



Phone – 02 9326 9455
Fax – 02 9326 9870
Post – P. O. Box 261,
DARLINGHURST NSW 1300
Street - Level 3,
154 Albion Street, SURRY HILLS
Email – info@scarletalliance.org.au
Web – www.scarletalliance.org.au

Ms Wendy Harris
Acting Deputy Director, Research
Crime and Misconduct Commission
GPO Box 3123
Brisbane Qld 4001
ProstitutionActReview2010@cmc.qld.gov.au

27th January 2011

To Ms Harris,
Thank you for the opportunity to have input into this, the third CMC investigation into the sex industry laws in Queensland.

We understand that the questions of your review are related to:

- ensuring the quality of life for local communities;
- safeguarding against corruption and organised crime;
- addressing social factors which contribute to involvement in the sex industry;
- ensuring a healthy society and;
- promoting safety.

We understand that the questions being put to sex workers to are:

- Have there been any changes in the achievement of the above principles since the last CMC report (roughly 3 years ago)?
- Are there any new and emerging issues in the prostitution industry in Queensland?

As with previous submissions to the Queensland Crime and Misconduct Commission, Scarlet Alliance's main concern is that licensing the sex industry simply doesn't work. It is expensive, encourages non-compliance and has no benefits for those complying and many deficits that detract from its implementation.

The main new and emerging issues that we would like to bring to the CMC's attention is the over-policing of private sex workers in Queensland. This has opened the door to corruption and should be of considerable concern to the CMC.

A positive step forward has been the opening of Respect Inc, which has created a voice for sex workers and our issues. We enthusiastically endorse the Respect Inc submission and look forward to giving verbal evidence to your team.

Elena Jeffreys,
On behalf of Scarlet Alliance, Australian Sex Workers Association

Why the Queensland licensing/registration model is not effective

Scarlet Alliance does not support the Queensland licensing/registration model of Sex Industry regulation. This submission provides the basis for our recommendation that this model should not be introduced into other states and should not be considered a successful model on which to base sex industry regulation.

The Queensland Sex Industry regulation model:

- Is inherently expensive and requires a long term commitment by the state government to resource the Licensing Authority. In 2002 approximately 80% of the Prostitution Licensing Authority (PLA) income was provided by Government grants. In 2006 approximately 45% of the Prostitution Licensing Authority was still carried by Government grants. The system has cost over \$6 million to operate and is still does not self-sustain through licensing fees.
- Requires a high level of administration and compliance function. This function is high as the model is complex and does not promote compliance.
- Promotes the development of a two-tier sex industry:
 1. the legal sector or those that can comply, and
 2. the illegal sector made up of the majority, who are unable to meet the excessive conditions of compliance.

By 2005, five years after implementation, only 15 brothels had been approved. In 2010, five years later, there are only 25 currently approved.

- Requires a high level police involvement in regulation of the industry maximising corruption risk. Note: the NSW model of regulation was decriminalised in response to high levels of Police corruption and is recognised to have reduced corruption.
- Has required the development of a Police Prostitution Enforcement Taskforce (PETF). In 2005, 74% of complaints received by the PLA were referred to the PETF for response. Scarlet Alliance has consistently received complaints from sex workers about police treatment.
- Does not support best practice occupational health and safety for sex workers (number of rooms, private workers unable to work in pairs, escort agencies illegal, street based sex work illegal etc.)
- Is very costly to the license applicant and creates extreme barriers to compliance. In 2001-2 the average time to process a brothel license application was 231 days. A study of why potential applicants did not apply for a license showed *the information required, privacy invasion* and *fees too expensive* as the top three reasons not to apply.
- Allows the banning of brothels by some councils. This remains a barrier to sex industry businesses operating within the legal, licensed systems. Within two years of implementation 201 towns or areas were granted permission to refuse brothel development applications leaving these areas without legal sex industry businesses and sex workers without employment options in legal sex industry businesses in these areas.

The issues represented here remain consistent barriers to the success of the Queensland licensing model of sex industry regulation even though the model has now been in place for ten years. In 2010, there are still only 25 legal brothels in Queensland leaving the majority of sex industry businesses operating outside of the legal framework.

Recommendations:

- Repeal the licensing system in Queensland
- Repeal the regulations that allow towns under the population of 50,000 to deny brothels a right to exist
- Repeal the requirement for brothels to inspect health certificates
- Repeal mandatory testing
- Decriminalise the sex industry in Queensland

Over-Policing of Private Sex Workers

The activities of the Prostitution Enforcement Task Force (PETF) in entrapping, harassing, arresting and prosecuting individual private sex workers have created massive barriers to the quality of life of sex workers in Queensland; issues that we as a peak body of sex workers we hear about every day.

Privacy, confidentiality, income security, pride, dignity and health all are negatively affected by the ongoing harassment of private workers by PETF.

Much of this goes unreported but is common knowledge in the sex worker community; however we know anecdotally most private workers in Queensland have experienced harassment by PETF posing as clients and trying to get workers to agree to unsafe sexual services.

The quality of life for Queensland sex workers is vastly reduced thanks to the over policing of the industry. Fear, misunderstanding, confusion about the law and distress over financial insecurity dominate the minds of the sex workers who have recently experienced entrapment; regardless of whether PETF secured a criminal charge or not.

We concur with Respect that the deliberate harassment of sex workers of Non-English Speaking Backgrounds is shameful; PETF know that those sex workers are vulnerable because they are less likely to be aware of the laws and their rights. Those sex workers also have the most to lose; and PETF have shown no compassion towards that community.

We concur with Respect that corruption within the police force is inevitable as long as over policing is a characteristic of the industry. In particular PETF have more powers in relation to sex workers than any other police team in relation to other populations in Queensland.

Recommendations:

- Private workers should be able to work in teams rather than having to work alone to comply with the law
- Entrapment should be criminalised
- The criminalisation of sex without prophylactics should be repealed
- The criminal regulation of advertising through the PLA regulations should be repealed
- The legislative focus on encouraging sex worker to exit the industry should be repealed. Sex work is work like any other job and there is no reason to encourage sex workers to leave; like any other job workers will enter and leave as they wish to
- Repeal the laws that make hotel owners third parties to private sex work if/when they know about sex workers hiring rooms

Respect Inc. Opens Its Doors

The collaboration between Crimson Coalition (South Queensland) and United Sex Workers North Queensland has been a historically successful relationship contributing to the diversity, stability, sustainability and transparency of a new and dynamic state wide sex worker service, Respect Inc.

This organisation has changed the landscape of sex workers representation in Queensland, Australia, and the world, and provides an invaluable genuine and democratic sex worker voice in ways that no other individual or group can. This has improved the prospects of sex workers' health and safety, and also will have a positive impact on sex workers policy now and in years to come.

Recommendations:

- Respect Inc be recognised as the peak expert body on sex worker issues in Qld
- Future CMC inquiries engage Respect Inc to develop a consultation plan with sex workers in Qld to allow for time frames and resources to properly get a sex worker perspective
- Respect Inc be funded by the CMC and relevant policy bodies to attend relevant international conferences whenever possible in order to expose their staff and leadership to policy developments worldwide