



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 14/09/2005

..DAY 2

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.

THE HEARING RESUMED AT 10.13 A.M.

CHAIRPERSON: Good morning. You can see I've brought my yellow pages with me today. Okay. Our next segment is the licensed brothel operators, and we start with the Queensland Adult Business Association. You're already there. Thank you. Can you just announce your names, thanks?

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MS SKINNER: I'm Yvette Skinner. I'm a licensee of Purely Blue and the president of the Queensland Adult Business Association.

CHAIRPERSON: Thank you.

MR INSKIP: I'm Nick Inskip, and I'm spokesperson for the Queensland Adult Business Association.

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CHAIRPERSON: Yes, thank you. Now, we have your submission, thank you. And if you now want to speak to that submission.

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MS YVETTE SKINNER, PRESIDENT, AND MR NICK INSKIP,
SPOKESPERSON, QUEENSLAND ADULT BUSINESS ASSOCIATION:

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MS SKINNER: Thank you, Mr Needham. As I said before, I'm president of the Queensland Adult Business Association. QABA represents Queensland's brothel licensees and potential licensees. Our aims are to encourage professionalism, provide education and information on issues of prostitution, provide mutual support and encouragement in the achievement of best practices in the industry.

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QABA has made substantial submissions to the CMC when the CMC was investigating the prostitution industry, as required under the Prostitution Act (1999).

As part of the submissions, QABA suggested that escorts should be legalised. QABA has examined many facets of the escort part of the industry, and it explored in detail the risks associated with escorts.

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QABA was instrumental in the establishment of an industry body being set up under the Department of Workplace, Health and Safety with the intent to develop a code of practice for the whole adult industry. This code of practice sought to cover all facets of the legal industry, and the committee comprised of representatives from different areas, including SQWISI, sole trading service providers, both male and female, brothels and sex on premises venues, such as swingers clubs.

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QABA's code of practice for escorts which was submitted to the CMC as part of our submission - written submission was partly based on the work of this committee, as well as experiences from our sister organisations in Victoria and in the ACT, and QABA's members' observations of the escort industry, both run illegally in Queensland and legally in other jurisdictions.

One of the core requirements of becoming a member of QABA is an agreement to our code of ethics. This code of ethics, which has been circulated to everyone at today's hearings, as you will see, the independence of sexual service providers is the first and foremost statement in this code of ethics. That is, the independence of operation of sexual service providers is recognised as absolute is their right to determine where they provide service, when they provide service, to whom they provide services, what services they provide and what they charge for those services.

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QABA members believe that sexual service providers must have sovereignty over their own bodies and must be enabled to make their own decisions. This needs to be entrenched in any legislation made.

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As the CMC heard in yesterday's submissions, escort services already exist in Queensland. They make up the bulk of the industry and are free from any regulatory oversight. They have no accountability for workplace, health and safety or

community health standards. They typically operate outside the taxation system and they meet a large consumer demand.

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To bring accountability and standards to this portion of the adult services industry, a cost effective regulatory mechanism is needed. There is no doubt that the standards of workplace, health and safety and community health have been well addressed by licensees operated in the regulated sex industry in Queensland through the development and implementation of cogent management systems.

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The significant demands placed on licensees by both legislation and rigorous probity trekking, which encourages high standards, has resulted in operational accountability not seen before in the sex industry.

The achievement of high standards comes at a cost. Regulated brothels operating in a restricted market can struggle to achieve the - the levels of viability required to maintain the high standards desired.

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The issue of viability extends beyond the maintenance of high standards and into the intent of Government to encourage sexual service providers to transit across from illegal activity into the regulated environment.

Currently, the low level of demand experienced by many regulated brothels due to competition from illegal operators means that many sexual service providers find operating in a regulated brothel to be economically unattractive.

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While regulated brothels are precluded from servicing the out-call or escort component of the industry, this situation will continue and high levels of illegal activity detailed in the CMC report, that is 75 per cent of the industry, will continue to exist with the attendant lack of accountability, exploitive behaviour and poor standards of workplace, health and safety.

It should be recognised that much demand for sexual services co-exist with a high demand for confidentiality, and for some clients, the prospect of visiting a brothel does not meet their desire for confidentiality and privacy. It's substantially this requirement that fuels the illegal escort industry.

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For a regulated industry to survive - to operate successfully, QABA believes that four requirements must be met. One, acceptable standards, two, the service must be attractive to the market, three, the frameworks, both regulatory and operational, must reflect working models, and four, the models adopted must be commercially attractive to both businesses accepting the bookings and to the sexual services - sexual service providers. I'll go into these four points in a bit more detail now.

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The first point was acceptable standards. Community expectations are that any regulated industry operates to an

acceptable standard. Community expectations are typically based around standards already prevailing in society. All entities in Queensland are governed by workplace health and safety requirements. Issues such as safety for people working by themselves have been addressed by a range of industries; for example, security guards, taxi drivers, hospital personnel, maintenance workers, community care workers and parking attendants, to name a few.

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Many techniques used in these professions can be readily adapted to ensure the safety of people operating as escorts. Likewise, community standards associated with community health have already been established, and infection control standards already exist with an advisory standard in place for the personal services area. As mentioned before, QABA has worked with the Division of Workplace Health and Safety on the development of a code of practice for the sexual services industry as a whole, and was cognisant of the need to manage risks associated with the provision of escort services by sole traders. We are therefore confident that the division has existing knowledge in regard to establishing the appropriate standards for the management of health and safety issues for those providing escort services.

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The expansion of these standards to include a role for an escort booking agency would appear to be readily achievable. The current legislative requirement regarding the location of licensed brothel premises and the existence of comprehensive management systems within these businesses has contributed to a high level of community acceptance for the regulated industry in Queensland. QABA contends that the operation of escorts from brothel premises with their established management infrastructure would continue to meet acceptable community standards.

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(2) the service must be attractive to the market. For a service to be attractive to the market, it must be seen as safe, confidential, anonymous, legal, and meet the customer's needs and be of perceived value. As with any market, the individual needs of the customers can vary, and a mature market will respond to these needs effectively. One only has to think of Henry's Fords - you can have any colour, as long as it's black - compared to nowadays where you can have any colour, any several choices of engine and transmission, of upholstery, hard or soft top, and a myriad of accessories which all go to produce a vehicle uniquely reflective of the customer's tastes and needs.

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A similar phenomenon is seen in the sexual or personal services market, where it is recognised that each customer's needs are unique and that each sexual service provider offers a unique set of services of their own determination. It is the matching of these services to the customer that provides a perceived value. Another component of value is the price charged. Given that illegal escorts have little infrastructure to support and generally do not meet their taxation obligations, they can potentially operate with a lower pricing, resulting in an increased demand and a much

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higher profit margin than in a regulated industry. Lower price, as in any industry, increases the demand while regulating does not.

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(3) the frameworks, both regulatory and operational, must reflect working models. It's very easy to over-regulate an industry by managing the operational details rather than outcomes. A robust regulatory regime is already in place for licensed brothels. Each licensed brothel has in place documented management systems, and regular risk assessments are conducted in order to ensure that risks are effectively managed. Annual checks by the PLA are carried out on each licensed premises and, yes, that does include financial checks.

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In regulated industry, the use of management systems to monitor health, service provider health checks ensures that each service is recorded and that procedures that are in place are now used. The management systems also record details such as date of birth and trading name of the service providers. This level of recording of service providers' details is felt to be adequate to meet the key intent of ensuring that service providers are over the age of 18 and are operating with legal intent.

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QABA recognises that, whilst service providers operating on a regulated premises are identifiable where that may be required, there could be a need to identify a service provider operating as an escort; for example, during a police operation. QABA contends that a process whereby the booking agency issues an identifying card to each service provider using the booking service would suffice. Sample cards, such as shown in our submission, could be easily referenced with the booking agency where necessary.

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The institutionalisation of key values such as the independence of operation of sexual service providers is already entrenched through the QABA code of ethics. The efforts made by the regulated industry to support the development of a code of practice for the industry as a whole illustrates the commitment to developing best practice. QABA contends that adequate standards have already been established in licensed brothels.

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It should be noted that QABA's efforts with the Divisions of Workplace Health and Safety, as well as QABA's development in 2002-2003 of a comprehensive code of practice specifically for escort services operating from licensed brothels, illustrates that regulation of escorts as an extension of scope of brothel licenses would offer the best prospect for the development of a workable, regulatory and operational model for out-call services. Further, QABA's conduct of a detailed escort risk assessment and development of a draft escort management process provide evidence of an understanding of the issues related to having in place an accountable and effective management approach to escorts.

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Further, QABA notes that the risks attendant in the provision of escort services in the regulated environment are significantly lower than in many other industries not subject to such severe regulatory regimes.

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One established legal escort agency in Victoria notes that in 11 years of operation of a busy agency they had only had one serious incident. The incident did not result in injury to a service provider. Further, an insurance broker in the regulated industry in Victoria notes that in their many years of operation of - many years of providing insurance they have only ever had one claim and that has resulted from a tree branch falling on a client's car. They maintain that their experience in the industry is that it is a low risk insurance prospect. Ultimately insurance companies are answerable to their shareholders and we note that this is the constraint that they are not in the habit of underestimating risk.

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This opinion is further reinforced by the Australian Institute of Criminology in its report Violence in the Workplace that shows the health industry as the most violent industry in Australia. Registered nurses recorded the second-highest number of violence-related workers' compensation claims in '95/96, ranking higher than prison officers and police. The fourth-highest profession are enrolled nurses.

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Regulatory models must reflect this lower risk - level of risk where the provision of out-call services is made through the managed environment prevailing in the existing regulatory system in issue.

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Four, the models adopted must be commercially attractive to businesses accepting bookings and to sexual service providers. The economics for service providers operating as escorts can be attractive. Provision of advertising, booking and security monitoring services can be costly. The current situation is characterised by illegal escorts making up to 75 per cent of the current prostitution industry in Queensland. QABA is sure it is not the intent of the Queensland Government to secure for illegal escort agencies the bulk of the sexual services market.

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The risks to health and safety of the sexual service provider working illegally can be significant. The lack of interest in the welfare of sexual service providers appears to be endemic in the illegal industry. Further, QABA members note that the highly supportive cultural environment created by brothel licensees has fostered a general willingness to report incidents which are then routinely investigated. In the illegal industry there is a reluctance to report incidents due to attracting attention from police to the illegal activity itself or through fear of retribution from the operator of the illegal agency if they are then identified.

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Sexual service providers operating illegally have few legal constraints and responsibilities placed on them. They do not have to have health checks, there is no one reminding them about safe sexual practices, and little prospect of anyone

knowing they are operating in the industry. Many of them avoid paying tax and operate in the black economy. If they don't like the agency they are associated with they move to a different one. If they retain a driver they typically pay the driver cash in hand.

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For a sexual service provider to operate legally they must retain autonomous control of their financial affairs. In doing so they have an opportunity to maximise their taxable deductions while maintaining control over the scope of services that they provide.

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An addition to the scope of licensed brothels of an ability to provide out-call services will have an impact on the ability of illegal escort agencies to find adequate customers to remain economically attractive to sexual service providers.

The adult services market is demand-driven and demand varies across the week, seasonally and in relation to major events. Analysis of bookings taken at licensed brothels shows that the five-room five-service provider rule is adequate during the low demand periods but wholly inadequate during peak periods. The demand for escort out-call services has been shown interstate to follow a cycle.

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In order to meet customer demands and place suitable commercial pressure on the illegal escort industry there should be no arbitrary limit on the number of sexual service providers operating from a brothel. Further, it must be recognised that if the experience of the current regulated industry translates to the out-calls area the service providers will operate where and when they like and having a limit on the number of service providers will contribute to an unworkable model.

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It is expected that for some brothels providing out-call services the demand can be met from the service providers already operating on those premises while for others service providers may choose to operate from home while taking advantage of the booking agency's booking services and security protocols.

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The number of service providers operating in a licensed brothel across the week, a typical week, can vary from two to 15 depending on the effectiveness of the brothel's marketing. To be commercially attractive to the booking agency operators and to service providers the number of service providers should be allowed to develop to meet the natural demand experienced by each booking agency brothel.

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It is interesting to note that yesterday's submissions did not provide any real answers for the CMC. It is the opinion of QABA that the only way to effectively regulate provision of escort services is by utilising the existing established infrastructure already in place, put in place by the licensed brothels.

CHAIRPERSON: Sorry, can you repeat that?

MS SKINNER: It is the opinion of QABA that the only effective - the effective - I'm sorry, I'll start again. It is the opinion of QABA that the only way to effectively regulate the provision of escort services is by utilising the established infrastructure already put in place by licensed brothels.

The simple addition of an out-call provision to the existing brothel licence process requires only that the issuing authority, the PLA, check that the procedure for out-calls has been documented and in place resulting in a cost effective regulation since there is no requirement to add to a costly bureaucracy.

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Sexual service providers currently operating in illegal escort operations will have a viable and safer option while customers can use legal services and still maintain their privacy and anonymity. Sexual service providers operating within the regulated industry will have an - will have additional options should they be uncomfortable with work - working on or while operating on a brothel premises. Regulating escorts will provide a bridge for service providers working in the illegal industry to start working in a regulated regime. In a regulated regime service providers have the best chance of legitimising their earnings and working in a safe and supportive environment.

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Surveys completed by QABA members of service providers indicate an overwhelming majority of service providers want to be able to work as escorts from the licensed brothels. Several service providers place caveats on the provision of escorts - of these escort services such as wanting to only provide service to known clients of the brothel or only to hotel premises or only if they start and stop from home. It should be noted that most - that most clients that QABA deals with would rather deal with a legal entity that is a licensed operator where they can be assured of some consumer protection. To date, the CMC inquiry has not heard anything from the consumer's point of view but we maintain that they are important stakeholders in the industry. If the service is offered by licensed operators do not meet the consumer's needs, the licensed industry will indeed fail.

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Queensland has successfully established the high standards of regulation in the adult services industry in the World. It is now time to extend the success of to the unregulated and substantially illegal escort industry. And I'd like to hand over to Nick Inskip.

MR INSKIP: Thank you, Yvette. I've been asked to talk a little bit about statistics and some numbers, particularly in relation to the illegal industry. I think we've heard a lot of numbers yesterday and it's probably good to try and build on some of those. Yvette did mention a survey just now about - of service providers and their support for the industry. That was conducted over the last two weeks. One hundred and seven service providers in four establishments were interviewed. Of those 107, 106 believed that licensed

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brothels should operate escort services. One didn't. Surprisingly, for the people who took the surveys, the 106 people also indicated their interest in providing escort services. Our opinion was that perhaps half or a quarter of them might and as Yvette said there were a lot of caveats put on that. Basically they wanted on their terms with certain issues to do with security or - or location and things like that. So, they're the actual stats that came from the actual survey conducted by - for licensees.

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With regard to the illegal industry, the QABA did conduct a survey in a metropolitan area a little while back now but I'll share the stats with you. There were 103 advertisements - classified advertisements, each one was phoned using one of those throwaway mobile phones.

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CHAIRPERSON: Where were these ads? Ads in what?

MR INSKIP: In a - in a regional - sorry, in a metropolitan newspaper in Queensland. Each ad was phoned from a throwaway mobile phone. It's quite simple, the process, the person described themselves at the other end. No matter what they said, the person taking the survey would indicate their interest in something different, so if they said they were blonde, they would say I was after a brunette. In half of the cases an option was offered, meaning that in fact they were not sole traders, they were people operating from call centres or with illegal escort agencies.

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Now, logic would say if half the calls - sorry, half the ads were illegal, that would represent half the industry but that isn't what happens. For a sole trader at that time typically they get 20 to 25 calls coming in from one ad in that particular newspaper. Of those, they might only pick up three perhaps four jobs because they might be taking their children to school, they may decide that they don't want to do out calls, they don't want to do in calls or they don't operate in the evening, so they were putting constraints on what they do and they would pick up a few calls.

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But when you send 25 calls to an illegal call centre, they're going to pick up 80 per cent of those, so, they get 20 calls which means those half ads make up 90 per cent of the business in that area from those classified ads. They didn't include ads to do with brothels, which is just horrendous and this is totally unregulated area. Our belief in looking at the unregulated areas, the key problem seems to be advertising, is that the illegals are allowed to advertise, almost with impunity and they do often present themselves as something they're not and legitimate sole traders, of course, they should also be able to advertise, but, unfortunately many of these illegal people do operate outside the law and don't think twice about presenting themselves as - as a sole trader.

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The - how we regulate that is difficult. They have tried to regulate interstate. In Victoria they have a numbering machine and people termed exempts down there, that's exempt from registration, are able to get a number and use that in

the advertising, and that works to some extent despite the fact that in Victoria they have major problems in the industry due to a lack of policing and a lack of real regulation by the regulatory authorities, which we don't have - have here.

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In controlling advertising, you could use a number. You could also increase penalties for people who are found to be advertising illegally or possibly even for publishers who accept - knowingly accept illegal advertising. I note that if I wanted to advertise some bootleg tobacco in the newspaper, it would probably be turned down but people seem quite able to advertise bootleg sexual services and I think that we just need to, as a community, to take these things more seriously and everybody has a role in trying to stop these things.

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So, I think that's really all I have to add, is just those few things. But at the end of the day it's very important that we're able to compete and if we compete that puts commercial pressure on the illegals and that's probably more effective than anything else. So, commercial pressure, the - doing something about the advertising, those will be the things that we have to address here today. Thank you.

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CHAIRPERSON: I had a look at those Yellow Pages ads and the difficulty does seem to be they come in under this category of escort services social and agencies, which has got a pretty broad meaning and it seems to be the problem that as - like so much in our society, we use a euphemism instead of just saying straight out prostitution, we call it escorts and people can get away with putting the ads in because they call it an escort and they can say, well, it is a legitimate escort, there's no sex involved, it's like a paid dating service. Have you got any ideas of how we could change that so we can stop this so that advertising for sex services is obviously that whereas other things perhaps come under a dating service or something else.

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MR INSKIP: I mean, we have seen in other publications difficulties for advertising where they have had a heading that just says "Escorts" in the newspaper and the licensing authority in the past have had trouble with approving ads for licensees to go into those areas despite the fact that is where all consumers go to look for the services. Now, we have had some luck with some newspapers, especially the regionals, in changing those headings to better reflect that their an adult product or service which is a little bit different from saying you are an escort. I think "escorts" as a term really came about the same way that "massage therapy" came about in the old days as a way for illegal operators to hide what they were doing and now it has just gone into the popular vocabulary. Unfortunately if you look at the Yellow Pages the main source of business from the Yellow Pages is people who travel. So they will come into a city and the first thing that most people coming in looking for services will do will look in the escort area. As a business person in the industry, we have tried advertising there and in the adult products and services area and it just did not work in the adult products and services area. So, it is very clear that

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is what the consumers are looking at. I think the issue is that we recognise that a sole trader can certainly provide escort services as can - but nobody else can at the moment - we would hope in the future brothels can. I suppose the only way to get around that is to legislate and I suppose there is an option here of legislating for people who provide legitimate social escort services if that is what they maintain they do, bring in that kind of regime that would - you would probably get nobody to take it up, but it would make it quite clear that you can advertise legally and it says "Social Escort" on your ad and that you are licensed only to provide social escorts, no sexual services. These would go out of business. They won't provide any services and you won't get people applying. But it would sort of help clear that end of the industry up.

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CHAIRPERSON: Well, I did have a look at the massage part and that seems to be - as far as I could see it didn't seem to be any sexual services being advertised there. It seemed to be basically just more genuine therapeutic and sports, et cetera, massage.

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MR INSKIP: That is the case today. In the past that wasn't. It is actually under our Act. It is an offence to describe yourself as providing massage unless, in fact, that is what you are providing is massage, and that has discouraged people from doing that, and particularly in the regional newspapers where massage therapies and natural therapies were a euphemism for sexual services, and that has pretty well been cleaned up, though I do see a new category of exotic relaxation seems to be creeping in. That seems to be a transition service somewhere on the continuum between a massage and a sexual service. That makes things more complex again.

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CHAIRPERSON: The way it is appearing to me is that the only way in which the illegal industry might be contained in any way is through putting limits upon the advertising. Would you agree that's right?

MR INSKIP: We would, yes.

