLA in particular would be wanting this kind of outcome.

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2004 we see 34 escort agencies and 101 brothels and escort agency licences on issue. This equals 60,000 clients per week using women's bodies in prostitution. And I'll move on to the illegal industry in a minute, but I think the most important statement to make here comes from a very conservative - and this isn't a feminist organisation - a conservative international business forecaster that I know you will know, IBS World, in 1998 conducted a survey into Australia's sex industry and predicted that - and this is quoting:

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"Over the next five years there will be a strong growth in demand in the Australian sex industry due to factors that include further legalisation and decriminalisation of prostitution services across Australia, improved occupational health outcomes which will affect customer perception of STI health risks and an improvement in the industry's image, but IBS World's most critical finding was that it was the size of the sector that was the main cause of industry activity. This had resulted in greater client throughput - and I think the figures from Victoria prove this - and an increase in demand for premium or more valuable services."

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So this is an indication of the diversification that will occur:

"This suggests that the legal and commercial reality of prostitution has meant that Victorian men who may have

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never previously involved themselves in illegal prostitution are now comfortable in purchasing a woman for sexual gratification. Legalisation has created an ever-increasing lawful supply of women for men's use which is heavily marketed to the male consumer."

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And I think this goes to the heart of the CMC's focus on advertising in this discussion, and my organisation's recommendation would be a blanket ban on advertising because of the original aims of for example the Victorian Act which we've become more familiar with that was to contain the industry.

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Advertising in and of itself as - philosophically speaking is an exercise in promotion of a commodity and expansion of the market. I mean, it's - basic business principles would tell you that and I think that's why advertising has to be permitted in the industry. We're looking to containment, not expansion.

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So anyone going to Victoria will tell you that the commercial intensification of commercial prostitution and sex in the State is there and you only have to look to Sexpo, which I think also speaks to your point - sorry, can somebody remind me about the acronym? Sexpo, yes, oh, yes, that's right, yes, sex-----

CHAIRPERSON: Sexpo.

MS SPENCER: It has a longer name, I think. I think 40,000 attendees to that last year and I'm not certain on that so I'm happy to be corrected on that figure. As an advertisement and as a tool of normalisation of prostitution in the community which my counterpart spoke to a minute ago, we see that demand is agitated by such exercises as Sexpo as advertising and as was said, the legalisation of an industry normalises it in the public mind and that will increase demand and that will expand the industry as it has in Victoria. So really I think the PLA's assertion here just needs to be put to rest at this point.

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Now, I'll move on, I've made that point over. I'm happy to talk about the expansion of the illegal industry in Victoria and I have figures on that, but I'll skip now to the five points of my organisation's submission which is, number 1, we take issue with Queensland Health's harm minimisation application in relation to prostitution. It does not equate that harm minimisation in relation to the drugs, which is obviously where this principle came from, can be applied to the prostitution industry and have it worked the same way.

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This is because that the use of women's bodies and the reduction of the psychological state in prostitution in of itself is a physical and mental harm, and I think Queensland Health should begin to recognise that when they talk about things like BDSM in relation to prostitution that perhaps of itself BDSM is a physical and mental harm to the person, and I fail to understand how promoting BDSM and prostitution can be

harm minimisation. This is purely an expansion of harm and I think Queensland Health needs to look at its research on that point.

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Number 2, legalisation normalises and legitimises the sex industry and therefore the harm of prostitution is expanded within the wider community; I've made that point. And then with the increase in men's demand for prostituted women, this expands the harm of prostitution to children, trafficked women, women students and women from abroad more generally.

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Now I would like to point the Commission to a newspaper article that came out yesterday of a survey of prostituted women in legal brothels in Melbourne. I think maybe 260 women were interviewed and that fell at 25 percent of those women were from Thailand, and I'm not making the point they were trafficked but I'm saying that we're expanding industry to sectors of populations that we might as a society be comfortable in having expanded to, putting aside the issue of trafficking for which I have much data as well in Victoria.

