

## Issue 60 – August 2011

### CMC report into the effectiveness of the *Prostitution Act 1999*

The Crime and Misconduct Commission (CMC) report into the effectiveness of the Prostitution Act, *Regulating Prostitution: A follow-up review of the Prostitution Act*, was tabled on 29 June 2011. The CMC was required to conduct the review by s. 141 of the Prostitution Act.

The CMC has concluded that the Prostitution Act effectively regulates the licensed brothel sector of the sex industry and has praised the Prostitution Licensing Authority (PLA) for its diligence in regulating the sector. The CMC has found that the objectives of the Prostitution Act are generally being met.

The CMC has concluded that there have been no significant changes in the state's sex industry since its last report in December 2004. It does acknowledge a growing trend toward the involvement of migrant sex workers in licensed brothels. This is a reference to Asian specialist brothels. The PLA has found no evidence of sexual servitude at any licensed brothel and the CMC report said that it had uncovered no evidence of sex trafficking or debt bondage.

The CMC has concluded that licensed brothels provide a safe and healthy environment in which prostitution takes place. It has acknowledged that licensed brothels provide the safest working environment for sex workers.

The CMC has found that licensed brothels have a minimal impact on community amenity. This is consistent with the experience of the PLA. It is especially noteworthy that in the 11-year history of the Authority there has not been a single complaint about the impact on community amenity of any operating brothel.

The CMC has reported that the Prostitution Act continues to be effective in safeguarding against corruption and organised crime within the licensed brothel sector. Most people agreed

there appears to be no corruption, and brothel licensees and managers the CMC spoke to all agreed there was no evidence of corruption, including by the PLA. The CMC has said it found no evidence of organised crime involvement with licensed brothels and said that licensees and sex workers denied knowledge of any such involvement. The report did acknowledge that there had been a demonstrated link between the licensed sector and the illegal sector of the sex industry. It referred to the involvement of a brothel licensee (who has since sold her brothel and ceased to be a licensee) in the operation of an escort agency.

The CMC report has acknowledged that it is impossible to estimate the size of the illegal sector of the sex industry or the number of sole operator sex workers in the state. It does say that the consensus appears to be that the size of the illegal sector of the sex industry remains relatively static and that the illegal sector is likely to be larger than the legal sector. The PLA agrees with this assessment.

In terms of addressing social factors contributing to involvement in the sex industry, the CMC has concluded that: "Although the broad framework of the Act appears to be lacking a focus on coordinating strategies to address the underlying factors leading to involvement in prostitution, there are programs in place across government which aim to deal with these causes" (p. 38). In particular, Queensland Health funds a sex worker exit and retraining program. The CMC says that since the disbandment of the Prostitution Advisory Council (PAC), there does not appear to be a body focused on addressing social factors that lead to involvement in the sex industry.

The CMC has made two recommendations in its report:

1. That s. 93 of the Prostitution Act be amended as originally proposed in recommendation 11 of the CMC's 2006 report and as supported by government in its response to that recommendation: namely that s. 93 of the Act be amended to ensure that it covers all advertisements for prostitution, however prostitution is described in the advertisement.

2. That in light of the government's stated commitment to the inter-agency committee proposed in recommendation 25 of the CMC's 2004 report, an inter-agency committee:
  - be established as a Ministerial Advisory Committee (MAC) under the Act, with a legislative obligation to report to the Minister
  - as well as performing the functions proposed in rec. 25/2004, have a broader role to oversee, and report on, the prostitution industry as a whole.

The MAC recommended by the CMC would have a broader focus than the PLA, whose remit is largely focused on the licensed sector of the sex industry. As envisaged by the CMC, the MAC would:

- focus on the sex industry in its entirety
- have a Chair appointed by the Minister and membership would be made up of representatives of key government agencies (with its core members consisting of the PLA, Queensland Police Service and Queensland Health) as well as industry representatives, and possibly community groups
- have an advisory and monitoring role in respect of the sex industry and report annually to the Minister.

The PLA will consider its response to these two recommendations in due course.

The CMC report may be downloaded from its website: [www.cmc.qld.gov.au](http://www.cmc.qld.gov.au).

### SHANTUSI study

Dr James Rowe, Research Fellow, Centre for Applied Social Research, RMIT University, has recently produced a report called, *SHANTUSI: Surveying HIV and need in the unregulated sex industry*. The project looked at the experiences of 145 sex workers in the unregulated sector of

the Victorian sex industry (100 street sex workers, 21 migrant sex workers in illegal 'massage parlours', and 24 private escort workers).

For street sex workers, the factors that led to them selling sex also inhibited their exit - "drug dependence, mental health, past abuse, an absence of supportive networks, a lack of access to educational and employment opportunities, [and] homelessness" (p. 2). Most participants on the streets of St Kilda nominated sex work as their primary source of income, whilst a smaller number nominated income support payments. This would suggest some individuals sell sex on the street to supplement their income support benefits. 73% of these workers reported having regular clients who they had first met on the street but who now contact them via mobile phone.

The report notes that, "violence ... is an ever-present part of the street scene" (p. 61). It refers to the illegal nature of street sex work and the fact that these individuals must ply their trade in dark and isolated residential streets. One 31-year-old participant in the study had been on the St Kilda streets since she was 13 and had suffered repeated assaults. She related an especially traumatic experience when she was just 15 or 16 when she was locked in a car, driven to an area of bushland, severely raped, bashed and hit with a car, her money stolen, and left naked, and unconscious.