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CHAIRPERSON: That is certainly the view I seemed to get yesterday from police that it was that way. And to do that it would again seem that the only way you could do it is what you just suggested, that either you have a number on the ad, and then that is where I got back to yesterday, that to put the ad in you would need to have something from say the PLA WITH A with a photo ID of the person to be able to say, "This is my authority for putting the ad in." And if someone wanted an ad in without that, it would have to be, as you suggested, perhaps social escorts only. There would have to be something on the ad indicating that it was not a sexual service.

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MR INSKIP: Indeed. I think one of the issues with issuing n Umbers has always been the concern of some service providers about their identity and we can understand that. I mean, legitimate service providers working as sole traders are part of the industry. We recognise that. We certainly support

them in some of their concerns. However, w also have a large number of people working illegally. I think that came out yesterday as well and I guess sometimes you have to bring in regulation to control them rathe than controlling the people who are doing the right thing. They just got caught up in it.

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CHAIRPERSON: All right. Well, we might revert to this issue of advertising when we have the forum situation and we can get a bit of an interchange of ideas going there.

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You said that there'd be easy regulation by the existing infrastructure and that that would be cost effective for the PLA. I can see that except for as to how that would apply if a licensed brothel was running escorts where the brothel premises were in Brisbane and say you had escorts running in Mount Isa and in Cairns and in Townsville. That would be a little bit more difficult, wouldn't it? Firstly I perhaps should ask, is that what you envisage happening?

MR INSKIP: If we look at the experience interstate there certainly are a couple of agencies that do work over a wide geographical area. In reality there is also a lot of people who have entered the industry to run escort agencies or escorts in connection with brothels that have decided not to run them any more. So, it really comes down to a business's ability to have management systems to manage the commercial aspects of the business and the level of risk they're willing to take. So, I would doubt if many people would have the capacity to operate all around the State, but that could happen, but I doubt it is going to happen quickly. I would think these things will grow if the capacity is there. So, if somebody becomes very competent at what they're doing, it means perhaps putting on more staff, it means adding more infrastructure, that is a commercial decision to do. When we are talking about regulation and cost effective regulation it is really about the PLA being confident, as they are now, that people have suitable systems in place that are auditable by the PLA to make sure the standards are maintained, you know, and that things are happening the right way, that you're accounting for your money, that you're paying your taxes and things like that. And that is in place now. Just because you provide a service remotely form your business does not stop that being in place any more than it does for a security company that provides a security officer in Cairns when they're based in Canberra.

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CHAIRPERSON: Yes, except that I am not looking so much about things like the audit trail on money an whether you're paying tax. I am meaning more in relation to the workers, whether there is induction, whether there is proper training for them, whether they are being treated properly, whether they are using condoms, et cetera, et cetera. Now, that can be fairly easily done by the PLA when you have your business premises and you work out of that business premises. I can see it might be a little bit more difficult, but probably wouldn't be that difficult, if the escorts are basically working out of your business premises even though they might not ever actually have to come in there. But if you are in say at

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Logan or something and operating workers around the State, I can see that that might be quite difficult for the PLA.

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MR INSKIP: If you don't put controls in that could be difficult. The issue is controls. Currently all service providers coming into a licensed brothel will go through an induction. They will be taken through the procedures, safety processes, security, what to do if there is an incident, what forms to fill out for whatever may happen during their involvement with the operation. I don't see that being much different to people operating anywhere. You still need to go through an induction process. In an unregulated model, as currently exists, there is nothing. So, what we are talking about is if people choose to operate - you mentioned Cairns before - and be located somewhere else, then in the current situation they would simply phone up the agency, say, "I'm in Cairns." The agency might be in Tweed or in New South Wales somewhere and there is absolutely nothing that controls what they do. Some service providers, of course, may have been in the industry awhile, they might be very competent, they may have done a lot of courses, sexual health workshops, things like that, and they may feel very confident doing that, they're operating their own businesses, they are just using booking agency in that situation. I think the model we're talking about here is a bit more regulated than that. I think we're saying that there is a role to make sure that people operating legally in the industry are educated and have access to good information regarding keeping themselves safe.

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The only people who can keep those service providers safe. It's going to be their judgment when they walk into that room, you know, and they've got to have the tools to do that. As an operator of a brothel myself, we have had service providers who we felt are not - not confident and competent enough to even operate in a licensed brothel. That is, we believe that their behaviour has put them at risk.

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When we try to tackle that issue, and typically it means referring to other agencies for support and certainly there's training and things like that, we've often been accused of meddling and the people have - one particular situation, they actually left us and worked for an illegal escort agency where there's no support at all. So, you know, there's - there are constraints even on us with what we can do.

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The people like SQWISI have been very effective at running sexual health workshops and many licensees make a condition of being on their premises that people have attended and done those. We would say that accredited training organisation, or SQWISI, or whomever, could certainly have a role for providing a high level of training regarding, especially safety issues and sexual health issues.

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And, again, the issue then becomes that the booking agency must make sure that there is evidence that that is being done and the person is competent in those things as well as competent and understanding the safety procedures that the agency have in - has in place as well.

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So, there are ways around this. I mean, if somebody happens to work in - in Cairns, I would suggest that they would still have to attend those sorts of things and comply with the same sort of things. Currently, and I heard from a licensee just yesterday, about an ad in a regional newspaper which is looking for five - it was a different term used - but service providers to go and work in Weipa. Now, obviously illegally - for an illegal agency. I mean, there's no - no controls currently and those things happen every day.

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What we've got to is put - is to have models that are workable for a legal industry. If they're not workable then people aren't going to come across if they're not going to make the money. And - so, it's a real challenge about having the right level of regulation and we're all for solid, sensible regulation and we already live with that everyday so it's not a - not a big problem for licensees.

CHAIRPERSON: Your partner's submission and the PLA's submission both support the idea of assisting the financial viability of the present licensed brothels. It occurs to me, the point that I made yesterday, that if escorts are brought in, especially if it's with unlimited numbers and no limits on the geographical spread of the operators from the licensed premises, that what you might well face is the start up of new brothels. That have admittedly the cost of getting the approvals that an licensed brothel will have but won't have the costs of the more expensive fit-outs say that some of your present licensed brothels have.

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And, that if someone comes in with the low cost model but running it throughout the State and getting more to the low cost high margin sort of situation of the illegals, that in fact they might provide a very, very strong competition to you.

MR INSKIP: That's the major fear of licensees being widely discussed.

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CHAIRPERSON: It might be a reason why you would perhaps be more supportive of the idea of having not a wide geographic spread-----

MR INSKIP: Yes.

CHAIRPERSON: -----having a spread closer to the licensed premises.

MR INSKIP: We have heard from somebody who has contacts in New South Wales that the industry down there is looking at Queensland very carefully. They're very hopeful that a very loose model will come in that will allow them to do that. That's a challenge for - for the regulators, to make sure that doesn't happen. The-----

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CHAIRPERSON: But how could the regulator stop it? Sorry, I'm not meaning to interrupt you.

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MR INSKIP: Yeah.

CHAIRPERSON: But if we open it, say, if the Government does, it's not us, if we made a recommendation that the Government accept it that allowed for say a two roomed brothel to be set up fairly cheaply in a back street in some industrial area. It doesn't matter if no-one ever comes to the rooms. It's really just a front for an escort agency throughout the State with a hundred girls spread throughout the State.

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MR INSKIP: I could talk on behalf of Purely Blue which put a submission in as well and in our submission, we alluded to this issue and suggested that one way around it is to require people to operate for twelve months successfully as a brothel before allowing them to have an escort addition to their licence. That would require them to prove that they got they've got management systems in place, that they're operating seriously and doing the right thing. That is not a position of QABA because we also represent a lot of pending licensees-----

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CHAIRPERSON: Yes.

MR INSKIP: -----who might not like that to happen.

CHAIRPERSON: Yes.

MR INSKIP: But, it is - it's, you know, there's a wide range of opinions within our association on these things.

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There are ways of doing this. At the end of the day, it really comes down to the regulator to be able to, you know, put things in place to make sure that doesn't happen. I think the two room brothel, you know, you have to - it takes you probably a year to get a licence and get - get running and then you're going to spend another year with having it just sitting there. It's not really an attractive proposition.

Because just saying I'm an escort agency doesn't mean that you're going to be successful. Many escort agencies are not successful. I'm aware of one that just sold in New South Wales, which was supposed to be very major for the value left in the Yellow Pages ads. So, you know, some of them really struggle. They may appear to be large but it's a not a license to print money any more than licensed brothels are.

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In the brothels that exist in - in Victoria we have been given information that the amount of escorts that are actually done do vary across brothels but perhaps it's only twenty to forty per cent of brothel's current turnover which is not a massive amount. But it probably is enough across all the brothels to put real pressure on the illegals. And, initially, I guess it would put a lot of - a lot more pressure if there's issues to do with advertising stopping them as well.

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CHAIRPERSON: Okay.

MR INSKIP: So, I don't see these mega escort agencies as a - as a real threat. It's obviously a potential, same as the potential of perhaps me being allowed to send somebody to Mt Isa. Whether I'd want to manage that or not, I can't really imagine in my business that I'd want to do that. I think I'd stick - I have enough problems to get to my own area making it run effectively.

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CHAIRPERSON: Sure.

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MR INSKIP: It is not easy to run escorts, and I know there's been no evidence on this given in the last days, but in the stripping industry that does operate in Queensland, it is a nightmare for the agency operators to operate them with any degree of reliability. And I think we would see equal or - or a harder situation with - with escorts in Queensland if we were operating within the law.

CHAIRPERSON: What's proposed, it might be in your submission but I can't put my finger on it at the moment, what's proposed by the operators about the transport of escorts?

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MR INSKIP: I think from the - the issues to do with the transportation as they currently stand in the illegal and legal industry interstate, a variety of mechanisms used. The - two weeks ago Yvette and I had an opportunity to have coffee at a coffee shop and we actually watched some service providers operate as escorts for all day. We were actually there for other reasons but we ended up spending all day on business there and we watched people who waited for a telephone call, put their book away, went off, came back 45 minutes later. Some of them got a cab. Some of them drove themselves. Some of them probably walked. But that's an illegal escort agency, that's how it works.

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We were in an area where there would be a high demand, there's a lot of hotels and the - some people would site themselves in that area. There's no transport provided by anybody for those people and that exists today.

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From our survey of the service providers operating in licensed brothels, some people want to operate from home, some that want to sign on and off. Some people are very independent and one would that would be characterised people we deal with everyday is - everyday is that they're empowered women. These are not victims. These aren't the checkout chicks at Coles. These are actually people that know what they're doing, they're competent business women doing their own thing in the legal industry.

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That doesn't there aren't victims but I think from what we heard yesterday sometimes those people are drug addicted, sometimes they work in the illegal industry. It's a different world, a different issue from the issue of prostitution legally in Queensland.

CHAIRPERSON: So, in short, the transport would vary depending upon the situation.

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MR INSKIP: I - I believe some people would - would seek to provide it, some people wouldn't. It would depend on the business model that gets put in place and also on the interest of the service providers. I mean, some may want to work somewhere where there is some transport provided, others may not want to. So, it's really going to be at the behest of both and it comes back to that point on the model needing to be viable for operators and - and for service providers.

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CHAIRPERSON: Now, you have at the back of your QABA submission appendix B as a draft escort code of practice, which I've had a look at. I've been handed up a question to ask you of where is your code of practice for the sexual services industry, which is presumably the one you have in place at the moment.

MR INSKIP. That is a draft code of practice.

CHAIRPERSON: No, this is your draft for escort-----

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MR INSKIP: It's - that's an earlier - that's an earlier draft. There are some later drafts now. That was produced, as I remember, about eight or nine months ago. It was our third issue. I think there's about issue 5 out at the moment. They're still in draft form. The industry is still working on it.

CHAIRPERSON: So, you - I'm not understanding that. Are you telling me that at the moment for your in-house brothel operations - licensed brothel operations, you have a third or fifth or whatever version of a draft code?

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MR INSKIP: I might be - I might be confused. The code of practice in our submission is a draft code for the operation of escorts.

CHAIRPERSON: Yes. I'm away from that.

MR INSKIP: Yes. That was based on a code - some of it was based on a code we were working on with the Division of Workplace, Health and Safety that I understand they're not proceeding with currently. So - but the PLA have issued a draft code themselves, and there are some parallels between those.

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CHAIRPERSON: Sorry, we need to make this clear because there are possibly two codes we're talking about. I'm now not talking about your draft code for escorts.

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MR INSKIP: Right.

CHAIRPERSON: As I understand the question I've been handed up, it's purely relating to your existing business. Do you have a code of practice for your existing business?

MR INSKIP: There is a code of practice which is put out-----

MS SKINNER: Mr Needham, are you talking about operational practices for the sexual service providers working within the brothel or a regulatory draft - or a regulatory code of practice under the division of workplace-----

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CHAIRPERSON: I would imagine it would be an analogous code of conduct to what you're proposing for escorts, an analogous code of conduct for your - the operation of your present in-house business.

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MS SKINNER: For most - all of the brothels in Queensland have to have policies and procedures in place which include code of conducts for the sexual service providers in-house, and that is part of their induction when they come to the brothel, that they go through a code of practice, or induction in the policies and procedures which would assist the service provider in understanding what their responsibilities are to the brothel and what the brothel's responsibilities are to the service provider, and that is made clear at the point of induction, and different brothels will have different ways of getting that information across to the service providers. Some of them would tend to call those a code of practice, some of them would call them house rules, some of them would just have them as policies and procedures.

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CHAIRPERSON: So there is no overall code of practice for, say, QABA? You're saying there's individual codes for individual premises.

MS SKINNER: The Prostitution Licensing Authority has guidelines and a code of practice that they have issued, I believe, and we have our - QABA has a code of ethics which members agree to, but there is no overarching code of practice that QABA has developed for the brothel industry as such, other than the one that we were working on with the - which we were working on with the Division of Workplace, Health and Safety, which then fed into what the PLA have been developing further for brothel industry.

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CHAIRPERSON: So the one that you were working on with the Division of Workplace, Health and Safety, you are saying that has not been completed-----

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MS SKINNER: No.

CHAIRPERSON: -----at this stage?

MR INSKIP: If I can just add to that. The intent of that code was applied to the whole legal industry as a general code, so it went quite a bit further than just brothels. I think the decision was made at one stage that really they should hand it back to the PLA and just leave it for brothels at this time. I think it's getting fairly difficult. There's a lot of bits out there that were getting hard to get a handle on. A lot happens in the world people don't know about, and so it went back to the PLA. The PLA then issued their own code of practice and draft guidelines - sorry, guidelines.

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All of the procedures produced by members of QABA all reflect the draft - sorry, their code of practice.

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So we have had input to it in a round about way but, naturally, we comply with industry codes. Members of QABA do receive a lot of resource material on a CD Rom when they join the association that do help them to work their way through the things that they need to manage with some self-help procedures and things like that.

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CHAIRPERSON: All right. I must say, I took some comfort from this draft escort code of practice that was in the QABA submission because it does seem to be well thought out and it seemed to cover most areas. But it's - a little bit concerning is if the legal operation has been going now for some six years and there isn't a formal one in place yet for that, as to how long it would take to get a formal one in place for an escort practice if it was to be approved by the Government.

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MR INSKIP: There hasn't really been a necessity for a formal one. The requirements of the licensing authority from day 1 have required that licensees build comprehensive management systems. So, basically, every aspect of how a brothel operates, from how an incident is recorded, what sort of files it goes into, right down to every booking, every health certificate, the hours the operation is open, the people who are service providers and staff coming to the business sign on and so, every little thing involved in the business is currently controlled at a very high level.

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What we've done in that code is reflect that and add to it in the light of the potential for escorts. There hasn't really been a necessity to do more than that at this time because all of those systems are in place now, and because the licensing authority has taken such a lead role in making sure there are good standards for the industry.

CHAIRPERSON: The - Ms Skinner spoke about the in-house rules that are available, call it a code of conduct, call it whatever you will. Is a copy of that made available to each sex worker when he or she starts working at the licensed brothel?

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MR INSKIP: There is a requirement by the licensing authority that that is done. In our case it takes the form of a book that they're presented with and there's a very long process of some hours that are involved in doing an induction in relation to the contents of that.

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CHAIRPERSON: Thank you very much. Our next presenters represent the Gold Coast Brothel Licensees, and I - and that's Mr Neil Gilmour, is it?

MR GILMOUR: That's right, yeah. Licensee at Pentagon Grand.

CHAIRPERSON: Now, I haven't had provided to me any submission from the Gold Coast Licensees. Has one been put in? I have seen one from Pentagon Grand, so I take that as yours. Okay. Yes, thank you, Mr Gilmour.

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MR NEIL GILMOUR, REPRESENTATIVE,
GOLD COAST BROTHEL LICENSEES:

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MR GILMOUR: Okay. Firstly, I'd like to thank the Chair for the opportunity to talk on behalf of Gold Coast brothel owners. We believe that brothel owners on the Gold Coast do face problems that are unique to the industry, namely unregulated and established competition from New South Wales.

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We do support the legislation of escorts from legal brothels, however, I'd like to say that I don't believe that legislation is required to ensure the commercial viability and survival of existing licensed brothels.

Most people with a view to entering this industry have over-inflated expectations of huge returns and high margins, but the image of a fur coat, gold jewellery and a flash car is a fallacy. This industry is like any other. It takes hard work and business smarts to be successful. The Prostitution Act has ensured that only legitimate business people and not stereotypical pimps are able to successfully run brothels in Queensland.

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Having said that, the primary objective of any business is to maximise profit and the Prostitution Act is clearly preventing this. By not allowing escorts, brothels on the Gold Coast are unable to compete on a level playing field with competitors from Tweed Heads. Brothels and escort agencies from New South Wales face limited regulatory authority and are able to operate with impunity across the border and into Queensland. This has always been the biggest challenge facing brothels on the Gold Coast, especially considering that 9.8 million people visit the Gold Coast - visited the Gold Coast last year. Holiday makers paying over \$300 a night for a hotel room often have no desire to make a trip to brothels and therefore demand an escort service. We would estimate that in peak holiday periods and Indy Carnival, up to 40 per cent of calls will request an escort service.

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With regards to the impact of legalising escort services on the overall size of the sex industry, we do not believe that allowing brothels to provide escort services will lead to an overall rise in prostitution. However, for this to be the case, strict regulation of advertising is required and must be enforced. Making it harder for illegal operators will ensure a switch, not an increase in demand back to legitimate and legal operators.

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Specifically, we would like to see greater regulation and police monitoring of advertisements in the Gold Coast Bulletin, regional newspapers and the Yellow Pages. Currently under the private services section of the Gold Coast Bulletin, advertisements consist of either three centimetre and greater display ads or line ads. We propose that all display ads be required to display a license or registration number. This will limit these premium type of advertisements to not only

legitimate sole operators or licensed - this will limit these premium type of advertisements to only legitimate, sole operators or licensed brothels and I've brought in some samples here of the - of the Bulletin and you can see - you can clearly see some illegal operators advertising, you know, everyday, so-----

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CHAIRPERSON: Could I see those, thanks.

MR GILMOUR: Yep. I'll just show you from here actually-----

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CHAIRPERSON: Yes.

MR GILMOUR: Firstly, you've got the licensed brothels advertising in this section and then the - the private services section starts here and you can see these larger display ads, we've got one here for Charlies Angels, out calls with a landline number, so clearly that doesn't appear to be a sole operator and you've got another one here, Playgirl-----

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CHAIRPERSON: Sorry, why - why is that? Guess Charlies Angels does suggest more than one angel but any other reason why it doesn't appear to be a sole operator?

MR GILMOUR: Right. Just - well, firstly the size - it's always been in the - since I've been on the Gold Coast, that ad's always been running, so, I don't know, sole operator-----

CHAIRPERSON: I see, it would cost too much for a sole operator?

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MR GILMOUR: The - yeah. There's another one here, Playgirls-----

CHAIRPERSON: What - are you able to tell me what that would - ad would cost, that size?

MR GILMOUR: An ad that size, I believe now they're up - they're about \$120 for an ad that size.

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CHAIRPERSON: And how frequently would that ad be-----

MR GILMOUR: That ad's in there everyday.

CHAIRPERSON: Everyday.

MR GILMOUR: Yes. Yes. Another example here there's a Playgirl advertisement here saying it's 24 hours all suburbs. So, she's a busy girl if it's 24 hours, so you'd want to-----

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CHAIRPERSON: Yes.

