

SSPAN Submission to the Crime and Misconduct Commission
Escort Work in Queensland
April 2005

1. Introducing SSPAN

SSPAN has been meeting for over twelve months and enjoys support from the Queensland Adult Business Association and Scarlet Alliance¹. Our committee currently consists of over a dozen active sex worker members from a spectrum of industry sectors. We have the further support of a contact list of over 60 sex workers, again, from a wide range of industry sectors. Our information and advocacy networks relate to many more sex workers across Queensland. We are engaged in the political process and to date, have met with Judy Spence, Minister for Police and Corrective Services, and intend to meet with the Health Minister and the Queensland Anti-Discrimination Commission in the near future.

2. Crime and Misconduct Commission Research/Consultation Processes

We are happy to have the opportunity to provide a submission into escort work in Queensland, but we are concerned that the CMC discussion paper only addresses the issue in the context of escort services via licensed brothels. This is not the only issue which should be considered in potential legislative change: the private sex workers are too large a group to ignore in future legislative policies.

3. Escort Work in Queensland

SSPAN does not support the legalisation of escort agencies unless current safety, industrial, regulatory and policing issues in the licensed brothel sector and for private workers are addressed. The level of illegal sex work will not be significantly reduced by allowing legal escort work.

The current Queensland sex industry is comprised of a number of different sectors. Whilst legalisation has created a 'legal' sector in the sex industry, our industry continues to operate mostly outside the law. 'Legal' workers, both in brothels and those who work privately, have not been effectively consulted in relation to the success of the legislative regime. Their stories remain unheard. The questionnaire distributed as part of the CMC survey in 2004 did not effectively allow legal workers to have an input into the legislation of which they are subject. Rather than measuring workplace improvement for sex workers, the survey involved a variety of offensive and unnecessarily invasive questions which led many workers not to participate. Questions about violence in people's backgrounds and sexual assault implicitly assume a link between sex work and violence/abuse/sexual assault. Our feedback clearly reveals that this line of questioning

¹ Scarlet Alliance is Australia's Sex Worker Association, see www.scarletalliance.org.au

put many sex workers off responding to the survey. The return rate of just 65 (total) surveys is a disappointing outcome.

Our submission to the inquiry into Escort work is by no means a comprehensive consultation with sex workers in Queensland, however we aim to provide an overview of the issues relevant to our constituents and future law reform.

RECOMMENDATION **In order to fulfil the Government’s promise of an assessment of the legalisation of the Queensland sex industry a comprehensive, confidential and peer-based qualitative study be instituted which prioritises the collection of information about the nature of sex workers’ workplaces, and how they have changed or remained the same since 2000**

4. Private Workers

Private workers are the largest group of sex workers in Queensland. They advertise through print and digital media, and sometimes access clients ‘opportunistically’ on major east coast transport routes.

Private workers were not expressly included in the 1999 laws, therefore their work environment remains unchanged by legalisation. Since the mid 1990s they have been legally able to offer escort services as long as they travel and work alone. More recently, they have been allowed to employ a crowd control licence holder (CCLH) to attend an outcall with them but the CCLH cannot legally drive the vehicle or hold the worker’s money or phone.

To date, discussions with small groups of private workers and the legal brothel sector have been tokenistic. Rigorous probity checks and a lack of control over the disclosure of personal information have prevented many workers from participating in this limited consultation process.

Private workers charge approximately the same prices as the legal brothels, however a private worker keeps the entire amount, effectively twice that paid to brothel workers. Thus private workers see half the number of clients to earn the same income. Private workers also have total control over their work hours, and it is this flexibility that draws workers to regular or intermittent private sex work.

The Police use of deceptive practises is a characteristic of private work in Queensland. About 100 sex workers a year are charged with sex industry offences, and we estimate that half of these are private workers. That is one private worker almost every week of the year. In the tight-knit and supportive community of private sex workers in Queensland, these figures create an environment where private workers work under constant police surveillance and harassment, **never knowing exactly how to comply with the law** and witnessing friends and mentors being charged for offences that some

workers did not know existed. It is impossible for workers to comply with ambiguous and unknown laws.