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Okay, my final point and I'd like to underline this point, legalisation of escort expand the physical danger and harm risk of escort prostitution to women already working in brothels. The CMC suggests in its report that brothel prostitution offers the most safe and harm minimised environment for prostitution to occur. With the legalisation of escorts, however, and in particular the legalisation model that allows existing brothels to obtain an escort licence, women in brothels will be required to endure the harms and dangers of OHS harms and dangers of escort.

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I remind the Commission of the PLA's 2003 report where it said that 55 percent of women currently in Queensland legal brothels started out their work in the sex industry in legal brothels, so 55 percent. Now the introduction - the adding on of escort to legal brothels in Queensland will mean for the first time this 55 percent of women will be exposed to escort, which they haven't been exposed to before. Now it might have been their choice to get into brothel prostitution because of the supposed OHS safeties and guarantees.

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Now from the submissions that I've heard from nearly everyone in the - on the business side of the industry, it's that there will be no - and in realistic terms there will be no choice for these women to do escort or not. The demand is for escort and to have them having downtime sitting in the brothel, of course they'll be doing escort. There is no choice there and I think to say that there is would be completely unrealistic and I think that that's a direct expansion of harm to women that haven't experienced this level of harm before, and we don't have to look far to find the danger, physical dangers of escort and so in evidence of that in particular I remind the Commission that Victoria has had legalised escort since 1984.

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So what we have at the moment is the best we can possibly do after decades of legalisation. Now the best that Victoria can possibly do comes from the resourcing health and education in

the sex industry website. This is called RED as you would be aware and they post a page called "Safety tips for escort workers". So this is their - after two decades of legalisation, this is their recommendations for women to protect themselves in escort and I think this will be an indicator of how little realistic protections there are of women in escort. I mean in practical and realistic terms there is none.

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Okay, facile suggestions, such as "When you arrive at a male buyer's house, look through the whole house to check for other people, signs of danger and exits. You could say, 'This is a lovely house; would you mind giving me a tour?' or you could ask to go to the toilet and then have a quick look around. Be alert at all times."

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Now, another issue I had with the Queensland Health submission was that they fairly and squarely placed responsibility for OH and S responsibilities on the woman herself. The contemporary OH and S literature, in any other industry at the moment, says that it's not the worker's responsibility to be liable for those dangers; it's the responsibility of the employer to eliminate those dangers from the environment. This, you would have to acknowledge, is in every other industry. That is the contemporary thinking.

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However, we continue to have this model where the Government puts entirely on the woman, responsibility for containing her health and safety. "Be tactful, especially if the situation's becoming nasty. Keep your cool and be honest. Don't" - "and be honest. Don't buy into the client's bullshit. This should help to defuse the situation." I won't go on with this. I'll just give you one more.

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"If in danger, don't hesitate to smash one of the client's windows or his stereo with a lamp, ashtray or anything heavy. This will startle and perhaps even scare the client and it will let your driver know you're in danger and require help" - and I'm not trying to be facetious; I'm just trying to make the point that after two decades of legalisation, this is the best the Victorian Government can come up with.

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Okay, I'll move on. I know my time's nearly up. I fully support the suggestion that the industrialisation of the sex industry, which is what I think we see happening here today, achieved through escort legalisation, also aims to push sole operators out of the industry and a economies of scale achieved by brothels in this way will definitely do that.

I question - and I think the Commission's become obviously focused on the issue of the incentives for the illegal industry to move over into the legal industry and I think this is a two pronged question: number one, will workers move over of course and number two, will the businesses move over?

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I think in the case of the businesses there will be no incentive because of the low overheads that they already have and the admission by QPS that there's little that they can do

to please them anyway. The overheads, the licensing fees that they'll encounter in moving across to the industry will be a disincentive and the competition provided by the legal industry just by legalisation alone, I think will have absolutely no effect on that.

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Number two, the workers moving over, I think that issue's really been solved here today. They won't move over and if there's registration and the catch 22 situation in that is that we cannot have a regulated industry if we don't have registration, so it's the ultimate catch 22 - it can't work - they won't move over. Okay.

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Okay, I will conclude now. So the main points of the Coalition Against The Trafficking In Women Australia are the Victorian model of legalisation has led to the expansion of both the legal and illegal sex industry sectors are utterly in disagreement with the PLA on this point. This brings overall harm expansion, not minimisation for prostitution. In particular legalisation extends the harm of prostitution through the normalisation of prostitution, the recruitment of children, trafficked women, women from abroad and students into the industry to fill demand and we see this happening already.