MR GILMOUR: Okay.

CHAIRPERSON: Thanks.

MR GILMOUR: Okay. In the escort services section of the Gold Coast Yellow Pages, any licensed brothel advertisement limited

by size will be lost among the big one page advertisement for the most part unashamedly displayed illegally by escort agencies and again I've brought in - because the Yellow Pages for Brisbane I'm sure has different advertisements to the Gold Coast. Again, we propose that any Yellow Pages advertisement be required to display a license or registration number and meet the size restrictions already required under the Act. Severe penalties for breaches to advertising rules not only need to be enforced upon advertisers but also the media outlets that break the rules.

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In addition to advertising and to further ensure the overall size of the sex industry in Queensland is not enlarged or its image tarnished, it is essential that existing laws on brothel locations be maintained. Restricting brothels to industrial areas and away from populated areas has allowed the sex industry to become recognised yet maintain discretion. Allowing brothels located in industrial areas to run escorts eliminates any need for brothels closer to city centres as demand is able to be met. We would like to see-----

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CHAIRPERSON: Can I - can I ask where yours is on the Gold Coast?

MR GILMOUR: It's - Jay Drive, Nerang, Molendina.

CHAIRPERSON: Ashmore, is that-----

MR GILMOUR: Oh, Ashmore, yeah.

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CHAIRPERSON: Out the back of - I don't know the Gold Coast very well but-----

MR GILMOUR: It's out back - it's the back of-----

CHAIRPERSON: Bundall Drive, Road?

MR GILMOUR: No, no, we're not near Bundall. If you take Exit 69, as a matter of fact, it's just near -

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CHAIRPERSON: That's the Smith Street one, is it?

MR GILMOUR: We're kind of close to Smith Street, yeah, yeah.

CHAIRPERSON: Right. If I'm going to the-----

MR GILMOUR: We're between - we're between Smith-----

CHAIRPERSON: When I used to go to the Courthouse at Southport, I know - I'd leave the highway on the Smith Street exit-----

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MR GILMOUR: Right. Yeah. Okay-----

CHAIRPERSON: -----and drive in through that way.

MR GILMOUR: Take - take the next exit and-----

CHAIRPERSON: The next one after Smith? 1

MR GILMOUR: The next one after Smith Street and then-----

CHAIRPERSON: That would be the - the one-----

MR GILMOUR: The first Nerang exit.

CHAIRPERSON: -----just on the north side of the Nerang River. 10

MR GILMOUR: Yeah, first Nerang exit, yep.

CHAIRPERSON: And in through that way.

MR GILMOUR: In through that way.

CHAIRPERSON: And is - is that - does that work for you that people will come out from the Gold Coast to there?

MR GILMOUR: It's taken time but over time, people start to know where you're at and, you know, they're prepared to travel the - travel the distance. 20

CHAIRPERSON: Okay. Yep. Thank you, Mr Gilmour.

MR GILMOUR: Allowing - okay, we'd also like to see that licensed brothels and not purely escort agencies or token two-bedroom brothels be allowed to operate escorts. This will actually ensure that there is not a proliferation of new mini brothels and escort agencies that do not have the proper resources or critical mass to adequately ensure the workplace health and safety of workers and safety of customers. In conclusion, brothel owners on the Gold Coast strongly support anyway to legalise escorts but under a tightly regulated model. We do not - I would also like to say that we do not underestimate and are grateful for the significant achievements of many people from many organisations to help this industry develop and gain credibility. Thank you. 30

CHAIRPERSON: You haven't addressed the issue of the - the number of escort workers that you suggest. Can I ask the size of your establishment, how many bedrooms? 40

MR GILMOUR: Five.

CHAIRPERSON: Five.

MR GILMOUR: Yeah.

CHAIRPERSON: Are you suggesting there should be a limit on the number that you can have working at any shift? 50

MR GILMOUR: In our meetings - we had meetings just between the Gold Coast brothel owners and I think we all agreed that 15, you know, was a fair number.

CHAIRPERSON: So, that's the equivalent of what the PLA suggested-----

MR GILMOUR: Yes.

CHAIRPERSON: -----in its written submission, was the 3 to 1 ratio to the bedrooms. And would that help with the - what you suggested about stopping this proliferation of the sort of cheap two-bedroom establishment which is really just running escorts and not a licensed brothel?

MR GILMOUR: Well, I think it would, yeah. I think-----

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CHAIRPERSON: That that would mean they could only have six?

MR GILMOUR: Well that's - yeah.

CHAIRPERSON: If it was a two bedroom?

MR GILMOUR: If it was two bedroom, yeah, that's right.

CHAIRPERSON: Yes. All right. Okay. The advertising, you said a licensed or registration number, you all obviously have licenses? It doesn't seem to have to go in at the moment, does it? I'm just looking at Purely Blues in the Yellow Pages. I hope I'm not giving anything away for Purely Blue if you haven't got your ad right. But you do state there of course that you are a legal brothel.

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MR GILMOUR: Yeah, there's no - no legal requirement at the moment.

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CHAIRPERSON: Okay. But it would be easily done-----

MR GILMOUR: Yes.

CHAIRPERSON: -----just down in the corner to have the number and for the sole operators then of course that would mean they would need some form of registration to give them a number?

MR GILMOUR: Well, it would and I mean we spoke about it. In the Gold Coast Bulletin if you - if you have a look there at the escort section in the Gold Coast Bulletin, you'll notice that they're generally either simple little line ads or three centimetres display ads.

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CHAIRPERSON: Yes. This is the personal relaxation and then the private services?

MR GILMOUR: Private services, yep.

CHAIRPERSON: Private services part, yes.

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MR GILMOUR: Yes.

CHAIRPERSON: So, sorry, if you-----

MR GILMOUR: Yes, so if you look in there you'll see that the - most of the advertisements are either three centimetre display ads or just simple line ads and we would propose that

if you made it a requirement that the display ads require a number then that might help limit, you know, the illegal influences amongst that because that's the premium advertisement in that section.

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CHAIRPERSON: I see, so, these - you're saying these little ads-----

MR GILMOUR: The little ads-----

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CHAIRPERSON: -----could get away with it?

MR GILMOUR: Well, if the sole operator's - if they're asking for, you know, discretion, what have you then perhaps you could look at that, that they would be allowed-----

CHAIRPERSON: Wouldn't they just put a block of little ads in all of the same number or something or-----

MR GILMOUR: Well, that's right, they can, but again, I think the larger ads generally work better so you would be harming the illegal operators by - by not enabling them to advertise in those block ads.

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CHAIRPERSON: I don't think we can underestimate the ability to manoeuvre around whatever form of regulation is put in place. Okay. And do you have any contact with the sole operators on the Coast-----

MR GILMOUR: No.

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CHAIRPERSON: -----as to whether they would accept any form of-----

MR GILMOUR: No, I don't have-----

CHAIRPERSON: You don't.

MR GILMOUR: -----any contact with sole operators.

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CHAIRPERSON: Okay. All right. Thank you, Mr Gilmour.

MR GILMOUR: Thank you.

CHAIRPERSON: I should - is anyone - Margaret, have you got any questions?

DR LEGOSZ: Can - I just want to ask one question, just while Neil is there and also direct it to Margaret Isaacs. Is it now illegal for operators in New South Wales to advertise in Queensland newspapers, or is it not?

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CHAIRPERSON: I think that would be difficult with Section 92 of the Constitution.

DR LEGOSZ: No, I thought there was some - some change in the Gold Coast Bulletin some years ago.

MS ISAACS: Interstate advertisements for prostitution services, they are able to advertise in Queensland so long as they comply with the policies and they're approved by us and we do approve interstate advertisements. 1

DR LEGOSZ: So, some of those ads in that paper could have been from New South Wales which are legal activities.

MS ISAACS: That's right. 10

DR LEGOSZ: Okay. So, they're not necessarily all illegal?

MS ISAACS: Not necessarily.

DR LEGOSZ: No, they could be legal from other States.

CHAIRPERSON: How does that work that New South Wales has to get approval to advertise in Queensland?

MS ISAACS: The PLA determined that the - in developing the advertising policy that anyone who wished to advertise in Queensland, which wasn't necessarily quarantined to just the Queensland operators----- 20

CHAIRPERSON: I see.

MS ISAACS: -----that anyone who wanted to advertise needed to be approved and considered.

CHAIRPERSON: All right. So, it's not discriminatory, it's applicable not just in New South Wales, it's applicable to Queensland as well, so, it's - yes. 30

MS ISAACS: That's right. That's right.

CHAIRPERSON: Yes. Okay.

MS ISAACS: But it's not unusual for an interstate agency or for us to receive an advertisement for it to be refused only for it to be - appear in its exact form and then inquiries with the publishers then say that they've signed a statutory declaration to say that they don't provide sexual services. 40

CHAIRPERSON: These ones in New South Wales - Mr Gilmour might be able to tell me, are they legal or illegal?

MR GILMOUR: Well, I think the escort agencies are legal in New South Wales but I believe it's illegal for them to be running escorts across the border. That's my understanding but I can easily be incorrect on that. 50

MS ISAACS: Yes, it is - yes, it is illegal.

DET SUPT HOGAN: It is illegal for them to be running it in Queensland?

MS ISAACS: To be running in Queensland.

MR GILMOUR: And that's why in a lot of cases you will see that they even have a Queensland number that you ring, it's not a New South Wales number, so-----

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CHAIRPERSON: And then it diverts. Yes.

MS ISAACS: The - the PLA won't approve an interstate advertisement which has the word escorts, the PLA will consider an advertisement for just a brothel and so long as the content of the advertisement comply with the policy and the PLA also approve a lot of sole operators who - where we receive their advertisement from interstate but in two months time they'll be looking to work in Queensland. So, those advertisements are approved as well, if they comply.

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THE HON M BOYCE: Mr Chairman, it might be helpful if Margaret explains what's unlawful in advertising.

CHAIRPERSON: I would like that.

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MS ISAACS: There was some statements made yesterday in respect of advertising, I'd just like to say that it is currently unlawful for a prostitution advertisement to describe the sexual services. It is currently unlawful for a prostitution advertisement to-----

CHAIRPERSON: Just when you say "to describe the sexual services, is that in - I appreciate it in any detail, but-----

MS ISAACS: Oral sex.

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CHAIRPERSON: -----can they use any form of words?

MS ISAACS: Yes, they can say - you know, they can describe themselves but they can't describe the services that they're offering.

CHAIRPERSON: I see.

MS ISAACS: So, "big busty blonde".

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CHAIRPERSON: "Brisbane's most stunning ladies", I see.

MS ISAACS: That's right.

CHAIRPERSON: The Viper Room advertisers.

MS ISAACS: That's the Viper Room, yes.

CHAIRPERSON: I see.

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MS ISAACS: It's also unlawful to advertise for - or place any advertisement that is likely to entice people into sex work, and there's also a restriction on the size of the advertisements and the content and-----

CHAIRPERSON: Is that one too big?

MS ISAACS: Yes. Yes, the licensed brothels wouldn't be able to advertise - place and advertisement that size. 1

CHAIRPERSON: Okay.

MR BAKER: That's a licensed brothel.

CHAIRPERSON: That obviously was last year's. This year's, they're half pages; they seem to be allowed. 10

MS ISAACS: That's right. The advertising policy has grown and changed over time to meet the demands of the - requirements of the business.

CHAIRPERSON: Okay. We can go into this when we go into our table part later.

MS ISAACS: Yes.

CHAIRPERSON: I think it's easier. We can go into discussion a bit more on it when we all sit up at the table in a little while. Okay. Thank you. 20

MR GILMOUR: Thank you.

CHAIRPERSON: We have a short period where we can have matters sort of in reply before we open it to more general debate. Can I ask you, Ms Isaacs, while you're there, yesterday there was talk about there needs to be auditing, et cetera, of brothels. I understand there is some auditing that actually takes place. 30

MS ISAACS: Comprehensive auditing is done on all licensed brothels annually.

CHAIRPERSON: That's financial auditing?

MS ISAACS: The audits include financial audits as well as personal probity, as well as business and company details in respect of anyone who is involved with the operation of the business. 40

CHAIRPERSON: I see, yes. So when the PLA says that some businesses are struggling financially, you know that from the auditing process that you go through.

MS ISAACS: Yes, we do.

CHAIRPERSON: It's not just anecdotal from what operators are claiming. 50

MS ISAACS: That's right.

CHAIRPERSON: I see. Was there anything else yesterday along those lines that you need to perhaps place on the record or clarify for us?

THE HON M BOYCE: Mr Chairman, the question of complaints.
The Registrar can explain how complaints are dealt with.

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CHAIRPERSON: All right.

MS ISAACS: In respect of the statements made about complaints to the authority by sex workers, it's all premised on the understanding that 99.9 per cent of the sex workers complaining to the authority wish to remain anonymous. A lot of them are keen to continue to work at the establishments because, obviously, the number of establishments is very limited to where they can move from, and they are very reluctant and hesitant to provide any information or details because they feel that in providing that to us, should we make further enquiries, that the licensees will be able to pick who it is that's making the complaint.

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So, in some respects, wanting to remain anonymous yet wanting to make a complaint compromises to a great extent the ability of us, as well as the PETF, to properly investigate matters. When you say to a worker, well, what is it you'd actually like us to do in relation to this, their statement is, well, I want you to make it stop. But without any evidence and information to allow us to investigate a matter properly, it's very difficult to get the outcome that they would like.

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We always record complaints, regardless of whether it's anonymous or not. We have a formal complaint-taking process and, if it's relation to brothel operations, generally those complaints are referred to and included as part of the audit scope, and they are dealt with during the course of the audit. But, again, the individual complaints are very difficult to deal with, given the fact that we have very, very limited information upon which to work with.

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CHAIRPERSON: Yes, I can understand that. As the head of a complaints-dealing organisation, I know it can be very difficult to deal with anonymous complaints in any effective way.

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MS ISAACS: Yes.

CHAIRPERSON: But there was a suggestion that you won't accept anonymous complaints.

MS ISAACS: No, that's not correct.

CHAIRPERSON: That's not correct. Okay. All right. And the code of conduct issues that were raised this morning? What's your knowledge on that?

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MS ISAACS: When the Prostitution Advisory Council was operating, they were given a responsibility to develop a code of practice for licensed brothels. Unfortunately, when the Prostitution Advisory Council was removed, when they left the code of practice hadn't been finalised. The Prostitution Licensing Authority built on the work that had already been

conducted and developed what we called a guideline for licensed brothels.

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Some years later, we realised that the guidelines were probably lacking in respect of being applicable to a lot of the different types of business operations, so the PLA got together an interdepartmental working group which consisted of Queensland Health, Queensland Police, Workplace Health and Safety and any ancillary organisation that we felt we needed to liaise with, and we developed a draft document which went out to all licensees and went out to several government departments. And as a result of that, that document has now been finalised, and it's currently being published at the moment.

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CHAIRPERSON: Right. Were SQWISI or any of these other organisations consulted?

MS ISAACS: Queensland Health, in the capacity of being on board the working group, actually consulted with SQWISI.

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CHAIRPERSON: With SQWISI.

MS ISAACS: So each of the representatives then took it upon themselves to liaise with their complementary or partner agencies.

CHAIRPERSON: Okay. All right, now. Thank you. We have a short time where, if anyone wants to - we did indicate we'd give some time for comments in reply to other comments that have been made. I don't want to go into every last, little issue of how things are done and everything; I don't think that's needed. I think we need to look at it more globally, so I'm not wanting to get into little nitpicking things. And I say that not meaning it in any disrespectful way because they're probably important to you individually.

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But if there are any issues of importance that people feel they need to make a reply on now is the opportunity. Yes? You could come forward to a microphone, identify yourself clearly for the record and you can make the comment.

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MR POULTON: My name's Glen Poulton. Can you all hear me? I'm the owner and director of Boundless Enterprises Pty Ltd.

CHAIRPERSON: Sorry, of the-----

MR POULTON: Owner/director, Boundless Enterprises Pty Ltd. Primarily we're here to recommend watertight strategies to be presented to Parliament to legalise escort services. I think our major concern so far is obviously industrial reform and that comes under compliance enforcement. We haven't yet taken into account the perceived population growth to exceed both Sydney and Melbourne. So far we are dealing with an unknown quantity thanks to anonymity and illegal activity.

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As with every other industry tighter controls are necessary to implement exit programs, i.e drug tests, consolidate

operations procedures, ensure maximum protection of the worker which ultimately will save lives. Until registration is made mandatory and control of advertising screwed into the ground so consumers are either educated or forced to make a choice we will continue to ride a fruitless merry-go-round costing taxpayers money and straining the resources of both Queensland Police Service and Queensland Health.

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Getting back to advertising, categories for advertising, we can have wannabes and professionals. Let's just separate the illegals from legals. I do not believe, however, the PLA is capable of this task given the abolishment of the PAC.

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The PLA cannot possibly attain jurisdiction over the BDSM industry. It would be hypocritical for a prostitution licensing authority to license an industry far removed from prostitution itself. Our concerns therefore would relate primarily to further blurring of rules and international safe and consensual guidelines.

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There's a general consensus throughout the speakers - I better cut that out, I might get in trouble - that there is a substantial requirement for drivers. Be warned, no professional driver will work for mates rates, let alone invest in an appropriate vehicle for multiple workers to travel across southeast Queensland and regional Queensland.

CHAIRPERSON: Mr Poulton, I'm not wanting to cut you off but if you're wanting to make a submission I'd be happy to-----

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MR POULTON: I already have.

CHAIRPERSON: -----receive-----

MR POULTON: This is just - this is just the-----

CHAIRPERSON: If you're - if you want to make a-----

MR POULTON: -----final analysis of the whole lot.

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CHAIRPERSON: Just hold on a minute please. If you want to make a further submission I'd be very happy to receive it and I am aware that you've already spoken with Dr Legosz and made a fairly lengthy submission there. If you want to make a further submission on what people have said and give further comments arising out of the - what's been said here I'm very happy to receive it.

Basically this - what is happening now is I'm prepared to give presenters a chance to reply to specific things that they had said, comments that had been made by other people. I think what you're saying is really going into just a further submission by yourself and I don't-----

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MR POULTON: Well, as a further submission-----

CHAIRPERSON: I'm meaning-----

MR POULTON: The workers want drivers.

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CHAIRPERSON: I'm meaning-----

MR POULTON: Everyone so far has said they want drivers.

CHAIRPERSON: Excuse me. Excuse me. I'm meaning no disrespect but I'm not - I don't think we need to take up the time in hearing you read that out. I can assure you that we will read very carefully and consider any further submission you want to make to us. We can take it in your handwritten form, I'd be perfectly happy to do that. So thank you, Mr Poulton.

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MR POULTON: No worries.

CHAIRPERSON: Now, any of the presenters who want to make a reply? Yes.

MS SPENCER: Thank you very much. Caroline Spencer speaking on behalf of CATWA. Just to follow up on the question that I submitted to the Chairperson regarding the code of practice that QABA has submitted that they compiled with the Division of Workplace Health of Safety. Now this is quite a big assertion on behalf of QABA and I think it's become clear today that this code of practice wasn't actually supported by the Division of Workplace Health and Safety and somehow it's been transferred now to the PLA and it's currently being published, as you say.

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Does this, five years later, we're talking 2005 now, contain OH and S provisions for the current legal escort sole operator industry or does it make provision for the upcoming massive influx of escort into the industry and with regard to OH and S provisions and requirements for them?

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CHAIRPERSON: Yes, okay. Yes?

MS MATTHEWS: Excuse me, could I just respond to that? We have actually - we're in the process of actually writing guidelines for the sex industry, that is for escort, sole operators, brothel workers and the industry as a whole, and street workers.

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MS SPENCER: And do these OH and S guidelines conform with current literature on OH and S with regard to dealing with the environment of the escort worker rather than placing liability for OH and S requirements on the worker themselves? Given that we don't - we want to encourage legal operators to treat brothel workers as employees rather than subcontractors.

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MS MATTHEWS: As I said, we're working on these guidelines so any input you would like to have to it would be beneficial.

MS SPENCER: I mean, it's 2005 now, we've had legal escort-----

CHAIRPERSON: Excuse me, I think - I think the two of you perhaps might meet outside in an adjournment and discuss this. 1

Now, Mr Baker, you had your hand up?