5. Unclear Laws

5.1 'Doubles'

Given that it is legal for a client to contact two sole operators separately and engage their services for a 'double' the inability of those sole operators to make the arrangements to work together themselves with a client is farcical. Any known client of a sole operator who asks for such services can obtain them very easily. Such petty distinctions do little to encourage either clients or workers to respect and uphold the law.

5.2 Referring Clients

Referring clients to another worker if the solicited worker is unavailable has been construed by the police to be unlawful. It is questionable as to whether such a referral would in fact constitute a breach of legislation; however workers charged have been advised by the police to plead guilty to avoid media attention and have subsequently done so. People have been 'blackmailed' into pleading guilty to dubious charges, untested by the courts, for fear of being 'outed' as sex workers. This does little to promote compliance and increases distrust of police.

5.3 Advice about Ugly Mugs

'Ugly Mugs' are potentially violent and dangerous clients. The current climate of legal uncertainty effectively prevents workers from sharing information about ugly mug clients as it is commonly perceived as illegal. Preventing people from sharing valuable safety information is counter-intuitive. This type of information should be freely communicated between sex workers. If the police are likely to make a policy of charging sex workers for sharing information this is in opposition to best practice occupational health and safety. Given the perceived lack of police protection, sharing information is one of the only ways in which sex workers can feel safe.

5.4 Inability to Network with Other Workers

The inability for sole operators in particular, who make up the majority of the industry, to work together in even a limited way has created a class of isolated workers who are seriously at risk of exploitation and abuse by both police and clients.

Further, sex workers are unable to enjoy basic rights conferred on other workers such as rights to collectively organise in order to contribute to consultative mechanisms or to work to achieve better remuneration and conditions.

Brothel workers are prevented from networking by the limit on the number of workers who can be on premises at any one time. It is inappropriate and inconvenient to organise

workplace meetings away from the workplace, and in any other job this would not pose a problem.

5.5 *Illegality of Collective and Peer-based Models*

Sex workers who wish to work more than one to a premise cannot do so legally unless they apply for a brothel licence. This is practically impossible and inflexible. Sex workers should be able to collectively employ people with their taxed dollars, such as security, receptionists, drivers, cleaners and others.

The best practice model for private workers would include the option of working with others for peer support and occupational health and safety.

As long as each worker maintains a separate business identity, but shares overheads with other workers, we believe that more two or more private sex workers should be able to work together without a brothel licence.

RECOMMENDATION **Two or more sex workers working together should be considered private workers.**

RECOMMENDATION **A review of the grounds on which sex workers are currently being charged should be undertaken with a view to eliminating untested charges. These charges are frequently ‘accepted’ by workers who are under pressure due to privacy concerns. This review should include stakeholders and a representative of the Queensland Anti-Discrimination Commission and would enable policing efforts to be targeted more appropriately at organised illegal operations, rather than people who are already isolated, marginalised, vulnerable, and seen to be an easy target to boost the number of recorded convictions.**

6. Use of Deceptive Practises by Queensland Police

The use of deceptive practices by the Queensland Police in relation to sex workers is frequent. Sex workers are subject to police posing as clients to book doubles, asking workers to refer clients, demanding services without a condom and charging workers for placing ads without the PLA’s prior approval. The arbitrary application of laws which were never intended to be used to harass individual private sex workers, coupled with inconsistent policing **will** lead to corruption over time.

In 1992 the founder of SQWISI Kris Anderson, noted that the Queensland policing of prostitution has historically had little to do with legislation, rather ‘informal influences’ , (political pressures and discretionary police policy) rather than ‘formal influences’

(legislation) have shaped changes in the Queensland sex industry over time. Anderson further notes that ‘the role of the law in changes relating to prostitution is almost irrelevant’ (1992:130).