The author of the study argues that the illicit nature of their work compromises the bargaining power of street workers, which affects their ability to engage in safe sex. Although most of these workers had, "a comprehensive understanding of sexual health", the author said that there was "considerable and concerning evidence of increasing (and increasingly) high-risk sex practices engaged in by street sex workers" (pp. 66 and 67). This was attributed to client demands (reportedly increasing) for unsafe sex and greater competition because of reduced overall demand from clients. Drug dependent sex workers, desperate for their next 'fix', are particularly vulnerable to high risk behaviours. For those street workers who do engage in unprotected sex, Dr Rowe emphasises that for the majority it is, "with marked reluctance" (p. 71). He refers to the constrained nature of choice for these workers: "Of those who agreed to requests for unprotected services, only one did so by *choice* (if choice is making a decision between two viable options)" (p. 72). Still, more than half of street sex workers surveyed in St Kilda said they refused to provide unprotected sex.

Street based sex workers operate openly and are easy to approach to participate in surveys. Conversely, the underground nature of illegal prostitution enterprises makes it extremely difficult to conduct research. As this study demonstrates, locating these enterprises is no easy task, getting them to admit the nature of their activities is nearly impossible, and getting workers to participate in surveys is challenging. After trying a number of strategies researchers in the SHANTUSI study resorted to online forums where men share their experiences of purchasing sex in order to identify the location of premises at which illicit prostitution was occurring. They then engaged in field research by visiting these establishments but in a lot of cases were rebuffed or told that they were legitimate massage businesses. In the end, 21 migrant workers agreed to fill out a survey but a lot of questions were left unanswered. Not a single participant, "admitted to providing sexual services" (p. 2). This would indicate they were aware of the illicit nature of their work. The report refers to the "compromised circumstances" of these workers which makes them more vulnerable to abuse and assault from clients (pp. 110 and 111). The author makes the quite valid point that the illegal nature of their work makes it quite unlikely they would lodge a complaint with the police. For those women working in breach of their visa conditions, to make themselves known to authorities would mean they might be subject to deportation. Unfortunately, there are clients who take advantage of this vulnerability.

The SHANTUSI study identified that private sex workers have a high degree of autonomy. Dr Rowe stated that: "The private workers we met throughout the course of our research negotiated the nature and cost of sexual transactions from a position of greater equality, if not a position of greater power" (p. 119). For eight of the 24 participants, sex work was not their main source of income. A high number of private sex workers (70.8%) reported having been asked for unprotected sex. Seven of these 24 workers, although aware of the risk of STIs, admitted to providing unprotected sexual services when requested. Requests for unprotected services are typically for oral sex.

Dr Rowe has said that client demand is critical in shaping the sex industry. In the absence of client demand for high risk activities, very few sex workers would offer or provide unsafe sex. Sex workers are conscious that staying healthy and well is crucial to their livelihood. They do not want to contract a STI from a client. Clients that demand unsafe sex are reckless and indifferent to the welfare of sex workers and

even their own partners. In Queensland, s. 77A of the *Prostitution Act 1999* makes it a criminal offence for a person to ask a sex worker to provide unprotected sex (including oral sex). Sex workers should continue to resist client demands for unsafe sex. They should not engage in high risk behaviour that might result in them acquiring a STI from a client (which they might then unwittingly pass on to other clients). It is only through safe sex as the norm that low rates of STIs in the sex worker population will be maintained. The more sex workers that give in to client demands, the greater the expectations of clients will be for unprotected services, and the greater the pressure will be for all sex workers to engage in high risk activities. It would become a race to the bottom. Clients should never ask for unprotected sex. Not only are they being recklessly indifferent to their own welfare, but to the welfare of sex workers, and to their partners. **TO ASK A SEX WORKER FOR UNPROTECTED SEX IN THIS STATE IS A CRIME! DO NOT DO IT!**

The SHANTUSI study can be accessed from:  
<http://www.ischs.org.au/Publications/tabid/262/Default.aspx>

## 2011 PLA meeting dates

The PLA Board generally meets on the first Monday of each month. Meeting dates for the remainder of 2011 are: 5 September, 3 October, 7 November, 5 December. *Whilst current at the time of printing, these dates are tentative and subject to change without notice.*

## Vacancies for Approved Manager positions

**Montecito:** 180 Abbotsford Rd, Bowen Hills. Approved manager wanted. We are currently looking for a strong and dynamic person to join our management team. Do you have a professional phone manner with outstanding customer service skills and can time manage as well as multi-task? Excellent working conditions. Please contact Joe on 3852 2057 or email [admin@montecito.net.au](mailto:admin@montecito.net.au).

**Asian Star on Meadow:** We are urgently seeking an approved manager to join our management team. Can be full time or part time. Great conditions and flexible shift. Must be honest with good skills and good phone manner. Please call Carly on 0422023351.

**Please note that approved manager advertisements may be submitted at any time for inclusion in the next edition of the newsletter. They should be emailed to [pladmin@iprimus.com.au](mailto:pladmin@iprimus.com.au).**

• Level 3, 5 Gardner Cl, Milton • GPO Box 3196, Brisbane, 4001 • Ph: 07 3858 9500 • Fax: 07 3876 3641 • E: [pladmin@iprimus.com.au](mailto:pladmin@iprimus.com.au) • W: [www.pla.qld.gov.au](http://www.pla.qld.gov.au)

in touch ... newsletter of the pla