MR BAKER: Yes, Mr Chairman. I'd just like to ask the Prostitution Licensing Authority - I've got two points to make. The first one is that the Prostitution Licensing Authority has - have they taken any action against any advertisements of any establishments, legal brothels - this one here that was in, you say, Mr Chairman, in last year's Yellow Pages? My reading of the advertising guidelines is that ad breaches the guidelines. It's got photographs in it and apparently the guidelines say - correct me if I'm wrong but there's not supposed to be any photographs in ads for legal brothels. Have - has any enforcement action been taken against any legal brothels by the PLA for breaches of the advertising regulations? 10

THE HON M BOYCE: Well, there is constant monitoring of the print - there is constant monitoring of the print media by the PLA. I'll get the Registrar perhaps to get details of that. 20

DET SUPT HOGAN: I could answer that, Mr Chairman. There have been complaints made-----

CHAIRPERSON: This is Superintendent Hogan.

DET SUPT HOGAN: Yes. There have been complaints made to the PLA which are referred to the police and there has been enforcement action taken in relation to some of these issues. 30

CHAIRPERSON: Yes, thank you. All right.

MR STONE: Mr Needham?

CHAIRPERSON: Sorry, Mr Stone, isn't it?

MR STONE: Yes. Yes, Mr Needham. I represent the Workplace Health and Safety Queensland which is part of the Department of Industrial Relations. 40

Workplace Health and Safety Queensland was putting together an industry code of practice in relation to sex workers and sexual health. This document was basically subsumed into the guidelines put out by the PLA, so rather than have two documents it was felt to have one comprehensive document which would contain provisions in relation to workplace health and safety. So even though the code didn't progress it in effect has been replicated in a substantial part within the guidelines. 50

CHAIRPERSON: I see. And your Department was satisfied with those guidelines?

MR STONE: Yes.

CHAIRPERSON: Yes. All right.

MS SPENCER: So we can take this as the official position of the Queensland Government's Division of Workplace Health and Safety as to escort OH and S guidelines? The publication by the PLA that's coming out, that will be the official position of the Queensland Government?

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CHAIRPERSON: Well, with respect, I think that's a bit unfair, isn't it? The guideline that's being put in place is for licensed brothels which have not been allowed to do escorts, so one would expect that it would not cover escorts. That's just a matter of logic. There will have to be, if escorts are allowed, there will have to be an extension of the guidelines.

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MR STONE: That's correct.

MS SPENCER: Sure. Don't we-----

CHAIRPERSON: To look at the additional factors that would be involved.

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MS SPENCER: Don't we currently have legal escort though through sole operators?

CHAIRPERSON: Not - perhaps through sole operators but these guidelines are only covering the licensed brothels.

MR STONE: For brothels, licensed brothels.

MS SPENCER: Okay, so give that we have-----

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CHAIRPERSON: So there are no guidelines for the sole operators.

MR STONE: There are no guidelines for the sole operators but obviously many of the matters referred to within the workplace health and safety part-----

CHAIRPERSON: Would be relevant.

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MR STONE: -----are applicable to-----

CHAIRPERSON: Yes.

MR STONE: To sole operators.

CHAIRPERSON: Correct me if I'm wrong but yours, do you put out guidelines for self-employed people?

MR STONE: Generally-----

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CHAIRPERSON: Because the sole operators are self-employed rather than employees.

MR STONE: No. Sometimes, guidelines are put out in relation to activities rather than directed to workers or employers.

CHAIRPERSON: Yes.

MR STONE: So it's - to that extent, they are equally applicable to both-----

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CHAIRPERSON: I see.

MR STONE: -----the self-employed, employees and employers.

CHAIRPERSON: Thank you, Mr Stone.

MR COUNTER: Your Honour, if I could actually comment on this as well from Queensland Health's perspective.

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CHAIRPERSON: Sorry. Sorry, Mr Counter.

MR COUNTER: We have been working with the PLA on the health and safety - health-related aspects of this document that's currently under publication, and as part of SQWISI's contracted services this year we've asked them to complete a parallel document for sex workers so the two documents, essentially, will work in tandem. One is the requirements for brothel operators and, wherever possible, we've asked SQWISI to have the two documents matched so where there are information is relevant to both, they should match.

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But, clearly, there will be things in there that are not relevant to sex workers per se, and SQWISI's been asked to develop guidelines for sex workers in all settings including sole operators. But that document is a work in progress and once we seek a first draft of that, then obviously we will involve people like Workplace Health and Safety to ensure - and we will obviously have to reflect whatever legal setting is at that time.

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So if, in the meantime, escort industry would - is licensed, then we would have to make sure that that document meets that or update it as the legislation changes, but we suspect that's still some months off yet. We were waiting for the current document to be finished and published before we asked SQWISI to start their work on developing the new one.

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CHAIRPERSON: Thank you. We will adjourn now. We will resume in ten minutes time.

THE HEARING ADJOURNED AT 11.42 A.M.

THE HEARING RESUMED AT 11.55 A.M.

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CHAIRPERSON: All right, if we can resume. I understood there were a couple of people who desired not to be photographed here. You're aware of who those people are?

CAMERAMAN: Yes.

CHAIRPERSON: Yes, Thank you. And if any of you at any stage want to indicate some things that you'd prefer to remain

confidential, if you can just indicate that at the time and we can make that - I can make that same sort of ruling that I made yesterday. You would have seen the transcript of now - of yesterday will be available on our website but the confidential part from yesterday is, of course, not placed on the website and that's the way we would continue to deal with it.

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All right. I'm wanting to ask us to address a few things now. It's been stated by Mr Boyce that the pie is limited; that it won't increase in size. I think that's a matter of quite some considerable importance as to whether the pie is going to increase in size. I look at the situation that seems to have happened in Victoria where it seems very obvious that the pie increased enormously in size from the early 90s through to the present time and the numbers down there, quite frankly, are astounding to me.

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I see no reason why that won't happen here. I noted Ms Skinner's comment this morning, was talking about the need for various - the numbers of staff on hand depending on the effectiveness of the brothel's marketing and that's - I can understand that but, of course, the marketing is to get clients. And if it is expanded that the licensed brothels are able to go into what is now a segment of the industry that is confined to the sole operators and to the illegals, the sole operators will have limited ability to fight back.

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But the illegals would be quite confident, will fight back and will increase their advertising, and will do whatever they can to make sure that the advantage they have in not having to comply with all the PLA's requirements and the extra costs involved there will continue to give them an advantage and keep them ahead of the field, and will just increase the size of the pie. So I'd like to open it up for comments and discussion along that line; what we can do about it.

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There is the suggestion that we move the girls - the workers, I should say, not just the women - we move the workers from the illegal into the legals, but I don't know, again, whether that's going to happen. Lots of things I heard yesterday suggest that it's not going to happen. I'd like to get any comments on those two aspects at this stage.

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THE HON M BOYCE: Mr Chairman, if I could mention some matters. I think, to put it bluntly, Victoria is a mess. And Victorians might not be happy to hear that but there are, I think, two problems. One is a lack of legislative will in Victoria to deal with these problems, and that goes back to the 1980s and the 1990s, and this is a very long history. And the lack of legislative will to deal with problems has resulted, I think, in the police being reluctant to prosecute and that, basically, is what it's about.

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But if you have a look at the CMC paper on regulating prostitution and you go to the page that summarises the regime in the various states - if you look at page 36 to 37 which deal with Victoria, you can see how complicated it is and

you'd need to talk for about an hour or so to try to find out what that true situation is in Victoria. I think it's very unhelpful to consider problems in Victoria.

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CHAIRPERSON: But, look, I hear what you say because CATWA's submission yesterday very candidly admitted that; that there was really a lack of regulation, there was a lack of enforcement down there. But then Superintendent Hogan, I think, also very fairly and candidly indicated yesterday the difficulties that the police have in policing what is here. So it's not a lack of will in Queensland, it's a lack of ability to do it. And I can understand fully what she said; that the difficulties in getting through - not much point in prosecuting the occasional worker, it's a matter of getting through to the operators, and that is a most difficult task.

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MS SPENCER: And just with regard to the lack of legislative will-----

CHAIRPERSON: Just for the record identify yourself.

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MS SPENCER: Sorry, yes, Caroline Spencer for CATWA. The PLA's assertion that there's a lack of legislative will in Victoria to regulate the industry - we've had nine amendments to the Prostitution Control Act since 1994, which is the current Act that the system is based on. Nine amendments, I think, since '94 is not a lack of legislative will, it's a practicable inability to deal with an industry that have a massive injection of revenue through the legalisation of escorts, diversified, attracted organised crime and then couldn't deal with it.

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It's quite a logical progression as to where the industry is going, and to say that the Victorian industry is at arm's length and has nothing to do with the Queensland example, and we can't learn from it, I think is to not see the reality of where we're going at present with the QPS admitting that they effectively can't police escorts. Look to the Victorian example as to where Queensland is headed; that's what the CATWA submission would be saying.

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CHAIRPERSON: Just before we go on any further, Mr Cameraman, can I ask you are you aware of the people who have asked not to be photographed in this segment?

CAMERAMAN: Yes, the lady down the end here and the gentleman sitting down there.

CHAIRPERSON: Okay. I'm not asking you necessarily to point them out, just as long as you are aware.

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CAMERAMAN: Unless there's anybody else-----

CHAIRPERSON: And you will comply with that?

CAMERAMAN: Sure.

CHAIRPERSON: Thank you. Yes?

MR HOLZWORTH: Mr Chairman, Mark Holzworth from the AFA. We needn't only look at Victoria as an example of the expansion of such services. Much research has been done through many locations throughout the world that have clearly demonstrated that the expansion is just a natural course of the opening up and further legalisation.

CHAIRPERSON: Right. Yes?

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DR CHRISTIE: Gayr Christie from QABA. I'm disturbed - not clinically - by the ease with which people bandy around meaningless statistics. I've listened for two days - I've made this same point in a meeting at the PLA - I've listened for two days to people talk about statistics as if they had some meaning when the statistics that they talk about are not based - none of them that I heard were actually based on any empirical observation whatsoever. They seem to be proportions and percentages plucked out of someone's mind.

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CHAIRPERSON: But what's your point? Are you saying there will not be an increase in size?

DR CHRISTIE: I'm coming to that. This is simply by way of illustration of the way in which people are eager to jump onto some quasi-rational and scientific approach to things, which is actually simply based on rubbery figures.

CHAIRPERSON: Yes. Well, look, that's fine. We understand that, but if you can get to your point.

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DR CHRISTIE: And the other point is that criminologically, as you are well aware, whenever there's a change to the law which has the effect of either deregulating or freeing up, or regulating or decriminalising - whenever there's a change in the law, there's a change in the reported statistic with regard to that particular phenomenon. A good case in point is offences against women, particularly violence against women and rape, over the last 30 or 40 years.

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If you simply look at reported figures, you would be forgiven for believing that rape in Australia has increased over the last 40 years. Educated criminological opinion and legal opinion, of course, has it that that's not in fact what's happened, but that it's much easier to report now. Now, I'm not taking sides, but what I can say with absolute certainty is that the truth lies in neither of those extremes and we have absolutely no way, empirically, of telling what the truth is. And those figures in Victoria, I submit, are an artefact of the changes in the law, and I don't think-----

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CHAIRPERSON: What do you mean by-----

DR CHRISTIE: I agree with you that Victoria is not sufficiently far away so that we can't learn from it; we certainly can. I also believe that Victoria can learn from us. We have the best-----

CHAIRPERSON: Can I ask what you mean by "those figures are an artefact of the change of law"?

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DR CHRISTIE: Yes.

CHAIRPERSON: What do you mean?

DR CHRISTIE: Well, in the same way that some of those figures - for example, in terms of registering sole operators, if you look at the way in which registration took place in Victoria - I think the statement was made at the beginning that, look, if we register prostitutes we'll maybe get - I can't remember the figure, but it was something paltry like eight or 10 people registering, and I can't remember what it was and there are now hundreds.

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CHAIRPERSON: I've heard the suggestion that that - yes.

DR CHRISTIE: Now, that's a simple matter of registration and it doesn't represent and increase in trade or traffic, or prostitution or whatever. It's simply an artefact of the way in which we're structurally dealing with the issue. Law is a structural - changes to the law are a similar structural way of dealing with the issue.

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CHAIRPERSON: So you're saying there was the same number of workers before, but they just changed from being unregistered to being registered. Is that point you're making?

DR CHRISTIE: Yes. What I'm saying is we have no way of telling.

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CHAIRPERSON: Of knowing. All right.

DR CHRISTIE: And to blindly assert that there's been a major increase is simply a blind assertion. It has no basis in empirical fact.

CHAIRPERSON: It's just that - look, that might be so. I take your point on that, and I certainly don't know whether it was an increase or whether it's just a change in the terminology that they were working illegally before, now they're registered. But it does seem to me, on the face of it - and, as you might have gathered, I'm a bit of a novice in this area - that, as I understand it, there are some 96 registered licensed brothels in Victoria; there are some 94 licensed brothels/escort agencies and then there's some 1461 of these exempts which is two workers in each one, as I understand it, which is almost 3,000 workers in those plus all the workers in that 180, 190 licensed brothels/escort agencies.

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DR CHRISTIE: And how many are there in Queensland?

CHAIRPERSON: I don't know.

DR CHRISTIE: Touché.

CHAIRPERSON: We have 18 registered here. Do we have - if we had what each of those licensed brothel and escort agencies, if we take a guess and say that it's 10 workers in each one, which is probably more-----

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DR CHRISTIE: Probably much more than that.

CHAIRPERSON: Well, look, even if we take 10, that means that we've got some 1,900 workers there. How many sex workers would you say we have in Queensland?

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DR CHRISTIE: I'm not prepared to get into that.

MS MATTHEWS: How long is a piece of string?

CHAIRPERSON: Sorry?

DR CHRISTIE: How long is a piece of string?

MS MATTHEWS: How long is a piece of string?

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MS FAWKES: Can I just-----

DR CHRISTIE: The problem with anybody hazarding a guess in there is that it becomes an urban myth; it takes on a life of its own.

CHAIRPERSON: Yes.

DR CHRISTIE: The Courier Mail is replete with false statistics. Every time the Courier Mail gets-----

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CHAIRPERSON: I won't rely on the Courier Mail's statistics.

MS FAWKES: Can I just - I don't think-----

DR CHRISTIE: But everybody else does.

MS FAWKES: I think the reality is that you can't separate out, even in the Victorian environment, who is an exempt brothel owner and who is working in a brothel because the reality is the girls work in both situations, and the same thing happens in Queensland.

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CHAIRPERSON: I see, yes.

MS FAWKES: So I think we can get really caught up in the number situation and waste a lot of time, and the reality is that, I think, if an industry becomes more transparent then there is the perception that there are more people in the industry; that the industry is larger. But that certainly is not always the case, and we would say that about Victoria. The impression of the sex worker organisations is, rather than the industry, growing in the way that it is reported. We don't support those figures at all.

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CHAIRPERSON: Well, can you give many good, logical reason why, if escorts were legalised up here, the industry wouldn't

grow rather than just an assertion that it won't? Can you give me any-----

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MS FAWKES: I guess I'm not giving an assertion that it won't grow-----

CHAIRPERSON: No.

MS FAWKES: -----because I think you have to - as a government, you would have to accept that the perception of the industry as larger will be there and have to manage the fallout from that.

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CHAIRPERSON: And has QABA got any view on that as to whether it will grow or not?

DR CHRISTIE: Yes, QABA does. QABA doesn't - isn't prepared to get into the idea of making predictions about numbers. But the point needs to - I think ought to be well taken that wherever there's a liberalisation, there's - there's a - there is more transparency and there's likely to be a greater public awareness and, to an extent, public acceptance simply because of the change in the law. Now, that doesn't imply, as was suggested quite forcefully yesterday, that that means that people change their moral stance because the law has changed. It means actually that there's a larger number of people out there who would want - it may mean that there are a number of people out there who would want to use the services of prostitutes, but wouldn't because it's illegal. Now, changing a law doesn't change their morality. It simply - it simply - it's a release mechanism which says, okay, now you can do what you wanted to do because it's illegal - it's now legal.

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CHAIRPERSON: Yes, Mr Baker?

MR BAKER: Mr Chairman, do we have an admission that the industry is going to grow by virtue of its demands-----

DR CHRISTIE: No, we have no knowledge of whether the industry will grow or not.

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MR BAKER: It's not being taken up by men at the moment.

CHAIRPERSON: I took it as a part admission on the basis that you were making what I thought was a-----

DR CHRISTIE: Well, please don't want to be put down-----

CHAIRPERSON: No.

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DR CHRISTIE: -----as admitting something that I haven't. I'm saying that I absolutely have no way of knowing.

CHAIRPERSON: Sure. But, you did-----

DR CHRISTIE: And neither does QABA, and neither does anybody else in this room.

CHAIRPERSON: But you did make, I think, a very fair comment, and reasonable comment, that some people who might not be prepared to partake in the industry because they don't want to go to a licensed brothel but don't want to use an illegal escort-----

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DR CHRISTIE: Yes.

CHAIRPERSON: -----then they might be prepared to do it if they could - partake in the industry if they could get an escort from a licensed brothel.

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DR CHRISTIE: They might and they would-----

CHAIRPERSON: As to whether that will happen, we don't know and as to the size of it, we have no idea.

DR CHRISTIE: Yes.

MR BAKER: Mr Chairman, can I - can I continue my comment?

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CHAIRPERSON: Yes.

MR BAKER: As Mr Holzworth said on behalf of the AFA earlier, I'm Alan Baker on behalf of the Family Council of Queensland. We have the evidence in other jurisdictions, not just Victoria. As I said in my submission yesterday, we got the evidence in the Netherlands, in Germany, from Switzerland where you have legalisation industry expanse. And there's - this should be of surprise to no-one because if you look at other industry where - which have been legalised, or partly legalised over the last few decades in Australia.

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Look at the gambling industry where there used to be - used to be that casinos were illegal in Australia. Look at the explosion in gambling by Australians since casinos were legalised. In all forms of gambling and new forms are being invented all the time.

Look at the abortion industry. Now, admittedly, abortion has not been legalised in Queensland but it's Judge made law has changed the interpretation of the law and so we have a de facto state of abortion on demand in Australia. And, can anyone - can anyone claim that we haven't seen a great increase in the number of abortions in the last three decades since - since-----

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CHAIRPERSON: It's been suggested that you pass on to us the references to any research that you want us to-----

MR BAKER: I'm certainly happy - happy to do that.

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CHAIRPERSON: All right.

MR BAKER: But, let - let's learn from the example of other industries which have been-----

CHAIRPERSON: I'm not wanting to-----

MR BAKER: -----legalised.

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CHAIRPERSON: -----go into big arguments about whether abortions have increased or not. I don't think we need to take up time with that.

MR BAKER: But, can I also comment on Mr Boyce's comments of yesterday in his presentation on behalf of the PLA. He said that human nature does not change when he - he made that comment after he said the pie wouldn't increase. Well, obviously it's a goal of the - of the brothel owners and the entrepreneurs, as they know now - known now - now known I should say, that the industry does increase and grow. They want to - they want to increase their profits, as - as you'd expect them to do.

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But, human behaviour does change. Human nature may not but human behaviour does change-----

CHAIRPERSON: All right.

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MR BAKER: -----and we've seen that in several - in several examples in Australia over the years. In the campaign against drink driving, "If you drink and drive you're a bloody idiot". And that has changed human behaviour. That - that education programme combined with deterrents by the police force has changed human behaviour. We don't see as many drink drivers on our roads as we used to.

Similarly, with the - with the education campaigns against smoking. We've seen that only - now - only seventeen per cent of Australians smoke compared to thirty per cent of a few decades ago. So, human behaviour does change when proper deterrents are put in place by the law and - and through community education campaigns.

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CHAIRPERSON: All right, well, look, I don't know that we're going to get much further unless anyone has any other specific research or something that they can particularly point to on this issue of whether or not the pie is going to get larger. But, if we - can we move on to the topic of how we can stop the pie getting larger, if that were to happen, and the other alternative, that I think most people would agree with, of stopping the illegals. To allow the sole operators, to allow the licensed brothel operations to keep going and to stop the illegals. To move the work from the illegals into the legal aspect, be it a sole operator or the licensed brothels.

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The only way I've heard that suggested that it might be able to be done in the advertising. We - I think we'd all accept that the police, through no fault of their own, despite any efforts they might make, are not going to be able to stamp out the illegals, that it's going to be done through regulation of advertising is the only thing I can see. Can we just clarify it. Is there any other way that anyone can suggest to stop it other than advertising before we - we will then move on and talk about advertising if there is no other way.