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Twenty-five per cent of legal brothel women in Victoria are from Thailand. It's there - it's there. Increased revenue - number three - increased revenue and diversification of the industry, leads to a need for catch up legislation and the entrance of organised crime into the regulated sector, therefore regulatory frame - the regulatory framework that was existing is entirely undermined.

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Legalisation of escort extends the inherent OHS dangerous of escort to women in brothel prostitution who haven't experienced them before and just one small point - extra point and I'll finish on this; when the opportunity for brothel owners to have escorts taped onto their businesses allows them further to categorise the women they employ as subcontractors, it muddies the definition of the workers that they have on site even more than it - even more than they're trying to push through now and certainly now there is no recognition by the licensed brothel owners of their employees as employees - there's not - and the tacking on of the escort will make that even stronger for their position I think so - yes, I'll end on that. Thank you very much.

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CHAIRPERSON: Thank you, Ms Spencer. Are you aware of any reason that's being put forward as to why the Victorian legal and illegal prostitution industry has grown so much over the last 10, 12 years?

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MS SPENCER: Number 1, I would say that the initial legislation didn't mandate against table top enough or at all so I think profits were made, number one, through escort and then that was channelled into table top and they made big profits there, and then I think that spelt the end of any

attempts at regulation. I mean, as a lobby group alone they became too strong.

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CHAIRPERSON: Pardon my ignorance-----

MS SPENCER: Sorry.

CHAIRPERSON: -----but by "table top" you're meaning adult entertainment, I assume, are you?

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MS SPENCER: I think-----

CHAIRPERSON: Or is there something else I'm not understanding?

MS SPENCER: I - yes, I probably would say adult entertainment.

CHAIRPERSON: Sorry?

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MS SPENCER: Yes, I think adult entertainment.

CHAIRPERSON: Adult entertainment, right.

MS SPENCER: So striptease venues, yes.

CHAIRPERSON: Yes, yes. Okay, sorry, I interrupted you.

MS SPENCER: Sorry. So that was - that's all right - so that would be the first reason. Oh yes, sorry, a very important reason: by August 2004 Victoria had not yet sorted out who was to police illegal brothels. It was a tussle between the Municipal Councils Association and - well, see, we're under the Business Licensing Authority. We don't have the PLA any more so it was between them and the Municipal Councils Association. That hadn't been sorted out by 2004 so nobody was policing illegal brothels.

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And there was a Court case early on in the piece that said that municipal councils couldn't use private investigators to investigate illegal brothels because their evidence was inadmissible or something like that, so-----

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CHAIRPERSON: So I take it the police in Victoria were not policing it at all?

MS SPENCER: Trafficked women were found in legal brothels in Victoria so there would be some extent of policing, yes.

CHAIRPERSON: Right, for trafficking of women.

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MS SPENCER: Yes.

CHAIRPERSON: All right.

MS SPENCER: I can't answer for sure on that question.

CHAIRPERSON: Thank you very much for your help.

MS SPENCER: Thank you.

CHAIRPERSON: Looking at the time, the Australian Family Association, you will have your turn in the morning. Australian Family Association, Mr Holzworth and Bronwyn Healy. That's Mark Holzworth.

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MR MARK HOLZWORTH and MS BRONWYN HEALY,  
AUSTRALIAN FAMILY ASSOCIATION:

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MR HOLZWORTH: Thank you, Mr Chairman. We intend making this presentation in two parts. I will provide a presentation and then Ms Healy will provide a presentation as well.

The Australian Family Association welcomes the opportunity to present at this hearing and we should establish right up front that we do not target prostitutes in our comments. We respect them as individuals, many of whom we know desire to exit the industry. We consider many of them to be, however, victims.

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The participation of the AFA is only to ensure the enslavement of victims of sexual abuse dressed up as business is not expanded. The AFA, unlike many other organisations presenting at this hearing, has no profit or monetary gain by participating. We believe, therefore, our position to be unbiased about what is in the best interests of Queensland. We seek to represent or we have confidence in as being for the majority of Queenslanders and not for a small fringe element which seeks to exploit misery and shame for profit and personal gain.