Private sex workers have always been subject to discretion in police law enforcement. For example, prior to the changes to the 1992 Act, only private workers who worked from their own residences were legal, those who used other premises for work only were charged with ‘keeping’. Police policy only changed in 1988 after a court decision went against them. As stated in their submission to the CJC in 1990, ‘it was no longer possible to prosecute prostitutes who are using premises other than their residence for the purpose of seeing clients, if they are working alone’ (Queensland Police Department, 1990:3). When the laws changed again in 2003, the private residence distinction was removed and today it no longer matters whether a private worker is working from his or her own home. Nonetheless, private sex workers presently operate under the same situation of ‘unofficial’ police policy regarding other aspects of the legislation. Examples discussed above include advertising, drivers, bodyguards, and working with others on doubles. These laws are all subject to change and their arbitrary enforcement has caused widespread distrust towards police.

Private workers need to be regularly informed, in a clear and unambiguous manner, about the current policing policies under the legislation. This is relevant to PLA information as well. The PLA Fact Sheet 001 ‘Prostitution and the law in Queensland’, p.2, demonstrates the type of unclear message which may mislead private workers. It states, ‘A single sex worker must not be found on premises with any other person unless the other person has a current crowd controller’s licence...’ A literal interpretation of this might mean that a sole operator could not have a client on the premises! The legislation states that what is relevant is not who is on the premises but rather whether they ‘knowingly participate, directly or indirectly, in the provision of prostitution by another person’ (Criminal Code ss 22A, 229H).

6.1 *Police Interaction with Sex Workers*

Sex workers who come into contact with police are often subject to abuse of a sexualised nature. Linda Banach (1992:154) found during her 1992 study of Brisbane sex workers that the nature of the offence itself gives rise to police making derogatory and insulting remarks as to the worker’s sexual morality and character. These attitudes were found to exist regardless of whether a sex worker was working legally or illegally (Banach 1992:155). Also noted was the opportunity for exploitative corruption that existed in the form of police pressuring sex workers to have sex with them in return for protection from charges. While Banach (1992:157) noted that post-Fitzgerald Inquiry her informants indicated this was no longer standard practice, as long as police are interacting with sex workers on a discretionary basis, opportunities for corruption and exploitation still exist. As discussed above, many sex workers operate in ‘grey’ areas of legality, and as always, those who are most prone to exploitation are the people with the least power and resources; the marginalised include sex workers who are underage, non-English speaking, and illegal immigrants.

There is little reason why the enforcement of prostitution legislation should still be a police matter. If the legal industry is being efficiently regulated by the PLA why couldn't the PLA be mandated and funded to enforce all prostitution-related laws?

Private workers are effectively in limbo, being neither legal nor illegal under various scenarios. PETF must work hard to gain prosecutions, but at any time any private worker is at risk of police harassment, surveillance and monitoring that may at any time result in a police charge should they discover a small discrepancy in practice. Private workers fall into the 'illegal sector' as a result of policing practices and outmoded laws which are inappropriately and inconsistently applied.

RECOMMENDATION **Police should be removed from regulation of prostitution and for mandate must be undertaken by the PLA. Otherwise, police interaction with sex workers should be non-discriminatory. Education and consultation with worker groups would enable this.**

RECOMMENDATION **While the QPS continues to enforce the legislation and regulate prostitution, private workers need to be regularly informed, in a clear and unambiguous manner, about the current policing policies under the legislation.**

7. Mandatory Health Testing

The CMC noted that 'there is some evidence that voluntary, confidential testing (rather than mandatory testing) is the most effective way to safeguard public health because mandatory testing tends to produce a two-tiered system of registered and non-registered prostitutes, with the latter having limited access to health care' (CMC 2004:31). This was purportedly based on studies in Greece and Germany. SSPAN agrees with this observation. We believe mandatory testing is inappropriate and counterproductive.