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DR CHRISTIE: It's QABA's position that - that legalising escort services and putting their administration in the hands of already legal brothel - brothels provides a bridge. We heard much said yesterday about the original intention of the Act which - one of the original intentions of the Act which was to encourage workers to leave the industry if that's what they wanted to do and to assist them to do that.

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Now, one of the other, of course, is to encourage and assist workers in the illegal industry to move to the legal industry and it's QABA's contention that legalising escort services in legal brothels will actually help to provide that kind of bridge, which was the intention of the original Act.

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And it does so in this way. There are both structural and personal barriers to the sole operators coming into the mainstream legal brothel industry, sex industry. And one of the most major - well, there are two main ones. One is the one, the anonymity one and I don't intend to go there, but the other one is taxation. And, for many sole operators they don't see any benefit in coming into the legal system. However, there - there are benefits in coming into the legal system, too numerous to mention.

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But, one in particular is the way in which their income becomes legitimised. It might seem like a good idea not to pay tax if you're in a cash industry but eventually it's not a good idea not to pay tax because it really interferes with your ability to do many other things. So, for example, if you - I mean it doesn't matter how much you earn, there are limited things that you can spend it on.

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You can't buy a house, for example, because someone, inevitably, would ask where did you get the money to get the house? You didn't pay tax on your money, where did it come from? Well, you might say that you went to the casino and laundered it but that story wears a bit thin after a while as well.

So, there are very real and compelling reasons for people to - to make that transition. And, by providing legal escort services through brothels, what we can do is encourage workers in the illegal industry, whether as escorts or as workers in illegal parlours, to test the water as - as you were. This isn't the main function but it's an - it's an unexpected consequence. To test the water by working shifts as legal escorts, getting an ABN, paying tax on that money and seeing for themselves what the benefits are both in terms of their own finance, financial status, and legitimacy with regard to the ATO.

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But also in regard to the efficiency and business-like way in which those businesses will be operated given the experience of the operators and given the policies and procedures which will govern both the - the booking and the health and safety of the - of the operators. So, I believe, and it certainly QABA's position that this - that the legalisation of - of

escorts can provide a powerful bridge to allow people to make that kind of transition.

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CHAIRPERSON: All right. Well, you're right in that we have to accept that it is a third alternative to workers to work either as sole operators or in the illegals or as an escort worker in the licensed brothel and there might be some who would be prepared to take that up and you've pointed out some reasons you say that might help to encourage them that way. All right. Now, I take that on board. Any other-----

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MS FAWKES: Can I address the taxation issues-----

CHAIRPERSON: Sorry?

MS FAWKES: Could I address the taxation issue?

CHAIRPERSON: That's Ms Fawkes from-----

MS FAWKES: Scarlet Alliance.

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CHAIRPERSON: Scarlet Alliance.

MS FAWKES: We would certainly not support what QABA has suggested in this case. In fact many sole operators currently, and even illegal-----

CHAIRPERSON: Now, hang on, what - are you saying you don't support their suggestion that the sole operators don't pay tax or are you saying you don't support their suggestion that they won't move over into the licensed brothels?

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MS FAWKES: I don't suggest - I don't suggest the inference that sole-----

CHAIRPERSON: That they're not paying tax.

MS FAWKES: -----operators and/or illegal people operating illegally as sole operators or escorts in Queensland-----

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CHAIRPERSON: All right. Well, that-----

MS FAWKES: -----that they do not pay tax.

CHAIRPERSON: That takes away one of the incentives they might have-----

MS FAWKES: Yes.

CHAIRPERSON: -----for moving into any licensed brothels.

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MS FAWKES: Well, I'd like to have it on the record-----

CHAIRPERSON: Sure.

MS FAWKES: -----I guess that in fact many of those people currently do pay tax and they do so by claiming that they operate a different business and according to the ATO they're

really not interested in what you say you do as long as you're
paying. We would like to-----

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CHAIRPERSON: Okay.

MS FAWKES: -----I guess on this issue make a point and this
is me speaking on behalf of Scarlet Alliance and this is a - a
claim I guess supported by SSPAN and SQWISI so we stand in
solidarity on the issue that we do not support the discussions
that have happened over the last two days that suggest that
registration of sex workers or sole operators would address
the issue of advertising. One of the main concerns for sex
workers in Australia is the excessively high level of
stigmatisation and discrimination. The result of that is high
concerns or high need for anonymity and privacy.

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The proof of the way this creates a barrier to participation
is the number of sex workers that have felt safe and secure
enough to attend and speak at this forum even though there
have been many attempts made and the CMC has attempted to bend
over backwards to include or create a forum where people could
participate. It is our experience that this is the main
barrier for people participating in legal systems or the legal
sector of the industry when any form of registration occurs.
We go into, I think, 10 points in our submission outlining the
reasons why sex workers feel they're unable to participate
when any system of registration occurs and I indicated to you
yesterday the situation where women in Queensland have lost
their children when it's been proven that they are sex workers
in family law disputes. So, these concerns are very real.

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The reason that we don't support registration in any form is
that we don't believe that it will solve the advertising
issues that you have raised here. We also believe that it
will send sex workers underground and create worse conditions
for sex workers in Queensland and that is supported by all of
the sex worker organisations in Queensland represented here
today. We'd also, I guess, like to just raise one final point
and the other speakers can address this issue if they'd like
to, but we also had one further point about advertising as it
was raised earlier in concern to exotic massage.

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MS MATTHEWS: There was an inference made-----

CHAIRPERSON: This is Ms Matthews from SQWISI.

MS MATTHEWS: Sorry. SQWISI.

CHAIRPERSON: Yes.

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MS MATTHEWS: There was an inference made about exotic
relaxation before and I would just like to clarify that
because of the Prostitution Act in Queensland is exotic or
exotic relaxation is massage with hand relief which comes
under prostitution, those people that advertise under that
particular area really needed to have an area to advertise
under. They couldn't advertise under massage and they
couldn't advertise under personal, so, I think that, you know,

we need to look at different areas of the industry as well and how they advertise.

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MS FAWKES: And the diversity of the industry.

MS MATTHEWS: Yeah and I think one of the things with the registration of sex workers, it will not work because what will happen with the illegal sector, they will send sex workers in to get cards to work and you're still going to have those registration numbers in the advertising. This is not going to work to register them.

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MS FAWKES: And that claim was supported by the PLA yesterday.

CHAIRPERSON: I see. So - yes, that's a valid point that you just get one girl who's prepared to pay her - get her to go in and get a card and then use that number.

MS MATTHEWS: Number, that's exactly right.

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MS FAWKES: And in Victoria currently there is a problem with how that is administered and how-----

CHAIRPERSON: Sorry, was how?

MS FAWKES: How that pans out I - it has been suggested in several situations that there is a form of black-market sale in order for people to get a number or to be able to put an ad in.

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CHAIRPERSON: Yes. I did say earlier we can't underestimate the ingenuity of these people. They'll get around it one way or another.

MS FAWKES: So, we believe instead that our discussion should focus on the way in which individual sex workers can be supported to work safely in Queensland rather than the increased policing and surveillance with which this forum has taken a focus on up until this point.

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CHAIRPERSON: So, is Scarlet Alliance and SQWISI are in effect saying that you can't see any-----

MS FAWKES: And SSPAN.

CHAIRPERSON: And SSPAN are saying you can't see any form of advertise - of control over advertising that would really work?

MS FAWKES: Not that would still allow, as I talked about yesterday about thinking about that balance about, you know, if you're going to put in place measures that actually restrict the majority of sex workers from participating, then it has the adverse affect that you're trying to come up with. We don't believe that any form of registration in relation to advertising in any - any way that we've talked about it, can have the effect of not creating an extreme barrier to sex workers participating in the legal system.

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CHAIRPERSON: Mr Gilmour's suggestion this morning that the small ads in the paper, these little three line ones that you'd need no form of registration or anything for those, but, have it for the larger ads. Do you have any comment on that?

MS MATTHEWS: Yes, I do. I actually come from the Gold Coast so I'm well aware of those ads down there. I'd would like to also add though some of those little small ads are also agencies as well.

CHAIRPERSON: But his point was that those ads are not as effective.

MS MATTHEWS: They're not as effective as the larger ads and it will create-----

NIKKI: I do well.

MS MATTHEWS: Yeah, but we're talking about the Gold Coast. You know, when you're competing with - you're competing with five brothels on the other side of the border as well and it is a little bit difficult down there as - you know, so the smaller ads-----

CHAIRPERSON: But presumably for Brisbane as well, the larger the ad, the more effective one would normally-----

MS MATTHEWS: Well, Nikki's-----

CHAIRPERSON: This is Nikki.

NIKKI: I personally - I've tried putting the larger ads in Quest Newspapers and such and I get just as much response from the three, four line ads than I do from the large ads. The difference is cost, it costs me \$18 for a four line ad and it costs me \$80 or \$65 or something around that range, 65 to \$80 for a boxed ad so I go with a smaller ad and I get just as much response from an \$18 ad from a higher priced ad, so, yeah.

MS MATTHEWS: I also think it's got a lot to do with the clients who are accessing. I think the clients think the smaller ads are solo operators and they want to be in a legal environment rather than accessing a brothel. They don't want to access a brothel but the other ads are - basically they wouldn't be aware that they could be illegal establishments. Clients are quite smart as well, occasionally.

CHAIRPERSON: That's fine, that's fine. It means that if it's - it's effective in that it gets you clients who want you, who want a legal person. That's fine.

LICENSEE: Licensee, **[THIS REFERENCE HAS BEEN REMOVED]**

CHAIRPERSON: It's no so much to magnify your voice, though that does help, but it is also to record it on the tape

because we're making a transcript of this. We have a roving
mike, thank you.

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LICENSEE: I am the licensee of[**THIS REFERENCE HAS BEEN
REMOVED**] and after listening - at yesterday's session you
seemed fairly interested as far a advertising controls would
minimise the legal operators and I came up with a model that I
thought would-----

CHAIRPERSON: Yes, I have just been given this but I haven't
had time to read it.

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LICENSEE: Yes. Okay, okay.

CHAIRPERSON: Can you walk us through it.

LICENSEE: Yes. I think it addresses a lot of the issues. It
serves the various interests of the stakeholders whilst
maintaining and enhancing the goals of the Queensland
prostitution legislation. On the one hand it preserves the
anonymity of the sole operator. It assists the PLA in the
monitoring and control of advertising in Queensland. It
enhances the ability of the Queensland Public Service to
enforce the law against illegal operators. And also it
severely curtails the effectiveness of advertising by illegal
operators n thus their profitability. The last point is
crucial because advertising is the oxygen that fuels the sex
industry. If you starve the illegal industry of that oxygen,
I believe that you will see a significant decrease in activity
in that sector, thus fulfilling one of the major aims of the
Queensland legislation's intent. And I have put in a few
examples of how it could work. For the control of print media
advertising, which includes newspapers, publications,
magazines, Yellow Pages, what I am suggesting, as Neil did,
that advertisements of a certain size are not subject to PLA
approval and this seems to be supported both by what Cheryl
said and what Nikki said in that it is quite effective for a
sole operator to have the smaller ads in and consumers -
customers seems to think that that is the - a sole operator's
ad. So that nullifies the illegal operators, the big illegal
operators. Other ad sizes are subject to PLA registration and
approval as I have indicated. In order to make this work, to
put an advertisement you need PLA approval, which we do now,
but the illegals don't. The advertiser must register with the
PLA. I think it is like what you suggested yesterday, the
pseudonym and the phone number to be used in the advertising
should also be registered. A registration number is then
given to the sole operator or licensed brothel and this must
be displayed on all advertising material. For example, I put
QLB1 would be for licensed brothel, QSL1 for registered sole
operator. A registry is then maintained by the PLA. This is
accessible by Internet, by QPS for their policing activities
or the media publications which then provides them with
checking capability to ensure that that is a legal ad. Of
course, no personal details are displayed on that. And also -
you have also remarked generally of the illegal operators.
What I am suggesting is that a classification be made that
only ads which appear under the - oh no - sorry - all ads -

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any ads which appear under the heading of escorts, social escorts, companionship or brothels, or purport to provide those services, must be approved by the PLA. And the advertiser must be registered i.e. for the larger ads and severe penalties should apply to publications who do not adhere to these rules.

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CHAIRPERSON: So are you saying if there is someone who wants to be a - if I can use the term a social escort rather than a social escort.

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LICENSEE: Yes.

CHAIRPERSON: A social escort that those people have to be - have their ads approved by the PLA as well and be given some form of registration number.

LICENSEE: Certainly because I think you will find in 99.9 if not 100 per cent of those are providing illegal services.

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CHAIRPERSON: All right. Or, alternatively, would it be a way as suggested earlier that the law being for the advertising medium can only accept ads that have a registered number or, alternatively, the ad must have in it the fact that it is a social escort only.

LICENSEE: Yes, yes.

CHAIRPERSON: Rather than making it plain You do go on-----

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DR CHRISTIE: No, no-----

CHAIRPERSON: I will come back to you. You do go - I am not finished. You do go on to this aspect on the next page. The question will be asked what is to stop illegal operators from getting service providers to register on their behalf or buying the registered numbers from a sole operator which is what Ms Matthews said.

LICENSEE: That's right.

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CHAIRPERSON: You just say legislation enacted which makes it an offence to do so. Can I ask Superintendent Hogan, would that sort of legislation be able to be enforced?

DET SUPT HOGAN: It may be a challenge still to enforce to be able to prove whether it is a sole operator actually doing it or if it is somebody behind it.

CHAIRMAN: Or how - that's right - to find out that in fact the person behind the ad has, in fact, paid money to the sole operator - or to an operator to go and get a registration. I would think-----

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DET SUPT HOGAN: It wouldn't be simplistic.

CHAIRPERSON: It would be very difficult.

DET SUPT HOGAN: And would be fairly resource intensive. 1

LICENSEE: I think the suggestion you made yesterday regarding a card, a registration card-----

CHAIRPERSON: With photo ID.

LICENSEE: -----would negate that.

MS FAWKES: Well, it wouldn't for sex workers. 10

LICENSEE: Sorry?

MS FAWKES: It wouldn't for sex workers.

LICENSEE: Yes. My suggestion was that the smaller ads, right, the sole operator would not have to register, however it doesn't preclude her from using big advertisements as long as she is willing to register. So that provides - you know. 20

CHAIRPERSON: Yes, Mr Christie?

DR CHRISTIE: There is also an issue to do with the various media.

CHAIRPERSON: Sorry, with the-----

DR CHRISTIE: The various media.

CHAIRPERSON: The various media. You're right, there is the Internet. 30

DR CHRISTIE: Well, yes, there is the Internet, but leaving the Internet aside, the print media is what I am particularly concerned about at the moment and the print media quite cynically gets people, as you suggested, to already sign a stat dec saying that they are providing social escort services and we know that there is 100 a day in The Courier-Mail. Why should The Courier-Mail be allowed to continue to carry illegal ads. 40

CHAIRPERSON: Well, I would envisage that any law would make it an offence for the print media to carry the ad unless there was a registration produced to them.

DR CHRISTIE: I agree, however their out is to say that we got someone to sign a stat dec.

CHAIRPERSON: No, no, you just make a law that doesn't allow that to happen. You make a law that they must----- 50

DR CHRISTIE: Well, that is the point that I am making. So unless we have that kind of legislation, nothing is going to work.

CHAIRPERSON: Oh yes. No, no. I'm certainly envisaging-----

DR CHRISTIE: Because it is The Courier-Mail that needs to be prosecuted.

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CHAIRPERSON: I am certainly envisaging one would have that sort of provision in the legislation.

DR CHRISTIE: Okay.

CHAIRPERSON: Oh yes. Yes, you can't - let's face it, this is a large source of income to the print media unless-----

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DR CHRISTIE: Millions of dollars a year.

CHAIRPERSON: You have got to make it in a way that they can't get around it either.

DR CHRISTIE: Yes.

CHAIRPERSON: Oh yes. Yes, Ms Spencer?

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MS SPENCER: Caroline from CATWA, Caroline Spencer. We seem to be having this discussion in the context of - in trying to pre-empt what will happen with a massively expanded escort industry. We can't - this is a complex discussion. We can't even come to a final decision in the current context. The idea that - and we hear nothing from the PLA again - the idea that we can somehow on the run enact measures and intricate police regulatory policies to cover a massively expanded industry when we have currently got a minute industry and we can't even do it now. We haven't even sorted out with The Courier-Mail whether they can publish or not and this legislation that you mentioned that might be introduced - we haven't done it now. Why on earth would we do it in relation to a massively expanded industry. We can't control the current industry. I would like to hear from the PLA as to what they're doing with regards to these things already when they have got such a small load on their plate at the moment Do they envisage how big the load is going to become with the further legalisation of escorts.

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CHAIRPERSON: I think your point is valid in that so far we have heard that there will be additional costs for the PLA. There will be additional costs possibly for the Queensland Police Service and there will be - Mr Counter told us there will be probably additional costs for Queensland Health. That is certainly valid and as to where the money is going to come for that - I daresay there will be more taxes raised through any expansion if that occurs of the industry.

MS SPENCER: What about now though?

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CHAIRPERSON: It is a valid point of the cost

THE HON M BOYCE: Mr Chairman, the PLA has a great deal on its plate. We have close to 7,000 files in our office. The Registrar spends about 50 per cent of time on advertising. It may be helpful if she indicates to you what she sees as difficulties in controlling advertising.

CHAIRPERSON: Yes, yes.

THE HON M BOYCE: She is the Registrar of the PLA.

MS ISAACS: Just to give you some idea about the number of advertising submissions that the Authority receives, in August we received over a thousand prostitution advertisements for consideration. While I can see some merits in the case of registration, I don't think that it's going to achieve the outcomes that everyone desires. In respect of implementing photographic identification for sexual service providers, I think that's unrealistic because we receive a number of advertisements from sole operators who don't live in Brisbane, would be very difficult to register and provide a photo for those sole operators for example who work in Mt Isa or Cairns and even for those sole operators who work interstate but would like to come into Queensland from time to time and a lot of the work into Queensland from sole operators maybe within a week's notice for just a long weekend.

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From our - my experience in dealing with advertising submissions as well, it's not unusual for a sole operator to operate under several different names at the same time and to perhaps have seven - several different phone numbers so then one would expect that if there was a registration system in place, how would you manage for that. Do you give a single person six different registration numbers to identify them as being approved under several different names? And then that maybe open to fraud as well. Someone could effectively walk out of the office with three or four registration numbers and give them to someone else.

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So, while I can see that a system of registration may relieve some of the issues in respect of advertising, I think that the risks in respect of all of that, apart from the administrative costs and serving all of that and the fact that it's been testified that a lot of the workers would choose not to come to us for registration, that it isn't going to entirely relieve the issues in respect of advertising. The other thing too is that you may still have those operators who choose to insist and present themselves as agencies that don't provide sexual services and then it falls back on the police service to try and prove prostitution.

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CHAIRPERSON: Well, if we're proving nothing else from these two days, we're proving the complexity of the issues involved. Yes, Ms Spencer.

MS SPENCER: Caroline Spencer from CATWA. So, what would be the PLA's suggestion for regulation of this expanded legal escort sector? They say registration, they won't use registration as a regulatory measure. They won't put too many restrictions on statewide services. Advertising for interstate, they're letting go by. The numbers, they're fairly loose on the numbers of escort workers from each brothel venue. We have no OH&S guidelines as of yet, whether they're in the pipeline, I don't know. Exactly - so, we're

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having a regulatory environment where we're hoping to uphold Queensland's model system of regulatory environment that the PLA holds up, yet, we seem to have no regulatory proposals whatsoever from the PLA with regard to expanded escort.

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THE HON M BOYCE: Mr Chairman, it would be helpful to get a list from this lady of all the complaints she has about the PLA. It's very difficult to handle this barrage of complaints but essentially it is the submission is to attach escorts to licensed brothels where there is a strict regulatory regime and the PLA's confident that if that happens, it will work.

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CHAIRPERSON: Yes, Mr Baker.

