



CRIMINAL JUSTICE  
COMMISSION

# REGULATING MORALITY ?

## AN INQUIRY INTO PROSTITUTION IN QUEENSLAND

SEPTEMBER 1991

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# CRIMINAL JUSTICE COMMISSION QUEENSLAND

Telephone: (07) 360 6060  
Facimile: (07) 360 6333

Your Ref.:  
Our Ref.:  
Contact Officer:

The Hon Wayne Goss MLA  
Premier and Minister for Economic & Trade  
Development & Minister for the Arts  
Parliament House  
George Street  
**BRISBANE Q 4000**

The Hon Jim Fouras MLA  
Speaker of the Legislative Assembly  
Parliament House  
George Street  
**BRISBANE Q 4000**

Mr Peter Beattie MLA  
Chairman  
Parliamentary Criminal Justice Committee  
Parliament House  
George Street  
**BRISBANE Q 4000**

Dear Sirs

In accordance with Section 2.18 of the Criminal Justice Act 1989-90, the Commission hereby furnishes to each of you its Report, 'Regulating Morality? An Inquiry into Prostitution in Queensland'.

Yours faithfully

A handwritten signature in cursive script, reading 'Sir Max Bingham'.

**SIR MAX BINGHAM QC**  
Chairman

# **Criminal Justice Commission Queensland**

**Sir Max Bingham, Q.C.  
Chairman**

**P. Mark Le Grand, Director  
Official Misconduct Division**

**J. Carl Mengler,  
Director of Operations and  
Witness Protection Division**

**Graham M. Brighton,  
Executive Director**

**Paul A. Roger, Director  
Intelligence Division**

**Marshall P. Irwin,  
General Counsel**

## **Commissioners**

**Mr. J. P. Barbeler  
Dr. J. R. McC. Irwin  
Mr. J. J. Kelly  
Professor J. S. Western**

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Research and Co-ordination Division**

## **Research and Co-ordination Division**

**Satyanshu K. Mukherjee,  
Director**

### **Project Staff**

**Anne Philtrip  
Amanda Carter  
Dianne Bennett  
Susan Johnson  
Jon Moore  
Clare Smith  
Andrew McLean Williams**



## FOREWORD

The Report of the Commission of Inquiry ('Fitzgerald Report') drew attention to what other writers have described as the 'over-reach' of the criminal law. By this is meant the tendency for the law to intrude into areas which are more appropriately left to other forms of social control - morality, religion, education and the like.

The Report noted that where such extensions of the proper legal function occur, stresses and strains develop which have the effect of distorting the legal process. Having discovered the existence of such distortion, (in the form of corruption) especially in those parts of the law enforcement system connected with sexual behaviour and gambling, the Commission of Inquiry deduced that this situation might be a case in which the law was being forced to extend beyond the bounds of its effective operation - a case of 'over-reach'.

Accordingly, the Report recommended that this Commission should undertake a review of the relevant law - especially in relation to prostitution and 'SP bookmaking'.

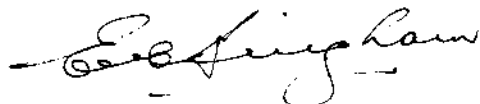
This report is the result of the Commission's investigation of prostitution.

Two major questions are involved. First, is legal intervention required; and secondly, if so, in what form?

The Commission has concluded that there is a need for some legal regulation, and makes some suggestions as to the form that regulation might take. The report presents the factual material upon which the recommendations are based, and the results of experience in Queensland and elsewhere. It also summarises the arguments for and against its conclusions.

The report will no doubt arouse controversy; the Commission hopes that it will also provide enough information for that controversy to have a sound basis in fact.

As the Commission of Inquiry intended, decisions about future legislation, if any, can then be made by Government in the light of an informed public opinion. It must be emphasised that in our parliamentary democracy recommendations from bodies like the Commission are only recommendations; the ultimate decisions rest with the elected representatives of the people.



SIR MAX BINGHAM Q.C.  
Chairman

## ACKNOWLEDGEMENTS

In the preparation of this report the Commission has received assistance and goodwill from numerous organisations and individuals. In response to the *Information and Issues Paper*, 117 submissions were received. The Commission acknowledges with thanks the contribution these have made. A list of the authors is in Appendix VI.

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Megan Atterton and Lynda McGilvery undertook the painstaking task of preparing the several drafts and the final manuscript. The Commission appreciates their assistance.

Finally, I express my gratitude to Sir Max Bingham Q.C., Chairman, the Commissioners and the Directors for their continued support.



Satyanshu Mukherjee  
Director  
Research and Co-ordination Division

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## EXECUTIVE SUMMARY

This report provides a framework for dealing with prostitution-related activities in Queensland. It is intended to assist the Parliament and the people of Queensland in selecting an appropriate option in this extremely sensitive and potentially controversial area.

In accordance with the philosophy of the Fitzgerald Report the Commission has tried to present the relevant information and its own preferred recommendations. It is very conscious however, that the decisions rest with the elected Government after appropriate debate. It hopes the report will help provide a basis for that debate. Mr. Fitzgerald Q.C. drew attention to the economic, drug-related, health-related, and criminal aspects of prostitution. This report addresses those aspects in the light of the best available information. In the preparation of this report a number of methods were used to draw information on the subject of prostitution, including:

- i) a review of the literature on prostitution in Australia;
- ii) an examination of current laws and their operation in other jurisdictions in Australia, and in Canada, the United Kingdom and other countries;
- iii) release of an Information and Issues Paper seeking public submissions;
- iv) meetings and seminars involving individuals and interested organizations;
- v) examination of 117 submissions received from individuals and interest groups;
- vi) a survey of public attitudes towards prostitution in Queensland and Melbourne;
- vii) a survey of sex workers in Brisbane, Cairns, the Gold Coast and Townsville; and
- viii) a workshop involving academics, lawyers, health professionals, public servants and researchers.

Over the past few years a number of Australian states and other countries have examined and amended prostitution-related laws. One common theme which runs through these efforts is the recognition that traditional methods of dealing with prostitution, i.e. use of stricter criminal sanctions, have not produced the desired results. Prostitution is a social issue and as such also requires non-legal measures to deal with it. Provision of equal opportunity to women of itself cannot contain or reduce the level of prostitution-related activities, the demand for such services needs also to be addressed. This presents a challenge for the relevant agencies, outside the jurisdiction of this Commission.

In making its recommendations the Commission has had regard to important policy goals toward which changes in law should aim. In particular, the Commission believes that in any attempt to reform law relating to prostitution-related activities the following should be borne in mind:

- that irrespective of what option is selected, the protection of children from exploitation and coercion should be of paramount importance;
- that measures should ensure the protection of sex workers and their clients (and thereby the community) against health risks;
- that any law reform in this area should make sure that prevention of criminal involvement and corruption is given high priority;
- any system of control must ensure the prevention of exploitation of sex workers; and
- that the option selected for dealing with prostitution-related activities should be cost effective.

The Commission's review revealed that basically there were four options, with some overlap, which could address the above policy goals. These were:

- strict enforcement of the criminal law;
- no application of the criminal law;
- partial application of the criminal law; and
- regulation of prostitution-related activities by means other than the criminal law.

The Commission critically examined these options. It gave consideration to the strict enforcement option, and the report lists the estimated costs and likely consequences of that option. For the reasons given, the Commission does not recommend it.

Similarly, the Commission discarded the option of putting prostitution and its related activities completely outside the reach of the criminal law.

Instead, the Commission recommends a combination of some criminal law rules and a system of regulation by a Registration Board.



**The Commission recommends that:**

- the criminal law should be strengthened to apply with vigour to areas such as street soliciting, prostitution-related activities involving children and disadvantaged groups, activities which involve coercion and/or intimidation, and explicit and offensive advertising;
- consideration ought to be given to making it an offence to be a person capable of exercising lawful control over premises in which a child participates in an act of prostitution;
- for the purposes of the regulatory framework and to reduce the risk of serious criminal involvement there be two categories of sex workers:
  - the individual sex worker operating from his or her home;
  - an organisation involving no more than 10 people, regardless of whether it operates as a brothel, escort agency, co-operative or any other form of organization which offers sexual services;
- the self-employed individual sex worker be permitted to operate from his/her home, subject to local authority planning provisions;
- organizations involving two to 10 persons be permitted to operate from premises either as a brothel, escort agency, co-operative or any other form of organization offering sexual services subject to approval by the Local Authority and a Registration Board;
- a state-wide set of guidelines be developed for all Local Authorities to which they must have regard when considering any grant of approval for the operation of a proposed business. The guidelines should cover such matters as the size of the proposed business, hours of operation, proximity to residential areas, churches, schools, community facilities, businesses, etc.;
- a Registration Board be established to regulate and monitor the operation of organisations comprising two to 10 persons with a view to ensuring that there is no criminal involvement in the sex industry, maximising the safety, self-determination, and employment conditions of workers in the industry and ensuring that all workers and the premises from which they are working are accessible to health workers and other social service providers;
- the Registration Board should be comprised of a representative from Queensland Health (formerly the Department of Health), the Queensland Police Service, the Local Authority (this should be an elected representative), the Criminal Justice Commission, sex workers, and the

Workplace Health and Safety Division of the Department of Employment, Vocational Education, Training and Industrial Relations. An independent senior legal practitioner should be appointed as Chairperson of the Board.

- the Registration Board should be responsible to the Minister for Health;
- the Registration Board should have the overall role of regulating and monitoring the prostitution industry. It should have the following functions:
  - to investigate the suitability of persons involved in the industry, and approve "acceptable person";
  - to issue certificates of registration for premises from or at which sex workers are operating;
  - to issue certificates for registration to owner/operators of registered premises;
  - to maintain a record of workers in the industry;
  - to establish and oversee an Inspectorate to service the Board;
  - to ensure compliance with the regulations;
  - to investigate and determine complaints;
  - to promote the health and welfare of workers and clients by:
    - establishing a Code of Conduct within the industry;
    - actively educating workers, clients and the community at large as to the health issues associated with the industry;
  - to recommend legislative change where appropriate; and
  - to report annually to Parliament;
- the Registration Board should vet all applicants and seek to:
  - determine who is the person controlling the operation;
  - determine who is the owner of the premises;
  - determine the number of persons who will be working on the premises, and the names of those persons;
  - determine the nature of the work relationship of each person who is to be working at those premises; and

determine how the business has been financed, and by whom.

- in the Registration Board's determination of who is an "acceptable person" the Board shall have regard to the following matters:
  - convictions for any indictable offences;
  - whether the person has an association with known criminals;
  - whether the person has previously breached any provisions of this regulatory legislation; and
  - any other matters which the Board thinks relevant;
- in its process of vetting, the Registration Board should have access to criminal intelligence from the Queensland Police Service and the Criminal Justice Commission. A confidentiality provision should apply to the Registration Board.
- a registration fee be payable on certification which is renewable annually in order to generate funds to contribute toward the cost of regulating the industry;
- the Registration Board at all times should have the power to cancel registration for sufficient reason;
- the Inspectorate should be staffed from officers of the appropriate departments represented on the Registration Board. Staff should be rotated regularly back to their departments to minimise the potential for corruption;
- the role of the Inspectorate is to ensure compliance of all sectors of the industry with the requirements of the Registration Board. Under this scheme offences should be created for breaches of the regulations. In particular it should be an offence:
  - for an operator to operate unregistered premises;
  - for a worker to work knowingly from or at an unregistered premises;
  - for a client to use the services provided from unregistered premises; and
  - for breaches of regulations applying to registered premises.

- advertising should only be permitted if discreet and should comply with guidelines set down by the Registration Board. All advertisements must display the registration number of the premises and must not seek to recruit sex workers into the industry.

## CHAPTER ONE

### BACKGROUND TO THIS REPORT

The Commission of Inquiry (Fitzgerald Commission) in its Report following the newspaper articles by Phil Dickie and the ABC's *Four Corners* program the "Moonlight State" by Christopher Masters, revealed the existence of vice and the apparent inaction by the Police Force in Queensland. The Commission, wherever possible made recommendations for reform. In this respect, the recommendations concerning the reform of the then Queensland Police Force were significant. However, unlike some other Commissions on issues concerning law reform, the Fitzgerald Commission took the most rational approach. Although it recognised prostitution, illegal gambling and the sale of illegal drugs as problem areas, the Commission recommended that any reform in these areas be preceded by comprehensive research.

Commissioner Fitzgerald Q.C., found that the role of the former Licensing Branch in the then Queensland Police Force and its responsibility for enforcing the laws on prostitution was a significant source of corruption. His report confirmed the trends already identified by journalists that:

- prostitution industry operators had links with present and previous senior officers in the Queensland Police Department Licensing Branch;
- the Licensing Branch knew of and tolerated existing parlours and agencies;
- police were paid in money and alcohol by parlour and escort agency operators;
- knowledge of police payment by operators was known to and condoned by higher ranks of the Police Department administration;
- officers-in-charge of the Licensing Branch (Parker, Dwyer and Bulger) "were all paid regularly, and the amount received from graft expanded constantly as more persons and premises were extended protection" (Report of a Commission of Inquiry Pursuant to Orders in Council 1989, p. 65; hereinafter referred to as the "Fitzgerald Report");
- police accepted sexual favours as well as money and property from prostitution industry operators (Fitzgerald Report 1989, p. 207);
- police charged those involved in the prostitution industry who were out of their favour more regularly than those in favour (Fitzgerald Report 1989, p. 65); and
- drug distributors were involved in the operation of some of Brisbane's parlours.

Commissioner Fitzgerald Q.C. recommended that any reform and accordingly, any review of the laws concerning prostitution should address the extent to which any present criminal activities should be legalised or decriminalised, recognising that "the issue of any necessary decriminalisation or legalisation is complex and delicate; to be resolved by detailed and full examination of all competing options and the worth of each such option in the administration of criminal justice" (Fitzgerald Report 1989, p. 190). He also recognised that a correct response to the issues requires a full examination of the competing factors including the need to consider the contributions of a wide range of potentially interested people, groups and institutions, matters which were beyond the resources of the Commission of Inquiry (Fitzgerald Report 1989).

Although the Commission of Inquiry had examined in some detail prostitution-related activities, it did not know the extent and nature of the involvement of organised crime, nor did it know the type, availability and costs of the law enforcement resources which would be necessary to effectively police the criminal laws. Mr Fitzgerald identified some difficulties with this:

"A review of the criminal laws, particularly those affecting prostitution and SP bookmaking, needs more information if it is to make decisions with reasonable confidence that it is not simply creating more problems. At present that information is not available to this Commission, or to the Government, or indeed to any law enforcement body, Commission or Government in the country." (Fitzgerald Report 1989, p. 190).

The paucity of information that Commissioner Fitzgerald alluded to has not changed substantially since the time of the Commission of Inquiry.

Whilst an examination has been conducted concerning the difficulties in enforcing the present laws, it is difficult to make any realistic assessment of the type, availability and, more particularly, the cost of police resources. It is recognised that the enforcement is time-consuming, relying heavily on such techniques as stake-outs etc, and thus requires a substantial investment of resources if it is to be effective. However, it is impossible to put a dollar figure on that. Furthermore, any assessment should also consider the "opportunity cost" of enforcing laws such as these - that is, the cost to the community of not applying police resources to other offences considered by the community to be more serious.

Bearing in mind these limitations, some attempt has been made in Chapter Ten to estimate the amount of money needed to properly enforce criminal laws to control prostitution. Whilst it is only a 'crude' estimate, it does give some general indication of the substantial additional resources that would be needed to restrict prostitution.

Commissioner Fitzgerald also acknowledged that prostitution is predominantly a social issue. The community therefore needs to examine whether this social issue takes priority over other issues when considering the question of investing substantial additional resources in this area.

Increasing crime in general, youth crime, break and enter, stealing, and domestic violence are issues of serious concern to Australian society. It is therefore essential that citizens make a choice whether additional resources, particularly police resources, be directed to reducing prostitution or dealing with other crimes.

## **The Need for a Review**

Following the Report of the Commission of Inquiry, interest in examining the laws relating to prostitution was expressed by various individuals and groups. Furthermore, difficulties with the enforcement of present laws were highlighted by evidence which showed it to be a source of corruption for police officers. This was confirmed by subsequent convictions of some former officers of the Licensing Branch.

An early submission from the Queensland Police Service said that in Queensland, there are several anomalies in the present law which create difficulties for the Police Service in dealing with prostitution. It is not illegal for a person to engage in the act of prostitution itself. The laws govern where prostitution can take place and try to prevent anyone from benefiting financially from it. Thus soliciting in a public place and living off the proceeds of prostitution are illegal. Somewhat inconsistently some types of prostitution such as that provided by escorts and sole operators who work from home are legal, while other types, such as brothel prostitution and using a massage parlour for the purpose of prostitution are illegal. This submission also pointed out that fines imposed for prostitution-related offences have little deterrent effect, as many sex workers who are convicted and fined keep working in order to earn the money to pay the fines.

The Police Service advised that there are difficulties for police in collecting evidence to substantiate convictions for prostitution-related offences. Previous methods of detection involved the use of police undercover agents who assumed the role of a client. Current methods take longer and are more labour-intensive. To try to gather evidence, police organise stake-outs of premises allegedly being used for prostitution and attempt to interview alleged clients on their way out. Clients are under no obligation to answer questions and when they do, will often only admit to a massage. Another method sometimes employed involves the use of female police officers who apply for jobs as sex workers. They attempt to obtain evidence that the employment offered will entail the payment of money in exchange for sexual services.

Adding to the debate surrounding the laws were statements made by the Minister for Police and Emergency Services Mr Terry Mackenroth, that he would "dearly love" to change the laws (*The Courier-Mail* 7 June, 1991) and the President of the Queensland Police Service's Union Senior-Sergeant John O'Gorman, was reported as saying that police, who could do little to stop prostitution under present laws, were being insulted as the public could see

evidence of it and believed police were refusing to investigate it (*The Courier-Mail* 7 June, 1991).

On the other hand, the Premier Mr Wayne Goss was reported as saying that he was not in favour of relaxing present laws:

"Decriminalisation or legalisation would provide a very fertile field for organised crime elements to run all sorts of prostitution rackets the way they have been in this State. That would bring on even more problems of health and disease." (*The Sunday Mail* 3 March, 1991).

In a more recent statement the Premier does not appear to hold such a strong view. He was reported to have told members of his local Australian Labor Party Branch:

"We have to wait for the Criminal Justice Commission to report with recommendations as to what should be done - whether it be a change in the law, legislation or whatever.

I think we know the problems associated with prostitution, and sometimes the simplest thing for many is just to legalise it - however I have my doubts as to whether this will work. It is suspected the result would be a legal prostitution industry, as well as the illegal market with the same old problems." (*The Sunday Sun* 30 June, 1991).

### *Review of Prostitution-Related Laws in Other States*

The impetus for change has also gained momentum because of events in other parts of the country. In recent years, New South Wales, Victoria, Western Australia, the Australian Capital Territory and the Northern Territory have all undertaken some form of review of their prostitution-related laws. So far legislative changes pursuant to such reviews have taken place only in New South Wales and Victoria. The Legislative Assembly of the Northern Territory presently has before it a Prostitution Regulation Bill. The South Australian Parliament has before it a Private Member's Bill to remove criminal sanctions from some aspects of prostitution. This Commission concedes that changes in other parts of the country are relevant. However, such changes alone should not constitute sufficient reason for changes in Queensland. Furthermore, changes introduced in Victoria in 1986 do not appear to have produced the desired results. Local needs and characteristics, and the attitude of residents are of significant importance. In a recent *Trends and Issues* paper, the Australian Institute of Criminology summarised the conflicting demands law makers face in dealing with prostitution:

"On the one hand law-makers in Australia wish to uphold the principles of a liberal democratic society by allowing consenting adults to freely engage in sexual conduct, while on the other hand they are anxious to consider the demands of residents who object to the "nuisance" aspects of prostitution, as well as those who object to prostitution on religious, moral or other grounds. The issue of AIDS has, in recent years added a new element to the prostitution debate and has sparked concern in the community regarding the potential for prostitutes and their clients to spread the disease." (Pinto, Scandia & Wilson 1990, No. 22).



## *Health*

The 1980s saw the advent of the Human Immunodeficiency Virus (HIV) and its sequela, the Acquired Immune Deficiency Syndrome (AIDS). AIDS has been described as perhaps the most serious threat to public health for many years and the estimated number of people who are HIV positive runs into millions worldwide. The particular feature of this public health problem is that the risk of transmission through sexual relationships appears to be high. Although the quantum of research in this area has increased substantially, the results to date are far from conclusive. The spread of HIV has further stimulated research into prostitution and increased calls for a review of the law. In some quarters it is believed that the risk of sex workers becoming HIV positive is higher than for others. This is because of sex workers' exposure to a high number of sexual partners whose sexual histories they may be unaware of and due to a tendency not to use condoms in their private lives. While prostitution remains predominantly a moral, social, cultural and ethical issue, the advent of AIDS has added a new dimension, increasing concerns about the possible health implications of commercial sex (Plant 1990, p. 1).

## *The Opinions of Sex Workers' Collectives*

Prostitution law reform has also been strongly advocated by sex workers' collectives in a number of countries. Collectives have struggled to remove criminal sanctions from the laws relating to prostitution. Their basic premise is that "most of the problems currently related to prostitution arise from the criminalisation of workers who sell sexual services" (Submission from Self-Health for Queensland Workers in the Sex Industry, SQWISI, 26 April, 1991). Their campaigns usually have an agenda built on the following approaches:

- public education regarding the costs of current methods of controlling prostitution;
- removal of criminal sanctions from all aspects of voluntary adult prostitution; and
- normalisation of the occupation and persons involved in prostitution (Weitzer 1991, pp. 23-41).

## **The Information and Issues Paper**

Some of the major needs for review of laws on prostitution have been outlined above. This Commission takes the view that reform of prostitution laws is a matter which has far reaching social consequences. Members of the community need to be informed because reform of prostitution-related laws could require a change in the community's attitude, and in its values. While the two extreme opinions - those of sex workers and those who oppose any liberalisation of laws - receive publicity, the views of the overwhelming majority of the population are

not well known. In a complex issue like this, one cannot seek to elicit an opinion which accurately reflects community opinion just by asking one or two questions. For instance, a majority of members of the community may not even be aware of the implications of reforming laws that relate to prostitution.

On 2 March 1991, the Criminal Justice Commission released an *Information and Issues Paper: Review of Prostitution-Related Laws in Queensland*. The Paper covered such aspects as current laws relating to prostitution and their enforcement; social and community welfare; drugs and sex workers; health considerations; and philosophical approaches to prostitution law reform. Furthermore, the Paper offered options that could be considered. The Paper also summarised the issues for public submission.

The purpose of the Paper was to inform members of the community of the various issues and then to seek input from the public and organised groups. The release of the *Information and Issues Paper* was advertised through electronic and print media. Advertisements concerning the release of the paper and calling for public comment were placed in 26 regional and local papers in Queensland, in the *Courier-Mail* and in the *Weekend Australian*. Copies of the paper were sent to welfare and community organisations, health bodies, church and religious groups, women's organisations and sex workers. A total of 117 submissions were received of which 12 were confidential and three were anonymous. While some may not consider this to be a large number, proportionate to Queensland's population the response rate was higher than the rates in other States when such responses were sought. The public submissions were placed in the Commission's library and members of the community were invited to peruse them.

## **How Other Jurisdictions Reviewed Laws Relating to Prostitution and What They Recommended**

### *New South Wales*

The Select Committee of the Legislative Assembly Upon Prostitution in New South Wales was appointed in March 1983. Its Report was tabled in April 1986. The Committee consisted of eight members of Parliament who were supported by a part-time research team of five people. The Committee also received assistance from officers of Hansard and other Parliamentary staff.

The Committee reviewed the demand for prostitution; why people entered prostitution; the organisation of prostitution in inner-city areas, commercial centres, residential suburbs and country towns; and the effects of prostitution physically, mentally and environmentally on the people of New South Wales.

The Committee received 133 submissions and held 27 hearings at which 83 witnesses gave sworn evidence. *In camera* evidence was taken from 17 witnesses. Inspections were made of organisations which provide outreach

services for drug abuse and sexually transmissible diseases.<sup>1</sup> The research staff conducted 134 interviews with sex workers. The Select Committee visited other Australian jurisdictions, Germany, the Netherlands, Sweden, the United Kingdom and Hong Kong to observe aspects of prostitution. Several large research projects were carried out. These included an estimate of the size of the trade in New South Wales, research on health matters, and the connections between organised crime and prostitution.

The recommendations of the Select Committee have been largely ignored by successive New South Wales governments, and the law is primarily as enacted in the *Prostitution Act 1979* (and re-enacted in the *Summary Offences Act 1988*).

The New South Wales Report took the approach that criminal liability should attach to solicitation for the purpose of prostitution where it was conducted "directly in front of or in close proximity to or directly opposite a dwelling, school, church or hospital" (Report of the Select Committee of the Legislative Assembly Upon Prostitution 1986, p. 261; hereinafter referred to as the "Select Committee"). The approach sought to clarify the ambit of the legislation then in force which prohibited solicitation "near" dwellings, schools, churches and hospitals. The stated aim of this approach was to confine solicitation to commercial areas (Select Committee 1986, p. 259).

The present law in New South Wales is contained in the *Summary Offences Act 1988*. The Act provides that:

"A person in a public street shall not, near or within view from a dwelling, school, church or hospital, solicit another person for the purpose of prostitution." (Section 19 (1)).

The words "within view from" restricted further the areas where sex workers could solicit. The fine for soliciting outside designated areas was increased and provision was made for the imposition of a prison sentence.

The New South Wales Report stands alone in recommending that the premises of workers operating alone from home should be treated in the same manner as any premises used for the purpose of prostitution (Select Committee 1986, p. 280). The reason for this was the proliferation in Sydney of sole operators in home units, flats and houses. The Select Committee found that these operators caused disruption to neighbours and to the amenity of the locality. The Committee also envisaged that one owner could buy or lease all the units on a floor then rent them to individual sex workers.

The Report recommended that where escort agencies operate solely by telephone, such a business should not fall within the definition of a brothel. The reason for this was that the premises themselves were not being used for the purpose of prostitution and there was little attendant traffic or noise from such an operation. For the few cases where escort services also provided entertainment

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1 The National Venerology Council of Australia has approved the terminology "sexually transmissible diseases". This emphasises the fact that such infections can be transmitted by non-sexual means. This is the accepted usage in Australia.

or accommodation on the premises, it was considered that these should be treated as brothels as they were no longer operating simply as a telephone contact point. It was suggested that escort agencies, which operate like brothels, would be subject to planning controls devised on both a State and local level. Permission to operate would be obtained from local councils (Select Committee 1986, p. 280).

Until 1990 it was unclear whether the common law misdemeanour of keeping a brothel was still available or had been displaced by other legislative reforms. However, in 1990 the New South Wales police successfully launched a prosecution for keeping a brothel (*R v Chapman*, unreported).

The *Disorderly Houses Act 1943* opens the way for similar charges to be prosecuted. Under section 3 (1)(E) premises that are habitually used for the purpose of prostitution or have been used for the purpose of prostitution and are likely to be so used again, may be declared a disorderly house by the Supreme Court. Under this section persons may be charged for owning, occupying or being found on the premises.<sup>2</sup>

## Victoria

The Victorian Government appointed the Inquiry into Prostitution on 7 September 1984, and the Final Report was tabled in October 1985. Professor Marcia Neave chaired the Inquiry. The Inquiry's staff comprised three research officers, an interviewer who was assisted in the analysis of the data, a person who specialised in social welfare issues, an editor, three proof-readers, two others who acted as critics of the report, and four consultants and support staff.

The Inquiry's starting point was the legal definition of prostitution. Criminal involvement was not included in the terms of reference and was not a major focus in the Report. Neither were issues relating to taxation as the Report was confined to areas of State law.

To stimulate community discussion on the issues involved in reviewing prostitution laws, the Inquiry's role was publicised through newspapers, television and radio interviews and talk-back programs. Professor Neave also accepted invitations to speak to interested groups.

An Options Paper was distributed to provide interested parties with background information about prostitution in Victoria. One hundred and seventy-one submissions were received in response to the Options Paper and the Inquiry met with 51 of the groups and individuals who wrote submissions.

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2 In *Sibuse Pty Ltd v Shaw* (1988) 13 NSWLR 98, the New South Wales Court of Appeal upheld a Supreme Court ruling by a 2-1 decision that a brothel was a disorderly house notwithstanding there was no element of disorder over and above the breach of the law (the common law misdemeanour of keeping a brothel).

Special effort was made to contact interest groups and persons who had expertise in areas relating to prostitution, such as welfare groups and community organisations. To obtain the views of local residents, a number of city and country councils and residents' organisations concerned about the effects of prostitution were contacted.

The principal means of systematically collecting information was by use of structured interviews with 115 sex workers and by further informal contact with another 100 sex workers. Surveys of prison inmates in custody for prostitution offences and of hearings into prostitution offences conducted at the Prahran Magistrates Court during 1984 were also conducted.

For health matters related to prostitution, studies of patients presenting at the Melbourne Communicable Diseases Clinic and selected casualty presentations at the Alfred Hospital were carried out.

The Victorian Police Department provided information on police practices. Liaison was also made with the New South Wales Select Committee and with the Special Committee of Inquiry into Pornography and Prostitution in Canada. Visits were also made to New South Wales and Western Australia.

Research included detailed reviews of relevant literature. The Inquiry completed four major studies which comprised interviews with sex workers, youth prostitution, investigation of the links between prostitution and drug abuse, and the environmental effects of prostitution.

The Victorian Report adopted a regulatory approach. It recommended that solicitation should be allowed at the discretion of local councils. Each council should be given the right to pass by-laws which set forth designated areas in which street solicitation could be legally conducted. It would remain a criminal offence to solicit outside these boundaries (Inquiry into Prostitution Final Report 1985, p. 260; hereinafter referred to as "Final Report"). This recommendation in the Victorian Report was rejected by the government.<sup>3</sup> Solicitation for the purpose of prostitution remains an offence in Victoria (*Prostitution Regulation Act 1986*, section 5).

The Victorian Report recommended that a broad framework for regulating the operation of brothels should be implemented in the following ways:

- Only municipalities with populations of less than 20,000 people should be able to deem brothels to be a prohibited land-use. Councils with populations of 20,000 or more would therefore be required to allow applications to be made for permits in designated zones (excluding residential areas). The power of councils to refuse such an application would remain unfettered (Final Report 1985, pp. 307-308).

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3 News release issued by the Attorney-General of Victoria dated 30 June, 1986.

- A council considering an application should be statutorily required to consider various factors in determining whether an application for a brothel permit should be granted. These factors included:
  - the size of the brothel;
  - the proximity of the proposed brothel to churches, hospitals and other community facilities;
  - the proximity of the brothel to residential buildings;
  - the public inconvenience that the brothel, when operating, is likely to cause;
  - the proximity of the applicant's proposed brothel to other brothels (Final Report 1985, p. 302).
- An order that premises should be closed should only be made if a Magistrate was satisfied on the balance of probabilities that premises were being used as a brothel for which a permit had not been obtained (Final Report 1985, p. 317).
- Those persons who operate brothels must hold a valid licence to do so. Those persons who assist a licensed operator in managing a brothel must be approved by the licensing body. Thus it would be the function of the local councils to regulate the potential for public nuisance associated with the operation of a brothel. A specially constituted Licensing Board was to monitor and control those who managed and profited from brothels. To operate without risking a conviction, a brothel owner or manager would need to ensure that the responsible council has granted a Town Planning Permit for the brothel to operate, and the Licensing Board has granted appropriate approval to the individual to operate or manage the permitted brothel (Final Report 1985, p. 325).
- Restrictions on premises operated by one or two sex workers should be eased. Sole sex workers working from home should not have to obtain a Town Planning Permit to operate a brothel (Final Report 1985, p. 305). A licence to operate a brothel need not be required for brothels used by only one or two sex workers (Final Report 1985, p. 330). Therefore, sex workers operating from a single premises could choose to work in licensed brothels or for themselves; either by working alone from home (which would not require a permit or licence) or together with another sex worker from a detailed residence (which would require a permit only).

The Victorian Government attempted to reform the laws according to all but one of the recommendations of the report.<sup>4</sup> However, Parliament made several amendments.

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4      Prostitution Regulation Bill 1986, News Release issued by the Attorney-General of Victoria dated 30 June 1986.

Pursuant to the *Prostitution Regulation Act 1986* local municipalities, irrespective of size, retain the right to prohibit outright brothels in the localities. The Act provides for the Minister for Local Government to block a council prohibition of brothels, but only if, after receiving and considering submissions, the Minister considers that the prohibition does not have the support of the relevant local community (*Prostitution Regulation Act 1986*, sections 61-65). These provisions have not been proclaimed.

Provisions for the statutory establishment of the Brothel Licensing Board (*Prostitution Regulation Act 1986*, sections 15-49) have also not been proclaimed. Also, when the legislation was considered by the Victorian Parliament, amendments were made by the Upper House. These amendments required all persons using premises for prostitution purposes to obtain a licence including premises used by a single sex worker. The Liberal Party Opposition believed that the licensing requirements were unduly stringent for one and two-person operators, (Bryant 1987, pp. 902-903) and consequently, the licensing provisions which differentiate between small and large-scale prostitution establishments were not proclaimed.

In 1988, when commenting upon the practical operation of the Victorian legislation passed subsequent to the Inquiry, Professor Neave observed:

"The result is unfortunate in two respects. No mechanism has been established to control the management of large brothels. At the same time the failure to permit prostitutes to work legally on a small scale is pushing women into escort agency prostitution or employment in highly visible brothels run by big business. Multi-storey brothels may flourish in Flinders Lane, while prostitutes who wish to see clients discreetly at home, cannot do so. This is hardly likely to increase the control of prostitute women over their working conditions and lives." (Neave 1988, pp. 202-211).

For sex workers in Victoria, the licensing of brothels has reportedly led to a deterioration in working conditions. By the end of April 1989, there were 57 legalised brothels in Melbourne, each employing up to 20 women and operating up to two shifts a day.

Sex workers report that women employed in legalised brothels risk fines for breaches of appearance and behaviour: for instance, fines of \$50 have been imposed for failure to remove body hair, or mismatching nail polish on hands and feet. Up to 60 per cent of a sex worker's nightly earnings are deducted by the brothel management.

Female sex workers who work on the streets, outside the system of legal regulation, are now more vulnerable to both police harassment and corruption and violence at the hands of others. Although work on the street now involves higher financial returns, it is reportedly more hazardous (Hatty 1989, pp. 235, 239-240).

## *Western Australia*

In 1976 the Western Australian police introduced a policy of containment and control which was not set down in writing nor made known to the public. The aims of the containment policy were to free prostitution from organised crime and criminal participation, prevent police corruption, guard against female and juvenile exploitation and to prevent the spread of sexually transmissible diseases (STDs). Under Containment only women could run establishments. All sex workers were required to register with the Vice Squad, and to supply name, telephone number, address, licence number, age and to state who the worker lived with before they could start working. The Vice Squad took photographs and was to be notified of any change of address or living circumstances.

In 1987 the then Burke Government supported the decriminalisation of prostitution. Following this move, various discussions were initiated by organisations to ascertain how law reform and possible legal changes in prostitution would affect the people working in this field and the police. Current health issues and the social justice issues for sex workers, consumers and the community were also explored. The Commissioner of Police indicated that Perth had outgrown the containment policy and new measures for the regulation and control of prostitution were needed.

A Community Panel on Prostitution was appointed in March 1990 by the Minister for Police. The Panel first met on 30 March 1990. It relied on the work already undertaken in Western Australia and the material in other reports that was available to it. The purpose of the Panel was to become informed about the community's attitude towards the regulation and control of prostitution in Western Australia and, to report to the Minister about whether or not a system of control should operate.

The Final Report of the Community Panel on Prostitution was tabled on 19 September 1990. It recommended that the Government appoint a Licensing Board to regulate prostitution. This decision was reached after a review of written and verbal submissions, previous reports and work already undertaken on prostitution.

Some recommendations were amended in April 1991 with the publication of the Final (Draft) Report of the Community Panel on Prostitution. The recommendations discussed below were all taken from the updated version.

Limited decriminalisation of prostitution with controls was recommended. It was envisaged that this would basically be structured through a Licensing Board. Criminal penalties were to be retained for certain aspects surrounding prostitution such as soliciting, explicit advertising, protection of minors and protection of persons from procurement and of running a brothel/escort agency outside the control of the proposed Licensing Board. Premises with more than three workers would be required to register as a brothel. Owners/managers of brothels and escort agencies would be licensed by the Board.



It was recommended that the Licensing Board be comprised of a Chairperson who should be a lawyer appointed by Cabinet; the Commissioner of Police or nominee; a medical practitioner; a representative of women's interests; an elected representative nominated by the Minister for Local Government; two representatives from prostitution, one being a manager and the other a worker; and a community member.

Some operators would not be granted the present freedom of setting up in any residential area but would be subject to approval by a local government authority which would make the decision whether to allow self-employed sex workers to operate from home.

It was recommended that sex workers be subject to weekly health checks and that licensed premises be treated as any other small business.

### *Australian Capital Territory*

A Select Committee of the Legislative Assembly was appointed to examine and report on HIV, illegal drugs and prostitution in the Australian Capital Territory on 28 September, 1989. The Committee consisted of five members, two committee staff members and a secretary. The majority of members constituted a quorum of the committee. The prime reason for examining prostitution was the perceived potential it represented for the spread of HIV.

During the course of its inquiries, the Committee visited each of the known established brothels in the ACT and spoke with workers and owners/managers. Discussions were held with sex workers' collectives in all States and territories except Tasmania.

Visits were made to each of the mainland State and Territory capitals, where discussions were held with government officials as well as other relevant and interested parties.

Fifteen submissions on prostitution were received by the Committee. Concerned at the lack of adequate response from interested individuals and groups, the Committee released a two-part article in the *Canberra Times*. This article resulted in two more submissions. The Committee heard evidence from 47 witnesses.

The Interim Report of the Select Committee on HIV, Illegal Drugs and Prostitution was released in April 1991. The Report recommended that a Licensing Board be established to grant, re-issue, transfer and monitor licences to own and operate a brothel and/or an escort agency. A licence would not be granted to persons who have been convicted of an indictable offence punishable by three years imprisonment or more. Conditions of the licence would include that no person under the age of 18 years would be permitted to be employed there or to be found on the premises. Advertising in the print or electronic media would not be allowed.

It was recommended by the Committee that the laws relating to street prostitution remain in place. Special provisions to prevent sexual exploitation of the young were also included. The Committee rejected a proposal for mandatory health checks for prostitutes.

## *Canada*

The Special Committee on Pornography and Prostitution in Canada met for 20 months and published its report in February 1985. The Committee consisted of seven members and in its research was assisted by 16 academics and students.

The Special Committee held public and private hearings in 22 centres throughout Canada. A research program was undertaken for the Committee by the Canadian Department of Justice. The program comprised five local studies in prostitution; a public opinion survey and a review of prostitution and its control in selected countries outside Canada.

The Committee recommended that the criminal law should not intervene unless some perceptible interference with members of the public or neighbouring occupiers could be proven (Pornography and Prostitution in Canada - Report of the Special Committee on Pornography and Prostitution in Canada 1985, vol. 2, p. 540; hereinafter referred to as "Pornography and Prostitution Report"). Solicitation itself should not be a criminal offence unless the sex worker or potential client stops or impedes a pedestrian or a car on more than one occasion (Pornography and Prostitution Report 1985, p. 539). The Legislature rejected the Committee's recommendation and enacted legislation under which the essential element of the offence of solicitation was communication about bargaining rather than impediment. The solicitation need occur on one occasion only.<sup>5</sup>

It recommended a model for the offences of operating (or aiding in the operation of) premises used for the purpose of prostitution, and knowingly allowing premises to be used or let for prostitution purposes (Pornography and Prostitution Report 1985, vol. 2, p. 547). It would be legal to operate or knowingly allow premises to be used for prostitution purposes if either:

- the premises is the residence of one or two sex workers who work from home; or
- the premises is licensed and operated in accordance with a regulatory scheme established by a provincial or territorial legislature.

The Report suggested limitations would need to be imposed upon operational premises through a regulatory procedure. It recommended that a public approval process to allow for full examination of applications should be built

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5 An Act to amend the Criminal Code (Prostitution), Statutes of Canada, 1985, Chapter 50, Clause 1.

into the regulatory structure (Pornography and Prostitution Report 1985, vol. 2, p. 532). While favourably acknowledging the Victorian scheme, (which then allowed for the public examination and vetting of brothel owners through local council land use applications), (Pornography and Prostitution Report 1985 vol. 2, p. 551) the Report did not go so far as to recommend that the regulation of brothels be tied to town planning legislation.

### *A Common Feature of Reports in Three Jurisdictions*

The New South Wales and Australian Capital Territory committees as well as the Victorian Inquiry were unanimous in their reasons for recommending that the offence of living on the earnings be repealed:

- The offence does not limit itself to the evil to which it is purportedly directed; namely the exploitation of sex workers. The offence should be limited. Only those who induce a sex worker, through coercion, violence, or intimidation to support them wholly or partly from the proceeds of prostitution should be criminally liable (Final Report 1985, pp. 263-264; Select Committee 1986, p. 251; Interim Report, Select Committee on HIV, Illegal Drugs and Prostitution 1991, pp. 71-79); and
- It is questionable whether the criminal law has a role in regulating the relationships of responsible consenting adults. If a sex worker consensually gives financial support to lovers, partners or colleagues, the criminal law should not interfere.

### **Research Approach Taken by the Commission**

The Commission of Inquiry in its Report made a number of comments to the effect that in programs and measures designed to introduce reform, the involvement of the people of Queensland is paramount. This Commission has embraced this recommendation in many of its activities. Prostitution law reform is one area in which public involvement is crucial. Seeking submissions in response to the *Information and Issues Paper* referred to earlier, was an effort in that direction.

The Research and Co-ordination Division was severely constrained by lack of resources. Unlike most inquiries on the subject in other jurisdictions, neither funds nor personnel were available to travel to other States or overseas. It was, therefore, decided to concentrate efforts on research, discussions, and existing literature on the subject. In keeping with this approach, some other methods used to seek input are described in this section.

*Survey of Sex Workers:* The "key players" in this area are the sex workers themselves. Quite often one hears the views expressed by representatives of organised groups like SQWISI (Self-Health for Queensland Workers in the Sex Industry), but little, if anything, is known about the views of individual sex

workers. The Research and Co-ordination Division in consultation with sex workers, prepared a structured interview schedule and then pilot tested it. Subsequently, staff from the Division interviewed a total of 73 sex workers.

It was not possible to travel to all parts of the State and efforts were concentrated in conducting interviews in Brisbane, Cairns, the Gold Coast and Townsville. Analysis of the results obtained from these interviews is presented in Chapter Six.

The other "key players" are the agents of law enforcement. The Commission decided against surveying police officers. However, substantial input was received from the Queensland Police Service in various ways. It provided two submissions and a policy paper. Further, a number of informal discussions between the Division staff and police officers have taken place over the last year. The Division also organised an in-house seminar on prostitution law reform. A large number of the Commission's staff, including police officers, participated in the discussion.

*Survey of Queenslanders and Melburnians:* Citizens do have views on many social and moral issues but most do not come forward and express them unless invited to do so. Therefore, a decision was made to conduct a survey of perceptions and attitudes of Queenslanders towards prostitution. A market research firm was contracted to carry out this task. Approximately 1500 adults (18 years old and above), selected randomly from throughout Queensland, were asked a series of questions by telephone. The questionnaire for the survey was designed in consultation with the Research and Co-ordination Division staff and pre-tested. The results of this survey are presented in Chapter Four.

Laws relating to prostitution were changed in Victoria in 1986. It was considered desirable to ascertain the attitudes of a sample of Victorians. Under the Victorian legislation the local councils are authorised to issue permits for brothels. Not all local councils in Melbourne have permitted brothels to operate. As the Victorian Inquiry reported, prostitution was predominantly an issue of concern in Melbourne. The market research firm was asked to survey a sample of adults from there. A random sample of about 300 adults was asked about their attitudes towards prostitution. The results of this survey are also described in Chapter Four.

*Situation in Other States:* Time and funds were not available to conduct a full-scale evaluation of the impact of legislative changes in Victoria and New South Wales. However, the Commission thought it desirable to have at least some considered statements regarding the workings of prostitution-related laws in these two States. The Commission employed two noted scholars on contract to write their evaluations of the operation of those laws. Furthermore, as the police containment policy in Western Australia had attracted considerable attention, the Commission considered it pertinent to examine the Western Australian situation. These three papers are reproduced in Chapters Seven, Eight and Nine.

As can be observed, in spite of serious resource constraints the Research and Co-ordination Division has attempted to use as many methods as possible to obtain input. The results of these efforts have been most valuable in drawing conclusions.

Surveys of public attitudes and perceptions in this area are not very common, and those that are available do not include large samples. None of the Australian jurisdictions, while reviewing their legislation concerning prostitution, conducted or commissioned any systematic surveys of the population.

The Special Committee in Canada was assisted by the Department of Justice in conducting a public attitude survey. The survey included 2018 Canadians over 18 years of age. This was the first large-scale survey carried out in Canada and the Special Committee was satisfied with the representativeness of the survey. The Committee was quite comfortable with drawing conclusions from the survey results and to use these in formulating its recommendations.

The Commission's survey included 1533 Queenslanders, 18 years of age and over. Proportionate to the population, the size of the Queensland sample was equivalent to a sample of over 13,000 Canadians. It is important to note that the Commission's survey provides much stronger evidence for drawing conclusions than the one in Canada.

### *The Structure of this Report*

Chapter Two of this Report begins by describing various legal, moral and health matters related to prostitution law reform. It continues with a discussion of health aspects of prostitution and finishes with a discussion of the practical ways in which legal options could be implemented.

Chapter Three discusses the extent and nature of prostitution in Queensland from the police perspective.

Chapter Four describes the public attitude survey on prostitution and discusses the results. The objectives of the survey were to examine the level of public knowledge and concern about prostitution activities; the public attitude towards potential regulations and which, if any, agency or body should be responsible for enforcing regulations. It examines in detail the demographic characteristics of members of the public sampled in the survey and the options they chose on prostitution.

Chapter Five analyses submissions received by the Commission in response to the release of its Issues and Information Paper. The responses are divided into those which covered terminology, legal aspects, systems of licensing, health, drugs, social welfare and moral aspects.

Chapter Six discusses the survey of sex workers. It covers sex workers' backgrounds, the reasons they enter prostitution, drug use, safe sex practices, views on current laws and relationships with the police.

Chapter Seven to Nine are the papers from consultants engaged by the Commission to write on prostitution in New South Wales, Victoria and Western Australia in the periods since the reports from those jurisdictions were released.

Chapter Ten contains the recommendations and reasons for recommendations.

Appendix I is an historical background to prostitution in Queensland. It examines police enforcement and government policy in the area of prostitution from the late nineteenth century to the present.

Appendix II provides a definition of "organised crime" and then goes on to describe the connection between organised crime and prostitution.

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## CHAPTER TWO

### LAW, MORALITY AND HEALTH - THE BACKGROUND TO PROSTITUTION POLICY

#### Prostitution Laws in Queensland

The essential concept in prostitution is the gratification of sexual appetite for gain (*Poiner v Hanns; ex parte Poiner* [1987], p. 246). The act of prostitution itself is not illegal in Queensland. Prostitution is ancillary rather than central to each of the offences under discussion. The conduct prohibited by these offences either leads to or results from the act of prostitution. To establish each offence, it must be proved that the conduct was either for the purpose of or derived from prostitution.

It is not clear whether the gain for which the sex worker performs the sexual service has to be monetary gain. The law suggests some material gain not limited to money, for example, temporary accommodation or food. However, in cases in which the concept of prostitution has been defined by the courts, judges have equated gain with monetary gain (*Poiner v Hanns; ex parte Poiner; R v de Munck* [1918]).

The issue is important. Prostitution among disadvantaged persons may involve an exchange of sexual services for temporary accommodation and food. Some householders may render sexual services to tradespeople who provide them with goods and services. These matters raise the issue of whether they are acts of prostitution.

Prostitution is not characterised by the gender of the participants or the type of sexual service sought or obtained: "Whether a man or a woman is involved or whether homosexual or heterosexual activities are involved are of little consequence" (*Poiner v Hanns; ex parte Poiner*, p. 246).

#### Statutory Offences

The *Vagrants, Gaming and Other Offences Act 1931-1988* provides in section 5 (1) (c) that:

A person who knowingly lives wholly or in part on the earnings of the prostitution of another person, commits an offence.

The original purpose of this section was to deter pimps or others from exploiting sex workers. It now has significance for others who may be associated with sex workers.



Proof that a male "lives with or is habitually in the company of a prostitute, and has no visible lawful means of support or has insufficient lawful means of support" (*Vagrants, Gaming and Other Offences Act 1981-1988*, section 55 [iv]) is prima facie evidence that he is knowingly living on the earnings of prostitution. This section effectively requires sex workers' husbands and male de facto partners who are charged with an offence under this section to satisfy the court otherwise.

Others, such as tradespeople and the employees of sex workers were conceivably brought within the effect of the section when Viscount Simonds in the Privy Council formulated what is still a current test:

"[A] person may fairly be said to be living in whole or in part on the earnings of prostitution if he is paid by prostitutes for goods or services supplied by him to them for the purpose of their prostitution which he would not supply but for the fact that they were prostitutes." (*Shaw v D.P.P.* [1962] p. 264).

In some cases, it is difficult to determine whether or not the person would have supplied the services if the recipient had not been a sex worker. However, in the case of the driver of a car employed to transport escort workers to and from their appointments, it was clear that he would not have supplied the service unless his passengers were sex workers.<sup>1</sup> (*R v Farrugia*, (1979) p. 108)

The section also makes liable a proprietor who accepted advertisements solely or predominantly from sex workers.<sup>2</sup> This is obvious in the case of publications wholly or predominantly designed to advertise services of sex workers. However, it may be harder to obtain a conviction under this section in the case of a publication providing advertising to the general public, some of whom may be sex workers.

Until 1988, many Queensland newspapers ran overt classified advertisements for both massage parlours and escort agencies.

On 12 December 1988, the Brisbane Licensing Branch served *Sun Newspapers* with eight notices alleging that it was living in part on the earnings of prostitution (*Vagrants Gaming and Other Offences Act*, section 8 [a]) by running escort agency advertisements in its classified advertisements section (*The Courier-Mail*, 13 December, 1988).

The notices were served after non-compliance by *Sun Newspapers* with a Licensing Branch request to withdraw the escort agency advertisements from publication. Similar requests had been complied with by newspaper proprietors in Cairns and Townsville and on the Gold Coast.<sup>3</sup> The *Courier-Mail* had, on

1 This is so irrespective of who paid the driver *Calvert v Mayes* [1954] 1 All ER 41.

2 In *Shaw v D.P.P.* a man who published a 28 page booklet which was mainly taken up by advertisements placed by prostitutes, failed in his appeal against conviction for living on the earnings.

3 Per Inspector Graeme Williams as quoted in the *Courier-Mail*, 13 December, 1988.

policy grounds rather than at the behest of the police, refused requests to run advertisements concerning prostitution services from 23 September 1988.<sup>4</sup>

Advertisements for prostitution services are now buried in the health and beauty and the personal introduction columns of daily newspapers around the State. Although some advertisements for massage services are now published only after the production of a certificate from the Massage Therapists Association of Queensland,<sup>5</sup> this is not a guarantee that such advertisements do not promote prostitution since sex workers state that this certification is not difficult to obtain. Furthermore, sex workers have reportedly used certified masseurs to place advertisements on their behalf.

In some areas sex workers advertise in Telecom's *Yellow Pages*. Alternatively, some sex workers advertise in the *Melbourne Truth* (which can be purchased in Queensland). Male sex workers can advertise in a nationally circulated homosexual publication printed in another State (for example, the Melbourne-based *Outrage*). Additionally, male and female sex workers advertise in some Queensland regional papers.

The Inquiry into Prostitution in Victoria considered the question of advertising and recommended that discreet advertisements for prostitution services (as dictated by regulation) be permitted. However, it also recommended that advertisements for prostitution services be prohibited from any publication which is produced with the financial support of either government or semi-government organisations (such as the *Yellow Pages*) (Final Report 1985, vol. 1, p. 281).

Under section 5 (1) (b) of the *Vagrants, Gaming and Other Offences Act 1931-1988*, it is also an offence to be:

A person who solicits another person for immoral purposes or for the purpose of prostitution when that other person is in a public place, or is within view or hearing of a person in a public place.

The section affects sex workers who literally work on the street and those who, from doorways and windows, negotiate the sale of sexual services with potential clients walking in streets or on footpaths outside the premises.

Sex workers cannot be charged under this section unless they are physically present during the solicitation. An advertisement or notice soliciting clients seeking prostitution services is not an offence under this section (*Weisz v Monahan* [1962] p. 644).

4 Information received from Mr. Brian Fairbrother, the Classified Advertisement Manager of the *Courier-Mail* and the *Sunday Mail*, on 24 July, 1990.

5 Information received from Mr. Brian Fairbrother, the Classified Advertisement Manager of the *Courier-Mail* and the *Sunday Mail*, on 24 July, 1990.

Sex workers' clients may also be charged under this section. In Queensland any person who approaches sex workers with an offer of money in exchange for their sexual services arguably solicits for the purposes of prostitution.

Males who "kerb-crawl" (travel slowly in a car, stopping intermittently to negotiate with sex workers for sexual services) or who approach one sex worker or more in the street to negotiate the exchange of sexual services for money may be guilty of an offence under this section.

It appears that solicitation for the purpose of prostitution provides the only charge that can potentially be levelled at the clients of sex workers.

Under the *Criminal Code 1899-1989*, section 231 provides that:

Any person who keeps a house, room, set of rooms, of any kind whatsoever, for purposes of prostitution is guilty of a misdemeanour, and is liable to imprisonment for three years.

A similar provision is contained in the *Vagrants, Gaming and Other Offences Act 1931-1988* which provides in sections 8 (1) (a) and (b) that:

Any person who -

- keeps or manages, or acts or assists in keeping or managing any premises for the purposes of prostitution; or
- being the tenant, lessee or occupier of any premises, knowingly permits such premises or any part thereof to be used for the purposes of prostitution -

is guilty of an offence.

Receptionists and co-ordinators of parlours are often charged under the first limb of the above section.

Those to whom ownership or operation of a parlour can be traced can be charged under either limb of the above section.

The Full Court of the Supreme Court recently held "that premises can be kept for the purposes of prostitution within section 8 (1)(a), even though no acts of sexual intimacy for reward occur there and the parties who are ultimately to be involved in the acts do not meet there, provided that the purpose of keeping the premises is to use them for arranging acts of prostitution to be carried out elsewhere by a plurality of women".<sup>6</sup>

6 *Ferricks v Guzikowski; ex parte Guzikowski*. Unreported decision of the Full Court of the Supreme Court delivered on 21 November, 1990. In making this decision the members of the Court distinguished a number of earlier cases which had held that it must be shown that that prostitution actually took place on the premises in order to sustain a conviction under this section.

In that case the premises of an "escort agency" had been used only for making arrangements by telephone and for keeping accounts and records. The Court held that was sufficient evidence upon which to convict the manager of an offence under section 8 (1)(a).

The courts have consistently refused to extend the operation of the above sections to a single sex worker working at home. This is the case even though the legislature appears to have intended that single sex workers should be charged under these sections.<sup>7</sup>

With the passage of the 1931 *Vagrants, Gaming and Other Offences Act*, the legislature clearly wished to extend criminal liability to sole sex workers keeping, using or occupying premises for the purposes of prostitution.<sup>8</sup>

However the sub-section designed to fulfil this intention section 8 (4);<sup>9</sup> was given a different meaning by the courts. In *Parker v Jeffrey* ([1963], p. 32) Philp J observed:

"If the legislature had intended to make it an offence for a woman to use her residence or any other place for the prostitution solely of herself it could easily have said so in clear terms; I am unable to spell out such an intention from the words of section 8 (4)."<sup>10</sup>

The matter was the subject of some discussion in *Ferricks v Guzikowski ex parte Guzikowski* (supra) where earlier cases were reviewed. The Honourable Mr Justice Derrington said that a distinction may still be drawn in the case of a woman who uses her own premises for acts of prostitution.

"The view that she keeps such premises to live in and that the acts of prostitution are merely incidental to this is valid and consistent with the principle applied in the present case. It then becomes a practical test as to whether one of the purposes for keeping of the premises is prostitution or whether in all the circumstances that is merely an incidental use rather than part of the purpose." (*Ferricks v Guzikowski; ex parte Guzikowski*, unreported).

Such clear comments were not made in respect of a lone woman operating out of premises, not her home, and it was suggested in *Storey v Wick* ([1977], p. 47) that it would constitute "keeping premises for the purposes of prostitution".

7 In 1907, the Supreme Court was called upon to consider the ambit of the provision prohibiting keeping a bawdy house in the *Criminal Code*. One of the four sitting Justices explained that he had sat on the Commission which had made recommendations about the draft code prior to its passage through Parliament. Parliament had accepted the Committee's recommendations in total. He explained that it was intended that the section should implicitly extend to persons who engage in prostitution and who work alone from premises. (*R v Thick*) [1907] St R Qd 198 per Neal, J., p. 102. His colleagues disagreed - they reasoned that if the legislature had intended the section to extend to sex workers operating from premises alone, then the language of the section ought to have expressly included such workers. *R v Thick* ibid per Cooper, C.J., p. 201, & Chubb, J., p. 203.

8 See Second Reading Speech by the then Home Secretary the Hon. J.C. Peterson, *Queensland Parliamentary Debates* vol. CLX 1931, p. 1423.

9 This section reads, "It is immaterial whether the premises kept or occupied for prostitution are kept or occupied by one person or more than one person".

10 Mr. Justice Connolly concurred with this reasoning in the unreported decision of *Bell v Stewart; ex parte Bell* delivered on 13 October, 1989 in the Full Court of the Supreme Court. Parliament has not amended s. 8 (4) since *Parker v Jeffrey* nor, indeed, since the subsection's inception in 1931.

Section 8 (1) (c) of the *Vagrants, Gaming and Other Offences Act 1931-1988* also states that:

Any landlord or agent for a landlord who lets or collects rent from premises knowing that the whole or part of the premises is or will be used for the purposes of prostitution is guilty of an offence.

Whilst sole sex workers using their homes for prostitution may not contravene the law, the above section can nevertheless be used to close their businesses. Some sex workers working legally from home report that police have informed their landlords that their rented premises are being used for prostitution purposes.

The landlord must then serve a seven day eviction notice on the tenant - sex worker, or face the possibility of being convicted for letting premises knowing that the premises are being used for prostitution purposes (*Vagrants Gaming and Other Offences Act 1931-1988*, section 8 (3)).

Those sex workers who have been affected by this procedure argue that if their business operations are legal they should not be subjected to the constant fear of being evicted. Further, they point out that the law treats tenants less favourably than the owners of premises.

Finally, they argue that they are not the only people who are "punished" through eviction, since when they are evicted from their homes, their children face dislocation from schools, friends and familiar environments.

This provision was also used in 1978 and 1979 to persuade landlords to evict tenants from many massage parlours.

Sex workers who are owners of the homes or premises from which they work cannot be subjected to this procedure.

Section 8A, *Vagrants, Gaming and Other Offences Act 1931-1988* states that:

"Any person who uses for the purpose of prostitution, or of soliciting for prostitution, any premises held out as being available for the provision of massage, sauna baths, steam baths, facilities for physical exercise or services of a like kind, or held out as being available for the taking of photographs or as a photographic studio is guilty of an offence."

Under this section, sex workers in premises such as massage parlours and health studios are charged. To establish that an offence has been committed, it must be proved that the massage parlour or health studio was used for the purposes of prostitution. Some difficulty has been experienced in gathering evidence to prove that a massage parlour or health studio provides sexual services.

In the past, police agents have posed as clients and paid for the massage. If offered sexual services by the masseuse, they accept and after any additional payment is made, the agents then declare themselves. This practice was stopped

in 1989 on the instruction of the Police Commissioner. Since then, police have focussed more upon collecting evidence from clients.

This section accounts for more than half of the prostitution-related offences coming to the attention of the Police from 1977-78 to 1988-89. Section 9 of the *Vagrants, Gaming and Other Offences Act* creates an offence for a person who has control of or acts in the care or management of a "lodging house"<sup>11</sup> knowingly to permit it to be the habitual resort of, or place of meeting for reputed prostitutes. It is also an offence for the person knowingly to allow such lodging-house to be used for the purposes of prostitution. It appears that very few, if any, charges have been laid under this section in the last decade.

It is also an offence to procure a person, whether male or female to become a prostitute.<sup>12</sup> The section provides for heavier penalties where the person procured is a child. In *R v Broadfoot* ([1976], p. 753) it was held that the word "procure" is a word in common usage and a jury had to use their common sense when interpreting it. There was nothing wrong with a judge using the word "recruit" when directing the jury on the issue of whether there had been a procurement.

In summary prostitution-related offences in Queensland fall into two categories:

1. Activities Directly Associated with Prostitution which are Illegal:

- soliciting or loitering (*Vagrants, Gaming and Other Offences Act*, section 5);
- being a prostitute who behaves in a riotous, disorderly or indecent manner in a public place (*Vagrants, Gaming and Other Offences Act*, section 5);
- soliciting within view or hearing of a person in a public place (*Vagrants, Gaming and Other Offences Act*, section 5);
- using premises held out for other purposes for the purpose of prostitution (*Vagrants, Gaming and Other Offences Act*, section 8A).

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11 The term "lodging-house" was defined in s. 77 of the consolidated *Health Acts 1900 to 1934* (now repealed but not re-enacted) as:

"any house, tent or edifice (not being the premises of a licensed victualler under the provision of The *Licensing Act of 1885* or any Act amending or in substitution for that Act) in which persons are ordinarily harboured or lodged for hire for a single night or for less than a week at one time, or any part of which is let for any less term than a week at one time". (Allen's *Police Offences in Queensland*, 34th Edition, Law Book Co. Ltd, Australia 1971, p. 91.)

This section also applies with respect to a lodging-house under a by-law of a Local Authority or under any ordinance of the Brisbane City Council.

12 For more detailed explanation see s. 217 *Criminal Code*.

## 2. Activities Ancillary to Prostitution which are Illegal:

- living either wholly or partly on the earnings of a prostitute (*Vagrants, Gaming and Other Offences Act*, section 8);
- keeping or managing a brothel (*Vagrants, Gaming and Other Offences Act*, section 8);
- keeping a bawdy house (*Criminal Code* sections 231 and 235);
- being an occupier of a house frequented by prostitutes (*Vagrants Gaming and Other Offences Act*, section 5);
- being a tenant, lessee or occupier who permits premises to be used for prostitution (*Vagrants, Gaming and Other Offences Act*, section 8);
- being a landlord who knows premises to be used to for prostitution (*Vagrants, Gaming and Other Offences Act*, section 8);
- being a keeper of a lodging house who permits it to be the resort or place of meeting of prostitutes (*Vagrants, Gaming and Other Offences Act*, section 9);
- procuring a person to become a prostitute (*Criminal Code*, section 217).

## Philosophical Approaches to Prostitution Law Reform

The central issue to be considered is whether it is appropriate for the criminal law to regulate consensual sexual conduct carried out for material gain in any circumstances.

Although the opposing views of some persons are noted, it is generally agreed that sexual contact between adults and minors should be prohibited. There appears also to be consensus that individuals should be prevented from forcing others to work as sex workers.

Given that, the extent to which sexual behaviour between two consenting adults should be regulated by the criminal law remains to be determined.

### *Against Removal of Criminal Sanctions*

It is argued that because prostitution can involve adultery, fornication and irregular sexual behaviour, prostitution weakens the ideal and practice of family life. While the effect on the family may not be immediately evident, deception, cleverly practised at one time, may set off a series of events which may cause people to mistrust each other later.

Proponents of criminalisation argue that society (as well as individuals), is harmed by prostitution. They argue that as society is the victim in the long-term, the behaviour can and should be the subject of criminal prohibitions (Oaks 1975).

Those who subscribe to this view believe that the government should use laws to shape values, behaviour and attitudes within the community. They argue that if criminal sanctions are removed, more people will think it is acceptable to enter prostitution. Those who advance this argument believe the law is an instrument to uphold morality. They believe that laws cannot be made without reference to what the community believes is morally right as opposed to what it believes is morally wrong. Some also believe that the removal of criminal sanctions would only create new opportunities for corruption.

### *For Removal of Criminal Sanctions*

Others argue that, even if there is a degree of harm to society caused by prostitution, it does not warrant stigmatisation as "criminal". They believe that the enactment of criminal laws is not the only way of making people conform with social mores, since licensing, civil liability and administrative regulations also limit and fashion moral conduct (Hawkins 1976, p. 9). One commentator has argued that to impose criminal sanctions for acts of private morality is a misallocation of social resources:

"The prime function of the criminal law is to protect our persons and our property; these purposes are now engulfed in a mass of other distracting, inefficiently performed legislative duties. When the criminal law invades the spheres of private morality and social welfare, it exceeds its proper limits at the cost of neglecting its primary tasks. This unwarranted extension is expensive, ineffective and criminogenic." (Morris & Hawkins 1970. p. 1).

Some who advocate the removal of criminal sanctions deny that prostitution threatens the social order based upon the family. In some cases, they argue prostitution may in fact preserve that social order:

"If her client had an affair with the woman next door, he might disrupt two families. By coming to her he threatens neither." (Honore 1978, pp. 133-134).

Among those who support the removal of criminal sanctions, are some who believe that prostitution is present in all societies and it is better to control and regulate it than drive it underground.

### *Policy Directions*

If criminal or other laws should be enacted to regulate and/or prohibit features of prostitution, what aspects should they address?

The Inquiry into Prostitution in Victoria, while opposing criminal sanctions, took the position that prostitution is exploitative of women and should not be



encouraged as an occupation (Final Report 1985, vol. 1, p. 243). It concluded that sex workers were often victims of income and gender inequalities, which should be addressed by law. Reformers have suggested that an extension of employment opportunities available to women could diminish the number who choose to be sex workers.<sup>13</sup>

In the course of the Commission's interviews with sex workers, a few said that they would remain in prostitution whether or not the range of employment opportunities for them was expanded. They were dissatisfied with the limited economic and social status of other employment open to women. They believe the community should accept that prostitution involves legitimate transactions between providers and consumers of services.

If the community did accept that prostitution involved a legitimate transaction other compelling questions would need answers. For instance:

- Should sex workers be allowed to advertise their services? Proponents of the view that prostitution is inherently exploitative of women would argue for prohibitions concerning such advertisements. Those who adopt the view that prostitution should be seen as a legitimate business would argue that, if sex workers are legally to earn their living, they should have access to means by which they can legally attract clients.
- Should independent advice and assistance be made available to people about to enter prostitution? Some suggest that counselling should attempt to divert new workers by focusing upon career and skill acquisition opportunities outside prostitution. Those in favour of a legitimate prostitution business suggest that counselling be directed predominantly towards health and safety education in addition to emotional reactions that new workers will experience.

### *Why does Prostitution exist at all?*

According to the traditional argument, society must make prostitution available to those who cannot express their sexuality in other ways so that they do not become rapists or do not sexually abuse children.

The New South Wales Select Committee and several feminist commentators (Pateman 1988, p. 198; Allen 1990, p. 197) have questioned the prevailing perception that prostitution is inevitable because some men's sexual drives cannot be suppressed. Indeed, some feminists have suggested that historical, sociological and sexological evidence shows that this "need" to purchase sexual services is socially constructed and stimulated and not biological or innate. In support of this argument, the New South Wales Select Committee pointed to the climate of sexual freedom in the 1970s and the AIDS scare in the 1980s which could increase or reduce the demand for prostitution.

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13 For example, *ibid*, Inquiry into Prostitution Final Report, Victoria, October, 1985, vol. 1 of 2, p. 244.

The Committee concluded that social policy had a responsibility to reduce the demand for prostitution services as far as possible. For this reason, the Committee did not support State institutionalisation of prostitution by measures such as registration of sex workers and compulsory health checks. However, it did support the removal of criminal penalties associated with it and the imposition of other forms of control. The Committee felt that to support State sanctioning would have endorsed the view that, in order to gratify their sexual needs, men were entitled to purchase the sexual services of women.

## Health

### *Incidence of HIV and AIDS Among Sex Workers and Their Clients*

Like others, sex workers are potentially at risk of contracting the Human Immunodeficiency Virus (becoming HIV positive) and subsequently developing Acquired Immune Deficiency Syndrome (AIDS). The risks are higher for sex workers. This is because of their exposure to a greater number of sexual partners whose sexual histories they may be unaware of, through possible intravenous drug use and because of a tendency not to use condoms in their private lives.

Despite these risk factors, the prevalence of HIV among female sex workers in Australia has been found to be very low. A survey (Perkins, Lovejoy & Marina 1990) of 153 female sex workers in Sydney, Canberra and on the New South Wales north coast found that none were HIV positive or had AIDS. To date, no evidence of a *sexually acquired* HIV infection in a female sex worker in Australia has been found (Donovan 1990). However, this finding is based on sex workers who attend STD clinics and who identify themselves as sex workers.

There have, however, been several cases detected in Australia of former sex workers who are HIV positive (Harcourt & Philpot 1990). Where female sex workers are infected, they usually attribute this to intravenous drug use.

Some evidence indicates that sex workers place themselves at greater risk of becoming HIV positive and developing AIDS during private sexual relations than at work. The aforementioned 1990 survey found that while more than 97 per cent of the women used condoms at work, less than 47 per cent did so during private sexual relations (Perkins, Lovejoy & Marina 1990).

Sex workers' reasons for placing themselves at greater risk in their private lives were that protected intercourse reminded them too much of work, that sex was more enjoyable without condoms and that condoms were unnecessary in a monogamous relationship.

The clients of sex workers also raise a number of public health concerns. Two Australian men have been diagnosed with advanced HIV disease attributable to unprotected contact with female sex workers in Germany and Holland (Donovan, B. 1990, p. 17). Departments of Health in Australia are becoming

increasingly concerned that Australian men who go on "sex holidays" to Asia may increase the spread of HIV among the heterosexual community and among sex workers in Australia.

In 1988, some 13,000 men from Queensland visited Thailand, and it is popularly assumed that a large number of these may have done so for "sex holidays".<sup>14</sup> The *British Medical Journal* reported that in Thailand 700 new carriers of HIV are detected each month. It attributed this to the country's "lethal mix of cheap sex and widespread heroin addiction (Anderson 1990, p. 415).

Recently the Queensland Minister for Health, Mr Ken McElligott, stated that at least four Queensland men had contracted the AIDS virus while on South-East Asian sex holidays. He added that there have been seven known cases of Australian men acquiring HIV through heterosexual contact in South-East Asia (The *Courier-Mail* 10 August, 1991).

A number of studies indicate that HIV is more prevalent among male sex workers than among females. One study in Sydney found that 33.3 per cent of male sex workers who were intravenous drug users were HIV positive (Morlet 1990, vol. 152).

According to Queensland Health (formerly known as the Queensland Department of Health), there is no confirmed case of a HIV positive sex worker who is currently working in Queensland.<sup>15</sup>

The current approach of Queensland Health to informing sex workers about AIDS control and the prevention of HIV transmission, is to reach them through peer education and to encourage voluntary testing. This is in keeping with the Federal Government's National HIV/AIDS Strategy.

### *The Incidence of STDs Among Sex Workers*

There has been a general decrease in the incidence of acute sexually transmissible diseases (STDs)<sup>16</sup> among female sex workers who attended Australian STD health clinics in the last few years. The figures for the Brisbane Special Clinic conform to this trend. In 1989, for example, there were two cases of STDs detected among 122 visits by sex workers (Report of the Director-General of Health and Medical Services 1989-90). The Clinic states<sup>17</sup> that the relative risk of acute bacterial infections (not chronic viral) among female sex workers is about half that of females attending the clinic who are not sex workers. It should be

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14 Information from Australian Bureau of Statistics quoted in an unpublished paper by Queensland Department of Health.

15 Information from Division of Specialized Health Services, 22 August 1991.

16 The National Venerology Council of Australia has approved the terminology "sexually transmissible diseases". This emphasises the fact that such infections can be transmitted by non-sexual means. This is the accepted usage in Australia.

17 Department of Health, correspondence from Division of Specialized Health Services, dated 11 February, 1991.

noted however, that sex workers attend the Clinic repeatedly for routine checks, whereas females who are not sex workers usually attend because of symptoms or as a result of contact tracing.

In the opinion of Clinic staff, STDs have decreased among sex workers because they have initiated the use of condoms in an awareness that these reduce the rates of infection.

### *Health Legislation*

Current health legislation does not focus specifically upon sex workers (*Health Act (Qld) 1973-1989*; hereinafter referred to as "*Health Act*"). It gives Queensland Health wide powers to deal with any person who is suspected to be suffering from "notifiable diseases", which include some STDs and AIDS-related diseases.

The legislation allows the Chief Health Officer of Queensland Health to make regulations that are necessary to provide for or compel the examination and treatment of persons having or suspected of having a notifiable disease (*Health Act*, section 33 (1) (c)). The Chief Health Officer also has power to direct a public hospital to provide facilities for the isolation and treatment of any person believed to be suffering from a notifiable disease (*Health Act*, section 34) or to requisition or establish an alternative place for isolation and treatment aside from a public hospital (*Health Act*, section 35).

The forced detention of a person suspected of suffering from a notifiable disease depends upon certification by a doctor that the person has suffered from or been exposed to a notifiable disease and refuses to submit to reasonable examination or treatment or refuses to enter or remain in a hospital or temporary isolation place. Once such a certificate has been issued, the Chief Health Officer of Queensland Health may make an application to a Justice of the Peace for an order that the person "be removed to a public hospital or temporary isolation place specified in the order" (*Health Act*, section 36). The duration of the detention depends on the discretion of the Chief Health Officer. No maximum period is stipulated (*Health Act*, section 36 (4)). No appeal or review procedures are provided. The person to whom a detention order relates commits a criminal offence in the event of his or her resistance or obstruction (*Health Act*, section 36 (6)).

While the effect of certification is extreme, doctors are under no statutory duty to perform this procedure in relevant cases. The legislation merely requires medical practitioners to notify the Chief Health Officer of patients who are suffering from or have symptoms of a notifiable disease (*Health Act*, section 32A).

Most escort agencies, brothels and parlours require their workers to be checked for STDs either monthly or fortnightly, and to provide proof that they are free of such diseases.

AIDS testing is less frequent. Agencies reported that they required their sex workers to obtain a monthly or quarterly HIV test.

### *Compulsory Testing of Sex Workers*

It has been suggested that community concerns about sexually communicable diseases would be allayed by the compulsory health testing of sex workers.

Such compulsory screening would require sex workers to go to a STD clinic either fortnightly or monthly for STD checks and every three or six months for hepatitis and AIDS tests. Eligible sex workers would then receive a certificate of clearance from the clinic.

The supervision and enforcement of such a scheme may present problems. For instance, would it be an offence for a sex worker to work without holding a current certificate? Should the onus lie with the agency or parlour operator?

Would any management member who cannot satisfy the enforcing authority that their workers are covered by current certificates be liable to criminal sanction? How would the enforcing authority compel managers, operators and sex workers to produce current certificates? Would such officials have power of entry and examination?

Most of the sex workers and managers with whom the Commission raised the matter of compulsory health checks had no objection to them.

Arguments advanced for compulsory health checks include:

- sex workers are exposed to significantly more sexual contact with a greater diversity of partners than a non-sex worker. This means the possibility that they may become infected with a STD or AIDS is greater than the risk experienced by non-sex workers;
- sex workers owe a duty of care to their clients. They should take precaution to protect clients from infectious disease. While many sex workers adopt a responsible attitude to regular health checks, some are irresponsible. Compulsory health checks would encourage more sex workers to undertake regular health checks; and
- sex workers who do not have regular checks have a greater chance of passing on an infection than those who do have regular checks. The increased protection from exposure to a life-threatening infection outweighs the infringement to civil liberties that the proposal may entail.

Arguments against compulsory health testing are that:

- clients may be lulled into a false sense of security so that they are less inclined to wear condoms. Clients may believe that regular checks will guarantee that the sex worker is free from infection;
- government officials would probably have to monitor the testing of sex workers;
- it is not necessary to compel sex workers to undertake regular health checks;
- education and training within prostitution have markedly increased awareness of the need for regular checks at marginal cost to the tax-payer. The result that compulsory health checks are designed to achieve can be obtained without compulsion and without expending significant amounts of public money to establish and maintain a bureaucratic body to police health checks;
- there are problems with the administration of a compulsory scheme. Medical practitioners may conceivably be reluctant to perform tests on involuntary patients.

## Options

Options for the reform of the laws relating to prostitution are included here because they are used in reports from other jurisdictions.

## Terminology

In discussing prostitution law reform, such concepts as "decriminalisation", "legalisation" and "criminalisation" cannot be avoided. The problem is that while these terms have been used frequently, there appears to have been little or no consistency in the definition of them. In some publications the terms are contrasted, in others the terms are used interchangeably.

The Australian Institute of Criminology has defined four possible approaches in law reform (Pinto, Scandia & Wilson 1990):

**Criminalisation** - Laws which have criminal penalties and seek to prohibit the behaviour.

**Legalisation** - Legalisation involves formal recognition and State sanctioning of the trade.

**Decriminalisation** - Decriminalisation means that activities are no longer crimes and participants are not subject to criminal penalties.

Decriminalisation with controls - Decriminalisation with controls involves legal recognition with full government controls.

The Report of Commissioner Fitzgerald, Q.C., provided definitions of "legalisation" and "decriminalisation" in the following terms:

"Legalization and decriminalization are not the same. Legalization means that the activities are made legal and are no longer regulated in any way. Decriminalization means the activities are no longer crimes, and the participants are no longer liable to criminal penalties, but their activities are regulated by law and transgressors can still be penalized." (Fitzgerald Report 1989, p. 188).

In contrast to Commissioner Fitzgerald Q.C.'s definition of legalisation, the Report of the New South Wales Select Committee suggested that a legalisation approach would involve such activities as the registration of sex workers, the licensing of brothels or brothel managers, and the establishment of one or several "red light" districts while maintaining prohibition elsewhere (Select Committee 1986, p. 238). It viewed legalisation as the state whereby the activities are made legal but are accompanied by regulation. Commissioner Fitzgerald Q.C., on the other hand, viewed legalisation as a state where the activities are no longer regulated in any way.

The Victorian Inquiry into Prostitution in its Final Report stated that decriminalisation was sometimes contrasted with the "legalisation" or "regulation" of prostitution, which involved the imposition of legal controls on prostitution in order to minimise its harmful effects (Final Report 1985, vol. 1, p. 179). This seems to be more in line with the New South Wales definition than it is with Commissioner Fitzgerald Q.C.'s; however, the Victorian Report goes on to state that the terms decriminalisation and legalisation do not have any precise legal meaning and the distinction between the two is largely a matter of degree.

The Council of Europe prepared a Report on Decriminalisation 1980, in which it defines decriminalisation and breaks it down into three categories. "Type A Decriminalisation" refers to a full legal and social recognition of the decriminalised behaviour. "Type B Decriminalisation" can be brought about not by the wish to give a full legal and social recognition to the decriminalised behaviour but by a change of opinion about the role of the State in the field. This type of decriminalisation can imply State neutrality with regard to certain forms of behaviour (as in the homosexual law reform in Queensland). The third type, "Type C Decriminalisation" refers to the situation where, although there may be no change of opinion about the undesirability of a certain form of behaviour, it is thought appropriate that another sort of approach other than the criminal law ought to be taken in order to deal with it. For example, the behaviour might be regulated through the health system or the social welfare system or the education system.