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Notwithstanding our vehement opposition to the degrading and humiliating industry identified as prostitution, we accept the terms of reference for the hearing relate to whether out-call or escort prostitution services in Queensland should be legalised.

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Among the AFA's greater concerns is the inability of regulators and employers to guarantee safety and health of out-call prostitutes. The AFA sees it as impossible for a lone woman to attend the home, hotel room, or other establishment where a man or men are and be certain of safety. By the very nature of the services provided, the male client is in a position of power and influence over the woman who will be required to be submissive. Should the client be intoxicated, under the influence of drugs or even under stress, a heightened risk of violence is possible.

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It will not be possible to have police or even security personnel available to protect the prostitute. In the Queensland Government's review of prostitution laws in Queensland discussion paper of November '98, page 20.5.12, Queensland Health indicated there are still issues - this is to quote:

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"There are still issues of worker safety associated with escort agencies because the workers are required to attend at the client's home or at a motel. If the client is dangerous or violent or refuses to wear a condom, the absence of any other workers or managers nearby places the worker at a higher risk than if the prostitution were taking place in a brothel."



We understand that Queensland Health have now indicated as (c) something of a diminished risk. Well, accordingly, we seek to know what remarkable development in personal safety is now available to protect prostitutes from the risks identified by their earlier report in 1998.

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In addition to risks of personal safety are the ever-increasing risk to STIs which arise through the possible non-compliance of clients to wear condoms. It is simplistic to say the prostitute merely refuses to perform the service when a dominant figure is demanding of the service.

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Further, the prostitute is also aware of the expectation upon her to return with the money for the trick so is inclined to do the deed whatever the circumstance.

In fact, we are astonished that there is even a discussion about the permissive capabilities of physical assault called BDSM. Any operator of such is opening themselves to significant personal liability which, obviously, is not able to be mitigated by insurances.

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Though not medically trained or qualified should there be a situation occur which would require medical attention and given my limited understanding of the nature of such activities, there is a high propensity for physical and other damages to occur.

The AFA believes the containment, control and reduction of prostitution in Queensland can be achieved by adoption of a model similar to that of Sweden. Effective January 1, 1999, Sweden introduced the purchase of Sexual Services Act. Sweden took the step following the recognition that the root cause of prostitution is, "The demand by men who assume the right to purchase persons for prostitution."

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In combination with public education, awareness-raising campaigns and victim support, the law and other legislation establishes zero tolerance policy for prostitution. When the buyers risk punishment, the number of men who buy prostituted persons decreases and the local prostitution market is less lucrative.

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Compared to its Scandinavian neighbours, Sweden reports a dramatic lower participation rate in prostitution and violence against women and girls. We were pleased to hear Mr Counter's clarification earlier that Queensland Health has an exit program.

Accordingly, we look forward to analysing the written report to establish the breadth and value of such a program. The Swedish recognises prostitutes are the victim of a sexual invasive crime and accordingly, the purchaser of this service is perpetrating a crime. The perpetrator is the criminal not the prostitute.

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The body of evidence recognising prostitutes as victims of violent and invasive crimes is growing rapidly throughout the

world. Mr Baker earlier indicated the extensive research quoted by Dr Maryanne Leydon of the University of Pennsylvania and particularly, indicated that too often, a pre-cursor to prostitutions entering the industry has been associated with sexual crimes and violence against them often in their formative years. Clearly, exit programs, counselling, community support is an important part of their growth and healing.

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A key in the containment principle of prostitution is advertising. By its very nature, advertising is designed to generate interest and to promote the services as widely and thoroughly as possible of the advertiser. The image of a richly covered steaming pizza approaching dinner time is designed to prompt the viewer to pick up the phone and order the delight.

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So, too, is the advertising of beautiful women in a Yellow Pages ad or the voluptuous woman in the sports section of the Courier-Mail with evocative wording designed to have the viewer pick up the phone and order the delight.

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Should there be no promotion of these services, there will be more limited participation. This will not be good news for brothel and escort service owners, however. It is not the government's place to make it a viable business for brothels, just as it is not to make viable businesses for other social ills such as tobacco companies, abortionists, et cetera where advertising is not permitted.