MR BAKER: Regarding the issue of advertising, Mr Chairman, you heard from CATWA yesterday that they think there should be no advertising of sexual services at all and I would suggest that that's a model that the CMC could look at. There are other legal industries like the sale of tobacco where there's no advertising permitted at all even point of sale advertising, even sponsorships, and why, because of the health risks and the cost to the community of all these people who get lung cancer et cetera, in the same way that we - we - I assume the CMC sees prostitution as a social harm which needs to be controlled and reduced.

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CHAIRPERSON: Mr Baker, you must remember a little bit, I suppose, that the CMC's role in this is we were asked to look at the operation of the prostitution laws, Parliament inserted a provision in the prostitution laws asking us to look at that. Now, we're not here as the moral watchdog for Queensland. We have to comply with a requirement put on us by Parliament, but, Parliament has determined that there will be prostitution allowed in Queensland. I personally don't see it as part of the CMC's role then to be making a recommendation to Parliament which is totally contrary to the intent that Parliament has indicated in passing the Prostitution Act 1999.

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I do see that as part of our function we can look at our functions that we have under our Act which includes misconduct prevention, crime prevention and so we can look at making any recommendations to Parliament that might assist in making sure that crime doesn't occur through the operation of the legalised brothel system that Parliament is mandated can take place. So, I can tell you now that I would not be putting up any recommendation that there be no advertising for prostitution because I would not see that I'm entitled to put that to Parliament.

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MR BAKER: Could I suggest another model that you might be comfortable with and that is that I suggested yesterday that only legal brothels be allowed to have advertisements. Mr Holzworth on behalf of the AFA suggested that any advertisements should be just line advertisements, classified advertisements. Perhaps a combination of those two models would - would be the solution which is the only displayed advertisements in the print media, and I'm talking not just about the Courier-Mail, Yellow Pages but also This Week on the

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Gold Coast, I mean, the amount of illegal prostitution being advertised in Queensland right now is rampant. We may as well not have any guidelines. They're not being enforced. We need to clean up this act. That's how we can reduce and contain the illegal industry.

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CHAIRPERSON: Well, I'm looking to see if there is a workable system where we can have it that the only ones who do advertise prostitution services are licensed brothels and sole operators because they are the two bodies or the two groups of people that Parliament has said can legally offer prostitution services.

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MR BAKER: Well, this is the solution I'm suggesting. The only display ads in any print publication come from legal, licensed brothels, which there's 18 of them-----

CHAIRPERSON: Well, that's exactly what-----

MR BAKER: -----at the moment. That's it.

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CHAIRPERSON: That's exactly what we've been looking at as to-----

MR BAKER: And the other - any other ads-----

CHAIRPERSON: -----whether that can be done.

MR BAKER: -----accepted by any other publication can only be classified ads, if they're not from licensed brothels. And there's fines on the publishers. The onus is on the publisher to not accept those ads.

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CHAIRPERSON: You must forgive me, I don't work in this area. A display ad I take it is something like that, a larger ad?

MR BAKER: Yes.

CHAIRPERSON: Is that what you mean by display ad?

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MR BAKER: Yes.

CHAIRPERSON: And by a classified ad do you mean these little-----

MR BAKER: Two or three lines of type-----

CHAIRPERSON: -----three liners.

MR BAKER: -----is a classified ad.

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CHAIRPERSON: All right.

MR BAKER: And that seems to me to be a model that would work and would restrict the demand and the supply.

CHAIRPERSON: How do we get around this unfortunate circumstance that's arisen in our community where the

euphemism "escorts" is used for sexual services whereas of course it can, we all know, though it probably never does, apply to social escorts, non-sexual escorts. How do we get around that problem?

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MR BAKER: Well, it's-----

CHAIRPERSON: I'll come to you, Ms Matthews.

MR BAKER: I think - I think that the law has got to mandate that we call a spade a spade and for too long, as you said early, Mr Chairman, we've been dealing in euphemisms. Escort services; well, escort services are illegal in Queensland, why for goodness sake do we allow the Yellow Pages-----

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CHAIRPERSON: Well, they're not - well, with respect, Mr Baker, they're not for sole operators-----

MR BAKER: Except for sole operators. Okay. That's the one exception but the bulk of the businesses we've heard this morning is with illegal escort services not for the sole operators because of the logistics involved with receptionists answering the telephone et cetera, et cetera. So, the bulk of - the bulk of the businesses are illegal, we accept that. How do we control it? It's through the advertising and to come back to your question, Mr Chairman - I've just lost my train of thought.

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CHAIRPERSON: I was asking how do we stop the print media from putting advertisements in there - how do we get around the problem that of course they're entitled to put advertisements in there for social escorts.

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MR BAKER: Well, I think-----

CHAIRPERSON: Can you see anything other than what's already been suggested that we mandate through - or the government does, through some form of regulation that any such social adverts include the word "social" escorts.

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MR BAKER: Well, I think we need to talk to the newspapers, Yellow Pages, other publications and say, "Let's have a category for the Yellow Pages, 'Prostitution', subheading, 'Licensed Brothels', another subheading, 'Sole Operators'", and that removes any confusion.

CHAIRPERSON: All right. Can I ask - would the - would QABA, the licensed brothels be happy to accept that sort of thing?

MS SKINNER: I think you will find, and Margaret will probably attest to this from the PLA, that the Yellow Pages and other publications will not put the words in "prostitution" or "brothel", and that is one of the issues with - particularly the Yellow Pages. They will not allow the classification of brothel in or licensed brothel in their publication.

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MR BAKER: Well, I'd suggest, Mr Chairman, that they would if the law mandated it; if we called a spade and spade. And then

- also, we've heard evidence that there's - this morning, anecdotal, admittedly, that 99.9 per cent of dating services are really sexual services. Let's just - let's have no ads allowed on dating services. We have those - those two - that - two categories of ads, licensed brothels, sole operators under prostitution and we - introduction agencies are a different thing, but dating services are a front for sexual services.

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CHAIRPERSON: Mr Baker, you'll perhaps find that putting legislation in place is not a simple matter when you've got, say, yellow pages that operates throughout Australia for Queensland to try to mandate what Yellow Pages have to do, especially when these days it goes Australia wide through the internet. We have to make sure whatever we - recommendation we present is practical to Parliament. But I know where you're coming from. You can be assured of that. Yes, Ms Matthews, I said I would come back to you.

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MS MATTHEWS: First off I'd like to just talk about the advertising. The advertising doesn't advertise prostitution. It actually just describes a person, so I'd like to know where everyone is getting all these horrible things about prostitution from. Number 2 is about the illegal - or the people who offer just escort services. The papers have an adult services section. If you ad - put your ad in the adult services section, then you would be providing other services besides dating, and I think that's one of the ways we could do it. Very simple.

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CHAIRPERSON: We just put it in adult services?

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MS MATTHEWS: Well, the Gold Coast Bulletin has the adult services section, and if there's people advertising in there and say that they're dating services, then I think they shouldn't be in adult services, so they-----

CHAIRPERSON: Yes, well, yes, indeed, it would be a fair presumption, as you put it, that if you're in adult services-----

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MS MATTHEWS: They're providing another service. That's exactly right.

MS SKINNER: That - that - Yvette Skinner from the Queensland Adult Business Association. That would fit for most of the major dailies, but in regional Queensland, a lot of the regional papers still have the old style heading, such as "Escort" or other euphemisms used, and it wouldn't fit in those papers, and we see a lot of problems for licensed brothels now trying to advertise in those areas because they don't fit under that classification because they don't provide escorts or - and that sort of thing. So it may fit for the larger publication such as the Courier Mail or The Quest or the Gold Coast Bulletin, but not for regional papers.

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CHAIRPERSON: We might have to see if we can get in touch with the newspapers associations

MS SKINNER: Yeah, yeah.

CHAIRPERSON: -----or whatever and get their comments. All right. Well, anything more on advertising that anyone wanted to raise?

CANDI: I'd like to say a couple of things.

CHAIRPERSON: This is Cindi, is it?

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CANDI: Candi.

CHAIRPERSON: Candi. Sorry. Candi. Candi.

CANDI: I'm a member of SSPAN. With respect to the advertising, I agree about calling a spade a spade, and I wonder why we need to have all these euphemisms. I think that it's in part to - in a large part to keep the industry invisible to the general community, and so bringing it out into the open - or if it is a legitimate - a legal activity, particularly for sole operators who want to advertise and can't advertise their services, that goes further towards making them feel as though what they are doing isn't really legitimate.

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Secondly, about the PLA, our members have a lot of problems with advertising when they have to change their ad for any reason. For example, if people are moving about, they're going to a particular area, they might only be staying for a week, and they might need to just change the date, for example, that their services will be available for, and every time they change some part of their ad - and I get - this is what I've been told from most people getting this problem, that they have to seek PLA approval again to change small parts of the ad that aren't really relevant to whether or not they're describing sexual services, and so I think that would probably take up a lot of the administrative time of the PLA, which could probably be better put to pursuing agencies and people that are advertising many ads. I know that it's difficult. That's one of the complaints that I hear from sole operators who are advertising. That they feel that, yes, they've got to keep getting approval all the time for their ads, and that they feel that they should be able to just get one approval. The PLA should know who they are pretty much from the names that they give and the previous - previous ads that they've placed, and that - you know, that it shouldn't really be that difficult to get an idea about who is - in the industry is advertising illegally and who isn't after a while. So that's my comments.

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CHAIRPERSON: Okay. Does Margaret want to make any comment on that or - sorry, Mr Boyce?

THE HON M BOYCE: I was about to say, Mr Chairman, that the legislation requires PLA approval for advertising. So if somebody is unhappy with the legislation, they should take it up with Parliament, not make a complaint about it for the PLA.

The other matter is that, at least where the print media is concerned, the PLA has this record. That for quite some time that there is a 24 hour turnaround for advertisements, and that's - applies to 95 per cent of advertisements and 90 per cent of the advertisements we received or approved, and that happens usually within 24 hours in 95 per cent of cases. We do keep statistics about this matter.

CHAIRPERSON: Look, if you get a thousand a week, you have my sympathies, and perhaps if people were prepared to pay a small fee or something for each change, it might enable you to employ a couple more staff to make sure they turn around faster.

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CANDI: Can I just ask if that - is that a thousand a week or a regular number or is that - does that - that have something to do with the recent internet advertising checks that were done?

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MS ISAACS: We have a consistent number of advertising submissions monthly, but that tends to fluctuate depending on how active the police have been in respect of illegal prostitution. So in respect of the reference to a thousand prostitution advertisements we received in August, that wasn't including the submissions we get for reconsideration of advertisements that have either been previously refused or advertisements where the change of them - the form of them has been amended.

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CHAIRPERSON: Look, I don't think we need to spend a lot of time on this. Perhaps the two of you could talk later.

CANDI: I just wanted to make the point about administrative time being used for advertising approval.

CHAIRPERSON: And it's a valid point. It's a valid point. If it's a problem now, it will become much more of a problem if we were to go suggesting some sort of reasonably complex registration requirements for advertising. It's just going to escalate enormously the administrative problems that would be involved.

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CANDI: That's right. That was the point I was trying to make, yeah.

CHAIRPERSON: It's - I think it's a very valid point. Can - does anyone want to make some comment-----

MS SKINNER: Before we move on, can I make-----

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CHAIRPERSON: Yes.

MS SKINNER: I think there's one issue that maybe we haven't examined in any detail or in some - in detail yet, and with relation to advertising, and that's consumer protection. We have clients out there who want to access legal people,

whether that's a licensed brothel or a sole trader operating legally, and we need to enable that to occur.

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I was a little bit concerned when Margaret Isaacs was saying that they allow sole operators to work under six names and have multiple phone numbers - mobile phone numbers, because how does a client then, if they have a problem with a sole trader, legitimately take up that issue with the sole trader if they are operating under multiple names and multiple phone numbers? And it's the same issue when a client goes to an illegal establishment. How do they take up their legitimate complaints or concerns with an alleged illegitimate operator? And I think that the CMC has to be cognisant of that when they're looking at the advertising; the consumer protection issues.

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CHAIRPERSON: Can I just ask people to address, if it needs to be addressed as a separate issue, advertising on the Internet because that's - I presume that happens now, and I can only assume it will get bigger and bigger. Everything with the Internet seems to be going that way. Does anyone want to make any comment about that? Well, can I ask, firstly, does the PLA regulate or attempt to regulate the advertising on the Internet?

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THE HON M BOYCE: Look, I'll let the Registrar speak to that. It is covered by - and the Registrar spends a lot of time on that matter.

MS SPENCER: We attempt to regulate it.

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CHAIRPERSON: Yes.

MS SPENCER: I mean, in response to workers working under different names, it's not unusual for sex workers at brothels, from time to time, to change their name as well. So they'll be Candy one week and Samantha the next.

CHAIRPERSON: Sure.

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MS SPENCER: However, at a brothel, they have an establishment to make the complaint to. As a sole trader who is not operating from a fixed abode or an illegal who's not operating from a fixed abode, with an alias and a mobile phone number, it is very hard for someone who has a complaint to get back to that person.

CHAIRPERSON: Can I ask what sort of complaint you're meaning? A complaint about what?

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MS SPENCER: We have heard of clients being robbed, of being attacked.

CHAIRPERSON: I see.

NIKKI: Then we'd go to the police.

CHAIRPERSON: So it would be a matter of a-----

MS SPENCER: You would go to the police.

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NIKKI: Yes.

MS SPENCER: But how can the police then go to the person involved as well?

NIKKI: Through the phone number.

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CHAIRPERSON: Well, the police will have the name.

NIKKI: And the ad.

CHAIRPERSON: Presumably the client would be able to give the name, the particular pseudonym, and the particular phone number.

NIKKI: Yes.

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MS FAWKES: And clients actually complain to us-----

MS SPENCER: If it's a mobile phone number, that is a throw-away mobile phone. It is very hard to track a person with that.

NIKKI: Not really.

CHAIRPERSON: Look, I take your point on that, but I don't know that the point is it's made easier by only having one throw-away mobile number and one pseudonym rather than six throw-away mobile numbers and six pseudonyms. It's a valid point as to how do the police then investigate that particular complaint. I don't know whether Superintendent Hogan wants to make any comment.

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DET SUPT HOGAN: No, it would still be a challenge to do it whether there's one or six. Now, we have ways of doing it, but we have to look at the priorities and the resource implications.

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CHAIRPERSON: Yes, and I don't ask you to go into your ways of doing it. Okay. But we talked about whether we could devise some form of legislation or throw it over to the parliamentary council to devise some form of legislation that would effectively control advertising, but I see that as raising great difficulty with the Internet because we don't have the editor of the Courier Mail who can - like the situation with licensed brothels; they had something to lose if they don't comply with the law. The Courier Mail would be in a similar situation, whereas the Internet, of course, is fly-by-night; can change overnight. It would be very difficult, I would think, to have any form of effective regulation on people accepting advertising on their Internet site or, indeed, even for people just setting up their own sites.

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MS SPENCER: Mr Needham, the licensed brothels at the moment are allowed to advertise over the Internet, however it is very

tightly controlled by the PLA. Any change to websites in any form, if it's just even a matter of changing one word, has to go back through the PLA for approval and I don't-----

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CHAIRPERSON: Look, I don't doubt they'd control yours. It's not yours that concern me, it's the illegals. How do we control the illegals? Nikki?

NIKKI: Nikki, sole operator. I have a website and I've actually put my submission in, I think, three or four times now; you've seen me a few times. We're controlled as well, now, because I believe it was August that the police did an undercover operation - or did an operation - where they went around and they charged girls with advertising not in the approved form. Actually, in the legislation it doesn't actually specifically - I still stand by this - this doesn't specifically say "Internet". It does define all the print media, Yellow Pages and everything, but it does say "matters that are not in writing but conveys a message", and this is what a lot of girls were being charged under with this operation that the police were conducting.

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But, yes, in respect to changes and everything, where just exactly the same. If we want to make a change, we've got to put the whole website back in for approval, and I'm talking even if you want to change your weekly working hours. We can't even change our weekly working hours on the website which, I think, is unreasonable and a little bit ambitious to be able to control the Internet in such a manner.

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I can understand the advertising sites are being controlled with our ad on the advertising - because there are specific advertising sites on the Internet that advertise escorts or - excuse me, I won't use that - sex workers Australia-wide where it's got sections for Queensland, New South Wales, Victoria, all of that. Those websites - like, say, with Victoria - they make them comply with the head and shoulder shot only, the number across their ad, the website - the people who control the website actually do take into consideration what the laws are in every state so that they make sure that the operators are in compliance.

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In my experience, I've been on the Internet for four years advertising - okay, obviously now it's regulated, but it wasn't regulated before and - well, actually, in fact it was supposed to be regulated but it's only just started to be policed now like, what, five years after the legislation? Five years after the legislation, they've just started enforcing it.

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And on the sites that I've advertised on, which are numerous, I've never come across an illegal escort agency or illegal operators advertising or anything on the sites. But, yes, we are willing to comply, obviously, with - as the PLA knows, we're willing to comply with all the advertising criteria for - yes. So, okay, thanks.

MR BAKER: Mr Chairman, can I-----

CHAIRPERSON: All right, Mr Baker-----

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MR BAKER: A brief comment?

CHAIRPERSON: I've enjoyed this so much, I've missed what the time was. It's been pointed out to me it's well after 1 o'clock. We might adjourn now, and we'll come back at 2 o'clock. Thank you.

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THE HEARING ADJOURNED AT 1.07 P.M.

THE HEARING RESUMED AT 2.05 P.M.

CHAIRPERSON: Well, I'm pleased to see that most of you have come back. All right. Now, we'd just moved on to the Internet and the aspect of the Internet. We'd looked at it from the viewpoint of QABA and Nikki spoke to it as well, but that was looking at it very much on the way that the lawful organisations and people are using it. I'm interested in whether it's used at all by the illegals, to use that terminology. If so, how and whether it can then be controlled, their use of it. Can anyone assist as to whether they do use it?

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THE HON M BOYCE: The Registrar spends a lot of time looking at the Internet, I don't know why. But she can probably tell you about this.

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MS ISAACS: Given the number of advertising submissions from legitimate sexual service providers, I would expect that the illegal operators would utilise the Internet just as much.

CHAIRPERSON: And do they have their own websites, can you tell? You might not be able to help on this, whether they have their own websites or whether they utilise these sort of advertising agencies on the Internet that Nikki was talking about.

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MS ISAACS: Well, based on my experience of the last five years in dealing with prostitution advertising, I would submit that the same issues in respect of print media arise in Internet advertising.

CHAIRPERSON: Internet as well.

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MS ISAACS: And that is that there are sole operator websites that are managed or run by organisations or persons, or there are persons and organisations who control a number of websites that purport to be different sole operators.

CHAIRPERSON: All right. So, if we were - yes?

MS FAWKES: Just on that issue, Nikki did make reference to some of the main websites that sex workers advertise on.

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CHAIRPERSON: Yes.

MS FAWKES: And, in fact, it would be very difficult for people who are running an illegal escort operation, for example, to advertise on those sites.

CHAIRPERSON: Sorry? It would be difficult for an illegal?

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MS FAWKES: Yes, yes.

CHAIRPERSON: Why would that be?

MS FAWKES: So, for example, one of the sites in particular there is - an image of the person is shown on the site.

CHAIRPERSON: There's images shown on these, but I'm sure if I rang them I wouldn't see the young lady shown in these images.

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MS FAWKES: Well, I think you would-----

CHAIRPERSON: I might be wrong, but-----

NIKKI: What happens with all these advertising websites is they also have a forum on the internet, on their website where people go in there and exchange information on sex workers. And, what happens is, if someone-----

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CHAIRPERSON: Oh, I see.

NIKKI: -----like, there was a girl recently who put a photo of this - out of Bras and Things catalogue as her photos, her image, and apparently she was some 50 year old lady-----

CHAIRPERSON: I see.

NIKKI: -----sex worker, that she was not the 20 year old in the photos. All the men on the website just went ballistic and so if anyone does falsely advertise on there, it does get put out there and then what happens is the people who own or run the website, the Webmaster Mistress, they approach the person and say, hey, legitimate photos or don't advertise.

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CHAIRPERSON: Yes, it's interesting, yes. So, the client can make a comment?

NIKKI: Yes, oh, yeah.

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CHAIRPERSON: Okay, all right, well that - I can see that shouldn't be too much of a problem then.

NIKKI: No, it hasn't been. In the last four years that I've been on the internet, there's only been - that one incidence of that woman who put a false photo up on there. So - and if they're running behind one girl behind agencies, I have never

heard of that on - not on the advertising site, such as Australian Escorts or Australian Babe, yeah.