In some cases either "legalisation" or "decriminalisation" can be applied to the approach being considered. For example, "Type A decriminalisation" defined by the Council of Europe and "legalisation" as defined in the New South Wales

Select Committee are equally appropriate where there is legal recognition and social recognition of behaviour that was once illegal, criminal or an offence.

Whatever terms are used to describe the options, for practical purposes there are three. Either:

- the activity should be an offence; that is, regulated by the criminal justice system; or
- the activity should be subject to some other form of regulation; for example, town planning or health laws; or
- the activity should no longer be illegal or regulated in any way.

In choosing an option, the State must consider its resulting moral stance. This could mean it might view prostitution as inevitable, undesirable or acceptable. For example, if licensing and registration fees for sex workers were introduced, these would become part of government revenue and, as the law stands, the State could be said to be "living off the earnings". However, if criminal sanctions were removed, prostitution would no longer be seen as illegal. Licensing and registration fees could then be collected in the same way as they are from other legitimate businesses.

The above examples demonstrate the difficulties involved in labelling the different approaches to the problem. Many of the arguments about the reform of prostitution-related laws are really arguments about:

- whether criminal sanctions should be provided for the activities or not;
- whether other forms of regulation should be provided or not.

In this paper, the approach which involves the criminal law is referred to as the "Use of Criminal Sanctions". The approach which involves no restriction of any kind is called "No Sanctions at All". The approach which involves the imposition of other kinds of control is referred to as the "Regulatory Approach".

### *The Use of Criminal Sanctions*

Current Queensland criminal laws attempt to limit prostitution by applying criminal penalties to activities related to it.

If the community wishes to prohibit people from forcing others to either commence or remain in prostitution, from exploiting sex workers, and from recruiting minors to prostitution, then the continued involvement of the criminal law at least to some degree in prostitution will be inevitable.



Decisions about the type of prostitution-related activities which might attract criminal sanctions in future will structure prostitution. Community concerns about prostitution will be addressed by further decisions about the type of regulatory features, if any, that are necessary or desirable.

Present laws and enforcement practices have not eliminated prostitution-related activities. If a prohibition approach was adopted, then deterrence mechanisms would need to be strengthened. An extension of criminal sanctions may be appropriate.

At present, the act of prostitution is not illegal in Queensland. Instead, Queensland law governs both the manner by which sex workers come into contact with clients and the place where the sexual act can be consummated.

If criminal sanctions are to be retained, then the present law requires review. The existing legislative framework and enforcement practices contain anomalies which need to be addressed. The way in which they are addressed will depend on the answers provided to the following questions -

- Should criminal sanctions concerning prostitution extend to disadvantaged persons who exchange sexual services for accommodation, food or alcohol?
- Should the charge of living on the earnings of prostitution apply only to those who exploit sex workers for gain? Should the charge extend to:
  - people who can also be charged with "premises" related offences?
  - people who provide services which assist sex workers in prostitution (for example, drivers of escort workers, providers of a telephone answering or booking services, people and organisations who publish advertisements of sex worker services)?
  - any other persons?
- If advertisers of sexual services are potentially liable, should the sex worker who places the advertisement also be guilty of an offence?
- Should sex workers operating alone from premises or home be criminally liable? If so, for what?
- Should escort workers be criminally liable? If so, for what?
- Should clients be liable to prosecution?
- Should landlords who know that their premises are being used by their tenants for prostitution purposes be criminally liable?

In addition, consideration will need to be given to whether the predominant criminal sanctions concerning prostitution should be retained under vagrancy legislation.

The law continues to classify those who solicit or loiter for prostitution purposes and those who live on the earnings of prostitution as vagrants (*Vagrants, Gaming and Other Offences Act (Qld) 1983-1988*, section 5). A current definition of "vagrant", taken from the *Australian Concise Oxford Dictionary*, (1987, p. 1258) would not seem accurately to describe modern sex workers:

"vagrant (noun), wanderer, idle rover, vagabond, idle, disreputable person without settled home or regular work."

Consideration could be given to incorporating re-formulated legislative provisions in a separately named Act.

Finally, the retention of provisions concerning prostitution in current liquor, health and local government legislation should be considered.

### *No Sanctions At All*

It is difficult to find a jurisdiction where there are no sanctions at all on prostitution or prostitution-related activities. The Netherlands and the then Federal Republic of Germany were said by some to have "legalised" systems. However, further investigation showed that these systems confined prostitution to particular areas or cities with a certain population.

### *Forms of Regulatory Approaches*

There are a number of ways in which governments can regulate prostitution:

#### *A "Red Light" District*

The creation of "red light" areas and the consequent prohibition of prostitution elsewhere are commonly proposed as a way of containing prostitution. Proponents argue that sex workers and clients would be able to make contact there without harassing or embarrassing others.

Opponents believe the establishment of such areas may encourage drunken clients and voyeurs and could make sex workers feel as though they were in a human zoo. Additionally, it encourages competition between workers.

It is also questionable whether a "red light" district would prevent prostitution from taking place elsewhere. Many sex workers prefer to work discreetly at home or in a flat and many clients do not wish to be seen entering a brothel, especially one located so conspicuously.

The New South Wales Select Committee of the Legislative Assembly upon Prostitution thoroughly investigated the much vaunted example of the "red light" district in Amsterdam. It concluded that although these areas were fairly well controlled, "one was dominated by pimps and the other by illegal hard drugs" (Select Committee 1986, p. 240). The Committee also examined the problems associated with the "red light" area in Boston USA which had become a "no-go" area where every kind of criminality flourished. The Committee decided that these areas promoted the connection between prostitution and pornography. It concluded that such a connection was undesirable (Select Committee 1986, p. 240).

#### *Freedom to Operate Like any Other Business*

Some sex workers believe that prostitution should be self-regulating and subject only to the same laws and planning requirements which affect the location of other businesses.

Many sex workers believe their capacity for self-regulation is currently hindered by the special powers which police and other officials currently have over them. However, the corollary of operating like any other business, is that several have to be licensed such as butchers, pest controllers and pharmacists.

Others, however, do not believe that prostitution can be self-regulating. In particular, they fear uncontrolled growth in the trade if controls are relaxed. They argue that prostitution is not a business like any other, since its visible presence can offend public sensibilities. Additionally, like other businesses, it can also impede public access and convenience. For example, within a year of the removal of criminal sanctions from street soliciting in New South Wales, residents of inner-city Darlinghurst complained to Sydney police that sex workers and clients were loudly haggling over the prices of sexual acts taking place in nearby cars, laneways and on residents' doorsteps. Bitter fights between girls over territorial rights were said to be common. Drunken clients were said to urinate and vomit in streets, lifts and stairwells (Matthews 1983, No. 56).

In New South Wales and Victoria, it was necessary to recognise that prostitution was a business which presented special conditions. Street soliciting was still permitted in New South Wales but could not be conducted "within view from a dwelling, school, church or hospital" (*Summary Offences Act 1988*, (NSW), section 19(1)). In Victoria, licensing of premises was introduced with the aims of excluding criminals from active involvement in management and to bring about some improvement in sex workers' working conditions.

#### *Licensing or Registration of Brothels*

As a means of regulating prostitution, consideration could be given to licensing or registration.

In Victoria, this system was recommended by the Inquiry into Prostitution in its Final Report as a way of preventing criminal involvement in prostitution and reducing aspects of public inconvenience associated with it. Town planning laws

were strengthened to ensure the location of brothels could be controlled by local government authorities who have a detailed knowledge of local land use. Councils could also assess potential brothel owners.

If licensing or registration was the option chosen in Queensland, questions arise concerning the criteria for licensing and which section of government would be responsible for it.

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*Summary Offences Act (NSW) 1988*

*Vagrants, Gaming and Other Offences Act (QLD) 1931-1988.*

## CHAPTER THREE

### EXTENT OF PROSTITUTION IN QUEENSLAND - A POLICE VIEW

It is almost impossible to find reliable information on the extent and nature of prostitution-related offences in Queensland. Like most victimless crimes, the number of prostitution-related offences that come to police attention depends, to a large extent, on the amount of law enforcement deployed to detect these offences. Thus, in a sense, data on such offences as illegal drugs, traffic violations, drunkenness, and prostitution are more a reflection of police activity than of the extent of these offences. Even in the best of times these figures do not necessarily reflect the true extent of these offences and their veracity becomes all the more questionable when major inquiries concerning the very same offences are in process.

The annual reports by the Queensland Police Service publish data on the number of offences that are reported or become known to the police. As the data in Table 3.1 indicates, the highest number of prostitution-related offences came to police attention in 1986-87, the year in which questions had been raised in relation to apparent police inactivity with regard to prostitution; this was also the year the Commission of Inquiry into alleged police misconduct commenced.

Table 3.1

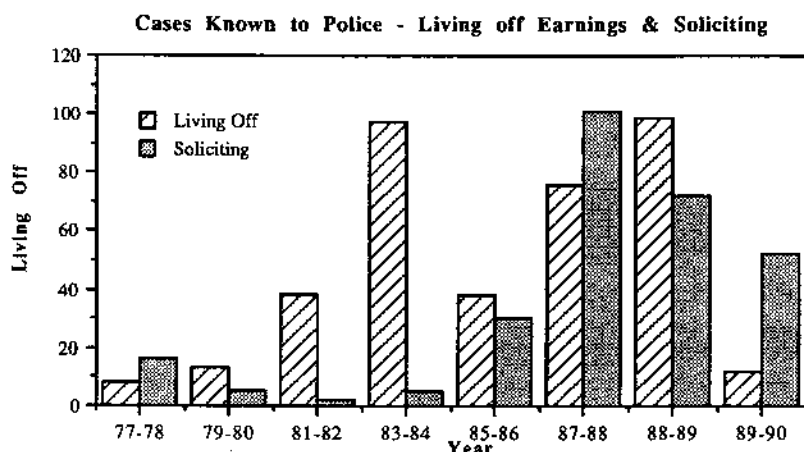
PROSTITUTION RELATED OFFENCES WHICH CAME TO THE ATTENTION OF THE POLICE 1977-1978 TO 1989-1990. UNDER THE VAGRANTS, GAMING AND OTHER OFFENCES ACT 1931-1988 AND THE CRIMINAL CODE 1899-1989

Year	Use massage parlour for purpose of prostitution	Keep premises for prostitution	Live off proceeds of prostitution	Solicit for immoral purposes	TOTAL
77-78	647	46	8	16	717
78-79	629	56	13	17	715
79-80	793	69	13	5	880
80-81	562	149	24	7	742
81-82	393	147	38	2	580
82-83	449	200	53	1	703
83-84	447	309	97	5	858
84-85	500	317	57	33	907
85-86	414	266	38	30	748
86-87	544	242	51	83	920
87-88	59	236	76	101	472
88-89	115	181	99	72	467
89-90	49	49	12	52	162

Source: Queensland Police Department Annual Reports 1977-88 to 1988-89 and Queensland Police Service Annual Report 1989-90

The data in Table 3.1 reveal that between 1977-78 and 1986-87, a majority of prostitution-related offences becoming known to the police concerned "using massage parlours for the purpose of prostitution". Although the number of prostitution-related offences has dropped significantly, the number of offences for "keeping premises for prostitution" as a proportion of total offences increased very sharply. Perhaps of more significance is the drop in figures concerning "use of massage parlours for purpose of prostitution". One can only speculate as to the reason for this, but it would be naive to disregard the impact of the Commission of Inquiry hearings.

Figure 3.1



The remaining two offences - "living off earnings of prostitution" and "soliciting for immoral purposes" - also showed significant increases during 1987-88 and 1988-89. This can be seen in Figure 3.1. The report of the Commission of Inquiry was released early in July, 1989. The data for 1989-90 is likely to be a true reflection of the post-Inquiry period. The drop in the number of prostitution-related offences that year could be because many sex workers went out of business and the police abandoned their earlier practice of using police agents who played the role of a client in suspected premises.

It must be borne in mind when looking at the above tables that the figures prior to the Commission of Inquiry may not truly reflect the level of police enforcement. Evidence presented at the Commission of Inquiry indicated that corrupt police charged known sex workers on a rotational basis, often choosing the sex worker with the least convictions of those present at the parlour targeted for law enforcement. It was an arrangement by which police kept up their arrest quota and sex workers appeared to be prepared to tolerate this arrangement.

In March 1991 the Criminal Justice Commission requested the Commissioner of Police to supply up to date information about prostitution-related activities in Queensland. The information requested concerned the following matters:

- name and location of known/suspected brothels;
- name and location of known/suspected massage parlours;
- name and location of known/suspected escort agencies;
- names of known sex workers and whether working independently or for an agency;
- names of known/suspected operators/managers of premises;
- persons arrested and charged with prostitution-related offences under the *Vagrants, Gaming and Other Offences Act* between 1 July 1990 and 1 March 1991.

The information was provided from the following Police Service Regions throughout Queensland:

Metropolitan North Region	-	Consisting of Brisbane Central, North Brisbane and Redcliffe Districts.
North Coast Region	-	Consisting of Bundaberg, Gympie, Maryborough and Sunshine Coast Districts.
Northern Region	-	Consisting of Townsville and Mt Isa Districts.
Far Northern Region	-	Consisting of Cairns and Innisfail Districts.
Metropolitan South	-	Consisting of South Brisbane, Oxley and Wynnum Districts.
Southern	-	Consisting of Charleville, Roma, Warwick, Dalby, Toowoomba and Ipswich Districts.
Central	-	Consisting of Gladstone, Mackay, Longreach and Rockhampton Districts.
South Eastern	-	Consisting of Beenleigh and the Gold Coast Districts.



Activities related to prostitution which are known to or suspected by police in the regions are summarised in Table 3.2:

**Table 3.2**  
**ACTIVITIES RELATED TO PROSTITUTION AS AT 31.5.91**

REGIONS	Known or suspected Brothel	Known or suspected Massage	Known or suspected Escort	Known Prostitutes	Known or suspected Operator Manager	No. Persons arrested from 1/7/90 to 1/3/91 Under the Vagrants Gaming and Other Offences Act 1983-1968
Metro North	10	14	3	2	11	25
North Coast	4	2	9	7	9	5
Northern	0	1	23	30	13	2
Far Northern	1	2	9	3	12	0
Metro South	5	6	2	6	9	0
Southern	0	0	0	3	0	0
Central	0	2	6	0	3	1
South Eastern	6	9	34	52	23	7
<b>TOTAL</b>	<b>26</b>	<b>36</b>	<b>86</b>	<b>103</b>	<b>80</b>	<b>40</b>

*Note:* Caution needs to be taken when viewing these figures, as the following factors have affected their compilation:

- Where several businesses may be operating out of one premises, each business has been counted individually.
- A sex worker may also be an operator/manager, and where this occurs they have been counted in both categories.

It is obvious from the above data that most of the arrests in the period occurred in the Metropolitan North region (62.5 per cent), which has the highest number of known or suspected brothels and massage parlours.

Information provided from this region identifies Harcourt and Brunswick Streets, New Farm as the area in which a number of persons have been arrested for street offences such as soliciting in a public place and loitering for the purposes of prostitution.

Furthermore, the Queensland Police Service Task Force report that a number of persons named in the Commission of Inquiry as being involved in the prostitution have re-established themselves in the Metropolitan North Region. They estimate that about 80 prostitution premises are currently operating in the region.

Table 3.2 indicates that the South Eastern Region is the centre of a great deal of known or suspected prostitution activity. On the Gold Coast, the Task Force consider the prostitution industry to be flourishing, estimating that there are 64 establishments operating and that this figure is increasing at the rate of about 10 a month.

The Gold Coast City Council has taken action over a number of years to help eliminate brothels from residential areas where there is sufficient evidence to show that a business is operating from residential premises. This has resulted in a number of operations moving to commercial areas.

Escort agencies appear to be the dominant form of prostitution activity in the Northern Region District, Townsville. According to the Task Force, there are 23 known or suspected escort agencies and one massage parlour operating in this area. Most sex workers are employed by the agencies. It is believed that five persons are responsible for the operation of 14 agencies and one parlour. Police believe that there are no permanent sex workers in the Mt. Isa District, with Townsville based sex workers servicing that region.

Although information provided by the Far Northern Region suggests very little prostitution activity in the region, sex workers from Cairns interviewed by the Commission estimate that between 50 and 80 sex workers operate there.

The North Coast Region is believed to have a significant amount of prostitution-related activity. As well as a local activity, it is believed that a number of sex workers from Brisbane visit the Sunshine Coast on a regular basis leaving their calling cards around nightclubs in the District.

There is little information available in relation to prostitution-related activity in Metropolitan South, Southern and Central Regions.

## Summary

Prostitution is presently going through a period of flux in the major centres in Queensland. The major operators in these centres in Queensland have extensive criminal histories. A number of these current operators were named as proprietors in the Commission of Inquiry. Two of them received prison sentences for their involvement in prostitution and are currently on parole. Some major operators have outlaid substantial sums of money on their establishments in anticipation that prostitution will be legalised. There is a

power struggle within the industry in Brisbane and the Gold Coast, with threats of violence and firebombing occurring. A major operator moved from Cairns and is now establishing himself in Brisbane and is known to have a number of agencies. Two major Brisbane operators are consolidating their resources to gain control of a larger slice of the market.

## **CHAPTER FOUR**

### **SURVEY OF PUBLIC ATTITUDES - IN SEARCH OF A BALANCED APPROACH**

In Chapter Six the results of the survey based on interviews with 73 sex workers are presented. The results of this survey showed that although all the interviewees belonged to the same occupation; i.e. sex workers, there were some major differences in opinions, practices and attitudes. Analysts may discuss the reasons for such differences, but the fact remains that unanimity in opinions, attitudes and perceptions is indeed rare. While social scientists deliberate and write scholarly papers and monographs on the subject, it is the legislators and policy makers who must decide and act. The task of legislators and policy makers becomes onerous when they have to make decisions on matters which touch deep-seated moral, social and cultural values and on which opinion is divided.

In his report Commissioner Fitzgerald, Q.C. used the word 'balanced' when discussing the methods by which certain reform processes should be introduced. As a consequence the Criminal Justice Commission has endeavoured to search for a balanced approach to prostitution law reform in a number of ways. This chapter specifically describes the results of one of these ways - a survey of public attitudes toward prostitution.

Public surveys, seeking the opinions of a representative group of people or ascertaining their perceptions or attitudes toward certain issues, have become quite common. Such surveys allow the people's voices to be heard. Despite their usefulness, it should be kept in mind that public surveys provide only a glimpse of the true situation and, if not conducted with care, there is the risk that the results could be a complete distortion of reality. In analysing data from such surveys it is important to know whether the views expressed are based on an accurate understanding of the issues or on misconception and myths.

Reform of the law relating to prostitution represents an emotive issue to some sectors of the community. Suggestions of legalising prostitution are sometimes construed as an attempt to erode traditional community values. Even if a majority of those people surveyed express the same opinion, legislators and policy makers must translate this vote into action with the utmost care. When public opinion challenges government policy or agenda, two alternatives are available to the policy makers. Either they can develop new policy directions, or they may educate and inform the public about the issue at hand.

The Criminal Justice Commission determined that a properly structured survey of public opinions and attitudes in Queensland would assist in shaping its report on prostitution. To this end, Reark Research Proprietary Limited was contracted to conduct the survey. The primary objective of the survey was to measure the public's attitudes toward prostitution. The objectives of the survey were further

defined in terms of a number of issues concerning prostitution. The survey sought information on the following issues:

- the public's belief in the existence of prostitution;
- what aspects related to prostitution should be illegal;
- what agency should be responsible for enforcing regulations relating to prostitution;
- the public's attitudes and concerns about prostitution-related activities;
- health-related matters and prostitution;
- the public's attitudes toward potential regulations related to prostitution;
- the public's response to other issues related to prostitution.

It was determined that the survey should also include the city of Melbourne, as it was considered of particular interest to compare Queensland results with Melbourne, where prostitution has been legalised for more than five years. This comparison of issues and attitudes towards regulations and concerns about matters related to prostitution was considered important in order to determine if there were any measurable differences between a population who had experienced legalised prostitution, and one where the review of laws related to prostitution was still being undertaken.

This is the first survey of its kind to be conducted in Australia. As part of the Victorian Inquiry into Prostitution, a survey of residents' views and the traffic impact of street soliciting in St Kilda was conducted in 1985. That survey was carried out in residential streets which had a reputation for soliciting, but was not based on a representative sample of the population. The survey was distributed to each household in the selected streets, and only 26 per cent of the selected households responded with usable returns.

## **Research Methodology**

The questionnaire for the present survey was developed with the help of scholars and researchers knowledgeable in the area. The initial draft went through a number of revisions and was then pilot tested. The questionnaire for the Melbourne sample was altered slightly from that of Queensland to recognise the differences in prostitution-related laws. Both of the questionnaires are reproduced in Appendices III and IV.

The survey was conducted over the period of 8-16 June 1991. One thousand eight hundred and thirty-three (1,833) successful interviews were completed. The results were post-weighted for age and sex for the regions, States and capital cities surveyed.

The Computer Assisted Telephone Interviewing (CATI) system was used to ensure that close supervision of calls and data integrity was maintained. The telephone interviews were conducted in the offices of Reark in Brisbane and Melbourne, with 15 per cent of interviews being audited to ensure the quality of data provided to the Commission.

## Sample

The sample was randomly selected from the Telecom current CD-ROM<sup>1</sup> *White Pages* directory listings and proportionally sampled for listings in cities, provincial towns and regions in the areas surveyed.

A 50/50 male/female quota was also imposed on the sample selection with respondents being those members of the households selected who were 18 years or older, and whose birthday was nearest to the date of interview. A quota within regions and capital cities surveyed was also applied.

The distribution of the sample was as follows:

	Sample
Brisbane	300
South East Queensland (Does not include Brisbane)	300
Western Queensland	300
Central Queensland	302
Far North Queensland	331
Melbourne	300
	<hr/>
	1,833
	<hr/>

The size and reach of the sample meant that the result obtained is representative of adult Queenslanders. The size of the Melbourne sample was not large. However, the purpose in including Melbourne in the research was to obtain some impression of attitudes and perceptions among a population that has already been subjected to a changed legal environment.

The objective behind this research was to examine the situation in Queensland and therefore a relatively large sample was used in order to make sure that the views gathered were those of a representative sample of Queenslanders. However, these two samples provide an opportunity to determine if there were any measurable differences in attitudes towards regulatory matters and other concerns related to prostitution between the two States.

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1 Compact Disc Read Only Memory.

## Results

This survey is one of the most comprehensive overviews of public attitudes towards prostitution and related issues ever conducted in Australia. Surveys conducted by the media often suffer from the limitation of topicality - for example, views on prostitution have been solicited by the media shortly after a conviction for drug running from a massage parlour. In contrast, the Commission, by surveying detailed attitudes and views on prostitution, has been able to produce results which law makers may find beneficial.

The results of the survey will be examined under the following major headings:

- i) Perceptions and Knowledge of Prostitution
  - ii) Prostitution and the Law
  - iii) Attitude towards Prostitution
  - iv) Prostitution and Public Concerns
  - v) Regulation and Control of Prostitution.
- 
- i) Perceptions and Knowledge of Prostitution

### *Does prostitution exist in Queensland?*

In the first State-wide survey conducted by the Commission, a representative cross-section of 1533 Queenslanders aged 18 years and over were asked to respond to a series of questions on prostitution. An overwhelming majority (98 per cent) of respondents believe that prostitution does exist in Queensland. The response was almost unanimous in each of the five regions - Brisbane, South East Queensland, Western Queensland and Far North Queensland.

Of the Melbourne residents surveyed only 21 per cent stated that they had approved brothels operating in their council area. However, one in three Melbourne residents did not know if a brothel operated in their council area.

Of the Queensland population who believed that prostitution did exist in Queensland, 80 per cent also believed that it existed in their town or city. Brisbane respondents had a stronger belief that it existed in their city when compared with other areas. In the various regional areas, almost one third of Western Queensland residents did not believe that prostitution existed in their town or city, although they did believe it existed in Queensland. In all other regions surveyed, six to seven residents in 10 who believed prostitution existed in Queensland also believed prostitution was conducted in their own town or city.

**Table 4.1**

**BELIEVE PROSTITUTION EXISTS IN TOWN/CITY/COUNCIL AREA.**

Base Melbourne : No approved brothels in area.

Base Queensland : Believe prostitution exists in Queensland.

	Total Qld. %	Brisbane %	South- East Qld. %	Central Qld. %	Western Qld. %	Far North Qld. %	Total Melb. %
Yes	80	98	69	62	54	72	51
No	12	1	16	24	30	18	23
Don't Know	8	1	15	14	17	10	26
BASE(Pop. '000s)	(2037)	(930)	(270)	(262)	(276)	(299)	(2259)

Just over half the Melbourne residents surveyed who do not have an approved brothel in their council area, nevertheless believe that prostitution exists in their council area. Just over a quarter of those who do not have approved brothels in their area said they did not know if brothels existed in their area.

Under the present *Prostitution Regulation Act 1986* (Victoria), local councils in Victoria are authorised to grant permits for the operation of brothels. It is interesting to note that just over half (51 per cent) of Melbourne residents answered 'no' to the question "Should your local council approve brothels in your area?" Conversely, 38 per cent of residents agreed that the councils should approve brothels in their area.

Queenslanders who believed that prostitution existed in their town/city were asked "At what level do you believe it exists in your town/city?" The respondents were divided on the levels, 38 per cent stated prostitution was widespread, whilst 36 per cent believed the level to be "here and there".



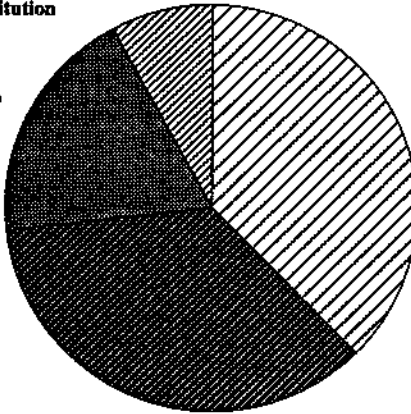
**Figure 4.1**

**BELIEF IN THE EXISTENCE OF PROSTITUTION AND  
THE REASONS FOR SUCH BELIEFS**

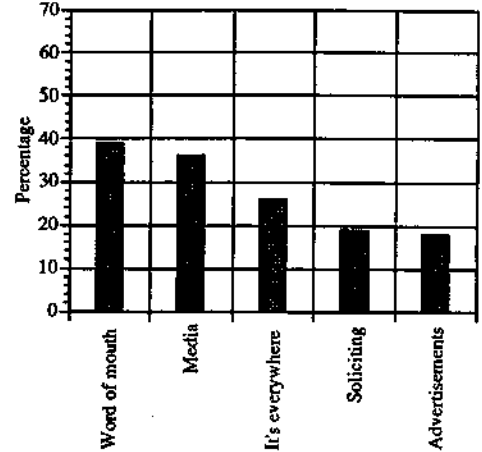
**Queensland**

**Level of Prostitution**

- ☐ Widespread
- ▨ Here & There
- Not Very Much
- ▧ Don't Know



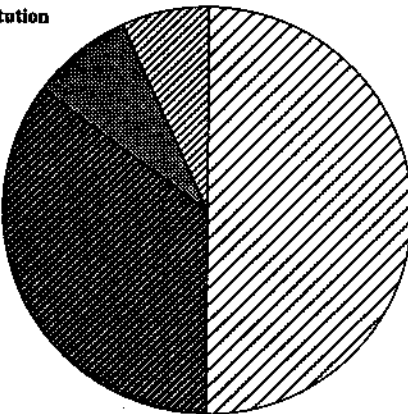
**Reason for Believing Prostitution Exists**



**Brisbane**

**Level of Prostitution**

- ☐ Widespread
- ▨ Here & There
- Not Very Much
- ▧ Don't Know



**Reason for Believing Prostitution Exists**

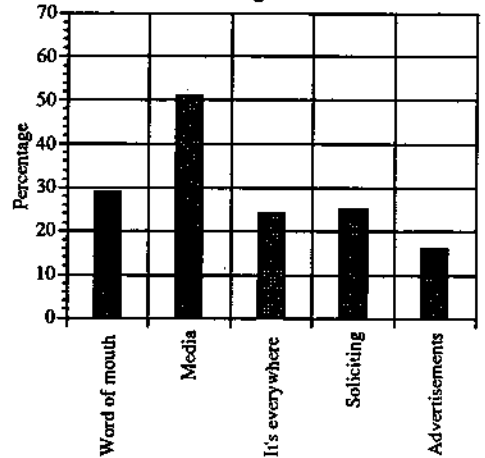
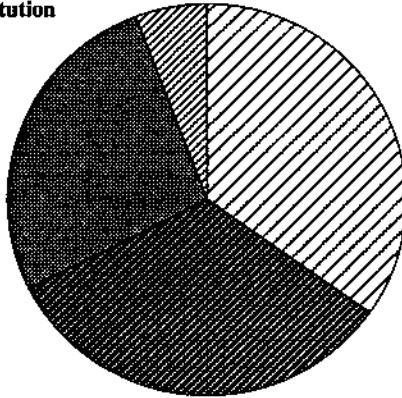


Figure 4.2

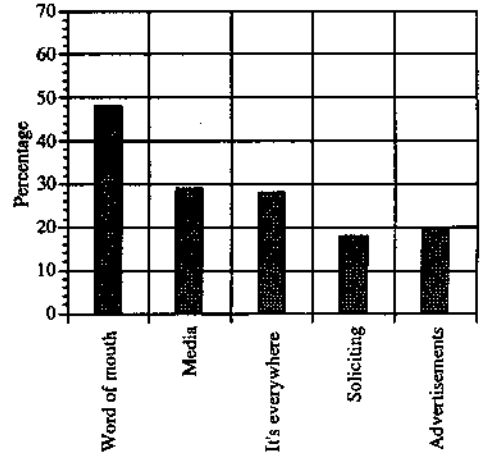
### South East Queensland

#### Level of Prostitution

- ☐ Widespread
- ☒ Here & There
- ☒ Not Very Much
- ☒ Don't Know



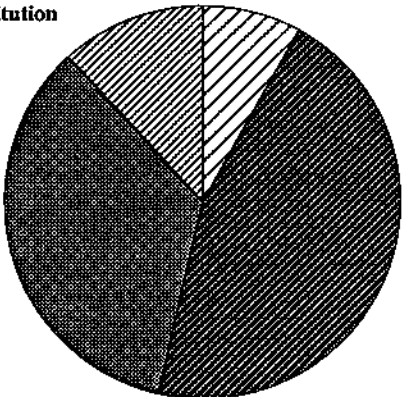
#### Reason for Believing Prostitution Exists



### Central Queensland

#### Level of Prostitution

- ☐ Widespread
- ☒ Here & There
- ☒ Not Very Much
- ☒ Don't Know



#### Reason for Believing Prostitution Exists

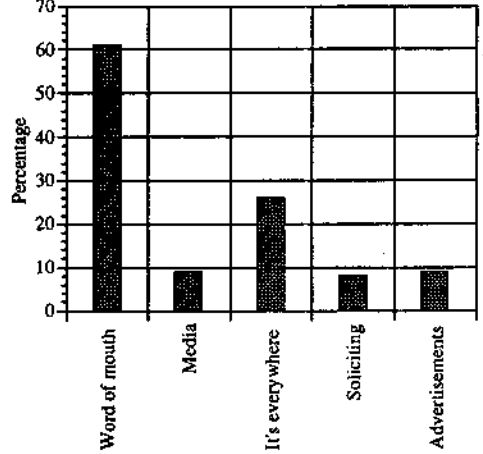
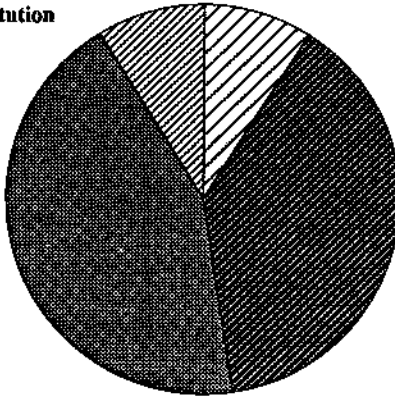


Figure 4.3

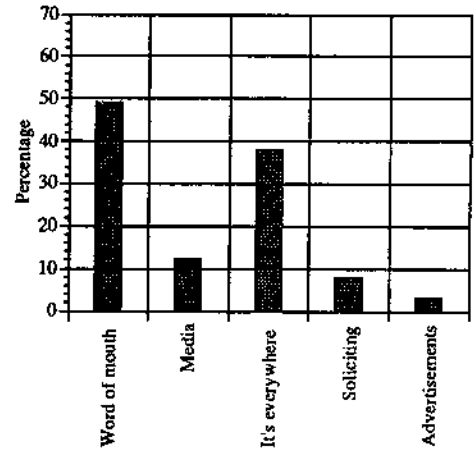
### Western Queensland

#### Level of Prostitution

- ☐ Widespread
- ▨ Here & There
- Not Very Much
- ▩ Don't Know



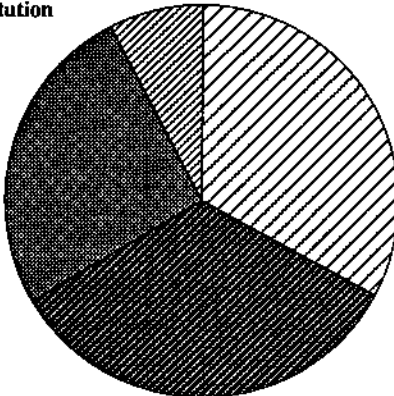
#### Reason for Believing Prostitution Exists



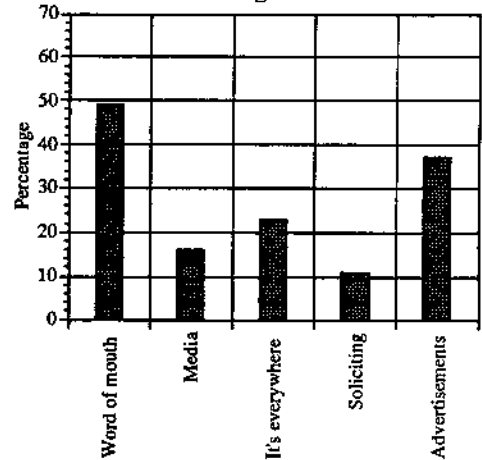
### Far North Queensland

#### Level of Prostitution

- ☐ Widespread
- ▨ Here & There
- Not Very Much
- ▩ Don't Know



#### Reason for Believing Prostitution Exists



The view held about the level of prostitution across each region differed markedly to that held in Brisbane, where half the residents stated it was widespread and over one-third stated it was "here and there". Central Queenslanders believed that the level of prostitution in their town/city was "here and there" (45 per cent) and "not very much" (43 per cent). Respondents from South East and Far North Queensland regions were both similarly divided on the level of prostitution in their town or city.<sup>2</sup> Western Queensland residents' perceptions of the level of prostitution in their town/city were similar to those in the Central Queensland region. Less than one in 11 citizens in these two regions believe prostitution to be widespread in their town/city.

Generally, men and women in Queensland did not differ in their perceptions of the level of prostitution that existed in their town/city. However, over half (52.6 per cent) of respondents in the age group 55-64 years believed prostitution was widespread. Also, a slight majority (51.3 per cent) of those with postgraduate level education thought prostitution was widespread.

Queenslanders were asked about the basis for their belief that prostitution existed in the State. Generally the sources were:

- |                               |             |
|-------------------------------|-------------|
| • told about it/word of mouth | 39 per cent |
| • from media reports          | 36 per cent |
| • it is everywhere            | 26 per cent |

There were, however, some regional differences in the source of belief. Brisbane residents' perceptions and beliefs were formulated mainly from the media (51 per cent); six out of 10 Central Queenslanders formed their opinions about the level of prostitution on information obtained through word of mouth. Media reports in the regions were not as influential as in Brisbane. Just about half the respondents with a university degree learned of the existence of prostitution in their town/city through the media.

### *Summary*

Generally the majority of the Queensland population believes that prostitution exists in Queensland. Of those who believed that prostitution did exist in Queensland, 80 per cent also believed that it existed in their town/city. Brisbane respondents had a stronger belief that it existed in that city compared with other areas. Thirty-eight per cent of those who believed prostitution existed in their town/city thought it was widespread. Word of mouth and media reports were the main sources of knowledge on prostitution.

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2 (South East Queensland region does not include Brisbane in these figures).

(ii) Prostitution and the Law

Citizens often have implicit notions about acts that should be legal and those which should be illegal. At times their understanding and opinions of the legality or otherwise of certain acts may be at odds with the laws in force. Politicians, judges and others concerned with law and order often assert that acts that are proscribed in legislation by governments reflect what the public wants. Yet, occasionally judges and politicians may disagree with each other on how to define an act as illegal. Particularly on issues like prostitution-related activities, rarely is the public asked to give opinions. Usually, politicians and those in power claim their perceptions to be those of the people.

The Commission's Survey of Public Attitudes Towards Prostitution-Related Activities in Queensland, offered seven propositions to Queenslanders and asked if they should be against the law. The propositions were:

- a person selling sex from a brothel;
- a person selling sex from home;
- a person trying to attract clients in a public place;
- for the owner/landlord of a premises to let it be used for prostitution;
- for a company to publish advertisements for prostitution;
- for a person to live off the earnings of a prostitute;
- to be the client of a prostitute.

*Whether "a person selling sex from a brothel" should be against the law?*

Approximately two out of three Queenslanders responded that selling sex from a brothel should not be against the law. This response was uniform across all regions. A similar result emerged from the Melbourne sample. Exactly the same proportion of residents of Melbourne as in Brisbane (67 per cent) said that selling sex from a brothel should be legal.

**Table 4.2**

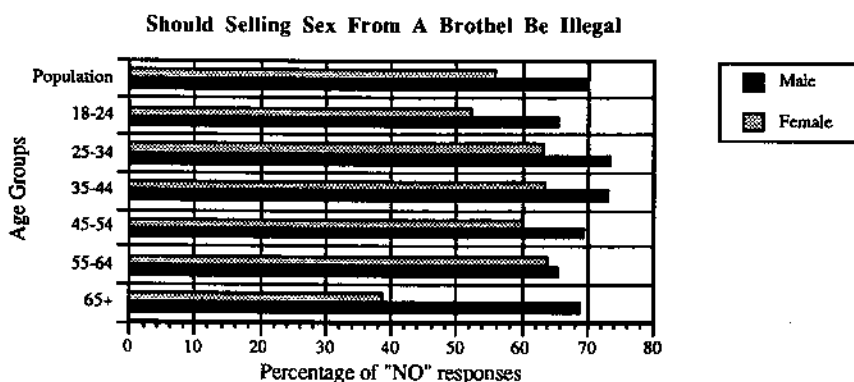
**SHOULD IT BE AGAINST THE LAW FOR A PERSON TO SELL SEX  
FROM A BROTHEL.**

Base: All respondents.

	Total Qld. %	Brisbane %	South- East Qld. %	Central Qld. %	Western Qld. %	Far North Qld. %	Total Melb. %
Yes	34	31	35	39	39	35	28
No	63	67	61	59	58	61	67
Don't Know	3	2	4	2	4	4	5
BASE(Pop. '000s)	(2037)	(930)	(270)	(262)	(276)	(299)	(2259)

Significantly more men (70.2 per cent) than women (55.9 per cent) responded that it should be lawful to sell sex from a brothel. Similar differences emerged when the data was examined in relation to the ages of respondents. Almost three in four men as against two in three women in the age group 25-44 years replied that selling sex from a brothel should be legal. The ages of respondents was also interesting in other ways. A majority of women in the age group 65 years and over wanted this activity to be against the law. Furthermore, respondents in the age group 18-24 years from Central and Far North Queensland thought selling sex from a brothel ought to be illegal. Figure 4.4 displays the per cent of number of votes by age and gender.

**Figure 4.4**



*Whether "a person selling sex from home" should be against the law?*

Generally, Queenslanders (53 per cent) consider selling sex from home should be against the law, and the Melbourne responses (53 per cent) were the same. A majority in each region responded in this fashion. However, residents of Brisbane were fairly equally divided on this issue.

**Table 4.3**

**SHOULD IT BE AGAINST THE LAW FOR A PERSON TO SELL SEX FROM HOME.**

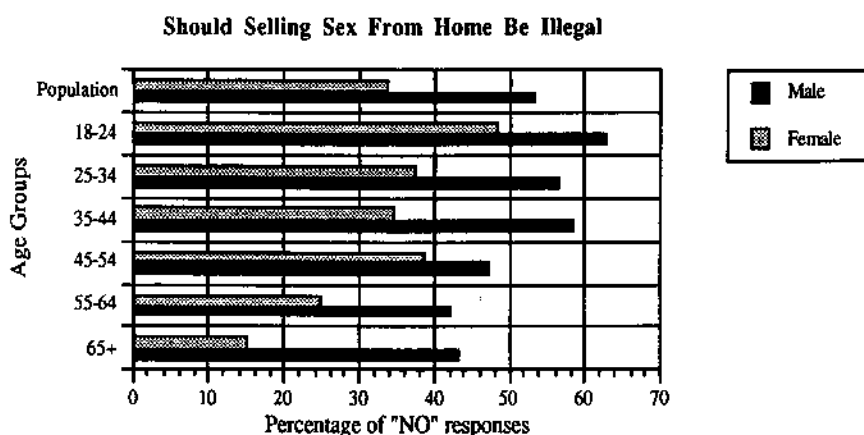
Base: All respondents.

	Total Qld. %	Brisbane %	South- East Qld. %	Central Qld. %	Western Qld. %	Far North Qld. %	Total Melb. %
Yes	53	49	57	59	60	52	53
No	44	48	39	37	35	46	40
Don't Know	3	3	4	4	5	3	7
BASE(Pop. '000s)	(2037)	(930)	(270)	(262)	(276)	(299)	(2259)



It is significant to note that agreement with the proposition that selling sex from home should be against the law increased with the age of the respondent. Only 42 per cent of those in 18-24 year age group answered that selling sex from home should be illegal, as against 67 per cent of those 55 years old and over. The pattern was somewhat different in Melbourne. The majority in the age group 25-44, or people with young and teenage children, voted that the above act should be illegal. Only a minority of men (42 per cent) agreed that selling sex from home should be illegal but over 63 per cent of women responded this way. It is of interest to note that over four in five women 55 years old and over said such acts should be illegal. Responses to the first two statements, i.e. selling sex from a brothel and from a home, were in marked contrast to the law as it now stands in Queensland.

Figure 4.5



*Whether "a person trying to attract clients in a public place" should be against the law?*

The general public across Queensland (83 per cent) and in Melbourne (78 per cent) believe strongly that a person attracting clients in a public place should be against the law. The distribution of responses across gender, age and education level showed no noticeable differences.

*Whether "for the owner/landlord of a premises to let it be used for prostitution" should be against the law?*

A small majority (53 per cent) in Queensland and a minority (48 per cent) in Melbourne agreed that the above act should be illegal. A higher proportion (60 per cent) of women than men (46 per cent) agreed that it should be illegal for an owner/landlord of a premises to let it be used for prostitution. Although not a clear majority, more men thought it should be legal for the owner/landlord to allow premises to be used for prostitution.

**Table 4.4**

**SHOULD IT BE AGAINST THE LAW FOR THE OWNER/LANDLORD OF A PREMISES TO LET IT BE USED FOR PROSTITUTION.**

Base: All respondents.

	Total Qld. %	Brisbane %	South- East Qld. %	Central Qld. %	Western Qld. %	Far North Qld. %	Total Melb. %
Yes	53	50	54	55	59	52	48
No	41	43	42	38	36	44	45
Don't Know	6	7	4	6	5	4	8
BASE(Pop. '000s)	(2037)	(930)	(270)	(262)	(276)	(299)	(2259)

*Whether "for a company to publish advertisements for prostitution" should be against the law.*

It was generally considered that a company publishing advertisements related to prostitution should be seen as acting against the law. Melbourne's agreement is not as strong as the regional response in Queensland. However, the response by females to this issue was significant in both Queensland and Melbourne - over 60 per cent said this should be illegal.

In Melbourne, a majority (51 per cent) of the respondents answered that advertising for prostitution should be illegal.

**Table 4.5**

**SHOULD IT BE AGAINST THE LAW FOR A COMPANY TO PUBLISH  
ADVERTISEMENTS FOR PROSTITUTION.**

Base: All respondents.

	Total Qld. %	Brisbane %	South- East Qld. %	Central Qld. %	Western Qld. %	Far North Qld. %	Total Melb. %
Yes	56	54	60	60	61	53	51
No	40	42	37	37	35	44	44
Don't Know	4	5	4	3	4	3	6
BASE(Pop. '000s)	(2037)	(930)	(270)	(262)	(276)	(299)	(2259)

*Whether "for a person to live off the earnings of a prostitute" should be against the law.*

Two out of three residents of Queensland agree that living off the earnings of a prostitute should be against the law, whereas just over half Melbourne residents surveyed believe this. One in three persons of all areas surveyed disagree that living off the earnings of a prostitute should be against the law. In each gender, age, regional and education group a clear majority thought living off the earnings of a prostitute ought to be illegal.

**Table 4.6**

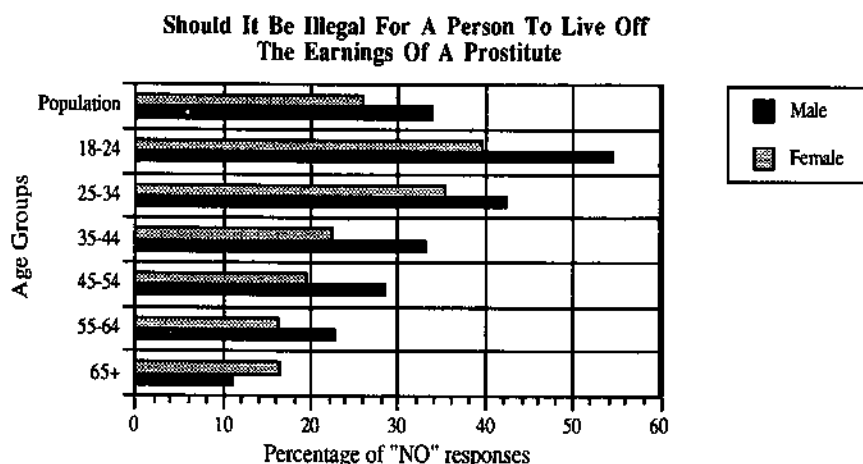
**SHOULD IT BE AGAINST THE LAW FOR A PERSON TO LIVE OFF THE EARNINGS OF A PROSTITUTE.**

Base: All respondents.

	Total Qld. %	Brisbane %	South- East Qld. %	Central Qld. %	Western Qld. %	Far North Qld. %	Total Melb. %
Yes	67	67	70	68	65	67	56
No	30	30	28	29	32	30	39
Don't Know	3	3	3	2	3	3	5
BASE(Pop. '000s)	(2037)	(930)	(270)	(262)	(276)	(299)	(2259)

Only a majority of young male (18-24 year old) Queenslanders said that living off the earnings of a prostitute should be legal.

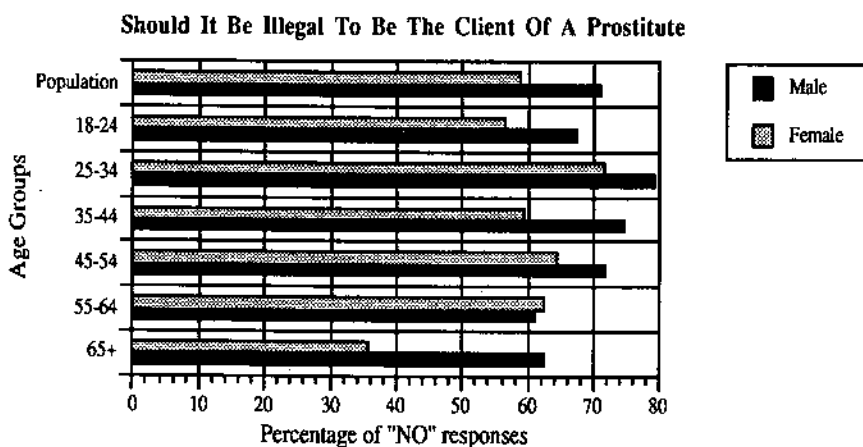
**Figure 4.6**



*Whether "to be the client of a prostitute" should be against the law?*

Two out of three people of all areas surveyed believed that being a client of a prostitute should not be against the law. The strength of the "no" response was significant for males, although females also disagreed with the proposition.

**Figure 4.6**



Only a minority of women 65 years old and over said being a client of a prostitute should be legal.

## *Summary*

The survey results were emphatic in a number of contexts and the views of respondents need to be heard. A majority, while agreeing that selling sex from a brothel should be legal, said that selling sex from a home should be illegal. Soliciting, letting premises for prostitution, advertising for prostitution, and living off the earnings of a prostitute, were voted to be illegal by a majority. In considering legislative reform, these views need to be considered.

### (iii) Attitude toward Prostitution

People's attitudes toward issues can be measured in a number of ways - either by focussing on the actions of individuals, or by seeking their verbal responses to certain propositions. The results of such measurements however will alter over time as people's attitudes change over time. It is essential that there should be periodic assessment so that public policy can be shaped according to contemporary thinking. In the mid-60s, there was great concern in Scandinavia in regard to the problem of drink-driving.

Public opinion polls and social commentators expressed a desire for legislation to control such undesirable behaviour. In response to this, new laws were introduced in the early '70s prescribing a mandatory period of 90 days imprisonment for offences of drink-driving. Initially there was strong resentment, but after a period the benefits of the scheme were recognised. It was soon accepted to such a degree that many people now believe it to be part of the Scandinavian culture that citizens do not drink when they drive. The issue of prostitution and prostitution-related activities might also display public attitude changes over time. While no hard research evidence is readily available, the emergence of "red light" districts in countries where prostitution-related activities remain illegal could signify an attitude change.

The verbal method of measuring attitudes has, over the years, become reasonably sophisticated and accepted by experts as fairly reliable. However, the purpose of the surveys and who conducts them governs the types of questions and methods of interviewing. The public opinion pollster representing a media group may seek an answer that is taken to reflect one's opinion on a particular issue. In an attitude survey, a topic is explored more broadly through a battery of related questions. The survey conducted for this study used a series of questions to measure the attitudes of a representative group from the population. Two sets of questions on attitudes were included in the survey. One set of questions concerned attitudes toward prostitution-related activities and the other concerned health issues.

A set of five statements was read to the respondents to which they were asked to indicate their agreement/disagreement on a five point scale ranging from strongly disagree to strongly agree. The statements were randomly rotated.

The statements included were:

- there is nothing wrong with a person paying for sex with a prostitute;
- if prostitution-related activities are not against the law, prostitutes will be accepted by the community;
- if there were equal career and pay opportunities for women, fewer of them would enter prostitution;
- prostitution should be regarded as an occupation just like any other;
- prostitution threatens family life.

On the health issue the respondents were asked whether health checks for STDs and AIDS should be compulsory for sex workers and clients.

*"There is nothing wrong with a person paying for sex with a prostitute."*

Two out of three people in Queensland agree or strongly agree that there is nothing wrong with a person paying for sex with a prostitute. The same proportion of Melbourne residents also agree with this statement.

Of Queensland respondents, the only region where a difference was apparent was Western Queensland where fewer strongly agreed with the statement. The level of agreement amongst males and females in Queensland and Melbourne was similar with a significant group of Queensland males (74 per cent) strongly agreeing compared to females (59 per cent).

**Table 4.7**

**LEVEL OF AGREEMENT WITH:**

**THERE IS NOTHING WRONG WITH A PERSON PAYING FOR SEX  
WITH A PROSTITUTE.**

Base: All respondents.

	Total Qld. %	Brisbane %	South- East Qld. %	Central Qld. %	Western Qld. %	Far North Qld. %	Total Melb. %
Strongly agree	14	15	15	15	10	16	8
Agree	52	54	51	51	49	53	58
Neither	2	2	2	3	3	3	6
Disagree	17	16	19	19	20	13	17
Strongly disagree	13	11	13	12	17	14	9
Don't know	2	2	1	1	1	1	2
BASE(Pop. '000s)	(2037)	(930)	(270)	(262)	(276)	(299)	(2259)

In relation to the age of respondents, no marked differences were noticeable except for women 65 years old and above, a majority of whom did not agree with the statement. There appeared to be no differences when educational backgrounds of respondents were considered.



*"If prostitution-related activities are not against the law prostitutes will be accepted by the community."*

Melbourne residents and the Queensland population generally are split on the question of whether prostitutes might be accepted by the community if the law allowed prostitution-related activities. However, there were some differences between regions in Queensland.

**Table 4.8**

**LEVEL OF AGREEMENT WITH:**

**IF PROSTITUTION-RELATED ACTIVITIES ARE NOT AGAINST THE  
LAW PROSTITUTES WILL BE ACCEPTED BY THE COMMUNITY.**

Base: All respondents.

	Total Qld. %	Brisbane %	South- East Qld. %	Central Qld. %	Western Qld. %	Far North Qld. %	Total Melb. %
Strongly agree	8	8	7	10	5	11	4
Agree	41	42	41	41	38	39	42
Neither	3	2	3	5	4	4	4
Disagree	33	34	32	29	38	30	36
Strongly disagree	12	11	14	13	12	14	11
Don't know	3	4	2	3	3	2	4
BASE(Pop. '000s)	(2037)	(930)	(270)	(262)	(276)	(299)	(2259)

Just about half the respondents from Brisbane, Central and Far North Queensland agreed or strongly agreed with the statement. Of those from Western Queensland, only 43 per cent agreed or strongly agreed.

The differences between the responses of men and women were less marked than in other areas. Overall, 52 per cent of men and 46 per cent of women agreed that if prostitution-related activities are legalised, prostitutes will be accepted by the community. Two in three respondents in the age group 18-24 years, both men and women, disagreed or strongly disagreed with the proposition.

*"If there were equal career and pay opportunities for women, fewer of them would enter prostitution."*

The general public, both in Queensland and Melbourne, do not believe that fewer women would enter into prostitution even if there were equal pay or career opportunities. A majority of those interviewed from Brisbane, regions of Queensland and Melbourne, said they disagreed or strongly disagreed with the statement. However, this is one proposition with which more women than men tended to agree. The age and sex distribution that respondents displayed varies, whereas only one in three men in the age group 45-54 agree with the statement, almost three out of five women believed that equal pay and opportunities will push fewer people to prostitution-related activities.

**Table 4.9**

**LEVEL OF AGREEMENT WITH:**

**IF THERE WERE EQUAL CAREER AND PAY OPPORTUNITIES FOR  
WOMEN FEWER OF THEM WOULD ENTER PROSTITUTION.**

Base: All respondents.

	Total Qld. %	Brisbane %	South- East Qld. %	Central Qld. %	Western Qld. %	Far North Qld. %	Total Melb. %
Strongly agree	14	13	16	13	15	14	14
Agree	29	32	29	29	24	26	24
Neither	2	2	2	3	3	2	2
Disagree	38	37	36	37	43	38	41
Strongly disagree	13	12	16	14	12	16	13
Don't know	3	4	2	4	3	3	6
BASE(Pop. '000s)	(2037)	(930)	(270)	(262)	(276)	(299)	(2259)

*"Prostitution should be regarded as an occupation just like any other."*

With the exception of Queenslanders from the far north region, generally, a slender majority of them and residents of Melbourne agree that prostitution should be regarded just like any other occupation. However, significantly more men (64 per cent) than women (45 per cent) subscribe to this view. Furthermore, whereas men in each age category displayed similar attitudes, only one in three women of 18-24 and 65 and over agreed with the proposition.

**Table 4.10**

**LEVEL OF AGREEMENT WITH:**

**PROSTITUTION SHOULD BE REGARDED AS AN OCCUPATION JUST  
LIKE ANY OTHER.**

Base: All respondents.

	Total Qld. %	Brisbane %	South- East Qld. %	Central Qld. %	Western Qld. %	Far North Qld. %	Total Melb. %
Strongly agree	14	13	14	14	12	16	10
Agree	41	43	38	39	38	41	42
Neither	2	2	1	1	3	1	6
Disagree	24	23	26	26	27	22	25
Strongly disagree	18	17	20	19	19	20	15
Don't know	1	2	2	1	1	-	2
BASE(Pop. '000s)	(2037)	(930)	(270)	(262)	(276)	(299)	(2259)

*"Prostitution threatens family life."*

The Queensland and Melbourne populations were divided on the proposition that prostitution threatens family life. Only a majority of respondents from Western Queensland agreed with the statement. Substantially more women than men indicated that prostitution threatens family life. Among men, those in the 18-24 year age group and among women, those in 65 plus age group tend to agree with this view more than any other age group.

**Table 4.11**

**LEVEL OF AGREEMENT WITH:  
PROSTITUTION THREATENS FAMILY LIFE.**

Base: All respondents.

	Total Qld. %	Brisbane %	South- East Qld. %	Central Qld. %	Western Qld. %	Far North Qld. %	Total Melb. %
Strongly agree	18	14	21	19	22	22	16
Agree	29	31	26	30	33	20	27
Neither	5	5	4	3	3	7	7
Disagree	36	37	37	36	31	35	39
Strongly disagree	11	11	12	10	9	13	7
Don't know	3	3	2	3	2	2	5
BASE(Pop. '000s)	(2037)	(930)	(270)	(262)	(276)	(299)	(2259)

### *Summary*

Of the five propositions, only one, i.e. there is nothing wrong with a person paying for sex with a prostitute, received support from a cross-section of Queenslanders. In the remaining four, the degree of concordance or discordance varied considerably. Women respondents were very candid about their view that prostitution should not be regarded like any other profession.

Overall, one might expect to find a different attitude toward prostitution in Melbourne where it is legal, than that which is found in Queensland.

The results of the survey, however, show a high degree of agreement regarding what should be legal and what should not be. A sample of this size randomly selected allows for strong inferences to be made as to how the Queensland population as a whole considers these issues.

#### iv) Prostitution and Public Concerns

People's attitudes toward social issues are governed among other things by their life experiences. In this process, it is not necessary for one to personally experience some event, it is often the experiences of significant others which influence one's attitudes and perceptions. Similarly, one can learn and assimilate ideas and opinions through the media. When one is asked "What are the issues related to prostitution that are of the greatest concern to you individually?", the respondent must put together all the experiences and respond. If one responds, as did the overwhelming majority, that "the spread of STDs and AIDS are the greatest concern", a response like that must emanate from publicity. No matter how one interprets the data, AIDS, compared to most other diseases, is still a rare phenomenon and therefore the chances of experiencing it are extremely low.

The respondents were given a number of possible areas of concern, such as:

- spread of STDs/AIDS;
- against religious belief;
- threatens family life;
- exploits women;
- public nuisance;
- breakdown of marriages;
- puts children in moral danger;
- encourages crime;
- child prostitution etc.

They were also asked to list any other concerns that they had.

The analysis of the responses shows that the issue of most concern was that prostitution leads to the spread of STDs and AIDS. Sixty-two per cent in Queensland and 54 percent in Melbourne said spread of STDs/AIDS was their greatest concern. Some other issues that were cited by the respondents are:

Issue	Response	
	Queensland %	Melbourne %
Encourages Crime	19	16
Exploits Women	11	14
Child Prostitution	10	7
Children in Moral Danger	8	9
Threatens Family Life	7	10
Public Nuisance	6	6

A higher proportion of women than men expressed the concern that prostitution exploits women and encourages child prostitution. Men were more concerned with the increase in crime. Melbourne women 45 years old and over were twice as concerned about the exploitation of women as their Queensland counterparts.

(v) Regulation and Control of Prostitution

Some of the options available to change the legal framework surrounding prostitution are described in Chapter Two. So far however, it is not possible to identify an option which has met with the approval of all sections of a community. No matter what system of law or regulation is selected, its implementation can only be a matter of trial and error, because precedents in this matter are either not available or are not applicable.

Given that the people of Queensland have to live with any new system of regulation or control, it was important to seek their views as to what type of system would be most acceptable to them. Because changes had been introduced in Melbourne, and the residents had lived within the new regulatory framework for over five years, their views were also sought.

Respondents in Queensland and Melbourne were asked two questions on the issue of regulation. The Melbourne questions were structured in a way that reflected the changed law on prostitution. If prostitution-related acts were to be legal, which of the following bodies should have responsibility for enforcing the regulations?

- the police;
- a government agency other than the police (Queensland only);
- the local council (Melbourne only);

- prostitutes' collectives or groups;
- no regulations are necessary;

Views on who should enforce regulations about legal prostitution differed markedly between Melbourne and Queensland. In Melbourne, 24 per cent said the local council should be responsible as against 52 per cent who said police should be responsible.

**Table 4.12**

**RESPONSIBILITY FOR ENFORCING REGULATIONS.**

Base: All respondents.

	Total Qld. %	Brisbane %	South- East Qld. %	Central Qld. %	Western Qld. %	Far North Qld. %	Total Melb. %
Local council/A government agency other than the police	57	59	51	59	56	52	24
Prostitutes collectives or groups	22	23	23	18	19	26	20
The police	18	15	22	17	21	17	52
Don't know	4	3	47	6	4	5	4
BASE(Pop. '000s)	(2037)	(930)	(270)	(262)	(276)	(299)	(2259)

In Queensland, only 18 per cent said the police should enforce regulations whereas 57 per cent were of the opinion that a government agency other than the police would be a more appropriate body.

The Melbourne figures are of particular interest because in Victoria it is local councils who are currently responsible for enforcing regulations. It would seem that there is a perception in the community that these councils are not doing as good a job as would the police. The anti-police bias in Queensland could be a residue from the Fitzgerald Inquiry which revealed police corruption in the selective enforcement of prostitution laws. If prostitution-related activities were to be legal it could be argued that the opportunities for corruption would not be as great as in the past.

Only about one in five in Queensland and Melbourne indicated that prostitutes' collectives should enforce regulations.

In Queensland, relatively more men than women demanded that an agency other than the police be given the responsibility to enforce regulations. In Melbourne, significantly more men than women preferred police rather than local councils to regulate prostitution laws.

Men and women in the 18-24 age group in Queensland were the strongest supporters of police as a regulating body and least enthusiastic about another government agency, as compared to adults in other age groups.

Although overall 52 per cent of the Melbourne sample wished police to be the regulating agency, those in the age group 45-54 were the weakest supporter of the police (42 per cent) and strongest supporters of local councils (36 per cent).

The sample subjects were also asked which of the following methods of regulation would be acceptable if prostitution-related activities were no longer to be against the law:

- zone areas as "red light" areas;
- licensing and registration of prostitutes;
- licensing and registration of brothels;
- nothing more than usual business regulations.

Citizens in both Queensland and Melbourne were decidedly in favour of zoning districts as "red light" areas if prostitution were to be legalised. Almost three quarters of those interviewed said such a designated area for regulated prostitution would be acceptable or very acceptable to them. This strong endorsement was given by people from all the regions of Queensland and by men and women of all ages.



The licensing and registration of prostitutes received even greater support than that for "red light" zones. Almost nine out of 10 citizens polled in Brisbane indicated that such a move would be acceptable to them. An interesting feature of those who preferred licensing and registration of prostitutes was that the population was almost equally divided between "very acceptable and acceptable". In Queensland as well as in Melbourne the male support for this option was higher than that of the females. A much higher proportion (93 per cent) of those in age group 35-44 than in any other age group opted for licensing and registration of prostitutes.

**Table 4.13**

**LEVEL OF ACCEPTANCE WITH:  
LICENSING AND REGISTRATION OF PROSTITUTES.**

Base: All respondents.

	Total Qld. %	Brisbane %	South- East Qld. %	Central Qld. %	Western Qld. %	Far North Qld. %	Total Melb. %
Very acceptable	40	38	35	42	41	41	29
Acceptable	48	51	52	45	42	46	54
Neither	1	1	1	1	1	1	1
Unacceptable	6	6	7	6	10	6	10
Very Unacceptable	5	5	5	4	5	7	4
Don't know	1	*	*	2	1	1	1
BASE(Pop. '000s)	(2037)	(930)	(270)	(262)	(276)	(299)	(2259)

Licensing and registration of brothels received a similar endorsement to that for licensing and registration of prostitutes. A majority of male subjects indicated that licensing and registration of brothels was "very acceptable" to them.

Applying only the usual business regulations did not receive enthusiastic support. Whereas a bare majority of Queenslanders said such regulations for legalised prostitution were acceptable to them, only one in three from Melbourne responded this way. The distribution of responses was similar across gender and age categories.

In summary, the responses to methods of regulating legalised prostitution were much clearer than to other items in the survey. As the data in Table 4.14 show, the licensing and registration of prostitutes/brothels was supported by an overwhelming majority of those surveyed.

**Table 4.14**

**PERCENTAGE OF RESPONDENTS WHO FOUND CERTAIN METHODS  
OF REGULATION OF LEGALISED PROSTITUTION  
ACCEPTABLE/VERY ACCEPTABLE.**

Type of Regulation	Queensland		Melbourne	
	Male %	Female %	Male %	Female %
Zone "red light" areas	75	71	72	67
Licensing & regulation of prostitutes	91	83	87	80
Licensing & regulation of brothels	90	83	90	82

When asked whether they believed prostitutes should be subject to compulsory health checks, 97 per cent of Queenslanders and 93 per cent of Melburnians responded affirmatively. Well over nine out of 10 subjects indicated that clients of prostitutes should also undergo compulsory health checks. The sex workers surveyed offered similar opinions.

The last question concerning regulation addressed the minimum age for starting work as a prostitute. Forty-two per cent of the respondents said 18 years should be the minimum age for working as a prostitute. However, in both Queensland and Melbourne, 50 per cent of those surveyed indicated that 18 years was too young an age to enter the industry with 34 per cent opting for a minimum age of 21 years and 16 per cent opting to a minimum age of 25 years.

*Summary*

The findings of this section suggest that if prostitution were to be legal, the citizens of Queensland would be in favour of a system which:

- has licensed and registered brothels;
- has licensed and registered prostitutes with a minimum age of 21 years;

- has compulsory health checks for prostitutes and clients; and
- is regulated and controlled by a government body other than the police.

A majority of Queenslanders will probably have no encounter with sex workers in their lifetime, and as such do not appear to show much interest in the topic. Although a large majority of Queenslanders believe prostitution existed in their city/town, this belief was predominantly based on hearsay or media reports. Many Queenslanders did not want change in the current laws concerning prostitution or had no opinion on the matter. Their responses as to what activities should be against the law reveal that a majority are of the opinion that selling sex from home should be against the law (which is not illegal at present) and a majority were of the opinion that selling sex from a brothel should not be against the law (currently it is against the law).

**Table 4.15**

**OPINIONS ON REGULATING PROSTITUTION IN  
QUEENSLAND AND MELBOURNE**

If prostitution-related activities were no longer to be against the law, which of the regulations would be acceptable to you?	Should "a person selling sex from a brothel" be against the law?			
	Queensland		Melbourne	
	Yes%	No%	Yes%	No%
Licensing and registration of prostitutes	94	99	99	99
Licensing and registration of brothels	67	97	60	98
	Should "a person selling sex from home" be against the law?			
	Queensland		Melbourne	
	Yes%	No%	Yes%	No%
Licensing and registration of prostitutes	96	99	98	98
Licensing and registration of brothels	80	93	79	94

Of those Queenslanders who thought it should be against the law to sell sex from a brothel, nearly all of them thought that if it were to be decriminalised, prostitutes should be licensed and registered. Only 67 per cent felt that licensing and registration of brothels would be necessary under those circumstances. This is shown in Table 4.15. Respondents from Melbourne answered the above in a similar fashion. Two out of five

of those who wanted selling sex from a brothel to be against the law found licensing and registration of brothels unacceptable even when prostitution-related activities were to be legal. The slightly stronger sentiments in Melbourne against the licensing and registration of brothels may have to do with the size of the brothels and the recent publicity surrounding some of the brothels. It may be worthwhile recalling that the Melbourne respondents did not appear to be satisfied with the way the present system was working. A majority, albeit small, expressed the view that the police and not the local councils should have the responsibility for enforcing the regulations; only one in four said the local councils should have such responsibilities.

The issue that needs careful consideration is the method of regulation. Most citizens may not be too concerned with whether prostitution-related activities are to be made legal or not. But most citizens would like to see any change in legislation reflect the need to keep prostitution out of homes, to protect the children from any kind of exposure, to introduce effective health checks for both prostitutes and clients. It should also assure the population that by withdrawing criminal sanctions the government is not intending to give a seal of approval to prostitution-related activities, but rather to accept the realities and regulate such activities.

## CHAPTER FIVE

### ISSUES IN PROSTITUTION - ANALYSIS OF SUBMISSIONS RECEIVED

#### Introduction

The *Information and Issues Paper* was produced to assist public comment on prostitution-related laws. A series of questions were raised but the list was not an exhaustive one and the Commission encouraged persons making submissions to bring to its attention any other relevant matters not discussed in the Paper. The submissions received covered all issues raised, as well as opening up other areas for discussion.

A total of 117 submissions was received. One hundred and five of them were public and 12 were confidential. Of the total number, 25 were from organisations. A list of submissions received is attached at Appendix VI.

While all views were taken into account, they were not regarded as an opinion poll on community views. Attention was given to the substance of the arguments.

#### Terminology

The Australian Family Association, the Presbyterian Church of Queensland, the Joint Church Social Justice Group, Professor B. and Reverend Father M. were among many who objected to the use of the term "sex worker". In their opinion, the term gives a veneer of respectability to an occupation which is based on promiscuity and which they believe should remain socially unacceptable. The Presbyterian Church said terms such as "prostitute", "harlot" or "whore" were preferable.

This approach is not supported. As Professor B.'s submission illustrates, some sex workers are victims of socio-economic circumstances. It is believed that social disapproval should not be reflected in the name of a person's occupation. This increases the rejection and social stigma people in some occupations feel. It is recognised that some members of the community will be offended by this choice of name. However, it is felt to be undesirable to use language to convey social opprobrium.

## Enforcement

The perceived benefits from a decline in illegal activity in prostitution must be weighed against the costs in time and resources to the police and the courts enforcing the law. Consequently the Issues Paper raised the question: "Are the time and resources spent in enforcing prostitution-related laws justified?"

The view that the enforcement of prostitution-related laws was a significant drain on limited criminal justice resources was a common one and was typified in the response of D. G. who wrote that if prostitution was decriminalised:

"Police would be released to fight more serious crimes such as rape of children and women and other violent crimes of sadism, cruelty, or murder. Decriminalisation would mean police corruption in this area would cease."

The opposite opinion was expressed by the writer of a confidential submission 'A', whose ideas are used here with permission. 'A' felt any perceived deficiency in the legislation was not the reason for the lack of prosecutions. In 'A's' opinion, the middle level of the Police Service had neither the will nor the expertise to apply sound policing methods to the enforcement of prostitution-related laws. The submission described in detail how 'A' believed that proof could be obtained without police officers having to undress. It was believed that concerns expressed by police that they would be compromised in obtaining evidence were unfounded, arguing:

"If the police had the will they could close down the various brothels in a matter of days, and this happened within days of the announcement of the Commission of Inquiry in 1987."

Statements by Commissioner Fitzgerald, Q.C. would seem to support this view. He stated in his Report that police claimed young officers had to degrade themselves and put themselves in embarrassing situations to arrest sex workers. He wrote:

"The police perception of supposed difficulties in such areas is largely unjustified. The success of police attached to this Commission, using ordinary powers and techniques, demonstrates as much."

In the experience of the police attached to this Inquiry, investigations using common techniques, including the searching of public records, use of search warrants and seizure of materials and interrogation of prostitutes reveal ample evidence when properly analyzed and presented, to found pertinent charges and to convict those involved in running prostitution." (Fitzgerald Report 1989, p. 180).

Mr F. pointed out that the cost in time and resources in attempting to enforce current laws relating to prostitution which carry small maximum penalties could be re-directed into other areas of criminal investigation which may be of greater benefit to the public.

The current method used by police to obtain evidence, whereby they organise stake-outs of alleged brothels and interview alleged clients on their way out, was

criticised by the peer educator from Self-Health for Queensland Workers in the Sex Industry (SQWISI). Ms J. wrote:

"It is the laws surrounding prostitution which create corruption and not prostitution itself. Associated with this is people's willingness to break the laws because they are not seen as serious or enforceable. Corruption is fostered where prostitution is illegal and there is pressure to be invisible."

Other correspondents such as Mr R. considered the laws relating to prostitution should be enforced more rigorously:

"Costs of enforcing the law are relatively small compared to the overall social costs associated with the gradual spread of depravity - HIV, AIDS, marriage breakdowns, emotionally scarred children, increased use of drugs, etc. The law should be enforced even more vigilantly."

These two different perspectives on the enforcement of laws relating to prostitution seem irreconcilable. On the one hand there is a view that enforcement of the laws is not cost-effective and produces a climate conducive to corruption; on the other hand there are concerns that however costly or ineffective the laws may be, criminalisation affirms the State's disapproval of prostitution and that policy may help contain it.

The Queensland Police Service expressed concern about apparent contradictions in the law. While prostitution is of itself legal, the circumstances in which the act of prostitution occurs will determine whether or not an offence has been committed. For example, a sole operator who works from home may not be committing any offence, whereas a sex worker operating from a brothel or parlour may be involved in an illegal activity. In the opinion of the Queensland Police Service the reasons for such distinctions need to be addressed.

## Legal Aspects

Another question raised by the *Information and Issues Paper* was "Is law an instrument to uphold morality or should it reflect prevailing community attitudes?"

There were at least three views of the purpose of law in response to this question. One was expressed by Mr T. who felt that law should reflect reality and that a refusal by the State to legislate for activities which were commonplace, diminishes community respect for the criminal justice system. This argument was developed by the writer of a confidential submission:

"If prostitution is made legal, and controlled correctly it should not upset those who think otherwise. Pimps should be made illegal and heavy penalties should be introduced to these 'trouble makers'. Massage Parlours should be legal only if owned and managed by people with no criminal convictions. If drug dealing occurs on the premises they should be closed down, and the person involved should be penalised. In this way police time would be saved, corruption would be done away with and the [sex] workers would receive a better image."

A second view was that the government should use the law to shape values, behaviour and attitudes in the community. This was put by Mr R. M. who believed that young people should be able to grow up in a community knowing that its moral values promoted "clean living and a healthy lifestyle". He felt that if criminal sanctions were removed from prostitution and it was supervised by public officials, that would imply prostitution was acceptable to the community.

A third view was expressed by Professor B., whose view of the criminal law was not so much that it shaped values and attitudes as it reflected clear community standards which she said were:

"... based on both public protection and fundamental principles of right, justice, equity, public safety, all of which have roots in morality." (Underlining is Professor B.'s).

Mr F. pointed out that law and morality overlap but are not coincident. He said:

"For any individual there will always be an area of law which does not match with his or her morality."

Professor B. took issue with the view that public matters should be dealt with without regard to morality. She drew a distinction between private morality, public morality, and social and community morality. She considered that prostitution lay squarely in the domain of public morality. She based this on her opinion that the community defines certain acts as criminal because it believes they are fundamentally wrong and expects to be protected from them by serious penalties and sanctions under the criminal law.

Much seems to depend on one's personal view of the function of law. Some in the community may feel the criminal law affords protection from certain activities and that if criminal sanctions were removed from prostitution more harm would be created.

In Professor B.'s view, one harmful consequence of legalising prostitution would be that it increases instead of decreases the traffic in women, girls and children; and that it makes the "retrieval and rehabilitation" of young persons more difficult. This would happen, she said, even though there were laws designed to prevent procurement of minors.

According to Professor B., the fact that something is difficult to control, is not a sufficient reason for legalising it. She gave the examples of murder, theft and robbery which are hard to eradicate but from which the removal of criminal sanctions are not being contemplated.

Prostitution may be distinguished from crimes such as murder theft and robbery because it is often regarded as a victimless crime. On the other hand, some would dispute this. The Australian Family Association said:

"Prostitutes, clients, wives and families of clients, and the institution of marriage all fall victim in one way or another."



Mr F. suggested that current laws:

"... have actually produced a climate conducive to more serious harm to the community than any damage likely to be caused by the activity of prostitution itself."

## Licensing and Regulation

The *Information and Issues Paper* also raised the question of whether it is appropriate to remove prostitution from the criminal law and impose other forms of control. Those in favour of legalisation expressed a diversity of views about how this might be done.

The Women's Legal Service considered that if a system of licensing or registration was introduced, it should discourage the development of large-scale establishments by licensing individual sex workers, rather than managers of premises.

A popular comment in submissions was that if penalties were to apply to sex workers, they should also apply to clients. The Australian Democrats wrote:

"Regardless of what the Criminal Justice Commission or the Government chooses to do in relation to the overall legality of prostitution, any penalties which are to apply should not focus on the sex worker whilst ignoring the client or others who receive financial gain from prostitution."

The *Information and Issues Paper* invited people to consider the suitability of the *Work Place Health and Safety Act 1989* as a means of regulating prostitution. Queensland Health considered that it would be a suitable piece of legislation to apply to prostitution if criminal sanctions for most prostitution-related offences were removed. The department stated that it has had discussions with the Department of Employment, Vocational Education, Training and Industrial Relations on the matter and "although this has not been a traditional role for their department, it would be prepared to administer the Act if prostitution laws were changed".

Queensland Health said the Act is sufficiently broad to encompass all forms of prostitution and would cover the relevant welfare and safety aspects. It is the department's view that licensing premises for public health purposes is unnecessary as the *Workplace Health and Safety Act* is sufficient to address health aspects. However, the department conceded that a licensing system could address other issues such as correlation of businesses and numbers of people employed.

## *The View that Prostitution should be Free to Operate Like any Other Business and no System of Licensing be Introduced*

SQWISI did not support a licensing system for sex workers on the grounds that it would be unwieldy to administer, confidentiality of workers' records would be difficult to guarantee and "no clear purpose for such a system has yet been articulated". It is also SQWISI's view that a requirement to license individual sex workers would be a threat to women's rights to control their own bodies. The Queensland Council for Civil Liberties saw any attempt to introduce a system which required sex workers to register with the police and be photographed, as an infringement of civil liberties. The Council believed the maintenance of such a system by the police would create opportunities for corruption.

The same view was expressed by the Caxton Street Legal Service. In regard to street soliciting for example, it believed that criminal sanctions should be removed because there are adequate provisions under the *Traffic Act* to deal with "persons obstructing the footpath, and under the *Vagrants, Gaming and Other Offences Act 1931-1988* concerning behaving in a disorderly manner, with which behaviour can be policed and which attract small fines". Such an approach might be acceptable if the rationale for prohibiting soliciting is simply that it obstructs pedestrians or constitutes "disorderly behaviour". However, street soliciting is prohibited for a much wider range of reasons than just that.

If street soliciting were allowed in Queensland, problems similar to those encountered in Sydney in 1979 may occur. In that year the Wran government abolished the offence of street soliciting. The number of street workers in inner Sydney increased. People flocked to observe the street spectacle and many onlookers behaved in an unruly manner, causing many residents to protest.

Ms Roberta Perkins, writing on behalf of PROS (Prostitutes Rights Organisation for Sex Workers) agreed that prostitution should be able to operate like any other business. She added the proviso that it may be necessary to restrict premises to a certain size and limit the number of staff. Ms Perkins felt licenses should be issued to premises and supervised by representatives from Queensland Health and a local planning authority. She said SQWISI should be a reviewing council.

## **Systems of Licensing**

### *A Body Comprised Predominantly of Sex Workers*

In the event of a licensing system being introduced, SQWISI believes the ideal system should be managed by a properly constituted association of representatives from prostitution:

"In [such a] system, a person - whether a worker, owner or manager - who proves themselves to be inappropriate as a worker or manager in the sex industry could be forbidden from continuing to operate in the industry or could be banned for certain periods of time. The type

of actions which might make a person unsuitable include mistreatment or exploitation of workers or use of under age workers, continued unwillingness to insist on safe sex practices, or continued involvement with organised crime."