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In any event, it is common knowledge that prostitution industry survived profitably when it was entirely illegal and no way advertising was permitted in any case. The regulation of advertising of brothels is beyond the current scope of the PLA, in our opinion.

It appears that very loose interpretation of the advertising guidelines is employed by the PLA with too much discretionary capacity being given to the authority. We recommend tighter guidelines reflecting the true spirit of the legislation. A quick reference to the Yellow Pages indicates a - in something of a simplistic sense and, look, I will certainly indicate that my knowledge of the advertising guidelines that I viewed at least on the PLA website, I cannot see how any number of these advertisements comply with the guidelines as stated in the PLA.

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And I think there is too broad an interpretation allowable for the PLA but rather strict and tighter guidelines need to be applied. And independent opinion has suggested that there are possible breaches of the guidelines in the - at least the Yellow Pages ads.

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The AFA acknowledges calls by regulating authorities to achieve better resourcing for the regulation of the prostitution industry. We support these calls and propose that a user pay system be introduced. That is, instead of all Queenslanders having to foot the bill for greater regulatory

resources into an industry used by a minor percentage of the population, a tariff system be introduced whereby prostitution businesses pay a percentage of gross revenues towards regulation. This incentivises the industry to remain cleaner for longer thus meaning the regulatory resources are not as extensively required sooner.

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Of course this gives rise to potential understatement of revenues by the prostitution industry so as not to pay more than a token sum of tariff. We therefore call for the financial audit of all legalised prostitution agencies and businesses on an annual basis. Just as clubs and associations in Queensland are required to lodge audited accounts, so as to demonstrate fairness and equity for all club and association members, as a protective measure prostitution service providers, in order to protect the interest of all Queenslanders should submit these financial audited accounts annually.

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We do not see this as an onerous task for the industry and particularly not for the regulator as there are only 18 licensed businesses currently. Some licensees have suggested that legislative amendments occur so as to make brothels more financially viable. The AFA does not see this as the role of Government. Just as legislative amendments would not be considered to make the corner store or any other business concerned more profitable, this should not apply to the prostitution industry.

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In any event, in the five years since the limited legalisation of prostitution the rate of brothel openings has increased at greater than 30 percent per annum, that is, from five to 18. This does not suggest an industry lacking in profitability or viability. And as we have heard today, sole operators have already indicated however that the growth in brothels has been at the expense of their businesses.

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So, in summary, the AFA seeks the CMC to consider in its recommendation to Government, one, that expansion of prostitution by out-call and escort services is not warranted and not in the best interest of Queensland, if for no other reason than its capacity to guarantee the safety of prostitutes and clients.

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Two, that greater controls be implemented to regulate and contain prostitution in Queensland via adoption of a model where prostitutes are encouraged to emerge from a dark industry into the sunshine of mainstream life with respect and dignity.

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Three, that advertising be more limited and fully regulated with tightened guidelines to inform location only rather than promote the services offered by prostitutes.

Four, that the prostitution industry itself fund the increased regulatory processes and provide audited financial accounts annually to an independent authority.

And, five, that no legislative change occurs to increase the financial viability of the prostitution industry. Now I will turn the time to Ms Healy.

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MS HEALY: Just so everyone knows, it's actually Mrs Healy. Now, the first - I've written myself some notes today and the first thing that I want to say is I am not here today to stand in judgment of anybody, whether they are in the industry, whether they're thinking of being in the industry, whether they're like me and were in the industry, it's not my place to stand in judgment of anybody and I just want that to be heard before I have my say. I'm here today purely to express my personal views and my personal concerns as a wife with a husband at home and the mother of three gorgeous little daughters who are growing up in this world. Okay.

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My first point that I need to say is why are we considering moving the goal posts in this what is partly illegalised industry; we don't move the goal posts for people that do armed robberies and we don't move the goal posts for other illegal activities, but with regards to this, the people in the industry are not making enough money or there's not financial viability, so we're talking about moving the goal posts to suit them. It's just a question more than a statement.

