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**Sent:** Tuesday, 30 November 2010 4:21 PM  
**To:** Prostitution Act Review 2010  
**Subject:** Submission to the review of the prostitution Act Review

I note that the Prostitution Act is currently under review. The following represents the position of my partner and I have adopted as a result of our personal experiences over the past 12 months since relocating to Queensland. In particular, our concerns relate to the indication that no changes or improvements are proposed for 'Ensuring quality of life for communities', as shown in table 4.2 of the Regulating Outcall Prostitution Discussion paper (pg. 69). For the reasons outlined in the following discussion, the current arrangements are a long way from ensuring quality of life for communities, and I strongly suggest that this too, is an area which requires the attention of legislative reform.



Prior to locating to QLD I was a Town Planning Investigator and one of my roles was to investigate sexual activities which were outside the requirements of the planning scheme. I am familiar with the social stigma associated with the industry, and attempt to approach the subject objectively, however, my personal experience over the past twelve months has been both enlightening and disappointing to say the least.

As a consequence, I would really appreciate the appropriateness to operate as a sexual service provider 'as of right', from a residential premises reviewed, and potentially in the absence of substantial improvement being made, deleted altogether from the Act. The personal rationale for this is explained below, together with a couple of ideas for procedural improvements.

As a relative newcomer to QLD, as the operation of a sexual service in a residential area is unlawful in Victoria, I was surprised to find that my 'massage therapist' neighbour, was permitted under the home occupation guidelines to entertain clients (often more than one at a time) from her residential premises.

While the argument might be mounted that regulation treats this type of 'home office' as being no different to the making of pies in a cottage industry, I would suggest that impact to the amenity is somewhat different and in my experience, must less predictable. I would also argue that this type of self regulation entrenches adversarial relationships, and the very nature of the work, results in the direct failure of an ability for successful self regulation. Sex industry workers need more protection, not less, and being able to work from home, provides them not only less security personally, but in my own experience, diminishes the residential amenity and ones ability to feel safe within ones own home when you happen to reside next door.

In my own situation, the clients of my neighbour would arrive at all hours and many during the early hours of the morning. They would start their meeting off inside and then hang around in the back yard, and whatever else they were doing would often be associated with being quite rowdy. For months, two to three nights mid week, I was kept awake or awoken in the wee hours of the morning, to the voices of strange men, loud bangs and clangs, bursts of music and spontaneous outdoor entertainment activities, which were really quite unpredictable and ill fitted to the surrounding residential context. The unpredictability, together with over hearing certain threatening conversations and bangs in the night, left me feeling quite vulnerable and generally disempowered and unsafe in my own home.

When I called the Council, I was disappointed to find that regulation did not provide any amenity protection to the general resident, and even more surprisingly, that it would be up to me to prove that my neighbours 'legitimate' home employment was affecting my residential amenity. My partner and I subsequently moved house.

So, in a nut shell, I would strongly advocate for the removal of sexual services from the list of home occupations, or appropriate land uses deemed appropriate within residential settings. Being permitted to operate unchecked or 'as of right' from a residential premises fails to afford the worker or the neighbourhood with any protection or security. If all community authority is at arms length, from any form of role in monitoring, how can any level of security claim to be provided?

In the situation I have explained above, the absence of any legal framework meant that I had no frame of reference to rationally support any discussions I may have wanted to have with my neighbour. She, very

much knew that I had no basis to assert my concerns or indeed that there was no authority to explore them with. So every time she entertained, I was left to hope that the disruption would this time be short lived...

At least if some form of approval was required to be sought, either via registration with Police, Council via planning approval, or with the Prostitution Control Authority, which was supported with a signed agreement or Code of Practice, which outlined that the operation of a business at home would not affect the amenity, this would enable the worker to site the agreement as house rules, and have some way of the operation being monitored, even if it was at arms length.

If the act really does want to position prostitution alongside other more traditional home occupations, the amenity impacts should also be able to be appropriately addressed. Such registration or agreement would go a long way to:

- improving personal safety for the worker and potentially support neighbourhood relationships.
- Increasing neighbourhood security and return, community safety.
- bringing the subject out into the open and providing opportunities to speak openly about any noise issues, traffic management and standards of appropriate and
- behaviour etc, without fear of retribution or retaliation.

In raising the above, I wish to advise that I do not object to people making a legitimate living, however, as a strong advocate for social justice, I do object to authorities putting such issues in the too hard basket, in resolving to keep such matters out of scope (unregulated), disguised by a mask of what they call an attempt at equity.

If the State wants to treat prostitution in the same way as other industries, then people outside the industry should also be protected from its unanticipated side effects, as well as the anticipated ones. Lets truly place the issue front and centre and bring the pendulum back to the centre and facilitate meaningful dialogue and bring the power balance back to community and stop entrenching adversarial structures rather than challenge it.

kind regards,