The system described above is called "negative licensing". It is also supported by the Queensland Council for Civil Liberties and the Women's Legal Service. The Council developed its proposals in some detail. It suggested that Parliament establish a unit for monitoring prostitution which would be comprised mainly of sex workers, but should also include nominees from Queensland Health, the Police Service and other relevant community organisations. The Council advocates that this unit should make recommendations to Parliament about improvements in the laws relating to prostitution. It also suggested that persons adversely affected by decisions of the unit should have a right of appeal to a Judge of the District Court.

The Caxton Street Legal Service thought it was important that a system of licensing be "as far divorced from the hitherto style of dominant patronage applied by the Licensing Branch as possible". The Queensland Council for Civil Liberties thought prostitution should largely be treated as a planning matter, subject to regulations which could deal with noise and nuisance aspects of the trade.

Although it is understood that proponents of the removal of criminal sanctions have great concerns about substituting regulation for proscription, it is difficult to see how to avoid some degree of regulation by the State, especially as new possibilities for criminal involvement would probably develop. There may also need to be provisions which address the special risks inherent in prostitution.

### *A System Administered by the Department of Health*

'B', the author of a submission who wanted personal identifying details kept confidential but the content of it made public, suggested a system of control for legal prostitution. 'B' suggested that the most suitable authority to control it would be one not involved in the policing of illegal prostitution, since this permitted corruption to take place. The controlling authority should be a government body with the final responsibility for the legal activities resting with the most senior officer of that government department. The Police Service, should have no involvement or control over legal prostitution, or at least no more so than it does over any other legal business.

'B' proposed that the most suitable authority to supervise prostitution was Queensland Health for the following reasons: it has a major interest in the control of sexually transmissible diseases (STDs); it has facilities and staff to conduct medical checks on sex workers; the experts to inspect premises; and it has trained social workers and medical experts able to assist persons with physical and psychological problems. However, in its submission Queensland Health stated that it did not feel it was the appropriate body to administer a licensing system which addressed areas other than disease prevention. Even in

that area the Department felt the problem could be addressed through the *Codes of Practice Workplace Health and Safety 1989*.

It was further proposed by 'B' that a detailed licensing system for sex workers and prostitution establishments should be implemented. The rationale for such a system was to limit criminal involvement in prostitution. According to 'B's' knowledge, most criminal activity in prostitution originates from the financier, the owner/operator and the manager/receptionist. 'B' submitted that few sex workers were involved in serious criminal activity.

'B' also suggested that individual sex workers should pay a yearly licence fee of \$5,000 dollars. This was based on 'B's' assumption that most sex workers who work alone earn an average of \$1,500 to \$2,000 a week. Personal particulars such as name, address and location where the sex worker wishes to work, should be provided to the licensing authority. All business and related taxes should be paid. The suggested fee for a brothel licence was \$10,000 a year. This is based on 'B's' estimate that the weekly income from brothels or parlours can be \$3,000 to \$5,000 dollars a week. The applicant should provide all legal papers related to the company and name all persons involved. A certificate of registration of the business name must also be given to the licensing authority.

Ms H. R. felt that if licensing was introduced, new laws would have to be created to cover the area of unlicensed prostitution. The laws would have to be easy to enforce to save the large costs involved in present day policing of prostitution laws. Penalties for breach of them should be strong to deter persons from entering unlicensed areas of prostitution. However, it should be noted that any system of licensing would of necessity, provide penalties for non-compliance.

### *Public Sexual Decency Standards Board*

The establishment of a Public Sexual Decency Standards Board was suggested by Mr W. The aim of it was to deal with matters such as registration of sex workers, to provide supervision of health, hygiene and premises, and to maintain standards of decency. He said it could function as an autonomous statutory board under the auspices of the Attorney-General's Department and be responsible to Parliament. Other activities which Mr W. suggested the Board could oversee were brothels, homosexual clubs, pornography and film and literature standards.

### *Zoning*

Dr M. D. said that if legalisation was considered, then the following conditions should apply to it:

- no permits should be issued to operate massage parlours, sex shops or escort agencies where people's homes are located, even in a zoned business area;

- the Brisbane City Council should compel intending operators to put up a Council notice, giving the public a chance to object to the proposal before approval is given;
- the Brisbane City Council should amend its town planning ordinances to prohibit prostitution in residential areas and where family businesses are located.

In a personal submission, Mr A. thought that local councils should be able to consent to prostitution within their boundaries. However, there is considerable doubt about the ability of local councils to keep undesirable elements out of prostitution. There is a further concern that if licensing was left to local councils, some would agree to it while others would prohibit it. Some municipalities may become renowned for prostitution, a matter which may not please all their residents.

### *"Red Light" Districts*

In regard to the location of prostitution establishments, the view was put by Mr W. that they should be permitted in inconspicuous and discreet sites in commercial, industrial, rural or tourist areas. He wrote:

"Red light' districts should be allowed in all large cities and towns. Town planning could require such businesses to be located in non-residential areas away from schools, churches etc. Providing always that there is no publicly garish and offensive displays, yet are discernible by the public."

A variant on the "red light" district was the concept of a closed Adult Leisure Precinct, proposed by Mr J. The aim being to set up "a precinct where all explicitly salacious businesses can trade in an appropriate area set aside for that purpose". He says that prostitution is not the prime objective of the leisure precinct but it could be allowed to exist as an associated activity. The advantages which Mr J. sees to this are that access to minors would be restricted and that crime would be easier to control within its boundaries.

For the same reasons that the creation of a "red light" district is not supported, the creation of an adult leisure precinct is also not supported.

Organisations such as the Queensland Council for Civil Liberties and SQWISI are opposed to the creation of "red light" districts. In practical terms, it is questionable whether such an area would prevent prostitution from being conducted elsewhere. The New South Wales Select Committee in a visit to Amsterdam, found that "red light" districts encouraged competition between sex workers and made them feel as if they were in a human zoo. The Committee also noticed that these districts encouraged drunken clients and voyeurs and some had become "no-go" areas after dark. A correspondent with experience in Holland, Mr L. said that where "red light" districts exist in Holland, residents wished they were located elsewhere.

## *Other Aspects of Licensing and Regulation*

Mrs C. was one of several correspondents who suggested that legalising prostitution was preferable to the irregularities in the present situation. The advantages she saw were that sex workers would become taxable, like most other wage earners; all of them would contribute to Medicare; and strict control over the health of these 'service providers' could be maintained.

Another point raised for consideration by Mr F. was that if licensing was introduced, the question arose whether the client entered into a contract with the individual sex worker or the owner.

## **Arguments Against Licensing**

There is strong sentiment in some quarters that government regulation or licensing of prostitution creates the impression that the State endorses it. While it may be questioned how far the State commits itself to active approval of an activity by regulating or licensing in order to control it, the sentiment mentioned will not be easily quieted without a well-developed argument as to how the perception of State sanctioning of an activity could be avoided by regulation.

A representative of the Anglican Church wrote:

"It is one thing to decriminalise prostitution but to go the extra step and positively affirm it by licensing laws raises serious moral questions."

Mr R. M. and Mr R. thought that any regulation of prostitution by the State would lead some young people to consider it as a career choice. They thought that regulation would give prostitution pseudo-legitimacy and protection. The monitoring of it by public officials would lend itself to implied community acceptability.

It is probably unavoidable that the removal of criminal sanctions from prostitution would inevitably be seen by some as approval, even if the government did not intend to condone the behaviour.

## **Retention of Criminal Sanctions**

Another question raised by the *Information and Issues Paper* was "Should the present criminal sanctions relating to prostitution remain in place or be extended?"

The notion that vice was endemic in Queensland before the Commission of Inquiry and that the State now needed to improve its image was expressed by Mr S. He thought the removal of criminal sanctions from prostitution would discourage tourism and new residents.

The idea that prostitution should be available to cater for the tourists was questioned by the St Vincent de Paul Society (Kenmore Conference). It felt that tourists may look for many things such as drugs, illegal gambling, and dog-fighting but this was no reason to provide them; and therefore tourism was not a sufficient reason to offer prostitution.

The National Council of Women in Queensland was opposed to any changes in present laws on the grounds that the State would appear socially to approve of the commercialisation and exploitation of women. The Archdiocesan Catholic Social Welfare Commission while opposed to the removal of criminal sanctions for prostitution-related offences, felt the criminal law was an inappropriate vehicle for addressing what it saw as "basically a social problem".

Reverend Dr M. M. Y. Kim of the Presbyterian Church of Queensland saw prostitution as an attack on the fidelity of relationships within marriage and a threat to a chaste lifestyle for single persons. He felt the State must enact and enforce laws which proscribe all matters related to prostitution.

Such an outlook depends on the conviction that the criminal law is a direct reflection of Christian morality, and that the criminal law must be used to restore religious, moral and social values. Reverend Dr Kim wrote:

"It is recognized that criminalising an activity does not banish it. However, a community has an obligation to state its moral convictions and practices as a clear guide to its members. The function of any law is to act as a moral restraint/guide. The criminal law proscribes murder, theft and perjury so that society may have moral stability and co-operation. The time and resources spent in enforcing prostitution-related laws is justified because people and families do matter!" (Underlining in original.)

This was a view echoed by Dr Francis Nigel Lee of the Queensland Presbyterian Theological Hall.

In the opinion of Mr F. the retention and possible extension of criminal sanctions would probably create more problems than it solves. There would be problems of effective enforcement and corrupt links would probably be strengthened. It would also require a precise definition of the offence of prostitution for the law to be successfully enforced. Examining case law definitions, Mr F. notes that the propositions inherent in all these descriptions is that prostitution is not necessarily dependent on sexual intercourse occurring between the parties.

Mr F. notes the expression "common prostitute" is used in legislation but is not defined by statute (for example in *Criminal Code* sections 217 (2), 218). He says consideration needs to be given to whether the term serves any useful purpose in any future legislation. It is of course, also derogatory.

In two separate confidential submissions writers suggested there were very few women who had not prostituted themselves for such things as dinner, career improvement or the offer of a stable relationship, "... at least sex workers are honest about what they do."

According to Mr F., there are two parts to the term "sex worker". The first is the offering of sexual services for money or material gain; the second is that the person offers this activity in certain places and the conduct of this activity amounts to work. These parts suggest the activity amounts to work as opposed to financially rewarding promiscuity. Clarification would also be required about the position of disadvantaged persons who exchange sexual services for accommodation, food or alcohol. The question arises whether their behaviour constitutes prostitution.

If criminal sanctions were to remain, the notion of extending them to clients was raised many times. A submission from Mr R. was typical of these. He wrote:

"It is amazing that the client is allowed to get off scot-free when the sex worker is the one that is charged. Without the client no act of prostitution occurs."

However, he did not believe police should be allowed to use entrapment to gain a conviction whether it be of sex workers or clients.

Mr F. put the view that if the clients of sex workers were made criminally liable, it would create further problems for enforcement, especially given the standard of proof required to obtain a conviction. He thought it was possible that such charges would be more vigorously defended than present prosecutions. This would require more police resources and make more demands on court time.

In Mr F.'s opinion another undesirable social consequence of extending criminal sanctions is that it could allow the system to be used by those with a personal grudge who could harm the reputations of others. The Queensland Council for Civil Liberties said it "rejects outright the argument that present criminal sanctions relating to prostitution remain in place or be extended".

It is argued by some that the present state of the law supports a connection between organised crime, prostitution and other illegal conduct. The question arises whether an increase in the sanctions would weaken or strengthen that link.

The Women's Electoral Lobby (Cairns Branch) was opposed to any government recognition of prostitution as an industry. It thought the only regulation of prostitution should be through collective action of prostitutes. It said:

"The government's attitude should be to confront prostitution uncompromisingly as a welfare problem, with the focus of assistance aimed at the the prostitutes themselves."

This approach depends on the acceptance of the idea that sex workers really have no desire to engage in this sort of life, and that even if they do, they should be protected from their own choices.



## *Feminist Perspectives*

Ms S. thought that the present laws discriminate against women and should be repealed. She said the majority of persons prosecuted for prostitution-related offences were women, while there was only one offence under which clients could be charged namely "soliciting for the purpose of prostitution", and this was rarely used.

G. R. thought whatever legal structure is chosen, it is undesirable to have laws which reinforce the exploitation of women:

"A situation whereby individual and small business prostitution, controlled by the workers, occurs at the expense of large employers, corruption and criminal elements would be in keeping with an overall aim to reduce exploitation of this group of women."

## **Crime**

'B', the writer of the confidential submission referred to in the section on licensing thought that few sex workers were involved in illegal activities. By contrast, the writer considered the manageress/receptionist, owner/operator and the financier were often involved in all areas of criminal activity. This person wrote:

"The aim of government policy on prostitution should be to rid it of this criminal element. The strategies for achieving this would be to remove the persons likely to be involved in corrupt and criminal activities; create a system whereby a Government body becomes the controlling body and gains an income from the proceeds of this business and the creation of a licensing system."

A submission from a sex worker stated that owners often physically abused sex workers and coerced them into giving free sexual favours to friends.

Dr S. M. said that the removal of formal prohibition removes a major structural opportunity for corruption - namely the de facto 'licensing' of illegal activities by police and others, who make large profits from graft while making some token arrests.

In SQWISI's opinion:

"... most of the problems currently related to prostitution arise from the criminalisation of workers who sell sexual services. Corruption, organised crime, excessive illicit drug use, isolation, taxation avoidance, lack of contact with health and welfare agencies, can all be related back to the criminalisation of prostitution."

The organisation believes that an attempt to apply laws which are too restrictive to prostitution will fail. "Women and men in the industry will simply opt (as indeed they do now) to work illegally". It believes now is the ideal time to remove prostitution from the reach of the criminal law because "many of the links with organised crime have been broken".

In SQWISI's view it is the criminalisation of prostitution which promotes connections with organised crime. However, the removal of criminal sanctions is not in itself enough to prevent the involvement of organised crime. It is a business in which there is little stock and most payments are in cash. Credit cards are sometimes used in an arrangement whereby a prostitution business uses the name of a legal enterprise. In this way it is difficult to follow the flow of money.

## Taxation

Where taxation was mentioned in submissions it was unanimously agreed that sex workers should share the taxation burden and all of them should be encouraged to obtain tax file numbers. Mr A. suggested that in a regulated system, sex workers should provide employers with their tax file numbers before they start work. It was further suggested that employers furnish a return of their gross incomes to the Deputy Commissioner of Taxation. This return could also be used by the regulating body for calculating the annual licence fee.

A public accountant, Mr B. T. who has sex workers among his clients, while noting that those who came to see him recognised their obligations to pay tax, "without exception" said there were a number of reasons which did not induce them to do so. Mr B. T. said some justified their failure to pay tax by saying that they contributed to the public purse through court-imposed fines. On the one hand they pointed out that the State Government through its laws against prostitution made it potentially expensive for them to earn income; while on the other, the Australian Taxation Office demanded a proportion of their earnings. He said some sex workers frequently asked him "Why can't the taxation office be prosecuted for living off the earnings"?

However, there are problems in getting workers in an illegal industry to pay tax and SQWISI's peer educator was illuminating about this. Ms J. said the failure to pay tax is often related to fear of prosecution. Another fear is that they will have to pay exorbitant taxes and fines for past failure to pay. She thought many employers did not accommodate sex workers' tax paying requirements, as they fear that the documentation could be used by police as evidence to obtain a conviction. The present tax laws do not have a secrecy provision and Ms J. felt a worker who lodges a return could inadvertently bring legal repercussions upon an employer.

Ms J. continued that sex workers are not treated uniformly by the taxation system, with some States offering a total amnesty on back taxes, another a partial amnesty and some no amnesty at all. The recommended PAYE rate of tax varies nationally for sex workers. She said South Australia deems sex workers to be seasonal workers and taxes them at PAYE rate of 15 per cent while Western Australia taxes sex workers at PAYE rate of 20 per cent. In her opinion, the best incentives for sex workers to pay tax lay in the removal of all prostitution laws and the adoption by the Australian Tax Office of an amnesty on back taxes.

## Social Welfare

The position that sex workers have to follow that occupation because of straitened financial circumstances was challenged by the St Vincent de Paul Society (Kenmore Conference):

"Pickpockets, burglars and bank robbers may all be 'down on their luck' but the tragedy of poverty cannot justify the crime of burglary."

Other submissions dealt with the need to prevent people from deteriorating to that extent. The Queensland Council for Civil Liberties believed that the diversion of persons from prostitution lay in dealing with the structural inequalities affecting women including "access to education, employment, accommodation, adequate income levels and child care". Ms Roberta Perkins said there was a need to ask from where and into which avenues society was aiming to divert sex workers. She said prostitution conferred several benefits on women such as improved relations with men generally, freedom and autonomy, and a reversal of sexual power.

Along with others, Mr W. made the point that aboriginals and other disadvantaged persons must be given adequate protection, accommodation and support so they never need to become an unwilling prostitute. There would seem to be general agreement on this point.

Women's Electoral Lobby (Cairns) believed the focus should be on the welfare of women and girls engaged, or likely to become engaged in prostitution. It believed that prostitution is not a choice for women, but rather they are forced into it. In support of this contention, it cited factors such as domestic violence, the search by females for a suitable identity and the need to support dependent children.

Drawing on some connections found in research between some women who have been sexually abused and those who enter prostitution, Ms G. suggested that the laws which prohibit the abuse of children should be strengthened and more treatment programs provided.

The Archdiocesan Catholic Social Welfare Commission asked that more information about sex workers' backgrounds be obtained so that relevant remedial social policies and preventative measures could be implemented.

The Presbyterian Church of Queensland believed that a climate of acceptance in society affects the likelihood that people will engage in certain behaviours:

"If pre-marital sex, explicit sexual advertising and publications, adulterous relationships et al. were repudiated/opposed with the vigour of anti-smoking, anti-alcohol, anti-AIDS, anti-environmental destruction programs, then significant shifts of opinion and practice would occur."

There was a common view that prostitution provides society with a kind of safety valve against potentially violent men who would not otherwise have their sexual needs met. A submission from A. H. and J. H. put it this way:

"The government should legalise prostitution, it has worked well overseas and would help the AIDS problem, it would also cut down on attacks on women and children."

The Australian Family Association questioned that the availability of prostitution prevented the occurrence of crimes like rape and child sexual abuse. It attempted to disprove this assertion by using some figures from Western Australia in 1959 which showed that after the closure of some brothels in Roe Street, the number of sexual offences went down. However, elsewhere the submission quite rightly says 'correlation does not imply causation'. In order to make more conclusive statements, data over a longer period would need to be examined. Also, the figures presented could be indicative of several hypotheses. Perhaps more apposite to the argument advanced by the Australian Family Association, is the body of opinion which suggests that rape is not so much a sexual offence but a crime associated with power and domination.

The idea that many marriages would be salvaged if there was less sexual incompatibility was put by Mr W. He suggested that sex workers could be helpful in teaching interested persons more about sexual practices, methods, variety, sensitivity and so on. Most marriage counsellors are unanimous on the need for couples to be sexually aware. However, they usually emphasise other aspects of relationships in addition to sexual awareness.

Ms S. suggested that the demand for prostitution could be reduced by addressing the way that male sexual needs are socially and culturally constructed and by addressing the effects of the sex industry on non-commercial relations between men and women through educational programs and use of the media.

Other matters relate to the location of prostitution establishments and the effect it has on families. The author of a confidential submission said that a Gold Coast family had complained about a brothel opening next door. The family was said to have suffered harassment from clients, fights on their front lawn and noisy arguments from inside. Eventually, the writer says, the family had to sell. This was done with difficulty, because it was well known that there was a brothel next door.

On the opposite side, SQWISI remarked on the stigmatisation and suffering that sex workers' families endure, especially through adverse media publicity surrounding court cases:

"The stigmatisation associated with sex work inhibits workers from sharing fully in community, school, religious and family life. This in turn leads to social isolation and can cause dysfunctional family and personal problems."

Negative social attitudes towards sex workers are reinforced by criminal sanctions. The removal of such criminal sanctions would probably pave the way for a change in social attitudes towards sex workers.

## *Street Prostitution/Homeless Children*

The *Information and Issues Paper* asked "What measures can be taken to prevent young persons from entering prostitution?"

The Queensland Council for Civil Liberties believed that the Department of Social Security did not provide an adequate level of support for homeless young people. It believed that long-term accommodation which young people can afford is essential if they are to be prevented from entering prostitution.

The Women's Electoral Lobby (Cairns) felt the issue of street prostitution among homeless youth was an important issue. When WEL made enquiries of the Burdekin Inquiry into Homeless Children in July 1990, it was told that: "the number of male youths approaching youth services was far greater than the number of females; no one really knew what happened to destitute girls and that prostitution was understood to be a common, even an accepted, recourse for young girls, either for accommodation or in the traditional sense". It quoted a statement by Commissioner Burdekin reported in the *Cairns Post* on 25 September 1989:

"Hundreds of homeless Australian children became prostitutes to survive on the streets . . . young women in particular are exposed to sexual assault and harassment and many resort to prostitution."

WEL believes that those who enter prostitution are victims:

"Childhood influences self-image and decision-making. The situation is a complex one. Not all women engage in prostitution as a result of financial stress. Prostitution itself is an indicator of disadvantage."

The majority of submissions were unanimous in supporting the retention of the criminal law to prevent the procurement of young people into prostitution. Professor B. believed that the removal of criminal sanctions from adult prostitution would lead to operators targeting young homeless people for recruitment. She said licensing prostitution created a criminal network for procurement:

"In London, we found in both the 1960s and the late 1970s, that only when there was a drive for a hard crack-down on brothels and other organised forms of prostitution, could we cut back the traffic in young boys and girls."

She said some men preferred inexperienced young girls and that a legalised system increased the demand and made rescue of the young girls more difficult. The process of recruiting minors was reportedly subtle, with offers of accommodation, clothing and perhaps a glamorous lifestyle.

However, most submissions were lacking in suggestions as to how the entry of young persons into prostitution could be prevented, even though the *Information and Issues Paper* was sent to several agencies which deal with the welfare of children. Mr F. and Mr R. tried to illuminate the difficult problem of diversionary programs from child prostitution. Along with maintaining sections

of the *Criminal Code* which apply to minors, Mr F. suggested that more crisis accommodation should be provided and counselling should be given to young persons at risk. Mr R. said there should be increased opportunities for educational and financial support while young people undertake further education. Professor B. suggested interdisciplinary teams comprising a special squad of police officers and social workers from government and non-government agencies be established. Caxton Street Legal Service thought Queensland Health should produce brochures which state the risks in prostitution and the places where confidential counsellors could be located.

Mr F. acknowledged that while the effectiveness of measures such as these are difficult to quantify, an indicator of success could be a decrease in the number of young persons entering prostitution. Unfortunately, this too is difficult to quantify.

Ms Perkins questioned the value of diversionary programs by asking "... what are we diverting the teenager from, or more to the point, what are we diverting her into". She believed that some nuclear families are more destructive for children than prostitution. Prostitution, she said, offered children independence and was preferable to families where children were abused or the repressive environments of State institutions. She felt that if society was committed to the nuclear family, it should ensure it is more conducive to emotional health than it appears to be at present.

Along with supporting social welfare programs for homeless youth, SQWISI said the inevitability of some young persons entering prostitution must be faced and preventive health programs implemented:

"In the short term, however, practical things such as training in safe sex techniques and general safety must be put in place. Sex worker organisations such as SQWISI may be willing to assist with this."

Such education would probably need to be monitored by the State as the education of the young is done in other contexts.

The need for a skilled and sensitive Police Service to deal with young persons who engage in prostitution was recognised by the Archdiocesan Catholic Social Welfare Commission. It saw these young persons as victims who should not be blamed for their predicament. This is supported. It is felt the responsibility of caring for them should be shared with health and welfare agencies.

### *The Problem of the Handicapped, the Lonely and the Unloved*

A number of men with handicaps and also men who believed themselves to be unattractive wrote to the Commission about how women did not find them attractive and how they felt rejected and unloved. These men said their handicaps did not give them an opportunity to have "normal" sexual relationships with females and so some of them resorted to sex workers. Many

of those who believe criminal sanctions should remain for prostitution-related offences sometimes overlook the deep and unfulfilled needs of these persons.

### *Clients*

An elderly gentleman who said he was not good looking and in an unhappy marriage, wrote that he turned to a sex worker for sexual satisfaction. As a regular client of this sex worker for the past six years, he claims such services have saved him and other men of his age from "suicide or mental trauma" and had not caused the community any harm.

Correspondents' anecdotal accounts of the absence of social harm are difficult to assess. Marriage counsellors recognise that the behaviour of both partners contributes to marital problems and that if something is amiss in a relationship both parties usually perceive it even though they may not overtly show it.

The writer of another personal submission 'C', said that the advantage of prostitution to men was that they did not have to go through the conventions of dating in order to obtain sexual gratification. There were several who felt that prostitution should be available for persons with this attitude.

One submission from a Christian denomination, which requested that its name be kept confidential, said there should be research into the reasons why so many men feel they need to buy sex. It felt the psychological causes and effects of such behaviour should be addressed. This view was supported by Mrs N.

SQWISI's submission points out that any regulations which seek to control prostitution should take into account the responsibility of clients not to transmit disease. It says all clients should be required to wear condoms. Its peer educator, Ms J. states that if criminal sanctions were removed an education program for clients could be adopted. Further the government could target overseas tourists with safe sex messages through airports, passports and travel agents.

### **Industrial Matters**

Mr E. wrote:

"The word prostitution is obsolete - it is just persons selling their skills as with any other job."

This is consistent with the image of sex workers as being legitimate wage labourers similar to other employees, except that the work is stigmatised.

In the opinion of SQWISI's peer educator adults have a right to sell their sexual labour and sex workers have a right to safe, legal and humane working environments.

Because prostitution is presently illegal, sex workers are denied the standard work practices which exist in other jobs such as occupational health and safety considerations, unionisation and contractual arrangements. The illegality of it places sex workers in danger of violence and sexual assault.

In a similar vein, Mr B. and Mrs I. said sex workers should be encouraged to unionise and seek an industrial award which should set out minimum working conditions and worker's compensation coverage for accidents and STDs. At the moment some of them are reportedly subjected to unreasonable working conditions imposed by owners and managers, for example, a private submission from a sex worker said women were often fined in brothels for things such as dropping a towel or minor flaws in their dress.

The Australian Family Association opposed the idea of prostitution being "work". Its opposition appears to be based on the notion that it views prostitution as an immoral activity which should not be dignified by calling it "work". However, prostitution is the means by which several hundred people in Queensland earn income and are liable for taxation.

### **Moral/Philosophical/Religious Views**

The view that prostitution threatened family life was expressed in several submissions. The Australian Family Association asserted that men who use prostitutes have little regard for their wives and that this soon shows itself in the marriage relationship. The Association did not say how this is manifested.

The Archdiocesan Catholic Social Welfare Commission felt it was important for society to be aware of the ideal of married love:

"Through faithfulness, they are offering to love one another without fear of rejection and loss of this love to a third party. Through permanency, they are offering one another what all human beings long for and have been conditioned to in childhood namely, continuity, reliability and predictability."

In other confidential submissions some males asserted that because they visited sex workers, their marriages were preserved. It is difficult to assess statements like this unless one has an indication of the quality of the relationship to both partners.

SQWISI asserted that in a society of great cultural diversity there is no unanimous attitude on sexual morality, but many people believe the private activities of consenting adults are outside the domain of the criminal law. Ms J., its peer educator, said the Judaeo-Christian idealisation of monogamy was the basis for society's disapproval of prostitution. She said the main problem with the disapproval of adultery is that the men are not stigmatised for being clients and creating a demand for prostitution. Nor are they generally stigmatised for any extra-marital sex; while prostitutes are reviled and denied basic rights.



The Presbyterian Church and Professor B. said that if there is no moral basis for decision making on public issues such as prostitution, legislators were saying the concepts of right and wrong were irrelevant to government policy and law.

## Advertising

Many sex workers and managers rely on advertising to attract clients. It is also a lucrative source of income for newspapers and magazines who accept these advertisements. Some managers and owners also seek new staff through this medium. Some felt the advertising of sex workers' services should be permitted in suitable "adults only" publications or listed with a regulatory body.

The practice of some regional newspapers of accepting advertisements for sex workers on the one hand, and hypocritically reporting on the undesirability of prostitution was noted by persons and organisations of such diverse opinions as SQWISI and Professor B. The latter singled out a particular regional newspaper for the large number of advertisements for prostitution it carries and the high moral tone of some of its articles.

The policy of Telecom's *Yellow Pages* of accepting advertisements for escorts was criticised by Professor B.:

"It is unacceptable for a publicly-funded body like Telecom to allow itself to be used as a forum for advertising prostitution."

A. D. G. protested against Telecom's *Yellow Pages* permitting sexual services to be advertised and about the degrading effect it had upon women, and the possibility of children coming across such advertisements. A. D. G. also felt that legal advertising denotes that the activity is right, therefore if prostitution is to be advertised:

"... how is it going to be recognised as wrong."

## Health

Health issues were viewed by SQWISI's peer educator, Ms J. as central to the whole debate. Ms J. put the view that in a legalised or open system sex workers and clients would be more likely to go for health checks. She felt a policy which drives sex workers away from public view may indirectly encourage the spread of AIDS and STDs. This was a view which had the support of Queensland Health.

The submission from Queensland Health espoused the benefits of brothels/massage parlours arguing that they are able to provide a contact point for education that is not available in other unorganised forms of prostitution. It claims that "brothels are usually regarded as providing the best system for dealing with HIV prevention", because they provide an opportunity to

implement safe sex policies and are a focus for education and prevention along with peer support and education for newcomers. However, these policies of safe sex practices and peer education programs do not occur in all brothels; examples are given elsewhere in this Report of some Asian brothels which do not enforce safe sex practices. Queensland Health says that brothel workers in their present illegal status have taken the initiative and achieved a high level of implementation of safe sex practices. These practices appear to depend on the policies of management and individual workers rather than the legality or illegality of the transaction:

"The Department believes that preventative practices in the industry in Queensland have been initiated voluntarily by the industry and this should be acknowledged in discussions about testing of sex workers."

Queensland Health states that it does not support compulsory testing of any group as a public health measure. The department says it endorses the National HIV strategy, the aim of which is to reach sex workers through peer education and the encouragement of voluntary testing. The department claims compulsory testing cannot guarantee a worker is "disease free". An infection can be picked up between checks, especially if a condom is not used or if it breaks.

On the controversial issue of compulsory health checks, it is SQWISI's view that they are not practicable. As its submission pithily states:

"A worker is only as safe as her last client and her safe sex practices (not her last check-up). Encouragement and incentives for voluntary checks are a preferable and ultimately a more effective approach in containing STDs. More critical to the success of containing STDs is, in fact, a requirement that all clients of sex workers must use condoms."

This opinion was shared by a number of organisations, such as the Caxton Street Legal Service which pointed out there was a three month "window period" between AIDS testing and obtaining the final results. During this time a person could be HIV positive and still work. Additionally, the Department considers that there is a danger clients would be less willing to use condoms because of their misplaced faith in the medical certificate.

The Queensland Council for Civil Liberties noted that it would be tempting to link the removal of criminal sanctions to the imposition of a licensing system which included compulsory health checks. It saw serious threats to civil liberties in requiring sex workers to undergo such a process.

Some correspondents were of the view that compulsory health checks of sex workers and premises should be pursued in order to protect the public interest. Mr W. for example, believed a photo identity card should be required of every sex worker to prove that the person was registered, had compulsory health checks, worked from approved premises and was aware of the requirements of his proposed Public Sexual Decency Standards Board. The Women's Health Centre argued that most sex workers are reliable and use condoms, and that compulsory testing only encourages the thought that the sex worker is at a greater risk than is the client. It suggests an initial health check upon registration

should be the only compulsory requirement. Not all sex workers were against compulsory checks, one wrote:

"Regular checks should be held and anyone without a certificate not allowed to work."

According to Professor B. there is no evidence that legalising prostitution helps to control sexually transmissible diseases:

"But in every country in which prostitution has at some stage been legalised and state-regulated, it has resulted in severe medical and police control of prostitutes; but not in better control of sexually transmitted (sic) diseases."

She said that sensible and responsible sex workers would submit to health checks under any system. However, she did not consider all sex workers to be responsible and changing the laws would not alter their attitude.

She went on to say that any measures which required sex workers to submit to compulsory checks would be ineffective unless clients were also required to have them. The issue of the sexual health of clients was recognised by the Women's Health Centre who suggested that some of the pressure placed on sex workers to get clients to wear condoms could be alleviated by the provision of pamphlets to them which discuss STDs and safe sex practices.

Health authorities recognise that a policy which reaches sex workers but not clients is incomplete. They believe that public health is better served by a legalised or open system where people feel free to go for health checks. Sex workers' attendance at the Brisbane STD Clinic shows a dramatic fall during the years of the Commission of Inquiry.

It is tempting to say that the drop was due to the fear of prosecution. However, the evidence is inconclusive and other factors could have caused or contributed to the decline such as the wider use of condoms in prostitution during those years which may have led some sex workers to feel they did not need to attend as often. To sum up Queensland Health's view:

"Given the current low STD prevalence among sex workers, it is hard to justify the time and monetary resources required to administer compulsory testing. In addition making testing compulsory ignores the responsible behaviour of the industry at present and may jeopardise prevention programs which require a degree of trust of medical services to succeed."

Even more contentious is the issue of HIV positive sex workers who continue to work. In SQWISI's view, some keep working because they have no other occupational skills. While recognising that not all of their members felt these persons should continue to work, as a peer support group SQWISI felt it must adopt in principle the policy of the Australian Federation of AIDS organisations. This policy supports the rights of HIV positive sex workers to sell sex. It was formulated in Brisbane in 1991 and was based on the premise that safe sex practices are effective in preventing HIV transmission.

While many agree that safe sex practices reduce the risk of HIV transmission, few would agree that such practices would eliminate the risk entirely. In correspondence in the *Sydney Morning Herald* on 15th May 1991, Professor Ian D Grant, Chief Commonwealth Medical and Scientific Officer on AIDS, Australian National Council on AIDS wrote:

"If AIDS is to be controlled, not only must sexually active people change their behaviour but those who are infected must accept the responsibility not to infect others.

The regular use of condoms does not and cannot eliminate the possibility of acquiring a blood-borne virus infection; it simply reduces the risk. To encourage infected sex workers to continue working and hope they will not infect some of their clients is irresponsible.

... AIDS is a public health crisis with profound implications for civil liberties, not a crisis in civil liberties with public health implications."

Queensland Health recognised that public opinion would not support a sex worker who is HIV positive continuing to work. It said the *Health Act 1937-1988* gives the department power to detain anyone deemed to be a threat to public health but that this would only be used in extreme cases as a last resort.

## *Drugs*

In its official submission Queensland Health found from its review of the literature on drugs and prostitution that the link between the two is unclear. It said there appear to be three possible links which vary according to different individuals:

- working in prostitution may result in drug use to cope with feelings associated with being a sex worker;
- some sex workers may enter prostitution to support the expensive drug habits of themselves, their families or their associates;
- involvement in prostitution may bring workers into contact with a source of drug supply.

The department noted from studies of sex workers carried out elsewhere, the drugs most commonly used were tobacco, alcohol and marijuana. The department also noted one of the major methodological difficulties in studying sex workers:

"Because of the illegality of behaviours involved in drug use and the sex industry it is difficult if not impossible to identify representative samples for the purpose of research."

In the view of the department, injecting drug users who engage in prostitution present a high risk for HIV transmission. Where female sex workers are infected, they usually attribute this to the fact that they had been sharing drugs intravenously. From research carried out through the Australian National AIDS

and Injecting Drug Use Study, the department states that 9.7 per cent of injecting drug users sold sexual services and seven per cent reported that this was a regular source of income for them.

Most brothel managers are adamant that they would not employ a sex worker who appeared to be under the influence of drugs; they believe these persons are unreliable and are not able to satisfy clients' needs. However, the effects of some drugs can be well concealed, particularly among those long-term stable users who have achieved high degrees of tolerance.

## Summary

- There were almost equal numbers of submissions in favour of legalisation or decriminalisation of some kind as there were those totally opposed to any relaxation of criminal sanctions.

### *Of those in Favour of Removal of Criminal Sanctions:*

- most thought there should be some form of licensing or regulation;
- a few thought that only business regulations should apply;
- most did not believe that the creation of "red light" districts was a feasible solution;
- the majority thought that prostitution establishments should not be located in residential areas;
- most believed that prostitution was present in all societies and it was better controlled or regulated than driven underground;
- most stated they believed that the criminal law should not interfere in sexual behaviour between consenting adults.

### *Of those in Favour of Retention of Criminal Sanctions*

- most believed that the removal of criminal sanctions would only provide more opportunities for corruption;
- most believed that laws could not be made without reference to what the community believed was morally right versus morally wrong;
- most believed the costs of enforcing prostitution-related laws were justified because it upheld the moral standards of the community.

*Other Matters Considered to be Important by People from Different Persuasions:*

- most people with opposing views on legalisation and decriminalisation, nevertheless agreed that prostitution exploited women;
- health issues were considered important by a majority and many thought that clients as well as sex workers should be subject to health checks;
- several prominent organisations in the fields of health and civil liberties were opposed to compulsory health checks on the grounds that they were demeaning and ineffective.

## **References**

*Report of a Commission of Inquiry Pursuant to Orders in Council 1989*, (Chairperson G. E. Fitzgerald Q.C., 26 May 1987, 24 June 1987, 25 August 1988, 29 June 1989), Government Printer, Brisbane.

## CHAPTER SIX

### SURVEY OF SEX WORKERS

#### Introduction

In the process of reviewing prostitution-related laws, one needs to assure a balance between the community's concerns and the interests and safety of the sex workers. The Commission, therefore, felt that while seeking the opinions and attitudes of the members of the community towards prostitution-related activities was vital, it was also necessary to consult with the sex workers to ascertain their views. Through an arrangement with the co-ordinator of SQWISI, and through word of mouth, sex workers were approached to contact the Division so that their views could be heard.<sup>1</sup>

Current research literature throws ample light on the demographic, social and economic factors which might have led people to enter prostitution. Reports of special commissions and committees in other Australian jurisdictions have investigated the risks of sex workers to contracting sexually transmissible diseases, the level of safe sex practices employed by the sex workers, and the extent to which they used drugs, alcohol and tobacco. In Queensland the Commission of Inquiry raised the matter of some police officers having corruptly and unfairly dealt with sex workers<sup>2</sup> (Fitzgerald Report 1989, p. 65). In surveying sex workers, the Commission sought to elicit their views on the operation and enforcement of the current laws, the inter-relationship between them and the police, and other matters.

A total of 73 sex workers - 66 women, five men and two transsexuals - all adults were interviewed. Attempts were made to select a few young people and contacts were made with a welfare agency dealing with homeless youth. The agency could not persuade any of its clients to participate in the survey and was unable to assist the Commission in this matter.

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1 "It is imperative that workers' views and perceptions about their own occupations be taken into account", submission to Criminal Justice Commission from Women's Legal Service, 17 April 1991.

2 "Although not all who were posted there engaged in misconduct, members of the Licensing Branch toured Brisbane's night-life, socializing and drinking in brothels, nightclubs and gaming establishments which were supposedly so difficult to enter, noting and participating in the various activities which they observed, charging prostitutes and sometimes receptionists (usually with their co-operation) on a rotational basis . . . More energetic treatment was reserved for those prostitutes and other offenders who were out of favour with individuals or groups within the Licensing Branch, and those who were not paying protection and whose competition was unwelcome to those who were."

## Previous Research in the Area

Surveys of sex workers suffer from a major limitation - it is difficult to obtain a representative sample of them for the simple reason that the universe of sex workers is seldom known. Studies which use sex workers undergoing prison sentences or treatment programs as subjects are even more restrictive, making generalisations extremely problematic.

The Inquiry into Prostitution in Victoria in 1985 interviewed 115 sex workers comprising 90 females, 23 men and two post-operative transsexuals. Its questionnaire covered four main areas - socio-demographic background, patterns of work, attitudes to the law and health aspects of prostitution (Final Report 1985, vol. 1, p. 73). The Inquiry found that about half the women interviewed had children. It also found that sex workers tended to have a low standard of education and few employment skills. Prostitution was the occupation that provided the highest income to people with few job skills. Among its other findings were that most street workers in their sample abused drugs and were likely to have come from disturbed or institutional backgrounds.

The Select Committee of the Legislative Assembly upon Prostitution in New South Wales did not conduct a survey but received written and oral evidence from witnesses. It examined such matters as the reasons people enter prostitution, sex workers' backgrounds and the adequacy of health and welfare services for them. While recognising that not all sex workers suffered traumatic childhoods, the Committee identified family poverty, child sexual assault, family conflicts over sexual identity and institutionalisation as predisposing factors for entry to prostitution.

In Canada, the Special Committee on Pornography and Prostitution (1985, vol. 2, pp. 376-378) held public hearings across Canada. Published in 1985, its Report found that street workers overwhelmingly cited economic factors as their main reason for entering prostitution. Some evidence it received indicated that sex workers have relatively lower levels of educational attainment in comparison with the general population. This did not equip them well for competition in the job market. When sex workers applied for jobs they were unlikely to mention the skills they had acquired from being in the business. Those who had been in prostitution for a time, especially those without children, faced the problem of explaining to employers the reasons for the gaps in their employment histories.

The Committee noted:

"... we are unable to answer the question of why in a group of people in virtually identical circumstances, some choose prostitution and others do not." (Pornography and Prostitution Report 1985, vol. 2, p. 377).



On the question of sexual abuse the Committee stated that:

"When we conclude, therefore, that prostitutes do not appear to have higher levels of being sexually abused as children, it is not because they are unlikely to have been abused, but because it appears to be such a common phenomenon in our society that the chance of any women reaching adulthood without being the victim of an unwanted sexual act is approximately one in two." (Pornography and Prostitution Report 1985, vol. 2, p. 373)

Silbert (1989) in a study of 200 female street workers found that many came from families that had the outward appearance of stability. Over 75 per cent reported that they went to church regularly and/or attended a church school. Forty per cent were raised by both mother and father. Yet despite the outward trappings of respectability, the study revealed a number of problems in the family. More than 50 per cent had a parent who drank to excess and 61 per cent were sexually abused as children by an average of two people each. Seventy per cent of those abused said that this affected their decision to become a sex worker.

Some collectives attribute problems sex workers experience to the criminalisation of the occupation rather than any predisposing factors:

"We are not victims of society, nor victims of the recession. We are not used, or abused by men, we don't feel bad, or guilty about our profession - we choose to be prostitutes. . . Often in good faith laws are introduced to protect prostitutes and their health. Recommendations to introduce such laws are often made by concerned women - social workers, bureaucrats, academics and old-style feminists who have never worked in their lives. We call them "do-gooders".<sup>3</sup>

To what extent this view is shared by the rank and file sex workers is difficult to ascertain.

## *Health*

There is some evidence that sex workers are less likely to use condoms in private sexual relations than at work. In so doing, they may place themselves at greater risk of contracting AIDS or becoming HIV positive because of their exposure to a greater number of sexual partners whose sexual histories they do not know. A survey (Perkins, Lovejoy & Marina 1990) conducted in 1990 of 153 female sex workers in Sydney, Canberra and on the New South Wales North Coast found that while 97 per cent of the women used condoms at work, less than 47 per cent did so during private sexual relations. The reasons sex workers gave for not using condoms in such circumstances were that condoms reminded them too much of work, that sex was more enjoyable without condoms and the belief that condoms were unnecessary in monogamous relationships.

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3 Prostitutes Rights Organisation for Sex Workers (PROS), Open Letter to the Sex Industry and Public Policy Conference, Canberra, May, 1991.

A Dutch study (Hookyaas 1990) found that with their non-paying partners 74 per cent of sex workers did not use condoms for oral contacts and 57 per cent did not use them for vaginal contacts. Unfortunately, the number of sex workers in the sample is not quoted. This would have helped to determine how general the findings might be.

There has been a general decrease in the incidence of sexually transmissible diseases among female sex workers who attended Australian public health clinics in the last few years (Donovan 1990). Some studies suggest there is a higher incidence of HIV among male sex workers than females (Elifson et al. 1989, 21, p. 832).

The risk of female sex workers becoming HIV positive appears to be higher if they have non-paying partners who are intravenous drug users, who share needles and/or are bisexual (Harcourt & Philpot 1990, p. 147). These risks may be in addition to previously discussed findings that most female sex workers do not use condoms in sexual relationships in their private lives because of their wish to distinguish between sex for money and sex for pleasure.

## *Drugs*

Use by sex workers of mood-altering drugs has always been a contentious issue. Commissioner Fitzgerald wrote.

"... there is every indication that some, and maybe many, prostitutes use and are addicted to dangerous drugs. There are also indications that the operators of prostitution supply addictive drugs both as payment of prostitutes and as a means of forcing their continued involvement." (Fitzgerald Report 1989, p. 192)

There are several possible links between prostitution and drugs: those who enter the trade to support a drug habit and those who use drugs to cope with tensions generated by the lifestyle, for example shift work and having sex with partners one may not like (Fitzgerald Report 1989, p. 151). In addition, there is a suggestion that some may be encouraged to acquire a habit through possible connections between prostitution and drugs that support organised crime.

## *Methodology*

For the purposes of this study a "sex worker" was defined as a person who offers sexual services for money or material gain.

Because sex workers are a clandestine group, their numbers are unknown. For this reason it was not possible to conduct a random or representative sample survey. Instead, a non-random procedure known as "snowballing" was used to contact potential respondents. This is a standard means of locating specific sub-groups for social/epidemiological research. "Snowballing" involves researchers establishing initial contact with a group of sex workers. These workers in turn provide introductions to others (Morrison 1988, 2, pp. 245-271).

A total of 73 sex workers were interviewed. Thirty-two were interviewed in Brisbane, seven on the Gold Coast, 11 in Cairns, and 20 in Townsville; three did not want to say where they worked.

The interview format consisted of a structured interview schedule. Most of the questions were pre-determined to standardise the format. This ensured that a similar list of questions was asked of each respondent. Standardised questions also provide an administratively convenient method of analysing the data.

The schedule was administered by trained interviewers. Face-to-face interviewing was chosen because answering can proceed more rapidly and any misunderstandings that may arise can be explained. Also, a more subtle set of responses sometimes arises in face-to-face contexts.

Most of the questions were designed to collect quantitative data such as the age of first entry into prostitution and whether the person had any children. This was to assist in developing a profile and to present a typical case study. The "typical" sex worker in this sample was female, left school at 15, entered prostitution in her late teens because she needed money to live or had few job skills. She is presently working for an escort agency or is self-employed and works from home.

Other questions were open-ended. These were intended to provide supporting qualitative data, for example how the person felt about working in prostitution. Another purpose of open-ended questions was to attempt to understand events from the sex worker's viewpoint, for example, if police harassment had occurred, what the circumstances of it were. The sex workers' collective SQWISI was consulted about aspects of the schedule. Ten pilot interviews were conducted before the format of the interviews was finalised.

The respondents were assured of confidentiality and anonymity. They were also informed that the purpose of the study was to assist the Criminal Justice Commission to make recommendations to Parliament about the laws relating to prostitution. They were told they did not have to answer any questions with which they did not feel comfortable. Most interviews took 45 minutes to an hour, although in some cases where sex workers had well-developed views they wished to impart to the Commission the interviews took longer.

The Commission received requests from different sources to employ sex workers to do the interviews. However, after giving this considerable thought, it was decided to use Commission staff and trained professional interviewers. It was felt that by using interviewers who were unconnected with prostitution, sex workers would be more inclined to convey candidly their attitudes and opinions.

After a few had participated in the survey and saw that it did not constitute a threat, they introduced interviewers to some of their co-workers. SQWISI assisted the Commission to contact sex workers for the survey. A number of sex workers also contacted the Commission on their own initiative because they

heard it was doing a survey and wanted to participate. Some sex workers who advertised in newspapers and the *Yellow Pages* were telephoned and invited to become involved.

### *Methodological Limitations*

The data obtained from these interviews is subject to qualification. Ideally the sample should have been larger but there were a number of constraints which did not permit this. Another limitation of the sample was that the numbers of respondents who work in different prostitution settings may not be representative of prostitution in Queensland.

There are several possible areas of bias which need to be taken into account when interpreting the results. As with all social research, respondents, for example:

- may wish to depict themselves in a favourable light; and
- may not like to discuss painful experiences.

In regard to the first of these qualifications, the wish of sex workers to depict themselves in a favourable light, it appeared that most of the respondents attempted to answer questions accurately. Some respondents declined to answer a few questions and this appeared to be related to traumatic experiences.

It may be that the sex workers who agreed to speak to the Commission were the articulate and socially aware ones and perhaps may not be representative of sex workers as a whole.

### **Results**

Because there are fewer than 100 in the sample, it was felt a discussion of percentages would not be particularly meaningful. As there were so few males and transsexuals in the sample, comparisons in the responses between different sexes are not reviewed separately unless otherwise stated.

### *Demographics*

The age distribution for those interviewed was between 18 and 50. The tri-modal<sup>4</sup> ages were 28, 29 and 34. Despite the range of ages the oldest had not necessarily been in prostitution the longest. One person who was aged 48 started when aged 45, to pay business debts. Some women had entered in their thirties with the aim of earning enough money to ensure themselves a secure future.

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4 The mode is the score which occurs most frequently.

Thirty-six respondents had never married, 19 were married or in de facto relationships, five were separated, 11 were divorced and two were widowed. Nineteen out of 66 females had dependent children. Among the 19 who had children, 13 gave their reason for entering prostitution as "needed money to live".

Respondents worked in different settings. Table 6.1 shows by whom the 73 sex workers were employed. Two-thirds either worked for an escort agency or were self-employed.

**Table 6.1**  
**SHOWING SEX WORKERS' EMPLOYERS\***

	ESCORT AGENCY	SELF - EMPLOYED AT HOME	SELF- EMPLOYED AT HOME AND ESCORT	MASSAGE PARLOUR	BROTHEL	NOT CURRENTLY WORKING OR OWNER
NUMBER	28	20	9	5	1	10

*\* Explanation of Who Employed Sex Workers*

*Escort Agency.* This refers to a service where a sex worker meets a client at a pre-arranged venue for the purpose of providing social and sexual services.

*Self-employed at home.* This refers to a self-employed sex worker who operates in private premises. The person may work with other sex workers for support and protection.

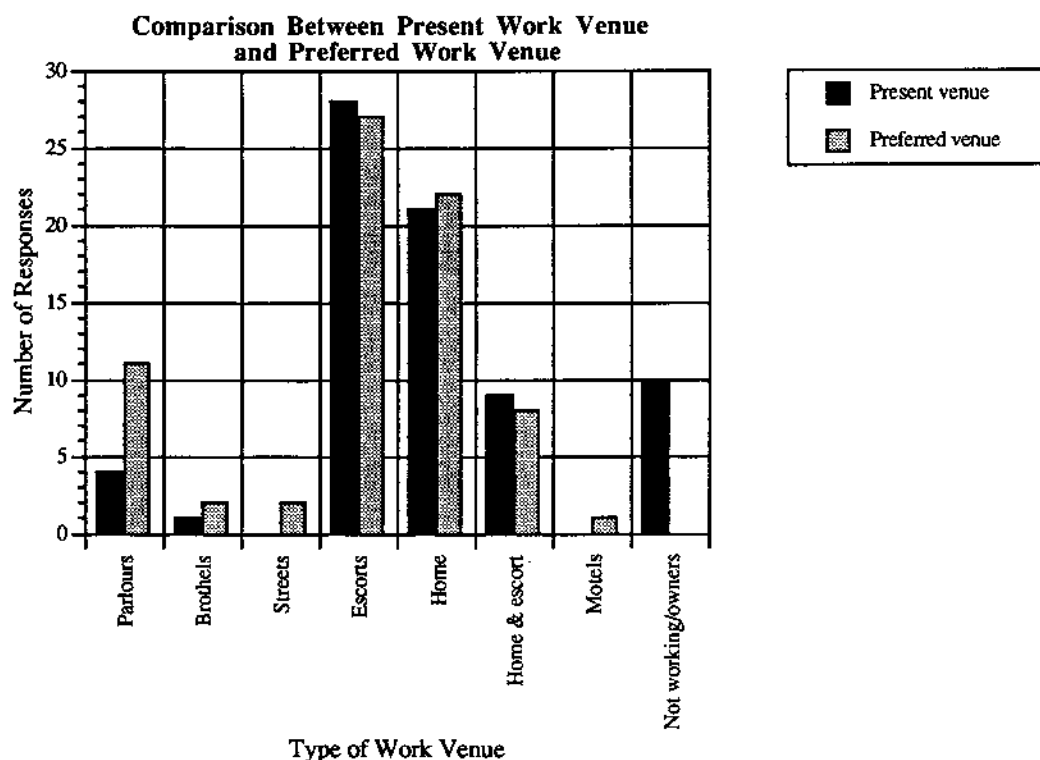
*Self-employed at home and escort.* This refers to those self-employed sex workers who operate in and from private premises.

*Massage parlour.* This refers to a place which is held out as offering massage, however all those included in this survey also offer prostitution.

*Brothel.* This refers to a premises maintained for the purpose of prostitution in which two or more sex workers operate.

Figure 6.1 shows a comparison between the preferred work venue with the venue where sex workers are currently working.

**Figure 6.1**



A cross tabulation was also carried out and it showed a high concordance between the preferred venue and the present venue. Of those who stated a preference, 21 out of 24 escorts and 14 out of 20 home workers had a preference for their current work venue. It would therefore appear that sex workers do not find it difficult to select their preferred place of work.

Some preferred to work as escorts because they liked meeting clients from different backgrounds, and enjoyed dressing in a glamorous way. Others liked to work at home because of the flexibility it gave them to combine work with home activities. A few enjoyed the streets because they felt it gave them freedom to choose their clients, but felt vulnerable to prosecution.

## *Feelings About Working in Prostitution*

The respondents were asked how they felt about working in prostitution. The positive and negative responses to this question are set out below in Table 6.2. If they answered positively they were asked if there was anything they disliked about prostitution and vice versa.

**Table 6.2**

### **POSITIVE AND NEGATIVE RESPONSES TO PROSTITUTION**

<b>Positive Responses</b>	<b>Number</b>
The money	26
Working for self	6
Independence	6
Pleasing clients	6
Public service	6
Meeting people	5
Flexibility of working hours	1
Nothing positive about it	1
No positive response	16
<b>Negative Responses</b>	<b>Number</b>
Drunken/rude clients	10
Illegality	7
Social stigma	7
Working conditions	5
Having sex with men	5
Discrimination against women	4
Insecurity	3
Greedy/unscrupulous pimps	3
Violence towards women	2
Low self esteem	2
Being touched by men	2
Fat/ugly clients/obnoxious	2
Being arrested	2
Bitchiness between workers	2
Having sex for money	1
Deviant clients	1
Fear of AIDS	1
Clients who don't want to use condoms	1
Organised Crime	1
No negative response	12

*Note:* Respondents could give more than one response.

Twenty-six out of the 73 respondents gave money as the main reason for liking the occupation. Six felt they were providing a public service by keeping potential sexual offenders off the streets. Six of the respondents said they enjoyed working for themselves and another six liked the independence the work gave them.

Other positive responses included pleasing clients; there were six who gave this response. Five respondents said they enjoyed meeting different clients.

The aspects of prostitution which respondents did not like were drunken and rude clients; there were 10 who said this was the aspect they most disliked about prostitution. Seven respondents said they disliked the illegality of prostitution and another seven said they disliked the social stigma associated with it. Other reasons included poor working conditions and having sex with men.

### *Clients and Money Earned*

The median<sup>5</sup> number of clients in a "good week" was 15; the range was between three and 100. One claimed to have 100 clients in a good week; the next highest number of clients was 70. In a slow week the median number of clients was five; the range being from zero to 20. The median income in a "good week" was \$1000; the range was from \$150 to \$3500. In a "slow week" the median income was \$300; the range being from \$100 to \$1500.

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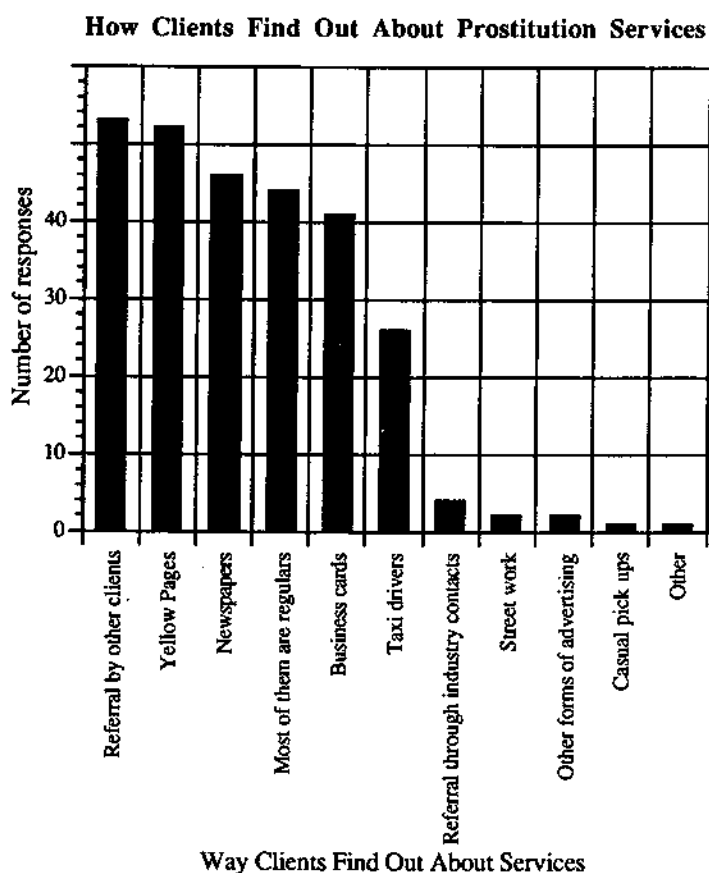
5 The median is the category which is occupied by the middle person. It is the number which has the property of having the same number of scores with smaller values as there are larger values.



### *How Clients Found out about Sex Workers' Services*

Respondents were asked how they informed clients about their services, and their methods of informing them are set out in Figure 6.2. It can be seen that there were several ways in which sex workers made clients aware of their services. All sex workers used more than one method. The most commonly used one was by referral from other clients, followed by advertisements in the *Yellow Pages* and newspapers. Many said they had a regular clientele. Business cards were also a popular way of informing clients.

**Figure 6.2**



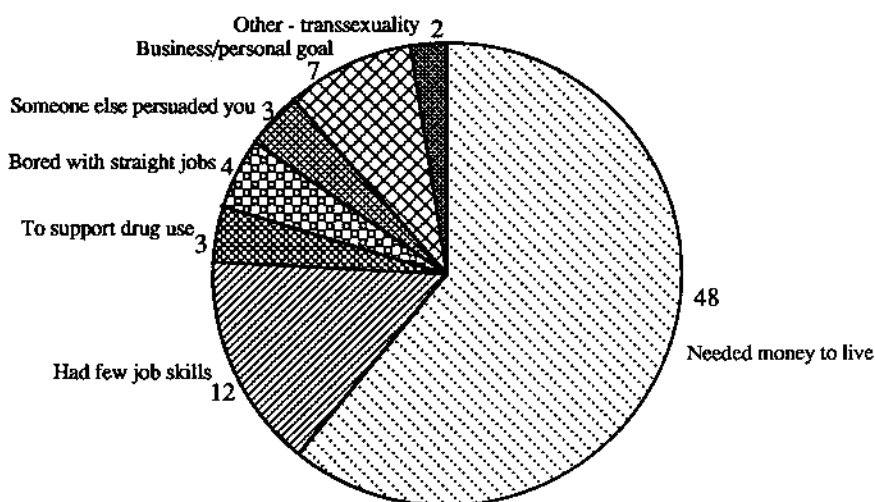
*Note:* Respondents could choose more than one option.

### *Reasons for Entering Prostitution*

The reasons given for entering prostitution are set out in Figure 6.3. It can be seen that the majority of sex workers entered the occupation "because they needed money to live". The next most common reason was "had few job skills". Studies of sex workers in other States and in Canada, also found these two factors to be the main reasons why people enter prostitution. Three said they entered to support drug use. Not one sex worker said he/she entered prostitution because he/she enjoyed or liked it.

**Figure 6.3**

#### **Reasons for Entering Prostitution**



*Note:* Respondents could give more than one reason

The following two cases illustrate different reasons for which women entered prostitution. The cases are chosen because they typically illustrate prostitution as an occupation of last resort and prostitution as a career choice. The names used are not their real or their working names and any identifying details have been altered. The cases depicted are composite cases. The details are derived from a number of different respondents' histories. No feature which might identify any individual person is used:

### *Case 1*

"Cassandra" is 36 years old and widowed. Her children are in their late teens and one of them is still a student and dependent on her. She herself was brought up by her natural parents. She left school at 15 and started work as a hairdresser. After completing her apprenticeship she did a variety of jobs including working in the travel industry, receptionist work, fishing on a trawler and leading overlander tours in the outback.

She entered prostitution four years ago with the aim of establishing herself in her own business. Among her clients there are several handicapped men to whom she feels she provides a community service. She feels the present laws make women feel ashamed of what they do and that is unfortunate. In addition to working in prostitution, "Cassandra" also has a legitimate business and she is proud of her acumen and skill in this area. She says her main problem is lack of sleep and she attributes this to her hard work.

### *Case 2*

After completing High School and leaving home at the age of 14 with limited job skills and experience, "Abbey" felt there was no other option but to enter prostitution in order to survive.

During her childhood "Abbey" was brought up by her mother who was a single parent. She was regularly sexually abused as a child. Those who abused her were friends of the family or relatives and "Abbey" felt that she could not tell her mother about it.

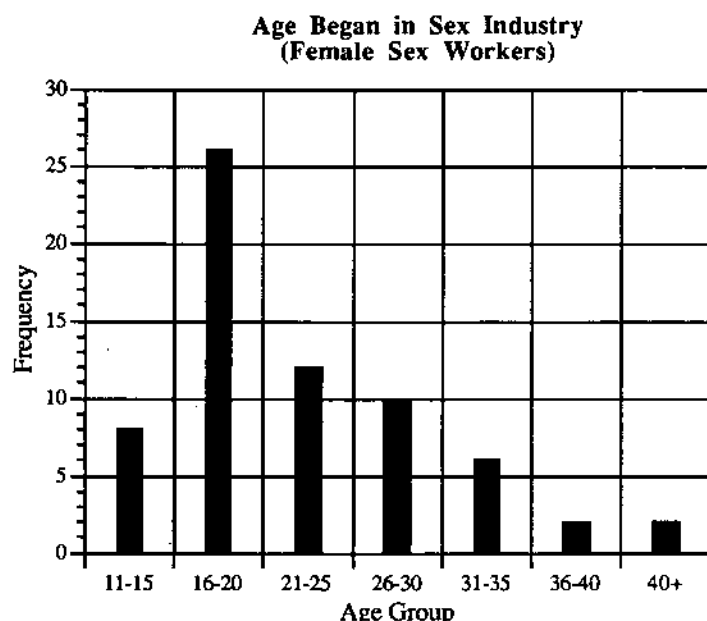
She has often left prostitution taking on low-paid unskilled jobs such as factory work and being a housemaid, and returned to prostitution from time to time. After marrying and having a family, "Abbey" ceased prostitution. It was not until she separated from her husband that she re-entered. Although her children are not dependent upon her "Abbey" has established investments for their futures. The money for these funds is obtained from a "straight" job that she holds in addition to prostitution. She says that she had to return to prostitution because she needed more money and has few job skills.

## *Age of Entry into Prostitution and Age Left Home*

Figure 6.4 shows the ages at which respondents entered prostitution.

The age range of entry was between 11 and 45. The median age at which respondents began working as sex workers was 20.

**Figure 6.4**



Nine females entered prostitution between the ages of 11 and 16. Four of them had been sexually abused as children.

In the entire sample, twenty of the females said they had been sexually abused as children, mostly by male relatives or friends of the family.

The following cases are illustrative of two persons who entered prostitution before the age of 15. Again, the cases are composites, compiled from the details of several histories. The names used are fictitious.

### *Case 3*

Placed in an institution as an infant, "Tammy" lived there until she was 10. She then went to live with her mother. She was sexually abused by her mother's partner. "Tammy" left home as soon as she could to escape the abuse. Being homeless and below the legal working age at which an employer could offer her a job, she entered prostitution at the age of 13.

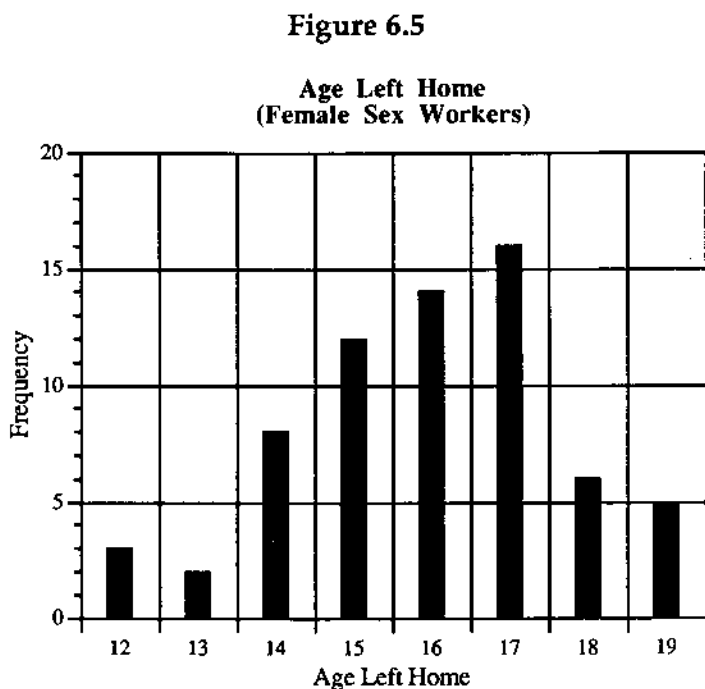
"Tammy" said she does not like the work but feels she needs the money to survive. She also feels the social welfare and education systems have let her down. "Tammy" says opportunities for finding other jobs are limited. She does not think a potential employer would be sympathetic to the fact that she has been in prostitution for the last 10 years.

#### Case 4

"Skye" spent most of her childhood with her natural parents. Following her mother's re-marriage, "Skye" left home and school when 14 years old. She obtained work as an artist's model and was soon persuaded to undertake prostitution on a part-time basis. While holding other jobs such as snack bar assistant and receptionist, she was in and out of prostitution. She was rearing three children on her own following her divorce.

"Skye" has a positive attitude towards her job. She likes being appreciated by men and considers she provides many with sexual therapy and counselling.

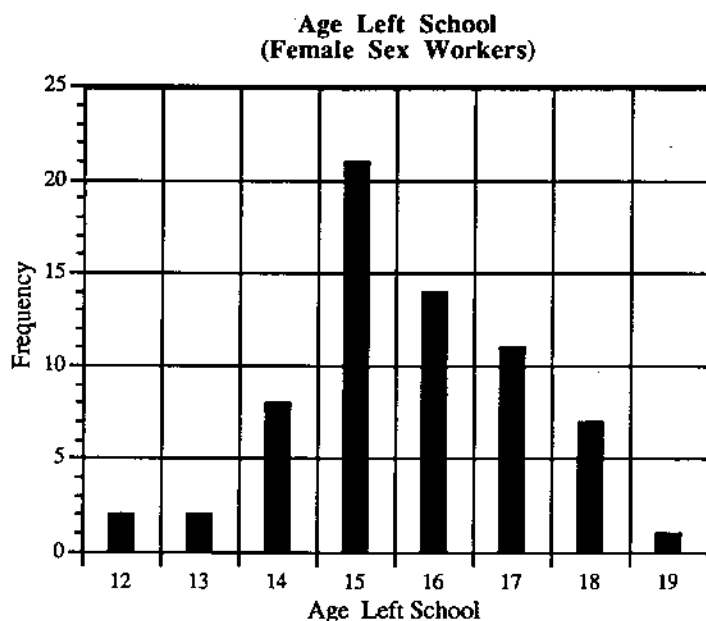
Figure 6.5 below illustrates the ages at which those in the sample left home. Most left between 15 and 17. A few left between 12 and 13; 11 were still at home between 18 and 19.



### *Age Left School and Highest Educational Attainment*

Fifteen is the legal school leaving age and 13 respondents left school before then. Cross-tabulations showed one to have entered prostitution prior to leaving school, three at the same age as leaving school and two within 12 months of leaving school. Figure 6.6 shows the age at which respondents left school.

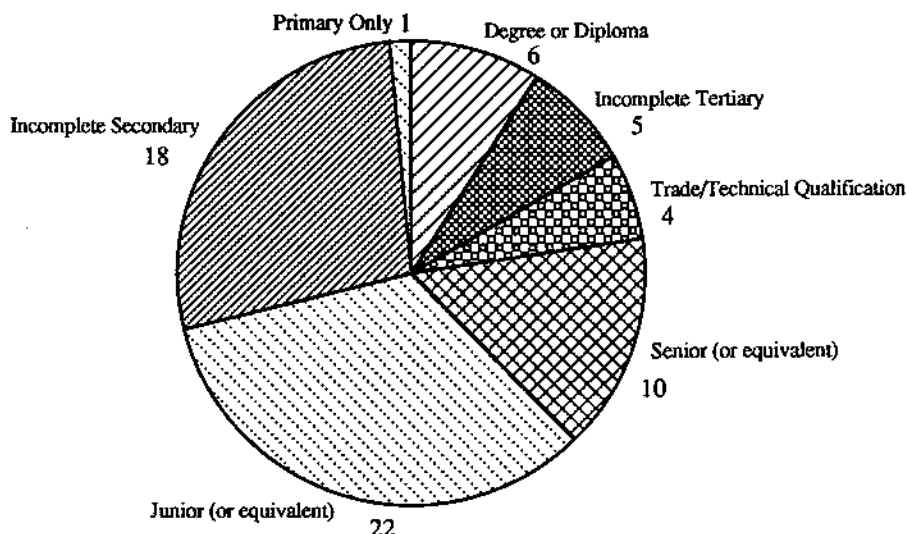
**Figure 6.6**



From Figure 6.7 it can be seen that 41 did not complete senior or equivalent, 10 completed senior or equivalent and 10 attained some further qualification. This further qualification includes a degree or diploma or some trade or technical qualification. A massage certificate is included in the trade qualifications. Thirteen left home before they were 15. They did a variety of unskilled jobs such as bar and factory work, and shop assistant.

**Figure 6.7**

**Highest Education Level Achieved  
(Female Sex Workers)**



### *Health*

Health has become a major issue in the prostitution debate and one of the main concerns of the Queensland community is the issue of compulsory health checks. When sex workers were asked if they thought that health checks should be compulsory, 64 out of the total 73 said that they should be. Thirty believed they should be compulsory because there was a need for early detection of sexually transmissible diseases; 16 said not all sex workers were responsible and some would need to be compelled to go. These results are generally indicative of a widespread concern for their own health and that of other sex workers.

Sex workers were also asked how often they attended clinics for health checks and more than nine out of 10 reported that they attend voluntarily at least once every six months.

**Table 6.3****FREQUENCY OF SEX WORKERS' ATTENDANCE FOR HEALTH CHECKS**

	NO. OF CHECKS UPS	MONTHLY	BI- MONTHLY	TRI- MONTHLY	SIX- MONTHLY	ANNUALLY
STDs	2	37	18	13	3	-
AIDS	2	24	20	21	5	1

From Table 6.3 it can be seen that half the sex workers said they went for health checks for STDs monthly and one-third said they had an AIDS test monthly. Two did not attend for health checks within a period of 12 months; one of these was a manager and one was a sex worker.

Whilst there is still considerable debate about the value of compulsory health checks, it appears from the above data that sex workers are conscious of the health risks and are willing to accept any reasonable suggestion designed to minimise these risks.

Almost all the sex workers (72 out of 73) said they used condoms all the time for vaginal and anal sex. The most common services for which condoms were not used were hand relief, "string of pearls" or between the breasts and B & D (bondage and discipline). Some of those who did not use condoms for B & D, said this was the case when there was no genital contact.

Of the 56 who had non-paying sexual partners, 35 never used a condom in their private lives; 17 used them "with all sexual partners all the time"; 12 used them "with all casual partners" and seven used them "with all casual partners all the time". In reply to an open-ended question the most common reasons given for not using condoms were not liking the restriction of a condom and that both partners had been tested and were free of AIDS.

Three out of 73 said they shared needles; one with a regular sexual partner and two with other workers.

In an attempt to identify any occupational stresses involved in prostitution respondents were asked if there were any medical and psychiatric conditions from which they suffered. These are set out in Table 6.4. Of the 73 interviewed the most common medical condition was asthma with 14 respondents having it. Some felt their asthma was stress related, while others had suffered from it as children. Psychiatric conditions included 11 who had depression. Three suffered panic attacks with agoraphobia and three had a generalised anxiety disorder. It cannot be said whether these psychiatric conditions were a result of involvement with prostitution.



Sex workers were asked if they experienced any symptoms of stress, in addition to medical or psychiatric conditions. The replies are set out in Table 6.5. The most common symptom experienced was disturbed sleep, with 23 of the 44 respondents, experiencing it regularly and the others having it occasionally. Forty-two respondents suffered from loss of energy and 40 from fear or anxiety. Many respondents attributed these symptoms to shiftwork.

**Table 6.4**

**MEDICAL AND PSYCHIATRIC CONDITIONS EXPERIENCED BY  
SEX WORKERS AS DIAGNOSED BY THEIR MEDICAL PRACTITIONER**

Asthma	14
Sinusitis	3
Migraine	5
Epilepsy	1
Cancer	2
Hepatitis	2
Back Problems	1
Glandular Fever	1
Thalassaemia	1
Depression <sup>6</sup>	11
Eating Disorder	1
Panic Attacks with Agoraphobia	3
Generalised Anxiety Disorder	3

*Note:* Of the 15 sex workers who had psychiatric conditions, some had more than one.

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<sup>6</sup> Two of the sex workers surveyed had diagnosed themselves as experiencing depression.

**Table 6.5****SYMPTOMS OF STRESS EXPERIENCED BY SEX WORKERS IN THE SAMPLE**

	Number Experienced	Regularly	Occasionally
Disturbed Sleep	44	23	21
Want to Sleep All the Time	21	10	11
Poor Appetite	25	13	12
Binge Eating	24	7	17
Loss of Energy	42	22	20
Difficulty Making Decisions	29	15	14
Difficulty Maintaining Weight	24	14	10
Feeling Hopeless	33	12	21
Fear/Anxiety	40	17	23
Not Feel Good About Oneself	37	12	25
Self-Induced Vomiting	4	1	3
Relationship Problems	16	7	9
Lack of Sexual Responsiveness with Non-Paying Partners	15	4	11
Social Stigma	37	11	26

The mood-altering drugs used by sex workers are displayed in Table 6.6. It can be seen that a very high number of sex workers used tobacco. They said they used it to relieve tension and boredom while waiting for clients. Nineteen out of the 73 sex workers also said they currently use marijuana; 59 admitted having used it at some time. The next most commonly used drug was methadone. Relatively few, only 10 out of the 73, reported that they currently use alcohol.

**Table 6.6**

**USE OF MOOD-ALTERING DRUGS BY SEX WORKERS**

SUBSTANCE	CURRENT USERS	TOTAL WHO EVER USED
Tobacco	59	67
Marijuana/Hash	19	59
Methadone	11	21
Alcohol	10	66
Heroin	6	26
Benzodiazepines	5	37
Amphetamines	3	52
Anti-Depressants	3	21
Amyl Nitrate	3	20
Barbituates	1	16
L.S.D./Acid	-	36
Magic Mushrooms	-	29
Cocaine	-	24
Morphine	-	17
Ecstasy	-	14
Pethidine	-	13
Codeine (non-medicinal)	-	12
Cough Suppressants (non-medicinal)	-	7
Mescaline	-	4
Other	-	4
Crack	-	2
Angel Dust	-	2

*Relationships with the Police*

Thirty-four considered they had been harassed by the police. This most often took the form of verbal abuse or foul language. The next common form of harassment was confiscation of money or property.

## *Rape and Violence*

Nineteen said they had been raped while working. Not all chose to discuss the circumstances but among those who did, the most frequently reported case was where one sex worker went to an address where more than one man was waiting and forced intercourse took place.

## *How Sex Workers Would Like to See Current Laws Changed*

The following options on law reform were given to sex workers:

- Registration of sex workers. This options means you would have to obtain a licence in order to work legally. You would also have to provide personal details when applying for a licence.
- Licensing of premises. Instead of licensing individual sex workers this option requires the owner of a business to obtain a licence and provide personal details when applying. A sex worker should be able to work legally in a licensed premises.
- Licensing of both Sex Workers and Owners of Premises.
- A System of Negative Licensing Under this option, anyone can operate as a sex worker or owner of a business unless they have been banned.
- Sex workers and their businesses should operate under the same laws as other businesses, for example, town planning regulations.

Table 6.7 shows that licensing of premises was the common option chosen by the sex workers for regulating prostitution. The next most popular choice was that prostitution should be regulated the same as other businesses.

Cross-tabulations showed there was not a great deal of consistency in their views regarding who should supervise prostitution. Twenty of those who thought that prostitution should only be subject to the same laws as other businesses, also thought prostitution should be supervised jointly by sex workers' collectives or groups and the government.

None of the sex workers wanted the police to supervise prostitution.

**Table 6.7**

SHOWING SEX WORKERS' VIEWS ON HOW PROSTITUTION  
SHOULD BE ORGANISED AND WHO SHOULD SUPERVISE IT

HOW PROSTITUTION SHOULD BE ORGANISED	WHO SHOULD SUPERVISE				
	SEX WORKERS' COLLECTIVE	POLICE	GOVT. AGENCY	JOINT SEX WORKERS AND GOVT.	NO SUPER- VISION
Registration of Sex Workers	1	0	0	7	0
Licensing of Premises	14	0	0	15	1
Licensing Workers and Premises	3	0	0	12	0
Negative Licensing	7	0	0	9	0
Same as Other Business	5	0	1	20	2
Should Remain Illegal	2	0	0	1	1

*Note:* Respondents could choose more than one option.

## *Changes in Prostitution Noted By Sex Workers Since The Commission of Inquiry*

Respondents were asked if they had noticed any changes in prostitution since the Commission of Inquiry. They remarked that nothing seemed to have changed. Some of the major operators in prostitution have opened new establishments and this is seemingly unchecked. They noted that some of these operators were still using violence, threats and intimidation against sex workers and did not provide employees with good working conditions.

Some sex workers said they had more fears of prosecution now because owners were not paying protection money. They said police activity was more covert and there were no warnings when you were going to be "busted".

Following the announcement of the Commission of Inquiry and its aftermath, some sex workers said they changed their work venues and became more discreet.

Even though they felt working as an escort or working from home alone might expose them to more danger, they still preferred to work in these ways because they were working within the law.

## **Discussion**

The finding that so few sex workers use condoms in their private lives is in keeping with other studies such as that by Perkins et al. (1990).

The ways sex workers inform clients about their services, using referral by other clients and the *Yellow Pages* as the most common methods, may reflect the composition of the sample. There was, for example, only one brothel worker.

Forty-five respondents in the sample had neither a mortgage, nor investments, nor superannuation. This conforms with the findings of the Victorian Inquiry that sex workers appear not to have many assets (Final Report 1985, p. 79). Only 12 of the 73 had mortgages. This could reflect the difficulty some sex workers report in obtaining mortgages because of their occupation.

The fact that the majority gave their reasons for entry to prostitution as "needed money to live" and had "few job skills" may indicate that people have recourse to prostitution if they have few other alternatives. This is in keeping with findings in the Canadian Report (Pornography and Prostitution Report 1985, p. 363).