RECOMMENDATION **The criminalisation of supply/demand of sexual without a condom/prophylactic does nothing to endorse the use of protection by sex workers. Rather, the laws are only used to further criminalise, harass and prosecute sex workers who are otherwise operating within the law. The criminalisation of unprotected sexual services² should be repealed with a view to implementing peer education and client education instead.**

² The laws were amended at the end of 2003.

8. The Illegal Sector

Brothels, escort agencies, private workers working in pairs or groups, street based sex workers and opportunistic sex workers in Queensland are all policed by PETF (Prostitution Enforcement Taskforce). The majority of sex workers in Queensland are not recognised under the law, and are in a position where recourse to justice, assistance from the police in case of violence, and legal and human rights are denied. Many of these workers are not criminals. Under other scenarios they would not *be* criminals. Many are sex workers who are not covered by the law and as such are without legal and human rights.

The extension of legal escort service provision to the legal brothel sector and legalisation of independent escort agencies will not address the systemic reasons why most workers are still illegal or in a legal grey area. The Government, through the PLA, has attempted to maintain a small and highly regulated brothel sector, but the downfall to this approach has been the exclusion of thousands of sex workers from the legalisation.

The over-regulation of the legal brothel sector has contributed to the inability of many illegal operators to be able to comply with the auspices of the law. Confidentiality, privacy, and disclosure of sex work status deter private workers from applying for brothel licenses to work in collectives. The costs involved are also a huge barrier to participation. Given the transient nature of sex work, that workers who have been in the industry for years will often say that they originally intended to work for only a short time, sex workers who are thinking that they will only be working for a few weeks or months will not be inclined to participate in a highly regulated and expensive exercise which 'locks' them into the industry. CMC figures show (2004:154) that workers in licensed brothels are more likely to say they intend to work for only a short period.

The extension of the current regulation regime is not going to solve any of the problems relating to illegal sex work. The illegal sector will continue to operate, and sex workers will continue to be excluded from the law, whether legal brothels provide escort services or independent escort services are legalised. Queensland legislation discriminates against private sex workers by making it difficult, if not impossible in some cases for sex workers to 'comply' (see anecdotes about deceptive practises), let alone have meaningful input into improving the legal regime.

Sex work is a legitimate income generator for thousands of Queensland's women, men and transgender people. However, in return, their rights are not recognised by Queensland laws. The regulatory regime has only succeeded in bringing a tiny brothel sector under the protection of the law, ignoring the people providing the other 75 % of sex services sought in Queensland.³

RECOMMENDATION **The illegal sector needs to be recognised as flourishing as a result of current Government policy, and can no longer be ignored. Extending legal brothels to include**

³ CMC Report Regulating Prostitution: An evaluation of the Prostitution Act 1999, 2004.

escort services and/or allowing legal escort agencies to operate will not address the issues which have created the illegal sector and which allow it to continue.

9. Peer Education

One of the arguments that have been made in favour of bringing escort workers into the legal framework is that they are difficult to access for health and services (CMC 2005:2). We believe that with effective peer education this barrier will be overcome.

The National HIV/AIDS Strategy recognises peer education as the most effective method of ensuring community prevention of HIV/AIDS and STIs. In Queensland there is currently no funded peer education for sex workers. This is a serious oversight by Queensland Health and leaves Queensland sex workers without effective funded peer education strategies. SQWISI's recent insistence to not prioritise peer education should be considered an embarrassment for Queensland health. The founder of SQWISI, Kris Anderson (1992:132) wrote that 'the overall conclusion is that having workers who have experience in the sex industry is invaluable as a SQWISI worker. Other skills such as office skills, training and education are teachable.' SQWISI has a mandate to provide peer education, but is no longer practising the peer education model.

In a brothel environment there is an informal peer education process that goes on in the amenities room. This includes discussion of condom use, extra services and prices. Although partially recognised, this process is informal and occurs on an ad hoc basis. As such some new workers may not be receiving adequate peer support.