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CHAIRPERSON: But, what about the illegals that would have their own website?

NIKKI: Well, that - yeah, that's a different possibility, yeah. But, they-----

CHAIRPERSON: But, I-----

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NIKKI: -----I've never visually seen any myself because obviously we can't put our website addresses in the newspaper. We're not allowed to put our website addresses in the newspaper so there can't be advertising in that manner. So, I don't know how they're getting the website out there for people to see - word of mouth.

CHAIRPERSON: Well, I suppose they - to use that verb that's come into parlance now, they "Google" it.

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NIKKI: Well, that's a possibility-----

CHAIRPERSON: You know, escorts Brisbane or something.

NIKKI: -----yeah, under escorts, yeah, that would be the only way though, yeah.

CHAIRPERSON: But, then I suppose they're just competing against every other-----

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NIKKI: That's it.

CHAIRPERSON: -----website that's out there. All right. So, it seems to be then the suggestion that the internet might not be too much of a problem.

NIKKI: Not currently, no.

CHAIRPERSON: Yes, Ms Isaacs?

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MS ISAACS: It's the case that there are some escort websites who, when you look at the website, have the same sort of advertisements and photos on sole operator and licensed brothel websites and we have made enquiries of some of them only to be told yet again that they don't provide sexual services. And, in respect of the print media advertising websites, it is only some newspapers who chose to have a policy where they don't include the website but there are other newspapers who are quite happy to include the website address in respect of escort advertisements.

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NIKKI: They're the small newspapers like the Reporter and such. Yeah, but Quest and the Courier Mail, which are the major form of print media advertising for Brisbane sex workers, that they don't allow you.

MS SKINNER: Mr Needham, the Quest does allow advertising of websites on - in their ads. 1

NIKKI: Not for sole - not for sole operators, they won't let me, yeah, not at all.

CHAIRPERSON: Well, they might for the bigger organisations, the licensed brothels.

NIKKI: Maybe. But, even with PLA approval, they said they - I - I can't put my - I can't put my website on there. 10

CHAIRPERSON: All right. Has anyone else got - yes, Mr Baker?

MR BAKER: Mr Chairman, in the same way that the onus should be on publishers of the Courier Mail or other print publications to make sure they're complying with the law if they published ads for prostitution services under a new regime that you might recommend. So, also the onus should be on the internet service providers to make sure that the sites that they're hosting are not illegal. 20

NIKKI: Well, hang on, that's a different thing. Internet service providers like Big Pond and such, or do you mean the hosts of the website because that's two different things. Because you've got the people who own the service, you've got the people who run the sites, and you've got internet service providers who - how you access the internet. So, which ones did you mean by that? 30

MR BAKER: I guess - I guess it would be the one level down then, the host.

NIKKI: The hosting service but the hosting services are international. My website's hosted in the USA so how do you control something that's hosted in the USA?

MR HOLZWORTH: Well, the Federal Government does currently.

NIKKI: For - for certain----- 40

MR HOLZWORTH: For certain categories.

NIKKI: -----it attempts to.

MR HOLZWORTH: For certain categories and the same - then extends those categories to include such perhaps.

CHAIRPERSON: I don't think I have power, or the Commission has power to be telling the Federal Government what to do and we don't have power to tell the State Government. We can only make our comments and you can then go and deal with them as to whether they accept them or not. Okay, Dr Christie? 50

DR CHRISTIE: The point's just been made.

CHAIRPERSON: Okay. Yes?

MS ISAACS: The Prostitution Act currently provides for an offence for any person who cause to publish an advertisement without approval and I suspect that that's why a lot of the newspapers, et cetera, get people who they suspect provide prostitution services but say they don't sign that statutory declaration.

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MR BAKER: Well, then at the very least, Mr Chairman, that they're prepared to sign a statutory declaration, the word in the add should state that they do not provide sexual services.

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NIKKI: But we can't put that in the ad.

MR BAKER: They do not provide.

NIKKI: But we can't, we can't use those words.

MS MATTHEWS: We can't use those words.

MR BAKER: Well, then, what - what does-----

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NIKKI: We can't say we are a prostitute and we can't say we're not.

MR BAKER: I'm not talking about what the current regulations are, I'm talking about what they ought to be.

NIKKI: Oh, okay.

MS MATTHEWS: But, are we here to talk about - sorry, are we here to talk about the advertising or we here to talk about the out-call services?

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CHAIRPERSON: Well, I was looking at the advertising as being whether it could be utilised as a way of ensuring that if we do recommend the Government that the out-call services be legalised, that we don't cause perhaps the possibility of a big expansion in the industry. And whether we can then use the advertising to make the illegals clamp down so that it can - the business can go to the legals, be it the licensed brothels or the sole operators.

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MS MATTHEWS: I think the perception that because something is - is being legalised doesn't mean that it's going to create an expansion of the industry, just going back to that. People don't say, oh, out-calls are legal now and wake up and say, I'm going to be an escort. It doesn't work that way.

CHAIRPERSON: No.

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MS MATTHEWS: And not everybody can work within the sex industry. I mean, it's a unique field to - to work within. You need a number of skills to be able to do - do the work that the sex workers do and I think to think the industry is going to expand, I - I don't believe that. Because it's expanding as it is now. It's, you know, each day a person will leave and another person will come into it. Does that mean it's expanding because that person could still be classed

as a prostitute even though she's been out or she's just left the industry.

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So, I think the issue of expansion is not - it's not really an issue because I think that people will go in and out of the industry all the time. I think that the numbers will look larger because the illegals that - people that are working out of clubs, casinos, doing illegal escorts, or whatever the case may be, may come into the legal sector which will create a larger - look like a larger industry-----

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CHAIRPERSON: Yes.

MS MATTHEWS: -----but it's not.

NIKKI: No.

CHAIRPERSON: Well, that was-----

MS MATTHEWS: It's the same industry.

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CHAIRPERSON: -----Dr Christie's point that making it open and transparent will make it look as if it's larger where in fact it might not be.

NIKKI: It's the same, yeah

MS MATTHEWS: See, the industry here is - is quite large and it's not going to explode. I think that we need to look at this realistically and look at this from what we see as SQWISI, is this is a form of employment for people. Whether people want to accept that or not on moral grounds, that's their issue. We're talking about the safety and the well being of human beings and we want them to work safely in a secure environment, whether that be as a solo operator or with an agency or a brothel. That's what the issue here is. It's not about anything else as far as I'm concerned.

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CHAIRPERSON: Yes.

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MS SPENCER: Caroline would be - Caroline Spencer from Catwa would be sympathetic to SQWISI's suggestion that the supply side of the industry won't necessarily expand. And I think what's important is that the demand side of the industry will expand and I think we've seen that already hence we have twenty five per cent of legal - women working in legal brothels in Melbourne now from Thailand.

And my comment yesterday was not to say that we don't want women from Thailand here, it was to say that obviously the - the recruitment of workers to fill the increasing demand is going to come from somewhere and it would be the - the suggestions of my organisation that that will come from incursions into trafficking children and-----

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MS MATTHEWS: Were those twenty five-----

MS SPENCER: -----generalise the normalisation of prostitution that we'll still see it - demand increase and somehow the - the market mechanisms will fill women to meet that demand. I think - just to take a quick quote, a very quick quote from Kate Holden's book in my - in which is just published August this year. This is not a feminist - it doesn't take the feminist viewpoint with regard to prostitution. But, one thing she does say is that just in relation to her work in a legal brothel, and going back to the point about those website were men evaluate women in prostitution, amongst each other.

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"Slowly I built up my regulars and my profile. New clients came in to ask for me recommended by their mates. This seemed odd to me that a man would tell his mate about a hooker he'd slept with and pass her on. But, I knew that prostitutes were a regular...", this is very short, "a regular prosaic part of many men's lives."

In Melbourne alone there are nearly a hundred licensed brothels, never mind the illegal joints, the strip clubs, the private workers, the street girls, the phone sex lines, and the escort agencies. Thousands of women working and who knew how many times that men - that many men visiting them. Secret to the workday world, there was a culture that admitted paid sex as a legitimate past-time, a night out with the mates".

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So I put this to the Commission, just in emphasis of the point that this type of internet evaluating of women in prostitution and the intensification of activity within society surrounding prostitution be that advertising, discussions online, those - particularly via the internet - via the internet is going to increase demand and not necessarily supply and that's where the problem comes in and that's where Melbourne's had trouble because supply will come from somewhere and that will be into populations of women that we don't necessarily want to be there-----

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MS FAWKES: Can I address that point. It's Janelle Fawkes from Scarlet Alliance-----

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CHAIRPERSON: Did Ms Matthews want to reply to that? It was your point?

MS MATTHEWS: I just think that demand's always going to be there and I agree with you on the demand situation but I also think that there are ample service providers if that's what you want to call them, available and I think that - I just think this is just a defeated argument, like, supply and demand, this isn't the issue.

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This is about the safety of the well-being of sex workers and the demand of sex workers or the clients wanting to access sex workers is a bonus for sex workers. I mean, they're there to make money. They've entered this industry as informed adults to make money, to make, you know, and if there's more clients, well, there's more clients and I-----

CHAIRPERSON: Yes, except, Ms Matthews, Nikki told us yesterday that the licensed brothels opening up had an effect upon the sole operators; that that made it harder for the sole operators and that if the licensed brothels get escorts, that will make it harder on the sole operators which tends to suggest that there aren't plenty of sex workers out there. There is-----

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MS MATTHEWS: I-----

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CHAIRPERSON: -----or that the demand-----

MS MATTHEWS: Sorry, there are-----

CHAIRPERSON: -----this - you know, that there's a problem in the demand/supply side-----

MS MATTHEWS: Well, Nikki's actually saying there is more supply than there is - for the clients-----

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CHAIRPERSON: More supply of workers-----

MS MATTHEWS: More - more workers than there is-----

MS FAWKES: Demand.

CHAIRPERSON: -----than there is demand for it.

MS FAWKES: There's more workers than clients.

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MS MATTHEWS: -----clients. So I think that just defeats the purpose, anyhow.

CHAIRPERSON: Miss - Miss-----

MS FAWKES: And can I just-----

CHAIRPERSON: -----Skinner was - oh, sorry, yes, you did try to speak.

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MS FAWKES: Sorry. I just wanted to address that point. I also read the article from the Sun Herald and the statistics included and it did not indicate that those workers that were not from an English speaking background were, in fact, not residents of Australia. It made reference to where they had originally come from so they may well be women that had originally come from Thailand but were in Australia legitimately so, in fact, that article and that reference has no connection to trafficking of women, at all.

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CHAIRPERSON: I think Miss Spencer, to be fair, made that point yesterday.

MS SPENCER: Yeah. I'm not being-----

CHAIRPERSON: That she wasn't suggesting they were illegals. Yes.

MS FAWKES: I guess I wanted to clarify that today. 1

CHAIRPERSON: Yes, no, that - Miss Spencer made that quite clear yesterday. Did you-----

MS FAWKES: I - I-----

CHAIRPERSON: -----want to say something?

MS FAWKES: I was just going to reinforce what Janelle has just said. The Selling Sex in Queensland report actually shows that of people born overseas, there's a larger percentage of people from European - from Europe and from New Zealand working in the Queensland sex industry involving legal brothels and as sole traders than people of Asian extraction----- 10

CHAIRPERSON: Mmm.

MS FAWKES: -----and I - it is a little offensive----- 20

CHAIRPERSON: Mmm.

MS FAWKES: -----to be told that, you know, that to imply that people from an Asian background are victims in this situation.

UNIDENTIFIED SPEAKER: They're all victims.

MS MATTHEWS: No, they're not victims----- 30

CHAIRPERSON: Well, well-----

MS FAWKES: No, we are not victims-----

CHAIRPERSON: -----now, that-----

MS MATTHEWS: No, we're not.

CHAIRPERSON: We - we won't----- 40

MS FAWKES: No, that's unnecessary-----

CHAIRPERSON: We won't go there. We won't go there. That's not necessary for this discussion. We won't go there. All right. Can I move on to the last point that I considered that we need to ask your assistance on and that's with respect to sole operators. Sole operators - I read the provisions in the Code, the way they're worded about how sole operators can operate but they can't if there's all these various provisions and including in them is this one which I agree is fairly difficult to interpret as to whether a person, the licence - I forget the wording - the licensed security officer but can only work as doing the things as a licensed security officer. 50

Now, whether that enables the person to drive or not, I think, would be a very fruitful area for lawyers if it was to be - to go that way but I dare say, you don't want to spend money on lawyers litigating a thing like that. It's certainly, I would

agree, is not very clearly expressed in the legislation. But I'd just like to open it up for any suggestions of changes that should be made. I'd be interested to hear from the PLA or the QPS if they have any suggestions of changes that should be made or recommended to the government to be made to the legislation to allow sole operators whom the Parliament has said can operate legally but to allow them to operate with better safety.

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I'm not talking about with better efficiency or anything. That's not anything that I think we need to be concerned with. I understand the sole operators will be concerned with that but that's - that's business. That's not our concern but safety is a matter of concern.

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THE HON M BOYCE: Yes. Well, look, I'll ask the Registrar to say something but I think it's worth recommending. The Registrar's an expert in this area. I think it's worth remembering that at common law being a prostitute was not unlawful. What was unlawful was soliciting in public places or managing a brothel-----

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CHAIRPERSON: Yes. Keeping-----

THE HON M BOYCE: -----but at common law-----

CHAIRPERSON: -----premises for the purpose of prostitution, I think, whereas the sole operators operating from their home were not keeping the home for the purposes of prostitution. It was keeping it for their house. I think, that's the way it sort has emerged into our law.

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THE HON M BOYCE: But the Registrar's an expert on this area so I'll get her to say something.

MS ISAACS: The PLA have previously recommended that they can't see that there is an issue with two sole operators working together cooperatively.

CHAIRPERSON: Yes. But even that - I can see that would help, say, with peer education, with one as been at it a bit longer with a newer person with a bit of mentoring. That sort of thing could really be quite helpful for the safety aspect but the other aspect of - even if both of them go out to differing escorts at the one time, who knows where they are?

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Or if one is out at a job and the second one goes out, you know, the first one is - we discussed yesterday, is not going to have the mobile phone at the ear taking a record of where the second one's going. So they need to have that third person who's not involved in working who can just, at least, keep a record of where they've gone, the time, the time they should be expected to be ringing back in, you know, those sorts of safety things that are set out in the PLA's own submissions as to what should be done for the licensed brothel industry if escorts are allowed.

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MS ISAACS: That sounds sensible but the recommendation really came about in respect of two sole operators working from the one premises-----

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CHAIRPERSON: Mmm.

MS ISAACS: -----and that was in relation to sharing the expenses of the rent, to share in advertisements and also that if a sole operator wanted to work during the daylight hours when her or his children were at school then the premises could be utilised during the evenings and on week-ends by another-----

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CHAIRPERSON: Mmm.

MS ISAACS: -----sole operator.

CHAIRPERSON: Yes. Well, some of those issues get to the efficiencies which I don't see us being concerned with but, okay, thank you for that.

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MS MATTHEWS: It also came about for two workers to be able to work together on a safety mechanism is the fact that there was someone on the premises. Someone else on the premises when they're seeing a client so clients have a tendency to check to see if you're private, alone and if you're alone, you could be robbed, violated in some form-----

CHAIRPERSON: Yes.

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MS MATTHEWS: -----which is very consistent, I think, for sole operators as far as robbery is concerned but if there's someone else there, it's not likely to happen and that's a really-----

CHAIRPERSON: So it's-----

MS MATTHEWS: -----main issue.

CHAIRPERSON: It seems to be say, the receptionist, I think, was the term that Nikki used yesterday who could know where you were, be on the premises if it was an in-house - it would have efficiencies as well but that's a beneficial by-product. Okay. Any other suggestions?

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CANDI: I would just say that that's - that seemed to me to be an ideal situation if you could have someone who was a receptionist and even better, if they doubled as a driver and security guard. That would be-----

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CHAIRPERSON: The only concern that might be is that - and I suppose it's not something you could really put in legislation but whether it was then someone who was standing over the prostitute.

CANDI: Well, that would be one of the issues that I would imagine that the police would have with respect to making it

more difficult for them to discern whether or not this was what you'd call an organised situation or not.

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CHAIRPERSON: Whether it was, you know, the old-fashioned pimp forcing the woman into it sort of thing.

CANDI: That's right, and that does happen from time to time but my experience has been that most sex workers, even if they are subjected to that sort of a situation initially, end up empowering themselves and the more open the situation is the more easily they do that and more readily they do that.

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CHAIRPERSON: Yes, yes, the easier it is for them to go - to seek assistance from the police.

CANDI: From the police, support from other workers, well, worker organisations and agencies et cetera.

CHAIRPERSON: Yes, okay.

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DET SUPT HOGAN: Yes, Detective Superintendent Gail Hogan. Just to reiterate what I said yesterday, the police - we would have issues with anyone who may be forcing the worker into doing it, pimping to use the term. Anything that would clarify the current situation with the sole operators to make the application of it more practical and in relation to their safety we'd be interested in any recommendation that would improve that situation.

CHAIRPERSON: We'd certainly run any recommendation past you for comment. We would appreciate the input. All right, yes?

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MS SPENCER: Just a small comment, Carolyn from CATWA. The assumption that workplace, health and safety can be applied to escort I think is dubious. You're required to attend a different premises to the ones - one that you're on and one that hasn't been checked for occupational health and safety aspects. The lynchpin in this discussion seems to be that a driver will be present. Number one question in law, the rights of the driver to enter a premises where a woman was being assaulted even if she was to ring him or her. Number two, the qualifications for such a driver-----

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CHAIRPERSON: Well, there are provisions about aiding and self-defence, yes.

MS SPENCER: Okay, sure. The requirements - I suppose I want to make this point because much of the safety - safety guidelines with respect to escort - and industrialised prostitution I'm talking about; I'm not talking about sole operators - is that the driver - if the driver is present then somehow that ameliorates all dangers of escort, we - my organisation would say strongly that having a driver is likely to exacerbate any harms and dangers of escort rather than help them, and the idea of regulating drivers, imposing qualification requirements on them I think is a complex and difficult task in the first place.

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CHAIRPERSON: Yes, all right. Anything else on the sole operators? Sorry, you had something on something else, did you? 1

MS FAWKES: I - about escort I guess and drivers. I mean currently sex workers throughout Australia and, you know, the guesswork on figures on sex workers through Australia stands at about 20,000 and many of those people legitimately provide escort services in each of the other States. Drivers are a feature of those industries without the type of harm that you're suggesting. In fact, as I said yesterday, it is one of those ways in which sex workers have developed strategies in which to protect their own - their own safety and I guess I just, I wanted to make the point that we tend to create the image of people who are involved in or around the industry as being dubious or problematic and it's very easy to make the assumption that everyone who's involved is going to be a safety risk to sex workers. 10

That's not our experience at all. In fact, our experience is a very low level of violence in the industry in Australia and that is because many of sex workers in Australia are empowered to report concerns and have established organisations and networks to take those kind of concerns to. So I think in fact the idea that people who are involved in some way like a driver are going - I mean, it's a reality that there are people out there who may be of concern, but I don't think we can generalise to assume that all people are like that. 20

CHAIRPERSON: No, look, I'm sure everyone agrees with you that fortunately it's not every client. It would be the very rare client, however, we do have a trial going on in Brisbane at the moment - not of an escort, but a street workers which unfortunately two were killed, and I understand there was one where an escort was also killed and anything we can do to make sure that doesn't happen, you can be sure we'd be very interested in making sure we make any recommendations that might assist to stop that. But you're right; I was told today of a person in a phone box who was stabbed from behind, so you know, it's dangerous just living in our society, but we do what we can to try to make it more safe. 30 40

MS MATTHEWS: Could I just say something about escorts? The 12 years I've worked at SQWISI, one of the things that we found is that with escorts and when there was some illegal escort agencies operating that I was - used to have a lot to do with SQWISI, we found that there was less likelihood for incidents to happen to the escort workers because of the checks in place, because when a client is booked they always call back. When the old 013 was in they would check that the phone number was listed to the name that they were given and things, so there's all checks and balances in place and most clients will not create - commit an offence in their own home or in a place where it can be tracked back to them. So escort agency, I guess in a way, is a little bit safer than some other areas. 50

CHAIRPERSON: Yes?