Contrary to popular opinion, a very small number said they entered to support a drug habit.

The fact that 20 out of 66 women said they had been sexually abused is lower than findings in Silbert's study (Silbert 1989). It could be that the experience of

abuse is too traumatic to be consciously recalled or in a study with the purpose of law reform some respondents may have tried to present themselves in a favourable light. It could also be the fact, as some of the case studies illustrate, that more people are choosing prostitution as a career and a business option. However, according to one study already discussed, other predisposing factors were physical abuse and having a person with a drinking problem in the home and these matters were not addressed.

A number experienced symptoms of stress such as loss of energy (42), fear or anxiety (40), and not feeling good about oneself (29). This may suggest either occupational stresses present in prostitution or pressures away from the workplace. It is not known if other occupational groups have similar levels of stress.

Queensland Health in conjunction with the University of Queensland is conducting a survey of some 300 sex workers. It will be interesting to see if these results are verified in a larger sample.

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## CHAPTER SEVEN

### PROSTITUTION IN NEW SOUTH WALES \*

#### **Introduction**

This review of prostitution in New South Wales draws extensively from research conducted over the last 10 to 12 years. Until 1979 there had been little research conducted into prostitution in New South Wales. The last decade has seen a great increase in the number of research studies. Most of this work is of exceptionally high quality and has increased our understanding of the industry greatly. There are still, however, many grey areas and questions unanswered. The empirical examination of an illegal industry is fraught with difficulties and thus many of the conclusions offered in the present report are tentative. Notwithstanding these qualifications, the following sections attempt to examine and evaluate the key features of the prostitution industry in New South Wales. Section 2 of this chapter is largely concerned with the health and welfare aspects of prostitution, section 3 with the law and law enforcement. Such a neat division is not, of course, sustainable beyond the descriptive level. An analysis of the industry to determine appropriate policy measures must draw on the interrelationships between the law, law enforcement and health and welfare.

#### **Health And Welfare Aspects Of Prostitution In New South Wales**

##### *Introduction*

The emergence of HIV infection as the most serious threat to public and individual health in the State for many decades has stimulated a rapid growth in the published information on sex workers and the sex industry in New South Wales. The structure of the industry was thoroughly documented in the Report of the Select Committee Upon Prostitution (1986). Since that time a number of research projects have been undertaken resulting in a range of publications on demographic, social and health aspects of prostitution.

Awareness of AIDS has also led to some significant behavioural changes within the industry. However, because sex workers are far from homogeneous there is great variation in the way each sector has responded to the crisis.

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\* This chapter was prepared by Dr. Sandra Egger and Ms Christine Harcourt as external consultants to the Commission.

## *The Sex Industry in New South Wales*

The vast majority of sex workers are females but a significant (though unquantified) number of males, and approximately 100 transsexuals, are also engaged in prostitution in this State.<sup>1</sup> The Select Committee of the Legislative Assembly Upon Prostitution estimated that on one day (in 1985) there might be between 1500 and 2200 female sex workers working in all types of prostitution in New South Wales. Five years later, Lovejoy et al. 1991 concluded that there were still approximately 1500 female sex workers working at any one time (Lovejoy et al. 1991, p. 5).

### *Age of Workers*

In spite of frequent publicity about child prostitution in New South Wales few sex workers are aged under 16. Most are between 21 and 30 years with a median in the late 1920s. A few women continue to work over the age of 50 (Philpot et al. 1988, pp. 193-197). A recent study showed that most female sex workers entered under the age of 16 and a similar proportion entered over the age of 35 (Lovejoy et al. 1991, p. 7).

### *Parlours*

Almost 70 per cent of female sex workers work in parlours (brothels) which vary considerably in style and size. They are located throughout the Sydney metropolitan area, in Wollongong, Newcastle and a number of rural towns.

Within Sydney, approximately one third are concentrated in the inner suburbs surrounding the Central Business District. Many of these cater, more extensively than their suburban counterparts, for profitable tourist business and professional clients. A few are well known to the general public and are easily identifiable to the casual observer, but most parlours operate unobtrusively in inconspicuous suburban houses or above small retail outlets. They rarely excite much attention from the local population.

The Select Committee estimated the total number of parlours in the State to be 261 (Select Committee 1986, p. 62). Recently, however, a much reduced estimate of 'no more than 100' was cited (Lovejoy et al. 1991, p. 5). This figure probably does not include all the 'massage parlours' which offer sexual services and often advertise in the ethnic press.

A separate count of these advertisements in Asian language papers has revealed 37 premises advertising in recent weeks and it is believed there are many more uncounted.<sup>2</sup>

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1 Personal communication from staff at the Sex Workers Outreach Project (SWOP), Riley Street, Surry Hills. Project funded by the AIDS Bureau and the New South Wales Department of Health and administered by the AIDS Council of New South Wales (ACON).

2 Personal communication from Ms Robyn Louie, Multicultural Health Promotion Officer, AIDS Bureau, New South Wales Department of Health.

There are six male brothels operating within the central and eastern suburbs of Sydney, but recent attempts to open a male brothel in the western suburbs aroused a good deal of opposition and the attempt was abandoned.

In general, parlour workers are the most accessible to health professionals and researchers, both in the work place and because many of them regularly attend public STD clinics. They are also the group which seems to have responded most significantly to AIDS education campaigns. They have currently, a low risk of HIV infection and appear to have reduced their risk of contracting other STDs by the adoption of safer sex practices, and in particular, by a very significant increase in the use of condoms for vaginal sex with paying clients.

There are however a number of parlours, employing mainly Asian women under a repressive contract system, which have a poor health record. Their managers often are hostile towards the sex worker support groups and outreach workers who have been instrumental in improving the conditions in other parlours.

The male brothels in Sydney seem to be well run and have few major health problems. Outreach workers report that condom use is high and safer sex practices are generally adhered to.<sup>3</sup>

Sex workers in parlours are usually required to conform to a number of house rules including having regular sexual health checks and abstaining from injecting drug use (IDU) and overt substance abuse (Philpot, Harcourt & Edwards 1989, pp. 499-506).

### *Escorts*

Some parlours offer occasional escort service by some of their employees, who at other times work in house. Most escorts however, work through an agency which contacts them by phone.

Approximately 12 per cent of sex workers in New South Wales work exclusively as escorts. Women working as escorts are less well documented than parlour workers as they often use private doctors for their check-ups and are less accessible to outreach programs. However, there is no evidence that their health is any worse than that of parlour sex workers and it is generally assumed that they benefit from having fewer clients per week than do most parlour workers.

Nevertheless the situation for escorts is potentially dangerous because they work alone on the client's own territory and therefore are vulnerable to coercion.

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3      Personal communication from staff at SWOP.

### *Private Workers*

A similar proportion of female sex workers prefer to work independently on their own premises and, as with escorts, little is known about their health or work conditions. They are often also alone (although some employ receptionists or one or two other workers) but they have the advantage of being 'at home' and of controlling the initial phone contact with the client.

However, it is of concern that private workers have many 'regular' clients with whom they are less diligent in practising safer sex (Harcourt & Philpot 1990, p. 143).

### *Other Sex Workers*

A very small number of sex workers work in bars, clubs and hotels. Their work conditions vary with the location but their situation is similar to that of some escorts.

There is an even smaller number of fantasy and bondage and discipline (B&D) specialists. Those workers rarely engage in penetrative sexual intercourse with their clients. Consequently they have few STDs, but their work is very stressful and generally physically demanding.

### *Street Workers*

Up to 10 per cent of female sex workers in New South Wales work by soliciting clients on the street. Services are provided in cars, alleyways or lanes, or in nearby safe houses where rooms are rented on a casual basis. Some street prostitution takes place along highways in the western suburbs, but this arouses a great deal of opposition from authorities and some local populations, and a concerted effort is made by police and local councils to restrict street soliciting to the Kings Cross/Darlinghurst area (a de facto "red light" district).

The greatest health problems are associated with male, female and transsexual street workers. A high proportion of all street workers (90 per cent or more) are severely socially and economically disadvantaged, have a high level of substance abuse and injecting drug use (IDU) and are at a great risk of physical abuse from the clients and passersby. They generally lead very haphazard and disorganised lives and rarely present for check ups and regular health care. However, female street workers do report a high level of condom use by their clients (Select Committee 1986, pp. 166-167).

### *Male Sex Workers*

Young male sex workers are most likely to solicit on the street or in bars, clubs and amusement arcades. Relatively few men work in the male brothels mentioned previously.

### *Transsexual Sex Workers*

Transsexual sex workers similarly, work on the street in Darlinghurst. A small number also work in Newcastle and one or two other towns. Also there may be 20 more who work in female brothels where it is said there is increased demand for some of the services (oral and non-penetrative masturbatory sex) which they traditionally supply.

Both males and transsexuals form a transient sex worker population, moving frequently in and out of the industry.

### *Sexually Transmissible Diseases*

#### *HIV Infection*

There is still no documented case of a female sex worker in Australia receiving or transmitting HIV infection during sexual intercourse with a client. In New South Wales, those women identified as sex workers who are known to be HIV infected, all have IDU as a possible mode of transmission (Donovan 1990, pp. 17-19).

It is estimated by outreach workers (from SWOP and Kirketon Road) that fewer than 20 currently active sex workers, including males, transsexuals and females, are infected with HIV. Nearly all of these work on the street and the females and transsexuals who are infected are all known IDUs. There is a greater likelihood however, that some of the young males have become infected through their sexual activity.

Sydney Sexual Health Centre has records of over 1450 female sex workers who have been tested for HIV antibody since 1985 and none have been found positive. Lovejoy's recent State-wide study of 280 female sex workers similarly found no HIV positive individuals (Lovejoy et al. 1991, p. 21). Over 70 per cent of women in both groups worked in parlours.

#### *Condom Use*

The low HIV infection rate among female sex workers may be attributed in some part to the low level of infection in the heterosexual population as a whole (Australian HIV Surveillance Report 1991, vol. 7, Supplement 2). There has also been a very considerable increase in condom use by parlour sex workers (male and female) since 1986.

A study in Sydney in the late 1980s attributed this change 'to AIDS publicity and the education work of health professionals and the Australian Prostitute's Collective (APC)' (Harcourt & Philpot 1990). The APC was funded by the State Government between 1986 and 1989, and built up a considerable rapport and influence with most sectors of the industry, including many managers.

Prior to 1986 it was generally accepted that most independent workers (including street workers) were better able to negotiate with their clients for safer sex (by using condoms) than were parlour workers who were subject to the wishes of their managers (Select Committee 1986, pp. 163-167).

In 1985 staff who were working at the Sydney Sexual Health Centre (formerly Sydney STD Centre) estimated that less than five per cent of female sex workers insisted on their clients using condoms for vaginal intercourse (Philpot et al. 1985). By 1987 this figure had climbed to 46 per cent. In 1988, 87.8 per cent of respondents to a questionnaire said they used condoms always with paying partners (Harcourt and Philpot 1990, p. 145). Even more recently 97.5 per cent reported using condoms at work in a study of 280 female sex workers (Lovejoy et al. 1991, p. 15).

It was also apparent to investigators that most parlour managers were encouraging condom use on their premises as they had become convinced that it was essential for the economic survival of the industry.

Over 70 per cent of the subjects in all these studies were parlour workers, but they also included escorts, private workers, and a small number of street workers.

#### *Private Partners and Personal Relationships*

Although they may use condoms consistently with paying clients, female sex workers are much less likely to use them in their private relationships, or as indicated above, with 'regulars' (Philpot et al. 1988; Lovejoy et al. 1991, p. 19).

Lovejoy et al. found sex workers reported that they more often contracted an STD from a private partner than from a client (Lovejoy et al. 1991, p. 22). This is of some concern because it appears that up to one third of female sex workers may have had a recent partner who was himself at risk of HIV infection from bisexuality or IDU (Philpot et al. 1988).

However this finding is to some extent offset by the fact that female workers may have fewer private sexual encounters than other women of similar age. A proportion (20 per cent) were in relatively stable marriages or de facto relationships, approximately five per cent were exclusively lesbian in private life and others (14 per cent) deliberately avoided private sexual encounters during periods when they were working.<sup>4</sup> Lovejoy et al. 1991, pp. 17-18)

#### *Consistent Condom Use and Acute Sexually Transmissible Diseases*

The increase in condom use, greater awareness of health issues, and the impact of outreach work by peer groups and health professionals has led to an observable decrease in acute STDs in female sex workers. The effect of chronic, viral STDs is less obvious because of the long latency period of these diseases.

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<sup>4</sup> These findings are supported by unpublished data held at Sydney Sexual Health Centre.

Harcourt et al. found a decrease in gonorrhoea, chlamydial infections, pelvic inflammatory disease (PID) and symptomatic vaginitis and cervicitis in 50 sex workers whose medical histories were compared before and after the adoption of condom use with all clients (Harcourt, Philpot & Edwards 1989, pp. 4-7).

A study of 231 women, including the 50 mentioned above, found there has been a significant reduction in gonorrhoea (from a five yearly rate of 58 per cent to 38 per cent), herpes (over the same period, from 51 per cent to 25 per cent) and trichomoniasis (from 52 per cent to 29 per cent), when compared with a similar study of 132 female sex workers conducted in 1985 (Philpot, Harcourt & Edwards in press).

Lovejoy et al. also described a reduction in self-reported acute STDs (gonorrhoea, trichomoniasis and PID) in 1990 compared with 1985/86 (Lovejoy et al. 1991, pp. 21-22).

Many female sex workers who use condoms all the time at work now find it unnecessary to attend weekly STD check-ups. Nearly half of Lovejoy's sample reported that they attend on a fortnightly or three weekly basis.

Venereologists in New South Wales have encouraged this trend as they have found much less evidence of disease, especially in more mature female sex workers.

The Kirketon Road Centre, which sees approximately 200 workers per week, has reduced check ups from weekly to fortnightly if condoms are used consistently.<sup>5</sup>

Taylor Square Private Clinic offers check-ups on a three monthly basis to the small number of mature professional sex workers who have attended there regularly for a number of years.<sup>6</sup>

Sydney Sexual Health Centre favours fortnightly checks in similar circumstances. Unless there is an obvious health problem, female workers are seen in the Nurses' Clinic with Doctor supervised check-ups on only every fourth visit.<sup>7</sup>

### *Gonorrhoea*

Gonorrhoea is the disease which has decreased most significantly in the last decade. It is now rarely reported in Australian sex workers in New South Wales whereas in 1980/81 Donovan observed that 44 per cent of sex workers in a Sydney brothel acquired gonorrhoea within one month (a rate of 10 per cent per week). This was mainly attributed to the extremely high number of clients (an average of 80 per week) serviced by the women (Donovan 1984, pp. 268-271).

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5 Personal communication from Dr. Ingrid Van Beek, Director, Kirketon Road Centre, Kings Cross.

6 Personal communication from Dr. Basil Donovan, formerly of Taylor Square Private Clinic, Darlinghurst.

7 Personal communication from Dr. Basil Donovan, Director, Sydney Sexual Health Centre, Sydney Hospital.

Since that time, apart from the increased use of condoms, prices have risen in brothels, attitudes in the community have changed somewhat and the sex industry has been depressed by fear of AIDS and an economic decline. Parlour sex workers now see an average of approximately 20 to 25 clients per week with a great deal of fluctuation between a 'good week' (38 clients on average) and a 'bad week' (average 13 clients) (Lovejoy et al. 1991, pp. 13-14; Philpot et al. 1988, 1991).

### *Asian Workers*

There is, however, one part of the industry where gonorrhoea is still common and that is in the parlours which employ contracted Asian workers. These parlours, which are often only identifiable through advertisements in the ethnic press, may number over 40.<sup>8</sup> They are usually managed by men of non-English speaking background (NESB) and many of the employees are women who are in Australia on short stay visas and are therefore working illegally. The women appear to be subject to a good deal of coercion and service a large number of clients who are culturally disinclined to use condoms.

The overall situation in such parlours is much closer to the situation described by Donovan et al. (1981) than to Lovejoy's (1991) view of prostitution in 1990.

A recent paper by Donovan et al. (1991) shows that 88 per cent of cases of gonorrhoea in females, seen at Sydney Sexual Health Centre, were in sex workers born overseas (76 per cent from Thailand and 25 per cent from Malaysia). Similar unpublished data has been collected at Parramatta Sexual Health Centre.<sup>9</sup> Staff at Kirketon Road Centre also deal with many cases of gonorrhoea of similar origin.<sup>10</sup>

Another recent medical publication documents a case of sexually acquired reactive arthritis (Reiter's syndrome) in a young Asian worker who had contracted many STDs while working for two years in Australia (Couldwell 1991, pp. 66-69).

The observations are particularly disturbing given the high levels of HIV infection recently revealed in Thailand, the association between HIV infection and the presence of other STDs, and the secretive and inaccessible mode of operation of these parlours.

Many of the Asian women who work in the parlours attend public STD clinics weekly for check ups and treatment and are assisted by the use of interpreters and by health promotion literature printed in their own languages. But they can do little to protect themselves without the co-operation of managers and clients.

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8 Personal communication from Ms Robyn Louie, Multicultural Health Promotion Officer, AIDS Bureau, New South Wales Department of Health.

9 Personal communication from Dr. Don Apackham, Parramatta Sexual Health Centre, Parramatta.

10 Personal communication from Dr. Ingrid Van Beek, Director, Kirketon Road Centre, Kings Cross.



The clients are very difficult to access as they come mainly from non-English speaking backgrounds and do not present to public STD clinics. It is not clear whether health education and HIV prevention messages are reaching them, or if they relate the messages they do receive to their own situations.

No Asian worker in New South Wales has so far been found to be HIV positive, and a survey of 100 subjects conducted in 1988/89 at Sydney Sexual Health Centre, Parramatta Sexual Health Centre, and Kirketon Road Centre, revealed that none reported IDU or other substance abuse. Most had little experience of prostitution before coming to Australia (Harcourt, unpub.).

#### *Other Sexually Transmissible Diseases*

Unlike gonorrhoea, chlamydial infections appear not to have declined in recent years. This apparent stability may be partly explained by improved detection methods and a heightened awareness among health professionals of the prevalence and long-term sequela of this infection.

The studies mentioned above show that, over five years, female sex workers had a 40 per cent chance of being infected at least once with chlamydia. Ten per cent had been infected three or more times (Philpot et al. 1988).

Viral STDs such as herpes and papilloma virus infections are less easy to quantify because of the long latency periods of these infections.

Philpot et al., in their most recent study, found an apparent decrease (from 51 per cent in 1985, to 25 per cent in 1988) in the number of sex workers seeking treatment for herpes. Clinical evidence of genital or anal warts remained about 25 per cent, but abnormal cervical cytology increased from 16 per cent to 33 per cent. Forty-three per cent (33/76) of these abnormalities

"... were HPV related, with no complications. A further 26 (34 per cent) were due to inflammatory or other conditions, including four cases of Herpes Simplex Virus (HSV) infection. Of concern ... were 17 (22 per cent) which revealed CIN lesions. Twelve of these were CIN1, three CIN2, and two CIN3" (Philpot et al. 1991).

#### *Prostitution and Public Health*

Unfortunately there are almost no data to hand to enable an accurate assessment of the relative risk of infection in sex workers compared with non-sex workers, or to assess the full public health implications of prostitution.

In their first study, Philpot et al. compared 132 female sex workers with 55 non-sex worker female STD clinic attenders and found that although both groups experienced the same range of infections, sex workers had nearly twice as many episodes of infection as non-sex workers (Philpot et al. 1988).

Philpot et al. (1988) report they have no information about the health of the clients and partners of sex workers, although several studies will commence shortly. However, we do know from medical records and from the sex workers

themselves that these men often have other partners, and that some of them are at risk of infection from other sources, through IDU and/or bisexuality.

It is not possible at this stage to assess what proportion of STD in the community is prostitution-related.

## *Substance Abuse*

### *Injecting Drug Abuse*

There is a widespread perception that prostitution and substance abuse, especially injecting drug use (IDU), are inevitably linked. In the U.S.A. a large multicentre study revealed that 'half the prostitutes interviewed gave histories of IV drug abuse' (Morbidity and Mortality Weekly Report 1989, 36, pp. 157-161).

A recent study in New South Wales, however, found that 22 per cent (33/150) had injected drugs at least once in their lives, and 11 per cent reported current IDU (Philpot et al. 1989, pp. 499-505). These percentages had not changed by 1989 when a study of 231 women was completed. Heroin was still the most favoured injected drug, but amphetamines and, more recently, cocaine were injected by a few individuals (Philpot et al. 1991).

Lovejoy's figures for IDU are very similar - five per cent (13/280) injected amphetamines, 2.5 per cent (7/280) injected cocaine and 9.3 per cent (26/280) injected heroin (Lovejoy et al. 1991, pp. 24-25).

However, neither of these studies included a significant number of street workers. When these sex workers are considered separately IDU is much higher. There is also evidence of increased Hepatitis B and HIV infection (both blood-borne, as well as sexually transmissible diseases). Other STD rates are not markedly different (Harcourt, Philpot & Edwards 1989).

A study of 48 female sex workers, including 10 (22 per cent) street workers, attending the Kirketon Road Centre in Kings Cross, revealed that 25 per cent were currently injecting drugs (Harcourt & Philpot 1990, p. 145). This high percentage of IDU is associated with a much higher level of clinical Hepatitis B in this group. Thirty-five per cent of 17 street workers interviewed in 1988, had been ill with Hepatitis B within the previous five years, compared with four per cent of parlour workers. One was infected with HIV (Harcourt & Philpot 1989).

Serious substance abuse, sufficient to disrupt lifestyles and impair performance is largely confined to street workers as the parlours impose stiff penalties for failure to abide by their rules. They also provide less cash in hand, as the management takes 50 per cent or more of the fee for each client and usually demands a bond of several hundred dollars.

Parlour workers who inject drugs usually do so on an occasional basis and are subject to the same risks of HIV infection as other occasional users. That is, they do not identify as IDUs, nor do they see their friends and partners as being people at high risk, and they may be less inclined to carry a clean needle and syringe because they do not 'plan' to use it.

Philpot et al. and Lovejoy et al. both found that worker IDUs do not regard sharing needles and syringes with their partners and close friends as a high risk activity. In fact they treat needle sharing very much as they treat condom use. Precautions are taken only with strangers (Philpot et al. 1989; Lovejoy et al. 1991, p. 25).

This additional problem is very hard to combat as it is integral to the way sex workers compartmentalise their lives to keep work distinct from private pleasure.

### *Non-Injected Drugs*

The non-injected drugs most often used by sex workers are tobacco (63-89 per cent of subjects), alcohol (47-79 per cent) marijuana (39-48 per cent), sleeping pills (25 per cent) and amphetamines (15 per cent) (Lovejoy et al. 1991, pp. 24-25; Philpot et al. 1989).

### *Tobacco Use*

Female sex workers are more likely to smoke cigarettes than other women, and young sex workers smoke more heavily than older ones:

"The percentage of prostitutes (36.5 per cent) smoking more than 20 cigarettes per day was more than twice the figure (16 per cent) quoted in a national survey of women between the ages of 25 - 34 years." (Philpot et al. 1989)

In the opinion of the authors,

"The use of tobacco is related to work and working conditions. A recent WHO report has drawn attention to the fact that 'excess use and abuse of cigarettes, alcohol and assorted drugs are common behavioural reactions to stress'. Factors causing stress are said to include work overload and underload, lack of security, monotony and shift work, all conditions which are frequently experienced by prostitutes. Several women we interviewed managed to give up completely only after they had also stopped working in prostitution." (Philpot et al. 1989)

Highest levels of smoking were found in a group of less economically secure parlour sex workers interviewed at Parramatta Sexual Health Centre. Eighty-nine per cent of these women smoked. They were, however, much less likely than workers at inner city centres to use the more expensive illegal drugs, heroin and cocaine (Harcourt & Philpot 1989).

### *Alcohol Use*

Nearly 80 per cent of those sex workers who consumed alcohol were in the lowest risk range (average two drinks per day). Of the remaining 20 per cent, approximately half were in the hazardous range (two to four drinks per day), and half were drinking dangerously (average four or more drinks per day) (Philpot et al. 1989).

Binge drinking was a pattern described by many women and some men who were currently abstinent but who had had previous drinking problems. Again the less well off women working in the western suburbs were apparently more likely to have alcohol problems than other workers. The authors conclude that:

"... this probably reflects, as much as anything, the socio-economic background of the women surveyed in the western suburbs. Several recent investigations of urban life-styles and official reports on health needs have highlighted the fact that people in socially disadvantaged areas have more life-style-related health problems than those in more prosperous suburbs. Often this reflects the lack of social amenities in the poorer areas and the overriding importance of bars and clubs as centres of leisure activities." (Harcourt & Philpot 1989, p. 155)

Excessive alcohol intake has been associated with unsafe sexual practices among gay men (Carr 1988, pp. 14-20). Sex workers often drink before and after work to relax and release tension. This may affect their behaviour with clients and perhaps more importantly, with private partners.

### *Other Drugs*

Other popular drugs such as marijuana and sleeping pills are also taken to relax and to cope with stress. A minority of sex workers become dependent on one or more prescription drugs which are often used to cope with a work situation which they find repugnant but for which they can see no alternative.

Amphetamines, caffeine and other stimulants are used to aid with shift work and sometimes to allow the sex worker to work several shifts without a break in order to accumulate the maximum amount of money in the shortest time. Apart from the physical and emotional stress involved, nutrition and basic health care are often neglected and long term ill health may eventuate. Donovan found numerous health problems, in addition to sexually transmissible diseases, in his study group (Donovan 1984).

Young street workers are often dependent on a number of drugs including alcohol, prescription sedatives and illegal drugs. Their health problems are further compounded by inadequate or non-existent housing, frequent sleep deprivation, inadequate or inappropriate clothing and poor nutrition which may have begun in early childhood.

### *Other Issues*

The primary motive for entering prostitution is economic. For seriously disadvantaged marginalised groups such as the very young, homeless males and females, or transsexuals, and for those with a major addiction, it is, at times, the only source of income to which they have immediate access.

Older women enter prostitution for more complex economic reasons. Many appear to have made a considered, rational choice and appear to be unscathed by the work or the lifestyle it entails. Many others however feel that they have little choice and are forced into prostitution through economic necessity.

Even when the industry is relatively depressed the economic rewards offered to women by prostitution appear to be greater than any other accessible source of income. No particular qualifications are required. They receive cash in hand and the hours are flexible and can be fitted around child minding and other domestic duties.

In the working class western suburbs of Sydney where unemployment is high, 50 per cent of female sex workers were supporting school aged children. Many of these were single parents, but a significant number were in stable relationships with a long term partner experiencing severe economic hardship (Harcourt & Philpot 1989, p. 141; Harcourt unpub.).

The stress of the job is compounded for those who need to be secretive about their source of income. Children have to be shielded and other relatives may well be hostile, so that the sex worker is cut off from many of the support networks that might otherwise be available. The nexus between prostitution, drug dependence, welfare issues and public health is a very complex one and cannot be unravelled simply by legislation.

One area where this is most apparent is in the case of HIV infected workers who have multiple health and social problems, including drug addiction. The health interests of the individual may not be best served by the obvious public health measures of detainment and institutionalisation because there are currently no adequate institutions for people like this. A solution is still being sought in New South Wales.

## Prostitution Law and Law Enforcement

In common with many other jurisdictions in the Anglo-Australian legal tradition, prostitution is legally regulated in New South Wales through the provisions of the criminal law. There are no positive prescriptions contained in the law which regulate the conduct of the industry, the form and conditions of the contract with the client, or the conditions under which workers are employed. Rather, negative prescriptions abound in the form of criminal offences to render illegal certain kinds of conduct and activities. These offences attach criminal liability to conduct in certain circumstances in the following areas:

- soliciting for prostitution;
- economic benefit from or dependence upon another's prostitution;
- deceptive labelling of premises used for prostitution;
- owning, occupying, or being found on premises used for prostitution;
- advertising prostitution services and employment;
- child prostitution;
- breaches of public order;
- keeping a brothel in breach of planning laws.

As with most other Australian jurisdictions, the New South Wales law does not penalise private acts of prostitution between adults. Only certain activities associated with prostitution are the subject of criminal prohibitions. The following sections describe the specific offences created in each of these areas.

### *Soliciting for Prostitution*

Soliciting for prostitution under certain circumstances is prohibited by the provisions of the *Summary Offences Act 1988*. The specific offences are as follows:

- Soliciting is prohibited "in a public street near or within view from a dwelling, school, church or hospital". The maximum penalty is a \$600 fine or 3 months imprisonment (section 19 (1)).
- Soliciting is prohibited in a school, church or hospital. The maximum penalty is a \$600 fine or 3 months imprisonment (section 19 (2)).

- Soliciting is prohibited if conducted "in a manner that harasses or distresses the other person". The penalty is an \$800 fine or 6 months imprisonment (section 19 (3)).

Soliciting for public prostitution is a criminal offence in many jurisdictions. The New South Wales provisions are notable in that soliciting is only prohibited in certain locations, loosely characterised as residential. Soliciting outside these areas is a lawful activity.

Traditionally, the justification for the legal prohibition against soliciting has been in terms of public order. Soliciting in a public place is viewed as an act against public order. The conduct is regarded as offensive or indecent and a breach of community standards and taste as to what is acceptable in a public place. The noise generated by sex workers, clients and client's cars and the paraphernalia associated with the trade is a further harm often cited as justifying prohibitions against soliciting.

The New South Wales law attempts to strike a balance between the claims of residents and other citizens to be protected from the offensive and annoying activities associated with soliciting for prostitution, and the claims of sex workers and clients to use public places as a venue for negotiation.<sup>11</sup> The aim of the provisions was outlined in the Second Reading Speech:

"The aim of this legislation is to ensure that persons who reside in basically residential areas are not subjected to the flagrant and unseemly aspects of prostitution, which cause severe inconvenience. Prostitution is an activity that has traditionally been confined to commercial areas. The effect of creating an offence of soliciting in the terms of the proposed section 8A will be to redirect what is essentially a commercial activity back into commercial and industrial areas."<sup>12</sup>

A brief recent history of the New South Wales soliciting provisions serves to illustrate the tension between the public order problems arising out of a liberal legal approach to soliciting, and the crime, corruption and other problems arising out of a restrictive legal approach.

For most of this century, soliciting for prostitution in a public place has been a criminal offence in one form or another.

11 This may be contrasted with the view of the Wolfenden Committee: "The right of the normal decent citizen to go about the streets without affront to his or her sense of decency should be the prime consideration and should take precedence over the interests of the prostitute and her customers." *Report of the Departmental Committee of Homosexual Offences and Prostitution*, Cmnd. 1957, p. 247.

12 New South Wales Parliamentary *Hansard*, Legislative Assembly, 29 March 1983 at 5243 per Frank Walker. The speech was in reference to s. 8A of the *Prostitution Act 1979* now repealed, the forerunner of s. 19 of the *Summary Offences Act 1988*.

The first specific soliciting offence was introduced in New South Wales in 1908:

Soliciting in a public place by a common sex worker was prohibited by section 4 (1)(i) of the *Vagrancy Act* 1902.<sup>13</sup>

This provision was enacted:

"... in the context of contemporary moves to regulate the liquor trade, increasing anxiety about the spread of venereal disease and concern about the quality of life in inner city slum areas. Feminists and evangelical reformers emphasized the 'seduced and abandoned' stereotype of recruitment into prostitution ..." (Golder & Allen 1979, pp. 18-19).

Police, religious and other groups campaigned actively for the introduction of soliciting offences and for tougher laws on a range of street offences. The Central Methodist Mission claimed that there were 2000 to 3000 street sex workers in Sydney nightly plying their trade (Select Committee 1986). Concern about a crisis in public order and a well-intentioned, although somewhat naive, desire to eradicate prostitution motivated these changes to the law.

These same issues arose repeatedly throughout the century and were of major significance in all the debates leading up to the enactment of new and more restrictive laws dealing with soliciting for prostitution.

There appears little doubt that the prohibition of soliciting in 1908 had an impact on public order in the "vice" areas of Sydney. As Table 7.1 shows, in the first year of operation (1908) 43 women were arrested and 1187 were summonsed for soliciting (New South Wales Police Department Annual Reports). The impact of the soliciting offences on the prostitution industry does not, however, appear to have had the desired effect. There is little evidence of eradication. Most commentators agree that the main impact of the prohibition was to drive women from the streets where they worked independently (with or without pimps) into the brothels which were increasingly owned by organised crime syndicates (Perkins 1991; Golder & Allen 1979; Select Committee 1986).

"By 1908 semi-organised crime networks, which already ran Sydney gambling together with the opium and illicit liquor trades, were poised to take control of the prostitute workforce and the considerable profits they generated. Once the 'reform' legislation passed, prostitutes were forced to go to these networks for the kind of shelter, accommodation and protection which individual pimps had previously provided. Only members of the underworld could afford the new fines.

Thus full-time, vocational prostitutes gradually ceased to be self-employed and became instead employees of the large interests controlling the houses and brothels in which they worked and, in many cases, lived". (Golder & Allen 1979, p. 19).

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13 As amended by the *Police Offences (Amendment) Act* 1908.



The other major undesirable side-effect of these provisions was the growth in police corruption. The Select Committee of the Legislative Assembly pointed out that after 1908 police action against brothels declined and most law enforcement was directed at small operators and independent women. Only the large brothel owners could afford to pay for protection from police scrutiny and thus the form of the law and police enforcement combined to encourage the development of large organised brothel chains. The empire of Tilly Devine serves as a colourful illustration of this trend. Tilly Devine arrived in Australia in 1919 at the age of 18 years and commenced working in street prostitution. With the assistance of her husband she was able to build up a chain of brothels: at one point she owned 20 brothels in Palmer Street, East Sydney. "Her friendship with high ranking policemen was legendary." (Perkins 1991, p. 83).

Thus whilst the laws prohibiting soliciting by known sex workers reduced the public order problems associated with the industry, they appeared to have resulted in other highly undesirable developments: the growth in organised crime, police corruption, and the loss of autonomy of the working women (Neave 1988, 21). The soliciting offence was less often used than the general public order provisions. This pattern was evident until 1970, as Table 7.2 demonstrates.

#### 1968-1979

The next major changes in the laws relating to soliciting occurred in the late 1960s. According to the Select Committee there was an expansion in prostitution in the 1960s:

"Sydney became an R and R centre for U.S. servicemen and new forms of prostitution - notably massage parlour prostitution - developed." (Select Committee 1986).

According to Roberta Perkins:

"In the 1960s the prostitution industry in Sydney reached its pinnacle. According to one writer the most popular area of commercial sex was in the little houses of the East Sydney lanes, where, in 1968 some 40 small brothels with about 130 women working in them represented a third of all prostitution in the city" (Perkins 1991, p. 133).

The new soliciting offence introduced in 1968 was broader than the former offence of soliciting by a known sex worker and an additional offence of loitering was enacted:

- soliciting for prostitution in or near a public place was prohibited and the maximum penalty was a \$400 fine or 6 months imprisonment; and
- loitering for the purpose of prostitution in, near or within view of a public place was prohibited and the maximum penalty was the same.<sup>14</sup>

<sup>14</sup> These 1968 Amendments in the *Vagrancy, Disorderly Houses and Other Acts (Amendments) Act 1968* were re-enacted in s. 28 of the *Summary Offences Act 1970*.

These new soliciting and loitering offences were the most restrictive and punitive offences in New South Wales history and according to many commentators they were associated with an increase in organised crime and police corruption (Perkins 1991; Select Committee 1986).

"After the legislation prostitution became less visible, literally and figuratively. Prostitute witnesses whose experience goes back to 1968 alleged that these punitive measures increased the power of pimps and certain brothel owners. For example, when the lanes were closed, one woman managed to operate a number of brothels in the area. According to those witnesses, the police protected her monopoly and she was able to dictate to her workers on pay and conditions.

... Women who had worked as street prostitutes in this period also pointed out that 'weighing in' was customary. Women regularly paid police to cut down arrests, although they agreed to a number of often pre-arranged arrests. Not all prostitutes were critical of this system. Some saw their payments and official fines as a form of tax; in return the police provided some protection. By taking action against newcomers and other people outside the system, the police kept down the number of workers and guaranteed the income of the regulars. The police also kept street prostitution within certain geographical limits.

... It could be said that prostitution was under control, but many critics questioned the social, political and financial costs of that control. The prostitute population still generated a large but diminishing number of arrests each year. They were now charged with the soliciting or loitering offences rather than offensive behaviour." (Select Committee 1986, p. 246).

Table 7.3 presents court appearances for prostitution-related offences. In the 1970s soliciting was by far the most common charge.

#### 1979-1983

In 1979 the public order laws in New South Wales were comprehensively reformed. The *Summary Offences Act 1970* was repealed and replaced with a variety of specific Acts dealing with specific conduct: e.g. the *Intoxicated Persons Act 1979*, the *Public Assemblies Act 1979*, the *Offences in Public Places Act 1979*, the *Prostitution Act 1979*. The context of these reforms was a widespread concern that the *Summary Offences Act* had been too repressive in its operation and had unjustifiably interfered with the personal, civil and political liberties of the citizen in public places. The offensive behaviour provision of the *Summary Offences Act* had been widely used against political demonstrators, particularly those involved in the protests against Government policy on the Vietnam War and was subject to much community criticism (Egger & Findlay 1988). The aims of the 1979 reforms were stated as follows in the parliamentary debate:

"[The 16 bills] together take a large step towards curbing some of the excess of our criminal law. They draw a line, if sometimes a little indistinct, between private morality and the law. They show that a balance can be achieved between the rights of a minority and the rights of a majority. They show that the law can have a human face and at the same time protect the community." (Hansard, Legislative Assembly, 1979, p. 4943).

Of specific relevance to the present discussion was the reform of the laws relating to soliciting for prostitution. In 1977 the Government held a public seminar on victimless crime. Offences prohibiting soliciting for public prostitution were criticised as discriminatory, criminogenic and an overreach of the criminal law.<sup>15</sup> In 1979 soliciting for prostitution in a public place was decriminalised by the repeal of the *Summary Offences Act 1970*.

The new *Prostitution Act 1979* contained no equivalent provision:

"The Government has taken the following basic approach to prostitution in New South Wales, namely first, that the present law discriminates unfairly against the prostitute as compared to the customer, and second, that wherever possible the law should be directed at preventing and punishing exploitation. The offence of soliciting another person in or near a public place is to be done away with." (Hansard, Legislative Assembly 1979, p. 4923).

This liberal period was relatively short-lived. In 1983 amendments to the *Prostitution Act* were enacted which prohibited soliciting near a church, school, hospital, or dwelling.

Much has been written regarding this liberal four year period. Most commentators agree that the 1979 decriminalisation had the following effects (Travis 1986; Select Committee 1986; Perkins 1991; Golder & Allen 1979).

1. A dramatic increase in public order problems in the "vice" areas of Sydney (East Sydney, Darlinghurst and King's Cross), and a corresponding increase in complaints from citizens who now resided in the recently gentrified areas of Darlinghurst:

"In the early 1980s a virtual explosion of street prostitution occurred in the inner suburb of Darlinghurst, and local residents organised into powerful lobbies for the return of prohibitions on soliciting. Although there was much occasion for residents to complain, especially with traffic jams of sightseers and tourists buses in otherwise quiet residential boulevards in early morning hours, many of the claims of gangsters moving in, public fornication, and residents living in fear of their lives made excellent copy for the newspapers but were mostly unsubstantiated. Since the area was in the midst of changing its landscape to bourgeois tastes, the rise in street prostitution was as much a concern of developers and speculators as it was of local residents." (Perkins 1991, p. 144).

2. A dramatic decrease in police corruption. Many street sex workers welcomed their new found freedom which removed the threat of prosecution and thus the need to pay for police protection (Travis 1986; Select Committee 1986).
3. An increase in the number of independent women working in the prostitution industry (Travis 1986).

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<sup>15</sup> Victimless Crime Seminar. Proceedings published by the Attorney-Generals' Department, 1977.

### 1983 to the Present

Largely as a result of the successful campaigns by the New South Wales Police Association and the residents of Darlinghurst, the *Prostitution Act* was amended in 1983 to create the following offences:

- soliciting in a public street near a dwelling, school, church, or hospital; and
- soliciting in a school, church or hospital (*Prostitution Act 1979*, section 8A).

The maximum penalty was a fine of \$500. The purpose of the amendment was to confine soliciting to areas which would not cause annoyance to residents. These Anzac Day amendments (so called by the working women because they came into operation on Anzac Day 1983) have been regarded as successful in dealing with the public order problems:

"The effect of this law cleared the inner residential streets of Darlinghurst of streetwalkers, apart from a handful of redoubtables who became the prime target of the police blitz that followed immediately after the law was introduced. Most of the street prostitutes shifted to the 'legal' area on William Street and a few moved to the western suburbs and began working along Canterbury Road. Very few moved into the centre of Kings Cross since the street workers established there strongly resisted them. They had a popular, lucrative area that was totally legal, and they weren't ready to have newcomers ruin it for them." (Perkins 1991, p. 145).

The new provisions, although partially outlawing soliciting for prostitution in a public place, appeared to have struck a reasonably successful compromise. Street workers were still able legally to use public places for soliciting if outside residential areas and the public order complaints were reduced to a minimum. From time to time new areas were colonised by streetworkers and tensions created. In recent years street prostitution has moved into the suburban western parts of Sydney. Canterbury Road, Belmore and the Great Western Highway, Minchinbury and Mt Druitt are relatively recent soliciting beats and public order tensions are still a problem.<sup>16</sup> Residents and workers have yet to establish a compromise as to the acceptable and unacceptable areas for soliciting.

In 1988 the *Prostitution Act 1979* was repealed and replaced with the *Summary Offences Act 1988*. Few changes were made to the soliciting offences. At the most the changes could be regarded as slightly widening the geographical scope of the area in which the conduct was prohibited:

Section 19 (1) provides that a person shall not solicit for prostitution in a public street near or within view from a dwelling, school, church or hospital. Imprisonment was re-introduced: 3 months imprisonment or a fine of \$600.

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16 Personal Communication Vice Squad.

Arrests for soliciting increased dramatically in 1988 after the enactment of these offences. The bulk of arrests are believed to emanate from the Canterbury Road area<sup>17</sup> (Perkins 1991, p. 153). Tables 7.3 and 7.4 describe the increase in charges and prosecutions. Such an increase cannot be explained merely by the changes in the formal requirements of the law. The legal requirements of the offence have changed from soliciting "near" to "near or within view from" the prescribed locations. This increase can only be explained by reference to the changes in the wider political and "law and order" context. A new Government with a strong law and order platform was elected in March 1988. The new Government had during the election campaign promised:

"At the same time, the Liberal Party believes that it is essential, in the first four years of the Coalition Government to restore the authority of the family, the police and the courts, if we are to stop our rising crime rates and return order and security to our streets.

In Government, we will:

- "Restore to police the powers taken away by the repeal of the *Summary Offences Act* to deal with offensive behaviour and disorderly conduct in public places.
- Increase police numbers by 1,600 officers in our first term.
- Give police the right of appeal against inadequate sentences in local courts.
- Create a powerful organised crime squad."<sup>18</sup>

The law and order policies of the new Government were clear and signalled to the police that an aggressive approach to law enforcement was expected. This message was a more powerful determinant of the policing of prostitution than the formal requirements of the law:

"the enormous discretion which is vested in police to operate. . . on the streets is bounded as much, or as little, by the prevailing ethos as by the "requirements" of law. The 1979 and 1988 legislation shifts only marginally impinged on formal police powers. Of considerably more importance were the signals given to police and magistrates by those changes. In 1979, the message was to limit police intervention only to more serious cases. In 1988, the message was to get tough." (Brown et al. 1990, p. 965).

Soliciting charges have remained higher than in the pre 1988 period: 1988-89: 831; 1989-90: 793 (see Table 7.4). They have not however returned to the high rates of the 1970s. In 1972 there were 4288 court appearances for soliciting and around 2000 per year for the remainder of the decade until 1979 (see Table 7.3).

As stated previously it is believed that the bulk of the current soliciting arrests occur in the Canterbury Road area. Street soliciting in Darlinghurst, the site of much of the controversy in the early 1980s, no longer appears to create major problems for either the residents or sex workers. Clearly defined "beats" have been established in non-residential areas (eg: William Street) and soliciting no longer occurs in the more residential parts of Darlinghurst.

17 This area is mixed residential and commercial.

18 Liberal Party Campaign Document: The 1988 New South Wales Election - An Historic Choice.

In 1990 the Government attempted to deal with political problems arising from Canterbury Road by introducing legislation which provided for the imprisonment of persons failing to pay fines imposed for soliciting. Fine defaulters, in general, have a statutory period in which to pay the fine and upon default may arrange for further time to pay or apply for a community service order. These diversion options were removed in the Bill for persons convicted of soliciting (Justices (Prostitution Fine Enforcement) Amendment Bill 1990). The Bill was, however, defeated in the Legislative Council.

Apart from the Canterbury Road tensions, the public order problems associated with street soliciting have retreated to manageable proportions. The causes of this relative calm are complex. The most important factors appear to be the success of the provisions which have largely removed soliciting from residential areas and a relatively tolerant community attitude, informed by an understanding of the need for health care workers to have free and open access to sex workers in the struggle to contain the HIV epidemic.

### *Economic Benefit Derived From Another's Prostitution*

As in many other jurisdictions the law in New South Wales regards as more serious prostitution-related activities which involve exploitation. Section 15 of the *Summary Offences Act 1988* prohibits living on the earnings:

- "15. (1) A person shall not knowingly live wholly or in part on the earnings of prostitution of another person.

Maximum penalty: 10 penalty units or imprisonment for 12 months.

- (2) For the purposes of subsection (1), a person who is of or above the age of 18 years and who-

(a) lives with, or is habitually in the company of, a reputed sex worker;

and

(b) has no visible lawful means of support, shall be taken knowingly to live wholly or in part on the earnings of prostitution of another person unless he or she satisfies the court before which he or she is charged with an offence under that subsection that he or she has sufficient lawful means of support."<sup>19</sup>

The rationale underlying this type of provision is that persons who exploit sex workers should be more seriously punished. There are, however, a number of anomalies:

1. Although the law regards these offences as more serious than the offences involving sex workers themselves, in practice law enforcement is always aimed at the sex workers. Between July 1985 and June 1990 there were

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<sup>19</sup> This provision is similar to s. 5 of the *Prostitution Act 1979*, now repealed.

1756 charges for soliciting compared to 58 charges for living on the earnings (see Table 7.4).

2. The offences are aimed at exploitation but fail to discriminate between exploitative relationships and others. Much research has demonstrated that the pimp does not always conform to the exploitation stereotype (Perkins 1991). Pimps often provide much needed support and protection for sex workers.
3. The ambit of the section is sufficiently wide to enable application to the families of sex workers - dependent children, husbands, parents.
4. The offences may also apply to other non-exploitative relationships - other brothel workers such as receptionists, bouncers and cleaners.

The Select Committee recommended that the section be redrafted to narrow its application to living on the earnings where violence, coercion, the supply of an illegal drug or other forms of coercion are involved. This recommendation has not yet been adopted.

### *The Deceptive Labelling of Premises*

There are two offences which prohibit a person from deceptively labelling premises used for prostitution:

- Section 16 of the *Summary Offences Act 1988* creates an offence of using for prostitution, premises held out as being available for massage, sauna, physical exercise or photography (\$500 or 3 months).
- Section 17 creates an offence applying to a person being an owner, occupier, manager or person assisting in the management of premises held out as being available for massage, sauna, etc who knowingly . . . permits the premises to be used for the purpose of prostitution or soliciting for prostitution.

Both offences appear to be directed at the deceptive labelling or holding out involved rather than the brothel keeping or prostitution itself. The greater penalty in section 17 appears to be related to the requirement that the person be an owner, occupier or manager as opposed to a working sex worker. The harm involved in these offences is the deceptive conduct and, as such, they appear to offer consumer protection to clients and protection to legitimate massage parlours and other businesses. They represent a curious anomaly in the criminal law and the justification for such provisions may be questioned. Neither offence is often used. Between July 1985 and June 1990, there were 35 charges for the use of premises held out to be a massage parlour etc. and five charges for allowing premises to be held out (see Table 7.4).

### *Owning, Occupying or Being Found on Premises used for Prostitution*

There are no statutory provisions in New South Wales which prohibit the keeping of a brothel and until 1990 it was unclear whether the common law misdemeanour of keeping a brothel was still available or had been displaced by the comprehensive legislative reforms involved in the *Prostitution Act 1979* (substantially re-enacted in the *Summary Offences Act 1988*). There had been no common law prosecutions "in living memory" (*Sibuse Pty Ltd v Shaw* 1988). In 1990 a successful common law prosecution was mounted by the police<sup>20</sup> (*R v Chapman* 1990).

The scheme created by the *Disorderly Houses Act 1943* does, however, lay open the way for brothel keeping charges to be prosecuted. Under section 3 (1)(e) premises that are habitually used for the purpose of prostitution or have been used for the purpose of prostitution and are likely to be so used again may be declared a disorderly house by the Supreme Court. Offences are created in relation to owning, occupying, or being found on premises so declared. The penalty for being found on premises is a summary conviction and imprisonment for up to six months. The penalty for owning is a fine of not less than \$60 and not more than \$600. The penalty for occupying is up to six months gaol. In the 1980s the police made a number of applications to the Supreme Court seeking declarations. According to Perkins there are at present 50 such applications waiting to be heard (Perkins 1991). The procedure involved in seeking a declaration is costly and slow and the courts have exercised considerable caution in making declarations. However, in *Sibuse Pty Ltd v Shaw* (1988, p. 98) the New South Wales Court of Appeal by a 2-1 majority upheld a Supreme Court ruling that a brothel was a disorderly house notwithstanding that there was no element of disorder over and above the breach of the law (the common law misdemeanour of keeping a brothel). This decision is likely to make declarations easier to obtain.

The recent police use of legislation rarely applied since the 1960s is in direct contradiction to the policy underlying the reforms of 1979 and 1988. On both occasions the legislature turned its attention to the issue of prostitution and enacted extensive provisions relating to prostitution.

Brothel keeping per se was not made the subject of the criminal law. Despite this, the police have repeatedly used the *Disorderly Houses Act* in an attempt to prohibit the keeping of a brothel and have recently revived the common law offence of brothel keeping. Law enforcement appears to be at odds with the policy underlying the last decade of legislative reforms.

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<sup>20</sup> The Vice Squad reports that a further three prosecutions have been undertaken for this offence.



## *The Advertising of Prostitution Services or Employment*

Section 18 of the *Summary Offences Act* prohibits advertisements for prostitution:

"A person shall not, in any manner -

- (a) publish or cause to be published an advertisement; or
- (b) erect or cause to be erected any sign,

indicating that any premises are used or are available for use, or that a person is available, for the purposes of prostitution."

The maximum penalty is \$600 or three months imprisonment. A new section 18A was inserted into the Act in November 1988:

"A person shall not, in any manner, publish or cause to be published an advertisement for a prostitute."

The maximum penalty is \$1000 or imprisonment for 3 months (See Table 7.3). The former deals with the advertising of prostitution services, the latter with advertising to recruit sex workers. Court appearances for these offences vary from year to year: no appearances for many years and then 68 in one year (See Table 7.3). Also notable is the daily flaunting of these provisions. Many newspapers, especially the suburban "throw-aways", contain columns of prostitution advertisements. The Select Committee counted 1424 such advertisements in a week in September 1984. The Police submission to the Committee claimed that many of the advertisements were insufficiently explicit to fall within the provision. The issue has not, however, been tested in the appellate courts. The Select Committee recommended that the provisions be amended to allow discreet advertising, but this recommendation has not been adopted.

## *Child Prostitution*

In 1988 legislation was enacted dealing with child prostitution and pornography. The *Crimes (Child Prostitution) Amendment Act 1988* created a number of offences:

- section 91D (1): causing or inducing a child to participate in prostitution, or participating as a client (penalty: imprisonment for 10 years or 14 years if the child is under 14 years);
- section 99D (2): a defence exists where the child was over 14 years, consented and the accused had an honest and reasonable belief that the child was 18 years or more;
- section 91E: receiving money or other material benefit knowing that it is derived from an act of child prostitution (penalty: imprisonment for 10 years);

- section 91E (2): a defence exists where the benefit was received for the lawful provision of goods or services or in accordance with a court order, judgement or legislative requirement;
- section 91F: being a person capable of exercising lawful control over premises in which a child participates in an act of child prostitution. The definition of lawful control extends to persons controlling the entry and movement of persons through the premises and thus extends to bouncers and receptionists;
- section 91G: employing or procuring a child for pornographic purposes.

Child prostitution is defined broadly to include acts aimed at sexual arousal or gratification, beyond sexual intercourse.

Additional search and entry powers were also granted to the police.

Police and court statistics have no recorded cases involving these new offences and it appears that the offences have not yet been used.<sup>21</sup>

### *Public Order Offences Arising Out of Prostitution*

In 1988 the offence of taking part in a public act of prostitution in or within view of a school, church, hospital or public place, or within view of a dwelling was enacted (section 20 *Summary Offences Act 1988*). Where the act of prostitution takes place in a vehicle which is in view of a school (etc) each of the persons is guilty of an offence whether or not the act could be seen from outside the vehicle. The penalty for this offence is \$1000 or six months imprisonment.

The first arrest of a customer under this section was made in January 1989 (Perkins 1991). As described in Table 7.4, 15 persons were charged in 1988-89 and 15 in 1989-90. It is believed that some of these persons were clients.<sup>22</sup>

Sex workers may also be liable to prosecution under the general public order provisions which prohibit offensive conduct or offensive language (*Summary Offences Act 1988*, section 4). If the soliciting is conducted in a manner which gives offence and may be described as displeasing, annoying, or insulting the parties may be charged with offensive conduct (*Ball v McIntyre* (1966, 287); *R v Smith* [1974], p. 586). These general provisions were preferred in the late 19th century for those participating in street soliciting (Golder & Allen 1979). From 1979 to 1983, after the decriminalisation of soliciting, the police also used the general public order provisions against women soliciting in the streets (Perkins 1991). As a matter of law such charges could only be laid where the soliciting was conducted in an offensive manner. As a matter of practice, however, most sex workers would not dispute the police case and would simply

21 Personal Communication with the Vice Squad, Police Statistician, New South Wales Bureau of Crime Statistics and Research.

22 Vice Squad, personal communication.

pay the penalty. It is difficult to quantify how many of the offensive behaviour charges and appearances involve soliciting and thus the extent to which these offences play a current role in the policing of street prostitution.

### *Land and Planning Law*

Proceedings may be taken under section 20 of the *Land and Environment Court Act 1979* to seek a declaration that certain premises are used as a brothel. This is contrary to the zoning of the area without consent, and that it is thus an unauthorised use of premises.

If such a declaration is made and the court order not complied with, proceedings may be brought for contempt of court. Local councils have taken action under these provisions in an attempt to close brothels<sup>23</sup> (*Sydney City Council v KE-JU Investments Pty Ltd* [1983]). The precise number of actions taken and the results are unknown because, as civil proceedings, they are not recorded by any of the relevant criminal justice statistical collection agencies.<sup>24</sup> A survey by the Select Committee found that in a 12 month period in 1984-85, eight such applications had been lodged. The outcome of cases reported in the law reports present a picture of mixed success. In some cases the brothel was permitted to continue operating because the use was an "existing use" prior to the operation of the *Environment Planning and Assessment Act* (*Council of the City of Sydney v Mailey* [1985], p. 207).

### *Clients*

In New South Wales there are no client specific offences<sup>25</sup> but there are a number of provisions which are legally applicable to both clients and sex workers. Section 19 of the *Summary Offences Act* (soliciting . . . near or within view from a dwelling, etc.) is gender neutral and may be used against both the sex worker and client (Select Committee 1986). In practice, however, only sex workers are prosecuted under section 19. Section 20 (public act of prostitution) specifically refers to each of the persons taking part in an act of prostitution and is thus intended to apply to clients. Prosecutions of clients have been undertaken under this provision.<sup>26</sup>

Under the *Disorderly Houses Act* a client may be charged as a person on premises so declared. No known prosecutions have been undertaken of clients under this section.

It is clear that both the law and the law enforcement policies of the police have been directed at one side of the prostitution industry: the workers, managers and owners, rather than at the market. Over and above the dubious value

23 Vice Squad, personal communication.

24 E.g. The Police Statistics Unit; The Bureau of Crime Statistics and Research.

25 Apart from the child prostitution offences.

26 Vice Squad, personal communication.

judgements underlying such a one sided policy there are questions as to whether this strategy is likely to be successful. The policy justification for not prosecuting clients must draw on a comparison between the relative moral and social harm caused to society by those working in and managing prostitution-related services as opposed to the harm to society caused by those purchasing the services. Such a distinction is difficult to sustain. Furthermore, if the object of the criminal law is to contain and control the prostitution industry, surely an effective strategy must also involve market regulation: the prosecution of clients for engaging in acts considered to be outside the permissible limits.

From an economic perspective present law enforcement policies seek to regulate client demand by forcing up the price of services: the fines imposed on sex workers may be regarded as a "tax" on supply (another cost of doing business). Standard supply and demand analysis suggests that this "tax" will have some negative effect on the amount of business transacted.

But by neglecting to prosecute clients, current law enforcement policies fail to take advantage of further opportunities to reduce demand. The fining of clients would have two extra negative effects on demand. First, the cost of the service to the client would be further increased by the possibility of incurring a fine. Perhaps of greater moment would be the demand reducing impact of adverse publicity as a result of prosecution. Neither of these two additional demand reducing effects are exploited by current law enforcement.

### *Police Corruption*

Prostitution, along with many other so-called victimless crimes, has long been regarded as an activity which encourages police corruption. There are many facets of the industry which are believed to lead to corruption:

- the vast discretion exercised by police when policing vaguely drafted soliciting and other public order laws;
- the ambivalent community attitudes to prostitution;
- the existence of a thriving market prepared to pay for services despite any illegality;
- the large police discretion created by the gap between the formal prohibitions of the criminal law on the one hand and the community tolerance and market demands on the other;
- the regular opportunities created by the "squad" style of policing.

Police corruption has been a feature of the prostitution industry in New South Wales since the early days of the colony. The key areas of corruption appear to be in the payment of police by street workers to reduce the risk of arrest (the "weighing-in") and the payment by brothel owners/keepers to ensure that the

business remains open. Other benefits alleged to flow from the latter payments often include protection from prosecution for living on the earnings and restrictive trade agreements whereby newcomers to an area are closed down by the police.

In recent history, the period from the early 1960s to 1979 is regarded as the highpoint for police corruption. Payments were made to the police by street workers, brothel owners and managers. It was regarded as the cost of doing business, not much more than a tax on earnings. The factors that led to such a growth appear to be:

- the criminal prohibitions in the period 1968-79 were the most restrictive in New South Wales history;
- there was a thriving market (e.g. the influx of the R and R servicemen);
- the resulting discrepancy between the formal prohibitions of the law, and market demands and community tolerance allowed the police great flexibility and discretion in policing prostitution;
- the centralised style of policing where much of the vice policing was undertaken by the specialised squads in the CIB and elsewhere.

The decriminalisation of soliciting and the repeal of the brothel keeping offence (knowingly permit premises to be used) (*Summary Offences Act 1970*, section 32) in 1979 appear to have been instrumental in the decline of police corruption. The greatest impact appears to have been in the area of soliciting. Empirical research conducted in the early 1980s demonstrated that street workers enjoyed their new found freedom and reported the collapse of the system of paying police (Travis 1986; Perkins 1991; Select Committee 1986).

The impact of decriminalisation on police corruption in relation to brothel prostitution appears to have been less, at least in the early 1980s. The Select Committee (1986), p. 227 heard many allegations of corruption:

"The allegations the Committee received were wide and varied. They concerned brothel, escort, as well as home and unit prostitution. Some gay bars were said to have paid protection money to corrupt policemen. Various policemen were alleged to have been directly or indirectly responsible for the intimidation of several people in relation to prostitution matters. ...

The most numerous allegations involved brothel prostitution. The Committee gathered many statements from a variety of sources which alleged there is police corruption in relation to the operation of brothels/massage parlours in Sydney."

In recent years there appears to have been a further reduction in police corruption, particularly in relation to brothel prostitution. Personal communication with sex workers, outreach workers, health workers and others suggests that payments to police by brothel and massage parlour operators are no longer a prominent feature of the industry. Whilst such a conclusion must be

treated with caution, the information provided does at least suggest a change in the system of paying police, if not a real change in the incidence.

Perkins suggests that these changes may be attributed to the following:

"In 1982 a new Vice Squad Inspector was appointed. This was Ernest Septimus Shephard, a man with a reputation for strict morals and high principles. Within a year major re-shuffles occurred in the rank and file detectives, with certain policemen being transferred to outer suburban and country stations. The corruption began to decline, and suddenly former policemen known for their extortion methods among the women ceased visiting them on the streets. Since Shephard's appointment and subsequent promotion to the Internal Investigation Branch the situation for prostitutes in Sydney has much improved." (Perkins 1991, p. 303).

Without denigrating the work of Inspector Shephard<sup>27</sup> there is no evidence that a "good apple" theory of police corruption has any greater explanatory power than the "bad apple" doctrine<sup>28</sup> (Select Committee 1986, p. 228). Moreover, there was evidence heard by the Select Committee of payments to police in 1984, 1985 and 1986, during and after Inspector Shephard's appointment.

The apparent decline is more likely to be related to a number of factors:

- more permissive prostitution laws which reduce the power of the police to threaten those in the industry with a criminal prosecution;
- the appointment of a Commissioner whose reign was marked by a strong anti-corruption stance. Corrupt conduct was identified by Commissioner John Avery as the first priority of his administration;
- the establishment of effective mechanisms for the investigation and prosecution of complaints against police;
- the imposition of severe penalties when complaints against police were proved;
- the structural re-organisation of the New South Wales Police Force into four regions with localised control and greater accountability to the community;
- the devolution of the responsibility for policing to the local detective and general duties police;

27 Affectionately known in the press as Ernie (the good) Shepherd.

28 The Select Committee described the doctrine as follows:

"The report by Mr Justice Lusher as well as overseas studies argued that the adoption of the 'rotten apple' explanation for police corruption often impedes administrative reform. The Knapp Commission, for example, stated:

*The rotten-apple doctrine has in many ways been a basic obstacle to meaningful reform ... The doctrine also made difficult, if not impossible, any meaningful attempt at managerial reform. A high command unwilling to acknowledge that the problem of corruption is extensive cannot very well argue that drastic changes are necessary to deal with that problem."*

Report of the Select Committee of of the Legislative Assembly Upon Prostitution, Parliament of New South Wales, April 1986, p. 228.

- the reduction in strength of the vice squad;
- the disbanding of the CIB and many of the specialised squads dealing with the policing of vice.

The last six years have seen extraordinary changes take place in the New South Wales Police Department. Most of these changes were instigated by the former Commissioner John Avery and are a direct reflection of his personal philosophy on policing. Community policing and reducing police corruption were the dominant themes of the Avery administration:

"Every community, New South Wales included, has a desperate need for a Police Service it can trust. . . when Police have a close relationship with their local community a valuable and powerful liaison can be forged to ensure the security of that community." (New South Wales Police Annual Report 1987-88, p. 4).

The structural changes were directed at both community accountability and corruption. The Police Force was renamed the Police Service. Authority and responsibility were devolved from the central command to the local level. The State was divided into four regions, each headed by a regional commander. Financial management and functional responsibilities were devolved to the regions. A direct attack on the squad style of policing was made and the Criminal Intelligence Bureau was disbanded. The roles and functions of the squads under the CIB were handed over to the local detectives in the regions. The squad style of policing is generally believed to result in the creation of structural opportunities for police corruption to develop. For example, in the field of prostitution, where policing is undertaken by the same squad throughout the State, opportunities are created to pay the squad members to ignore breaches of the law. A regular payment to the same officers could virtually guarantee protection. The former CIB was widely regarded as the site of much institutionalised corruption in New South Wales. Its abolition was a major anti-corruption measure.

Very few functional law enforcement responsibilities were retained under central control. The remaining key areas under the control of the State Command are the Drug Enforcement Agency, the State Intelligence Group (Special Branch etc), the State Investigative Group (major crime task forces, SWOS etc.) and the State Operations Support Group (Air Wing Rescue Squad, fingerprinting etc) (New South Wales Police Service Annual Report 1989-90). The Vice Squad remains under central control but, in an organisational sense, it is now little more than a small specialised arm of the Drug Enforcement Agency. The Vice Squad continues to place the policing of prostitution as one of its major priorities; in particular the policing of street prostitution in Canterbury Road.<sup>29</sup>

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<sup>29</sup> Vice Squad, personal communication.

However, the authorised strength of the Vice Squad has declined by 36 per cent in the last three years. Strength in the Vice Squad over the last three years declined as follows:

May 1989	27
July 1990	23
June 1991	17

The policing of prostitution is now shared with the local police. These structural reforms were supported by a range of more direct anti-corruption measures concerned with the investigation, prosecution and punishment of corrupt conduct. The Office of Professional Responsibility was established, reporting directly to the Commissioner. The Ombudsman's office and the police investigators serving that office, and the Internal Affairs Branch were strengthened both in numbers and in terms of statutory powers and functions. A more pro-active investigation unit, the Internal Police Security Branch, was established. Officers in Internal Affairs were legally required to be rotated after three years service. Police officers who were subject to serious charges were stood down without pay until determination of the charges. Both criminal and disciplinary proceedings were undertaken where appropriate. Many of these measures were introduced despite strong opposition from the Police Association.

It appears that this vigorous anti-corruption campaign has combined with relatively liberal prostitution laws to create a situation where corrupt police involvement in the prostitution industry is less now than at any other time this century.

## Conclusion

This brief review of prostitution in New South Wales has revealed a number of significant changes in the industry in recent years. The identification of the precise causes of these changes is a difficult task but some tentative conclusions may be drawn from the evidence disclosed in the present report.

Before examining the changes and possible causes it is necessary to place the industry in New South Wales in context. The prostitution industry in New South Wales is probably the largest of all the Australian States. The Select Committee estimated that in 1984-85 there were approximately 1500 to 2200 sex workers working per day, there were between 7000 and 9600 daily customers and that estimated annual turnover was somewhere between \$62 and \$263 million. Sydney has long been regarded as the "vice" capital of Australia with a fair proportion of the vice trade under the control of organised crime. In particular, Sydney has been regarded as the illegal drug capital of Australia with the largest number of injecting drug users. AIDS and HIV infection rates in New South Wales are also much higher than in the other States.



This brief outline serves to demonstrate two important issues. Both the magnitude of the prostitution industry and the need to contain the problems associated with the industry are more acute in New South Wales than anywhere else in Australia. It is against this backdrop that policy in New South Wales must be evaluated.

The Report of the Select Committee of the Legislative Assembly Upon Prostitution was handed down in 1986. The investigation, analysis and recommendations in the report were thorough and well supported by evidence. The aims underlying the Committee's recommendations were to:

- "remove prostitution as far as possible from the ambit of the criminal law, while retaining provisions against the exploitation of minors;
- attempt to reduce levels of demand for, and recruitment into, prostitution through social welfare reform;
- treat prostitution as a planning matter with regulation to protect public amenity and to control noise and nuisance aspects of the trade;
- effect a controlled decentralisation of prostitution, as exemplified in the provisions for restricted street soliciting, and avoid the formation of "red light" areas." (pp. 241-242).

A detailed review of the Select Committee's Report is beyond the scope of the present paper. It is sufficient to note that the Committee's approach was persuasive and comprehensive. Unfortunately, the Report has been ignored by successive New South Wales governments and it now seems unlikely that sweeping reform of the kind envisaged by the Committee will be introduced in New South Wales. This may be contrasted with the Victorian Government's adoption of the scheme recommended by Marcia Neave (Final Report 1985, vols 1 and 2). Whilst the implementation of the Victorian scheme has been criticised and appears to have led to certain undesirable consequences, (Neave 1988, 21) there was a recognition by the Victorian Government that piecemeal reform to the criminal law was inadequate to effectively regulate the industry. A more broadly based policy approach was required.

By ignoring the Select Committee's scheme successive New South Wales governments have, de facto, adopted the former approach: piecemeal reforms to the criminal law. These piecemeal reforms have, however, had a strong liberal character and, when combined with other policy initiatives, appear to have resulted in a number of positive changes. The New South Wales criminal law is the most liberal in Australia. Brothel keeping per se is not an offence (except under the provisions of outdated legislation like the *Disorderly Houses Act* or the common law) and soliciting for prostitution is legal outside residential areas. These liberal laws, combined with structural and prosecutorial anti-corruption measures in the police force, widespread AIDS education, improved funding for

STD services, the establishment of outreach health services and funding for sex workers' organisations appear to have resulted in certain positive changes:

- a reduction in the public order problems associated with the industry;
- a reduction in police corruption;
- a decentralisation of the industry;
- the proliferation of small groups of independent workers;
- an increase in the use of condoms and other safer sex practices;
- a reduction in the prevalence of STDs amongst sex workers;
- an awareness amongst sex workers and the general community of the measures necessary to assist in HIV prevention.

There remain, however, many problems. Effective HIV prevention measures are not adopted in a certain proportion of brothels and are less common in other forms of prostitution. Violence, drug abuse, exploitation, poor health, stress and a multitude of other health and social problems are experienced daily by sex workers. The threat of prosecution still plays a significant role in the industry and many workers are subject to dangerous working conditions. The extent to which a liberal, laissez-faire approach to the industry can adequately deal with these problems in the long term is questionable.

**Table 7.1****POLICE ARRESTS AND SUMMONS FOR PROSTITUTION-RELATED  
OFFENCES 1908-17, (Women only).**

	<b>Soliciting</b>		<b>Riotous Behaviour</b>		<b>Brothel Keeping</b>	
	<b>Arrest</b>	<b>Summons</b>	<b>Arrest</b>	<b>Summons</b>	<b>Arrest</b>	<b>Summons</b>
1908	43	1187	640	75	2	6
1909	120	66	437	45	6	10
1910	140	102	192	57	19	-
1911	44	35	327	50	19	6
1912	55	28	667	36	8	3
1913	39	9	820	40	8	5
1914	16	1	763	28	8	2
1915		-	1152	24	3	2
1916	26	-	1580	24	5	-
1917	6	-	1541	31	1	-

**Source:** Police Department Annual reports

**Table 7.2**

**POLICE CHARGES FOR OFFENSIVE BEHAVIOUR, SOLICITING, LIVING ON THE EARNINGS, AND SUFFERING PREMISES TO BE USED FOR PROSTITUTION, 1960-1969**

	<b>Offensive behaviour (females only)</b>	<b>Soliciting (females only)</b>	<b>L.O.E. (males only)</b>	<b>Prostitution, suffer premises Males</b>	<b>Females</b>
1960	6335	16	39	1	6
1961	6658	6	55	1	-
1962	7587	4	33	2	9
1963	12981	13	47	11	28
1964	14791	17	44	14	13
1965	12743	21	52	5	13
1966	12173	19	34	10	48
1967	8094	24	43	31	146
1968	2485	60	50	21	179
1969	166*	74	34	24	1634*

**Source: Police Department Annual Report**

**\*Believed to be incorrectly enumerated. See J.A. Aitkin 'Prostitutes in New South Wales', Seminar on Victimless Crime, Sydney, 1977:171.**

Table 7.3

## COURT APPEARANCES FOR PROSTITUTION-RELATED OFFENCES

1972-1989

	Soliciting <sup>1</sup>	Live on <sup>2</sup> Earnings	Allow Premises <sup>3</sup> to be used	Advt <sup>4</sup> Premises Use <sup>5</sup>	Premises Held Out As Massage Parlour Own <sup>6</sup>
1972	4288	46	51		
1973	No Figures				
1974	3301	17	19		
1975	2592	21	24		
1976	1930	20	16		
1977	2075	19	4		
1978	1804	13	17		
1979	653	16	5	0	43
1980	6	35		4	94
1981	0	53		0	84
1982	0	39		0	66
1983	210	40		8	26
1984	419	33		166	27
1985	258	31		22	12
1986	180	11		0	11
1987	238	20		0	2
1988	376	32		68	8
1989	774	8		4	6

SOURCE: New South Wales Bureau of Crime Statistics &amp; Research

1. Soliciting for prostitution in a public place was prohibited by section 38 of the *Summary Offences Act 1970* between 1970 and 31 July 1979. Between 1 August 1979 and 24 April 1983 soliciting for prostitution was not an offence under the *Prostitution Act 1979*. From 25 April 1983 until May 1988 soliciting was prohibited "near a dwelling school church or hospital" by section 8A of the *Prostitution Act 1979*. From May 1988 soliciting was prohibited "near or within view from a dwelling school church or hospital" under section 19 (1) of the *Summary Offences Act 1988*.
2. Living on the earnings of prostitution was prohibited from 1970 to 31 July 1979 by section 31 of the *Summary Offences Act 1970*. This offence was largely re-enacted in section 5 of the *Prostitution Act 1979*, and again in section 15 of the *Summary Offences Act 1988*.
3. An owner (etc) who knowingly suffers or permits the premises to be used for the purpose of prostitution was prohibited from 1970 until August 1979 by section 32 of the *Summary Offences Act 1970*. The offence was repealed in 1979.
4. The offence of advertising prostitution was created by section 8 of the *Prostitution Act 1979* and was largely re-enacted in the *Summary Offences Act 1988*, section 18.

5. From 1970 to July 1979 section 30 of the *Summary Offences Act 1970* prohibited using for prostitution premises held out as a massage parlour etc. It is believed that no charges were prosecuted for this offence. This offence was largely re-enacted as section 6 of the *Prostitution Act 1979*, and later as section 16 of the *Summary Offences Act 1988*.
6. The offence of owning or managing premises for prostitution held out as a massage parlour etc. was created by section 7 of the *Prostitution Act 1979*. This offence was largely re-enacted in section 17 of the *Summary Offences Act 1988*.

**Table 7.4**

**POLICE CHARGES FOR PROSTITUTION-RELATED OFFENCES 1985-1990**

	Soliciting	Live on Earnings	Massage Parlour etc Use	Massage Parlour etc Own	Advt Premises	Public Act
1985-6	41	6	8	1		
1986-7	28	4	3	0		
1987-8	63	34	2	0		
1988-9	831	10	5	0	0	15
1989-90	793	4	17	0	0	15

**Source:** New South Wales Police Annual Reports. It should be noted that these figures are lower in certain instances than the court appearances. There appears to be a serious under-reporting of these incidents to the centralised police statistics unit.

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*Prostitution Act* 1979

*Summary Offences Act* 1970

*Summary Offences Act* 1988



## CHAPTER EIGHT

### IMPACT OF PROSTITUTION-RELATED LAWS IN VICTORIA \*

This study was conducted as a "snapshot" of the impact of prostitution law reform in Victoria or more particularly, in Melbourne - since prostitution in its public and visible form appears to be concentrated in that city.

This report was compiled from information provided by various sources. These included:

- papers and monographs relevant to prostitution;
- relevant legislation;
- interviews with representatives of organisations including Scarlet Alliance, Prostitutes Collective, the Brothel Owners Association and the AIDS Council;
- interviews with officials of government departments concerned with health, law enforcement, community services and local government;
- interviews with sex workers, managers and owners and with welfare workers.

The chief aim of this study was to gauge opinions on how Victorian laws on prostitution are presently working, following partial implementation of the *Prostitution Amendment Act 1986* and changes subsequent to the Neave Inquiry ( Final Report 1985, vols 1 and 2). The focus of this review is thus on how the laws on prostitution in Victoria appear to be working in practice. No major study, reports or inquiry into prostitution in Victoria subsequent to the Neave Inquiry were discovered. It should also be noted that to April 1991, the Interdepartmental Prostitution Monitoring Committee, co-ordinated through the Attorney-General's Office had not met for over twelve months.

#### Recent Background to Victorian Legislation on Prostitution

In Victoria, after many years of the criminalisation of prostitution-related offences, planning legislation was enacted in 1975 in the Melbourne Metropolitan Planning Ordinance to permit massage parlours in some zones subject to the consent of local councils. As Neave comments, "the legislative fiction was maintained that such premises were not used for the purpose of prostitution and the criminal penalties for brothel keeping, use of premises for

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\* This chapter was prepared by Dr. Linda Hancock, an external consultant to the Commission.

the purposes of prostitution and living on the earnings of prostitution, remained in force" (Neave 1988, pp. 203-213).

The 1984 *Planning (Brothels) Act*, aimed to control the location and ownership of brothels. It enabled town planning permits to be granted for brothels in certain commercial and industrial zones and exempted from criminal penalties those working in brothels with valid planning permits. Under the Melbourne and Metropolitan Planning Scheme, brothels were not permitted in residential, rural, local business and conservation and landscape zones. Councils were given the dual roles of considering brothel permit applications and adopting a licensing function. Under section 27A of the *Town and Country Planning Act 1961*, councils could not grant a brothel permit to a person who had within the previous five years, been convicted of any drug offence or any offence punishable by 12 months imprisonment. If a permit was refused or if conditions of a permit were considered unsatisfactory, an applicant could appeal to the Planning Appeals Board (*Planning Appeals Board Act 1980* (Victoria)). Given councils' key role in the planning approval process, it is notable that to October 1984, 35 Victorian municipalities had amended their planning schemes to totally prohibit brothels in all zones (Final Report 1985, vol. 1, p. 156).

In 1985, the Neave Inquiry into Prostitution was set up to evaluate the legislation regulating prostitution: the criminal law, town planning legislation and the *Venereal Diseases Act 1958* which deals with health aspects of prostitution.

A general guiding principle of the Inquiry's report was that prostitution is exploitative and should not be encouraged as an occupation (Final Report 1985, vol. 1, p. 243). Professor Neave argued that the abolition of criminal penalties should be combined with measures designed to minimise prostitution by addressing women's need to enter it.

In an effort to separate public nuisance from the criminal aspects of prostitution, the Inquiry proposed a mix of criminalisation, decriminalisation and legalisation measures. Criminal provisions included protecting sex workers from violence and exploitation and prohibiting street soliciting outside designated areas. Decriminalisation entailed the withdrawal of other criminal penalties and the introduction of a new provision allowing premises to be used for prostitution by a sole sex worker operating from his/her own place of residence. Legalisation provisions entailed giving local councils power to grant town planning permits for approved brothels and creating a State Brothel Licensing Board to vet operators' applications. It was also envisaged that the new legislation would be complemented by other social, economic and education reforms that would both increase women's choices outside prostitution and reduce men's demands for commercial sex (Final Report 1985, vols 1 and 2).

However, in the political process that followed, this package of reforms was never fully implemented. The Victorian Government rejected the Inquiry's proposal to allow street prostitution in designated areas as permitted by council by-laws. The legislation was amended in the Upper House to the effect that all persons using premises for prostitution purposes (even sole operators and sex

workers working on a freelance basis) be required to obtain a licence. Finally, the Government did not proclaim certain provisions such as the statutory establishment of the Brothel Licensing Board as set out in sections 15 to 49 of the *Prostitution Regulation Act 1986*. Also not proclaimed were sections 61 to 65 relating to local governments' right to prohibit brothels in their localities and the licensing provisions that differentiate between large scale and small scale prostitution establishments.

The outcome of this process is that prostitution in Victoria is now directly regulated by four sets of legislation: by some of the old provisions of the *Vagrancy Act 1966*, by those provisions of the *Prostitution Regulation Act 1986* which were proclaimed, by the *Health Act 1958* and later amendments and by town planning legislation (*The Town and Country Planning Act 1966*).

The law under the *Prostitution Regulation Act 1986* as proclaimed, relating to prostitution as it stands in Victoria set out the following provisions:

Section 5, provides that street prostitution is still an offence punishable by five to 25 penalty units and one to six months imprisonment depending on the number of convictions (*Prostitution Regulation Act 1986*, section 5).