Escort work by its very nature, can be isolating which means that sex workers are alone with the client, without support of co-workers for mentoring, second opinions on health checks, or intervention if the client is difficult. The CMC analysis of whether escort services should be legalised should include looking at peer education to address these health and safety issues in the workplace, be it brothel or escort service provision.

RECOMMENDATION **That Licensed Brothels and Escort Agencies formalise their recognition of peer education, mentoring and support, in particular for newer workers.**

RECOMMENDATION **That Queensland Health be encouraged to adjust/review its agreement for service provision with SQWISI to ensure that measurable outcomes include peer based education initiatives.**

RECOMMENDATION **Newer workers should be mentored (including attending escort bookings in pairs with another, more experienced, worker) before carrying out escort work alone.**

There are clear problems that arise when brothels are given the power to determine occupational health and safety factors for sex workers and the industrial relations environment sex workers in which sex workers operate. We acknowledge that these problems are a result of inappropriate legislation and regulation that has attempted to create an over-regulated brothel sector without giving the legal brothels autonomy to determine their own work practices (such as numbers of workers that can be on premises at any one time.)

10. Safety Issues

10.1 Peer Education and ‘Ugly Mugs’

Clients who develop a reputation in the industry as being difficult or dangerous are colloquially referred to as ‘ugly mugs.’ Some of these clients are regular visitors to brothels, where workers may simply refuse to see them because they have seen them before and know of the problems which may ensue. When these ‘ugly mug’ clients visit a brothel, workers who have seen them before or heard the stories will share information with newer workers about the clients. The information sharing process sometimes results in all workers present at the brothel refusing to see the client. Sometimes a worker will decide to take the booking, having heard the characteristics of the client and feeling informed and aware of the issues that may arise. This sharing of information is informal, but would benefit from regular and consistent formalisation through an ‘ugly mugs’ report.

The lack of a peer based organisation in Queensland and SQWISI’s loss of funding has significantly limited information distribution. Without formal mechanisms such as ugly mug reports, escort workers will not be able to access such information when they are carrying out a client assessment at a remote location. This places escort workers in a potentially dangerous situation.

Private escort workers should also be able to access peer support and safety mechanisms by working with one or two other workers

RECOMMENDATION A regularly updated, peer based ‘Ugly Mugs’ resource should be funded and consistently distributed to ensure safety of escort workers.

10.2 Assessing Clients

Brothel Managers have the responsibility to assess clients when a client enters the premises. This assessment includes judging the level of intoxication that a client may be displaying and also any disability or mental health issues. Current safety procedure (or lack there of) in brothels has resulted in sex workers introducing themselves to clients that they (the worker) subsequently decide not to see.

In some situations extraneous factors (such as working on a slow day or experiencing pressure from a manager) may induce a sex worker to see a client against their better judgement. In a brothel environment if anything goes wrong, procedures such as safety alarms should protect the worker from harm.

In a best practice scenario, sex workers would not be led to see clients who are intoxicated or difficult, whether that be at a brothel or on an outcall basis. The CMC will need to assess how this could be managed in an escort situation? If brothel management are presently operating in a lax manner in relation to client assessment, how will safety strategies be determined once legal escort services begin? Some licensed brothels have implemented safety protocols to address inappropriate and violent behaviour from clients, but anecdotal evidence suggests that it is far from foolproof.

RECOMMENDATION **That a Code of Practice be implemented by those providing and administering outcall services. It should be developed in consultation relevant stakeholders. The Code should include procedures for assessing the state of clients as well as provision of a driver for outcalls. It would be preferential to provide a driver who also acts as a bodyguard. The cost of transport should be met by the agency.**

10.3 *Complaints Mechanisms*

When an unsafe situation comes to the attention of workers, there is no formalised confidential means to report or address it. A best practice scenario would include workers having input into occupational health and safety protocols in the workplace. Some licensed brothels have endeavoured to create a pseudo-confidential complaints mechanism, however results from these systems are not guaranteed. Most licensed brothels require sex workers to make complaints in person. Fear of reprisal may act as a barrier for sex workers to make complaints to brothel management. Workers are more likely to leave an unsafe workplace than stay and attempt to implement change. This means that workplaces remain unsafe.