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One of the questions that we were asked to address was whether we support or disagree with the legalisation of escorts from legal brothels and/or escort agencies taking into consideration that sole operators currently provide these services quite legally, and to qualify myself, yes, I am a friend of the Australian Family Association. I also spent 12 months in the illegal trade in Brisbane. I opened up - I was fired from my normal job because I was a drug addict and I was stealing money from them, and I walked out, got on a bus, went home, opened the Yellow Pages at Escort Agency and made one phone call and started working in a legal brothel that night. This is back in 1997.

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So, I made one phone call. They asked me for a description of myself. I was 45 kilograms, to put it into context; I'm 65 now after having had three kids and you can imagine what I looked like 20 kilograms less, brown, saggy skin hanging off my bones, very heavily addicted to heroin. She asked me, you know, your age, 21; are you pretty, pretty enough; I don't know what that meant. What do you look like: shoulder length red hair, blue eyes. And she said, "When can you start." And I started that night. That was my introduction to the industry.

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When I talk about - you know, when we're talking about legalising escort agencies, my - when I heard Peter Beattie mention it in August, you know, I turned to my husband and I said, "My primary concern is danger." You know, I was a 45 kilogram woman and often went to out calls at the home of somebody Mark's stature: six foot six, I don't know how many kilograms but very different to a 45 kilogram heroin addicted - not that all prostitutes are drug addicted and that needs to

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be stated, but we are, you know, as women putting ourselves into very dangerous situations and I would be dropped off at the house by my driver who was also on drugs but not all drivers are and not all security people are, that needs to be known as well, but they would drop me off at the house and I would have a mobile phone and when the job finished, I would ring them up.

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Sometimes it would taken them 20 minutes to come and pick me up because they were sourcing out other girls to other houses in other suburbs. That needs to be known. So, the drivers are now always in ear shot of the girls. So, the girls, if something does go wrong, can make a phone call but they're not always able to be looked after straight away. This is the illegal industry that I was in in '97.

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Another point that I have. I also need to say that when we're talking about Dr Maryanne Laden, psychotherapist, from Pennsylvania, and I heard a couple of people scoff when she talked about women coming from backgrounds of sexual abuse and things like that, what people need to know about Maryanne Laden is she has been a psychotherapist working with prostitutes, strippers, all of that sort of stuff for 20 years. So, when she's giving her research, that's where it's coming from, just so people know that that's where Maryanne is coming from, okay.

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We were asked to discuss our views on the potential impact of legalising escort services on the overall size of the sex industry in Queensland and the likelihood of either expanding or contracting legal and illegal sectors. Like we've heard a lot of today, when we increase the demand, we have to increase the supply. When you have more need for something and there are more customers wanting the service, whether it's through advertising or legalisation, then we need to increase the supply to meet the need, and I was talking to somebody downstairs before and I said, "If a new McDonalds pops up in another suburb, there are going to be more customers going to that McDonalds; it doesn't mean that the McDonalds in the other suburb loses their customers." So, we increase the need and we increase the demand, we have to increase the supply to meet the customers' needs.

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With regards to the illegal girls going to the legal industry, and this is purely from a personal perspective when I was an illegal girl, my - when I was illegal, my percentage of income was mine and so if somebody had have come and said, "Would you enter the legal trade," and I was used to earning anything up to 1000, whatever dollars a night, at no stage would I have thought, bonus, yes, if I could give half of my money, or whatever the percentage is - I'm not going there because I don't know - to somebody else, well, no, because I have a need that I need to meet for me. So I have a percentage of money; I want to keep 100 per cent. If I do 100 per cent of the work, I want to keep 100 per cent of the money.

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And I know a lot of girls in the illegal trade now who would stand by me, not that they would come in public, to stand by and say, well, no, I wouldn't go legal because I'm going to lose my percentage of money. On the other hand also, you're going to lose your choice. So you can't choose your clients, you can't choose the location and you can't choose your work time, and we hear the sole operators, Nikki, before saying she chooses when she works, she chooses when she stops work, she chooses who she sees. If she gets somewhere and she feels unsafe, she can leave.

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If you are working for somebody else, my understanding is that that wouldn't necessarily be the case; I'm not sure, I'm not going to go there.