Section 6, 7, 8 and 9 of the *Prostitution Regulation Act 1986* outline child-related offences for persons under 18 years of age. These are:

- inducing the child to take part in an act of prostitution;
- allowing a child to enter or remain on premises for purposes of prostitution;
- receiving a payment knowing that it or any part of it has been derived from sexual services provided by a child;
- entering into an agreement in which a child is to provide sexual service in return for payment or in exchange for drugs dependence.

Under the *Prostitution Regulation Act 1986* sections 10 and 11 are aimed at protecting sex workers from violence and abuse and impose penalties for the assault, exploitation or intimidation of an adult sex worker or the use of assault, exploitation or intimidation to force a person to provide financial support from prostitution. Section 14 controls advertising for prostitution services. Relating to living off earnings, section 10 of the *Vagrancy Act 1966* still applies, which can be and is used by police to charge escort agency operators or those employed as drivers or receptionists.

## **The Situation in Victoria after the Prostitution Regulation Act 1986 was proclaimed (August 1987)**

The repeal of some prostitution-related criminal offences and the partial implementation of the *Prostitution Regulation Act 1986*, has had the following outcomes:

- The location of brothels is controlled by planning laws alone, whereby application is made to local councils for a planning permit under guidelines set down by the State Planning and Environmental Ministry.<sup>1</sup>
- The old offence of living on the earnings of prostitution is retained (except for those working in a brothel with a valid town planning permit) (*Vagrancy Act 1966*, section 10).
- It is still an offence for an occupier to keep a brothel (*Vagrancy Act 1966*, section 11) or to permit premises to be used or to use premises for habitual prostitution (*Vagrancy Act 1966*, section 12) if those premises do not have a valid planning permit. This means that sex workers who are working in illegal brothels may be prosecuted, even though they are not in a position to apply for a permit or they may believe the brothel is operating legally (Neave 1988, p. 211). At the same time, those who work in brothels which have valid town planning permits are exempt from prosecution.

In summary, legislative changes in Victoria have resulted in the continued criminalisation of street prostitution with more severe penalties, whilst owner-operators or workers in permitted brothels and men and women working as escorts are not guilty of an offence.

Escort agencies can continue to operate because they are not specifically prohibited, although prosecutions can be made under the living on earnings provisions.

Commenting on these outcomes, Professor Neave said:

"The result is unfortunate in two respects. No mechanism has been established to control the management of large brothels. At the same time the failure to permit prostitutes to work legally on a small scale is pushing women into escort agency prostitution or employment in highly visible brothels run by big business. Multi-storey brothels may flourish in Flinders Lane, while prostitutes who wish to see clients discreetly at home, cannot do so. This is hardly likely to increase the control of prostitute women over their working conditions and lives." (Final Report 1985, p. 211).

Rather than limiting or curbing prostitution, a tightening up of legislation or law enforcement in one part of the sex industry has led to changes in the location or the form of prostitution. Tighter planning restrictions on brothels in Victoria

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1 *Melbourne Metropolitan Planning Ordinance Part 1, Ch. 2, Amendment No. 61, Part 2 amended by Amendment No. 104, Part 2A the Town and Country Planning Act 1961 and the Planning and Environmental Act 1987.*

reputedly influenced an initial move of brothel operators and workers to New South Wales. The increase in criminal penalties for street prostitution has resulted in the movement of workers from that sector of the industry into working as escorts - a less visible but more dangerous and unprotected form of work or into illegal brothels.

## **Prostitution Law Enforcement**

Three main conclusions can be drawn from the analysis of prostitution law enforcement. Laws are enforced overwhelmingly against sex workers rather than clients; against street sex workers rather than those who profit from prostitution or those who work in unlicensed brothels or escort agencies; and against female sex workers rather than male sex workers.

In Victoria, the Neave Inquiry found that sex workers are much more frequently prosecuted than their clients. Women had five times the number of charges as men; 84 women had 415 charges between them, mostly for loitering and using premises, whilst 208 men were charged with only 212 charges of inviting the services of a sex worker (Final Report 1985, vol. 1, p. 132). Street workers are charged more frequently than those working in other sectors of the sex industry. In the Neave Inquiry's research, 79 per cent of street workers had been charged compared with 38 per cent of those working in other sectors of the sex industry. Street workers complained of the constant police presence in St Kilda and of being arrested while not working or while merely shopping (Final Report 1985, p. 80).

Victorian Police statistics show consistently that prostitution offences are more likely to be prosecuted than management offences. Prosecutions for keeping a brothel constituted three per cent in 1983 and one per cent in 1984 of persons proceeded against for prostitution-related offences, and from 1980 to 1984, only three people were prosecuted for procuring in Victoria (Final Report 1985, p. 132). In 1989-90, using premises as a brothel accounted for six per cent while loitering and soliciting accounted for 79 per cent of prostitution-related offences. Similarly, arrests of clients are very low, with five per cent of offences being for gutter crawling (Statistical Review of Crime 1989-90, p. 62).

It is also the case that women working as sex workers are more likely to be arrested than men working as sex workers. In a Sydney study, two thirds of women compared with 10 per cent of men working in prostitution had been arrested at some time. Moreover, these men were arrested more often for their homosexuality than for their prostitution (Perkins & Bennett 1985, p. 247). Although not the focus of this report, it should be noted that various studies have confirmed differences in the ways male and female sex workers define prostitution, attract clients and work. The higher arrest rate for women sex workers may reflect their greater visibility, although there is little dispute that women sex workers also far outnumber male sex workers in Australia (Perkins & Bennett 1985, p. 247).

As well as looking at the ways laws are enforced, it is important to analyse non-enforcement of the laws and the lack of police response when a criminal offence has been committed against sex workers. The incidence of violence is reportedly high amongst sex workers (Hatty 1989). A study by the Neave Inquiry found that almost half those interviewed said they had been sexually assaulted during their work (Final Report 1985, vol. 1, p. 73). Because of the nature of the occupation, sex workers are especially vulnerable to violence and robbery. High levels of violence have been recorded.<sup>2</sup> Similarly, a survey of inner city street and brothel sex workers in Sydney found that 34 per cent had been raped during the course of their work (45 per cent of whom had been raped more than once) and 48 per cent of those surveyed had been victims of violence apart from rape (ed. Daniels 1984, pp. 295-296). A more recent study based on interviews with sex workers in Sydney, found a high incidence of violence, including rape, bashing and assaults using fists, knives, razors or deliberately running into a streetworker with a car. Twenty-three out of 46 women interviewed on William Street recounted episodes of violence, including "such sadistic acts as burning a woman's breasts with a cigarette, dragging another along the footpath by her nipples, and lassoing a woman and dragging her half a block behind a speeding car" (Perkins 1991, p. 346).

## **Prostitution Regulation in Victoria - How is it Working?**

As outlined below, based on various reports, papers and interviews conducted for this report, a number of problems are evident in Victoria. These have been categorised under the headings of planning, health, impact on sex workers and police.

### *Planning and Local Government*

A central issue is the conflict between local government and State centralised planning authorities. Under current legislation, the permit process for brothels entails an application for a town planning permit to the local council as the responsible authority.

The outcome of this process is that many councils have adopted positions of blanket disapproval of brothels on what appear to be moral grounds, when applications conform to the necessary planning guidelines. Consequently, applicants have appealed to the Administrative Appeals Tribunal and permits have been granted to such applicants. The most notable case is that of "Canterbury Tales", a brothel in the Melbourne suburb of Camberwell. It was granted a town planning permit over two years ago, which the council is now challenging before the Supreme Court on the basis of invalidity, since only 42 per cent of the *Prostitution Regulation Act 1986* has been proclaimed.

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2 Interview with Scarlet Alliance, May 1991.

Another application to Keilor Council for a brothel permit on a busy road in a light industrial zone prompted an estimated 1000 objections from local residents and community groups. Subsequently, the council voted to fight the application on the residents' behalf on five planning grounds including exposure to young people - as the proposed brothel is opposite a ceramic workshop which offers classes to adolescents. In this case council was considering re-zoning the site to a residential one, so that a brothel application would be rejected and other businesses could then operate with special permits (*Community News* 12 May and 14 May 1991).

The effect of protracted planning battles and council resistance has been twofold: a restriction on the number of legal brothels (currently around 64 with valid planning permits as at April 1991) and an escalation in the market value of these businesses. A planning process which is dependent upon expensive and protracted appeals obviously limits permit access to larger businesses with the resources to pursue the appeal process. The result has been a growth in larger scale capital intensive brothels owned by consortiums (with directors often having interests in more than one brothel) and for sale as businesses for amounts exceeding as much as one and a half million dollars.

For example, the noted brothel owner, Freddie Lelah, bought his North Melbourne brothel in 1986 for \$1 million with the building worth 10 per cent of that amount. "Its price tag was high because it had a brothel permit. The permit is attached to the building and has no expiry date." (*The Age* October 1989).

Since permits are for the building rather than the applicant, they can be sold and transferred. Noble claims, "police are convinced front men are acting as 'owners' for criminal groups" (*The Age* October 1989). Aside from being alerted to this dimension, information on ownership and control is not readily available.

The designation of municipal officers as responsible authorities in relation to enforcing regulations on planning and good order in brothels under section 49A (1) of the *Town and Country Planning Act 1961*, has further repercussions. As the law stands, brothels are subject to planning control by local councils whose officers can enter premises without notice and can request police to enter premises reasonably suspected of being a brothel (Bennett 1991, p. 8). Questions have been raised concerning council officers' training in the skills and sensitivities required to deal with prostitution. Furthermore, councils may enact requirements which run counter to the Government's interest in regard to prostitution policy and the National AIDS/HIV Strategy. For example, Camberwell Council reportedly wanted to enact regulations that required all brothel staff to pay a \$50 registration fee to the Council and to undergo compulsory health checks. It is also proposed to require all brothels to post a notice on the premises warning clients of the risk of disease (Dobinson 1991, p. 5). Furthermore, Camberwell Council's proposed laws included compelling brothels to use "approved" condoms, to impose \$2000 fines on sex workers who work knowing they have a sexually transmissible disease or on brothel owners who allow them to work (*The Age* 17 March 1990). It is not hard to imagine the

complications which could arise if individual councils enacted a plethora of regulations concerning brothels and the impact this would have on National and State policies.

With the recent growth in the number of illegal brothels, 'legal' or licensed brothel owners are now feeling the effects of competition from illegal brothels which they claim are set up with little capital outlay, under-cut legal brothel service charges and divert clients from legal brothels. The Brothel Owner's Association has called for police action to close down illegal brothels and enforce restrictions on advertising by workers (done surreptitiously under vague advertisements for masseurs, hostesses, etc):<sup>3</sup>

"Illegal brothels, massage parlours and hand relief joints have been allowed to trade with impunity. They have no advertising restrictions like the legal brothels and thus they can blatantly entice members of society into the industry . . . Carrying only a fraction of the overhead, opening on demand, asking their staff no questions about age, filling in no taxation forms, these low cost, cheaply set up alternatives are a serious threat to legal brothels and are the reason why the law was introduced in the first place. And the law enforcement agencies have allowed them to flourish." (Richardson 1991, p. 2).

The press has backed up this view, "Now, massive overheads, taxation, heavy borrowing at high interest to enter the industry, advertising controls and higher prices at plusher brothels mean business is brisk at 'illegal' parlours and escort services" (The Age 10 March 1991).

The appropriateness of locating planning approval for brothels at the local government level and perhaps consideration of a State-wide planning authority needs to be questioned. As Forell stated:

"Until recently, no council was willing to issue a planning permit to any brothel regardless of its location and all successful applications were finally approved by the planning division of the Administrative Appeals Tribunal. If the Tribunal did not have the final word, every last council could be under local pressure to reject further applications and rescind existing permits." (The Age 27 August 1989).

Local Councils are especially vulnerable to their electoral base which can undermine State policy such as the avoidance of "red light" districts and the clustering of brothels.

## *Health*

According to a Departmental spokesperson the chief aim of the Victorian Health Department policy on prostitution is to regulate prostitution in such a way as to minimise the spread of HIV and STDs. With the aim of achieving industry compliance to safe sex standards, officers perceive their role as one involving education and the monitoring of standards. Inspectorial functions are said to be the least preferred functions of their role.

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3 Interview with Mr Peter Richards, on Victorian Brothel Owners' Association, April 1991.



The calendar of events regarding health regulations for the industry is illuminating:

- August 1987 - the *Prostitution Regulation Act 1986* is proclaimed;
- May 1990 - *Health (Brothels) Regulations* declared; and
- April 1990 - two officers had visited 12 legal brothels of varying size with a non-inspectorial brief and with the aim of drawing up definitions and interpretations for the implementation of the Health Regulations. At present the Health Department is still developing a code of acceptable standards and guidelines for the Health Regulations. Despite findings of breaches of regulations, no brothels have been prosecuted and some have changed practices to comply. (For example, one large-scale brothel has stopped its practice of making sex workers buy condoms from a vending machine and now supplies condoms to workers).

In practice, few brothels have been visited by either a Health Department Officer or a local government Environmental Health Officer. It appears that:

- no one monitors whether workers have regular health checks;
- there is minimal checking of health conditions in legal brothels (under the Act - this should occur every three months). Conditions that require checking include laundry (to be dried at a specified temperature), spa and shower cleaning with insecticide, medical certificates that cover relevant STDs, rubbish disposal management and provision of free condoms and lubricant;
- some workers complained of filthy work conditions in some brothels, lack of regular cleaning, lack of clean bed linen and towels for each client and lack of separate toilet and shower facilities;
- one brothel manager asked the local council health inspector one year ago to inspect premises and despite repeated requests, has seen no one.

Although local government Environmental Health Officers are authorised to enter brothels, a Health Department spokesperson did not agree with this. The spokesperson questioned the Environmental Health Officer's skill to do the job, their ability to add this task to their other numerous responsibilities and on occasions, their moralism and lack of sensitivity to the industry. It appears that Health Department Officers discourage local council Environmental Health Officers from entering brothels as they feel this task should be monitored by a central authority. It is argued that having a State-wide jurisdiction, Health Department Officers could better blend educational, monitoring and inspectorial functions, could have better access to specialist medical advice and are more conversant with State and National policy on HIV, AIDS and STD policies.

However, the Health Department has not appointed any full-time officers to this task and the two persons deployed to draw up guidelines to the Regulations are occupied on many other jobs unrelated to prostitution.

Highlighted by the "Charlene" case in New South Wales and the "Rebecca" case in Victoria, unresolved issues in prostitution centre on whether HIV positive workers should inform clients of their health status; whether clients should reciprocally be obliged to inform sex workers of their health status regarding AIDS and STDs, and whether HIV positive workers should continue to actively work in the industry.

The issue of medical certificates occurred repeatedly in the interviews. It was stressed that certificates are no insurance against disease, due to the "window period" on AIDS. Regarding their health status, workers and clients are "as good as their last sexual encounter". Some concern was shown that doctors should know the full range of STDs to check for and the method for carrying out such tests. Many interviewees stressed the fundamental injustice of any drive for compulsory and/or weekly health certificates for sex workers when there is no equivalent emphasis for clients. However, regular health checks were seen as necessary for their own health care by workers interviewed for this study.

Although sex industry workers have a low incidence of recorded HIV there is no room for complacency in the industry, given reports in interviews of unsafe sex practices.<sup>4</sup> In interviews, there were reports of:

- brothels which advocate no condoms if clients request it;
- some Asian clientele of brothels reportedly prefer not to use condoms;
- sex workers who reported not using a condom with 'known long standing regulars' or not using condoms with lovers.

Furthermore, the Prostitutes Collective criticises service menus which offer services such as clients performing oral sex on workers, whereby workers are unable to protect themselves against diseases such as hepatitis B, chlamydia and genital herpes (Dobinson 1991, p. 6).

In some brothels there is a lot of competition and price-cutting between workers and, in the context of workers addicted to drugs and desperate for money, it is difficult to maintain a work culture that insists on safe sex when some workers "will do anything for money". Recent overseas evidence similarly indicates that sex workers' desperate need for drugs results in price cutting and unsafe sex and a heightened vulnerability to HIV infection and sexually transmissible diseases (Fullilove 1990, vol. 44 (5), pp. 146-153; Sowder & Weismann 1989, vol. 1 (2)).

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4 Similarly, a study of sex workers' practices with their non paying partners found that 74 per cent did not use condoms for oral contacts and 57 per cent did not use them for vaginal contacts. Hookykaas, C. in Venema P.V. and Visser, J. "Safer Prostitution: A New Approach in Holland", in Plant, M., *AIDS Drugs and Prostitution*, London, Routledge, 1990.

Some brothels reportedly charge workers for condoms despite the brothel owners being able to buy condoms cheaply from the PCV (Prostitutes Collective of Victoria). Until recently, one large brothel had a vending machine for condoms. Typically, enforcement of health standards (if at all) is reactive and reliant on workers' complaints which then make workers vulnerable to victimisation. As one manager said: "No one abides by the new regulations and no one checks them. It all depends on the operators. There is no enforcement and follow-up on standards and generally the standards are pretty low. As to standards, a lot of managers are just greedy, like pimps."<sup>5</sup>

### *The Impact on Sex Workers*

The initial effect of the 1986 Act was a reduction in the number of brothels from approximately 159 to 58. Factors such as the reduction in work opportunities in brothels coupled with an estimated 20 per cent drop in client demand; increased competition for work with the recession; and the restrictive work conditions and house rules prevailing in legal brothels (such as no drugs and expensive dress requirements) have resulted in the transfer of many workers to less protected and more dangerous forms of work. The settings which some workers have moved to include escort agencies, illegal brothels, and street work. Reputedly a large proportion of Victoria's estimated 4,500 sex workers have transferred to work on the streets or in escort agencies<sup>6</sup> (Pinto, Scandia & Wilson 1990, No. 22, p. 5).

In the past 18 months, the number of illegal brothels or parlours (those operating without a valid town planning permit) increased to between 50 and 200 (The Age 7 April 1991).

Commenting on these changes, the Vice Squad says the side-effects of workers becoming more subservient to owners/managers in legal brothels (with some workers labelled as trouble makers having difficulty obtaining employment in legal brothels) results in (a) less ability to be selective with clients on the grounds of cleanliness, appearance, manner or service requested; (b) less flexibility in hours of employment; and (c) being forced, in some instances, to engage in unsafe sex.

### *Sex Workers Report the Following*

- Work conditions in some brothels contravene workers' civil liberties and workers' health and safety requirements. The PCV reported "workers are asked to sign a contract waiving their civil rights to public liability or Workcare" (Dobinson 1991, p. 6).

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5 Interview with Prostitutes Collective of Victoria, June 1991.

6 Interviews with sex workers May-June 1991.

- Brothel operators taking up to 60 per cent of earnings and typically 50 per cent of earnings (and of the remaining 50 per cent, 40 per cent paid to workers and 10 per cent withheld for tax)<sup>7</sup> (The Age 22 May 1990).
- Withholdings for tax being denied and workers being denied a group certificate. (In one instance workers had reported the premises concerned to the Taxation Office, with allegedly no response). As a result, workers claim they are unable to declare tax paid and run the risk of Taxation Office penalties.
- Brothel managers insisting on workers providing unsafe sex if clients demand it, on threat of dismissal.
- Expecting workers to socialise with clients for no pay. Brothels typically employ workers as sub-contractors or casuals who are paid on "piece work" and receive no salary. Especially in larger brothels, workers have complained of the practice where too many workers are rostered on at any one time, thus creating competition for clients, where workers must socialise with clients for no pay, prior to clients selecting a girl "to go upstairs". Under this practice, clients pay a door fee to management and workers are only paid if chosen by a client for additional services. In these brothels workers are on show the whole time and may not receive any payment for a whole shift's work. Reports of substandard work conditions with no meal breaks, no workers' relaxation rooms or, if they exist, being ill-lit, badly heated and badly ventilated.
- Payment as casuals or sub-contractors invites employers to abrogate their Work Care responsibilities. "Prostitutes are technically covered by Workcare but are not normally eligible for holidays, sick leave or maternity leave. They are not represented by a union." (The Age 3 February 1991) A spokesperson for the Prostitutes' Collective stated that 'no brothel owner pays the Workcare levy of 2.7 per cent, nor are steps taken by Workcare to ensure sex workers have access to compensation' (Dobinson 1991, p. 5). Two known cases of work-related injury have not been proceeded. In one case of an injury sustained from slipping whilst getting out of a spa, the complainant was reportedly "bullied" by management to drop the claim, as management had omitted to pay the Work Care levy and argued they could not afford the fines and everyone would be out of a job. This complainant was promised receptionist work but eventually the shifts allocated to her made it impossible to continue to work.
- Regarding taxation and the agreement reached with the Taxation Office that premises deduct 20 per cent tax from workers' takings, some management and worker advocates predicted that workers will face massive tax bills which they will be ill equipped to pay, especially given

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7 This was confirmed by various media reports.

the spending patterns and lack of savings by sex workers documented in some studies (Final Report 1985, vol. 1 and 2). To avoid this problem, some managers deduct tax on a PAYE or a pro rata basis.

Whilst management appear to have few obligations to workers, workers are bound by management rules and regulations, some of which are unreasonable. Such rules include:

- 'Moral' coercion to take clients or perform services which workers have explicitly stated they do not wish to have or perform;
- Arbitrary 'fines' for laddered stockings, being away sick without a doctor's certificate, unpainted nails, unacceptable appearance or absenteeism. Some legal brothels adopt 'house rules' which include fines for misdemeanours such as lateness, unshaven legs and not having matching nail polish on fingers and toes (The Age 22 May 1990);
- Management practice of insisting workers 'parade' so clients can select a girl. Workers said they found this practice demeaning and competitive. Some said they preferred the practice of rotating work;
- Some managers charge a 'bond' of \$400 - \$500 when workers start and may not reimburse workers when they leave;
- Workers complain of the 'appalling management skills' of some brothel managers and say they lack choices in employment due to the limited number of 'legal' brothels. Brothels are the only legal option (Dobinson 1991, p. 3);
- Some workers with children complained of management's inflexibility regarding shifts that suit school day hours and school holidays; despite the fact they are not paid a salary;
- There were allegations that managers sometimes 'audition' workers or socialise with them and exact sexual favours. In one instance a male 'trainer' was reportedly paid for a 'training session' and the female worker was not;
- There are reports of under age women and illegal immigrants being employed in brothels and being paid low wages and being kept virtual prisoners. However, these practices are often contained within a particular subculture, for example, Thai or Vietnamese, and are very difficult to investigate as some bosses reportedly assist girls to visit Australia, provide accommodation and work under virtual 'house arrest' and then escort them home. Other reports confirm the incidence of illegal Asian immigrants working in illegal brothels, at risk of unsafe sexual conduct at 'bargain prices of between \$20 and \$50' (The Age 2 August 1989). It also appears that in instances of illegal immigrants being discovered working in a North Melbourne brothel and a brothel owner being

convicted of offering a bribe to police and being found to employ illegal workers from Thailand, no action was taken against the brothel owner (Noble 1989).

These are some of the particular grievances related to present legislation that emerged in interviews with sex workers who, because of their mobility (both geographically and between different work places and sectors of prostitution) can comment on wide-ranging issues. Some workers, particularly those in smaller brothels are relatively satisfied with their workplace. However, as shown in interviews at one brothel which had recently changed hands, this was very dependent on management style. Others however, were dissatisfied but felt constrained by the limited job opportunities within the industry. The Prostitutes Collective describes industrial conditions in legal brothels as 'horrendous', 'with sex workers having to socialise and often fantasise with demanding clients for lengthy periods for low payment'. They say brothel workers often make low wages and police agree, saying 'girls are forced to work under conditions set by others and see themselves as sex slaves' (The Age 2 August 1989).

However, one of the problems of attempting to present workers' grievances is the diversity within prostitution and at times, the differences between the views held by sex workers' advocates such as Scarlet Alliance and the Prostitutes' Collective, and by workers who may work alone and shun political activism.

Many of the above comments relate to brothel workers. In discussions with street workers, their major criticisms related to police arbitrary use and misuse of discretion to arrest, claims of arrest when they were merely shopping or socialising with friends, reports of police harassment and being 'roughed up' by police and street workers' reluctance to report incidents of robbery, rape and violence perpetrated against them. As they are working illegally, and given societal condemnation of their work and past experiences of lack of police action, street workers feel it is pointless to report these acts of violence and instead, adopt defensive strategies of private reprisal or working in pairs and the Prostitute's Collective "ugly mugs" list. Both street workers and escort agency workers mentioned the vulnerability of their partners and their children to arrest for living off earnings. These anecdotal comments are substantiated in more systematic studies of sex industry workers than was possible in this 'snapshot' study (Perkins 1991).

Despite their shared interests, it is a misnomer to overgeneralise sex workers' needs. As will be discussed in the section on recommendations, different sectors of the sex industry encounter different problems that require different solutions or approaches.

## Police

Police have traditionally argued for jurisdiction over brothels and prostitution generally to gain intelligence on drug offences and organised crime. Increased powers of entry have been argued for on this basis. Within the Victorian Police, St Kilda police generally keep a close watch on street prostitution in their area. The Vice Squad deals more broadly with brothels and other prostitution-related offences.

In interviews, police stated their opposition to the present restrictions on police powers of entry to legal and illegal brothels:

"Brothels are the only public place that police cannot enter without a warrant because that section of the (Prostitution Regulation) Act is not proclaimed. We can enter any other public place under vagrancy or liquor licensing legislation but we're limited in our entry to brothels."<sup>8</sup>

It is debatable whether brothels constitute a 'public place', or whether they approximate hotels and bars, to which police do have right of entry. The Vice (anti Exploitation) Unit claims its powers of entry into brothels are limited by the non-proclamation of the relevant section of the *Prostitution Regulation Act 1986* and the restriction of powers of entry to apprehension of an offender for a serious indictable offence or by warrant, whereby under section 465 of the *Crimes Act 1958* (Vic) (as amended), police may enter to search for evidence of an indictable offence or the offence of living off earnings under the *Vagrancy Act 1966* (Vic).

Police claim that restrictions on powers of entry to brothels engender complacency among brothel managers and undermine the rapport built up previously with sex workers. By restricting their contact with sex industry workers, they also inhibit police from preventing violence, intimidation and criminal exploitation of sex workers, investigating criminal exploitation, drug problems, illegal immigrants involved in prostitution and more generally receiving complaints from sex workers.<sup>9</sup>

Police claim that it is the Municipal Officer's responsibility to regulate/control legal brothels in relation to planning and good order. This duty does not extend to criminal matters. According to the police, offences may not come to their notice as quickly as desirable:

"On the one occasion when council officers noticed two 13 year old girls working in a legal brothel, several weeks passed before police were notified. Likewise, illegal activity known to have been committed regularly in some brothels has not been reported to police."<sup>10</sup>

8 Interview with the Vice Squad, April 1991.

9 Victorian Police Memorandum from Inspector N.A. Anderson, Child Exploitation Unit to the Officer in Charge, No. 2 Division, "O" District, 21 August 1987.

10 Victorian Police, Memorandum from Chief Inspector P.A. Halloran to Chief Superintendent, "O" District, 25 August 1988, p. 2.

With regard to illegal brothels, police claim there are difficulties in bringing a prosecution, as illegal brothel offences come under the *Vagrancy Act 1966*, which contains no definition of prostitution or of a brothel but requires that acts of sexual penetration or masturbation for payment or gain be proven:

"This requires investigating police to obtain further evidence before action can be taken to force closure. When dealing with the now popular massage centres present legislation causes great difficulty in obtaining such evidence."<sup>11</sup>

As police pointed out, in acts of exploitation concerning children, penetration may not occur (such as in naked parades). Police outlined instances where delays caused by the need to obtain warrants had alerted brothel managers to the police presence and resulted in removal of under-age workers. Other problems are encountered in using young workers as witnesses because of fear of retaliation from brothel owners. Young people often 'go to ground' and are difficult to locate and motivate as witnesses for proceedings. In one instance, the brothel owner paid a fare to Queensland for an under-age worker who, given the lack of police funds for interstate extradition, could not be brought as a witness to proceedings which subsequently lapsed.<sup>12</sup>

Police also alluded to problems associated with the lack of any State-wide co-ordinating licensing board which makes monopoly of the industry difficult to detect:

"Currently it is known that three groups of doubtful character each own a series of legal brothels. Difficulty is being experienced in proving this because of the lack of information obtained by local councils and little effort is made to verify it."<sup>13</sup>

Police say there is no way of preventing organised crime syndicates from dominating the industry under current legislation. "This is particularly important when considering that the vice industry provides a ready flow of cash which is difficult to monitor. This of course makes the vice industry more attractive than ever before."<sup>14</sup>

## Conclusions

In pointing out the deficiencies of the Victorian legislation on prostitution and how it is working in practice, it must be borne in mind that the Victorian situation is no fair test of a decriminalisation/regulation model because of the partial implementation of the *Prostitution Regulation Act 1986*. The continuing unconditional criminalisation of street prostitution and amendments to the Act made in the political process are problems. Debate continues about some

11 Victorian Police, Memorandum from Sergeant K. Ross, to Officer in Charge, Licensing Gaming and Vice Task Group, 1 February 1991, p. 2.

12 Interview with Vice Squad, May 1991.

13 Victoria Police, Memorandum from Sergeant K. Ross, to Officer in Charge, Licensing, Gaming and Vice Task Group, 1 February 1991.

14 Victoria Police, Memorandum from Sergeant K. Ross, to Officer in Charge, Licensing, Gaming and Vice Task Group, 1 February 1991.



provisions of the Act in its unamended form. However, analysis of the advantages and shortcomings of the Victorian situation can confirm the appropriateness of certain aspects of a decriminalisation/regulation model and can help fine-tune thinking on this model and put in place mechanisms that would make it work better. The final section of this report now turns to the justification for such a model, its underlying assumptions and various suggestions on how it could work.

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*Planning Appeals Board Act (Vic) 1980.*

*Prostitution Regulation Act 1986.*

*The Town and Country Planning Act 1966.*

*Vagrancy Act 1966.*

*Workplace Health and Safety Act 1989.*

## CHAPTER NINE

### IMPACT OF PROSTITUTION-RELATED LAWS IN WESTERN AUSTRALIA \*

This "snapshot" study of the impact of laws on prostitution in Western Australia was conducted through interviews with informants in various key positions or groups with an opinion on prostitution. These include: SIERA (Support Information Education and Referral Association, the sex workers' advocacy group); the Western Australia Police Vice Squad; the Office of the Minister of Police; Women's Electoral Lobby; WIRE (Women's Information and Referral Exchange); the Women's Advisory Council; the Department for Community Services; the Women's Health Policy Unit within the Health Department; the Health Department; the Western Australian AIDS Council; the AIDS Bureau; "madams" of brothels approved under the containment policy; sex workers in street work, escort work and brothels; and single operators working from their homes. Focusing on young people, interviews were conducted with youth workers at Perth Inner City Youth Services, PICYS; the "Step 1" youth program; the Department for Community Services; and the Youth Policy Unit within the Office of the Family. Relevant law relating to prostitution in Western Australia was studied in some detail. Recent reports and newspaper coverage relating to prostitution law reform were also consulted.

There appears to be widespread acknowledgement that the present unofficial police policy of containment and control is unsatisfactory and illegal. Many of the issues are at the forefront of discussion with the Cabinet appointment of a Community Panel to consider changes to the law on prostitution in 1990 and its final report and recommendations being made in April-May 1991.

#### Introduction

Review of the law in Western Australia is relevant to Queensland in two respects. First, to give general insight into the laws and their enforcement. Secondly, there are similarities between police practices on prostitution in Western Australia and Queensland, prior to the Commission of Inquiry. Both States have laws prohibiting prostitution-related activities but have (or had in the Queensland instance) police policies of containment and control.

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\* This chapter was prepared by Dr. Linda Hancock, an external consultant to the Commission.

## Background

Similar to other Australian States, early approaches to prostitution control in Western Australia focused on public nuisance aspects of street prostitution, the moral contamination of prostitution on other women and on children and on efforts to prevent the spread of sexually transmissible disease from sex workers to clients.

Western Australia has an early history of segregating prostitution in semi-official or police condoned brothels between the 1890s and World War I (ed. Daniels 1984, p. 163). There has been an informal containment policy that spans almost a century from the gold rush days to the present time (Final Report of the Community Panel on Prostitution 1990, p. 8; hereinafter referred to as "Community Panel Report").

Although the laws in Western Australia prohibit most prostitution-related activities, a police policy of containment and control was officially introduced after the Norris Royal Commission in 1976. In an attempt to curb police corruption most brothels were closed down but 16 were permitted to operate in Perth and Kalgoorlie. The following dates mark the most recent history of attempts to review the laws on prostitution in Western Australia:

- 1975 - marked the first mention of a policy of controlling prostitution in the report of the Royal Commission into the Administration of the Law Relating to Prostitution chaired by the Hon. J.G. Norris. In his report, Norris stated "the containment policy was not set down in writing nor was it known to the public" (Community Panel Report 1990, p. 6).
- 1982 - Mr O F Dixon reported to the Western Australian Parliament on matters concerning the W.A. Police Force and referred to the policy of containment of prostitution.
- 1984-85 - Dr Judy Edwards undertook a study of the police policy of containment for the Council of Civil Liberties (Edwards 1986).
- 1985 - In Victoria, the Neave Inquiry into prostitution reported on Professor Neave's interview with the then Police Commissioner detailing workings of the Western Australian police policy of toleration and control of prostitution (Final Report 1985, vols 1 and 2).
- 1986 - Furthering the interest in prostitution by the Western Australian Women's Advisory Council, a study was conducted by Ms Jill Toohey on prostitution in Western Australia (Prostitution in Western Australia - The Case for Change 1986; hereinafter referred to as "Prostitution in Western Australia").
- 1987 - Announcement by the then Premier of Western Australia of a party commitment to de-criminalisation of prostitution and discussions by various groups on reforming the laws on prostitution "the Commissioner

of Police has indicated that Perth has outgrown the containment policy and new measures for the regulation and control of prostitution are now needed" (Community Panel Report 1990, p. 7).

- 1989 - State platform on prostitution states "repeal all legislation relating to prostitution and where necessary, legislate to cover the control and regulation of business premises and considerations of employment", (item 34, State Platform 1989).
- March 1990 - At the request of the Minister for Police Mr Graham Edwards, Cabinet appointed a Community Panel on Prostitution to consider the Police Department proposal to establish a regulatory board to control and regulate prostitution in Western Australia. Members appointed by Cabinet included representatives from local government, women's interest groups, police, health and church groups. The Panel's mandate was to investigate community attitudes towards establishing formal guidelines for the regulation and control of prostitution and whether there should be changes to the system of discretionary control exercised by the Police Commissioner.
- September 1990 - The Community Panel published its Final Report which called for comment and community discussion on recommendations prior to the introduction of new legislation. The report stated: "the bottom line is that the containment policy is not in fact a written document so that no-one can see or inspect the policy and it seemed to be impossible to change the policy even in the light of changing circumstances" (Community Panel Report 1990, p. 9).
- April 1991 - Final (Draft) Report of the Community Panel on Prostitution outlined recommendations for limited de-criminalisation of prostitution with controls; controls which are basically structured through a Licensing Board. The view of the panel was that decriminalisation with regulation would achieve desired goals of regulating and controlling prostitution. "The panel believes that regulation will protect the amenity of communities; improve the capacity of Local Government to manage the location of premises; ensure that adequate mechanisms are in place to prevent organised crime and corruption; and will ensure that those working in the industry are treated fairly and with dignity" (Community Panel Report 1990, p. 30).

## **The Legal Context - Laws Relating to Prostitution in Western Australia**

Prostitution is not strictly an offence. Commenting on this situation, a legal opinion commissioned by the Western Australian Women's Advisory Council stated, "the nature of the sanction imposed both upon the activities relating to prostitution and the status of being a sex worker, make this observation somewhat academic" (Prostitution in Western Australia 1986, p. 2).

Certain prostitution-related activities are offences under the *Western Australian Criminal Code 1913* (as amended) and the *Police Act 1892-1982*.

The following lists offences prescribed in the *Police Act* and the *Criminal Code* of Western Australia:

(a) *Police Act* Offences

- soliciting for prostitution (section 59 *Police Act*) incurring up to \$40 fine or one month's imprisonment;
- living wholly or in part on the earnings of prostitution (section 76G (1) (a)) *Police Act*;
- "common prostitute . . . behaving in a riotous or indecent manner" in a public place (section 65 (8) *Police Act*) incurring a fine of up to \$500 or up to six months imprisonment;
- occupier of a house frequented by sex workers (section 65 *Police Act*);
- consorting with sex workers (section 65 (9) *Police Act*);
- if occupier permits premises to be used as a brothel (section 76F *Police Act*);
- occupier of a house frequented by sex workers (section 76 (7) *Police Act*);
- soliciting or importuning in any public place for immoral purposes (section 76G *Police Act*);
- section 42 *Police Act* empowers police to enter any premises and remove any common sex worker found therein. Refusal to leave may result in arrest and a fine not exceeding \$100 or imprisonment for up to 1 month.

(b) Offences under the *Criminal Code*:

- procuring women to become sex workers (section 191);
- unlawful detention of women in brothels (section 194);
- suffering a girl or women under the age of 21 years in a brothel (section 194);
- permitting persons under 18 to resort to brothels (section 195);

- keeping premises for the purposes of prostitution (section 209, section 213) (imprisonment with hard labour for 3 years);
- custody of girls under 17 years of age when prostitution of a girl under 17 has been caused, encouraged or favoured (section 736);
- unlawful detention for immoral purposes (section 716).

The import of such legislation is that *brothels* are illegal. However, 13 premises in metropolitan Perth and four in Kalgoorlie are currently approved under the police policy of containment and control. *Street prostitution* is illegal with no exception and *escort agencies* may operate within the law following the Western Australian Supreme Court decision of *Devereaux v Powell*, (*Devereaux v Powell* 1987) which decided that escort agencies operated for the purpose of introducing people as opposed to the purposes of prostitution (Community Panel Report 1990, p. 7). Under the *Police Act* and the *Criminal Code* it is not an offence for a woman working alone, to work from home.

In addition to the *Police Act* and the *Criminal Code* other regulatory legislation may also apply to prostitution under the *Local Government Act* 1960 (as amended), the *Town Planning and Development Act* 1928 and the *Health Act* 1911.

Under section 206 of the *Local Government Act* 1960, Councils may make by-laws prohibiting prostitution. Section 206 (c) which authorises local councils to make by-laws "for preserving the public decency" defines a brothel as "a house, room or other premises kept or occupied, whether by one or more persons for the purpose of prostitution". It may thus include single operators working from home.

Under the *Health Act* it is an offence for a woman to continue to reside in a brothel once she has been served with a notice by the Executive Director advising that she is suffering from venereal disease (section 310 (2)). In addition, AIDS has been declared a "dangerous infectious disease" by the State Government (*Government Gazette* 9 September 1983, p. 3306).

However, it has been rare for regulatory legislation to be used to control prostitution until recently. The author of a 1987 legal opinion prepared for the Women's Advisory Council was not aware of any by-laws that had been made pursuant to section 206 of the *Local Government Act*. A Perth City Council report said that because of the illegality of brothels, "health standards could not be set for brothels and massage parlours because there were no by-laws to control them" (*The West* 29 May 1990, p. 1). Similarly, because brothels are illegal, councils claim they have no power to control the location or the nature of brothels. It was only recently that the Melville City Council took action against a woman for operating a business from her home without a permit. A newspaper report claimed "in this case a sex worker has shocked genteel Attadale by turning her quiet suburban home into a bustling brothel" (*The Sunday Times* 7 January 1990, p. 5).

The illegality of the police policy of containment and control was challenged by Ingrid Plukhty who filed an application in the Supreme Court calling for the Police Commissioner to show cause why a Writ of Mandamus should not be issued to compel him to enforce sections of the *Police Act* relating to prostitution which would in effect challenge the police policy of containment (*West Australian* 4 January 1991). This is one of several Supreme Court actions challenging the Police Department's prostitution policy and is no doubt related to the Police Minister's concern to clarify the legal status of prostitution regulation.

The fact that some forms of prostitution are permitted and others are not and that police practices under Containment are not embodied in law, creates confusion and insecurity within the industry. Commenting on this situation, SIERA (Support Information Education and Referral Association) stated: "This means that sex workers themselves are in a twilight zone of confusion about the laws and fear of arrest. This serves to keep sex workers isolated from society and from each other" (*Laws Affecting Prostitution in Western Australia*, unpub., p. 1).

### **Police Policy of Containment and Control - How It Works**

In an interview with the head of the Vice Squad (April 1991) the aims of the containment policy were stated as the following:

- to keep the industry free from criminal participation and organised crime;
- police practices aimed at preventing corruption include the rotation of Vice Squad members every two to three years, members may only visit brothels if accompanied by another member, interviews of workers are to be conducted by two members;
- to guard against female and juvenile exploitation;
- to prevent AIDS and STDs.

Under containment, 13 premises are permitted or were permitted to operate in Perth (12 were operating in April 1991) and no new premises are permitted. The police claim that prostitution should only be run by females and only women are permitted to run brothels and to work in them. Under containment, private workers must live where they work and must work alone, brothel workers must be 21 years of age and escort and private workers must be 18 years of age.

All sex workers must register with the Vice Squad before starting work. There are special times allocated for this purpose. The Vice Squad takes name, telephone number, address, licence number, age, who the worker lives with and employment status. The sex worker is photographed (fingerprints are no longer taken) and the Vice Squad keeps a copy of this information and the photograph.



Women have to advise the Vice Squad of any change of address or change of living circumstances. On this basis, the Vice Squad has about 1,000 women registered but estimate there are about 400 women currently working in prostitution. It should be noted that street workers cannot register because street work is illegal and escort workers may register as they are legal according to the recent Supreme Court decision of *Devereaux v Powell* (*Devereaux v Powell* 1987).

Under Containment there is reportedly strong co-operation between the Vice Squad and "madams". The "madam" lets police know if a girl comes to work drunk and under the influence of drugs or if a girl is caught with drugs on or off the premises. The "madam" contacts the Vice Squad to confirm that a new worker is registered. Other police involvement includes police reinforcement of safe sex. In 1983 the wearing of condoms by clients became mandatory. The Vice Squad has made discreet visits to clients who wanted unsafe sex to counsel them against such practices. Police argue they are the best suited to checking the bonafides of workers.<sup>1</sup>

Rules for brothels as designated by the Vice Squad are the responsibility of management and include the registration of all workers, no alcohol or drugs to be consumed on the premises, regular health checks, and no juvenile involvement. Approved brothels stay in close contact with the Vice Squad and must keep a list of workers which is verified with the Vice Squad once a week.

## The Size of the Industry

Various estimates put the number of industry workers in Western Australia at around 450 to 500 workers with around 200 to 250 workers in approved brothels in Perth and Kalgoorlie and between 160 to 250 women working privately and through escort agencies (The Management of Prostitution in Western Australia 1990, unpub., p. 4; *Australian* 5 July 1989; Community Panel Report 1990, p. 8).

Reports estimate there are relatively few street sex workers in Western Australia (Prostitution: Government Proposed Legislation 1990, p. 4) and these workers tend to be those women who are unable to or prefer not to work in brothels, young people under 21 or drug addicts. There were comments that police concentrated on patrolling beat areas and arresting those soliciting in the street and this had the effect of channelling workers away from street work.

Various reports estimate that about 50 per cent of sex workers in Perth work within Containment (Community Panel Report 1990, p. 24; Prostitution in Western Australia 1986).

With an estimated 50 per cent of sex workers working under the containment policy, many are reportedly satisfied with containment, loyal to the brothel employing them and reliant on police monitoring and protection. However,

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1 Interview with Vice Squad, April 1991.

reports and interviews also exposed a range of complaints by workers. These include doubts about their entitlements to workers' compensation and time off work for work-related illnesses. Also mentioned was the fact that they are subjected to brothel rules which may be unreasonable or illegal, such as fines for inappropriate dress or grooming or non-attendance at rostered duties. Workers generally receive 40 per cent of takings with 50 per cent going to the "madam" and 10 per cent going to taxation. Additional costs charged to the worker may include electricity, laundry and "the birthday fund". One interviewee commented there is never a shortage of bills and wield the power to black-list a girl so she cannot obtain work in other brothels.

Single operators and escort operators complain of police harassment, phones being tied up with police ringing frequently and police entering their homes when a client was present (Community Panel Report 1990, p. 25).

### **Kalgoorlie Under Containment**

According to the policy of containment and under the authority of the Police Superintendent at Kalgoorlie, four brothels are permitted to operate in Hay Street. There has been widespread criticism of the restriction of sex industry workers' life styles and freedom of movement. Sex workers in Kalgoorlie are not allowed to have relatives within a 50 kilometre radius, they are not allowed to have their brothers visit, they are forbidden to have relationships with local people; that is they are not allowed to visit friends in town and they are not permitted in licensed premises or in private homes unless chaperoned. In other words, sex workers in Kalgoorlie are restricted from moving freely about town and they are subjected to a dawn-to-dusk curfew. Workers must work and sleep on the premises of the brothel, sometimes in the same room used for prostitution services. Workers report that they are forced to go on public display in the shop fronts of Hay Street wearing lingerie and are subjected to being photographed and videoed by passing tourist buses which are brought to view the sex workers. Some workers complained about poor standards of hygiene and sanitation in brothels.

The typical response to prostitution in Kalgoorlie is that it has gone on for years, it is good for business in town, it boosts tourism and sex workers do a job and perform a community service that "makes it safer for women to walk the streets" (Edwards 1986, p. 51). Characteristically, few townspeople perceive prostitution in terms of the infringement of workers' rights. The Community Panel Report (Community Panel Report 1990, p. 10) commented: "This toleration does not seem to spring from progressive attitudes towards sexuality but rather the opposite, arguments that were presented to the Panel included the belief, perhaps erroneous, that prostitution prevented rape and that the workers were confined to Hay Street to protect them from the men in town, or alternatively to protect clients from embarrassment outside a brothel". In a report produced for the Human Rights Commission, Edwards (Edwards 1986) notes that denial of the fundamental rights of workers in Kalgoorlie contravenes articles of the

International Covenant on Civil and Political Rights and the Convention on the Elimination of All Forms of Discrimination - rights which are recognised in the *Australian Human Rights Commission Act 1981*.

## **The Community Panel Report - Recommendations Made by The Community Panel on Prostitution**

The Community Panel Report was published in September 1990 and following various submissions, the Final (Draft) Report became available in April 1991. Basically the 1990 Report recommended decriminalisation with controls, those controls being primarily in the form of a Licensing Board. Some of the more controversial recommendations and various responses to them are discussed below:

### **(i) An increase in police powers**

The Report recommended that police be given special powers of entry. They are already empowered to enter any premises provided there are sufficient grounds to believe that an illegal activity is occurring. There was opposition to this recommendation. For example, the Health Department (Response to Report of the Community Panel on Prostitution 1991, unpub.) rejected it on the grounds that it does not consider it appropriate that police be given special powers, including powers of entry to premises registered for purposes of prostitution. It argued that police should not have powers which differ from those relating to other businesses.

Nevertheless, the Panel adopted the view that police need special powers, including powers of entry to premises, because of the "potential for violent and criminal activity" in prostitution (Report from the Community Panel on Prostitution 1991, Final (Draft); hereinafter referred to as "Final (Draft) Report").

### **(ii) Health**

The Community Panel Report of September 1990 recommended compulsory health testing and weekly compulsory AIDS and STD checks for sex industry workers. The Final (Draft) Report changed the requirement to regular health checks for all workers in the industry as part of maintaining adequate health standards. It was recommended an amendment be made to the *Health Act*, to require the owners of premises registered for the purposes of prostitution to take responsibility for these areas. The Report specifies it is the owners' responsibility for maintaining adequate health standards. However, there is a need to define "adequate" in this context. Notably, the Report does not mention the responsibility of

owners of businesses to comply with occupational health and safety provisions. Other issues which have not been examined include:

- penalties for non compliance;
- enforcement of health checks for workers, who are not in brothels, i.e. escort workers, collective workers and private workers;
- confidentiality of health test results;
- the issue of working and HIV positive workers.

### (iii) The Licensing Board

The Licensing Board is the lynchpin of the regulatory aspects of the Community Panel's recommendations. The suggested Licensing Board had the support of the Local Government Association whose submissions endorsed the Victorian model of councils retaining control over planning applications with a State-based Appeals Board. The recommendation also had the support of SIERA (Support Information, Education and Referral Association) who thought it was preferable to the containment policy. However, SIERA questioned whether the panel was recommending licensing of single operators or just premises. The notion of licensing premises was supported, whereas the licensing of single operators gained little support and was dropped from the Final 1991 recommendations.

The Report was vague on aspects such as guiding principles to control the Board, the licensing process, how rules or procedures might be modified, consultation mechanisms, enforcement procedures, penalties, rights of appeal against licence refusal, and the mode of ongoing consultation or communication with the sex industry. The Final (Draft) Report (Final (Draft) Report 1991) recognised different sectors of the industry in the requirement that a representative of both management and worker sectors be appointed to the Licensing Board. Other questions are raised about membership and tenure on the Board and about electing members to represent broad and conflicting memberships such as "community member", or "women's interests representative". SIERA ( *Laws Affecting Prostitution in Western Australia*, unpub., p. 3) recommended that the medical practitioner appointed to the Board should have a background in venerology and work experience with sex industry workers. Similarly, it was recommended that the local government representative should be conversant with zoning and occupational health and safety legislation and practice.

Some of the issues raised by the Panel's recommendation of a Licensing Board concern the following questions:

- the registration fees and fee structure and how these might accommodate part-time and co-operative workers as opposed to brothel managers;

- confidentiality of information and access to licensing or registration records and provisions to protect the right to privacy of sex industry workers;
- whether owners of premises registered for prostitution or the licensee be responsible for maintaining adequate health standards;
- whether individual operators should be licensed, as many may not register because of a lack of confidence in the privacy of records (Laws Affecting Prostitution in Western Australia, unpub., p. 6);
- whether prior convictions for offences relating to prostitution would exclude sex industry workers from registering premises with the Board;
- development and monitoring of a regulatory body and the extent to which industry representatives would participate in all levels of decision making;
- corporate licensing and whether a licence could be held by a company or group or whether it must be held by an individual;
- whether to regulate workers who work outside the licensing system.

The Western Australian Women's Advisory Council (Final (Draft) Report 1991) recommended monitoring of the performance of the new regulatory system and recommended a review period of 3 years.

(iv) Ministry for the Licensing Board

There was widespread opposition to the recommendation of the Community Panel Report that the Licensing Board come under the Minister of Police. SIERA queried the need for a police representative on the Licensing Board when police are not members of Boards regulating other industries: "If indeed police are required, their role should be that of community liaison rather than 'delegate of the Commissioner' or a vice squad member" (Final (Draft) Report 1991). Alternative suggestions for a member of the Licensing Board included a nominee from the Justice Department, Community Services, Recreation and Human Rights. The Health Department of Western Australia supported the recommendation that the Police be removed from their current role and that the Licensing Board not report to the Minister of Police. Alternatives suggested were Local Government or Community Service.

## Key Issues Under Containment

### *Human Rights Issues*

The Community Panel Report describes the present policy of containment as "neither fair nor just - the community, the workers, local government and the police are all placed in a hazy, confusing and illegal situation" (Community Panel Report 1990, p. 28). A number of key issues concern sex workers' rights by virtue of the denial of choice of where to work and with whom; the denial of choice on how to spend money earned through prostitution; and the use of pejorative terms such as "known prostitute", "common prostitute" and "reputed prostitute" in the *Criminal Code*.

In her report to the Western Australian Human Rights Commission, Edwards (1986, p. 26) criticised the containment policy for its lack of regard for normally accepted rights and conventions in that the policy is not clearly defined, it is applied selectively, there is no appeals system for refused applications to work or operate a brothel and there is no avenue for public input or review. She says "this results in an infringement of the rights of prostitutes - a denial of freedom of information and a loss of equality before the law" (Edwards 1986, p. 27). Edwards' report and interviews with other parties conducted for her report, illustrate practices under the containment and toleration policy that contravene basic human rights and civil liberties. These include:

- the humiliation of being photographed by police for registration;
- reported difficulties in getting photographs returned or destroyed when women cease working;
- the requirement that brothel workers inform police when they change employers or address;
- the complaint by brothel workers about their lack of control over hours of work, days off, prices and services offered;
- the invasion of privacy with the keeping of individual workers' records, leaving sex industry workers vulnerable to blackmail or exposure;
- the lack of freedom to spend their earnings as they please, given the vulnerability of husbands or partners to be charged with living off earnings.<sup>2</sup> Commenting on this provision, the Women's Advisory Council Report states: "It is an example of an outdated concern which was designed to protect women by ensuring they will not be forced into prostitution by "pimps", but which actually now puts them in danger and erodes their choices and thus their human rights"; (Prostitution in Western Australia 1986, p. 9);

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2 Section 76G (2) of the *Police Act* specifies: A person living with, or habitually in the company of prostitutes with no visible means of subsistence is deemed to be living off the earnings of a prostitute.

- lack of protection against sexual assault and procuration if victims are "a common prostitute or of known immoral character" (*Criminal Code*, section 191 (1)). Under sections 191 and 192 of the *Criminal Code* there can be no conviction on uncorroborated evidence. This provision is notable given that other legislation in Western Australia has repealed the corroboration rule in relation to sexual assault.

As *victims of crime*, sex workers lack redress under the law because they are acting illegally. Hence, as Edwards (Edwards 1986, p. 30) points out sex workers are unable to appeal under Article 26 of the International Covenant on Civil and Political Rights to equal protection under the law.

Proving the applicability of terms such as "common prostitute" to a defendant makes it possible to put prior convictions which are not required to be proved before a court during the trial. Notably other jurisdictions have removed such pejorative terms from the statutes.

Problems also exist for *private sector workers* who are permitted under containment policy to work from home, provided they work from premises where they live and work alone. As a consequence, they may not even employ a driver or a receptionist for protection or someone to answer the telephone. They are not permitted or given the opportunity to separate home from work; this is an important requirement for women with dependent children or women who fear violence or intimidation from clients or others. Such restrictions make private sector workers vulnerable to isolation and increased risk of physical danger. The Women's Advisory Council Report argues that private sector workers should have the choice to separate work from home: "women working as prostitutes should be afforded the same options and be subject to the same controls as anyone else offering the service" (*Prostitution in Western Australia* 1986, p. 7). That report took the view that these workers, just like anyone else in the community, have the right to run a small business partnership away from home. If renting premises, private sector workers allege being charged exorbitant rents for their rooms.

Current practices violate some of the basic human rights and civil liberties of sex industry workers and contravene rights embodied in the International Convention on the Elimination of All Forms of Discrimination Against Women; rights which are recognised by the Commonwealth of Australia in the *Human Rights Commission Act* 1981. Particular attention is directed to Article 12 on the right to liberty and freedom of movement; Article 26 on the right to equality before courts and tribunals; Article 16 on the right to recognition as a person before the law (rather than being designated "a common prostitute"), Article 17 on the right to privacy and reputation; Article 19 on the right to freedom of thought and expression and Article 22 on the right to free association (Edwards 1986, p. 77).

In terms of organisation of the industry, SIERA claims many sex industry workers are apathetic about issues within the industry. Many workers are isolated, marginalised and fragmented and tend to associate more in small

clusters of two or three women who talk to each other rather than in a large political bloc. For this reason, and because many women prefer to work anonymously, unionisation of workers is problematic.

### *Police Corruption*

Police claim that the policy of toleration and control is an effective means of controlling the industry and preventing corruption. However this is a delicate issue on which there are conflicting views. The Community Panel Report argued that "the very nature of the containment policy has the potential for and often allegations are made about corruption but it is important to reiterate that no evidence whatsoever was presented to the Panel" (*Sunday Times* 7 January 1990, p. 5). Complaints reported in interviews conducted for this study concerned the vulnerability of sex workers to the police discretion to arrest and police harassment of those working outside containment. For example, workers who do not register can be charged with soliciting, workers can be arrested for being "a known prostitute in a public place" under suspicion of loitering or soliciting and partners can be arrested for living off earnings. "If your partner is living with you and is not fully employed, Vice can decide they are living off your earnings, much like the stereotype pimp" (*Laws Affecting Prostitution in Western Australia*, unpub., p. 3). Other matters for concern are the close and co-operative links between approved brothel "madams" and police and the concentration of ownership of approved premises.

### *Home Occupation - Single Operators*

The Vice Squad states that a woman who carries on prostitution by herself in her own home is not keeping those premises for prostitution and thus acts within the law. However, husbands or de facto husbands who are unemployed and living with a private operator can be charged with living off the earnings of prostitution (*Sunday Times* 7 January 1990, p. 5). These restrictions do not permit single operators to reside separately from their place of work. Such restrictions have been criticised for placing individual sex workers at great risk and for not permitting a separation between home and work. Such workers have also been vulnerable to intrusive police practices in police attempts to prove a woman does not live on the premises and that premises are being used for prostitution by watching women, tagging women, taking photographs, inspecting refrigerator and rubbish bins for evidence that a woman is living on the premises, making frequent inspections, disrupting business and so on. Under Containment, single operators are required to make themselves known to the Vice Squad "who for safety reasons record her relevant details".<sup>3</sup>

Recently, some councils have used prosecutions under by-laws to force single operators from private homes in residential neighbourhoods. For example, the Plukhty case illustrates the vulnerability of single operators. Plukhty claims she has been victimised by police and council harassment. Reported as "on the move for the seventh time in four years", she claims that authorities are

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3 Interview with Sergeant Hill, Head of the Vice Squad, *West Australian*, 10 January 1990, p. 39.



harassing her from suburb to suburb, house to house, while allowing other sex workers to operate without interference (*West Australian* 8 January 1990, p. 5). Media reports illustrate the symbolic nature of opposition to Ms Pluktchy, "neighbours complain of a constant stream of "disreputable" men coming and going at the two-storey house. And, they say, business is so brisk some clients leave by the back door as others arrive". Neighbours were quoted as saying they feared some of the "undesirables" visiting the premises might be a threat to young girls at a local school nearby (*Sunday Times* 7 January 1990, p. 5). Here the moral objection to prostitution is quite obvious.

In response to these issues and taking into account the vulnerability of single operators forced to work alone, SIERA recommended (Recommendation re Final Report of the Community Panel on Prostitution 1991, unpub., p. 1; hereinafter referred to as "Recommendation") a redefinition of premises to enable two sex workers to work co-operatively without premises being defined as a brothel and, for single operators to have the right to reside separately from their place of work (Recommendation 1991, unpub., p. 8).

## Young People and Prostitution

With the recession and increasing family and youth unemployment and poverty, various youth agencies in Perth estimate that the number of young homeless has also increased. Ms Sharland from SIERA was quoted as saying that more young people are turning to prostitution because they cannot afford to live on limited Job Search and social security incomes. "Many of them don't identify as sex workers but provide sex for money, accommodation, food or whatever their primary need is". With the deepening of the recession, the situation is now worse (*Sunday Times* 10 December 1989, p. 3).

Although not explicitly asked about prostitution and crime, "streeties"<sup>4</sup> interviewed in the SAAP (Supported Accommodation Assistance Program) evaluation said they had begged (six out of 20 young people interviewed) as a means of making money on which to survive (Evaluation of the Supported Accommodation Assistance Programme 1990, p. 115; hereinafter referred to as "Evaluation of S.A.A.P.").

Although not a part of prostitution under the police containment policy, some young people under 18 are involved in prostitution. Whilst it is difficult to predict actual numbers, a report in 1988 noted that young people prostituting had more than doubled between January and June 1988, an increase which may reflect cuts to the under 18 youth income (Marsland 1988, p. 6).

Solutions (Evaluation of S.A.A.P. 1990) noted the current lack of co-ordinated and co-operative responses to problems of youth homelessness. It also noted problems regarding inadequacies of data bases to monitor the impact of SAAP, lack of medium and long-term accommodation options and inadequacies of

provisions for young people labelled as "hard to serve". These groups included Aboriginals, young people from non-English speaking backgrounds, young people with severe addiction problems, violent young people and those with a criminal record (Evaluation of S.A.A.P. 1990, p. 38). Whilst a range of services should be available to young people, the SAAP evaluation also recognised that young people who gravitate to the inner city may become dependent on these services - a dependence which may reinforce their reliance on services and institutionalise homelessness. For this reason, the SAAP evaluation emphasised the priority of support and counselling by inner city youth services, with emergency accommodation a temporary measure and priority on moving young people out of the inner city, away from the refuge roundabout and into stable medium and long-term accommodation (Evaluation of S.A.A.P. 1990, p. 28).

Figures for youth accommodated in SAAP services for the State are on average 99 males and 63 females per night, with 21 young people per night under the age of 16<sup>5</sup> (Evaluation of S.A.A.P. 1990, p. 106).

From interviews with 20 "streeties" it was found that young people not accommodated in refuges or SAAP accommodation but living on the streets or in squats who tend to move to inner city Perth<sup>6</sup> identified problems with services and dissatisfaction with the level of income support to which they had access. "There was general agreement expressed that the array of inner city support and accommodation services tended to contribute to young people staying in the city" (Evaluation of S.A.A.P. 1990, p. 115).

Addressing young people's involvement in prostitution is broader than criminal law provisions which ensure their protection from exploitation or procurement and under-age employment in the sex industry. Whilst these measures are widely supported, broader policies must address the factors that precipitate young peoples' need to engage in prostitution. These include the need for income security at a level which facilitates independent living. This includes ensuring young people who are state wards have income or access to the Young Homeless Allowance. Also important are affordable long-term housing options, support services to facilitate family reconciliation, education, training and re-training options that equip young people for entry into the workforce.

Health services for young people and safe-sex education are also major concerns. Young people at risk or living on the streets experience health problems as a consequence of poor diet, drug use, poor hygiene, poverty and the nature of shared unhealthy lifestyles. Problems outlined by the street workers' program include malnutrition, respiratory disorders, sexually transmissible diseases, unwanted pregnancy for young women, feet infections and stress-related illnesses (Annual Report 1991, p. 76).

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5 Evaluation of the Supported Accommodation Assistance Programme, Perth, Solutions: Research and Development Pty Ltd, 1990, p. 106. Based on averages from aggregated figures May 1988 - October 1989.

6 An estimated 20-40 young people living permanently on the streets.

## Why Containment is Unsatisfactory

Some individuals and groups think the containment policy works well in controlling and limiting the size of prostitution and placing safeguards on police corruption. Among those taking this view are the police, some "madams" of brothels approved under containment, some brothel, escort and single operator workers. While police and "madams" have an obvious vested interest in continuing the present situation, some workers said they felt secure that police were there to protect them and had positive experiences in this regard. Those taking this view saw law reform as merely a matter of parliament legislating to legalise Containment.

On balance, in interviews and the various reports consulted, the above view was a contested one. There is widespread opposition to Containment and the values it is deemed to represent.

Not only is it "unofficial control of an illegal industry" but in its practical application in the view of the Women's Advisory Council, a clear example of "residual patriarchal attitudes" (Prostitution in Western Australia 1986, p. 1). The Council argues that such structures work against empowerment and women's ability to take control and points out that containment policy contravenes the Western Australian Government's commitment to raising the status of women (Prostitution in Western Australia 1986, p. 5).

Other criticisms of Containment included the following:

- inequities - it is unfair to penalise women working in illegal brothels when others are permitted to work in "legal" brothels;
- Containment gives police too much unchecked power in their discretion to enforce the law or Containment;
- it does nothing to question outdated criminal offences related to prostitution that give some basis to negative stereotyping of sex workers and undermines any attempts to bestow dignity on sex industry work;
- workers are in an insecure, unstable, ambiguous position where some forms of prostitution are permitted and others are not;
- work conditions and the terms of registration and surveillance by police deny sex workers choices which are central to human rights;
- the use of police resources to record and control registration is a misuse of limited and valuable police resources;
- the literal illegality of "approved" brothels makes enforcing health and occupational health and safety standards difficult;

- the police insistence that the industry is all female (brothel workers and "madams") overlooks the fact that premises are often owned by companies or consortiums that are run by men;
- the limitations on the number of "approved" brothels concentrates the "legitimate" industry in the hands of a few, who profit from prostitution (one "madam" in Perth owns three brothels in Perth and one in Kalgoorlie);
- this concentration of power has led to the imposition of unacceptable work conditions and a monopoly over employment;
- the virtual monopoly over brothel work forces rejected or inappropriate workers into more vulnerable, isolated and dangerous forms of prostitution work;
- employer/owners are given the responsibility of monitoring health checks and the hygiene of the premises but may not do so;
- the illegality of some forms of prostitution and the stigma of sex industry work makes recourse to the law difficult for sex workers who are assaulted, robbed, intimidated or charged exorbitant rents for rented premises.

## Conclusion

In its Final (Draft) Report, in 1991 the Community Panel has opted for limited decriminalisation and a Licensing Board. This entails retaining some criminal penalties for soliciting, advertising explicit sexual services, protecting minors from corruption, protecting persons from coercion or force to engage in prostitution and running a brothel or an escort agency outside the controls of the proposed Licensing Board (Recommendation 6.3.1). It also recommended that premises with three or more workers be registered as a brothel and owners/managers of brothels and escort agencies be licenced by the Board. (See Appendix VII.)

Initially, the Panel proposed that individual workers would need to register, but this proposal was deleted following widespread objection to this notion (Final (Draft) Report 1991).

The Panel recommended a two-tiered structure. Firstly, with planning controls and a Licensing Board in conjunction with the enforcement of *Local Government Act* and *Health Act* requirements for approving and registering larger establishments employing three or more workers. Secondly, allowing up to two operators to work from their own premises.

However, small operators would not have the freedom to set up in any residential location but would be subject to approval by the Local Government Authority which would make the decision to allow home occupation for self-employed sex workers (Final (Draft) Report 1991).

In interviews with commentators on prostitution law reform, a strong feeling was conveyed that the same issues four to five years ago were again being considered by the Community Panel and that real change was likely to be delayed. A prevailing view was that because of the complex nature of prostitution and law reform, controlling prostitution would always be controversial. It was also suggested that owners/managers presently benefiting from Containment would oppose change.

Conversely, others held great optimism that inequities within the industry and the contravention of human rights could be addressed through decriminalisation with controls. Given the AIDS issue, a prevailing view was that reaching sex industry workers about safe sex practices would only become more difficult if the State takes a repressive stance and drives workers underground.

No one took the view that strict enforcement of criminal sanctions would completely stop prostitution within the present social and cultural context.

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## Legislation

*Criminal Code*

## CHAPTER TEN

### CONCLUSION AND RECOMMENDATIONS

#### Introduction - A Social Problem

Very few societies during the course of recorded human history have been free from prostitution and it seems an unrealistic expectation to eradicate it from ours. Available evidence does not conclusively prove what causes prostitution. It does, however, establish that historically the overwhelming majority of sex workers have been women. The Commission believes that sex work is exploitative and should not be encouraged as an occupation.

Findings of research and inquiries tend to indicate that among those who enter the prostitution industry many do so because of economic reasons. In the labour market, where women's wages are typically less than men's, prostitution appears to be an attractive alternative.<sup>1</sup> It gives women with low educational and work skills greater remuneration than do unskilled jobs and indeed, many skilled and para-professional jobs. Women in the workplace still dominate in lower grade clerical and sales occupations. Gender discrimination in the workforce becomes stark when one acknowledges that for equal work a woman still earns on average 80 cents to a man's dollar.<sup>2</sup> However, the provision of equal opportunity to women will not of itself contain or reduce the level of prostitution-related activity in Queensland.

What this report has been unable to assess is the demand for prostitution which is broadbased and apparently inextinguishable. It is the most convenient sexual outlet for a large number of ordinary men, as well as for itinerants, groups of tourists and strangers, perverts and physically unattractive persons. Therefore, when prostitution-related activities are outlawed, they fall into a class of crime in which one of the parties is often an ordinary citizen. It is also argued that a service which is in demand by a wide cross-section of the Queensland male population is potentially profitable to those who organise it. More importantly, if such activities are banned by the government, organised crime will control them as experience described in Appendix II seems to show.

There is no valid measure as to how much money changes hands in prostitution. It is as difficult to find the number of sex workers in the state as it is to ascertain the number of clients and the amount they spend. The sex worker survey conducted by this Commission provides some very crude estimates. According to the sex workers interviewed it appears there are approximately 700 sex workers operating in Queensland on a full or part-time basis. The sex

1 According to the Australian Bureau of Statistics in Queensland in February 1991, males earned an average of \$596 a week while females earned an average of \$478 a week: Australian Bureau of Statistics, "Australia - Average Weekly Earnings", July 1991.

2 A woman makes about 84 cents to a (male) dollar for professional occupations and 72 cents for a tradesperson or salesperson. Scutt, J., (1990) *Women and the Law*, Law Book Company, Sydney, p. 99.

per sex worker was 15 and in a slow week the median number of clients per sex worker was five. If one were to be very conservative in estimating the number of visits by clients to sex workers in Queensland one would take the lesser figure of five as the number of clients visiting each sex worker per week. Accordingly, if there are 700 sex workers and each receives five clients per week the number of visits per week for the entire state of Queensland would be 3,500. Multiply that figure by 52 and that comes to 182,000 per annum. The sex worker's survey also revealed that in a slow week the median income to the sex worker was \$300; on an average that is \$60 per visit. The total income for the sex workers for the year would be \$10,920,000. According to the sex worker's survey this constitutes only 70 per cent of the total annual turnover generated by the industry because it excludes the 30 per cent cut taken by operators. If this were included, the estimated total annual turnover would be \$14,196,000.

It seems likely that the demand for prostitution will continue, and a small number of women will always be attracted to this relatively lucrative industry. Options for dealing with prostitution are outlined later, but in considering these it is important to ensure that:

- each person is a free agent and of age;
- use of force in gaining sexual submission is barred;
- third party profiting (or pandering) is prohibited; and
- the individual is held responsible for the consequences of his/her sexual act.

In this context the findings of the Special Committee on Pornography and Prostitution, Canada (1985) are illustrative. The Committee reviewed prostitution-related laws in the United States, the United Kingdom, Australia, New Zealand, France, West Germany, the Netherlands, Denmark and Sweden. The Committee drew the following tentative conclusions (Pornography and Prostitution in Canada 1985, pp. 507-509).

- that law by itself enjoys no special claim to be a solution to prostitution within society. Those countries which have ignored the importance of the non-legal, social responses to prostitution have experienced less success in controlling prostitution than those such as Sweden, Denmark and Holland, which have adopted social responses;
- that there is no necessary correlation between the existence of harsh criminal law provisions and effective control of prostitution;
- that decriminalisation does not necessarily result in an increase in prostitution and related criminality;



- that the impact of decriminalisation makes a considerable difference if such a move is balanced by the replacement of the criminal law with some form of regulation; and
- that in a planned and reasoned approach to prostitution political will and resources can be applied to allow a combination of long-term social engineering and short-term legal control mechanisms to work.

Data gathered by this Commission through various sources - public submissions, survey of sex workers, and the State-wide survey of public attitudes - point to a need for a shift in public policy with regard to prostitution. It is likely that, as found by the Canadian Committee and as this Commission has suggested with SP Bookmaking, a multi-faceted approach is necessary.

## Policy Objectives

Experience in law reform within Australia and overseas has demonstrated that it is essential to identify policy objectives before considering the options for reform.

The health risks associated with prostitution and the involvement of organised crime and corruption in the industry are issues of great concern to the community as illustrated in this Commission's survey of public attitudes. The Commission of Inquiry was also concerned about the involvement of organised crime in the industry and attendant corruption.

In addressing these concerns, this Commission has identified a number of policy goals toward which a system of regulation should aim:

- the reduction, and if possible, eradication of prostitution;
- the prevention of involvement of minors;
- the prevention of criminal involvement in prostitution;
- the protection of workers and clients from health risks;
- the minimisation of public nuisance;
- the prevention of police corruption;
- the prevention of corruption in other agencies;
- the prevention of exploitation of sex workers;
- the maintenance of proper accountability and monitoring of the industry; and
- the optimisation of the cost of regulation.

## Options for Law Reform

The Commission has reviewed the prostitution laws in Australia and overseas, and it is clear that there are a number of options which could address all or some of the policy objectives. Whilst there is some overlap in the various options, they can be broadly categorised as follows:

1. Strict enforcement of the criminal law;
2. No application of the criminal law;
3. Partial application of the criminal law; and
4. Regulation of prostitution-related activities by means other than the criminal law.

### *1. Strict Enforcement of the Criminal Law*

If the government is minded to maintain the present approach to prostitution, where it is controlled by the application of criminal laws, then the Commission is of the view that consideration should be given to strengthening the law and increasing the resources available to enforce it. Significant problems in the operation of the criminal law in Queensland have been attributed to deficiencies in the law and lack of resources.

This option of strict enforcement of criminal law does not change the current policy orientation but attempts to ensure that the policy goal of stamping out prostitution through the application of criminal law is more effectively achieved.

It is clear that the application of this policy toward prostitution has not succeeded in eradicating it. However, proponents of this option would argue that this policy was not given a chance to succeed because of inadequate police resources allocated to the task, and legal difficulties.

In order to develop a more effective method of law enforcement, the Commission sought the views of experienced police officers and investigators. Results of these discussions revealed that for this model to be effective, changes would need to be made to the existing criminal laws in the following ways:

- the act of prostitution itself, that is the provision of sexual services in return for monetary gain, should be an offence;
- in order to discourage the sex worker and the client from engaging in the unlawful act, it is necessary to create an offence for the client, as well as the sex worker;

- the act of prostitution and related criminal activity should be deemed serious offences and the penalties provided in the law should take cognisance of this fact;
- provisions should be inserted into the criminal law precluding any form of advertising of prostitution services;
- the provisions allowing for the use of listening devices in investigations should apply to prostitution offences;
- the provisions allowing for the forfeiture of assets should apply to persons convicted of prostitution;
- a reverse onus provision should be enacted enabling a police officer who suspects on reasonable grounds that premises are being used for the purpose of prostitution to make application to a Magistrates Court for an order for the owner/operator of the premises to appear before the Court and prove that the premises are not being so used;
- heavy penalties should be introduced for a range of offences involving children in prostitution; and
- the criminal law should make it clear that persons who benefit from prostitution should be subject to criminal penalties.

Tightening up the criminal law, of itself, would not ensure a stricter control of prostitution-related activities. There would also be a need for increased police resources to ensure that the stricter criminal laws were enforced.

According to the police officers and investigators with whom the Commission consulted, in order to have a significant impact upon prostitution-related activities, it is estimated that the following minimum and desired levels of resources would need to be dedicated totally to the task.

	Minimum Level	Desirable Level
Staffing (Police Officers)		
Gold Coast	25	30
Brisbane Metropolitan	20	25
Cairns	10	12
Townsville	6	8
Mount Isa	4	5
Rockhampton	4	5
Toowoomba	4	5
Additional for remainder of state	2	<u>10</u>
<b>TOTAL</b>	<b>80</b>	<b>100</b>

	Minimum Level	Desirable Level
Number of support staff needed	16	20
Cars (1 per squad of 5)	16	20
Office space		
Telephones		
Electronic equipment		
Audio visual equipment		
Cameras		
Other surveillance equipment		

In monetary terms an increase of resources to that extent would require the following injection of funds;

	Minimum Level	Desirable Level
Salaries	\$3,200,000	\$4,000,000
Add-on costs	\$1,920,000	\$2,400,000
Cars (1 per squad of 5):		
Capital costs	\$ 800,000	\$1,000,000
Recurring costs	\$ 320,000	\$ 400,000
Electronic equipment	needs to be estimated	
Audio visual equipment		
Cameras		
Other surveillance equipment		
Office space		"
Telephones		"
Interpreter facilities		"

The above are only crude estimates of some of the costs associated with stricter law enforcement. It is difficult to estimate the ancillary costs such as electronic equipment etc. In estimating this level of resources and associated costs regard could not be had to the cost of existing police specialised squads because their cost is difficult to isolate. Furthermore, as far as the Commission is aware there is no comparable squad in existence in terms of the methods and techniques employed. Therefore it is difficult to know if this is an underestimate or an overestimate of the resources needed.

If the application of strict criminal sanctions is selected as the option for Queensland one should also estimate the impact of such an enforcement policy on the remaining sectors of the criminal justice system, i.e. the courts, prisons and legal aid services etc. There may be many who would support this option irrespective of the cost involved.

At this stage, it is not possible to compare the cost of strict enforcement with the cost of any of the other options proposed.

#### *Impacts of this Option*

Those who argue in favour of introducing a strict system of controlling prostitution through criminal laws do so in the hope that such an option will eradicate or significantly reduce the amount of prostitution-related activity. The framework proposed above will, in the opinion of experienced police officers, result in a significant reduction in the level of prostitution-related activity as it is now manifested. However, it is likely to drive the industry underground and this has undesirable consequences.

An industry which operates underground is a potential target for the involvement of organised crime. Once organised crime is involved, the potential for police corruption is increased. Furthermore, an industry which operates underground is more likely to be linked with other illegal activities, especially drug-related activities.

One of the most significant dangers associated with an industry operating in this way is the health risk involved. Those workers engaged in an illegitimate industry are less likely to go for health checks because of the fear of prosecution. Additionally, the illegal industry provides little protection against unscrupulous owners/managers who compel sex workers to engage in unsafe sex practices. It will be almost impossible to limit the health risks to the workers and to the community at large. Where organised crime is involved in controlling the illegitimate industry, the workers are both liable to criminal penalties and subject to the control of criminal entrepreneurs. In the latter case, whilst the sex workers may be shielded to some degree from the criminal law, they may be subject to a much greater degree of exploitation by those controlling them and have no recourse to the Police Service for protection.

While the aim of this option is the eradication of prostitution, the Commission's research shows that this outcome is highly unlikely. On the contrary, evidence suggests that the potential adverse effects are the more likely outcome. The Commission therefore does not believe that prohibition by strict enforcement of the criminal law is the most appropriate option to adopt.

## 2. *No Application of the Criminal Law;*

Another option is to allow a completely unregulated industry. This Commission is not aware of any comparable community that has simply removed all sanctions. It is clear from the survey of public attitudes that this course of action would not be acceptable to the majority of Queenslanders and the Commission does not endorse it.

## 3. *Partial Application of the Criminal Law;*

There is no doubt that criminal laws need to be applied to certain aspects of prostitution-related activity that a majority of people abhor and believe should be the subject of heavy criminal penalties.

No matter what course of action the Government ultimately decides to follow, the Commission recommends that the criminal law should apply to areas such as street soliciting, prostitution activities involving children and disadvantaged groups, prostitution activities which involve coercion and/or intimidation, and explicit and offensive advertising.

### *Street Soliciting Offence Provisions*

It is recommended that it still be an offence to solicit in a public place. This provision should be drafted to state clearly that this is an offence for both the sex worker and the client. The reference to loitering which is contained in the current provision concerning street prostitution, should be deleted.

This recommendation is made with a primary view to minimising the public nuisance. Street soliciting has the potential to create a public nuisance in a number of ways such as non-sex workers being accosted by "would be" clients and increased noise and disruption to traffic flow.

As discussed earlier in this report, street soliciting is presently allowed in New South Wales under certain conditions. Street soliciting is particularly apparent in the Kings Cross and surrounding areas which are viewed by some as a type of 'red light' district containing sex shops and strip establishments. Queensland Police sources advise that in Brisbane at the present time there are only limited streets in Fortitude Valley where soliciting takes place.

There are three options available when considering soliciting. They are:

- a) Unrestricted soliciting;
- b) Soliciting in designated areas; or
- c) Complete prohibition of soliciting.

With respect to the option of unrestricted soliciting being permitted, in light of the New South Wales experience of 1979 and the associated problems, this Commission does not consider that it is a viable option. The survey of public attitudes indicated clearly that Queenslanders were overwhelmingly against soliciting in a public place being legal.