MR BAKER: Well, it might be safer, Mr Chairman, than street prostitution and it certainly is, but it's less safer in brothels, isn't it?

CHAIRPERSON: Yes.

MR BAKER: That's why legal brothels were instituted six years ago by the Queensland Parliament 'cause - I mean, it's a given that legal brothels are a safer workplace than escort services can be.

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CANDI: Can I just ask whether you actually have any statistics or - because I wonder about that. I have - you know the stories that I've heard over the years include attacks on workers in brothels, sole operators on their premises, as well as escorts and I don't know whether escort work is inherently more dangerous-----

MR BAKER: Well, you've made - you've made a very good point there which is that the whole industry is a dangerous and violent one to be in - contrary to what's being said over there, over this side of the table.

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CANDI: I would actually question that also. I think there's an over-active imagination that goes on with respect to violence in the sex industry and I-----

MR BAKER: And you say this when on page 3 of the Courier-Mail today we've got a double murder trial to street prostitutes-----

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CANDI: Yes, but we have also had stories about children being taken off - from bus stops, women being attacked in their homes, elderly women raped in their homes-----

UNIDENTIFIED SPEAKER: The children in church houses-----

CHAIRPERSON: Now, just hang on, the person down the back who's had their hand up for a fair while, could you come forward on roving mike, identify yourself if you want to by whatever way.

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MS CORMACK: My name is Carolyn Cormack, I'm chief-of-staff for Australian Christian Lobby and I'm really glad to be here. It's been very enlightening and I'm pleased to have met people that I've talked to since my time here, but I've been hearing a couple of repetitive lines, if you like, and now I want to ask, six years ago when this law was brought in - it's been said before but I feel like every time it's been said it's just been perhaps moved to one side. This law, point one of this law was brought in six years ago to - because there was so many prostitutes being beaten, raped, murdered. Now I've just heard this lady over here saying, "No, it never happens." You know, now we can't have it on both sides; either this law came in six years ago because there was so many of these girls who these things happened to or today it's stopped happening.

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The other thing too; another point of the law was this was - the prostitution laws were brought in for the safety of the girls but largely all I've been hearing about for two days is how the brothel industry is going to make more money. Now, is this law about the brothel owners making more money or the safety of the girls? And point three is, we had someone over here talked about we plucked figures out of our imaginations. I've just heard it again here, and we have - we were asked to give empirical figures. Well, I've heard since that statement was made - I've heard half a dozen comments where people say, "Oh, about this much, about that much, approximately this" - well, I want to hear empirical figures from this side, just like they've requested it from this side. Thank you.

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MS SKINNER: Mr Needham, Yvette Skinner from QABA. I would draw the Commission's attention to the Selling Sex in Queensland report which on page 44 and 45 has the incidence of violence in the industry that Charlotte Woodward looked at-----

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CHAIRPERSON: All right.

MS SKINNER: And that is quite cogent presentation of the figures there.

CHAIRPERSON: Thank you for that. As I said before, my basic point is, look, it doesn't matter if it only happens once a year, if we can help to stop it so much the better. If we can make some recommendations that might make it safer, well, I'm happy to do so.

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NIKKI: Hi, Nikki, sole operator. I've worked in the industry nine years, okay, and I've only been injured once by a client and that was - I was working with another girl, I have to admit. I was working with another girl when I had - I got my ribs broken, but in nine years we had one incident, but if you want statistics from me personally, nine years, that's because - and I also - but then again I'm also a very strong worker as in if I anticipate that I feel that a client is going to be a threat or if he's going to be a problem or if - because they have behaviours, clients have behaviours and if I see that behaviour I walk straight to the front door and I tell him, "Out, see you, bye bye," you know, "and I'm not seeing you," yeah.

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CHAIRPERSON: I don't think we need to go any further on this-----

NIKKI: Yes.

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CHAIRPERSON: -----because as I said I don't really care if it only happens once a year or whether it happens 10,000 times a year-----

NIKKI: No, she was asking for statistics, that was all.

CHAIRPERSON: Sure.

NIKKI: So once in nine years for me.

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CHAIRPERSON: I'm not saying that - I'm not saying that-----

NIKKI: Yeah.

CHAIRPERSON: -----contrary to what you've just added to the debate but I'm just wanting to stop it at that point, because I don't think we're going to get anywhere by having people saying it does happen and other people saying it doesn't happen. As I said if it happens once a year and if we can bring in a recommendation to make it safer, I would be pleased to be able to do so, so what I was asking was any recommendations, any suggestions that people might have as to what we could suggest to make it safer; not as to whether it's needed to make it safer but what suggestion we could make that would make it safer.

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MS SPENCER: Is the Commission talking with respect to the legalisation of escort for brothel-----

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CHAIRPERSON: Talking here about sole operators-----

MS SPENCER: Sole operators, okay.

CHAIRPERSON: -----that is already legal under the laws that Parliament has brought in.

MS MATTHEWS: I think that a solo operator being able to have a support staff person there - they are a business, they should be able to either employ someone or have a friend answer their phone and know where they are.

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CHAIRPERSON: So we've got the two suggestions then. One, that two should be able to work together and should be able to employ a support person, receptionist, whatever. Yes, Mr Holzworth.

MR HOLZWORTH: That probably introduces some other challenges particularly under workplace health and safety circumstances where we heard today that there hasn't yet been a policy or guidelines developed, if I understood correctly, after five or six years which, in the first instance, suggests-----

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CHAIRPERSON: Are you meaning workplace health and safety, what, for the support officer?

MR HOLZWORTH: Well, perhaps so, yes. Is it appropriate for them to be considered a subcontractor? Probably not when they're full time work, as it were, was going to be with a sole operator prostitute. Tax legislation doesn't regard them as a subcontractor.

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CHAIRPERSON: I don't know that that - certainly, there would need to be - that would need to be looked at but I don't know that that would be much different from say a receptionist or whatever in a licensed brothel. It'd be somewhat the same.

But yes, you're certainly correct that that would have to be looked at.

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MR HOLZWORTH: An extension of that theme then is that if there is no policy in place, I would suspect, therefore, there's no WorkCover in place? Is that the case as it stands for licensed brothels presently?

CHAIRPERSON: I presume that's a rhetorical question not directed at me.

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MR HOLZWORTH: Indeed not. Therefore-----

MS SKINNER: Would you like me to answer that? All workplaces in Queensland have to be covered by WorkCover.

MR HOLZWORTH: But there's no policy or guideline to establish what is the coverage. We heard that today.

MS SKINNER: I'm sorry. The WorkCover Act actually does cover that and WorkCover actually put the premium out for that. But it's already enshrined in legislation. I'm confused by what you're saying because-----

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MR HOLZWORTH: No need to be confused. It's fairly straight forward.

MS SKINNER: It is quite clear that all industries in Queensland are covered by Workplace Health and Safety Act and by WorkCover.

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CHAIRPERSON: Yes. Look, I see no difficulty with it. It'd be covered - WorkCover would make an area that is covered by it. They'd strike the rate that has to be paid-----

MR HOLZWORTH: But that's my point, Mr Chairman. There is no policy or guideline. We had that admitted today.

CHAIRPERSON: Well, that's okay, one would be made. If Parliament legislates that that can happen, one would be made. I don't-----

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MR HOLZWORTH: But for five years it hasn't been, that's all I'm saying.

CHAIRPERSON: I don't know that I follow the point. The guidelines are set by PLA but that's all right.

MR INSKIP: I'm very confused about this lack of policies and lack of guidelines. There are a tremendous level of guidelines in Queensland more so than any other jurisdiction I'm aware of with regard to prostitution services. So any suggestion is totally scurrilous and we have to question why you keep bringing it up.

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There are guidelines; there are standards. There is exceptional level of regulation that goes on here through the PLA second to none ever seen in Australia. For people to

suggest there are none is scurrilous and mischievous and does not add to the debate.

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PROF STEINBERG: I do have a voice. It's Margaret Steinberg. I'm just going to put my population health hat on and ask about sexual health checks and I'm sorry I wasn't here yesterday afternoon, it might have been covered. I'd just like to explore a little bit the matter of Mark Counter's comment that the sexual - I mustn't call them STD clinics any longer, that's showing my age - it's now STI clinics.

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MS MATTHEWS: STI clinics.

PROF STEINBERG: The public health clinics and the balance between the use of GP services and STI clinics. Can I just have some comment on that, please?

MS MATTHEWS: Well, there's a - sex workers very rarely access GPs because of the Medicare debate and so forth.

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PROF STEINBERG: Yes.

MS MATTHEWS: Sexual health clinics are overworked and understaffed. There's not enough sexual health nurses around. Sex workers working in legal brothels have to attend every six weeks. Solo operators, there's not a regulation or it's not regulated when they have to go clinics but the majority of sex workers, their body is their tool of trade. They access the sexual health clinics, they go to sexual health clinics, whether it's every three months or once every six months.

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They're very, very sure of their body. They know what's happening to it and they really take care of their bodies. So - yes.

MS FAWKES: And just - you would have missed then what was said yesterday and that was around the rates of STIs-----

MS MATTHEWS: Epidemiology.

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PROF STEINBERG: Yes. No, I know all that.

MS FAWKES: Okay. I guess I'd just add to what Cheryl said in indicating that, throughout Australia and recommended within the national HIV strategies, it - you know, it supports the self-regulation of sexual health and that in fact that has been one of the factors that has been most successful in Australia.

And as Cheryl says, sex workers themselves have taken it on to not only implement condom usage in their workplaces but also to protect their own sexual health and that seems to be working extremely effectively in Australia.

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MS MATTHEWS: One of the issues is that - and it's actually come about in the last few weeks that there's been discussions around it - is the fact that the HIV/AIDS epidemic didn't actually go rampant into the heterosexual community which they

thought would happen in the 1980s and that was due to the fact that sex workers - as soon as the HIV epidemic was noticed in Australia, sex workers actually took the first step in using condoms and continued that.

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They actually funded sex worker organisations around the country because of the fear of HIV going out to the community. Whereas sex workers already had taken action themselves so I think that speaks about these people being responsible for their own bodies and responsible for their actions.

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PROF STEINBERG: I don't know whether you know my history but I used to be head of HIV/AIDS and sexual health in the very early days.

MS MATTHEWS: I do now.

DR LEGOSZ: There's just one other topic I did want to raise. I just wanted to raise the issue of peer education and education and my understanding is that sex workers have done a wonderful job at peer education but, in the longer term, if we're going to have investment in this industry to ensure it's safe, that education perhaps needs to be resourced a little bit more and I guess I'm just looking for SQWISI and for Scarlet Alliance to comment on the need for further educational resources in this industry just to allow information to be shared more easily.

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MS MATTHEWS: Well, SQWISI has a policy that we don't just employ peers, we have a mixture. We have a mixture of non-peers and peer educators and we believe that works quite successfully. However, that could be debated. And I just think that ensuring that the sex workers have involvement in resources that are being developed to say, "Yes, that could work," or, "No, that's not going to work," I think is the utmost importance and you've got to keep focus on that.

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DR LEGOSZ: Some of that takes time and resources. One of the recommendations that the CMC made in the Regulating Prostitution Report was that education resources be increased through the PLA. I understand that SQWISI has largely been taken up with education induction training of licensed brothel workers and perhaps there's still need to increase education resources for sole operators.

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MS MATTHEWS: That is most definite. We suffered quite a large funding cut and our service went from quite a large service down to a smaller service. We only employ two full-time staff members, the rest of them are all part time now.

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So to produce resources, our focus now is not on brothels. We've been told by Queensland Health that it's user pays. Other - other services, you know, like - I mean, it's quite difficult for us to produce resources like the guidelines. When you've got two full time staff and just a handful of part time staff, getting those guidelines together is quite difficult, even though we've got a sister document that we can

take it from. So resources for us is difficult to produce resources for-----

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MS FAWKES: I just think that's an important area that needs to be looked at. I mean, particularly in the-----

CHAIRPERSON: Well, how does the user pays approached by the workers? Quite frankly, I've been - as a barrister I was in an organisation where we funded our own organisation for future training of barristers. I think most professions all contribute towards the training and the continuing education within the profession. How do the sex operators take that? Do they see it as reasonable that they should contribute a little bit of their money towards the training and continuing training within their own profession?

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MS MATTHEWS: Some would, some wouldn't. I can't speak for the majority of sex workers, but-----

CHAIRPERSON: Yes.

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MS MATTHEWS: -----I know that there'd be quite a number of them that wouldn't. And people don't actually access our service for sexual health information, and yet that's all we're there to provide. They access our service for a number of other issues like debriefing, support, family issues, legal information, taxation information and things like that, which we are not supposed to - we're not supposed to supply. We're not - you know, like even doing work with the brothels. We're told to tell them to go on line because we don't - haven't got any money to actually be able to provide services to them, yet we still do it.

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CHAIRPERSON: Yes. Okay.

MS FAWKES: Can I - could I just add to that? I think you've raised a really important point because we have - several people have put forward the extra cost, and certainly when SQWISI did take that quite large funding cut, it did mean that services to sex workers in Queensland were seriously affected, and I - I guess I'd just like to add that I feel like the current funding which is only from Queensland Health, when the needs of sex workers are quite broad, and as Cheryl has indicated, the people want support and information about a whole range of issues, and certainly that has to be looked at, and we would see that the level of services available to regional and rural sex workers could certainly not be effectively dealt with under - you know, under current funding situations.

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MS MATTHEWS: Yeah. I mean, I'm the one that does the regional trips, and I do that once every six months.

CHAIRPERSON: You might have to persuade them that they need to do a little bit of user pays. Anyway-----

MS FAWKES: Or additional funding.

MS SPENCER: Caroline from CATWA again. I just want to reiterate that here we're talking about sole operator services, aren't we? That - 'cause if we're talking about-----

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CHAIRPERSON: Well, I thought that was - I thought that was across all sex workers. You've been talking across the board here, haven't you?

MS MATTHEWS: Yes. Yeah, I - yeah.

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CHAIRPERSON: Yes, that was the way I took it.

MS SPENCER: In that case, it would be CATWA's submission that the - the prostitution industrialists, the brothel owners contribute to a industry fund in order that - in order that SQWISI and the women doing the great work in the field can do their job. I think user pays - the user is the operator, not the worker themselves.

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CHAIRPERSON: That's a-----

MS MATTHEWS: Well, I think it's the client.

MR BAKER: Mr Chairman, seeing we're talking about occupational health more so than safety in the recent comments, could I refer you to the regulating prostitution report of last December, the CMC's report? In the section on licensed brothels sexual health issues it says, "Clinicians cannot provide sex workers with a certificate that states he or she is not infected with an SDI. Rather, clinicians provide sex workers with a certificate that states at the time of the examination there was no evidence of an SDI." And the CMC received a submission that said the incubation period for diseases such as gonorrhoea is two to eight days, syphilis, two to eight weeks. This means that any girl who is cleared on a Monday morning could have the infection passed onto her by her first client that afternoon, which means she'll go on infecting every client until she returns to the clinic.

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A submission from one former sex workers stated, for example, "I estimate that three to four condoms out of a box of 24 would break, even though the condoms were of good quality." It says further in the report that the PLA and Queensland Health expressed some disquiet about the frequency of the testing regime.

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Despite that, Queensland Health and SQWISI are arguing that there should be three monthly intervals for testing now instead of six weekly, and the CMC is supporting that. On what basis did everyone arrive at that conclusion that we could save money at the risk of the health of the population?

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CHAIRPERSON: Mr Baker, I have no intention of going back into the report of last year. I wasn't here for it. That report is out there. It's only a reported recommendations to Government. I suggest you address your submissions on that report to Government because that's - that's - we've concluded

with that. That's gone to Government. What action, if any, they take on it is a matter for Government, and that report is part of the debate that the Government will take into account in concluding what it will do in taking any further action.

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MR BAKER: I take your point.

CHAIRPERSON: I'd suggest you address those submissions to the Government.

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MR BAKER: Yeah, I take your point on that, but I think the statements in the CMC report should be taken into account when we consider the occupational health of escort workers.

CHAIRPERSON: Okay.

MR BAKER: And whether we should legalise escort prostitution because of the safety issues and the health issues.

CHAIRPERSON: All right. Thank you. I am now winding up the debate. May I thank all of you for attending personally? You might have gathered that I don't have a lot of experience in this area, so I have found this of great assistance to me in illuminating my thoughts on this particular matter. I think you can see that I came into this without any concluded views. I might say I'm going out of this today without any concluded views. I will be needing to discuss this further with both the staff who work here and with my fellow Commissioners and we will give it very close and very sincere consideration, but I dare say that none of you will be totally happy with whatever recommendations we come out with. That's - that goes with the job, and we accept that. But-----

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MR BAKER: Mr-----

CHAIRPERSON: -----you can be sure that it will be given sincere consideration.

MR BAKER: Mr Chairman, can I make one final brief point that hasn't been addressed incidentally during the course of the last two days? And that is that this push for legalisation of escort services is all about money, and-----

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CHAIRPERSON: I'm sorry, I thought that - if you thought that hadn't been addressed, I certainly heard it.

MR BAKER: Well, let me make this point-----

CHAIRPERSON: I certainly have heard that.

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MR BAKER: Let me make this point as a professional in the finance services industry. And that is that if the recommendation is that legal brothels can run legal escort services, we can assume that the value of a licensed brothel business will double or triple or quadruple.

CHAIRPERSON: Mr Baker, I have concluded the debate, but I am not silly. I'm not unaware of what you're saying. I think

it's not unreasonable to expect that people will talk from their own interests, and I wouldn't expect them to do otherwise, but I'll take all of those things into account in my consideration of the matter, and I'm sure my fellow Commissioners will as well, but we will still consider all the things that have been said.

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What - where we're going from here is the transcripts of these days minus the confidential part will be on our web site if you want to pass it onto any of your friends, colleagues, if you need to revisit it in any way. We are open for any further submissions that any people might want to make. I think I've heard what you people have had to say, but if you do want to say more, it will be taken onboard. If you're talking with friends and colleagues and they want to make further submissions after you've spoken with them, they will be accepted. We don't close off any time limit on those until, of course, it's too late.

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We are proposing what is perhaps an unusual way of doing these things, but I was mindful - I was a bit disappointed that the Local Government Association chose not to attend, but they did say in their submission that they do represent a very diverse group of councils. There's 125 or so throughout Queensland, and that, naturally, they could not give a definitive submission on behalf of all 125.

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They asked for the opportunity of being able to take back any model that was proposed back to their councils to enable the councils to give a specific submission from the council on any particular model that is proposed. I thought that was a reasonable request and I thought also that other people might like to have that opportunity. So what we are proposing to do is put up publicly - it will go on our website and we will advise all of you presenters here today and we have had a form made up that can be given to Ms Ballard where you can put your pseudonym or your name, whatever, and more particularly your e-mail address - if you give the e-mail address, we will get it to you electronically - so that you then can see what I stress will be an interim position.

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It will not have gone through the Commission at that stage for final singing-off on, so I stress that it will very likely change from that. But why we are doing it is to give the councils, and any of you who want to, the opportunity of pointing out that if there is something in it that is really impractical, that it will have some consequence that we haven't foreseen, then it will give you the opportunity to make that comment.

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So we will take a second lot of submissions from you. We would prefer those to be short and to the point and we would prefer those to be fairly fast. We will only give probably about four weeks from when they go out for any submissions to come back to us. We are doing that because we do want to consider very carefully what anyone who has any interest in this matter wants to say. We do not want to just make a decision just what we think. We want to take into account what

everyone else thinks. It doesn't mean to say we sill accept what you say, but we want to hear it. Okay.

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I do then also want to stress that we are - we will be damned if we do and damned if we don't - please bear that in mind at the end of it when you want to bad-mouth us around the town and I h ope you don't do that too much. But also what we make is only recommendations to Government. So, at the end of the day, that is not the end of it. You can then go and repeat your submissions, make them better, learn from the way you've done it, and make them to Government, because the Government does snot have to accept our recommendations. We just put it up. We become, in effect, another body making recommendations to the Government. You can go and make your own recommendations. And, in the end of the day, it will be the Government, it will be the Parliament who will determine what will happen

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But, again, I thank you very much for your attendance, for your cooperation, and for the great assistance that you have given us. I close the hearing.

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THE HEARING ADJOURNED AT 3.01 P.M.

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