In other workplaces the division of Workplace Health and Safety can carry out an inspection and suggest/require changes to procedure or practices. In Queensland, however, there is no identity protection for those workers should they wish to make an anonymous complaint (such as 'whistle blowing' legislation). In Queensland, due to legislative and regulatory enforcement by the PLA, a safety complaint is likely to be taken seriously only if there has been a person seriously hurt as a result of bad practice, and the person must use their full name (with no disclosure protection). Workers who are seriously hurt may choose to not place a complaint, due to the fear of stigma and identity disclosure. Address health and safety after a violent or dangerous incident occurs is too

late to protect the worker, and the lack of confidentiality acts as a barrier to workers accessing the complaints procedure.

Recent examples of workers in legal brothels not having made formal complaints as a result of lack of confidentiality include a worker who was choked around the neck by a client (she chose to leave that workplace rather than pursue a complaint), a worker who was raped by a client (the brothel discouraged her from contacting police) and a worker who agreed to be tied up for a few hours by a client although she appeared drug impaired and not in a position to give informed consent. In this case it was other service providers who were concerned for the safety of the person but were told by the manager to mind their own business.⁴

RECOMMENDATION **Sex workers should have access to confidential and anonymous complaints processes, both in the workplace and outside it, and should be covered by ‘whistle blower’ style protection. Workplace Health and Safety should develop and publicise a more formal relationship with brothels in Queensland.**

RECOMMENDATION **That the PLA ensure that their complaints mechanisms are publicised and accessible to sex workers.**

10.4 *STI Checks*

In a brothel environment sex workers carry out an STI check of clients before each and every booking. If the client has visible symptoms or broken skin, it is best practice to ask for another worker to also visually check the client. This is known as the ‘second check.’

The ‘second check’ serves a number of purposes. It allows the worker to have a second opinion and clarification about the nature of the visual symptom or broken skin. The second check also reinforces a decision the sex worker may make (such as refusal to see the client or offering an alternative service). By having another worker confirm such a decision, the sex worker has peer support to be able to deal with the client. This method prevents conflicts from escalating by dealing with them before they have the chance to arise.

In an escort setting (either for private workers complying with current law, or licensed escort agencies who book a single worker to a remote location) there is no other worker available to do a second check or to back up a decision to refuse a client. The driver in this situation must be properly trained to be able to support a sex workers’ decision to refuse a client. Private workers should also be able to work in pairs for peer support in this situation. Their rights should be equal to those of brothel based workers or their safety is compromised significantly.

⁴ Personal Communication to SSPAN 2005

There have been reported instances of clients secretly filming sex workers during bookings in their homes. Workers assessing physical threats when entering premises used by a client including the possibility of being filmed should be supported for refusing clients and educated about identifying such threats.

RECOMMENDATION **Escort drivers should be trained to support sex workers' decisions to refuse a client.**

RECOMMENDATION **Private workers should be able to work in pairs or more to give peer support when the need to refuse a client arises.**

RECOMMENDATION **An assessment of likely threats and strategies for identifying and dealing with clients in non-brothel situations should be developed in consultation with stakeholders and regularly reviewed/updated.**

10.5 *Control over Identity Disclosure to Clients*

In a brothel setting, workers can avoid doing 'introductions' to people they may know. Use of cameras and peep-holes, ensures that a worker can control their confidentiality at work. If it is a person they know, they can opt out of doing that introduction by informing the manager on duty. However, when doing outcalls, escort workers have little control over who they see or don't see.