With respect to soliciting being permitted in designated areas, this Commission has difficulties in recommending such a course of action, in light of the fact that soliciting is not prevalent in Brisbane and that to permit it may be seen as encouraging the practice. This is even more so when it would appear that street soliciting may not only be a public nuisance but may place the sex worker in dangerous situations. It has been suggested that persons who engage in street soliciting are often homeless youths and persons with drug dependency, the argument being that this is the only source of money upon which they can survive. Whilst this Commission recognises that in certain circumstances prostitution may be the only source of income relied upon by these classes of persons, this Commission does not believe that this form of behaviour should be legitimised. Furthermore, if street prostitution were legalised it could make it easy for young people to enter into this activity as a means of earning income, and the Commission clearly does not support this. Rather this Commission recommends that social welfare programs be implemented to address the underlying problems and to promote alternative sources of income for the disadvantaged.

Accordingly, consistent with this Commission's aims to prevent exploitation of workers, to prevent involvement of minors and to reduce recruitment of sex workers, it is recommended that street soliciting be prohibited.

#### *Creation of Certain Other Criminal Offences*

It is considered that exploitation and coercion of persons into the prostitution industry should still be regarded by the law as serious.

Accordingly criminal sanctions are recommended in circumstances where children are involved in prostitution and where sex workers are involved in prostitution through coercion or intimidation.

It is recommended that new criminal offences be enacted which provide heavy penalties with respect to:

- i) prostitution activities involving children under the age of 18;
- ii) prostitution activities involving disadvantaged groups; and
- iii) prostitution activities involving coercion, intimidation or fraud.

i) Prostitution Offences Involving Children Under the Age of 18

Whilst the provisions contained in the Criminal Code dealing with indecent treatment and the sexual abuse of children are fairly widely drawn at the moment, it is considered important that specific offences be created with heavy penalties in order to discourage persons from exposing children to or involving children in prostitution. For the purpose of these offences, a child should be defined as a person under the age of 18.

The Commission also recommends that it be an offence to receive money or other material benefit knowing that it was derived from an act of child prostitution. Consideration ought to be given to making it an offence to be a person capable of exercising lawful control over premises in which a child participates in an act of prostitution. In similar terms to that contained in the New South Wales *Crimes (Child Prostitution) Amendment Act 1988*, the definition of lawful control should extend to all persons controlling the entry and movement of persons through the premises. In this way everybody working at or from those premises has a vested interest in ensuring that minors are not involved.

ii) Prostitution Offences Involving Disadvantaged Groups

The Commission recommends that offences be created to protect disadvantaged groups such as intellectually impaired persons and non-English speaking persons from involvement in prostitution. They should prohibit owners/operators and clients from exploiting the vulnerability of these groups.

(iii) Prostitution Offences Involving Coercion, Intimidation or Fraud

It is recommended that it be an offence to procure a person to become a sex worker by coercion, intimidation or fraud.

It is also recommended that it be an offence to live either wholly or partly on the earnings of a sex worker, where that sex worker has become involved in prostitution in circumstances of coercion, fraud or intimidation.

#### 4. Regulation of Prostitution-Related Activities

Whilst retaining a number of criminal sanctions for activities associated with the industry, the Commission is of the view that the remainder of the criminal laws currently applicable to prostitution should be repealed and that a well-structured regulatory framework for the operation of the industry should be established.



## *Repeal of Certain Criminal Offences*

This Report has summarised the present offences which relate to prostitution in Queensland. Criminal penalties are imposed pursuant to the *Vagrants Gaming and Other Offences Act* and the *Criminal Code*. There are anomalies under the present law. For instance, the selling of sexual favours from home is not an offence, but doing so from rented premises or a brothel may well be an offence. The law is also discriminatory in that it does not target both parties to the act, namely the sex worker and the client; in most cases it only penalises the sex worker. The law in its present form is antiquated and does not necessarily reflect current values. The law does not confine itself to attacking the wrong that it was originally formulated to punish. For example, the offence of living off the earnings of a prostitute was aimed at the punishment of the 'pimp' who exploits the sex worker. This provision could however, arguably be applied to the spouse and partner of the sex worker.

Accordingly it is recommended that the following provisions be repealed and replaced by a more coherent code:

- being a prostitute who behaves in a riotous, disorderly or indecent manner in a public place (*Vagrants, Gaming and Other Offences Act*, section 5; section 7 of the Act includes a general offence of disorderly or indecent behaviour etc. and there is therefore no need for a specific offence concerning prostitutes);
- loitering for the purpose of prostitution (*Vagrants, Gaming and Other Offences Act*, section 5);
- using premises held out for other purposes for the purpose of prostitution (*Vagrants, Gaming and Other Offences Act*, section 8A; under the regulatory framework proposed below this will constitute a breach of the regulations).
- living either wholly or partly on the earnings of a prostitute (*Vagrants, Gaming and Other Offences Act*, section 8; one of the new criminal offences proposed above states that this will only be an offence were it involves coercion, intimidation or fraud);
- keeping or managing a brothel (*Vagrants, Gaming and Other Offences Act*, section 8);
- keeping a bawdy house (*Criminal Code*, section 231);
- being an occupier of a house frequented by prostitutes (*Vagrants Gaming and Other Offences Act*, section 5);
- being a tenant, lessee or occupier who permits premises to be used for prostitution (*Vagrants, Gaming and Other Offences Act*, section 8);

- being a landlord who knows premises to be used for prostitution (*Vagrants, Gaming and Other Offences Act*, section 8);
- being a keeper of a lodging house who permits it to be the resort or place of meeting of prostitutes (*Vagrants, Gaming and Other Offences Act*, section 9);
- procuring a person to become a prostitute (*Criminal Code*, section 217; this will no longer be necessary if the new criminal offences proposed above are enacted).

### *The Proposed Regulatory Framework*

It has been suggested by some that the industry should be subject to no more than normal business regulations. The Commission does not support this view. It recognises that this industry is different from other businesses in that it has historically been dominated by crime figures and has been the source of police corruption in Queensland. Furthermore, it is recognised that the public nuisance aspect associated with brothels and the location and size of brothels are matters which should be subject to some regulation. As well as protecting the community from these environmental effects of prostitution, there is a need to ensure the protection of the sex workers themselves from the violence and exploitation which have been rife in the prostitution industry. For these reasons the Commission does not believe that normal business regulations are sufficient to address the problems in the industry and has proposed a regulatory framework.

It recommends that there be two categories for the purposes of its regulatory framework:

- (i) the individual sex worker operating from his or her home who will not be subject to regulation under this framework; and
- (ii) any organisation involving two to 10 persons, regardless of whether it operates as a brothel, escort agency, co-operative or any other form of organisation which offers sexual services. Such an organisation may not have an interest in or operate from more than one premises. The organisation will be subject to regulation by Local Authorities and a Registration Board.

#### i) Individual Sex Worker

With respect to the individual sex worker, the Commission recommends that a self-employed individual sex worker be permitted to operate from his/her home, subject to Local Authority planning provisions.

In the public attitude survey sponsored by the Commission, a majority of the respondents indicated that selling sex from home should be against the law. The Commission has not recommended this for a number of reasons:

- the existing criminal law does not prohibit individual sex workers operating from home; and
- the Commission considers that the activities of consenting adults in their own home are a matter of private morality in which the criminal law should not interfere; and
- the Commission recognises the difficulties of controlling such activities.

The Commission is of the view that the self-employed sex worker operating discreetly from his/her home does not attract the same problems associated with larger prostitution operations. The activities of a single sex worker are unlikely to generate significant noise or traffic problems.

With respect to the health risks, it is expected that individual operators making their own free choice will act responsibly. Single sex workers operating for themselves are not subject to risks of being compelled to engage in unsafe sexual practices by management. Continued community education about the threat of AIDS and other sexually transmissible diseases ought to be directed towards the client sharing responsibility for safe sex practices.

It is considered that the amount of income generated by a self-employed single operator is unlikely to be sufficient to attract the interest of organised criminals.

While the income generated by a number of sex workers may encourage criminal entrepreneurs to attempt to organise them, there is little advantage to the sex worker to enter into this illegal arrangement. If threatened by any person attempting to involve them in organised prostitution, single sex workers could seek police protection. If they wish to be managed they have the option of joining a legitimate organisation such as a brothel, escort agency, co-operative, etc.

For these reasons it is considered that the costs associated with attempting to monitor and/or regulate every individual operator working discreetly from home must be weighed against the benefits that would accrue from such monitoring.

It is recommended that an individual sex worker operating from rented premises other than his/her place of residence be subject to the same requirements as those which apply to organisations of two to 10 sex workers.

## ii) Two to Ten Persons

This Commission recommends that the maximum number of persons involved in any one establishment should be 10. This includes owners, managers, sex workers, receptionists, drivers and other similar employees. The workers can choose to work as a collective or co-operative, or may be employed by an owner of premises as an in-house sex worker or as an escort. For example, an organisation could comprise an owner, manager, driver and seven sex workers. Alternatively the organisation could be a collective of ten sex workers. An escort agency owned and operated by one person may have up to nine sex workers on call.

Each organisation could operate from one premises only and no person should have an interest in more than one organisation or premises.

The Commission considers that there are good reasons for limiting the size of the organisation. The larger the organisation, the greater the cash turnover generated by the business. This increases the risk of attracting the involvement of organised criminals and attendant illicit activities. Once there is organised criminal involvement, the potential for police corruption by the industry is greatly increased. Furthermore the larger the establishment the more serious will be the associated traffic and noise problems.

With large establishments it will also be difficult to keep track of the workers who are involved in the business and the task of checking the organisation's books of account will also be more complex.

The Commission is of the opinion that the risk of exploitation of workers is lower in a smaller organisation and it will be easier to monitor the behaviour of the workers and of the owners and operators in a smaller establishment - for example, with regard to drug use and safe sex practices. In smaller establishments, the supervision of health and sanitary requirements will be simpler.

## Role of Local Authorities

It is recommended that organisations involving two to 10 persons be permitted to operate from premises either as a brothel, escort agency, co-operative or any other form of organisation offering sexual services, subject to Local Authority approval. Accordingly, it is recommended that Local Authority by-laws should prohibit such businesses operating from any premises without first obtaining approval.

It is further recommended that a notice and objection procedure similar to that applicable to rezoning applications be adopted. Provision should also be made for appeals from the decision of the Local Authority by either the applicant or objectors. This appeal process should be as streamlined and inexpensive as possible.

It is recommended that a State-wide set of guidelines be developed for all Local Authorities to which they must have regard when considering any grant of approval for the operation of a proposed business. These guidelines should cover the following matters:

- size of the proposed business;
- number of persons to be employed therein;
- hours of operation;
- proximity to residential areas;
- proximity to other businesses which create similar amounts of noise and pedestrian and traffic movement;
- proximity to churches, hospitals, schools and other community facilities; and
- proximity to other sex businesses and the undesirability of clustering of these businesses.

While the public attitude survey found that if prostitution-related activities were to be legalised, a majority would accept the creation of 'red light' areas, the Commission recommends that Local Authorities prevent the concentration of these businesses. The creation of an entire area consisting of numerous brothels is considered likely to generate vulnerability to criminal involvement. Furthermore, in submissions received by this Commission the view was expressed by some that the creation of a 'red light' district is tantamount to creating a human zoo which is demeaning to the workers. This is inconsistent with the Commission's objective to prevent exploitation of sex workers. Queensland does not currently have 'red light' areas and there would be considerable difficulty in finding neighbourhoods which would be acceptable as such.

## **Registration Board**

The Commission recommends the establishment of a registration board to regulate and monitor the operation of organisations comprising two to 10 persons. The aim of establishing this board is to:

- ensure that there is no criminal involvement in the sex industry;
- maximise the safety, self-determination, and employment conditions of workers in the industry;
- ensure that all workers and the premises from which they are working are accessible to health workers and other social service providers.

The nature of the sex industry is such that, even with the lifting of criminal sanctions to some aspects of sex work, it will still be attractive to criminal elements. This is due to reasons which are specific to this industry, namely society's traditional disapproval of such work and the highly lucrative returns. As mentioned earlier the high cash flow makes this business not only profitable to run but an excellent means of laundering money. In order to ensure that the risk of this is minimised the Registration Board will have the function of vetting all sex industry workers, including owners, operators and managers.

The vetting carried out by the Registration Board (discussed in more detail later in this chapter) will be conducted after a referral from the Local Authority. A person wishing to apply for approval to operate premises for the purpose of prostitution, will be required to provide the Local Authority with name and date of birth, residential address and the address from which the premises are intended to be operated. The Local Authority will refer that information to the Registration Board who will then conduct enquiries to ascertain whether the person is an "acceptable person".

If the Registration Board does not approve the involvement of a person in the industry it should notify the Local Authority, who thereupon shall not approve the application. If the Registration Board approves the person, it should notify the Local Authority who shall then make a decision as to whether it should approve the premises.

The Registration Board will at all times remain separate and independent from the Local Authority.

### **Composition of the Board**

The Board should be comprised of a representative of each of the following:

- Queensland Health (formerly the Department of Health);
- the Police Service;
- the Local Authority - this should be an elected representative;
- the Criminal Justice Commission;
- sex workers; and
- the Workplace Health and Safety Division of the Department of Employment Vocational Education, Training and Industrial Relations.

An independent senior legal practitioner should be appointed as Chairperson of the Board.

### *Term of Office*

No person should serve on the Registration Board for a period exceeding three years.

### *Responsible Minister*

The Registration Board should be responsible to the Minister for Health.

### **Role and Functions of the Registration Board**

The Board should have the overall role of regulating and monitoring the prostitution industry.

It should have the following functions:

- to investigate the suitability of persons involved in the industry, and approve "acceptable persons";
- to issue certificates of registration for premises from or at which sex workers are operating;
- to issue certificates of registration to owner/operators of registered premises;
- to maintain a record of workers in the industry;
- to establish and oversee an Inspectorate to service the Board;
- to ensure compliance with the regulations;
- to investigate and determine complaints;
- to promote the health and welfare of workers and clients by:
  - establishing a Code of Conduct within the industry;
  - actively educating workers, clients and the community at large as to the health issues associated with the industry;
- to recommend legislative change where appropriate; and
- to report annually to Parliament.

## **Suitability of Persons in the Industry**

As mentioned earlier, the Local Authority will provide the Registration Board with details of the applicant, including the person's name, date of birth, residential address and the location of the premises where it is intended to operate the business.

In this process of vetting the Board will look not only at the applicant, but will make further investigations. Among other things it will seek to:

- determine who is the person controlling the operation;
- determine who is the owner of the premises;
- determine the number of persons who will be working on the premises, and the names of those persons;
- determine the nature of the work relationship of each person who is to be working at those premises; and
- determine how the business has been financed, and by whom.

These investigations are designed to ensure that only "acceptable persons" shall operate within the legitimate industry. In the Board's determination of who is an "acceptable person" the Board shall have regard to the following matters;

- convictions for any indictable offences;
- whether the person has an association with known criminals;
- whether the person has previously breached any provisions of this regulatory legislation; and
- any other matters which the Board thinks relevant.

In order to ensure that the Board is able properly to regulate the industry and hold persons accountable, only a natural person (as opposed to a company) can apply to be registered with the Board. This requirement will assist the Board to ensure that no person hides behind the corporate veil and operates more than one premises, or controls or has an interest in more than one premises. Furthermore, only bona fide residents of Queensland can apply for registration.

In its process of vetting, the Registration Board should have access to criminal intelligence from the Queensland Police Service and the Criminal Justice Commission. A confidentiality provision should apply to the Registration Board.

The decision of the Registration Board to refuse to approve any person should be the final decision.



## **Certificate of Registration**

If the Local Authority grants approval for a business to operate from premises it should notify the Board of such approval, and the Board should issue a certificate of registration for the premises. This certificate should be numbered and should be displayed prominently at the site of the business operation. The Board will keep a record of those persons approved to work at the registered premises and any changes in staff should be recorded by the Board. The Board should have discretion not to register or if registered, to suspend or cancel the registration of premises if an "unsuitable" worker is employed there.

The Board should issue certificates of registration for approved owner/operators. With respect to sex workers, no certificate of registration shall be required. However, the board will maintain a record of the persons working in the industry. The certificates of registration will be required to be renewed on an annual basis. Renewal will not be automatic but will be subject to an inspection upon application for renewal. A registration fee will be payable on certification in order to generate funds to contribute toward the cost of regulating the industry. The Registration Board should at all times have the power to cancel or suspend registration for sufficient reason.

The long association between prostitution and illegal drug-use is of great concern when considering the risk of HIV infection. It is recognised that the risk of transmission is higher where a person is an injecting drug user. Furthermore, the presence and/or the use of illegal drugs connects the worker with other illegal activities. For these reasons the Commission specifically recommends that the Board have discretion to suspend or cancel a certificate of registration if satisfied of the presence of illegal drugs on the premises.

## **The Role and Function of the Inspectorate**

The role of the Inspectorate is to ensure the compliance of all sectors of the industry with the requirements of the Registration Board. To this end, it is recommended that the Inspectorate have the power to enter and inspect the premises for the following purposes:

- to ensure the health and safety of workers;
- to ensure that no more than the permitted number of workers are operating from any one premises;
- to ensure that no person has an interest in more than one premises;
- to ensure that owners/operators are registered;
- to ensure that a certificate of registration is displayed;
- to investigate complaints received by the Registration Board;

- to ensure participants in the industry are abiding by the Code of Conduct;
- to provide education and support services to workers;
- to ensure that any new workers in the industry have been recorded by the Board; and
- to inspect books of account.

### **Staffing of the Inspectorate**

The Inspectorate should be staffed from officers of the Departments represented on the Registration Board. Staff should be rotated regularly back to their departments to minimise the potential for corruption.

The Registration Board should have power to second more officers from the relevant departments to its Inspectorate for the purpose of investigating complaints.

### **Code of Conduct**

The Registration Board will establish and oversee a Code of Conduct within the industry. In this respect another function of the Inspectorate will be to ensure that participants in the industry are abiding by that Code of Conduct. If the Code is repeatedly disregarded the Registration Board can deregister the owner/operator or the premises.

The trend within occupational health and safety is towards Codes of Conduct to which certain industries are expected to adhere. These could be applied to prostitution. It is recommended that a Code of Conduct be formulated by the Registration Board for application to prostitution which could cover several aspects relating to HIV and STD prevention. The Code of Conduct among other functions should ensure that:

- a licensed owner or manager of a brothel or escort agency does not knowingly allow a sex worker with an STD to continue to work;
- appropriate training and information is given with respect to STDs and condom use; and
- safe sex practices only are used on the premises, which includes ensuring strict adherence to infection control procedures in the case of condom disposal, changing linen and towels between clients, and minimising infection risk through blood or semen.

## **Investigation or Determination of Complaints**

The Registration Board will have the function of hearing and investigating complaints against persons in the industry. Such complaints may include:

- operation of unregistered premises;
- management of an establishment by an unregistered owner/operator;
- employment of an unrecorded sex worker; and
- breaches of the Code of Conduct.

The Board can request the Inspectorate to investigate any complaint lodged with it by workers, clients, operators, managers or any other person. There should be specific provision in the legislation to deal with vexatious complaints whereupon penalties may be imposed. The industry is such that competitors may view the frivolous complaint procedure as a means of eliminating their competition. Imposing penalties for vexatious or frivolous complaints will discourage such behaviour.

## **Restrictions on Advertising**

It is recommended that proprietors of registered premises be permitted to advertise their services under guidelines set down by the Registration Board. It is recommended that these guidelines ensure that advertisements be discreet. Organisations should not be permitted to advertise for the purpose of recruiting workers into the industry.

It is recommended that all advertisements display the registration number of the premises. In this way the advertiser can ensure that only advertisements from legitimate operators are published.

As stated earlier, a single sex worker is not required to apply for registration to the Board. However, if a single sex worker wishes to advertise, his/her premises must be registered with the Board. The Commission notes that the majority of respondents to the public attitude survey felt that advertisements for prostitution should be against the law. The Commission considers that the placing of strict requirements on such advertisements in the context of the recommended regulatory framework addresses community concerns.

## **Breach of the Regulations**

Under this scheme offences should be created for breaches of the regulations in order to ensure, as far as practicable, that sex workers work within the regulated boundaries and that the clients are cautioned to use the services only of registered premises.

In particular it should be an offence:

- for an operator to operate unregistered premises;
- for a worker to work knowingly from or at an unregistered premises;
- for a client to use the services provided from unregistered premises; and
- for breaches of regulations applying to registered premises.

It is clear that any persons operating outside the regulatory framework should be subjected to heavy penalties.

Specifically forfeiture of assets provisions should be applied in respect of such operators.

## **A Final Comment**

For some years medical authorities have asserted that laws which punish sex workers reduce the effectiveness of measures designed to prevent the spread of sexually transmissible diseases. There is little evidence of HIV infection in persons who attended Australian public STD clinics in the last few years and identified themselves as sex workers. However, the AIDS epidemic has made it imperative to consider reform which will make it easier for public health educators to reach sex workers and clients. There is also a need to encourage people who believe they may be infected to seek medical advice.

The Commission gave a great deal of thought to the issue of compulsory health checks, particularly in view of the fact that so many members of the community, and sex workers themselves, were in favour of compulsory health checks for sex workers and clients.

The official submission received from Queensland Health and available medical evidence, suggest however that compulsory health checks of sex workers cannot be relied upon as a method of preventing the spread of HIV and are of limited benefit for the following reasons:

- A negative HIV result does not identify cases in the three month "window period" and is only accurate for a limited period of time (i.e., until the next client).

- A medical certificate cannot provide a guarantee that a worker is "disease free" as infection can be picked up from a client between checks, especially if a condom is not used or if it breaks, and therefore the certificate is of little benefit unless all clients are required to undergo health checks.
- Compulsory testing is expensive to introduce and difficult to enforce.
- A market in false certificates could be created.

It appears that in the medical profession, the idea of compulsory health checks of sex workers for the purpose of issuing a medical certificate of "freedom-from-infection" from diseases other than HIV also does not receive strong support. A member of the profession pointed out that all sex workers would have been repeatedly exposed to, and possibly infected with, human papilloma and genital herpes viruses. Infections caused by these viruses are chronic and recurrent, and although their complications can be treated, they cannot be cured. These viruses are shed intermittently from anywhere in the anogenital area where infection has occurred, and not just into the semen or vaginal fluids. Accordingly, condoms are less effective in preventing the transmission of these viruses than of other STDs. Also, the presence of these viruses can be missed in spite of careful clinical examination and laboratory investigation.

The medical profession advises it would not be possible to issue with confidence a "freedom-from-infection" certificate for a large proportion of sex industry workers, or if issued (disregarding these facts) the certificate would mislead the sex industry worker and the general public. Given the above limitations, any compulsory testing procedure may give clients a false sense of security, encouraging them to believe that it will prevent infection and allowing them to avoid responsibility for becoming infected themselves and infecting others.

Whilst recognising the importance to the community of health issues associated with the sex industry, in light of this information, the Commission believes that compulsory health checking is not a suitable option and considers that these health concerns are best addressed by the regulatory framework proposed. For example, the issuing of a certificate of attendance for sexual health examination and counselling (omitting any clinical information or results of laboratory investigation) has more support from the medical profession.

The recommendations to decriminalise many prostitution-related activities will, if adopted, remove a disincentive to sex workers to attend at health clinics - namely the fear of prosecution. Furthermore, the proposed Registration Board will have a significant role in educating sex workers, clients and the community at large in the health issues associated with the industry. It will also strictly monitor health standards within the industry.

The Commission of Inquiry expressed the concern that the investigation and enforcement of prostitution-related laws placed a significant demand on the resources of the police. It is expected that the regulatory framework proposed

will generate some income to meet at least part of the cost of controlling the industry. This will be achieved through the imposition of annual registration fees.

By decriminalising the industry it is hoped that there will be fewer illegitimate operations requiring police attention. However, the Police Service will continue to play a role, along with other government departments, in various aspects of the Registration Board's activities.

In a regulated industry the owner/operators and workers will have to follow the normal sets of rules concerning their obligations to society. This will essentially mean paying taxes, rates and charges like any other citizen. The total turnover generated by the industry may not appear high, nevertheless it will contribute to the government's recurring cost of regulating prostitution.

Never in the past has any attempt been made to examine systematically the impact of changes brought in to control prostitution-related activities anywhere in the world. The Commission's recommendations therefore, are not based upon experiences of success of the operation of a similar system of regulating prostitution elsewhere. To this Commission's knowledge such a system does not exist anywhere. The recommendations therefore imply venturing into uncharted waters. Indeed, no matter what option the government adopts - strict enforcement of the criminal law, no application of the criminal law, partial application of the criminal law or the regulation of prostitution-related activities by means other than the criminal law - it will involve breaking new ground. This being the case, it will be necessary to assess the operation of the system. To this end, the Commission recommends that either a sunset clause be written into the new legislation or, more appropriately, it be agreed that the new laws with respect to prostitution be subject to a comprehensive review and report to the Parliament within the first three years. This Commission, in association with other relevant agencies, should be involved in such a review.

## **APPENDICES**

## Appendix I

### HISTORICAL BACKGROUND TO PROSTITUTION IN QUEENSLAND

Prostitution in Queensland has received relatively little attention from historians. This is not surprising. There are, no doubt, much better documented areas of study. Additionally, much early history in the State was official history or written with official blessing; that which reflected discredit, as vice invariably does, received little attention.

Illegal gambling received some attention through official inquiries, possibly because it represented a loss to the revenue and the politically influential racing clubs. Prostitution first acquired the status of being a topic of inquiry in 1963.<sup>1</sup> Early media coverage of prostitution was often little more than moral crusading, thereby limiting its usefulness as either balanced description or analysis. Police statistics show a similar prudishness. The sparseness and uneven reliability of the material require caution in leaping to conclusions.

"But no matter how assiduous and imaginative the historian, archival documents are limited in what they can disclose about prostitution. Few women who have worked as prostitutes speak in official records and when they do it is seldom on ground of their own choosing. Often the policeman mediates between prostitute and historian. Moreover court and police records are highly selective. They only tell us about those women charged with offences relating to prostitution, not about all women who have worked as prostitutes - those who may have evaded the eye of the law, reached an accommodation with the police or whose activities were known but not regarded as meriting prosecution." (ed. Daniels 1984, p. 5).

There is little doubt that a large number of Aboriginal women were propelled into various forms of prostitution, often as children. There is mention of the native police conducting a trade in Aboriginal children and venereal disease contributed to the sharp decline of the Aboriginal population in the first decades of European settlement (Fitzgerald 1982, p. 215). In the main, this was outright exploitation but there is evidence of exploitation for commercial motive:

"At some of the hotels in the Western Towns gins are kept for prostitution. The police try hard to cope with it but they find it almost impossible to do so. Occasionally a man is fined for being in a blacks' camp . . . I would suggest that the police get strict instructions about this matter and further that all JP's should be struck of (sic) the rolls that are known to keep their black harems; this is a fine cloak to cover their licentious cravings and I must say an excellent example to evildoers and the police."<sup>2</sup>

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1 Royal Commission into aspects of the racing industry, particularly illegal bookmaking, were held in 1923, 1932, 1936 and 1956. Allegations of prostitution and police involvement in after hours drinking were the subject of the National Hotel Royal Commission in 1963.

2 Letter to the Colonial Secretary from B.H. Purcell, Brisbane, 14 November 1882, reproduced in Raymond Evans, Kay Saunders, Kathryn Cronin, *Race Relations in Colonial Queensland*, University of Queensland Press, 1988, pp. 386-388.



Sexual exploitation was not confined to Aboriginal women. Photographs of groups of indentured Kanaka labourers aboard ship following their "recruitment" or abduction, show numbers of women obviously not taken for their likely proficiency in cutting cane. However, the majority of Melanesians brought into Queensland were male labourers and a predictable mythology arose of atrocities committed or likely to be committed upon white women by Melanesian men. Despite the lurid accounts of some colonial journals, later historians have found little foundation for the mythology. A similar mythology arose with respect to Chinese males, with the added dimension that white women could supposedly be tempted into prostitution by means of opium addiction. Once again subsequent examination of actual incidents falls very far short of verifying the mythology, although there was some concern and later, legislation, to 'protect' Aborigines from opium traffickers. Mythology did, however, support an argument in favour of prostitution which has a modern echo:

"Such authors . . . advocated the benefits which would accrue if Islanders visited prostitutes. The common justification was that this practice protected the 'respectable' girl and woman, for 'if there were no white prostitutes then none of our women would be safe'. An even more desirable situation was the widespread use of Japanese or other coloured prostitutes in the northern centres, a policy which would 'minimise the risk to all white women'." (Evans, Saunders & Cronin 1988, p. 213).

Police issued their first annual statistical breakdown of offences in 1877. It showed that 20 (white) females were arrested as disorderly prostitutes. One was aged between 15 and 20 years, 15 between 20 and 30 years, and the remainder between 40 and 50 years. The other statistics gathered no doubt reflected the preoccupations of the times: 10 were "Church of England", one Roman Catholic, 5 could neither read nor write, and 13 could read only. The breakdown of nationalities was Queensland 1, England 7, Scotland 7, Ireland 7, New South Wales 1, Germany 1, Belgium 1, and Denmark 1 (Report of the Commissioner of Police for the Year 1877).

A few years later, Police annual reports were registering concern with prostitution in Brisbane. In 1879, arrests of disorderly prostitutes were up to 50 and the Police Commissioner warned:

"There is also an urgent necessity for the establishment of a Reformatory for girls. There are in Brisbane alone over 50 girls, under 14 years of age, who are being dragged up in the lowest vice and who, unless rescued in time, no other life be for them than one of infamy and crime." (Report of the Commissioner of Police for the Year 1879).

The first arrests for "keeping a common brothel" were made in 1879; 10 women were charged that year, a man and two women the next. Judging by the comments of the Commissioner of Police, prostitution was becoming a regular

annoyance to the force. The suggestion was put forward that elimination was not practical and perhaps the police might be given the responsibility for regulating it:

"Many complaints have been made during the year of annoyance experienced from the presence of prostitutes in the streets of Brisbane, and applications have been made to the police to take steps for closing brothels and other places resorted to by this kind of woman. . . the experience of other cities is that the closure of such places throws an additional number of the objectionable persons into the streets, and so increases the annoyance consequent on their presence. Such places will exist notwithstanding any amount of legislation to the contrary, and the best plan to adopt will be to place them under police supervision as much as possible, which might be done by licensing common lodging houses and giving police power to visit and inspect them at any hour." (Report of the Commissioner of Police for the Year 1881).

In the end the police were assigned a role in the regulation of some urban prostitution, but not because of any consideration of the logic of their argument. Regulation, although it was not formally stated to be such, came about because fear of disease overcame the rival contention that the State could not morally condone prostitution by according it any legal recognition. The instrument under which regulation gradually evolved was the Act for the *Suppression of Contagious Diseases* 1866, its agents were the police and the health service and its monuments became the tacitly tolerated "houses" in the inner city of Brisbane:

"Sexist reactions to white prostitutes in turn, were institutionalised in Queensland, however unwittingly, under an Act for the Suppression of Contagious Diseases of 1868 - an unfortunate piece of discriminatory and penal legislation based upon a similar British statute of 1866, making the examination and treatment of prostitutes alone for venereal disease a compulsory matter, upon pain of their imprisonment. In England, this Act was administered, in the caustic words of one of its many critics, 'to supply soldiers and sailors with an adequate number of safe harlots, slaves of the State, who are to be cleansed as mere sewers - things, not persons . . .' and was, therefore, applied only to certain garrison towns and naval stations. Queensland, however, became the first - and would remain one of the few - of the areas in the British Empire to extend this legislation 'to the civil population' . . . Launched with a stated dual intention of affording sanitary protection and of being a 'preventative of vice' this legislation only succeeded over the decades in achieving an almost opposite set of effects. Yet it took a persistent and, at times, extremely heated campaign, by a number of women's organisations, Church bodies and press sources against this Act to reveal, only gradually, its major flaws." (Evans 1984, p. 141)

The downside of regulation was, in summary, the violation of the civil liberties of those regulated: the listing of prostitutes by authorities with wide discretionary powers to add persons to the lists; the degrading compulsory examinations which focused on one party only to an illicit transaction; and the form of compulsory imprisonment in what was appropriately called a "lock hospital" where disease was discovered or suspected. Additionally, in the early stages, precise identification of disease and appropriate treatment were

impossible: from a health point of view the whole procedure was of doubtful utility. Nevertheless, despite increasing criticism, this medically-based regulation of prostitution persisted until 1959:

"... they (prostitutes) all well understood from the outset that if they did not attend (for weekly medical examination) they would not be allowed by the proprietors of the then illegal but recognised brothels to work ... if they didn't attend, it was then that some order was issued that they attend for examination. If they didn't attend they were taken to the Lock Hospital without an examination ... I recall in the 1940's where I, in the course of duty, had to attend the premises in William Street where the recognised prostitutes came to be examined on a day and we had to wait until they were examined and if any results were positive it was our duty to take the prostitutes concerned over to the hospital at the Brisbane prison."<sup>3</sup>

State regulation of an illegal activity was productive of all manner of moral somersaulting and legislative contortion. There is a distinctly modern echo to arguments such as:

"... in registering a range of prostitutes for weekly or fortnightly examination, the Government was effectively legalising the trade and in so doing, was accepting that the sexual usage of females by males, was an unavoidable and, indeed, a necessary, social phenomena." (Evans 1984, p. 145).

The powerful morality lobby was satisfied by periodic police crackdowns:

"Prior to its receiving tacit legitimacy in 1868, prostitution per se was treated as an offence under the widely embracing clauses of the Vagrancy Act. After this date, prostitutes could still be prosecuted under this legislation whenever their public behaviour or speech was considered to be 'profane, indecent, obscene ... threatening, abusive or insulting'. As the open promenading of these loose women was habitually regarded as 'gross conduct and behaviour in the public streets in broad daylight' the above adjectives could be applied to justify their arrest there at virtually any time ... Prostitutes were almost as vulnerable when off the streets, particularly at times when some communal bout of moral outrage against them reached a crescendo. For while these females themselves were registered, their businesses, and usually dwelling places, were illegal whenever classified as brothels ... although there was some legal difficulty in defining this term and therefore in proceeding against some brothel keepers in the courts, the metropolitan police, under public pressure, would periodically order the closure of inner city 'rookeries' using the Police Act of 1963 or, later, the Local Authorities Act of 1878 to do so." (Evans 1984, p. 146-147).

Later there was resort to contradictory legislation, in 1897 by refining the Criminal Code definition of a brothel, and in 1911, amending the *Health Act*:

"Clause 132E made all forms of sexual soliciting by women punishable by fine, imprisonment or by detainment in a reformatory ... Despite the Health provisions detailed above, separate medical procedures for prostitutes were maintained at a special lock hospital upon the Boggo Road gaol reserve, using the wider powers of arrest granted by the statute to secure them there if necessary. The preservation of regular inspection at a special clinic set aside for this 'certain class' of female was also insured under Clause 132B, section (e), which demanded that suspected persons 'submit themselves to such examinations at specified times and places'." (Evans 1984, p. 148)

3 Evidence of Norman Sydney Gulbransen, Queensland Commission of Inquiry into Possible Illegal Activities and Associated Police Misconduct. Transcript 1989, hereinafter referred to as Commission of Inquiry; p. 572, 577.

Over time, police became the agents of ensuring the attendance of registered prostitutes for medical examination and/or treatment. This was in clear conflict with their role as enforcers of laws proscribing prostitution and brothels. The result was a pattern of regulation under the *Health Act* punctuated by occasional policing action as required to assuage moral outrage or for political considerations.

The practical result of such regulation was that prostitution in the metropolitan area was a relatively stable industry. A number of well known "houses" were recognised in the inner city and South Brisbane areas. Although their origins are now obscure, these houses seem to have had an existence covering some decades of relatively open, tolerated existence. In December 1958, the Solicitor-General advised a new Government under pressure from the morality lobby that:

"In approaching this matter, one has to bear in mind that at least some of these houses have, as a matter of notoriety, been in existence for very many years. In the first mentioned case (58 Albert St), this house has existed from at least the turn of the century. The keeping of these houses is definitely unlawful but every government has refrained from enforcing the law to such an extent as not to close all these places up, there being little doubt that strict enforcement of the law would, generally speaking, be against the public interest, not only from a health point of view but also in many cases on the grounds of public safety."<sup>4</sup>

The most major disruption to the established system occurred during the war years (1942-45), when the presence of large numbers of servicemen stretched both the regulated and unregulated sex industry to well beyond its capacity:

"Shortages of all kinds plagued soldier and civilian alike, but the dwindling supply of one item in particular, women, caused the most trouble. The outcry became so great in Brisbane that, in September 1942, John Curtin decided to act. By that time there were a quarter of a million servicemen in and around Brisbane, a number almost equal to the city's pre-war population. It appears that either city or state officials told Curtin they could no longer keep the peace unless more females were provided for these soldiers at once. As a junior public servant then working in Brisbane recalled, "... These federal authorities were, in fact, very explicit (in their approach to a Sydney underworld figure): Could anyone fill a train with warm active females willing to help the war effort by relieving pressures building up in Brisbane? In short order, Sydney, never a metropolis to shirk any call to duty, filled the train, Curtin gave it high priority clearance, and those happy girls moved north..." (Moore 1981, p. 216).

The established houses (known to American servicemen as the "cat houses") prospered:

"... the sales graphs of the five houses reached peaks never achieved since ... in medical circles the legend is that the Yanks, getting clued up on the hanky panky trade, formed the longest queues on Wednesdays - the day after the ladies' Health Department examination."<sup>5</sup>

4 Letter Solicitor-General to Under Secretary, Department of Labour and Industry, 15 December 1958. (Exhibit 22, (Fitzgerald) Commission of Inquiry).

5 Exhibit 191, Commission of Inquiry 1989 Neil Groom, Licence of a very Different Variety, "the *Sunday Mail*" Nostalgia.

Excess demand, and the exclusion of black servicemen from some of the better serviced areas of the city, also gave rise to less salubrious establishments, usually in some form of proximity to liquor supplies whether legal or illegal. These areas were justifiably the principal concern of both civil and military police, and productive of a great deal of moral outrage and some hysteria:

"White girls and women and young aboriginal girls are associated with coloured servicemen in immorality now marking some quarters of South Brisbane.

In some streets, described by police as dens of iniquity, sly grog and immorality are linked, facilitated by proprietors of low class residential who let rooms at exorbitant rates . . ." (Stanaway 1945).

While the police lamented their inability to control diverse crime in such enclaves, the end of the war and its associated demands appears to have brought its own solution. It is a measure of the inherent stability of the semi-regulated system that it returned relatively rapidly to its pre-war state with the "houses" once again predominant.

Queensland's post colonial experience of prostitution was markedly different to that of New South Wales where prostitution rapidly became integrated into the mainstream of illegal activity, a process already underway but enhanced considerably by the explosion of demand during the war.

The industry in New South Wales has had the benefit of much more coherent attention from scholars and journalists than that in Queensland. Professor Alfred McCoy, Australia's predominant scholar of organised crime, traced the integration of prostitution with other criminal activity:

"While the cultural prerequisites for an underworld, such as the rule of silence and hostility towards police authority, were well developed by the 1890's, Australia's urban economies were still incapable of sustaining a large class of powerful professional criminals. It was not until the 1920's that conditions changed enough to allow the emergence of organised crime. Paralleling developments in the United States and Europe, Australia imposed severe restrictions on the sale of alcohol and banned outright the sale of narcotics, both important commercial opportunities for the nascent milieu. The sudden proliferation of telephones and radios throughout urban Australia tied a majority of households into a statewide electronic network and facilitated the rise of the illegal SP bookmaking industry. By the late 1920's the combination of prostitution, illegal gambling, narcotics traffic and the operations of 'sly grog shops' after 6 p.m. hotel closing provided a sufficient economic base for the establishment of a pervasive milieu outside the traditional waterside vice areas.

Perhaps unimpressive by comparison with the United States, the establishment of criminal milieu in Sydney and Melbourne during the 1920's still represented an important step in the growth of organised crime. The expansion of the illegal economic sector spawned a new figure, the progenitor of the contemporary syndicate leader: the male standover merchant. While nineteenth century Australian illegals had been specialists in a particular field, mainly prostitution or gambling, the 1920's saw the emergence of entrepreneurs in violence

who collected a form of tax on a whole range of illicit activities. Instead of living on income earned by his own violation of the law, the standover merchant profited from almost every aspect of the economy's illegal sphere by imposing a turnover tax on his comrades in the milieu: prostitutes, cocaine dealers, sly grog vendors, SP bookmakers, and thieves." (McCoy 1980, pp. 103-104).

In the early 1930's a largely uncorrupted New South Wales Police Force, spurred on by a government and public revulsed by the excesses of the razor gang wars over the cocaine trade, was able to act decisively against organised crime. The greatest measure of their success was the virtual ending of the cocaine trade. However, a decade later, a police force by then significantly corrupted through association with the burgeoning SP networks was unable to prevent the new generation of criminal entrepreneurs who got their start during the war from consolidating their influence. But until the mid-1960's Sydney's syndicates still exerted less control over the illegal sector than their counterparts in the 1920's. Three significant areas remained under the control of diverse independent criminal entrepreneurs: SP bookmaking, prostitution and the illegal abortion rackets (McCoy 1980, p. 182).

In contrast, Queensland in the 1920's did not experience syndication of diverse criminal activities. Part of the reason was that Queensland's illegal economy was too small and too dispersed to make the career of standover merchants an especially lucrative one. However the toleration and regulation of prostitution also played a part; the involvement of more than one authority limited the potential for corruption in either, the police especially; and the health authorities were responsible for countering illicit drug use with the police once again acting as their agents. In any case the impact of cocaine upon Queensland in the 1920's appears to have been minimal: arrests, including those of pharmacists, peaked at eight in 1930-31 (Commissioner for Public Health, Annual Reports 1929-32). Initially at least, the war-time boom appeared to have come and gone, leaving the regulated system intact.

Despite its impressive record of stability, regulated prostitution came to an end in 1959. Information from various criminal and other sources and trends in other states suggests that the critical factor was increasing corruption in the police force.<sup>6</sup> While there is no definitive knowledge on corruption within the police force in the 1930's and 1940's it appears to have been localised and based around arrangements with individual SP bookmakers and publicans infringing the liquor laws. In some northern centres, some police entered into arrangements

6 Source documents for the period 1945-69 are as follows: McCoy, *Drug Traffic* op cit, relates developments in New South Wales. David Hickie, *The Prince and the Premier*, Angus and Robertson 1985, and Evan Whitton, *Can of Worms 2*, The Fairfax Library 1987, dissect the careers of some notable NSW police of the period. Similar trends can be discerned in Queensland in the evidence to the Commission of Inquiry of R.W. Whitrod, N.S. Gulbransen, L.J. Voigt and B.J. Hicks. Further police perspectives on police corruption in the period are contained in the Statements to the Commission of Inquiry of C.F.S. Corner and in E.P. Chandler, *What Price Protection*, Publishing Services (Qld) 1988. Queensland and New South Wales police records of interview with Shirley Margaret Brifman (1971) provide a general if sometimes exaggerated view of criminal-police relations from the criminal viewpoint. Some of this material has been collated to varying degrees in the Report of the Commission of Inquiry and in P. Dickie, *The Road to Fitzgerald*, University of Qld Press 1988.

with the proprietors of illegal gaming houses. No doubt some arrangements were contracted between individual officers and brothel proprietors but, to judge from the amount of comment in parliamentary debates, corruption involving prostitution ran a poor third behind corruption relating to liquor sales and illicit gambling. A central impediment to a more prominent role would have been the involvement of the Department of Health in regulation in the most lucrative prostitution markets. The Second World War increased the opportunities for corruption for some years afterward, with a "black" market for numerous commodities in short supply.

There appears to have been some involvement of the protected "houses" in the distribution of black market and sometimes stolen goods. As opposed to the localised corruption of the past, a clique of Metropolitan CIB detectives responded to the opportunity to engage in diverse corrupt activities. The cover for such activity was a ready association with criminals defended on the grounds that the information so gained assisted the solution of crime and a number of detectives made considerable reputations in this manner. However, there are strong indications that such enforcement was highly uneven, with the criminal associates of police left free to pursue their own careers and some detectives themselves pursuing part-time criminal careers. A ready example was provided by some elite (and often corrupt) detectives from other states and the development was assisted by increasing frequency of association between detectives from various state police forces in the post-war years. In Queensland also, a degree of political corruption some of which involved mainly country police as collection agents, had developed during the long period of rule by an ALP government.<sup>7</sup>

In 1957, a Country Party-Liberal Party government was elected into office. Their choice of Police Commissioner was the head of the Criminal Investigation Bureau, appointed despite advice and allegations that he was corrupt. Commissioner Bischof, later strongly suspected of being involved in considerable corruption involving SP Bookmaking, moved unilaterally to end the regulated system of prostitution fairly soon afterwards:

"I can recall it caused real consternation around the Cabinet table when Ken Morris, the Minister for labour and industry - in charge of the Police Force, produced with no notice a Minute stating the intention to close all brothels and bring their supervision directly under the police. We asked Ken Morris the reason for the recommendation. He said that Bischof had recommended the closures as a reply to the brothels breaking the guidelines for their toleration. The breaches he quoted were not related to health. They were a result of some brothels acting as fences for stolen goods, for a lowered performance as police informants on the activities of some brothel customers and in concealing the activities of brothel customers who were active criminals. The Minister for Health, Dr Noble, warned that closing the brothels would drive the girls to freelance which would certainly reduce the control of venereal disease. Several ministers expressed doubt but none of us saw the significance that emerged as the years went by. The significance was a concentrated opportunity for police corruption as the police force would be controlling and policing prostitution rather than the Health Department. I can recall Allan Munro, a Minister at the time, saying that "If we refuse this recommendation and it comes out that after getting

7 Reference was made before the Commission of Inquiry 1989, to a "Premier's Fund"; Evidence of L.J. Voigt; statement of Sir Thomas Hüey.

a recommendation from the Commissioner of Police that brothels be closed, this Cabinet intervened to keep them open, we would have some awkward explaining to do." With reluctance we realised that we had to accept the Bischof recommendations for closures of the brothels . . . With the wisdom of hindsight in the light of what happened in the field of SP betting I am completely persuaded that Bischof was deliberately forging a police controlled empire of brothels to add to what was happening with SP bookmaking.<sup>8</sup>

Other evidence and statements to the Commission of Inquiry indicated that Bischof's move on the brothels was provoked by an unsuccessful attempt to extort more from the houses, thus provoking a proprietor to lay a complaint of corruption against police officers associated with Bischof<sup>9</sup> (Dickie 1988, pp 7-8). This is consistent with the circumstances which not long afterwards led some SP bookmakers to complain, not of corruption per se but of the amounts being demanded by police.

With the houses closed, the focus of prostitution moved into hotel lounges and inner city flats. Prostitutes were now more directly involved in other criminal activities and in individual corrupt involvements with police. For the first time, a general criminal elite began to develop in Brisbane as the precursor to more organised crime. This milieu was composed of elite detectives and those they favoured, who effectively were the elite prostitutes and criminals, basically thieves and fences, along with a number of publicans and proprietors of unlicensed liquor outlets and illegal gambling establishments. There were links interstate but they were in the nature of police associations and criminals working both states. In Queensland, this pattern of loose association was dominated by police. In contrast, in New South Wales, the impetus towards organisation came principally from criminals of the standover mould, a class notably absent in Queensland.

Hotel-based prostitution has the disadvantage of being relatively visible. This possibly contributed to its becoming a glaring public issue in the early 1960's, following Parliamentary allegations that police were involved with prostitution and after-hours drinking at Brisbane Hotel. The resulting National Hotel Royal Commission failed to cast any light on the developing milieu.

An earlier event, far less publicised, was of much greater significance. In 1962, responsibility for ensuring compliance with the *Vagrants, Gaming and Other Offences Act*, then and until recently the principal means of policing prostitution, was passed to the Licensing Branch. The branch had then for at least some years been the metropolitan focus of a well-organised system of corruption involving illegal gambling, then partly an activity independent of the principal criminal milieu. With the change, the focus of corruption within the force began a gradual shift away from the fairly aptly named Consorting Squad, although it was to take some considerable time before corruption involving prostitution approached the level of sophistication of the system applied by the branch to illegal gambling. The shift can be dramatically illustrated: some senior

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8 Sir Thomas Hiley, statement to Commission of Inquiry 1989, pp. 8-10.

9 Evidence to Commission of Inquiry of L.J. Voigt; Statement of C.F.S. Corner; Records of Interview, of Shirley Margaret Brifman, (N.S. Gulbransen.) (Sept-Oct 1971)



consorting police moved over to the Licensing Branch; one is alleged to have said, "I'm sitting in the place where I've wanted to be for years - the place where I can make money".<sup>10</sup>

In both New South Wales and in Queensland, the next stage in the development of organised criminal activity was ushered in by a change of government. However, there the similarity ended. In Queensland, corrupt police extended their opportunities to include the prostitution area by playing on the naivety of the new government. In New South Wales, by contrast, the change of government weakened the position of some formerly well-connected members of the criminal milieu, leading to a violent struggle for control of prostitution and the illegal abortion rackets which cleared the way for their integration with other areas of the illegal sector, notably illegal gambling.

The spectacular round of killings in Sydney in 1967-68 had a number of effects. In New South Wales, the control of crime passed to the criminals and the influence exerted by consorting police correspondingly diminished. Although this persisted for some time longer in Queensland, the loss by interstate police contacts of control over significant criminals was an additional factor to the rise of the Licensing Branch as the focus of corrupt activity. Also, many of the criminals formerly in partnership with police became the targets and sometimes the victims of the power struggle. Some sought refuge in Queensland, bringing with them new practices. Having consolidated itself, Sydney's new criminal hierarchy increasingly began to look north for opportunity.

The massage parlour and its close stablemate, the "photographic studio" appear to have migrated north to Brisbane in 1969, following the turmoil in Sydney. The two events may have been connected. The most prominent massage parlour proprietor in the 1970's in Brisbane was one Simone Vogel, formerly an employee of murdered independent Sydney vice entrepreneur, Joe Borg (Dickie 1988, p. 30).

A 1970 police report emanating from within the (admittedly then extensively corrupted Licensing Branch) stated that:

"... during the last 12 months, there has been evidence of the increasing incidence of prostitution in Brisbane. This has been demonstrated by the increased activities of female prostitutes in Hotels, Night clubs, Private Premises and also, on the public roads. In addition, there is additional evidence suggesting that a number of so called "Photographic Studios" and "Massage Parlours" are, in actual fact, being conducted as brothels." (Licensing Branch 1970).

New police commissioner Ray Whitrod, given a mandate to reform the police force, warned that the "vice parlours" would "attract the muscle men who would set up protection rackets" (Dickie 1988, p. 30). Certainly in the following years there was a greater degree of consolidation of the prostitution industry, and its linking with other criminal activities, notably illegal gambling. Information on massage parlours was compiled by the Licensing Branch in 1974; excluding a

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10      Records of Interview, Shirley Margaret Brifman, (N.S. Culbransen, Sept-Oct 1971)

large number of very small operations, there were three principal operators. Some of these effectively operated other premises through agents or associates, a matter which appeared to escape the attention of the Licensing Branch survey.<sup>11</sup> Despite some uncertainties about precisely who owned what, some tentative conclusions about the control of the industry in this period may be made.

Probably the largest operator was Simone Vogel with three of the larger and better known premises and interests, sometimes disguised, in others. Vogel had associations with certain businessmen, themselves the subject of a number of allegations of involvement in prostitution, illicit drugs and stolen vehicles. These allegations were never resolved and now can not be resolved. Vogel disappeared and was presumed to have been murdered in 1977. Her enterprises did not long survive her death.

'A', born in Burma, operated or was behind a number of premises, later on diversifying into illegal gambling. In 1977, 'A' publicly taunted police with the supposedly impregnable nature of his "key" clubs offering a range of gambling and sexual services. The then largely uncorrupted Licensing Branch broke their way into premises in South Brisbane and on the Gold Coast and so ended 'A's' career as a major entrepreneur in prostitution; however, an employee, Geoffrey Luke Crocker, continued to run a number of premises, receiving a conviction in 1979.<sup>12</sup>

The remaining operator, ran premises in the New Farm and Fortitude Valley areas and these were a precursor to the later general concentration of the sex industry in this area. One of these premises operated in close proximity to an Italian-run gaming house but there is no indication of any association greater than mutual convenience.

Police corruption was not a major factor in the consolidation of the prostitution industry in the decade of the 1970's. Corruption was restrained, in particular by Commissioner Whitrod's assault on the Licensing Branch. After Whitrod left, the new commissioner, Lewis, appointed an Inspector Alex Jeppesen to head the Licensing Branch. In the period 1977-78, the Branch made life uncomfortable for illegal gambling and vice entrepreneurs. Some operators were effectively put out of business. It is perhaps not surprising in the circumstances that other sections of the police force, including the consorting squad, attempted to encroach on the jurisdiction of the Licensing Branch or that attempts would be made to remove Jeppesen. The circumstances of his removal, and the involvement of those at least formerly involved in corruption, were the subject of evidence before the Commission of Inquiry (Fitzgerald Report 1989, pp. 51-57). Jeppesen was

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11 Report to Assistant Commissioner (Crime) by Licensing Branch, 23 May 1974.

12 Evidence of 'A's' involvement in prostitution, separate from his listing in the 1974 Licensing Branch report, was given to the Commission of Inquiry. 'A' was convicted of using premises for the purpose of prostitution on 15 July 1974, of both prostitution and gaming-related offences on 22 March 1977, and of gaming-related offences on 10 October 1977. Geoffrey Luke Crocker was convicted of five prostitution-related offences and two gaming-related offences in the period 1977-79. Reference to the above contained in, "1955 Arrested in Bets Raid", *The Telegraph*, 21 October 1977, "Man fined on parlours for vice charges", the *Courier-Mail*, 27 July 1979 and Dickie, 1988, p. 74.

removed just as the Licensing Branch began its most active campaign against prostitution, proceeding against the landlords of premises used for prostitution. This campaign, which did not long survive Jeppesen's removal from the branch, enjoyed some success in forcing the closure of a number of establishments.

In the late 1970's there was increasing interest from Sydney based criminals in prostitution in Queensland. Some of this interest, from the mainstream of the Sydney criminal milieu, was focused on the Gold Coast. An intention to pay corrupt monies to police and a political figure was disclosed to the Commission of Inquiry<sup>13</sup> but in the end this particular venture came to nothing (*The Courier-Mail* 23 June 1989).

A minor Sydney criminal, Hector Brandon Hapeta, and his associate, Anne-Marie Tilley, came to Brisbane in late 1979 and established a small number of massage parlours and escort agencies.<sup>14</sup> There were indications before the Commission of Inquiry that more senior southern criminal identities may have been involved in their ventures but this could not be definitively resolved. From early 1980, the Licensing Branch was again corrupted, with senior and other selected personnel initially protecting illegal gambling.

"Next, in mid-1981, the first steps were taken to organise payments for prostitution.

Hector Brandon Hapeta and his defacto wife Anne-Marie Tilley owned a number of brothels and at least one escort agency, and Tilley worked both as a prostitute and receptionist. As such, she was occasionally breached for lesser offences, leading, in April 1981, to a short sentence of imprisonment. Hapeta fled from Queensland. (Licensing Branch sergeant) Burgess arranged for Tilley to come and see (Licensing Branch Inspector) Dwyer when she was released. Soon afterwards, one of Hapeta's associates, who has since died, arranged an interview with Dwyer through another police officer. Hapeta's safe return to Queensland was negotiated in return for a bribe to Dwyer. It was not long afterwards that Herbert became involved, and first Hapeta and Tilley and then others began paying sums regularly for the protection of their brothels and other prostitution activities." (Fitzgerald Report 1989, pp. 64-65).

In Brisbane, where there is most knowledge, corruption enabled considerable consolidation of the prostitution industry to the point where it was dominated by two groups, the Hapeta-Tilley group and a group of which the dominant figures were illegal gambling entrepreneurs Geraldo Bellino and Vittorio

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13 R.J. Hinze, evidence to Commission of Inquiry 1989.

14 Hector Brandon Hapeta pleaded guilty to six charges of official corruption charges in connection with his prostitution enterprises on 29 June 1990. Anne Marie Tilley was convicted of keeping premises for prostitution in July 1981 and pleaded guilty to two charges of official corruption in relation to prostitution enterprises on 2 October 1990.

Conte.<sup>15</sup> It was possible for these groups to undertake considerable capital investment and to diversify into other legal and illegal businesses.

"In the new parlours the massage benches had gone and double beds had come in along with locking doors, deep pile carpet, spa baths, fully stocked bars, mirrors in the ceiling and videos in the rooms, as well as piped music and blue movies. The charade of the \$10 massage fee had also disappeared - now the customer chose his delicacy from what was quaintly termed a menu . . . In Whitrod's days police had insisted that girls working in massage parlours be able to produce some qualifications in massage. They so insisted no longer . . . Whereas police had once visited only in search of a booking or information, now they just visited. Whereas parlour operators were once told that having alcohol on the premises would result in charges, now the police poured a drink or could even help themselves. Alcohol apparently was not all they helped themselves to . . ." (Dickie 1988, pp. 85-86).

Corruption in the Licensing Branch was crucial to this development of corporate prostitution. It provided the security of tenure which made the capital investment worthwhile and the regulatory burden was borne principally by the prostitutes themselves who were regularly booked. A disproportionate amount of police attention was also directed at the independent operators. An indication of the strength of this corruptly regulated prostitution was that street prostitution virtually disappeared from the capital. Another effect could be discerned in the changing balance of returns from the industry:

"Before Hapeta and Tilley arrived, Brisbane's massage parlours were still maintaining the fiction that they were dispensing only massage. A \$10 massage fee was paid by the client on entry, and the payment for any other service he received was split between the management and the prostitute on a sliding scale which saw hard working girls keeping an increasing proportion of their earnings. As their grip on Brisbane's sex industry strengthened, Hapeta and Tilley dispensed with the massage fee in favour of a 50-50 split between parlour and girl. The other major crime group was quick to follow suit. In at least some parlours the split is now down to 60-40 and with few independent operators and relatively little street prostitution outside the homosexual scene in Brisbane, the girls have little choice but to accept the scales . . ." <sup>16</sup>

Organised homosexual prostitution appeared in the early 1980s and the market opportunity this represented was quickly realised by the Hapeta group, who moved in on the operators. However, in 1984 homosexual prostitution became one element of a political scandal and the field was largely abandoned by organised interests. Homosexual prostitution, rather more vigorously policed than other varieties of prostitution, became a significant proportion of the relatively minor amount of street and bar-based prostitution (Sturgess 1985, pp. 32-40; Dickie 1988, pp. 107-109).

The then Police Department and frequently the government sought to impart an impression of active enforcement of prostitution. Impressive numbers of convictions were obtained, with the Police Department quick to counter any

15 Geraido Bellino and Vittorio Conte were convicted of official corruption in relation to prostitution and gaming on 6 August 1991. Another member of this group, Geoffrey Luke Crocker pleaded guilty to 16 charges of keeping a bawdy house on 11 August 1989 and a further associate, Allen Keith Holloway pleaded guilty to eight charges of keeping a bawdy house on 25 January 1990.

16 Commission of Inquiry 1989, Exhibit 76, Article 4, "Organised Crime Group Revolutionises the Sex-for-Sale Industry", the *Courier-Mail*, 18 April 1987.

suggestion that such "breaching"<sup>17</sup> occurred by arrangement. When reference to figures did not suffice to quiet any questioning, a necessity to increase police powers to deal with the problem of prostitution would commonly be raised, most often in the form of a proposed Summary Offences Bill seemingly perpetually in a draft stage (Finnane 1988, pp. 335, 340).

"The fundamentals were keeping prostitution at a low visibility, and limiting the intrusion of organised crime from outside (and thereby limiting the possible interest of Commonwealth authorities). These preferences were pursued through a concentration of ownership and control of competition, effectively franchised by the police under protection arrangements which (particularly after the hiving off of the Licensing Branch in 1956 and its exclusive responsibility for policing prostitution from 1977) could themselves be of low visibility." (Finnane 1988, p. 340).

The prostitution industry in Brisbane in the period 1981-1987 can fairly be viewed as organised crime. It should be noted that police corruption played a key role in its development, and that when attention was focussed on the vice entrepreneurs and associated police corruption during the Commission of Inquiry (1987-89), organised crime dominance of the industry collapsed.

Cleansed of corruption, the Licensing Branch made a determined effort to reduce prostitution during the Commission of Inquiry, with the principal result that the industry was still further fragmented. There are now signs that some figures used a lull in the level of enforcement pressure to attempt to consolidate their position within the industry. However none can claim to dominate the industry and the absence of systematic corruption will most likely militate against any such dominating influence being obtained. Ambiguity in laws, uneven levels of enforcement activity and the ambitions of vice entrepreneurs are factors which could, in time, lead to a sufficient level of corruption to allow significant consolidation in the industry. However, as a result of the Commission of Inquiry, there has been a substantial change in the internal environment of the newly-named Queensland Police Service and much strengthened internal and external procedures to check and deal with misconduct. If there remains a commitment to the reform process initiated by Fitzgerald, a level of systematic corruption sufficient to support organised crime domination of the sex industry on the scale of the 1980's is unlikely. When it is perceived necessary, police are willing and able to act against developing cartels and to check organised crime influence on the industry.

From the police point of view, although the Licensing Branch was able to considerably harass the industry in 1988-89, it was unable to suppress it beyond a certain level. The political landscape is also shifting, with expectations of reform aroused by the Commission of Inquiry, the growth of vocal sex industry worker groups, and a concern over the health implications of prostitution in the light of the world-wide AIDS epidemic.

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17 e.g. Commission of Inquiry 1989, Exhibit 187.

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## Appendix II

### PROSTITUTION, ORGANISED CRIME AND OTHER CRIMINAL ACTIVITIES

#### *The Definition of Organised Crime*

As recognised by Mr Fitzgerald Q.C. in the Report of the Commission of Inquiry, the concept of organised crime presents great problems of definition (Fitzgerald Report 1989, p. 161). Without traversing this considerable debate at great length, the Commission favours two methods of definition, one legal and the other economic.

The legal definition is provided in the "relevant offence" provision of the *National Crime Authority Act*. In this context prostitution and related activities may be interpreted as "organised crime" where a number of criteria are met. These include an offence:

"... that involves two or more offenders and substantial planning and organisation"; "that involves, or is of a kind that ordinarily involves, the use of sophisticated methods and techniques"; "that is committed, or is of a kind that is ordinarily committed, in conjunction with other offences of a like kind"; and "that involves theft, fraud, tax evasion, currency violations, illegal drug dealings, illegal gambling, obtaining financial benefit by vice engaged in by others, extortion, violence, bribery or corruption of, or by, an officer of the Commonwealth, an officer of a State or an officer of a Territory, bankruptcy and currency violations; harbouring of criminals, forging of passports, armament dealings or illegal importation or exportation of fauna into or out of Australia, or that involves matters of the same general nature as one or more of the foregoing, or that is of any other prescribed kind." (National Crime Authority Act 1984, Section 4.1(a)-(d)).

This type of definition, focusing on the criminal actor and his actions, is very much a mainstream definition. In essence, activities become viewed as organised crime because they are defined as such and such definition is of particular operational assistance to law enforcement authorities. However, for analytical purposes such definitions have severe drawbacks, capably examined by Michael Bersten in the *Australian and New Zealand Journal of Criminology* in 1990 (pp. 39-59). Bersten argues that definitions of this type, focusing on the criminal actor, discounts the context of his actions. One extremely significant context discounted is that of the law in determining that certain transactions are illegal. Bersten (1990, p. 55) proposes that "organised crime be defined as the field of transactions materially connected to markets in illegal goods and services" stating that:

"Understanding organised crime in this way focuses on the status of certain transactions as criminal bringing into sharp relief, against the background of other conditions, the place of legal prohibitions on certain goods and services as a fundamental condition making possible and likely certain illegal markets. Further debate is opened up as to the relationship between existing social, economic and political arrangements and organised crime. This is in contrast to the intellectual and political closures effected by an assumption that organised crime is an evil enemy alien to society." (p. 55).

Bersten's definition, more economic than legalistic, would seem to have particular advantages in the study of organised crime and prostitution. In particular, it avoids the pitfalls of circularity where organised crime is essentially seen as crime that is organised, and it establishes a framework where prostitution is seen in a wider legal and social context.

The critical considerations in analysis of the presence and predominance of organised crime in prostitution then become the degree of consolidation of control over the prostitution industry, the extent to which prostitution is integrated with other illicit industries and the extent to which illicit interests are able to modify the effective regulatory environment to their benefit. In its simplest form, prostitution is a trade which is open to entry by inexperienced amateurs and requires little and often nothing in the way of either organisation or capital outlay.

At the other extreme, in relatively recent years, Queensland has seen chains of syndicated brothels in permanent premises protected by corrupt arrangements with those charged with their eradication. The business of brothel keeping was in some instances only part of a wider economic entity providing other legal and illegal goods and services, entering into extensive transactions with financial institutions and requiring a diversity of professional services.

The enterprise of individuals and what was, in effect, corporate prostitution are not mutually exclusive and various factors affect the balance between the two.

Under any definition, illicit corporate prostitution is a manifestation of organised crime. Such assertion, however, is probably much less useful than an analysis of the economic place of such prostitution, the factors leading to its predominance or otherwise, the steps resorted to to expand or preserve its position, and the degree to which it is associated with other criminal activities. In criminal matters, current arrangements are rarely perfectly known. One of the best tools for dissecting organised crime, as shown in the work of McCoy (1980) and others, is careful historical analysis.

### *Organised Crime Penetration of Prostitution in Queensland*

If the identifying features of organised crime dominance of the industry are taken as consolidation of control within the industry, integration with other criminal activities and substantial modification of the regulatory environment to its own purposes, then only the corporate prostitution of the 1980's can be regarded as "organised crime".

Some of the identifying features were present in earlier periods of Queensland history, and these also warrant some consideration as stages in the development of organised crime in the industry. The tacitly regulated industry which developed during the period 1870-1911 and lasted until 1959 was relatively immune to incursions by organised crime. The sharing of the burden of regulation between the police and health officials also limited any tendency to



corruption. This was in stark contrast to the situation prevailing in Sydney in the 1920's, where a prostitution industry dominated by standover merchants was closely linked with the trafficking of cocaine.

The stability of regulated prostitution in Queensland began to erode during the Second World War when shortages of many goods in demand, and an enhanced demand for sexual services, gambling and alcohol created opportunities for both criminal entrepreneurs and corrupt police officers. The end of the war saw the beginnings of an elite criminal milieu dominated by corrupt police officers. Demands were made upon the regulated "houses" but the extent of corruption in relation to prostitution was limited until corrupt officers managed to engineer the end of regulated prostitution in 1959, by closing down the houses. Thereafter, prostitutes favoured by police were accepted as part of the criminal elite. Prostitution was integrated to a degree with a range of other criminal activities, but the industry itself was a scattering of individuals whose influence was determined by their individual police alliances. This structure was supported by associations of corrupt police between states and a corresponding movement of favoured criminals.

These opportunistic groupings became much less significant in the 1970's. From 1971-76, corrupt police were under some considerable pressure in Queensland. Their colleagues in other states were also in difficulty, with the 1967-68 period of violence in Sydney having one result of drastically curtailing the extent of control of crime by corrupt police, and inquiries into corruption in Victoria. In particular, the Licensing Branch, principally responsible for policing prostitution, was cleared of corrupt officers by about 1975 and largely remained that way until early 1979. Nevertheless, a number of criminal entrepreneurs, at least one a refugee of the southern violence, succeeded in consolidating some control over the prostitution industry. Another of these entrepreneurs combined significant interests in both prostitution and illicit gambling and there is some indication that massage parlours and their proprietors and business associates were playing a significant role in illicit drug trafficking. One of these entrepreneurs disappeared, believed murdered, and another was effectively removed from the industry by police action. Although little continuity of criminal entrepreneurs can be shown, the stage was set for the evolution of the corporate prostitution of the 1980's.

Corporate prostitution developed rapidly following renewed police corruption centred on the Licensing Branch, in relation to prostitution at least from 1981. In Brisbane, this permitted dominance of the industry by two groups with extensive interests in other criminal activities. Unlike New South Wales, in Queensland pervasive syndicate control never extended over the entire range of illicit activities, with major exceptions being the independent illegal gaming machine and SP bookmaking industries. But all three criteria of substantial consolidation within the industry, substantial integration of prostitution with other illicit activities and substantial modification of the regulatory environment can be shown to have occurred in the period 1981- 87.

The crucial role of police corruption can be demonstrated by the rapid collapse of corporate prostitution during the opening stages of the Commission of Inquiry. During the subsequent period of active policing, the industry fragmented. There

have been attempts at consolidation but in Brisbane, no criminal grouping has been able to establish any dominance. Some consolidation of the industry has occurred in other centres where the market is smaller and police pressure less. In some of these areas there are indications that prostitution is integrated with other illegal activities, principally the supply of illicit drugs.

### *Prostitution and Illicit Drugs*

Some propaganda to the contrary aside, prostitution has had a long association with illicit drugs. While early accounts last century of white women lured into lives of prostitution by Chinese bearing opium probably owe much to another sort of propaganda, there is no doubt in the same period of an association between prostitution and sly-grogging (illicit liquor sales). This association was continuous, varying in accordance with restrictions on liquor sales and lessened only by their gradual easing. As an illustration, it should be noted that in Queensland prior to the Fitzgerald Inquiry the two groups dominating prostitution in Brisbane both had interests in unlicensed liquor outlets. The "World by Night", operated by Geraldo Bellino and associates, combined a massage parlour, strip club and unlicensed liquor outlet into one premises and was for a period of more than a decade in flagrant violation of the liquor licensing laws.<sup>1</sup> The other principal unlicensed liquor outlet, the almost as notorious "Hollywoods Night Club", was a joint enterprise of the Bellino group and the other principal entrepreneur of prostitution, Hector Hapeta. Hapeta additionally had tried at one stage to open an unlicensed nightclub of his own with corrupt police approval and operated a further nightclub in flagrant violation of licensing restrictions.<sup>2</sup> (Dickie 1988, pp. 95-96).

Although unlicensed liquor sales may not seem overly serious in the scale of offences, similar patterns are exhibited in the association of prostitution with other illicit drugs. At one extreme there is a relationship of proximity, as in colonial prostitutes working sly grog dens. Few such sly groggers would have been inclined to drive the prostitutes away if they encouraged trade and some would have progressed to the stage of taking the prostitutes into their employ. Pimps supplying prostitutes, or on occasion, the prostitutes themselves, would also have had a powerful incentive to slake any thirst for illicit alcohol. No doubt many found the opportunity to do so. This approaches the other extreme, the supply of sexual services, illicit drugs and very probably other illegal goods and services by organised interests satisfying demand across the whole illegal spectrum. The examples from recent Queensland history detailed above involved two moderately diversified and certainly profitable enterprises supplying sexual services, pornography, striptease, illegal gambling opportunities, legal dancing venues, quarried marble, and, at a minimum, illicit drugs in the form of alcohol.

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1 A description of this premises appears in D.G. Sturgess, *An Inquiry into Sexual Offences Involving Children and Related Matters* op cit, p139, 143, Dickie, op cit; pp. 122, 132-33. See also evidence to Commission of Inquiry of V.Conte.

2 Evidence to Commission of Inquiry 1989 of N.D. Powell; Evidence to Commission of Inquiry 1989 of C.M. Dillon.

Similar patterns of proximity can be demonstrated to prostitution and illicit drugs other than alcohol:

1930 - "Testifying against a Surry Hills cocaine pedlar in July 1930, Sergeant Wickham stated that there had been no decrease in the drug traffic and some '90 per cent of the immoral women of this city (Sydney) were drug addicts.'" (McCoy 1980, p. 125).

1991 - "The vast majority of adults prostituting themselves in the Kings Cross patrol are usually aged between 18-30 years and are heroin addicted . . . Serious substance abuse, sufficient to disrupt lifestyles and impair performance, is largely confined to street workers, as the parlours impose strict penalties for failure to abide by the rules."<sup>3</sup>

Certain Sydney localities in the vicinity of Kings Cross have in recent years been known as areas where prostitutes, many of whom are heroin dependant, congregate. Low level suppliers of heroin and other drugs, including some of the prostitutes, also congregate in the same localities. Although there are several potential chicken-and-egg style explanations as to the reason this occurs, the association of proximity is fairly clear. Queensland has no precise counterpart to the Sydney localities, although police have from time to time discerned similar tendencies in Fortitude Valley and on the Gold Coast.

There is likewise no lack of historical examples for the association of prostitution and illicit drugs being far more sinister than one of proximity. Of four groups fighting for control of the lucrative cocaine trade in Sydney in the late 1920's, two had their principal interests in prostitution and one was associated with prostitution:

"Although (Kate Leigh's) flamboyance and generosity have made her something of a folk hero in Sydney, she is a figure of considerable importance in the history of organised crime. Like New York's Charles 'Lucky' Luciano a decade later, it was her genius to mix narcotics selling with brothel keeping, thereby depriving her prostitutes of any savings and reducing them to working for drugs." (McCoy 1980, p. 125).

Likewise in Queensland in the 1970's there was concern that massage parlours were becoming a principal outlet for the supply of illicit drugs<sup>4</sup>.

The Fitzgerald Inquiry heard conflicting evidence on the relationship between drugs and organised prostitution. Police, prostitution entrepreneurs, prostitutes and others gave evidence that there was no involvement, or that drug involvement was discouraged. Other police, prostitutes and persons called gave contrary evidence. Evidence given by a witness assigned the name Katherine James was to the effect that while employed by both Brisbane syndicates and in her own short lived business she was addicted to heroin. In addition, during the course of the inquiry, Hector Hapeta, one of the principals of Brisbane

3 Sergeant Michael Lazarus, Beat Co-ordinator Kings Cross Police States, paper submitted to Australian Institution of Criminology Conference on Sex Industry and Public Policy, 6-8 May 1991.

4 e.g. *Massage Girls Pushing Drugs*, the *Sunday Sun*, May 9, 1976.

prostitution, was apprehended and later convicted of trafficking in heroin. In his report, Mr Fitzgerald QC concluded that:

"Despite the loud denials from those concerned there is every indication that some, and maybe many prostitutes use and are addicted to dangerous drugs. There are also indications that the operators of prostitution supply addictive drugs, both as payment of prostitutes and as a means of forcing their continued involvement." (1989, p. 192).

In the course of this study, the Commission's Intelligence Division also made a detailed study of the relationship between illicit drugs and prostitution in one distinct locality. The information on which the study was based all related to the period from the Commission of Inquiry to the present.

In 1988-89, of 11 arrests on prostitution related charges, six, five females and one male working as a driver, were also arrested on drug charges. One charge related to possession of a syringe.

More recently some 10 persons, nine female and one male, have been identified as operators of advertised escort agencies in the area (including one person agencies):

Four have no convictions. One of these employs a number of women with cannabis and amphetamine-related convictions. Another is known to be involved in the supply of drugs and lives with a person with drug convictions, and one is believed to be involved in the supply of drugs.

Two have convictions for prostitution-related offences only.

Three have both drug and prostitution convictions. One of these convictions relates to the supply of heroin. Two of these persons have personal associates convicted of supplying cannabis in one case and cocaine in the other.

One has convictions for administering and supplying heroin and is associated with a male who is a convicted supplier of cannabis and amphetamines.

An additional seven known prostitutes employed by the persons identified above have drug-related convictions. Although the majority of these convictions are for possession of cannabis, two involve the trafficking and supply of illicit drugs, two involve amphetamines and one relates to heroin. Three male drivers working in the industry also have drug convictions, one for supplying drugs.

There are strong grounds for belief that the supply and marketing of at least a proportion of illicit drugs is closely linked to the sex industry. Although with some individuals the association is one of proximity, other individuals are involved in both the sex industry and the supply of illicit drugs. There are also indications that individuals and premises involved in the sex industry play a role in the disposal of stolen property.

Likewise in a number of other non-metropolitan areas in Queensland, persons prominent in prostitution are also believed to be equally prominent in other criminal activities.

### *Prostitution and Other Criminal Activities*

There is a well-documented tendency for persons with considerable criminal records and associations to be in proprietorial or managerial positions in the prostitution industry. As long as the industry itself remains illegal, this can not be found surprising.

Some recent illustrations from Queensland include the following:

Ronald James Kingsnorth, born 1934, has a criminal record in Queensland, New Zealand and Great Britain for property offences and assault and more recently for prostitution and corruption-related offences. In the UK he was convicted of stealing in 1948, burglary and stealing in 1953, stealing in 1954, stealing in 1958, and causing grievous bodily harm in 1960. In New Zealand, he acquired convictions for a variety of simple offences including selling liquor without a licence. In Queensland, following the Commission of Inquiry, Kingsnorth was convicted of keeping premises for prostitution and official corruption.

Hector Brandon Hapeta, a minor Sydney criminal, became the principal of the largest prostitution operation in Brisbane in the 1980's. There were indications before the Commission of Inquiry of associations or possible associations with a number of prominent southern criminal identities, although the extent to which there was any southern influence on his operation was unresolved.

Allan Keith Holloway, formerly involved in prostitution with Geoffrey Luke Crocker, Geraldo Bellino and Vittorio Conte in Brisbane, has an extensive criminal history including convictions for stealing (1968), receiving stolen property (1970, 1990), possession of a prohibited plant (1978 and 1989), selling unlicensed liquor (9 offences in Brisbane and Cairns between 1979 and 1982), unlawful gaming (1982) and keeping premises for prostitution (1990). He has twice failed to answer summonses to appear before court or judicial proceedings.

Although the media has used words like "mafia" and even "gangster" in relation to controllers of prostitution and illicit gaming in Queensland, such words have never been appropriate. What is of some concern however is a tendency on the part of some criminal identities to ape such tabloid labels. In particular, some status attaches to the possession of firearms and a number of prostitution principals have been convicted of firearms offences.

## *Violence and Standovers*

The distinction between a pimp and a "standover merchant" is not clear cut. Clearly, the problems of organised crime and prostitution relate to the activities of pimps more than they do to those of prostitutes.

There is ample evidence of proprietors exhibiting violence towards their prostitute employees. Statements to and evidence before the Commission of Inquiry ascribed at least occasional resort to such violent methods of control to most of the male proprietors in the immediately preceding period.<sup>5</sup> The majority of these men are believed still to be involved in the prostitution industry in some way.

There is every indication that, like the violence inflicted on prostitutes by clients, such incidents are grossly under-reported. Accordingly, it is reasonable to regard such violence as an inevitable feature of an illegal prostitution industry.

More likely to impinge on public consciousness are the violent confrontations between prostitution entrepreneurs or those involving outsiders taking control over the industry. Sydney has seen two notable such periods: the "Razor Wars" of the late 1920's, essentially a battle between the city's vice entrepreneurs for control of the lucrative cocaine traffic; and the spate of murders in 1967-68 which extended syndicate control over prostitution and the illegal abortion rackets.

Queensland has not been immune from violent incidents in relation to prostitution, although they have lacked the gang war characteristics of the Sydney violence:

In 1983, members of the two prominent prostitution groups in Brisbane combined to assault persons and damage property at massage parlours belonging to an emerging entrepreneur (who was also the subject of a disproportionate amount of police attention).

The Commission of Inquiry heard evidence that on the night of 14 August 1986, Frank Frederick Palmer, the principal prostitution entrepreneur on the Gold Coast was assaulted at his residence. Palmer received severe head injuries from the assault and was placed on a life support system. The evidence given to the Commission of Inquiry was to the effect that on the night of the assault Palmer was intending to sign a contract to purchase the main premises of his principal competitor, Ronald Kingsnorth.<sup>6</sup> No person was ever charged with the assault on Palmer.