When we talk about exit strategies, I guess my first question would be if this is a legitimate and okay job, why do we need exit strategies? You know, we don't have exit strategies for people that work at McDonalds. It's a legitimate job to work at McDonalds. If it's a legitimate job to work as a prostitute/sex worker, why would we need an exit strategy.

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Another question is we hear stuff about training these girls in life skills and training and education and helping them write out resumes and to learn how to, you know, talk their way through a job interview. My question is what would I put on my resume? Do I put, you know, illegal prostitute for 12 months? What do I put on my resume; so that's just another question.

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I've also had people say 12 months in the industry is not very long and I say to people that 12 seconds in this industry is too long for some. Some women are choosing to be in there and I'm not going to go there. This is purely personal today.

So why do the exit strategies need to be offered? We also need to take into concern that some of these girls are actually trapped. Once I entered the industry and raised and earned a certain amount of money and my drug addiction increased, then I needed to keep working more to make more money, to earn more money to get more drugs. So just be aware that whether it's legal or illegal, there are some girls that are actually trapped in this industry in a cycle that they don't actually want to be in, so we do need to offer them, you know, proper, healthy ways out where they're learning life skills, getting training, education, learning to manage their money, raise their kids, all that sort of stuff.

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Another question that I've just written down, you know, throughout the course of today and I think it's kind of a mixed blessing to be last. Everybody's overhearing the words and blah, blah, blah - the other thing is I've got to write down lots of notes from what everybody else has said, so one of the things that I've written down is if this is a legitimate job or a legitimate business then I'm not going there; I'm just talking from personal experience. Why do we need confidentiality and why do we need anonymity. Why is it - if it is an okay job and it is an okay business, why do we

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need people to say, "But I don't want anybody to know." Just a statement, not a question.

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My last point and this really needs to be heard when we're talking about whether it's STI's, whether it's, you know, safety, whatever it is, whether it's legal or it's illegal there can't be cameras in the rooms ever, so we will never truly know what goes on behind closed doors. The end. Thank you for hearing me.

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CHAIRPERSON: Just on one point. You said that you and you couldn't talk about others, wouldn't move from the illegal to the legal industry because you wouldn't give over part of your money. That just intrigued me because I would have thought the illegal operators are going to be taking a fair percentage of the girls' money.

MS HEALY: There are a lot of illegal sole operators-----

CHAIRPERSON: I see.

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MS HEALY: A lot of illegal escorts working.

CHAIRPERSON: Yes, but you weren't a sole operator, you were working-----

MS HEALY: I worked for a few different things.

CHAIRPERSON: I see.

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MS HEALY: I started in a illegal brothel; it got closed down and popped up somewhere else two days later and I worked there for a week, and then it closed down and then I started working for another lady who went under the proviso of a sole operator, who actually had three or four of us working for her, and then I worked for myself so-----

CHAIRPERSON: I see.

MS HEALY: -----I've kind of done the spectrum in a 12 month period.

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CHAIRPERSON: Yes, so when you said about not giving over the money-----

MS HEALY: Yes.

CHAIRPERSON: -----you were meaning there as a sole operator.

MS HEALY: Yes, as a sole operator in illegal trade, yeah.

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CHAIRPERSON: All right, I understand now.

MS HEALY: Yes.

CHAIRPERSON: Can I just ask the heading of the categories in the yellow pages that you refer to there?

MR M HOLZWORTH: Yes, escort services.

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MS HEALY: The first - yeah, escort services, social and agencies.

CHAIRPERSON: Okay, thank you very much.

MS HEALY: Thank you.

CHAIRPERSON: We'll adjourn now. The idea is tomorrow we continue with presentations by some of the licensees, Quaba and possibly one, I'm not sure, from the Gold Coast?

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DR LEGOSZ: We do, Neil Gilmore will be presenting.

CHAIRPERSON: And then we are proposing fairly adventurously to have a forum which we can have a bit of an interchange, which I will of course be asking everyone to be polite and respectful of everyone else's opinions and not over-talk. We'll talk more about that in the morning. Thank you.

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THE HEARING ADJOURNED AT 4.07 P.M. TILL 10.00 A.M. THE FOLLOWING DAY

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