Following the attack on Palmer, the management of his premises was assumed by an associate, who gave evidence to the Commission of Inquiry under the name of Brooke Miller. She stated that she was approached by a former Sydney police officer who had been involved with Palmer in

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5 On 22 July 1987, one of these proprietors, Warren Earle Armstrong, was made subject to restraining and firearms prohibition orders following alleged threats to a potential witness to the Commission of Inquiry. On 31 October 1990, Armstrong was convicted of possession of a firearm whilst a prohibited person.

6 Evidence to Commission of Inquiry 1989 of F.F. Palmer; "Brooke Miller".

arranging "protection" for his premises. This person demanded money for this purpose from Miller, who did not respond to the request. On 22 September 1986 a brothel and escort agency premises owned by Palmer was burnt down. Miller stated that the former police officer subsequently demanded \$14,000 from Miller to forestall further recriminations and that she paid the money. Miller's evidence to the inquiry was corroborated by a tape recording of a telephone conversation between the former police officer and another witness.<sup>7</sup> No person was ever charged with the arson.

There have been a disproportionate number of arson incidents in relation to prostitution premises in Queensland. Some have been shown to be the work of dissatisfied customers and others are suspected to be acts of insurance fraud by owners, but others apparently relate to the control of prostitution in particular areas.

Some of the more notable incidents have been the arson of Palmer's property described above; fires set in some of Vogel's premises following her disappearance; and two fires which led to the cessation of business at premises in Annerley in 1986 within a short period of the opening of a syndicate brothel only doors away.

### *Prostitution and Other Sex Related Enterprises*

Prostitution is often associated with other licit or illicit sex related enterprises. In general, in Queensland the association is less direct than in New South Wales, where Kings Cross "strip clubs" are in reality the procurement points for organised parlour prostitution, usually occurring on the same premises.

Brisbane's most notable similar establishment for many years was the Bellino-Conte owned "World by Night" Strip Club in the city, which shared premises with a massage parlour, "Scarlett's".

Another association of significance is that between prostitution and so-called sex shops, chiefly pornography and sexual implements outlets. The effect of evidence to the Commission of Inquiry was that the Hapeta-Tilley prostitution group acquired a monopoly over street front pornography outlets in the 1980's.

### *Prostitution and Blackmail or Extortion*

Prostitution presents an ever-present opportunity for blackmail and extortion of clients through the threat of revelation of their intimate relations with prostitutes. Instances of this opportunity being utilised do not commonly come to the attention of law enforcement authorities, something that given the nature of the crime, is scarcely surprising. However, the Commission is aware of at least one case being reported recently.

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7 Evidence to the Commission of Inquiry 1989 of F.F. Palmer; S.W. Crockett; "Brooke Miller".

Brothels in Queensland have been known to keep quite unnecessarily detailed records on clients for no adequately explained purpose; for instance, one card index listing for clients included the following details:

name, address, height, weight, complexion, marital status, vehicle registration, licence number, credit card number, age, build, details of scars, tattoos, employer, postal address, star sign, location and duration of assignments, a "rating" given by prostitute, servicing prostitute details, general comments on sexual preferences and performance.<sup>8</sup>

There is no evidence that these cards were used for blackmail purposes; however the potential in the hands of those who create or acquire such records is obvious.

### *Prostitution and Property Offences*

Law enforcement authorities have frequently noted recurring connections between prostitution, black markets, property theft and fencing. Queensland has been no exception; the following statements date from 1959, 1971, 1981 and 1991:

1950's - "(Commissioner) Bischof made a great show of justification for the closure of the brothels. He presented evidence against brothels for acting as fences for stolen property. About that time (1959), war time shortages were still severe in such commodities as alcohol and cigarettes. There had been a spate of breaking and entering at the golf clubs and bowls clubs. Some of the stolen property was openly on sale at the big Albert Street brothel."<sup>9</sup>

1960's - "Lilly Ryan . . . they raided her place and found a hot radio. She had all underneath the house full of outboard motors and lawn mowers."<sup>10</sup>

" . . . (Sydney criminal) told me he had done the (armed hold-up) he had the jewellery. He had a fence but it had gone wrong. He wanted me to get rid of it. I said I would make a couple of telephone calls and see what I could do about the stuff. (Criminal) brought it over to my flat. I made a phone call to a couple of fences. (Queensland police officer) saw it and said it was beautiful stuff. (Police officer) said "I will take it home and sleep on it".<sup>11</sup>

1970's - "The warehouse of . . . was broken and entered and a large quantity of jewellery, clothing and money valued in excess of \$200,000 was stolen . . . A and B took the jewellery to this massage parlour and left it there, but collected it shortly before the detectives arrived and later took it to another house at West End."<sup>12</sup>

8 Confidential exhibit to Commission of Inquiry 1989, No. 1408

9 Sir Thomas Hiley, statement 2 October 1988 to Commission of Inquiry 1989, p. 10.

10 Record of Interview between Superintendent N.S. Culbransen and Shirley Margaret Brifman, 30 September 1971.

11 Brifman record of interview, 6 October 1971.

12 Memo, OIC Consorting Squad to Detective Superintendent, Metro CIB, 8 December 1981.



1980's - During the course of the Commission of Inquiry, a task force was formed to examine allegations of crime and possible corruption with respect to stolen motor vehicles. A considerable number of persons in possession of stolen vehicles were arrested, among them Alan Keith Holloway, a prominent Brisbane prostitution identity immediately prior to the inquiry. Holloway was convicted of an offence of receiving stolen property in 1990.

If one explanation for this connection is that persons engaged in illegal enterprises tend to congregate together, then the legalisation of prostitution may well lessen the connection between prostitution and property crime.

### *Prostitution and Illicit Gambling*

Like vice generally, illicit gambling is an area attractive to organised crime interests. The first evidence of firm connections between prostitution and illicit gaming in Queensland dates back to the mid 1970's, when Roland Short, a proprietor of a number of massage parlours, opened "key" clubs in South Brisbane and Broadbeach. These clubs, in theory open only to members, combined gaming, prostitution and pornography. They were closed by police action.<sup>13</sup>

One of the club's employees, Geoffrey Crocker, continued to manage a number of massage parlours before being charged in 1979.<sup>14</sup> Crocker was convicted of gaming offences in Cairns in 1982-83 and later managed a number of massage parlours in Brisbane in association with Alan Keith Holloway, Vittorio Conte and Geraldo Bellino. Bellino's first association with gaming extends back to employment in a baccarat club belonging to Anthony William Robinson in 1966 (Dickie 1988, p. 32). By 1980, in partnership with Vittorio Conte, he was the state's principal illegal casino owner. Some of his premises and businesses incorporated prostitution facilities and he and Conte had interests in a number of other prostitution enterprises with Holloway and Crocker.

The integration of prostitution and illegal gaming is often one of the key indicators of the development or acquisition of prostitution interests by organised crime. It should be noted, however that in Queensland, unlike New South Wales, no significant structural links have developed to date between prostitution and illegal SP bookmaking or illegal machine gaming.

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13 Proprietors of massage parlours, listing in Report to Assistant Commissioner (Crime) by Licensing Branch, 23 May 1974; Evidence to Commission of Inquiry 1989 of "Katherine James"; Short convicted of gaming offences 1977.

14 Geoffrey Luke Crocker convicted of knowingly letting premises to be used for prostitution 26 July 1979.

## *Prostitution and Money Laundering*

An operative definition of money laundering is that it is:

"Any technique which is designed to make dishonestly and unlawfully earned money appear to have been derived from honest and legitimate enterprise. The prime purpose is to avoid attracting the attention of taxation investigators or criminal law enforcement authorities. Any laundering operation ultimately requires a logical and apparently truthful explanation for the derivation of the money. To be effective this explanation must not be capable of being disproved, even though it might not be believed." (Royal Commission of Inquiry into Drug Trafficking 1984, p. 629).

Prevention of detection of crime and defrauding the revenue are the two obvious effects of money laundering; much more serious in the economic sense and less appreciated are the pressures put on the legitimate economy by the flow of black money. Laundered money is the means by which crime becomes a participant in legitimate industry; criminally supported "legitimate" enterprises with their hidden cash resources can then "compete" on a very unequal basis.

Money laundering in relation to prostitution in Queensland was first thoroughly investigated during the (Fitzgerald) Commission of Inquiry. These investigations coincided with attempts by owners and operators to further distance themselves from prostitution related transactions or assets.

Using as an example the Hapeta organisation, the following techniques were used prior to the inquiry:<sup>15</sup>

- false name accounts;
- bankcard merchant facilities in legitimate business names but which concealed earnings from illegal activities;
- cash "under the table" supporting property purchases;
- stockpiling of cash in bank deposit box and personal facilities;
- secret transfers of money interstate and internationally;
- legitimate business ventures to disguise income sources;
- use of a range of companies and financial institutions to disguise business dealings;
- not banking cash to known bank accounts;
- a claimed legitimate business to account for income.

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<sup>15</sup> Reference has been made to the analysis of the financial affairs of Hector Brandon Hapeta conducted for the Commission of Inquiry.

These methods were successful until that time in preventing the detection of the volume of prostitution money being generated. The profits were funding corruption, and property and business purchases. Many of the properties were mortgaged and the interest deductions reduced or eliminated any tax liabilities of the companies to declared (as opposed to actual) income.

When the convoluted company structure started to be revealed, more covert methods of handling the prostitution revenue were developed.

- Bankcard merchant facilities were established using false identities with the assistance of a bank manager.
- Bankcards were also "factored" through the sale of bulk vouchers at a discount to another merchant (customer details only noted at point of sale)
- With the assistance of solicitors, properties were re-financed with funds provided through a confusing list of changing lenders. Investigations revealed that an alias was used to loan Hapeta's money to Hapeta.
- Companies were restructured to remove ostensible ownership from Hapeta and Tilley. Investigations showed that the directors were Hapeta associates and the shareholders Hapeta and Tilley under a number of aliases.

As investigations into these connections proceeded, a new round of concealment activity began:

- One operator became an "employee" of a business through which credit card facilities were factored. The company involved used associates once removed as directors and shareholders.
- Properties were sold to other similarly structured "unassociated" companies. In some cases the prices paid were an agreed cash amount and an amount in supposedly valuable commodities. The value of these commodities was later called into question.

The above example shows a not overly-elaborate range of money laundering devices. The Commission found many others. One point of significance is that many of the devices used require the assistance of legal and/or accounting professionals and it is an indictment of these professions that this help seems to be reasonably easily obtainable. Valuable assistance was also rendered by financial institutions and their personnel, although there have been legislative changes more recently directed at these and other practices.

It is axiomatic that any illegal industry with a high turnover must launder its money. In the case of cash, most can simply be not banked. Cheques and credit card sales do have to be banked and the problem here is usually addressed by setting up pseudo-legitimate corporate structures and banking to associated accounts. Ownership of property also needs to be disguised in a similar manner.

Some of these pressures would be abated in a legal industry, although the potential would still exist for disguised ownership and tax minimisation.

### *Prostitution and Corruption*

Evidence from jurisdictions around the world suggests an association between prostitution and corruption, particularly but not exclusively of law enforcement agencies. One witness to the Commission of Inquiry referred to it as the "red shilling". However, the historical evidence is that in Queensland prostitution has a lesser association with systematic corruption than some forms of illicit gambling. However, the association has nevertheless been considerable. There are indications that there was corruption associated with prostitution during the Second World War and that there was some persistence of this corruption in various forms until the early 1970's. In the main, this corruption consisted of arrangements between individual prostitutes or entrepreneurs and individual police officers, that is it could be described as opportunistic corruption. It is known that systematic corruption with respect to prostitution existed in the period 1981-87 and a number of prostitution proprietors and former police officers have been convicted of corruption related offences. Currently, although opportunistic corrupt arrangements can not be totally excluded, it may be stated with some confidence that there is no systematic corruption associated with prostitution.

In summary, the existence of prostitution does not automatically imply the existence of corruption. However, while the industry or significant proportions of it remain illegal, opportunistic arrangements may develop. Systematic corruption, would appear to be more likely when a number of factors coincide. An illegal industry where there has been some degree of consolidation is likely to seek to modify its effective regulatory environment; unless the internal culture of law enforcement agencies is strongly resistant to corruption, then the effort is likely to be met with some measure of success.

### *Prostitution and Immigration Offences*

There is an increasing incidence of Asian prostitutes being brought to work in Queensland. In one recent episode, the Australian Federal Police, the Queensland Police Service and Immigration authorities raided a Brisbane brothel and arrested its Vietnamese operator and a number of illegal immigrants. Of particular interest was the location of two Japanese women who had entered Australia two days previously. When interviewed the Japanese women stated they had arrived in Australia via Malaysia where they had worked together, and one indicated the Australian trip had been organised by her Chinese boyfriend. The Vietnamese operator of this brothel was in possession of a number of Sydney and Melbourne telephone numbers and addresses.

The importation of Asian prostitutes into Queensland, although not yet a common occurrence, is of considerable concern on humanitarian and health grounds. Such importation has become a common occurrence in southern States:

"Some establishments which employ large numbers of Thai-speaking prostitutes and have a mainly Asian clientele still do not encourage the use of condoms. There is evidence that many of their workers have a much higher incidence of gonorrhoea, chlamydia and other sexually transmitted diseases, than do English-speaking prostitutes. Sexually Transmitted Diseases Centre staff and members of the Australian Prostitutes Collective have estimated that up to 400 Thai women in Australia have been working as prostitutes at any one time. Nearly all are working illegally, having entered the country on visitors permits which do not allow the holder to undertake paid employment. There is evidence that many are victimised and exploited by the men who recruit them into prostitution. Their interview responses make it clear that very few were experienced prostitutes, they had very little understanding of sexually transmitted diseases or the ways to avoid them, and were confused about, or unaware of, the risks of HIV infection . . . women are moved from one brothel to another or even one city to another to avoid police and immigration officials. (Harcourt & Philpot 1990, p. 146).

There is ample indication from Europe, the United States, Japan and to a certain extent Australia of organised criminal interests trafficking in Asian prostitutes. Although there is yet little indication of organised crime involvement in such activities in Queensland, it would be foolish to exclude the possibility."

### *Employment of Minors in the Industry*

Before the Commission of Inquiry, the various entrepreneurs of prostitution were at pains to deny any employment of minors as prostitutes. This was also something that even a corrupt police force was usually unwilling to tolerate. However, such denials should not be taken at face value. While there is little indication that employment of minors ever became accepted practice in the industry, statements to the fact that it occurred and that minors were on occasion procured for prostitution were made both to the Commission of Inquiry and the earlier (Sturgess) Inquiry into Sexual Offences Involving Children and Related Matters:

"One girl came to see me and provided a statement. She had started when she was 16 years old. She had been attracted to the idea by seeing the advertisements for staff in a daily newspaper. First, she applied for a position at a massage parlour in Main Street, Woollongabba. She told the person in charge her true age and was offered a job but eventually declined as she did not "like the look of the place". She then applied at 150 Logan Road. She revealed her age and was offered work. She worked there for 7 months. A little over a week before this girl came to see me, police had found 2 girls aged 15 years and 16 years working at a massage parlour at Underwood . . ." (Sturgess Q.C. 1985, p. 55).

"A" aged 16 years. Left Townsville and went to Cairns, after six weeks employment she responded to a newspaper advertisement for massage work. At her interview she gave her age and was informed that the work involved sexual contact with clients. A few days later she commenced working at the massage parlour. "A" provided clients with sexual intercourse for a fee of \$120 an hour for which she received \$60. Later upon meeting the operator . . . of the parlour, he told her not to mention his name if pulled up by the Police.

He arranged for her to be supplied with false identification. "A" was arrested by the Police two months later in the parlour and was charged and subsequently returned to her mother's care in Townsville.<sup>16</sup>

"B" aged 16 years. A Brisbane schoolgirl, living at home with her parents, responded to a newspaper advertisement for photographic models. At her interview she told the owner . . . that she was 17 and still at school. "B" was told that the work involved nude modelling. She commenced work which entailed wearing different outfits such as schoolgirl, nun, cowgirl and lingerie for the clients. Vibrators and dildos were also used and whilst stripping the clients would photograph her. "When I first started at .. I did not give hand relief, however . . . would push for more and more money. I first objected and then it was indicated to me that I do it or lose my job." For the six months that "B" worked there her income varied sometimes making \$100 and the maximum was \$1,800 a week. She stated that "during the school term I worked Thursday night and on the weekend between 9am and 10pm. My parents did not know I was working".<sup>17</sup>

"C" aged 15 years. Left home and was introduced to prostitution by a friend who was a receptionist at a brothel owned by . . . "C" worked every night of the week doing both escort and in house prostitution in Brisbane. "When the Police came to the brothel one night I was told to hide because I didn't have any I.D. and they knew I was under age. A two way radio was connected to our brothel and to another one in .. Baines Street .. and sometimes I was taken by a driver to work there." "C" eventually was sacked because she refused to do 'French'. She moved to another brothel and was then taken for an interview at .. Fantasy Photographs owned by . . . who made her undress and then took photographs of her. "I was to have intercourse with the clients in a downstairs area." C became pregnant at 16 years, one year after becoming a prostitute."<sup>18</sup>

What is notable in all the above cases is that the operators were in the mainstream of the prostitution industry and included persons who stated that they did not knowingly employ minors.

Rather than take prostitution operators at their word, it would appear more prudent and realistic to adopt the approach that if a demand can be shown to exist for a sexual service, a proportion of operators will attempt to meet that demand.

## Summary

In summary the Commission considers that the presence of organised crime cannot be assumed from the presence of prostitution. However, under certain conditions, it is prone to infiltrate the industry. The conditions most favourable are when:

- prostitution, and some forms of gambling are illegal;
- the illegal economy is relatively sizeable or centralised;
- regulatory and enforcement authorities are or can be compromised;

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16 Synopsis of statement to Commission of Inquiry 1989.

17 Synopsis of statement to Commission of Inquiry 1989.

18 Synopsis of statement to Commission of Inquiry 1989.

- pre-existing criminal groups are available to organise vice and illegal gambling.

The first manifestation of organised crime will often be some concentration of ownership of illegal enterprises. This will not automatically be revealed by the usual methodology, examination of the ownership of premises. The further growth in influence of organised crime upon an illegal sector will depend upon the attitude of regional and local regulatory and enforcement authorities. If these remain committed to enforcement or committed to pre-existing arrangements, organised crime interests may remain marginal players in any illegal industry. If, however, an accommodation can be reached with enforcement or regulatory authorities organised crime will assume greater dominance of an illegal industry through two primary mechanisms:

- the regulatory or enforcement burden will fall disproportionately onto independent operators outside the arrangement; and
- the arrangement will make it worthwhile for the organised interests to seek dominance through more traditional economic means - capital investment, intensive marketing, and improved client services.

The effect of dominance by organised crime is to integrate prostitution and other sectors of the illegal economy.

Organised crime was not a significant factor in prostitution in Queensland until the 1970's and did not dominate the industry until the 1980's. Relevant factors were that:

- the illegal sector was too small and too dispersed to support a sufficient number of professional criminals;
- until 1959, prostitution was effectively regulated by both health and law enforcement authorities;
- corruption was initially not a significant factor; later it protected local operators against incursions.

As well as being a perennially lucrative target for the development of or infiltration by organised crime, a likelihood under certain conditions, an illegal prostitution industry can be shown to have historical connections with violence towards its employees, violent control and demarcation disputes, illicit drugs, property crime, pornography, illicit gambling, money laundering, immigration crime and the employment of minors.

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## Legislation

*National Crime Authority Act* 1984 (Queensland).



## Appendix III

### PUBLIC OPINION SURVEY ON PROSTITUTION QUEENSLAND

#### INTRODUCTION

Good ( . . . ), my name is ( . . . ) from Reark Research, a national market research company. May I please speak to the person in the household who is 18 years of age or older and whose birthday falls closest to todays date. Today we are conducting a survey about issues related to prostitution.

#### IF NECESSARY:

As you are aware there is currently a debate on the legalisation of prostitution in Queensland. Your comments will be useful for the decision makers in the debate.

#### RE-INTRODUCE IF NECESSARY

Q.1 Do you believe prostitution exists in Queensland?

- |                                    |   |
|------------------------------------|---|
| Yes . . . . .                      | 1 |
| No ( <u>GO TO Q. 4</u> ) . . . . . | 2 |
| Don't know . . . . .               | 3 |

Q.2 Do you believe prostitution exists in your town/city?

- |  |   |
|--|---|
| Yes ( <u>GO TO Q. 3</u> ) . . . . .        | 1 |
| No ( <u>GO TO Q. 4</u> ) . . . . .         | 2 |
| Don't know ( <u>GO TO Q. 4</u> ) . . . . . | 3 |

Q.3a. At what level do you believe it exists in you town/city?  
(READ OUT)

- |                          |   |
|--------------------------|---|
| Widespread . . . . .     | 1 |
| Here and there . . . . . | 2 |
| Not very much . . . . .  | 3 |
| (Don't know) . . . . .   | 4 |

Q. 3b. What makes you believe there is prostitution in your town/city?  
(ACCEPT MULTIPLES)

Women soliciting .....	1
Advertisements .....	2
Told about it/word of mouth. .	3
From media reports .....	4
Its everywhere .....	5
Used Services .....	6
Work as a prostitute .....	7
No reason .....	8
Don't know .....	9

Prostitution can be carried out by people working from the streets, a brothel or home, by men as well as women. Initially, I would like to ask you about whether the following aspects of prostitution should be against the law

Q. 4 Should the following be against the law?

ROTATE ORDER	YES	NO	D/K
A person selling sex from a brothel .....	1	2	3
A person selling sex from home .....	1	2	3
A person trying to attract clients in a public place ...	1	2	3
For the owner/landlord of a premises to let it be used for prostitution .....	1	2	3
For a company to publish advertisements for prostitution .....	1	2	3
For a person to live off the earnings of a prostitute ..	1	2	3
To be the client of a prostitute .....	1	2	3

- Q.5 The following are the statements that have been made about prostitution-related activities. Could you please indicate whether you agree or disagree with each statement.

<b>ROTATE</b>	<b>Strongly Agree</b>	<b>Agree</b>	<b>Neither</b>	<b>Disagree</b>	<b>Strongly Disagree</b>	<b>Don't Know</b>
There is nothing wrong with a person paying for sex with a prostitute .....	1	2	3	4	5	6
If prostitution-related activities are not against the law, prostitutes will be accepted by the community .....	1	2	3	4	5	6
If there were equal career and pay opportunities for women, fewer of them would enter prostitution .....	1	2	3	4	5	6
Prostitution should be regarded as an occupation just like any other .....	1	2	3	4	5	6
Prostitution threatens family life .....	1	2	3	4	5	6

- Q. 6a. Do you believe prostitutes should have compulsory health checks for sexually transmitted diseases and AIDS?

Yes .....	1
No .....	2
Don't know .....	3

- Q. 6b. Do you believe clients of prostitutes should have compulsory health checks for sexually transmitted diseases and AIDS?

Yes .....	1
No .....	2
Don't know .....	3

- Q.7 If prostitution-related activities are not against the law, but some regulations are applied, which of the following should have responsibility for enforcing the regulations. (READ OUT FOR CODES 1-3)

The police .....	1
A government agency other than the police .....	2
Prostitutes' collectives or groups	3
(No regulations are necessary)	4
Don't know .....	5

- Q.8 If prostitution-related activities were no longer to be against the law, which of the following regulations would be acceptable to you?

Zone areas as 'red light areas' ...	1	2	3	4	5	6
Licensing and registration of prostitutes .....	1	2	3	4	5	6
Licensing and registration of brothels .....	1	2	3	4	5	6
Compulsory health checks for all licensed prostitutes .....	1	2	3	4	5	6
Nothing more than usual business regulations .....	1	2	3	4	5	6

- Q.9 Despite whether or not you believe prostitution should be legal, if prostitution-related activities were not against the law, what do you think the minimum age for starting work as a prostitute should be (... READ OUT FOR CODES 1-4...)?

16 (Age of consent) .....	1
18 (Adulthood) .....	2
21 Years of age .....	3
25 Years of age .....	4
None of these .....	5
Don't know .....	6

Q. 10 What are the issues related to prostitution that are of the greatest concern to you individually? (PROBE)

**ANTI-RESPONSES**

Should not be legal . . . . .	1
Spread of STD/AIDS . . . . .	2
Against religious beliefs . . . . .	3
Threatens family life . . . . .	4
Exploits women . . . . .	5
Public nuisance . . . . .	6
Breakdown of marriages . . . . .	7
Put children in moral danger . . . . .	8
Encourages crime . . . . .	9
Child prostitution . . . . .	10

**PRO-RESPONSES**

Should be legal . . . . .	11
Does not do any harm . . . . .	12
Individual choice. . . . .	13
Prevents rape . . . . .	14
Not a matter for the law . . . . .	15

None . . . . . 16

Other (SPECIFY) . . . . . 17

-----  
Don't Know . . . . . 18

Q. 11 Thank you for your co-operation, do you have any further comments you would like to add?

**Appendix IV**  
**PUBLIC OPINION SURVEY ON PROSTITUTION**  
**MELBOURNE**

**INTRODUCTION**

Good ( . . . ), my name is ( . . . ) from Reark Research, a national market research company. May I please speak to the person in the household who is 18 years of age or older and whose birthday falls closest to todays date. Today we are conducting a survey about issues related to prostitution.

**IF NECESSARY:**

As you are aware there is currently a debate on the legalisation of prostitution in Queensland. Your comments will be useful for the decision makers in the debate.

**RE-INTRODUCE IF NECESSARY**

**Q. 1** Do you have approved brothels operating in your council area?

- |                                     |   |
|-------------------------------------|---|
| Yes ( <u>GO TO Q. 3</u> ) . . . . . | 1 |
| No ( <u>GO TO Q. 2</u> ) . . . . .  | 2 |
| Don't know . . . . .                | 3 |

**Q. 2** Do you believe prostitution exists in your council area?

- |                      |   |
|----------------------|---|
| Yes . . . . .        | 1 |
| No . . . . .         | 2 |
| Don't know . . . . . | 3 |

**Q. 3** Should your local council approve brothels in your area?

- |                      |   |
|----------------------|---|
| Yes . . . . .        | 1 |
| No . . . . .         | 2 |
| Don't know . . . . . | 3 |

Prostitution can be carried out by people working from a brothel or home, by men as well as women. Initially, I would like to ask you about whether the following aspects of prostitution should be against the law.

**Q.4 Should the following be against the law?**

A person selling sex from a brothel .....	1	2	3
A person selling sex from home .....	1	2	3
A person trying to attract clients in a public place ...	1	2	3
For the owner/landlord of a premises to let it be used for prostitution .....	1	2	3
For a company to publish advertisements for prostitution .....	1	2	3
For a person to live off the earnings of a prostitute ..	1	2	3
To be the client of a prostitute .....	1	2	3

**Q.5 Which of the following should have responsibility for enforcing the regulations.**

(READ OUT FOR CODES 1-3)

The police .....	1
The Local Council .....	2
Prostitutes collectives or groups	3
(No regulations are necessary)	4
Don't know .....	5

- Q. 6 The following are the statements that have been made about prostitution-related activities. Could you please indicate whether you agree or disagree with each statement.

<b>ROTATE</b>	<b>Strongly Agree</b>	<b>Agree</b>	<b>Neither</b>	<b>Disagree</b>	<b>Strongly Disagree</b>	<b>Don't Know</b>
There is nothing wrong with a person paying for sex with a prostitute .....	1	2	3	4	5	6
If prostitution-related activities are not against the law, prostitutes will be accepted by the community .....	1	2	3	4	5	6
If there were equal career and pay opportunities for women, fewer of them would enter prostitution .....	1	2	3	4	5	6
Prostitution should be regarded as an occupation just like any other .....	1	2	3	4	5	6
Prostitution threatens family life .....	1	2	3	4	5	6

- Q. 7a. Do you believe prostitutes should have compulsory health checks for sexually transmitted diseases and AIDS?

Yes .....	1
No .....	2
Don't know .....	3

- Q. 7b. Do you believe clients of prostitutes should have compulsory health checks for sexually transmitted diseases and AIDS?

Yes .....	1
No .....	2
Don't know .....	3



- Q.8 Prostitution in Victoria in brothels that meet planning guidelines is legal, which of the following regulations are acceptable to you?

Zone areas as 'red light areas' . .	1	2	3	4	5	6
Licensing and registration of prostitutes . . . . .	1	2	3	4	5	6
Licensing and registration of brothels . . . . .	1	2	3	4	5	6
Compulsory health checks for all licensed prostitutes . . . . .	1	2	3	4	5	6
Nothing more than usual business regulations . . . . .	1	2	3	4	5	6

- Q.9 Despite whether or not you believe prostitution should be legal, if prostitution-related activities were not against the law, what do you think the minimum age for starting work as a prostitute should be (. . . READ OUT FOR CODES 1-4 . . .)?

16 (Age of consent) . . . . .	1
18 (Adulthood) . . . . .	2
21 Years of age . . . . .	3
25 Years of age . . . . .	4
None of these . . . . .	5
Don't know . . . . .	6

Q. 10 What are the issues related to prostitution that are of the greatest concern to you individually? (PROBE)

**ANTI-RESPONSES**

Should not be legal . . . . .	1
Spread of STD/AIDS . . . . .	2
Against religious beliefs . . . . .	3
Threatens family life . . . . .	4
Exploits women . . . . .	5
Public nuisance . . . . .	6
Breakdown of marriages . . . . .	7
Put children in moral danger . . . . .	8
Encourages crime . . . . .	9
Child prostitution . . . . .	10

---

**PRO-RESPONSES**

Should be legal . . . . .	11
Does not do any harm . . . . .	12
Individual choice. . . . .	13
Prevents rape . . . . .	14
Not a matter for the law . . . . .	15

---

None . . . . .	16
Other ( <u>SPECIFY</u> ) . . . . .	17

---

Don't Know . . . . .	18
----------------------	----

Q. 11 Thank you for your co-operation, do you have any further comments you would like to add?

## **APPENDIX V**

### **DETAILED TABULATIONS OF DATA FROM THE PUBLIC ATTITUDES SURVEY**

PUBLIC OPINION SURVEY ON PROSTITUTION - June 1991 - (cb1207-w1)  
 Queensland/Melbourne  
 \*\*\*\*\*

Weighted by area/age/sex  
 -----  
 4 JUL 91

BASE: Melbourne

Table 1  
 Q14: Approved Brothels in Council Area

----- SEX -----

	TOTAL	MALE	FEMALE
Sample Size	300	150	150
Population (1000's)	2259	1106	1154
Yes	464	248	216
	20.5%	22.5%	18.7%
No	1082	519	543
	47.0%	46.9%	47.1%
No response/Don't know	733	339	395
	32.5%	30.6%	34.2%
Total responses	2259	1106	1154
	100.0%	100.0%	100.0%

\*\*\*\*\*  
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 \*\*\*\*\*



PUBLIC OPINION SURVEY ON PROSTITUTION - June 1991 - (cb1207-w1)  
Queensland/Melbourne

\*\*\*\*\*

Weighted by area/age/sex  
4 Jun 91

Table 2  
Q10: Believe Prostitution Exists in Queensland

BASE: Queensland

	TOTAL	AREA					SEX	
		BRISBANE	SOUTH EAST QUEENSLAND	CENTRAL QUEENSLAND	WESTERN QUEENSLAND	FAR NORTH QUEENSLAND	MALE	FEMALE
Sample Size	1533	300	300	302	300	331	754	779
Population (1000's)	2037	930	270	262	276	299	1013	1024
Yes	2002 98.3% *****	924 99.3% ++	265 98.2%	254 97.0%	268 97.2%	291 97.3%	991 97.8%	1011 98.7%
No	17 0.8% *****	7 0.7%	3 1.1%	4 1.5%	2 0.7%	1 0.3%	16 1.5%	1 0.1%
No response/Don't know	19 0.9% *****	0 0.0% ---	2 0.7%	4 1.5%	6 2.0% +	7 2.4% ++	7 0.7%	12 1.2%
Total responses	2037 100.0%	930 100.0%	270 100.0%	262 100.0%	276 100.0%	299 100.0%	1013 100.0%	1024 100.0%

\*\*\*\*\*  
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\*\*\*\*\*

PUBLIC OPINION SURVEY ON PROSTITUTION - June 1991 - (cb1207-w1)  
Queensland/Melbourne

Weighted by area/age/sex  
4 Jul 91

Table 2  
Q10: Believe Prostitution Exists in Queensland

BASE: Queensland

		FAMILY LIFE CYCLE									
		AGE GROUP					SINGLE YOUNG PEOPLE				
		18-24	25-34	35-44	45-54	55-64	65+	COUPLE	YOUNG FAMILY	MIDDLE FAMILY	LATER FAMILY
TOTAL		173	350	372	256	160	210	250	124	190	353
Sample Size		173	350	372	256	160	210	250	124	190	353
Population (1000's)		320	459	420	288	236	296	367	183	248	406
Yes		323	456	416	285	229	307	356	182	247	404
		98.1%	99.4%	99.1%	99.3%	97.4%	95.6%	97.0%	99.5%	99.6%	98.0%
		17	0	0	1	3	3	4	0	1	0
No		6	0	4	0.3%	1.1%	1.0%	1.1%	0.0%	0.4%	0.0%
		1.9%	0.0%	0.9%	0.3%	1.1%	1.0%	1.1%	0.0%	0.4%	0.0%
		0.8%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
No response/Don't know		19	3	0	1	4	10	7	1	0	2
		0.9%	0.6%	0.0%	0.5%	1.5%	3.4%	1.9%	0.5%	0.0%	0.4%
		0.9%	0.6%	0.0%	0.5%	1.5%	3.4%	1.9%	0.5%	0.0%	0.4%
Total responses		2037	459	420	288	236	296	367	183	248	406
		100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%

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PUBLIC OPINION SURVEY ON PROSTITUTION - June 1991 - (cb1207-w1)  
 Queensland/Melbourne  
 \*\*\*\*\*

Weighted by area/age/sex  
 -----  
 4 Jul 91

Table 3  
 02: Believe Prostitution Exists in Town/City/Council Area

	TOTAL QUEENSLAND	TOTAL QUEENSLAND	BRISBANE	SOUTH EAST QUEENSLAND	CENTRAL QUEENSLAND	WESTERN QUEENSLAND	FAR NORTH QUEENSLAND	AREA		SEX (OLD)		SEX (MELB)	
								MALE	FEMALE	MALE	FEMALE	MALE	FEMALE
Sample Size	1663	1521	298	297	298	298	330	142	743	776	70	72	72
Population (1000's)	3083	2021	924	267	250	274	298	1062	998	1023	519	543	543
Yes	2153	1610	903	185	160	147	215	543	792	818	234	309	309
	69.8%	79.7%	97.7%	69.3%	62.1%	53.6%	72.2%	51.1%	79.4%	80.0%	45.2%	56.8%	56.8%
	*****	+++	+++	+++	---	---	---	---	+++	+++	---	---	---
No	489	250	13	42	62	81	52	239	141	109	146	93	93
	15.9%	12.4%	1.4%	15.9%	23.9%	29.7%	17.5%	22.5%	14.1%	10.7%	28.1%	17.1%	17.1%
	*****	---	---	---	+++	+++	---	+++	---	---	+++	---	---
No response/don't know	440	160	8	39	36	46	31	280	65	95	139	142	142
	14.3%	7.9%	0.9%	14.8%	14.0%	16.7%	10.4%	25.4%	6.5%	9.3%	26.7%	26.1%	26.1%
	*****	---	---	---	---	---	---	+++	---	---	+++	+++	+++
Total responses	3083	2021	924	267	258	274	298	1082	998	1023	519	543	543
	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%

BASE: Melb : no approved brothels in area  
 Old : Believe prostitution exists in Old

\*\*\*\*\*  
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 \*\*\*\*\*



PUBLIC OPINION SURVEY ON PROSTITUTION - June 1991 - (cb1207-w1)  
 Queensland/Melbourne  
 \*\*\*\*\*

Weighted by area/age/sex  
 -----  
 4 Jul 91

Table 3  
 Q2: Believe Prostitution Exists in Town/City/Council Area

BASE: Melb : no approved brothels in area  
 Qld : Believe prostitution exists in Qld

	AGE GROUP (OLD)										AGE GROUP (MELB)									
	TOTAL	Qld	18-24	25-34	35-44	45-54	55-64	65+	TOTAL	MELB	18-24	25-34	35-44	45-54	55-64	65+	TOTAL	MELB	18-24	25-34
Sample Size	1663	1521	170	350	370	255	165	207	142	142	25	50	33	13	8	11				
Population (1000's)	3083	2021	323	459	416	287	233	293	1062	1062	159	277	200	136	126	138				
Yes	2153	1610	260	359	347	227	130	221	543	543	72	155	87	73	78	78				
	69.8%	79.7%	80.5%	78.2%	83.3%	79.0%	80.8%	75.4%	51.1%	51.1%	45.1%	56.0%	43.5%	54.0%	61.8%	56.7%				
No	489	250	49	69	41	32	20	39	239	239	42	76	65	21	0	34				
	15.9%	12.4%	15.2%	15.0%	9.8%	11.3%	8.7%	13.3%	22.5%	22.5%	26.6%	27.6%	32.7%	15.3%	0.0%	24.4%				
No response/don't know	440	160	14	31	29	28	24	33	280	280	45	46	48	42	48	26				
	14.3%	7.9%	4.3%	6.8%	6.9%	9.7%	10.5%	11.3%	26.4%	26.4%	28.4%	16.4%	23.8%	30.7%	38.2%	18.9%				
Total responses	3083	2021	323	459	416	287	233	293	1062	1062	159	277	200	136	126	138				
	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%				

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 \*\*\*\*\*

PUBLIC OPINION SURVEY ON PROSTITUTION - June 1991 - (cb1207-w1)  
 Queensland/Melbourne  
 \*\*\*\*\*

Weighted by area/age/sex  
 4 Jul 91

BASE: Melbourne

Table 4  
 Q3M: Council Approve Brothels

---- SEX ----

	TOTAL	MALE	FEMALE
Sample Size	300	150	150
Population (1000's)	2259	1106	1154
Yes	859 38.0% *****	563 50.9% +++	295 25.6% ---
No	1141 50.5% *****	396 35.8% ---	745 64.6% +++
No response/don't know	260 11.5%	147 13.3%	113 9.8%
Total responses	2259 100.0%	1106 100.0%	1154 100.0%

\*\*\*\*\*  
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 \*\*\*\*\*

PUBLIC OPINION SURVEY ON PROSTITUTION - June 1991 - (cb1207-w1)  
 \*\*\*\*\* Queenstand/Melbourne \*\*\*\*\*  
 \*\*\*\*\*

Weighted by area/age/sex  
 -----  
 4 Jul 91

BASE: Melbourne

Table 4  
 Q3M: Council Approve Brothels

		AGE GROUP						FAMILY LIFE CYCLE					
		18-24	25-34	35-44	45-54	55-64	65+	SINGLE PEOPLE	YOUNG COUPLE	YOUNG FAMILY	MIDDLE FAMILY	MATURE FAMILY	LATER FAMILY
TOTAL		18-24	25-34	35-44	45-54	55-64	65+	SINGLE PEOPLE	YOUNG COUPLE	YOUNG FAMILY	MIDDLE FAMILY	MATURE FAMILY	LATER FAMILY
Sample Size	300	58	93	76	31	17	23	55	34	42	55	73	39
Population {1000's}	2259	369	514	459	322	267	303	352	191	239	368	577	506
Yes	859	137	207	177	103	96	124	185	61	87	108	216	186
	38.0%	37.0%	40.3%	38.5%	32.1%	36.1%	40.8%	52.6%	32.0%	36.4%	29.5%	37.5%	36.7%
No	1141	177	225	221	188	170	149	116	84	113	220	316	280
	50.5%	47.9%	43.7%	48.1%	58.2%	63.9%	49.3%	32.8%	44.1%	47.4%	59.9%	54.8%	55.4%
No response/Don't know	260	56	82	61	31	0	30	51	46	39	39	45	40
	11.5%	15.1%	16.0%	13.4%	9.6%	0.0%	9.8%	14.6%	23.9%	16.2%	10.7%	7.8%	7.9%
Total responses	2259	369	514	459	322	267	303	352	191	239	368	577	506
	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%

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## PUBLIC OPINION SURVEY ON PROSTITUTION - June 1991 - (cb1207-w1)

Queensland/Melbourne  
 \*\*\*\*\*  
 Weighted by area/age/sex  
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 4 JUL 91

Table 5  
 Q3A0: Level of Prostitution in Town/City

BASE: Qld : Believe prostitution exists in town/city

	TOTAL	AREA					SEX	
		BRISBANE	SOUTH EAST QUEENSLAND	CENTRAL QUEENSLAND	WESTERN QUEENSLAND	FAR NORTH QUEENSLAND	MALE	FEMALE
Sample Size	1085	291	206	189	162	237	527	558
Population (1000's)	1610	903	185	160	147	215	792	818
Widespread	507 37.7% *****	447 49.5% +++	84 34.5% ---	13 8.1% ---	13 8.7% ---	70 32.5% ---	293 37.0% ---	313 38.3% ---
Here and there	582 35.1% *****	320 35.4% ---	60 32.6% ---	73 45.3% ++	57 38.6% ---	72 33.6% ---	271 34.2% ---	311 38.0% ---
Not very much	298 18.6% *****	76 8.4% ---	48 26.5% ++	55 34.3% +++	64 43.7% +++	56 25.9% ++	171 21.6% +	129 15.7% -
No response/Don't know	123 7.6% *****	60 6.7% ---	12 6.4% ---	20 12.3% ++	13 9.1% ---	17 8.0% ---	57 7.2% ---	66 8.0% ---
Total Responses	1510 100.0%	903 100.0%	185 100.0%	160 100.0%	147 100.0%	215 100.0%	792 100.0%	818 100.0%

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PUBLIC OPINION SURVEY ON PROSTITUTION - June 1991 - (cb1207-w1)  
 Queensland/Melbourne

Weighted by area/age/sex  
 -----  
 4 Jul 91

Table 5  
 Q3A0: Level of Prostitution in Town/City

BASE: Qld : Believe prostitution exists in town/city

	AGE GROUP							FAMILY LIFE CYCLE						
	18-24	25-34	35-44	45-54	55-64	65+		SINGLE PEOPLE	YOUNG COUPLE	YOUNG FAMILY	MIDDLE FAMILY	MATURE FAMILY	LATER FAMILY	
TOTAL	18-24	25-34	35-44	45-54	55-64	65+		181	101	124	257	223	197	
Sample Size	126	246	277	180	114	139		181	101	124	257	223	197	
Population (1000's)	260	359	347	227	188	221		283	160	185	328	346	300	
Widespread	81 31.0%	134 37.3%	114 33.0%	74 32.6%	99 52.6%	101 45.6%		111 39.0%	62 38.3%	51 33.0%	98 30.0%	130 37.5%	141 47.0%	
Here and there	102 39.2%	148 41.2%	137 39.4%	97 42.8%	48 25.5%	49 22.3%		89 31.3%	61 38.1%	80 43.3%	147 44.9%	128 36.3%	77 25.5%	
Not very much	57 25.6%	59 16.4%	67 19.3%	34 14.9%	33 17.3%	40 18.3%		53 18.6%	33 20.7%	32 17.4%	69 21.1%	61 17.5%	52 17.3%	
No response/Don't know	11 4.2%	18 5.1%	29 8.3%	21 9.5%	9 4.7%	30 13.8%		31 11.1%	4 2.3%	12 6.3%	13 4.1%	28 8.1%	31 10.2%	
Total responses	260 100.0%	359 100.0%	347 100.0%	227 100.0%	188 100.0%	221 100.0%		283 100.0%	160 100.0%	185 100.0%	328 100.0%	346 100.0%	300 100.0%	

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## PUBLIC OPINION SURVEY ON PROSTITUTION - June 1991 - (cb1207-w1)

\*\*\*\*\* Queensland/Melbourne \*\*\*\*\*

Weighted by area/age/sex

4 Jun 91

Table 6  
Q3B0: Reason to Believe Prostitution in Town/City

BASE: Qld : Believe prostitution exists in town/city

	AREA						SEX	
	SOUTH			FAR				
	BRISBANE	EAST QUEENSLAND	CENTRAL QUEENSLAND	WESTERN QUEENSLAND	NORTH QUEENSLAND		MALE	FEMALE
TOTAL								
Sample Size	1085	291	189	162	237		527	558
Population (1000's)	1610	903	185	147	215		792	818
Women soliciting	305	223	13	12	24		156	149
	18.9%	24.7%	7.9%	8.2%	11.0%		19.7%	18.2%
Advertisements	283	146	15	5	80		162	121
	17.8%	16.1%	9.2%	3.3%	37.3%		20.5%	14.8%
Told about it/word of mouth	621	258	98	72	104		307	314
	38.5%	28.6%	61.0%	49.1%	48.5%		38.8%	38.3%
From media reports	580	459	14	18	35		272	308
	36.0%	50.9%	8.6%	12.3%	16.1%		34.3%	37.5%
Its everywhere	415	217	42	55	49		191	223
	25.8%	24.0%	25.9%	38.3%	22.6%		24.2%	27.3%
Used services	14	7	1	1	5		14	0
	0.9%	0.7%	0.5%	0.6%	2.2%		1.7%	0.0%
Work as a prostitute	1	0	0	0	0		0	1
	0.0%	0.0%	0.0%	0.0%	0.0%		0.0%	0.1%
No reason	15	6	2	1	4		5	10
	0.9%	0.6%	1.5%	0.6%	1.7%		0.6%	1.2%

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PUBLIC OPINION SURVEY ON PROSTITUTION - June 1991 - (cb1207-w1)  
Queensland/Melbourne  
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Weighted by area/age/sex  
4 Jul 91

Table 6  
Q3BQ: Reason to Believe Prostitution in Town/City

BASE: Q1d : Believe prostitution exists in town/city

		AREA				SEX	
		SOUTH EAST		WESTERN QUEENSLAND		FAR NORTH QUEENSLAND	
	TOTAL	BRISBANE	QUEENSLAND	CENTRAL QUEENSLAND	WESTERN QUEENSLAND	FAR NORTH QUEENSLAND	FEMALE
Population (1000's)	1610	903	185	160	147	215	818
Other	145 9.0%	108 12.0%	12 6.3%	12 7.5%	7 4.5%	7 3.1%	65 7.9%
No response/Don't know	19 1.2%	8 0.9%	1 0.7%	4 2.8%	1 0.9%	4 1.9%	15 1.8%
Total responses	2397 148.8%	1432 158.6%	281 151.9%	200 124.9%	173 117.8%	311 144.3%	1205 147.3%

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Table 7  
Q4a: Should statement "I" be against the law  
A person selling sex from a brothel

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PUBLIC OPINION SURVEY ON PROSTITUTION - June 1991 - (cb1207-v1)  
Queensland/Melbourne  
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Table 7  
Q4a: Should statement "I" be against the law  
A person selling sex from a brothel

Weighted by area/age/sex  
4 Jul 91

BASE: All Respondents

	TOTAL QLD	TOTAL QLD	AGE GROUP (OLD)					AGE GROUP (MELB)					TOTAL MELB	55+	55-64	65+
			18-24	25-34	35-44	45-54	55-64	10-24	25-34	35-44	45-54	55-64				
Sample Size	1832	1533	173	350	372	256	168	58	93	76	31	17	300	210	300	303
Population (1000's)	4297	2037	330	459	420	280	236	369	514	459	322	267	2259	296	2259	303
Yes	1393	697	127	135	131	96	84	106	123	122	82	78	536	124	536	112
	31.0%	34.2%	38.6%	29.4%	31.1%	33.5%	35.5%	28.7%	24.0%	26.8%	25.3%	29.2%	28.1%	42.0%	28.1%	37.0%
No	2805	1283	195	313	287	186	141	258	369	325	218	189	1522	152	1522	150
	65.3%	63.0%	59.0%	68.1%	68.2%	64.8%	59.8%	69.3%	71.7%	70.7%	67.6%	70.8%	67.4%	51.4%	67.4%	49.5%
No response/Don't know	159	57	8	11	5	5	11	5	22	12	21	0	101	19	101	41
	3.7%	2.8%	2.3%	2.5%	0.7%	1.7%	4.5%	1.4%	4.3%	2.7%	6.5%	0.0%	4.5%	6.8%	4.5%	13.5%
Total responses	4297	2037	330	459	420	288	236	369	514	459	322	267	2259	296	2259	303
	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%

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PUBLIC OPINION SURVEY ON PROSTITUTION - June 1991 - (cb1207-w1)  
 Queensland/Melbourne

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Table B  
 Q4b: Should statement "2" be against the law  
 A person selling sex from home

Weighted by area/age/sex  
 4 JUL 91

BASE: All Respondents

	TOTAL		AGE GROUP (QLO)										AGE GROUP (MELB)									
			18-24	25-34	35-44	45-54	55-64	65+	TOTAL	18-24	25-34	35-44	45-54	55-64	65+	TOTAL	18-24	25-34	35-44	45-54	55-64	65+
Sample Size	1830	1530	173	350	372	256	168	210	300	50	93	76	31	17	23							
Population (1000's)	4297	2037	330	459	420	288	236	296	2259	369	514	459	322	267	303							
Yes	2290	1086	139	227	205	154	153	205	1204	180	285	260	177	141	134							
	53.3%	53.3%	42.3%	49.5%	48.9%	53.7%	65.1%	69.3%	53.3%	48.8%	55.6%	56.7%	54.8%	52.8%	44.4%							
	*****	*****	---	++	+	+++	+++	+++	+++	+	++	---	---	+	---							
No	1791	806	183	216	195	124	79	80	805	175	195	162	114	126	131							
	41.7%	43.5%	55.6%	47.1%	46.5%	43.2%	33.4%	27.0%	40.0%	47.6%	38.0%	35.6%	35.4%	47.2%	43.2%							
	*****	*****	+++	++	+	---	---	---	---	++	+	---	---	+	+							
No response/Don't know	216	66	7	15	20	9	4	11	150	13	33	35	32	0	37							
	5.0%	3.2%	2.2%	3.4%	4.7%	3.2%	1.5%	0.7%	6.7%	3.6%	6.4%	7.7%	9.8%	0.0%	12.4%							
	*****	---	---	---	---	---	---	---	+++	---	---	++	+++	---	+++							
Total responses	4297	2037	330	459	420	288	236	296	2259	369	514	459	322	267	303							
	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%							

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PUBLIC OPINION SURVEY ON PROSTITUTION - June 1991 - (cb1207-w1)

Queensland/Melbourne

Weighted by area/age/sex  
4 Jul 91

Table 3  
Q4b: Should statement "2" be against the law  
A person selling sex from home

BASE: All Respondents

	AREA										SEX (OLD)		SEX (MELB)	
	TOTAL QUEENSLAND		BRISBANE		SOUTH EAST		CENTRAL QUEENSLAND		WESTERN QUEENSLAND		FAR NORTH QUEENSLAND		MELBOURNE	
	1833	2037	300	300	300	300	302	300	300	300	331	300	300	300
Sample Size	1833	2037	300	300	300	300	302	300	300	300	331	300	300	300
Population (1000's)	4297	2037	930	270	270	270	262	276	276	276	299	2259	1013	1106
Yes	2290	1086	454	154	154	154	156	166	166	166	156	1204	438	500
	53.3%	53.3%	48.8%	57.1%	57.1%	57.1%	59.4%	60.1%	60.1%	60.1%	52.1%	53.3%	43.3%	45.2%
No	1791	886	450	106	106	106	97	98	98	98	136	905	542	532
	41.7%	43.5%	48.3%	39.1%	39.1%	39.1%	37.0%	35.4%	35.4%	35.4%	45.5%	40.0%	53.5%	48.2%
No response/don't know	216	66	27	10	10	10	10	12	12	12	7	150	33	73
	5.0%	3.2%	2.9%	3.7%	3.7%	3.7%	3.7%	4.5%	4.5%	4.5%	2.4%	6.7%	3.2%	6.6%
Total responses	4297	2037	930	270	270	270	262	276	276	276	299	2259	1013	1106
	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%

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PUBLIC OPINION SURVEY ON PROSTITUTION - June 1991 - (cb1207-w1)  
 Queensland/Melbourne  
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Weighted by area/age/sex  
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Table 9  
 Q4C: Should statement "I" be against the law  
 A person trying to attract clients in a public place

		AREA						SEX (OLD)		SEX (MELB)	
		SOUTH EAST		CENTRAL QUEENSLAND		WESTERN QUEENSLAND		FAR NORTH QUEENSLAND		MALE FEMALE	
		BRISBANE		QUEENSLAND		QUEENSLAND		QUEENSLAND		MALE FEMALE	
		TOTAL QUEENSLAND		TOTAL QUEENSLAND		TOTAL QUEENSLAND		TOTAL QUEENSLAND		TOTAL QUEENSLAND	
		1833		1539		1539		1539		1539	
		4297		2037		2037		2037		2037	
		3452		1684		1684		1684		1684	
		80.3%		82.7%		80.7%		80.7%		80.7%	
		****		++		++		++		++	
		709		297		297		297		297	
		16.5%		14.5%		15.5%		15.5%		15.5%	
		****		-		-		-		-	
		No		No		No		No		No	
		136		56		56		56		56	
		3.2%		2.8%		2.5%		2.5%		2.5%	
		****		****		****		****		****	
		No response/Don't know		No response/Don't know		No response/Don't know		No response/Don't know		No response/Don't know	
		4297		2037		2037		2037		2037	
		100.0%		100.0%		100.0%		100.0%		100.0%	
		Total responses		Total responses		Total responses		Total responses		Total responses	
		4297		2037		2037		2037		2037	
		100.0%		100.0%		100.0%		100.0%		100.0%	
		1013		1024		1013		1013		1013	
		100.0%		100.0%		100.0%		100.0%		100.0%	
		1105		1154		1105		1105		1105	
		100.0%		100.0%		100.0%		100.0%		100.0%	

BASE: All Respondents

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Queensland/Melbourne  
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 Weighted by area/age/sex  
 4 JUL 91

Table 9  
 Q4C: Should statement "3" be against the law  
 A person trying to attract clients in a public place

BASE: All Respondents

	TOTAL		AGE GROUP (OLD)										TOTAL MELB		AGE GROUP (MELB)											
	TOTAL OLD		18-24	25-34	35-44	45-54	55-64	65+						18-24	25-34	35-44	45-54	55-64	65+							
Sample Size	1833	1533	173	350	372	256	168	210	300				300	58	93	76	31	17	23							
Population (1000's)	4297	2037	330	459	420	288	236	296	2259				2259	369	514	459	322	267	303							
Yes	3452	1584	264	395	347	221	212	241	1767				1767	297	394	376	271	220	198							
	80.3%	82.7%	79.9%	86.1%	82.6%	76.9%	90.0%	81.4%	78.2%				78.2%	80.5%	76.6%	81.9%	84.0%	82.6%	65.4%							
No	709	297	56	55	60	58	15	49	413				413	72	97	71	52	46	60							
	15.5%	14.6%	16.9%	11.9%	14.2%	20.1%	6.7%	16.6%	18.3%				18.3%	19.5%	18.9%	15.4%	16.0%	17.4%	19.8%							
No response/Don't know	136	56	10	9	13	9	8	6	80				80	0	23	12	0	0	45							
	3.2%	2.8%	3.2%	2.0%	3.2%	3.0%	3.3%	2.0%	3.5%				3.5%	0.0%	4.4%	2.7%	0.0%	0.0%	14.7%							
Total responses	4297	2037	330	459	420	288	236	296	2259				2259	369	514	459	322	267	303							
	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%				100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%							

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PUBLIC OPINION SURVEY ON PROSTITUTION - June 1991 - (cb1207-w1)  
 Queensland/Melbourne  
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Weighted by area/age/sex  
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 4 Jul 91

Table 10  
 04d: Should statement "A" be against the law  
 for the owner/landlord of a premises to let it be used for prostitution

BASE: All Respondents

		AREA						SEX (OLD)		SEX (MELB)	
		SOUTH EAST		CENTRAL QUEENSLAND		WESTERN QUEENSLAND		FAR NORTH QUEENSLAND		MELBOURNE	
		TOTAL QUEENSLAND	BRISBANE	QUEENSLAND	QUEENSLAND	QUEENSLAND	QUEENSLAND	QUEENSLAND	QUEENSLAND	MALE	FEMALE
		1833	1533	300	302	300	300	331	300	754	150
		4297	2037	270	262	276	276	299	2259	1013	1106
		2151	1072	145	145	162	162	156	1079	466	606
		50.1%	52.6%	53.7%	55.3%	58.8%	58.8%	52.3%	47.3%	46.0%	59.2%
		****	+	+	+	+	+	+	+	+	+
		1851	843	114	100	99	99	132	1007	492	351
		43.1%	41.4%	42.1%	38.2%	36.0%	36.0%	44.0%	44.5%	48.6%	34.3%
		****	+	+	+	+	+	+	+	+	+
		295	123	11	17	14	14	11	173	55	67
		6.9%	5.0%	4.2%	6.4%	5.2%	5.2%	3.8%	7.7%	5.4%	6.6%
		****	+	+	+	+	+	+	+	+	+
		4297	2037	270	262	276	276	299	2259	1013	1106
		100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%
		100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%

Total responses

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PUBLIC OPINION SURVEY ON PROSTITUTION - June 1991 - (cb1207-w1)  
 Queensland/Melbourne  
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Weighted by area/age/sex  
 4 Jul 91

Table 10  
 Q4d: Should statement "4" be against the law  
 For the owner/landlord of a premises to let it be used for prostitution

BASE: All Respondents

	AGE GROUP (Qld)										AGE GROUP (MELB)									
	TOTAL	18-24	25-34	35-44	45-54	55-64	65+	TOTAL	18-24	25-34	35-44	45-54	55-64	65+						
Sample Size	1833	173	350	372	256	168	210	300	58	93	76	31	17	23						
Population (1000's)	4297	330	459	420	288	236	296	2259	369	514	459	322	267	303						
Yes	2151 50.1% *****	155 46.9% +	201 43.7% ---	217 51.7% ---	142 49.5% ---	157 56.7% ++	199 67.2% ++	1079 47.8% ---	167 45.2% ---	224 43.6% ---	200 43.5% ---	167 51.7% ---	124 46.5% +	172 56.8% ++						
No	1851 43.1% *****	162 49.1% ++	219 47.8% +	179 42.6% +	131 45.7% ---	68 28.7% ---	80 26.9% ---	1007 44.6% ---	189 51.2% +++	244 47.5% +	223 48.5% ++	125 38.6% ---	126 47.2% ---	101 33.4% ---						
No response/Don't know	295 6.9% *****	14 4.1% --	39 8.5% ---	24 5.7% ---	14 4.8% ---	11 4.7% ---	17 5.9% ---	173 7.7% ---	13 3.6% --	46 8.9% +	37 8.0% +	31 9.6% +	17 6.3% +	30 9.8% +						
Total responses	4297 100.0%	330 100.0%	459 100.0%	420 100.0%	288 100.0%	236 100.0%	296 100.0%	2259 100.0%	369 100.0%	514 100.0%	459 100.0%	322 100.0%	267 100.0%	303 100.0%						

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## PUBLIC OPINION SURVEY ON PROSTITUTION - June 1991 - (cb1207-w1)

Queensland/Melbourne

Weighted by area/age/sex  
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4 Jul '91

Table 11  
Q4a: Should statement "5" be against the law  
for a company to publish advertisements for prostitution

BASE: All Respondents

	AREA										SEX (QLD)		SEX (MELB)	
	TOTAL QUEENSLAND	SOUTH EAST QUEENSLAND		CENTRAL QUEENSLAND	WESTERN QUEENSLAND		FAR NORTH QUEENSLAND		MELBOURNE	SEX (QLD)		SEX (MELB)		
			BRISBANE	QUEENSLAND		QUEENSLAND	QUEENSLAND	QUEENSLAND		MALE	FEMALE	MALE	FEMALE	
Sample Size	1833	1533	300	300	302	300	300	331	300	754	779	150	150	
Population (1000's)	4297	2037	930	270	262	276	239	239	2259	1013	1024	1106	1154	
Yes	2296 53.4% *****	1145 56.2% ++	500 53.7%	161 59.5% +	157 60.0% ++	169 61.2% ++	158 52.8%	158 52.8%	1151 50.9% -	524 51.7% +++	621 60.6% +++	456 41.3% ---	695 60.2% +++	
No	1796 41.8% *****	812 39.9%	388 41.7%	99 36.5% -	96 36.7%	97 35.3% --	132 44.0%	132 44.0%	984 43.6%	454 44.8% +	359 35.0% ---	584 52.8% +++	401 34.7% ---	
No response/Don't know	205 4.8% *****	80 3.9%	42 4.6%	11 3.9%	9 3.2%	10 3.5%	9 3.1%	9 3.1%	124 5.5%	35 3.5% -	45 4.4%	66 5.9% ---	58 5.1% ---	
Total responses	4297 100.0%	2037 100.0%	930 100.0%	270 100.0%	262 100.0%	276 100.0%	239 100.0%	239 100.0%	2259 100.0%	1013 100.0%	1024 100.0%	1106 100.0%	1154 100.0%	

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PUBLIC OPINION SURVEY ON PROSTITUTION - June 1991 - (cb1207-w1)  
 Queensland/Melbourne  
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Weighted by area/age/sex  
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 4 Jul 91

Table 11  
 Q4e: Should statement "5" be against the law  
 for a company to publish advertisements for prostitution

BASE: All Respondents

	TOTAL Q4D	AGE GROUP (OLD)							TOTAL MELB	AGE GROUP (MELB)						
		18-24	25-34	35-44	45-54	55-64	65+			18-24	25-34	35-44	45-54	55-64	65+	
Sample Size	1833	173	350	372	256	168	210	300	300	58	93	76	31	17	23	
Population (1000's)	4297	330	459	420	288	206	296	2259	2259	369	514	459	322	267	303	
Yes	2296 53.4% ****	186 56.3%	221 48.2%	215 51.2%	145 50.6%	146 61.9%	227 76.7%	1151 50.9%	1151	188 50.9%	241 46.9%	219 47.6%	167 51.8%	109 41.0%	202 66.6%	++
No	1796 41.8% ****	139 42.0%	219 47.8%	183 43.5%	135 47.0%	71 30.2%	60 20.5%	984 43.6%	984	171 46.3%	240 46.8%	228 49.7%	155 48.2%	111 41.7%	78 25.9%	---
No response/Don't know	205 4.8% ****	5 1.7%	18 4.0%	22 5.3%	7 2.4%	19 7.9%	9 2.9%	124 5.5%	124	10 2.8%	33 6.4%	12 2.7%	0 0.0%	46 17.4%	23 7.5%	++
Total responses	4297 100.0%	330 100.0%	459 100.0%	420 100.0%	288 100.0%	206 100.0%	296 100.0%	2259 100.0%	2259	369 100.0%	514 100.0%	459 100.0%	322 100.0%	267 100.0%	303 100.0%	

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PUBLIC OPINION SURVEY ON PROSTITUTION - June 1991 - (cb1207-w1)  
 Queensland/Melbourne  
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Weighted by area/age/sex  
 -----  
 4 Jul 91

Table 12  
 Q41: Should statement "G" be against the law  
 for a person to live off the earnings of a prostitute

BASE: All Respondents

	TOTAL QUEENSLAND	AREA					SEX (OLD)		SEX (MELB)	
		SOUTH		CENTRAL		WESTERN		FAR	MALE	FEMALE
		TOTAL	QUEENSLAND	BRISBANE	EAST	QUEENSLAND	QUEENSLAND			
Sample Size	1833	1533	300	300	302	300	300	331	754	779
Population (1000's)	4287	2037	930	270	262	276	289	2259	1013	1024
Yes	2644	1371	623	188	180	180	200	1273	635	736
	61.5%	67.3%	67.0%	69.5%	68.4%	65.2%	67.0%	56.4%	62.7%	71.8%
	*****	+++	+++	+++	++	++	+	++	+++	+++
No	1480	609	282	75	77	87	89	871	344	265
	34.4%	29.9%	30.3%	27.6%	29.4%	31.5%	29.6%	38.5%	34.0%	25.9%
	***	---	---	---	---	---	---	+++	---	---
No response/Don't know	173	57	25	8	6	9	10	115	34	24
	4.0%	2.8%	2.7%	2.9%	2.2%	3.2%	3.4%	5.1%	3.3%	2.3%
	****	---	---	---	---	---	---	++	---	---
Total responses	4297	2037	930	270	262	278	289	2259	1013	1024
	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%
									1154	1154

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PUBLIC OPINION SURVEY ON PROSTITUTION - June 1991 - (cb1207-w1)  
 Queensland/Melbourne  
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Weighted by area/age/sex  
 -----  
 4 Jul 91

Table 12  
 Q4f: Should statement "G" be against the law  
 for a person to live off the earnings of a prostitute

BASE: All Respondents

	AGE GROUP (OLD)								AGE GROUP (MELB)							
	TOTAL QLO	10-24	25-34	35-44	45-54	55-64	65+	TOTAL MELB	10-24	25-34	35-44	45-54	55-64	65+		
Sample Size	1833	173	350	372	256	160	210	300	58	93	76	31	17	23		
Population (1000's)	4297	330	459	420	288	236	296	2259	369	514	459	322	267	303		
Yes	2644 61.5% *****	1371 67.3% +++	167 50.6% ---	267 58.3% ---	286 68.1% +++	213 73.9% +++	183 77.7% +++	246 83.1% +++	1273 56.4% ---	167 45.4% ---	262 51.0% ---	228 49.7% ---	198 61.4% +++	202 75.7% +++	205 67.8% ++	
No	1480 34.4% *****	609 29.9% ---	156 47.2% +++	117 38.9% +	69 24.2% ---	46 19.4% ---	42 14.3% ---	871 38.5% +++	186 50.4% +++	203 39.5% ++	219 47.6% +++	114 35.4% ---	48 18.1% ---	86 28.5% --		
No response/don't know	173 4.0% *****	57 2.8% --	7 2.1% -	13 2.8% -	17 4.2% -	6 1.9% -	7 2.9% -	8 2.6% -	115 5.1% ++	16 4.2% ++	49 9.5% +++	12 2.7% ++	11 3.3% +	17 6.3% +	11 3.7% --	
Total responses	4297 100.0%	2037 100.0%	330 100.0%	459 100.0%	420 100.0%	288 100.0%	236 100.0%	296 100.0%	2259 100.0%	369 100.0%	514 100.0%	459 100.0%	322 100.0%	267 100.0%	303 100.0%	

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PUBLIC OPINION SURVEY ON PROSTITUTION - June 1991 - (cb1207-w1)  
 Queensland/Melbourne  
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Weighted by area/age/sex  
 -----  
 4 Jul 91

Table 13  
 049: Should statement \*7\* be against the law  
 To be the client of a prostitute

		AREA										SEX (QLD)		SEX (MELB)		BASE: All Respondents	
		SOUTH		CENTRAL		WESTERN		NORTH		FAR		MALE		FEMALE			
		EAST		QUEENSLAND		QUEENSLAND		QUEENSLAND		QUEENSLAND		QUEENSLAND		QUEENSLAND			
		BRISBANE		QUEENSLAND		QUEENSLAND		QUEENSLAND		QUEENSLAND		QUEENSLAND		QUEENSLAND			
		TOTAL		TOTAL		TOTAL		TOTAL		TOTAL		TOTAL		TOTAL			
		QUEENSLAND		QUEENSLAND		QUEENSLAND		QUEENSLAND		QUEENSLAND		QUEENSLAND		QUEENSLAND			
		1833		1533		300		302		300		331		300			
		4297		2037		270		262		276		299		2259			
		1217		536		85		80		99		89		501			
		28.3%		31.2%		31.6%		30.5%		35.7%		29.8%		25.7%			
		*****		++		++		++		++		++		++			
		2853		1323		168		171		161		198		1530			
		66.4%		64.9%		62.3%		65.3%		58.6%		66.1%		67.7%			
		*****		++		++		++		++		++		++			
		227		78		16		11		16		12		149			
		5.3%		3.8%		6.1%		4.2%		5.8%		4.1%		6.6%			
		*****		---		---		---		---		---		---			
		4297		2037		270		262		276		299		2259			
		100.0%		100.0%		100.0%		100.0%		100.0%		100.0%		100.0%			
		Total		Total		Total		Total		Total		Total		Total			
		Responses		Responses		Responses		Responses		Responses		Responses		Responses			
		1013		1024		1106		1154		1013		1024		1106			
		100.0%		100.0%		100.0%		100.0%		100.0%		100.0%		100.0%			

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PUBLIC OPINION SURVEY ON PROSTITUTION - June 1991 - (cb1207-w1)

Weighted by area/age/sex  
-----  
4 Jul 91

Table 13  
Q4g: Should statement "7" be against the law  
To be the client of a prostitute

BASE: All Respondents

	TOTAL QLD	10-24	25-34	35-44	45-54	55-64	65+	TOTAL MELB	18-24	25-34	35-44	45-54	55-64	65+
Sample Size	1833	173	350	372	256	168	210	300	58	93	76	31	17	23
Population (1000's)	4297	330	459	420	288	236	296	2259	369	514	459	322	267	303
Yes	1217 28.3% *****	120 36.3% +++	100 21.7% ---	121 28.7% ---	82 28.5% ---	79 33.4% +	106 45.9% +++	581 25.7% ---	90 24.3% ---	139 27.1% ---	92 20.1% ---	73 22.7% ---	93 34.7% ++	82 27.1% ---
No	2853 56.4% *****	204 62.0% ---	346 75.5% +++	282 67.0% ---	197 68.5% ---	145 61.8% ---	139 47.1% ---	1530 67.7% ---	239 64.8% ---	352 68.6% ---	341 74.3% +++	218 67.5% ---	174 65.3% ---	191 63.0% ---
No response/Don't know	227 5.3% *****	78 3.8% ---	13 2.8% ---	18 4.2% ---	9 3.1% ---	11 4.8% ---	21 7.0% ++	149 6.6% ++	40 10.8% +++	22 4.3% ---	26 5.6% ---	31 9.7% +++	0 0.0% ---	30 9.8% +++
Total responses	4297 100.0%	330 100.0%	459 100.0%	420 100.0%	288 100.0%	236 100.0%	296 100.0%	2259 100.0%	369 100.0%	514 100.0%	459 100.0%	322 100.0%	267 100.0%	303 100.0%

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PUBLIC OPINION SURVEY ON PROSTITUTION - June 1991 - (cb1207-w1)  
 Queensland/Melbourne  
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Weighted by area/age/sex  
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 4 Jul 91

Table 14  
 Q5: Responsibility for Enforcing Regulations

BASE: All Respondents

	AREA							SEX (QLD)		SEX (MELB)	
	TOTAL QUEENSLAND	BRISBANE	SOUTH EAST QUEENSLAND	CENTRAL QUEENSLAND	WESTERN QUEENSLAND	FAR NORTH QUEENSLAND	MELBOURNE	MALE	FEMALE	MALE	FEMALE
Sample Size	1833	1533	300	302	300	331	300	754	779	150	150
Population (1000's)	4297	2037	930	262	276	299	2259	1013	1024	1106	1154
The police	1526 35.5% *****	357 17.5%	143 15.3%	44 16.9%	58 21.1%	52 17.3%	1169 51.7% +++	175 17.2%	182 17.8%	636 57.6% +++	533 46.2% +++
Local council/A government agency other than the police	1689 39.3% *****	553 27.1%	138 45.6%	155 59.2%	154 55.8%	157 52.4%	533 23.6%	610 60.2%	546 53.3%	242 21.9%	291 25.2%
Prostitutes' collectives or groups	898 20.9% *****	211 22.7%	62 22.9%	47 17.8%	53 19.2%	76 25.5%	449 19.9%	193 19.0%	256 25.0%	163 14.8%	286 24.8%
No regulations are necessary	11 0.2% *****	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	11 0.5% ++	0 0.0%	0 0.0%	11 1.0% +++	0 0.0%
No response/Don't know	173 4.0% *****	75 3.7%	24 2.5%	16 6.2% +	11 3.9%	14 4.8%	98 4.3%	35 3.5%	40 3.9%	53 4.8%	45 3.9%
Total responses	4297 100.0%	2037 100.0%	930 100.0%	262 100.0%	276 100.0%	299 100.0%	2259 100.0%	1013 100.0%	1024 100.0%	1106 100.0%	1154 100.0%

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PUBLIC OPINION SURVEY ON PROSTITUTION - June 1991 - (cb1207-w1)  
Queensland/Melbourne

Weighted by area/age/sex  
4 Jul 91

Table 14  
Q5: Responsibility for Enforcing Regulations

BASE: All Respondents

	TOTAL OLD	AGE GROUP (Qld)							TOTAL MELB	AGE GROUP (MELB)						
		18-24	25-34	35-44	45-54	55-64	65+			18-24	25-34	35-44	45-54	55-64	65+	
Sample Size	1833	173	350	372	256	168	210	300	300	58	93	76	31	17	23	
Population (1000's)	4297	330	459	420	288	236	296	2259	2259	369	514	459	322	267	303	
The police	1526 35.5% ****	84 25.4%	71 15.5%	54 12.7%	59 18.3%	35 14.7%	61 20.8%	51 11.6%	1169 51.7% +++	204 55.4% +++	244 47.4% +++	239 52.1% +++	135 41.9% ++	144 54.2% +++	191 63.0% +++	
Local council/A government agency other than the police	1889 39.3% ****	156 47.4%	253 55.2%	270 64.2%	171 59.4%	137 58.2%	164 55.5%	533 23.6%	533 23.6%	78 21.0%	110 21.5%	115 25.1%	114 35.5%	44 16.7%	71 23.4%	
Prostitutes' collectives or groups	898 20.9% ****	81 24.7%	120 26.2%	88 20.9%	56 19.3%	59 24.8%	45 15.3%	449 19.8%	449 19.8%	71 19.3%	132 25.8%	87 18.9%	42 13.0%	61 22.9%	41 13.6%	
No regulations are necessary	11 0.2% ****	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	11 0.5% ++	11 0.5%	0 0.0%	5 1.0% +++	5 1.2% +++	0 0.0%	0 0.0%	0 0.0%	
No response/don't know	173 4.0% ****	8 2.5%	15 3.2%	9 2.1%	9 3.0%	5 2.3%	25 8.4% +++	98 4.3%	98 4.3%	16 4.2%	22 4.3%	12 2.7%	31 9.6% +++	17 6.3% +	0 0.0%	
Total responses	4297 100.0%	330 100.0%	459 100.0%	420 100.0%	288 100.0%	236 100.0%	296 100.0%	2259 100.0%	2259 100.0%	369 100.0%	514 100.0%	459 100.0%	322 100.0%	267 100.0%	303 100.0%	

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PUBLIC OPINION SURVEY ON PROSTITUTION - June 1991 - (cb1207-w1)  
Queensland/Melbourne

Weighted by area/age/sex  
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4 Jun 91

BASE: All Respondents

Table 15  
Q6a: Level of agreement to statement "if  
There is nothing wrong with a person paying for sex with a prostitute

	TOTAL QUEENSLAND	BRISBANE	SOUTH EAST QUEENSLAND	CENTRAL QUEENSLAND	WESTERN QUEENSLAND	FAR NORTH QUEENSLAND	MELBOURNE	MALE FEMALE	MALE FEMALE
Sample Size	1833	1533	300	302	300	331	300	754	150
Population (1000's)	4297	2037	270	262	276	299	2259	1013	1154
Strongly agree (+2)	468 10.9% ****	135 14.6% +++	40 14.6% +	39 14.7% +	27 9.6% +	48 16.0% +++	179 7.9% ---	207 20.5% +++	133 12.0% ---
Agree (+1)	2382 55.8% *****	499 53.7% ---	130 51.2% ---	133 50.8% ---	135 49.0% ---	159 53.1% ---	1318 58.3% ++	540 53.3% ---	710 64.2% +++
Neither (0)	179 4.2% *****	49 2.1% ---	4 1.5% ---	7 2.6% ---	9 3.4% ---	9 2.9% ---	130 5.7% +++	19 1.9% ---	51 4.6% +++
Disagree (-1)	721 16.3% *****	151 16.3% ---	51 19.0% ---	50 19.0% ---	54 19.6% ---	38 12.6% ---	377 16.7% ---	146 14.4% ---	140 12.7% ---
Strongly disagree (-2)	464 10.5% *****	104 11.2% ++	35 13.0% ---	31 12.0% ---	47 16.5% +++	42 14.2% +	204 9.0% ---	88 8.7% ---	172 15.8% ---
No response/Don't know	82 1.9% ---	20 2.2% ---	2 0.6% ---	3 1.0% ---	3 1.2% ---	3 1.2% ---	51 2.3% ---	13 1.3% ---	28 2.5% ---
Total responses	4297 100.0%	930 100.0%	270 100.0%	262 100.0%	276 100.0%	299 100.0%	2259 100.0%	1013 100.0%	1154 100.0%

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PUBLIC OPINION SURVEY ON PROSTITUTION - June 1991 - (cb1307-w1)

Queensland/Melbourne

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Table 15

Q6a: Level of agreement to statement "I

There is nothing wrong with a person paying for sex with a prostitute

Weighted by area/age/sex  
4 Jul 91

BASE: All Respondents

	TOTAL QLD	AGE GROUP (OLD)							TOTAL MELB	AGE GROUP (MELB)						
		18-24	25-34	35-44	45-54	55-64	65+			18-24	25-34	35-44	45-54	55-64	65+	
Sample Size	1833	173	350	372	256	168	210	300	300	58	93	76	31	17	23	
Population (1000's)	4297	330	459	420	288	236	296	2259	2259	369	514	459	322	267	303	
Strongly agree (+2)	468 10.9% *****	57 17.2% +++	66 14.5% ++	60 14.3% ++	53 18.3% +++	22 9.6% --	30 10.2% --	179 7.9% --	179	32 8.6% --	65 12.6% --	35 7.7% --	31 9.6% --	17 6.3% --	0 0.0% --	
Agree (+1)	2382 55.4% *****	152 49.0% --	249 54.3% --	241 57.2% --	136 47.2% --	129 54.7% --	139 46.9% --	1318 58.3% ++	1318	176 47.7% --	314 61.2% ++	304 66.3% +++	197 61.3% ++	143 53.5% --	168 55.6% --	
Neither (0)	179 4.2% *****	12 3.7% --	8 1.6% --	12 2.8% --	1 0.5% --	7 2.9% --	10 3.3% --	130 5.7% ++	130	19 5.0% --	22 4.3% --	38 8.3% ++	10 3.2% --	15 5.6% --	26 8.6% ++	
Disagree (-1)	721 16.8% *****	63 19.1% --	86 18.8% --	60 14.3% --	51 17.8% --	32 13.7% --	52 17.6% --	377 16.7% --	377	105 28.6% ++	67 12.9% --	50 10.9% --	42 12.9% --	61 22.9% ++	41 13.6% --	
Strongly disagree (-2)	464 10.8% *****	34 10.3% --	49 10.6% --	47 11.1% --	43 14.9% --	40 17.2% ++	47 16.0% ++	204 9.0% --	204	37 10.0% --	40 7.6% --	24 5.3% --	32 9.8% --	15 5.6% --	55 18.5% ++	
No response/Don't know	82 1.9% *****	3 0.8% --	1 0.2% --	1 0.3% --	4 1.3% --	4 1.8% --	18 6.1% ++	51 2.3% --	51	0 0.0% --	6 1.1% --	7 1.5% --	11 3.3% --	17 6.3% ++	11 3.7% --	
Total responses	4297 100.0%	330 100.0%	459 100.0%	420 100.0%	288 100.0%	236 100.0%	296 100.0%	2259 100.0%	2259	369 100.0%	514 100.0%	459 100.0%	322 100.0%	267 100.0%	303 100.0%	

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Weighted by area/age/sex  
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 4 JUN 91

Table 16  
 Q6b: Level of agreement to statement "2"  
 If prostitution related activities are not against the law  
 prostitutes will be accepted by the community

	AREA										SEX (OLD)		SEX (MELB)	
	SOUTH EAST		CENTRAL QUEENSLAND		WESTERN QUEENSLAND		NORTH QUEENSLAND		MELBOURNE		MALE		FEMALE	
	TOTAL QUEENSLAND	BRISBANE	QUEENSLAND	QUEENSLAND	QUEENSLAND	QUEENSLAND	QUEENSLAND	QUEENSLAND	QUEENSLAND	QUEENSLAND	754	779	150	150
Sample Size	1833	300	300	302	300	300	300	300	300	300	1013	1024	1106	1154
Population (1000's)	4297	930	270	262	276	276	276	276	276	276	96	96	76	19
Strongly agree (+2)	264 6.1% *****	77 8.3% ++	19 6.9% ++	25 9.5% ++	15 5.4% ++	15 5.4% ++	15 5.4% ++	15 5.4% ++	15 5.4% ++	15 5.4% ++	92 9.1% +++	76 7.4% +++	76 6.9% +++	19 1.7% ---
Agree (+1)	1772 41.2% *****	392 42.1% *****	111 41.1% *****	108 41.2% *****	105 38.7% *****	105 38.7% *****	105 38.7% *****	105 38.7% *****	105 38.7% *****	105 38.7% *****	439 43.3% *****	394 38.5% *****	429 38.8% *****	511 44.3% *****
Neither (0)	146 3.4% *****	20 2.2% ---	9 3.3% ---	13 5.1% ---	11 4.0% ---	11 4.0% ---	11 4.0% ---	11 4.0% ---	11 4.0% ---	11 4.0% ---	43 4.2% ---	23 2.3% ---	41 3.7% ---	39 3.4% ---
Disagree (-1)	1481 34.5% *****	311 33.5% *****	87 32.4% *****	75 28.7% *****	105 38.0% *****	105 38.0% *****	105 38.0% *****	105 38.0% *****	105 38.0% *****	105 38.0% *****	331 32.6% *****	338 33.0% *****	399 36.1% *****	414 35.9% *****
Strongly disagree (-2)	489 11.4% *****	97 10.5% *****	38 14.1% *****	34 12.8% *****	32 11.7% *****	32 11.7% *****	32 11.7% *****	32 11.7% *****	32 11.7% *****	32 11.7% *****	93 9.1% ---	143 14.5% +++	104 9.4% ---	143 12.4% ---
No response/Don't know	144 3.4% *****	33 3.5% ---	6 2.2% ---	7 2.7% ---	8 2.9% ---	8 2.9% ---	8 2.9% ---	8 2.9% ---	8 2.9% ---	8 2.9% ---	16 1.6% ---	44 4.3% ---	56 5.1% +++	27 2.4% ---
Total responses	4297 100.0%	930 100.0%	270 100.0%	262 100.0%	276 100.0%	276 100.0%	276 100.0%	276 100.0%	276 100.0%	276 100.0%	1013 100.0%	1024 100.0%	1106 100.0%	1154 100.0%

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PUBLIC OPINION SURVEY ON PROSTITUTION - June 1991 - (cb1207-w1)  
 Queensland/Melbourne  
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Weighted by area/age/sex  
 4 Jul 91

Table 16  
 Q6b: Level of agreement to statement "2"  
 If prostitution related activities are not against the law  
 prostitutes will be accepted by the community

BASE: All Respondents

	TOTAL		AGE GROUP (QLO)										AGE GROUP (MELB)										
	QLO	QLO	18-24	25-34	35-44	45-54	55-64	65+	TOTAL	18-24	25-34	35-44	45-54	55-64	65+	QLO	QLO	18-24	25-34	35-44	45-54	55-64	65+
Sample Size	1833	1533	173	350	372	256	168	210	300	58	93	76	31	17	23								
Population (1000's)	4297	2037	330	459	420	288	236	296	2259	369	514	459	322	267	303								
Strongly agree (+2)	264 5.1% *****	168 8.9% ***	20 6.2% ---	39 8.5% ++	42 10.0% +++	23 8.0% ++	19 8.0% ++	25 8.5% ---	96 4.2% ---	8 2.2% ---	22 4.2% ---	35 7.7% ++	31 9.6% ++	0 0.0% ---	0 0.0% ---								
Agree (+1)	1772 41.2% *****	832 40.9% *****	84 25.5% ---	179 39.1% ---	198 47.0% ++	141 48.9% ++	114 48.4% ++	112 37.9% ++	940 41.6% ---	109 29.5% ---	187 38.3% ---	178 38.8% ---	146 45.3% ---	137 51.4% +++	168 55.6% +++								
Neither (0)	146 3.4% *****	66 3.2% ***	15 4.6% ---	16 3.4% ---	15 3.5% ---	8 2.9% ---	7 3.0% ---	5 1.7% ---	80 3.6% ---	13 3.6% ---	15 3.2% ---	24 5.3% ++	0 0.0% ---	0 0.0% ---	26 8.6% +++								
Disagree (-1)	1481 34.5% *****	669 32.8% *****	149 45.3% +++	171 37.2% +++	118 28.1% ---	72 25.2% ---	66 28.2% ---	88 29.7% ---	813 36.0% ---	191 51.7% +++	211 41.0% +++	159 34.6% ---	73 22.5% ---	113 42.4% +++	56 18.5% ---								
Strongly disagree (-2)	489 11.4% *****	242 11.9% *****	61 18.4% +++	44 9.7% ---	46 10.9% ---	34 11.9% ---	19 8.2% ---	37 12.5% ---	247 10.9% ---	40 10.8% ---	62 12.2% ---	45 9.7% ---	62 19.4% +++	0 0.0% ---	37 12.4% ---								
No response/Don't know	144 3.4% *****	60 2.9% ---	0 0.0% ---	9 2.1% ---	2 0.5% ---	9 3.1% ---	10 4.3% ---	29 9.7% +++	84 3.7% ---	8 2.2% ---	16 3.2% ---	18 3.9% ---	10 3.2% ---	17 6.3% ++	15 4.9% ---								
Total Responses	4297 100.0%	2037 100.0%	330 100.0%	459 100.0%	420 100.0%	288 100.0%	236 100.0%	296 100.0%	2259 100.0%	369 100.0%	514 100.0%	459 100.0%	322 100.0%	267 100.0%	303 100.0%								

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## PUBLIC OPINION SURVEY ON PROSTITUTION - June 1991 - (cb1207-w1)

Queensland/Melbourne

Weighted by area/age/sex  
4 JUL 91

Table 17  
Q5c: Level of agreement to statement "3"  
If there were equal career and pay opportunities for  
women fewer of them would enter prostitution

BASE: All Respondents														
----- AREA -----														
			SOUTH EAST			CENTRAL QUEENSLAND			WESTERN QUEENSLAND			FAR NORTH QUEENSLAND		
			BRISBANE			QUEENSLAND			QUEENSLAND			MELBOURNE		
			TOTAL			TOTAL			TOTAL			TOTAL		
			QUEENSLAND			QUEENSLAND			QUEENSLAND			QUEENSLAND		
			1833			1533			300			300		
			4297			2037			270			2259		
			589			280			43			308		
			13.7%			13.7%			15.9%			13.7%		
			13.7%			13.7%			15.9%			13.7%		
			13.7%			13.7%			15.9%			13.7%		
			13.7%			13.7%			15.9%			13.7%		
			13.7%			13.7%			15.9%			13.7%		
			13.7%			13.7%			15.9%			13.7%		
			13.7%			13.7%			15.9%			13.7%		
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			13.7%			13.7%			15.9%			13.7%		
			13.7%											

PUBLIC OPINION SURVEY ON PROSTITUTION - June 1991 - (cb1207-w1)

Queensland/Melbourne

Weighted by area/age/sex  
4 Jul 91

Table 17  
Q3c: Level of agreement to statement "3"  
If there were equal career and pay opportunities for  
women fewer of them would enter prostitution

BASE: All Respondents

	TOTAL Q1D	AGE GROUP (Q1D)						TOTAL MELB	AGE GROUP (MELB)					
		18-24	25-34	35-44	45-54	55-64	65+		18-24	25-34	35-44	45-54	55-64	65+
Sample Size	1833	173	350	372	256	168	210	300	58	93	76	31	17	23
Population (1000's)	4297	330	459	420	288	236	296	2259	369	514	459	322	267	303
Strongly agree (+2)	589 13.7% *****	51 15.5%	60 13.0%	56 13.3%	46 15.1%	26 11.1%	41 13.9%	308 13.7%	50 13.7%	79 15.3%	94 20.4%	41 12.8%	44 16.7%	0 0.0%
Agree (+1)	1147 26.7% *****	103 31.3%	137 29.9%	115 27.4%	82 28.5%	69 29.1%	92 31.1%	548 24.3%	104 28.1%	121 23.6%	120 26.0%	73 22.6%	44 16.7%	86 28.5%
Neither (0)	93 2.2% *****	5 1.5%	12 2.6%	8 1.9%	10 3.4%	3 1.1%	8 2.7%	47 2.1%	0 0.0%	5 1.0%	7 1.5%	21 6.4%	0 0.0%	15 4.9%
Disagree (-1)	1688 39.3% *****	138 41.9%	163 35.5%	172 41.0%	93 32.4%	101 42.8%	98 33.1%	915 40.5%	138 37.4%	231 44.9%	167 36.4%	104 32.4%	144 54.2%	120 39.5%
Strongly disagree (-2)	570 13.3% *****	28 8.5%	71 15.4%	63 15.0%	45 15.6%	25 10.8%	40 13.7%	297 13.2%	67 18.0%	78 15.1%	61 13.3%	52 19.4%	0 0.0%	30 9.8%
No response/Don't know	210 4.9% *****	4 1.2%	17 3.6%	6 1.4%	12 4.1%	12 5.1%	16 5.5%	143 5.3%	10 2.8%	0 0.0%	11 2.4%	21 6.5%	33 12.5%	52 17.3%
Total responses	4297 100.0%	330 100.0%	459 100.0%	420 100.0%	288 100.0%	236 100.0%	296 100.0%	2259 100.0%	369 100.0%	514 100.0%	459 100.0%	322 100.0%	267 100.0%	303 100.0%

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## PUBLIC OPINION SURVEY ON PROSTITUTION - June 1991 - (cb1207-w1)

Queensland/Melbourne

Weighted by area/age/sex  
4 Jul 91

Table 18  
Q6d: Level of agreement to statement "4"  
Prostitution should be regarded as an occupation just like any other

	AREA										SEX (QLD)		SEX (MELB)	
	TOTAL QUEENSLAND		SOUTH EAST		CENTRAL QUEENSLAND		WESTERN QUEENSLAND		FAR NORTH		MALE		FEMALE	
	1833	1533	300	300	302	300	300	331	300	300	754	779	150	150
Sample Size	4297	2037	930	270	262	276	299	2259	1013	1024	1106	1154		
Population (1000's)	495	279	122	38	37	33	48	218	161	118	128	90		
Strongly agree (+2)	11.5% 41.5% *****	13.7% 40.9% *****	13.1% 43.2% *****	14.2% 37.3% *****	14.2% 39.2% *****	12.2% 38.0% *****	16.0% 40.6% *****	9.6% 42.1% *****	15.9% 48.2% *****	11.5% 33.7% *****	11.6% 48.0% *****	7.8% 36.5% *****		
Agree (+1)	165	31	15	1	3	9	2	134	13	18	77	57		
Neither (0)	3.8% 1.5% *****	1.5% 1.2% *****	1.6% 1.2% *****	0.5% 1.2% *****	1.2% 1.2% *****	3.4% 3.4% *****	0.8% 0.8% *****	5.9% 5.9% *****	1.3% 1.3% *****	1.8% 1.8% *****	7.0% 7.0% *****	4.9% 4.9% *****		
Disagree (-1)	1070	495	217	69	67	74	67	575	207	288	244	331		
	24.9% 24.3% *****	24.3% 24.3% *****	23.3% 23.3% *****	25.7% 25.7% *****	25.5% 25.5% *****	27.0% 27.0% *****	22.4% 22.4% *****	25.4% 25.4% *****	20.4% 20.4% *****	28.1% 28.1% *****	22.1% 22.1% *****	28.7% 28.7% *****		
Strongly disagree (-2)	702	374	157	54	50	52	60	327	138	237	78	249		
	16.3% 18.4% *****	18.4% 18.4% *****	16.9% 16.9% *****	20.1% 20.1% *****	19.1% 19.1% *****	18.8% 18.8% *****	20.2% 20.2% *****	14.5% 14.5% *****	13.6% 13.6% *****	23.1% 23.1% *****	7.1% 7.1% *****	21.6% 21.6% *****		
No response/don't know	79	25	18	4	2	2	0	54	7	19	48	6		
	1.8% 1.2% *****	1.2% 1.2% *****	1.9% 1.9% *****	1.5% 1.5% *****	0.7% 0.7% *****	0.6% 0.6% *****	0.0% 0.0% *****	2.4% 2.4% *****	0.7% 0.7% *****	1.8% 1.8% *****	4.3% 4.3% *****	0.5% 0.5% *****		
Total responses	4297	2037	930	270	262	276	299	2259	1013	1024	1106	1154		
	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%		

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PUBLIC OPINION SURVEY ON PROSTITUTION - June 1991 - (cb1207-v1)

Queensland/Melbourne

Weighted by area/age/sex  
4 Jul 91

Table 18  
Qed: Level of agreement to statement "4"  
Prostitution should be regarded as an occupation just like any other

BASE: All Respondents

	AGE GROUP (QLO)										AGE GROUP (MELB)									
	TOTAL	18-24	25-34	35-44	45-54	55-64	65+	TOTAL	MELB		18-24	25-34	35-44	45-54	55-64	65+				
Sample Size	1833	173	350	372	256	168	210	300	300		58	93	76	31	17	23				
Population (1000's)	4297	330	459	420	288	236	296	2259	2259		369	514	459	322	267	303				
Strongly agree (+2)	496 11.6% *****	36 10.9% ++	67 14.5% +	58 13.7% ++	51 17.6% +++	32 13.4% ++	36 12.2% ++	218 9.6% --	218		27 7.2% --	70 13.5% ++	75 16.3% +++	21 6.4% --	15 5.6% --	11 3.7% --				
Agree (+1)	1785 41.5% *****	123 37.2% ++	208 45.3% ++	184 43.8% ++	117 40.7% ++	91 38.4% ++	102 34.4% --	952 42.1% --	952		141 38.3% --	187 36.4% --	211 45.9% +	156 48.4% ++	141 52.8% +++	101 33.4% --				
Neither (0)	165 3.8% *****	31 2.4% --	8 1.8% --	7 1.6% --	3 1.0% --	3 1.5% --	2 0.7% --	134 5.9% ++	134		13 3.5% --	44 8.6% +++	24 5.3% --	21 6.4% ++	31 11.8% +++	0 0.0% --				
Disagree (-1)	1070 24.9% *****	495 30.9% ++	106 23.2% ++	98 23.4% ++	60 21.0% ++	53 22.5% ++	75 25.2% ++	575 25.4% ++	575		116 31.5% ++	106 20.5% ++	87 18.9% --	52 16.2% --	80 29.9% ++	123 40.7% +++				
Strongly disagree (-2)	702 16.3% *****	374 18.4% ++	59 17.9% ++	68 14.8% ++	71 17.0% ++	52 22.0% ++	74 25.1% ++	327 14.5% --	327		71 19.3% --	75 14.5% --	62 13.6% --	63 19.5% --	0 0.0% --	56 18.5% --				
No response/Don't know	79 1.8% *****	25 1.2% --	2 0.4% --	2 0.5% --	7 2.3% --	5 2.2% --	7 2.4% --	54 2.4% --	54		0 0.0% --	32 6.2% +++	0 0.0% --	10 3.2% --	0 0.0% --	11 3.7% --				
Total responses	4297 100.0%	2037 100.0%	330 100.0%	459 100.0%	420 100.0%	288 100.0%	296 100.0%	2259 100.0%	2259		359 100.0%	514 100.0%	459 100.0%	322 100.0%	267 100.0%	303 100.0%				

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PUBLIC OPINION SURVEY ON PROSTITUTION - June 1991 - (cb1207-w1)  
Queensland/Melbourne

Weighted by area/age/sex  
4 Jul 91

Table 19  
Qee: Level of agreement to statement "5"  
Prostitution threatens family life

BASE: All Respondents												
----- AREA -----												
SEX (OLD) SEX (MELB)												
MALE FEMALE MALE FEMALE												
TOTAL QUEENSLAND												
SOUTH EAST WESTERN QUEENSLAND MELBOURNE												
FAR NORTH QUEENSLAND												
TOTAL QUEENSLAND												
Brisbane 300 300 300 300 300 300 300 300 300 300 300 300 300												
Sample Size 1833 1533 1533 1533 1533 1533 1533 1533 1533 1533 1533 1533 1533												
Population (1000's) 4297 2037 2037 2037 2037 2037 2037 2037 2037 2037 2037 2037 2037												
Strongly agree (+2) 733 362 362 362 362 362 362 362 362 362 362 362 362												
Agree (+1) 1181 582 582 582 582 582 582 582 582 582 582 582 582												
Neither (0) 242 93 93 93 93 93 93 93 93 93 93 93												
Disagree (-1) 1510 728 728 728 728 728 728 728 728 728 728 728 728												
Strongly disagree (-2) 373 218 218 218 218 218 218 218 218 218 218 218 218												
No response/Don't know 157 55 55 55 55 55 55 55 55 55 55 55 55												
Total responses 4297 2037 2037 2037 2037 2037 2037 2037 2037 2037 2037 2037 2037												
100.0% 100.0% 100.0% 100.0% 100.0% 100.0% 100.0% 100.0% 100.0% 100.0% 100.0% 100.0% 100.0%												

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PUBLIC OPINION SURVEY ON PROSTITUTION - June 1991 - (cb1207-w1)

Queensland/Melbourne

Weighted by area/age/sex  
4 Jun 91

Table 19  
See: Level of agreement to statement "5"  
Prostitution threatens family life

BASE: All Respondents																					
		AGE GROUP (QLD)							AGE GROUP (MELB)												
TOTAL		18-24	25-34	35-44	45-54	55-64	65+	TOTAL	18-24	25-34	35-44	45-54	55-64	65+							
QLO		173	350	372	256	168	210	300	58	93	76	31	17	23							
Sample Size		4297	330	459	420	280	236	296	369	514	459	322	267	303							
Population (1000's)		733	69	67	65	55	37	68	53	85	76	73	44	41							
Strongly agree (+2)		17.1% *****	21.0% +	14.7%	15.5%	19.3%	15.5%	23.0% +++	14.3%	16.5%	16.5%	22.6% ++	16.7%	13.6%							
Agree (+1)		1181	136	124	89	75	60	98	151	138	92	52	94	60							
		27.5%	41.2%	27.0%	21.1%	25.9%	25.5%	33.2% ++	41.0% +++	26.8%	20.1%	16.3%	35.4% +++	19.8%							
Neither (0)		242	3	23	15	8	26	17	27	22	20	21	33	26							
		5.6% *****	0.9% ---	5.0%	3.9%	2.7% ---	11.0% +++	5.7%	7.2%	4.3%	4.4%	6.4%	12.5% +++	8.6% ++							
Disagree (-1)		1610	85	181	193	114	70	82	130	215	210	135	80	90							
		37.5%	25.7%	39.4%	46.0% +++	39.5%	29.6%	27.6% ---	35.3%	41.8% +	47.4% +++	41.9%	29.9% ---	29.7% ---							
Strongly disagree (-2)		373	32	53	48	31	29	25	8	50	48	21	15	15							
		8.7% ++	9.7% ++	11.5% ++	11.5% +	10.8%	12.2% +	8.4%	2.2% ---	9.6%	10.4%	8.4%	5.6% ---	4.9% ---							
No response/Don't know		157	5	11	8	5	15	7	0	5	5	21	0	71							
		3.7% *****	1.5% ---	2.4%	1.9% ---	1.8%	6.2% +	2.2% ---	0.0% ---	1.0% ---	1.2% ---	6.5% ++	0.0% ---	23.4% +++							
Total Responses		4297	330	459	420	288	236	296	369	514	459	322	267	303							
		100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%							

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PUBLIC OPINION SURVEY ON PROSTITUTION - June 1991 - (cb1207-w1)  
 Queensland/Melbourne

Weighted by area/age/sex  
 -----  
 4 Jul 91

Table 20  
 Q7A/Q7B: Compulsory Health Checks for Prostitutes/Clients

BASE: All Respondents

	AREA										SEX (QLD)		SEX (MELB)	
	SOUTH		CENTRAL		WESTERN		NORTH		MELBOURNE		MALE		FEMALE	
	TOTAL	QUEENSLAND	BRISBANE	QUEENSLAND	QUEENSLAND	QUEENSLAND	QUEENSLAND	QUEENSLAND	QUEENSLAND	QUEENSLAND	MALE	FEMALE	MALE	FEMALE
Sample Size	1833	1533	300	300	302	300	300	300	300	300	754	779	150	150
Population (1000's)	4297	2037	930	270	262	276	299	2259	1013	1024	1106	1154		
Yes - prostitutes	4246	2014	922	267	260	271	295	2232	1000	1014	1100	1131		
	98.8%	98.8%	99.1%	98.8%	99.0%	98.2%	98.5%	98.8%	98.7%	99.0%	99.5%	98.0%		
No - prostitutes	34	13	3	2	2	5	2	21	9	4	5	16		
	0.8%	0.6%	0.3%	0.6%	0.6%	1.8%	0.6%	0.9%	0.9%	0.4%	0.5%	1.4%		
No response/Don't know	18	11	5	2	1	0	3	7	4	7	0	7		
	0.4%	0.5%	0.6%	0.6%	0.4%	0.0%	1.0%	0.3%	0.4%	0.7%	0.0%	0.6%		
Yes - clients	3972	1886	867	248	241	259	271	2086	901	986	1003	1082		
	92.4%	92.6%	93.2%	92.0%	91.9%	94.1%	90.5%	92.3%	88.9%	96.3%	90.7%	93.8%		
No - clients	248	111	42	19	14	14	21	138	85	26	86	51		
	5.8%	5.4%	4.5%	7.0%	5.5%	5.2%	7.1%	6.1%	8.4%	2.5%	7.8%	4.5%		
No response/Don't know	77	40	22	3	7	2	7	36	28	13	16	20		
	1.8%	2.0%	2.3%	1.1%	2.6%	0.7%	2.5%	1.6%	2.7%	1.2%	1.5%	1.7%		
Total Responses	8594	4075	1860	540	525	551	598	4519	2025	2048	2211	2308		
	200.0%	200.0%	200.0%	200.0%	200.0%	200.0%	200.0%	200.0%	200.0%	200.0%	200.0%	200.0%		

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PUBLIC OPINION SURVEY ON PROSTITUTION - June 1991 - (cb1207-w1)  
 Queensland/Melbourne  
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Weighted by area/age/sex  
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 4 JUL 91

Table 20  
 Q7A/Q7B: Compulsory Health Checks for Prostitutes/Clients

BASE: All Respondents

	AGE GROUP (OLD)							AGE GROUP (MELB)						
	TOTAL OLD	18-24	25-34	35-44	45-54	55-64	65+	TOTAL MELB	18-24	25-34	35-44	45-54	55-64	65+
Sample Size	1833	173	350	372	256	168	210	300	58	93	76	31	17	23
Population (1000's)	4297	300	459	420	288	236	296	2259	369	514	459	322	267	303
Yes - prostitutes	4246 96.8% *****	326 98.7%	457 99.6%	415 98.8%	280 97.4%	234 99.2%	293 99.0%	2232 98.8%	364 98.6%	509 99.0%	452 98.5%	312 96.7%	267 100.0%	303 100.0%
No - prostitutes	34 0.8% *****	4 1.3%	0 0.0%	5 1.2%	1 0.5%	0 0.0%	2 0.7%	21 0.9%	5 1.4%	5 1.0%	0 0.0%	11 3.3%	0 0.0%	0 0.0%
No response/Don't know	18 0.4% *****	0 0.0%	2 0.4%	0 0.0%	6 2.1%	2 0.8%	1 0.3%	7 0.3%	0 0.0%	0 0.0%	7 1.5%	0 0.0%	0 0.0%	0 0.0%
Yes - clients	3972 92.4% *****	309 93.6%	420 91.4%	394 93.7%	253 87.9%	223 94.8%	203 95.6%	2086 92.3%	332 90.0%	497 96.7%	396 86.4%	291 90.4%	267 100.0%	276 81.4%
No - clients	248 5.8% *****	19 5.7%	34 7.5%	25 5.9%	22 7.7%	4 1.5%	7 2.3%	138 6.1%	32 8.6%	12 2.3%	52 11.3%	31 9.8%	0 0.0%	11 3.7%
No response/Don't know	77 1.8% *****	3 0.8%	5 1.1%	2 0.4%	13 4.4%	9 3.7%	6 2.1%	36 1.6%	5 1.4%	5 1.0%	11 2.4%	0 0.0%	0 0.0%	15 4.8%
Total responses	8594 200.0%	660 200.0%	918 200.0%	840 200.0%	575 200.0%	471 200.0%	591 200.0%	4519 200.0%	738 200.0%	1028 200.0%	918 200.0%	644 200.0%	532 200.0%	808 200.0%

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## PUBLIC OPINION SURVEY ON PROSTITUTION - June 1991 - (cb1207-w1)

Queensland/Melbourne

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Table 21  
Q8a: Regulations that are acceptable  
Zone areas as 'red light areas'

Weighted by area/age/sex  
-----  
4 Jul 91

BASE: All Respondents

	AREA										SEX (OLD)		SEX (MELB)	
	TOTAL QUEENSLAND		SOUTH EAST QUEENSLAND		CENTRAL QUEENSLAND		WESTERN QUEENSLAND		FAR NORTH QUEENSLAND		MALE		FEMALE	
	1833	1533	300	300	302	300	300	331	300	300	754	779	150	150
Sample Size	4297	2037	930	270	262	276	299	2259	1013	1024	1106	1154		
Population (1000's)	592	371	173	47	46	47	57	221	222	148	128	93		
Very acceptable (+2)	13.8% ++++	18.2% +++	18.6% +++	17.4% +	17.7% +	17.2% +	19.1% ++	9.8% ---	21.9% +++	14.6% +++	11.5% ---	8.1% ---		
Acceptable (+1)	2466	1121	529	148	141	154	149	1346	543	578	666	679		
	57.4% ++++	55.0% ---	56.9% ---	54.7% ---	53.6% ---	55.8% ---	49.8% ---	59.6% +	53.8% ---	56.4% ---	60.3% +	58.9% ---		
Neither (0)	115	43	20	5	5	5	7	72	16	28	49	23		
	2.7% ++++	2.1% ---	2.2% ---	2.0% ---	2.0% ---	1.8% ---	2.4% ---	3.2% ---	1.5% ---	2.7% ---	4.4% +++	2.0% ---		
Unacceptable (-1)	721	293	113	45	38	43	54	428	148	145	186	243		
	16.5% ++++	14.4% ---	12.1% ---	16.5% ---	14.6% ---	15.5% ---	18.1% ---	18.9% ++	14.6% ---	14.1% ---	16.8% ---	21.0% +++		
Very unacceptable (-2)	295	179	76	23	29	22	29	116	70	110	38	79		
	6.9% ++++	8.8% +++	8.1% ---	8.6% ---	11.0% ++	8.0% ---	9.8% +	5.1% ---	6.9% ---	10.7% +++	3.4% ---	8.8% ---		
No response/Don't know	107	30	18	2	3	4	3	77	15	16	40	37		
	2.5% ++++	1.5% ---	2.0% ---	0.7% ---	1.1% ---	1.6% ---	0.9% ---	3.4% ++	1.4% ---	1.5% ---	3.6% ++	3.2% ---		
Total responses	4297	2037	930	270	262	276	299	2259	1013	1024	1106	1154		
	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%		

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PUBLIC OPINION SURVEY ON PROSTITUTION - June 1991 - (cb1207-w1)

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Weighted by area/age/sex  
4 Jul 91

Table 21  
08a: Regulations that are acceptable  
Zone areas as 'red light areas'

BASE: All Respondents

	AGE GROUP (OLD)								AGE GROUP (MELB)							
	TOTAL	18-24	25-34	35-44	45-54	55-64	65+	TOTAL	18-24	25-34	35-44	45-54	55-64	65+		
Sample Size	1833	173	350	372	256	168	210	300	58	93	76	31	17	23		
Population (1000's)	4297	330	459	420	288	236	296	2259	369	514	459	322	267	303		
Very acceptable (+2)	592 13.8% *****	49 14.8% +++	97 21.0% +++	84 19.9% +++	56 19.6% +++	35 15.0% ---	50 16.8% ---	221 9.8% ---	24 6.4% ---	38 7.4% ---	84 18.3% +++	21 6.5% ---	17 6.3% ---	23 7.5% ---		
Acceptable (+1)	2466 57.4% *****	217 65.7% +++	221 48.2% ---	221 52.5% ---	153 53.4% ---	153 65.1% ++	148 50.0% ---	1346 59.6% +	204 55.4% +++	343 86.7% +++	258 56.2% +++	239 74.1% +++	141 52.8% ---	161 53.1% ---		
Neither (0)	115 2.7% *****	6 1.8% ---	14 3.1% ---	7 1.6% ---	2 0.7% ---	2 0.7% ---	12 4.0% ---	72 3.2% ---	10 2.8% ---	11 2.2% ---	23 5.0% ---	10 3.2% ---	17 6.3% +++	0 0.0% ---		
Unacceptable (-1)	721 16.8% *****	42 12.8% ---	78 17.0% ---	62 14.8% ---	40 13.9% ---	25 10.8% ---	45 15.2% ---	428 18.9% ++	96 25.9% +++	60 11.7% ---	69 15.1% ---	21 6.5% ---	53 34.7% +++	78 25.9% +++		
Very unacceptable (-2)	295 6.9% *****	17 5.0% ---	39 8.5% ---	41 9.8% ++	35 12.2% +++	19 8.1% +	28 9.5% +	116 5.1% ---	27 7.2% ---	40 7.7% ---	24 5.3% ---	11 3.3% ---	0 0.0% ---	15 4.9% ---		
No response/Don't know	107 2.5% *****	0 0.0% ---	10 2.2% ---	6 1.4% ---	1 0.2% ---	1 0.4% ---	13 4.4% ++	77 3.4% ++	8 2.2% ++	22 4.3% ++	0 0.0% ---	0 0.0% ---	0 0.0% ---	26 8.6% +++		
Total responses	4297 100.0%	330 100.0%	459 100.0%	420 100.0%	288 100.0%	236 100.0%	296 100.0%	2259 100.0%	369 100.0%	514 100.0%	459 100.0%	322 100.0%	267 100.0%	303 100.0%		

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PUBLIC OPINION SURVEY ON PROSTITUTION - June 1991 - (cb1207-w1)  
Queensland/Melbourne

Weighted by area/age/sex  
4 Jul 91

Table 22  
Obs: Regulations that are acceptable  
Licensing and registration of prostitutes

	AREA										SEX (QLO)		SEX (MELB)	
	SOUTH EAST		CENTRAL QUEENSLAND		WESTERN QUEENSLAND		NORTH QUEENSLAND		MELBOURNE		MALE	FEMALE	MALE	FEMALE
	TOTAL QUEENSLAND	BRISBANE	QUEENSLAND	QUEENSLAND	QUEENSLAND	QUEENSLAND	QUEENSLAND	QUEENSLAND	QUEENSLAND	QUEENSLAND				
Sample Size	1833	1533	300	300	302	300	331	300	300	754	779	150	150	
Population (1000's)	4297	2037	930	270	262	276	299	2259	1013	1024	1106	1154		
Very acceptable (+2)	1455	790	351	93	110	114	121	665	455	335	343	322		
	33.9%	38.8%	37.7%	34.5%	42.1%	41.4%	40.5%	29.3%	44.8%	32.7%	31.0%	27.9%		
Acceptable (+1)	2205	986	474	141	117	116	137	1220	469	517	517	503		
	51.3%	48.4%	51.0%	52.3%	43.6%	42.2%	45.7%	54.0%	46.2%	50.5%	55.5%	52.2%		
Neither (0)	46	16	8	2	3	2	2	30	10	6	16	15		
	1.1%	0.8%	0.8%	0.7%	1.1%	0.7%	0.6%	1.3%	1.0%	0.6%	1.4%	1.3%		
Unacceptable (-1)	347	130	51	19	16	26	18	217	43	87	75	141		
	8.1%	6.4%	5.5%	6.9%	6.1%	9.5%	6.1%	9.6%	4.2%	8.5%	6.8%	12.2%		
Very unacceptable (-2)	198	102	43	14	11	14	19	96	30	72	38	58		
	4.6%	5.0%	4.6%	5.2%	4.2%	5.2%	6.5%	4.2%	3.0%	7.0%	3.4%	5.0%		
No response/Don't know	46	14	4	1	5	3	2	32	7	8	16	16		
	1.1%	0.7%	0.4%	0.4%	2.0%	1.0%	0.6%	1.4%	0.7%	0.7%	1.5%	1.4%		
Total responses	4297	2037	930	270	262	276	299	2259	1013	1024	1106	1154		
	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%		

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PUBLIC OPINION SURVEY ON PROSTITUTION - June 1991 - (cb1207-w1)

Weighted by area/age/sex  
4 Jul 91

Table 22:  
Obs: Regulations that are acceptable  
Licensing and registration of prostitutes

BASE: All Respondents

	AGE GROUP (OLD)								AGE GROUP (MELB)							
	TOTAL QLD	18-24	25-34	35-44	45-54	55-64	65+	TOTAL MELB	18-24	25-34	35-44	45-54	55-64	65+		
Sample Size	1833	173	350	372	256	168	210	300	58	93	76	31	17	23		
Population (1000's)	4297	330	459	420	288	236	296	2259	369	514	459	322	267	303		
Very acceptable (+2)	1455 33.9% ****	117 35.5%	178 38.8% ++	196 46.5%	96 33.3%	100 42.6% +++	102 34.4%	665 29.4% ---	84 17.3%	159 30.9%	139 30.2%	72 22.4%	139 52.1% ---	78 25.9%		
Acceptable (+1)	2205 51.3% ****	162 48.2%	225 49.0%	194 46.1%	148 51.6%	103 43.9% --	144 48.7%	1220 54.0% ++	199 54.0%	289 58.1%	276 60.1%	167 51.7%	111 41.7%	168 55.6%		
Neither (0)	46 1.1% ****	1 0.4%	2 0.4%	1 0.2%	1 0.3%	7 2.9% ++	5 1.5%	30 1.3%	0 0.0%	5 1.0%	0 0.0%	10 3.2% +++	0 0.0%	15 4.9% +++		
Unacceptable (-1)	347 8.1% ****	29 8.9%	28 6.1%	17 4.1%	19 6.7%	14 5.8%	23 7.7%	217 9.6% ++	68 18.5% +++	17 3.3%	31 6.8%	63 19.4%	0 0.0%	26 8.6%		
Very unacceptable (-2)	198 4.6% ****	18 5.6%	23 4.9%	13 3.1%	23 7.9% ++	10 4.4%	15 5.0%	96 4.2%	16 4.4%	34 6.7% ++	14 2.9%	0 0.0%	17 6.3%	15 4.9%		
No response/Don't know	46 1.1% ****	1 0.4%	4 0.8%	0 0.0%	1 0.3%	1 0.4%	8 2.7% ++	32 1.4%	21 5.8% +++	0 0.0%	0 0.0%	11 3.3% +++	0 0.0%	0 0.0%		
Total responses	4297 100.0%	330 100.0%	459 100.0%	420 100.0%	288 100.0%	236 100.0%	296 100.0%	2259 100.0%	369 100.0%	514 100.0%	459 100.0%	322 100.0%	267 100.0%	303 100.0%		

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PUBLIC OPINION SURVEY ON PROSTITUTION - June 1991 - (cb1207-w1)  
 Queensland/Melbourne  
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Weighted by area/age/sex  
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 4 JUL 91

Table 23  
 QBC: Regulations that are acceptable  
 Licensing and registration of Brothels

	AREA										SEX (QLD)		SEX (MELB)	
	TOTAL QUEENSLAND		SOUTH EAST		CENTRAL QUEENSLAND		WESTERN QUEENSLAND		FAR NORTH QUEENSLAND		MALE		FEMALE	
	1833	1533	300	300	302	300	300	300	331	300	754	779	150	150
Sample Size	4297	2037	930	270	262	276	299	2259	1013	1024	1106	1154		
Population (1000's)	1851	862	408	109	112	111	122	789	475	387	373	416		
Very acceptable (+2)	38.4% *****	42.3% +++	43.8% +++	40.3%	42.8%	40.4%	40.7%	34.9% ---	46.9% +++	37.8% +++	33.7% ---	36.1% ---		
Acceptable (+1)	2051 47.7% *****	901 44.2% ---	420 45.1%	121 44.9%	114 43.5%	116 42.3%	130 43.4%	1150 50.9% ++	437 43.2% ---	464 45.3% ++	625 56.6% +++	525 45.5% ++		
Neither (0)	31 0.7% *****	11 0.5%	5 0.6%	2 0.6%	2 0.9%	1 0.4%	1 0.3%	20 0.9%	8 0.8%	3 0.3%	5 0.5% ++	15 1.3% ++		
Unacceptable (-1)	288 6.7% *****	145 7.1%	55 5.9%	22 8.3%	15 5.6%	26 9.4% +	27 9.0%	141 6.4%	50 4.9% --	95 8.3% +++	55 5.0% --	89 7.7% --		
Very unacceptable (-2)	247 5.8% *****	112 5.5%	40 4.3%	16 5.0%	17 6.6%	20 7.2%	18 6.1%	136 6.0%	42 4.1% --	70 6.8% --	47 4.2% --	89 7.7% ++		
No response/Don't know	28 0.6% *****	7 0.3%	3 0.3%	0 0.0%	2 0.6%	1 0.4%	2 0.5%	21 0.9%	1 0.3%	6 0.5%	0 0.0% ---	21 1.8% ++		
Total responses	4297 100.0%	2037 100.0%	930 100.0%	270 100.0%	262 100.0%	276 100.0%	299 100.0%	2259 100.0%	1013 100.0%	1024 100.0%	1106 100.0%	1154 100.0%		

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PUBLIC OPINION SURVEY ON PROSTITUTION - June 1991 - (cb1207-w1)  
 Queensland/Melbourne  
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Weighted by area/age/sex  
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 4 Jul 91

Table 23  
 Q8c: Regulations that are acceptable  
 Licensing and registration of Brothels

BASE: All Respondents

	AGE GROUP (YLS)										AGE GROUP (MELB)			
	TOTAL	18-24	25-34	35-44	45-54	55-64	65+	TOTAL	18-24	25-34	35-44	45-54	55-64	65+
Sample Size	1833	173	350	372	256	168	210	300	58	93	76	31	17	23
Population (1000's)	4297	330	459	420	288	236	296	2259	369	514	459	322	267	303
Very acceptable (+2)	1651 38.4% *****	129 39.0% +++	213 46.3% +++	195 46.4% +++	106 36.9% ++	109 46.3% ++	109 37.0% ++	789 34.9% ---	92 25.1% ---	192 37.3% ---	152 33.1% ---	114 35.5% ---	122 45.8% ++	101 33.4% ---
Acceptable (+1)	2051 47.7% *****	901 43.4% ---	199 43.3% ---	192 45.6% ---	139 48.3% ---	81 34.5% ---	140 47.2% ---	1150 50.9% ++	200 54.1% ++	265 51.5% ++	251 54.8% +++	187 58.0% +++	128 47.9% ---	120 39.5% ---
Neither (0)	31 0.7% *****	1 0.4% ---	2 0.4% ---	1 0.2% ---	0 0.0% ---	5 2.2% ++	1 0.3% ++	20 0.9% ---	0 0.0% ---	0 0.0% ---	5 1.2% ---	0 0.0% ---	0 0.0% ---	15 4.9% ++
Unacceptable (-1)	288 6.7% *****	36 11.0% +++	23 5.1% ---	13 3.1% ---	17 5.9% ---	30 12.6% +++	26 8.6% ---	144 6.4% ---	58 15.7% +++	17 3.3% ---	31 6.8% ---	0 0.0% ---	0 0.0% ---	26 8.6% ---
Very unacceptable (-2)	247 5.6% *****	112 6.1% ---	20 4.7% ---	20 4.7% ---	24 8.4% +	10 4.1% ---	17 5.6% ---	136 6.0% ---	8 2.2% ---	40 7.8% +	19 4.1% ---	11 3.3% ---	17 6.3% ---	41 13.6% +++
No response/don't know	28 0.6% *****	7 0.3% ---	1 0.2% ---	0 0.0% ---	1 0.5% ---	1 0.4% ---	4 1.2% ---	21 0.9% ---	10 2.8% +++	0 0.0% ---	0 0.0% ---	11 3.3% +++	0 0.0% ---	0 0.0% ---
Total responses	4297 100.0%	2037 100.0%	330 100.0%	459 100.0%	420 100.0%	288 100.0%	236 100.0%	2259 100.0%	369 100.0%	514 100.0%	459 100.0%	322 100.0%	267 100.0%	303 100.0%

\*\*\*\*\*  
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Table 24  
Q8d: Regulations that are acceptable  
Compulsory health checks for all licensed prostitutes

Weighted by area/age/sex  
4 Jul 91

BASE: All Respondents

Table 24  
Q8d: Regulations that are acceptable  
Compulsory health checks for all licensed prostitutes

	AREA							SEX (OLD)		SEX (MELB)	
	TOTAL QUEENSLAND	BRISBANE	SOUTH EAST QUEENSLAND	CENTRAL QUEENSLAND	WESTERN QUEENSLAND	FAR NORTH QUEENSLAND	MELBOURNE	MALE FEMALE	MALE FEMALE	MALE FEMALE	MALE FEMALE
Sample Size	1833	300	300	302	300	331	300	754	779	150	150
Population (1000's)	4297	930	270	262	276	299	2259	1013	1024	1106	1154
Very acceptable (+2)	3058 71.2% *****	696 74.9% ++	177 65.5% --	195 74.5%	205 74.4%	223 74.4%	1562 69.1%	745 73.6%	751 73.3%	714 64.6%	847 73.4%
Acceptable (+1)	1157 28.9% *****	220 23.6% --	86 31.9% +	59 22.4%	60 21.9%	68 22.9%	664 29.4% ++	240 23.7%	254 24.8%	386 34.9%	278 24.1%
Neither (0)	14 0.3% *****	0 0.0%	0 0.0%	1 0.3%	2 0.6%	0 0.0%	11 0.5%	2 0.2%	1 0.1%	5 0.5%	6 0.5%
Unacceptable (-1)	36 0.8% *****	8 0.9%	3 1.1%	2 0.8%	8 2.8% +++	3 0.8%	12 0.5%	13 1.3%	10 1.0%	0 0.0%	12 1.0%
Very unacceptable (-2)	11 0.3% *****	0 0.0%	4 1.5% +++	3 1.0% +	1 0.3%	3 1.2% ++	0 0.0%	5 0.5%	6 0.6%	0 0.0%	0 0.0%
No response/Don't know	21 0.5% *****	6 0.6%	0 0.0%	3 1.0%	0 0.0%	2 0.7%	11 0.5%	8 0.8%	3 0.3%	0 0.0%	11 0.9%
Total responses	4297 100.0%	930 100.0%	270 100.0%	262 100.0%	276 100.0%	299 100.0%	2259 100.0%	1013 100.0%	1024 100.0%	1106 100.0%	1154 100.0%

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PUBLIC OPINION SURVEY ON PROSTITUTION - June 1991 - (cb1207-w1)  
 Queensland/Melbourne

Weighted by area/age/sex  
 4 Jul 91

Table 24  
 Q8c: Regulations that are acceptable  
 Compulsory health checks for all licensed prostitutes

BASE: All Respondents

	AGE GROUP (OLD)										AGE GROUP (MELB)									
	TOTAL	18-24	25-34	35-44	45-54	55-64	65+	TOTAL	MELB		18-24	25-34	35-44	45-54	55-64	65+				
Sample Size	1833	173	350	372	256	168	210	300	300		58	93	76	31	17	23				
Population (1000's)	4297	330	459	420	288	236	296	2259	2259		369	514	459	322	267	303				
Very acceptable (+2)	3058 71.2% *****	243 73.8%	331 72.2%	318 75.6%	218 75.5%	169 71.8%	216 73.0%	1562 69.1%	1562		199 53.9%	339 66.0%	337 73.3%	208 64.5%	233 87.5%	221 72.9%				
Acceptable (+1)	1157 25.9% *****	79 24.1%	117 25.5%	97 23.0%	59 20.4%	62 26.1%	72 24.3%	664 29.4%	664		165 44.7%	169 32.9%	110 24.0%	104 32.3%	33 12.5%	82 27.1%				
Neither (0)	14 0.3% *****	0 0.0%	1 0.2%	1 0.2%	1 0.2%	0 0.0%	0 0.0%	11 0.5%	11		0 0.0%	6 1.1%	5 1.2%	0 0.0%	0 0.0%	0 0.0%				
Unacceptable (-1)	36 0.8% *****	4 1.2%	4 0.8%	3 0.7%	10 3.8%	2 0.8%	1 0.3%	12 0.5%	12		5 1.4%	0 0.0%	7 1.5%	0 0.0%	0 0.0%	0 0.0%				
Very unacceptable (-2)	11 0.3% *****	2 0.5%	2 0.4%	2 0.5%	0 0.0%	4 1.5%	2 0.7%	0 0.0%	0		0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%				
No response/Don't know	21 0.5% *****	2 0.5%	4 0.9%	0 0.0%	0 0.0%	0 0.0%	5 1.6%	11 0.5%	11		0 0.0%	0 0.0%	0 0.0%	11 3.3%	0 0.0%	0 0.0%				
Total responses	4297 100.0%	330 100.0%	459 100.0%	420 100.0%	288 100.0%	236 100.0%	296 100.0%	2259 100.0%	2259		369 100.0%	514 100.0%	459 100.0%	322 100.0%	267 100.0%	303 100.0%				

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PUBLIC OPINION SURVEY ON PROSTITUTION - June 1991 - (cb1207-w1)  
Queensland/Melbourne

Weighted by area/age/sex  
4 Jul 91

Table 25  
Q8e: Regulations that are acceptable  
Nothing more than usual business regulations

		AREA										SEX (QLD)		SEX (MELB)	
		SOUTH EAST		CENTRAL QUEENSLAND		WESTERN QUEENSLAND		FAR NORTH QUEENSLAND		MELBOURNE		MALE		FEMALE	
		TOTAL	QUEENSLAND	BRISBANE	300	270	300	276	300	331	2259	1013	1024	1106	1154
		1833	1533	1533	300	270	300	276	300	331	2259	1013	1024	1106	1154
		4297	2037	930	35	19	26	34	71	92	54	26	45	26	45
		217	146	7.2%	3.8%	6.8%	9.5%	11.4%	3.2%	9.0%	5.3%	2.4%	3.9%	2.4%	3.9%
		5.1%	7.2%	3.8%	6.8%	9.5%	11.4%	3.2%	3.2%	9.0%	5.3%	2.4%	3.9%	2.4%	3.9%
		*****	+++	+++	+++	+++	+++	+++	+++	+++	+++	+++	+++	+++	+++
		Population	1833	1533	300	270	300	276	300	331	2259	1013	1024	1106	1154
		(1000's)	4297	2037	930	35	19	26	34	71	92	54	26	45	26
		Very acceptable	217	146	7.2%	3.8%	6.8%	9.5%	11.4%	3.2%	9.0%	5.3%	2.4%	3.9%	2.4%
		(+2)	5.1%	7.2%	3.8%	6.8%	9.5%	11.4%	3.2%	3.2%	9.0%	5.3%	2.4%	3.9%	2.4%
		*****	+++	+++	+++	+++	+++	+++	+++	+++	+++	+++	+++	+++	+++
		Acceptable (+1)	1852	941	433	134	125	135	711	31.5%	48.7%	43.7%	41.5%	37.6%	25.6%
		38.4%	46.2%	46.6%	49.7%	45.4%	45.4%	45.0%	31.5%	48.7%	43.7%	41.5%	37.6%	25.6%	25.6%
		*****	+++	+++	+++	+++	+++	+++	+++	+++	+++	+++	+++	+++	+++
		Neither (0)	121	27	11	4	2	5	94	4.1%	1.7%	1.0%	3.5%	4.4%	4.4%
		2.8%	1.3%	1.2%	1.5%	0.9%	0.9%	1.8%	4.1%	1.7%	1.0%	3.5%	4.4%	4.4%	4.4%
		*****	---	---	---	---	---	---	+++	---	---	---	---	---	---
		Unacceptable (-1)	1469	561	283	62	80	74	508	25.8%	25.8%	29.6%	35.6%	43.6%	43.6%
		34.2%	27.5%	30.4%	22.8%	24.1%	28.9%	24.7%	40.2%	25.4%	29.6%	35.6%	43.6%	43.6%	43.6%
		*****	---	---	---	---	---	---	+++	---	---	---	---	---	---
		Very unacceptable	677	296	140	39	30	43	381	13.0%	13.0%	16.1%	17.9%	20.1%	17.5%
		(-2)	15.8%	14.5%	15.1%	14.5%	11.0%	14.2%	15.8%	13.0%	16.1%	17.9%	20.1%	17.5%	17.5%
		*****	---	---	---	---	---	---	---	---	---	---	---	---	---
		No response/Don't know	161	66	28	12	12	9	95	2.1%	2.1%	4.3%	3.4%	5.0%	5.0%
		3.7%	3.2%	3.0%	4.5%	4.3%	4.3%	2.9%	4.2%	2.1%	4.3%	3.4%	5.0%	5.0%	5.0%
		*****	---	---	---	---	---	---	---	---	---	---	---	---	---
		Total responses	4297	2037	930	270	276	299	2259	1013	1024	1106	1154	1106	1154
		100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%

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 Queensland/Melbourne  
 \*\*\*\*\*

Weighted by area/age/sex  
 4 Jul 91

Table 25  
 Q8e: Regulations that are acceptable  
 Nothing more than usual business regulations

BASE: All Respondents

	AGE GROUP (OLD)							AGE GROUP (MELB)						
	TOTAL	18-24	25-34	35-44	45-54	55-64	65+	TOTAL	18-24	25-34	35-44	45-54	55-64	65+
Sample Size	1833	173	350	372	256	168	210	300	58	93	76	31	17	23
Population (1000's)	4297	330	459	420	288	236	296	2259	369	514	459	322	267	303
Very acceptable (+2)	217 5.1% *****	32 9.7% +++	32 6.9% +++	34 8.2% +++	27 9.4% +++	7 3.0% ++	14 4.7% ++	71 3.2% ---	5 1.4% ---	22 4.3% ++	19 4.1% ++	10 3.2% ++	15 5.6% +++	0 0.0% ---
Acceptable (+1)	1652 38.4% *****	164 49.8% +++	207 45.2% +++	168 39.9% ++	131 45.7% ++	144 61.2% +++	121 41.0% ---	711 31.5% ---	155 41.9% ---	182 35.4% ---	105 22.8% ---	83 25.9% ---	82 30.6% ---	105 34.6% ---
Neither (0)	121 2.8% *****	5 1.5% ---	7 1.6% ---	1 0.4% ---	4 1.5% ---	1 0.4% ---	7 2.4% ---	94 4.1% +++	5 1.4% ++	23 4.4% ++	19 4.1% ++	21 6.1% +++	15 5.5% +++	11 3.7% ---
Unacceptable (-1)	1469 34.2% *****	93 28.2% ---	130 28.3% ---	127 30.3% ---	63 21.6% ---	60 25.4% ---	88 29.8% ---	908 40.2% +++	122 33.0% +++	187 36.4% +++	221 48.2% +++	104 32.4% +++	109 41.0% +++	138 45.6% +++
Very unacceptable (-2)	677 15.8% *****	34 10.3% ---	72 15.7% +	80 19.0% +	46 16.0% ---	19 8.2% ---	45 15.3% ---	381 16.8% ---	77 20.9% ++	73 14.2% ++	95 20.7% +++	72 22.5% +++	30 11.1% ---	34 11.2% ---
No response/Don't know	161 3.7% *****	1 0.4% ---	11 2.4% ---	9 2.2% ---	16 5.6% ---	4 1.9% ---	20 6.9% +++	95 4.2% ---	5 1.4% ---	27 5.2% +	0 0.0% ---	32 9.8% +++	17 6.3% ++	15 4.9% ---
Total responses	4297 100.0%	330 100.0%	459 100.0%	420 100.0%	288 100.0%	236 100.0%	296 100.0%	2259 100.0%	369 100.0%	514 100.0%	459 100.0%	322 100.0%	267 100.0%	303 100.0%

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PUBLIC OPINION SURVEY ON PROSTITUTION - June 1991 - (cb1207-w1)  
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Weighted by area/age/sex  
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 4 JUL 91

Table 26  
 Q9: Minimum Age for Prostitution

BASE: All Respondents

	TOTAL QUEENSLAND	TOTAL QUEENSLAND	AREA					SEX (OLD)		SEX (MELB)	
			SOUTH		CENTRAL		WESTERN		FAR	MALE	FEMALE
			EAST	QUEENSLAND	QUEENSLAND	QUEENSLAND	QUEENSLAND	QUEENSLAND			
Sample Size	1839	1533	300	300	302	300	300	300	300	754	779
Population (1000's)	4297	2037	930	270	262	276	299	2259	1013	1024	1154
16 (Age of consent)	110 2.8% ****	56 2.7%	31 3.3%	7 2.6%	7 2.6%	4 1.3%	8 2.5%	54 2.4%	42 4.2% ++	13 1.3%	21 2.8% 1.9%
18 (Adulthood)	1803 42.0% ****	851 41.8%	400 43.0%	111 41.2%	105 40.0%	103 37.5%	132 44.0%	951 42.1%	503 49.7% ++	348 34.0%	546 48.4% 35.1%
21 Years of age	1443 33.6%	692 34.0%	320 34.3%	92 33.9%	89 34.0%	101 38.6%	91 30.4%	751 33.2%	330 32.5%	362 35.4%	408 31.0% 35.4%
25 Years of age	720 16.8% ****	327 16.0%	132 14.2%	49 18.0%	46 17.5%	45 16.4%	54 18.2%	394 17.4%	92 9.0% --	235 22.9% ++	253 12.7% 22.0%
None of these	120 2.8% ****	82 4.0%	39 4.2%	9 3.2%	12 4.5%	14 5.2%	7 2.5%	39 1.7%	34 3.3%	48 4.7% ++	28 0.9% --
No response/Don't know	101 2.4% ****	30 1.5%	8 0.9%	3 1.1%	3 1.3%	8 3.0%	7 2.3%	71 3.2%	13 1.2% --	17 1.7%	33 3.0% 3.3%
Total responses	4297 100.0%	2037 100.0%	930 100.0%	270 100.0%	262 100.0%	276 100.0%	299 100.0%	2259 100.0%	1013 100.0%	1024 100.0%	1154 100.0%

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PUBLIC OPINION SURVEY ON PROSTITUTION - June 1981 - (cb1207-w1)  
Queensland/Melbourne  
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Weighted by area/age/sex  
4 Jul 91

Table 26

09: Minimum Age for Prostitution

BASE: All Respondents

	AGE GROUP (QLO)										AGE GROUP (MELB)				
	18-24	25-34	35-44	45-54	55-64	65+	TOTAL	QLO	MELB	18-24	25-34	35-44	45-54	55-64	65+
Sample Size	1833	1533	173	350	372	256	168	210	300	58	93	76	31	17	23
Population (1000's)	4297	2037	330	459	420	288	236	296	2259	369	514	459	322	267	303
16 (Age of consent)	110	56	5	18	9	5	8	11	54	16	22	5	0	0	11
	2.8%	2.7%	1.5%	3.9%	2.2%	1.7%	3.3%	3.6%	2.4%	4.2%	4.2%	1.2%	0.0%	0.0%	3.7%
18 (Adulthood)	1803	851	171	177	197	128	69	102	951	195	217	198	115	111	105
	42.0%	41.8%	51.8%	38.6%	46.6%	44.6%	29.4%	34.5%	42.1%	52.7%	42.2%	43.2%	35.5%	41.7%	34.6%
21 Years of age	1443	592	106	182	137	94	93	80	751	90	156	174	145	82	108
	33.6%	34.0%	32.2%	39.6%	32.5%	32.5%	39.6%	27.0%	33.2%	24.3%	30.3%	37.9%	45.1%	23.6%	35.8%
25 Years of age	720	327	37	65	65	37	55	59	391	58	81	59	52	93	41
	16.8%	16.0%	11.3%	14.1%	15.4%	12.8%	23.2%	23.2%	17.4%	15.9%	15.7%	15.1%	16.1%	34.7%	13.6%
None of these	120	82	5	14	9	22	6	25	39	0	28	0	11	0	0
	2.8%	4.0%	1.5%	3.0%	2.1%	7.7%	2.6%	8.4%	1.7%	0.0%	5.4%	0.0%	3.3%	0.0%	0.0%
No response/Don't know	101	30	5	4	5	2	4	10	71	10	11	12	0	0	37
	2.4%	1.5%	1.6%	0.8%	1.1%	0.7%	1.8%	3.4%	3.2%	2.8%	2.2%	2.7%	0.0%	0.0%	12.4%
Total responses	4297	2037	330	459	420	288	236	296	2259	369	514	459	322	267	303
	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%

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## APPENDIX VI

### LIST OF SUBMISSIONS IN THE ORDER RECEIVED

Mr Matthew Townsend

Mr Bill Schultz (2)

A Spicer

Dr Maurice W Dingle

Dr Stephen Mugford Senior Lecturer, in Sociology Australian National University

Mr Arthur Rodger

Mrs Phoebe Carter

A P Ashby

Rev Les Percy, Presbyterian Church of Australia

Mr Robert Fisher Lecturer in Law, University College of Central Queensland

Dr Francis Nigel Lee, Queensland Presbyterian Theological Hall

Ms Jennifer Jones, Peer Educator, SQWISI

Mr John Wakely

Right Rev Dr M M Y Kim, Presbyterian Church of Queensland

Ms Cherelyn P

Mr Rod H Roles

Ms Joan Trewern, Womens' Electoral Lobby, Cairns

D Griffiths

Ms Eunice Hobbs

Ms Vivien Holmes, Department of Law Northern Territory

Mr R C McCorkell and Mr H M Bartlett



Mr B Tucker

Dr Blanche Biggs

Mr David Armstrong

Ms Linda Banach, Women's Legal Service

Mr Robert Edwards

Mr Colin Connell

Ms Diana Gilbert

Mr Grant Whitley

Mr R McKinnon

"Raylee"

Ms Glennis Radovic

The Australian Family Association, Queensland Branch

Mr Roger Kuhl

Ms Agnes M Whiten

Mr Karel Duivenvoorden

"Jackie"

Secretariat of Queensland Association of Independent Legal Services

Self-Health for Queensland Workers in the Sex Industry (SQWISI)

Ms Barbara Sullivan, Lecturer in Political Science, University of Queensland,  
Department of Government

Mrs Anne Iselin

Halina J Netzel

Lesley Millar

Canon Jeffrey R Roper, Church of the Holy Spirit, Anglican Parish of Kenmore

Mr Tom Baker

Mr Andrew Bartlett, Secretary, Australian Democrats Secretariat, Queensland Division

Professor Eileen M Byrne, Professor of Education Policy Studies, University of Queensland

Mr John D Godby, General Secretary, Churches of Christ in Queensland

Ms Dianne Soon and Ms Narelle Sutherland, Queensland Council for Civil Liberties

Hon Secretary of the National Council of Women of Queensland

The Chaplaincy Centre, The University of Queensland

Caxton Legal Centre Inc

St George's Rectory

The Archbishop of Brisbane, The Most Reverend Peter Hollingworth, Anglican Church of Australia

Catholic Social Welfare

Reverend Father Peter Murnane, Dominican Friars

Mrs Christina Purnell

Ms Hazel J Blanch

Ms Vera Kerr

A R Singh

Mrs Jennie Murrell

Mrs Audrey Hall and Mr J H Hall

Mrs Tracey

Ms Hilda Reid

Mrs S A Stevens

Mr Geoffrey Warrington

Mr John F Blundell

Mr Colin Lyons

Nancy Leighton and Terry Lilienfield, Children By Choice

Mr Michael Lane, Queensland Intravenous AIDS Association QuIVvA

Ms Fiona Patten, Workers In Sex Employment in the ACT, WISE

Dr Ron Weitzer, Assistant Professor, The George Washington University,  
Department of Sociology

Rev W B Stratford, Joint Church Social Justice Group

Ms Gabrielle Geradts

Mr Ludo de Lathouder

Ms Mandy Cox, Women's Health Centre, comments by Women for Tomorrow  
accompanied this Paper

Ms Megan Venn-Brown, SCIVVA AIDS Awareness Project

Mr L J Johnston

Ms Jeannette Baldwin, Australian Federation of AIDS Organisation - AFAO

St Vincent De Paul Society Kenmore Conference

Mr R M Claire

Dr Peter Stanley, Queensland Health

Mr Gavin Rebetzke

Ms Annamaria De Gregorio

Mrs Gladys I Freiberg

Ms Cheryl Kernôt, Australian Democrat Senator for Queensland

G Muller

Ms Kay Hinrichsen

Mr Gary and Mrs Ann Rieck

Mrs Marie F Warren

Mr Kerry P Hay

Support Information Education Referral Association - (SIERA)

Ms Anne Nuhn

Mrs Fran Shute

Mrs E Brown

Mrs G L F Freiberg

Mrs J A Stegert

Ms Roberta Perkins, Senior Researcher AIDS-Prostitution Project for PROS  
Prostitutes' Rights Organisation for Sex Workers

Mrs Isabel Hobbs

Mrs L Gnech

Very Rev Dr K J Gardner, The Presbyterian Church of Queensland

Twelve confidential and three anonymous submissions were received.

## **APPENDIX VII**

### **APPENDIX TO CHAPTER NINE**

#### **Extract from Report from Community Panel on Prostitution, Final Draft April 1991, Government of Western Australia**

##### **Definitions**

These definitions are for the purposes of this chapter.

- |                        |   |   |
|------------------------|---|---|
| Prostitution           | - | The provision of sexual services by individuals for financial or other material gain.   |
| Brothel                | - | Premises maintained for the purposes of prostitution in which three or more sex workers operate.  |
| Self employed operator | - | A self employed sex worker who operates in or from private premises and who alone or with one other self employed sex worker offers such a service from those premises.   |
| Soliciting             | - | The invitation to prostitution in a public place.   |
| Escort agency          | - | A service that is established for the purposes of introducing people for possible prostitution or a service that facilitates prostitution.  |
| Natural person         | - | A legal person other than a company.  |
| HIV infection          | - | Infection by the Human Immunodeficiency Virus.  |
| AIDS                   | - | Acquired Immune Deficiency Syndrome is the disease which follows impaired immunity by HIV.  |
| STD                    | - | Sexually transmissible disease.   |
| Single operator        | - | A sex worker who operates in or from private premises and is the only person offering such a service from those premises. This term was used in the previous report and has now been replaced by the term 'Self Employed Operator'. |

## **Recommendations**

### **6.1 Community Consultation - Public Discussion**

#### **Recommendation 6.1**

That the report and recommendations of the Community Panel on Prostitution be available for community discussion and debate before any changes or legislation are introduced. That public comment should close on 31 December 1990.

### **6.2 Licensing Board**

#### **Recommendation 6.2.1 (Amended)**

That a Licensing Board be appointed to register premises used as a brothel or escort agency and to license the owner/managers of these registered brothels or escort agencies: a brothel being premises maintained for the purposes of prostitution in which three or more sex workers operate.

That this Board establishes rules and regulations with regard to the management of brothels and on-going health education for workers in the industry.

#### **Recommendation 6.2.2 (Amended)**

That the Membership of the Licensing Board is to comprise:

- Chairperson - legal practitioner appointed by Cabinet.
- The Commissioner of Police or nominee.
- Medical practitioner nominated by the Commissioner of Health.
- Representative of women's interests.
- Elected representative from the industry (management).
- Representative from the industry (worker).

#### **Recommendation 6.2.3**

The Licensing Board will be directly responsible to the Minister administering the Act.

## **Recommendation 6.2.4 (Amended)**

### **Requirements of Premises**

- a. That the application complies with Local Government and State Planning regulations.
- b. That the premises comply with all requirements of the *Local Government Act* and the *Health Act* and other relevant legislation.
- c. That an annual registration fee be collected.
- d. That a reasonable limit on the size and the number of premises be considered.
- e. That the Board should limit the number of licenses available to each individual. (Non conforming use should be extended for those currently under containment).

### **Requirement of Licensee**

- f. That the applicant is clearly of a good character (this may require Police Record check).
- g. That premises must be owned by natural persons who should be the licensee.
- h. That there is no involvement of organised crime.
- i. That pimping does not occur.
- j. That registered owners maintain records of people working on the premises and monitor their health checks.
- k. That no drugs be required to maintain adequate health standards.
- l. That owners be required to maintain adequate health standards.
- m. That current operations working satisfactorily under Containment should be given consideration to continue to operate under the proposed licensing system.

### **Recommendation 6.2.5**

That a small secretariat be established to administer effectively the Board. Wages for the Officers, accommodation costs, allowances for Board members and incidental costs would be covered by exacting an annual fee on licence holders. The annual fee should be charged on a sliding scale depending on the size of the operation.

## **6.3 Changes to the Existing legislation**

### **Recommendation 6.3.1 (Amended)**

- a. That it is an offence for either a sex worker or client to solicit in a public place for the purposes of prostitution.
- b. That it is an offence to advertise explicit sexual services.
- c. That the measures designed to prevent and protect minors from corruption should be revised and updated.
- d. That measures be designed to protect all persons from coercion or force to become or remain engaged in prostitution.
- e. That the practice of running a brothel or an escort agency outside the controls of the Board is an offence.

## **6.4 Health**

### **Recommendation 6.4.1 (Amended)**

That the Health Act be amended to require the owners of premises registered for purposes of prostitution to maintain and enforce adequate health standards.

That these include regular health checks for all workers in the industry and the drafting of a *Code of Practice* which would include condom use.

Adequate health standard would include the regular health checks for all workers in the industry.



## **6.5 Local Government**

### **Recommendation 6.5.1 (Amended)**

That the *Town Planning and Development Act* be amended to allow for Councils to zone that premises registered for the purposes of prostitution be allowed in particular zones, e.g. business, light industrial or industrial and that premises registered for the purpose of prostitution should not be allowed in residential zones.

The decision to allow home occupation use for self employed sex workers should be at the discretion of the Local Government Authority.

### **Recommendation 6.5.2**

Deleted.

### **Recommendation 6.5.3**

That existing premises under Containment be subject to non-conforming use provisions under Town Planning Schemes which are to be accommodated by the Department of Planning, Local Authorities and the Licensing Board.

## **6.6 Police Powers**

### **Recommendation 6.6.1 (Amended)**

That the Police should be granted special powers which are appropriate and limited and which include entry to premises registered for the purposes of prostitution.

The Commissioner of Police should be asked to designate special officers to whom sex workers should have access.

## **6.7 Other Options**

### **Recommendation 6.7.1**

That in the event that State Cabinet decides not to implement the above recommendations, then at the very least, the current containment policy and a list of those premises operating under Containment should be written down and available for public perusal.

## **Discussion**

### **6.1 Community Consultation - Public Discussion**

#### **Recommendation 6.1**

That the report and recommendations of the Community Panel on Prostitution be available for community discussion and debate before any changes or legislation is introduced. That public comment should close on 31 December 1990.

#### **Public Comment**

An extension of time for public comment to 31 January 1991 was announced in a press release issued by the Minister when the Report was released.

#### **Panel Comment**

Individuals and groups who contacted the Panel requesting additional time to prepare submissions were advised that late submissions would be accepted.

All submissions received by 7 March 1991 were considered by the Panel.

#### **Recommendation 6.1**

No Change.

### **6.2 Licensing Board**

#### **Recommendation 6.2.1**

That a Licensing Board be appointed to register premises used for the purposes of prostitution (brothels, escort agencies or single operator's premises) and to license the owner/managers of these registered premises. That this Board establish rules and regulations with regards to the management of prostitution.

#### **Public Comment**

Appeared to be general acceptance of the principle of a Licensing Board. A minority of submissions were totally opposed to a Licensing Board because they felt that the industry should be self regulatory.

A number of submissions expressed the opinion that up to two workers should be able to operate as a single operator.

### **Panel Comment**

The Panel agrees with up to two workers operating as self employed operators and the definition of a brothel has been changed to "premises maintained for the purposed of prostitution in which three or more prostitutes operate".

#### ***Recommendation 6.2.1***

That a Licensing Board be appointed to register premises used as a brothel or escort agency and to license the owner/managers of these registered brothels or escort agencies. A brothel being premises maintained for the purpose of prostitution in which three or more sex workers operate.

That this Board establishes rules and regulations with regard to the management of brothels and on-going health education for workers in the industry.

#### ***Recommendation 6.2.2***

That the membership of the licensing Board is to comprise:

- Chairperson - legal practitioner appointed by Cabinet.
- The Commissioner of Police or nominee.
- Medical practitioner nominated by the Commissioner of Health.
- Representative of women's interests.
- Elected representative nominated by the Minister for Local Government.
- Community member.
- Representative from the industry (management).
- Representative from the industry (worker).

## **Public Comment**

### **General Support**

The composition of the Licensing Board was referred to in a number of submissions -

Some of the areas of concern were:

- that a representative of women's interests would not share the same philosophy as female sex industry workers;
- that the medical practitioner should be a specialist in venerology or public health;
- that representation from the sex industry should include male, female and transexual representatives;
- that police presence would not be required on the Board once industry is decriminalised;
- that owners and managers should be represented. Town Planning should be represented.

### **Panel Comment**

The Panel supports the the view that the Board's membership should include a representative from brothel management as well as a worker representative.

The Department of Planning and Urban development (Town Planning) will be involved in Local Authority's Town Planning Schemes which would establish the appropriate locations for brothels. Any appeal under the Town Planning Scheme to the Minister for Planning would have advice from the department. For this reason the panel does not believe it is necessary to have a representative from the Planning and Urban development on the licensing Board.

### ***Recommendation 6.2.2***

That the Membership of the Licensing Board is to comprise:

- Chairperson - legal practitioner appointed by Cabinet.
- The Commissioner of Police or nominee.
- Medical practitioner nominated by the Commissioner of Health.
- Representative of women's interests.

- Elected representative nominated by the Minister for Local Government.
- Representative from the industry (management).
- Representative from the industry (worker).

### **Recommendation 6.2.3**

The Licensing Board will be directly responsible to the Minister administering the Act.

### **Public Comment**

Many of the submissions commenting on this recommendation were of the opinion that the Act should not be administered by the Minister for Police. However the Commissioner for Police stipulated that the Board must be under the Minister for Police.

Some other proposals were that the Ministers for Health, Local Government, Justice, Community Services, Human Rights (sic) or Attorney-General should be responsible for administering the Act.

### **Panel Comment**

The Panel believes this is a decision which should be made by Cabinet.

### **Recommendation 6.2.3**

No Change.

### **Recommendation 6.2.4**

That in considering applications for a license, the Board should consider the following:

#### **Requirements of Premises**

- a. That the application complies with Local Government and State Planning regulations.
- b. That the premises comply with all requirements of the *Local Government Act* and the *Health Act* and other relevant legislation.
- c. That an annual registration fee be collected.
- d. That a reasonable limit on the size and the number of premises be considered.

- e. That the Board should limit the number of licences available to each individual. (Non conforming use should be extended for those currently under containment).

#### Requirement of Licensee

- f. That the applicant is clearly of a good character (this may require Police Record check).
- g. That premises must be owned by natural persons who should be the licensee.
- h. That there is no involvement of organised crime.
- i. That pimping does not occur.
- j. That registered owners maintain records of people working on the premises and monitor their health checks.
- k. That no drugs be required to maintain adequate health standards.
- l. That owners be required to maintain adequate health standards.
- m. That current operations working satisfactorily under Containment should be given consideration to continue to operate under the proposed licensing system.

#### **Public Comments**

- The requirement that the premises be owned by the licensee is too restrictive. This is not a requirement in other businesses.
- Most businesses are owned by corporations and the natural persons requirement is seen to be restrictive.
- Occupational Health and Safety Regulations should apply to premises.
- Owners and managers should be licensed;
- Acknowledgement should be given to single operators to ensure they do not go underground.
- Premises currently under Containment should be given 3-12 months to comply with the new regulations.
- Since alcohol is not illegal it should be allowed.

- 'Good character' is difficult to define.
- Some opposition to giving special consideration to the current brothel owners working under containment.

#### **Panel Comment**

- Premises will have to be under the control of the Licensee and this must be a natural person.
- All legislation which is current in this State will apply to the premises including Occupational Health and Safety Legislation.
- Multiple license ownership is undesirable and it is appropriate for the Board to regulate the number of licences.

#### ***Recommendation 6.2.4***

##### **Requirements of Premises**

- No Change.
- The premises comply with all requirements of the *Government Act* and the *Health Act* and other relevant legislation.
- No Change.
- No Change.
- No Change.

##### **Requirement of Licensee**

- No Change.
- No Change.
- No Change.
- No Change.
- No Change.
- No Change.
- No Change.
- No Change.

- m. That current operations working satisfactorily under Containment should be given consideration to continue to operate under the proposed licensing system.

#### **Recommendation 6.2.5**

That a small secretariat be established to administer effectively the Board. Wages for the Officers, accommodation costs, allowances for Board members and incidental costs would be covered by exacting an annual fee on licence holders. The annual fee should be charged on a sliding scale depending on the size of the operation.

#### **Comment**

The opinion was expressed that the charges levied to run the Secretariat may disadvantage workers if the charge is passed on to them by the owner/manager.

#### **Recommendation 6.2.5**

No Change.

### **6.3 Changes to the Existing Legislation**

#### **Recommendation 6.3.1**

That criminal provisions relating to prostitution, sex workers and prostitution-related activities be removed from the *Criminal Code*; the *Police Act*; and the *Local Government Act*.

The existing offences should then be replaced with the following new offences:

- a. That it is an offence for either a sex worker or client to solicit in a public place for the purposes of prostitution.
- b. That it is an offence to advertise explicit sexual services.
- c. That the measures designed to prevent and protect minors from corruption should be revised and updated.
- d. That measures be designed to protect all persons from coercion or force to become or remain engaged in prostitution.
- e. That the practice of running a brothel or an escort agency outside the controls of the Board is an offence.



### **Public Comment**

- It should be an offence for a licensee to permit unregistered workers to work from premises and unregistered workers would also commit an offence.
- The offence should be expanded to include men, women and juveniles from coercion etc.
- Need to be careful about the definition of soliciting as it applies to this new offence.

### **Panel Comment**

Changes have been made to the Recommendations following consideration of the Public Comment.

#### ***Recommendation 6.3.1***

- a. That it is an offence for either a sex worker or client to solicit in a public place for the purposes of prostitution.
- b. No Change.
- c. No Change.
- d. That measures be designed to protect all persons from coercion or force to become or remain engaged in prostitution.
- e. That the practice of running a brothel or an escort agency outside the controls of the Board is an offence.

## **6.4 Health**

#### **Recommendation 6.4.1**

That the *Health Act* be amended to require the owners of premises registered for purposes of prostitution to maintain and enforce adequate health standards. That these include regular weekly health checks for all workers in the industry and the drafting of a *Code of Practice* which would include condom use.

### **Public Comment**

- Weekly health checks are excessive. Monthly to three monthly seen as adequate. Statistic quoted on the low incidence of STDs amongst sex industry workers in Australia.

- Terms 'adequate health standards' and 'health checks' require definition.
- Should not be the role of the owners to enforce adequate health standards.
- Clients should be educated to be responsible for their own health.
- Concern expressed about who should carry out health checks; STD Clinic, Health Department etc.
- Local Government does not want the responsibility to administer the personal health checks. Sex workers have been proven to be responsible in the area of health.

#### **Panel Comment**

The following changes to the Recommendations have been made following consideration of the Public Comment.

#### ***Recommendation 6.4.1***

That the *Health Act* be amended to require the owners of premises registered for purposes of prostitution to maintain and enforce adequate health standards.

That these include regular health checks for all workers in the industry and the drafting of a *Code of Practice* which would include condom use.

Adequate health standard would include the regular health checks for all workers in the industry etc.

### **6.5 Local Government**

#### ***Recommendation 6.5.1***

That the *Town Planning and Development Act* be amended to allow for Councils to zone that premises registered for the purposes of prostitution be allowed in particular zones, e.g. business, light industrial or industrial and that premises registered for the purpose of prostitution should not be allowed in residential zones (except in the case of home occupation use).

#### **Public Comment**

- Any amendment to the Act should be preceded by consultation with Local Councils.
- Premises should be registered not licensed.

- Inconsistency between local governments - State Government to override local government decisions.
- Need to consider 'collectives' as distinct from 'brothels' so that 1-3 women can work together as a collective.
- No prostitution in residential areas.

#### **Panel Comment**

- Prostitution other than in a brothel would be under the control of the Local Authority through the Town Planning Scheme.
- Running a brothel in a residential area is a non permitted use of premises.
- Consideration has been given in Recommendation 6.2.1 to increase the number of women from one to two who can work together without being classified a brothel.

#### **Recommendation 6.5.1**

That the *Town Planning and Development Act* be amended to allow for Councils to zone that premises registered for the purposes of prostitution be allowed in particular zones, e.g. business, light industrial or industrial and that premises registered for the purposes of prostitution should not be allowed in residential zones.

The decision to allow home occupation use for self employed sex workers should be at the discretion of the Local Government Authority.

#### **Recommendation 6.5.2**

That premises licensed for the purposes of prostitution be treated as any other small business or home occupation and that owners accordingly must abide by all Town Planning rules and regulations.

#### **Public Comment**

- Generally supported
- Premises registered not licensed.

#### **Recommendation 6.5.2**

This recommendation should be deleted because it has been covered in the amendments made to Recommendation 6.2.4.

### **Recommendation 6.5.3**

That existing premises under Containment be subject to non-conforming use provisions under Town Planning Schemes which are to be accommodated by the Department of Planning, Local Authorities and the Licensing Board.

#### **Public Comment**

- Existing premises under Containment be permitted up to 12 months to establish premises which conform to the standards required of other new businesses - including Health and Safety Regulations.
- Existing brothels should not be given any special preference.

### **Recommendation 6.5.3**

No Change.

## **6.6 Police Powers**

### **Recommendation 6.6.1**

That the Police should be granted special powers which are appropriate and limited and which include entry to premises registered for the purposes of prostitution.

The Commissioner of Police should be asked to designate special officers to whom sex workers should have access.

#### **Public Comment**

- No need for 'special powers' for police in an industry which has been legalised.
- Police already have sufficient power to enforce the law.
- Should be treated like other businesses.
- Police submission support this recommendation.

#### **Panel Comment**

Due to the nature of prostitution as an occupation and the potential for violent and criminal activity the Panel believes there is a need for some special police powers.

***Recommendation 6.6.1***

That the Police should be granted special powers which are appropriate and limited and which include entry to premises registered for the purposes of prostitution.

The Commissioner of Police should be asked to designate special officers to whom sex workers should have access.

**6.7 Other Options**

***Recommendation 6.7.1***

That in the event that State Cabinet decides not to implement the above recommendations, that at the very least the current containment policy and a list of those premises operating under Containment should be written down and available for public perusal.

**Comments**

- Generally supported.
- On-going discussion and investigation could also be an alternative.

***Recommendation 6.7.1***

No Change.

V. R. Ward, Government Printer, Queensland—1991