Private workers use tactics such as asking clients to park in a certain place or telephone them from a visible location external to the workplace so that the worker can see the client from a window without the client seeing them. Use of secure apartments with camera security is also popular.

It follows that brothel workers should be given the option to do outcalls or not. Currently licensed brothels have rules pertaining to shifts available, and workers having to do shifts during quiet periods if they want more than a certain number of shifts per week. The same 'rules' could lead to workers being pressured to do outcalls, at the expense of their privacy and safety.

RECOMMENDATION **Current flaws with the legislation including: brothel safety and private worker isolation must be addressed before legalisation of escort work from brothels can be an improvement to the industry.**

RECOMMENDATION **Peer designed sex worker consultation should be carried out before, during and after any changes to sex industry laws in Queensland.**

RECOMMENDATION **Licensed Brothels that provide escort services should not be able to compel in-house workers to work as escorts.**

11. Privacy Issues

11.1 Registration with the PLA

The CMC (2004:32) note that wherever registration has been tried (e.g. New Zealand) it has increased distrust of police by sex workers and an increase in the number of sex workers operating illegally and therefore had adverse effects on the health and safety of sole operators. Registering sex workers is a breach of their human rights.

Sex workers value their privacy and often go to extreme lengths to keep their sex work status from people close to them and institutions who could discriminate against them. This desire for control over the disclosure of sex work status means that many sex workers will choose to work outside a registration system rather than give their information to another party. Thus sex workers will work illegally rather than have their name on record. Any registration regime will fail due to lack of participation. Registration will actively contribute to the growth of an illegal sector as more sex workers are excluded from working legally. Registration is a breach of privacy.

A persons' sex work status, if known, is a source of discrimination and may prevent individuals from being able to travel. Questions about sex work status appear on many immigration policies across the world. People who are known sex workers have been excluded from entering certain countries.

There is an argument that registration 'protects the client,' particularly in the case of escort work when a client has little way of knowing if the worker who has arrived to see them is genuine and from the escort agency. We wonder from what it is the client is being protected? Clients are not in a high risk group in terms of assault, theft or violence from sex workers. In fact it is more likely that the sex worker will experience theft, assault or violence perpetrated by a person pretending to be a client. Registration of the worker for the protection of the client makes no sense, for it is the worker who is most at risk, not the client.

11.2 Information Held by Brothels

In the PLA Manager's Handbook (p.19) they note that under s 11 of the Prostitution Regulation Act 2000 (Qld) certain records are to be kept for 7 years, including:

s 11(1)(d) the name of each person who provided prostitution at the brothel during the period

(e) the times during which each person who provided prostitution during the period was at the brothel during the period

However, on page 20 in the section on verifying age and identification they suggest that records of real names and addresses may not be necessary. They say that the manager can ‘advise the sex worker that you require photo identification to establish proof of age and that no personal details (eg true name, address) will be recorded, if that is your brothel policy.’ Sex workers should be able to use only their work name on documentation.

We object to personal information being copied and held. A brothel cannot ensure that a workers’ confidentiality can be maintained, and as such there is little incentive for the worker to trust the workplace with other confidentiality issues.

RECOMMENDATION Workers should be able to use pseudonyms on all documentation in licensed brothels.

12. The Number of Workers on Brothel Premises

SSPAN members do not support a limitation on numbers of sex workers on premises or on the books of Escort Agencies.

NSW brothels often have ‘in house’ workers and escorts who nominate which side of the business they want to work on. Others have many workers on each shift, allowing them to send out the one most likely to match the client’s expectations. As expressed above (see 10.5 *Control over identity disclosure to clients*) sex workers should be given the option of where they would most like to work and to work at a number of different agencies should they choose to do so.

13. Conclusion

Sex work is real work, not a criminal activity and needs to be treated as such. The quasi-legal status of the industry in Queensland has done nothing to legitimise sex work generally.

We recognise that reform in our industry is a give-take process, so to promote compliance, workers should be directly consulted in political decisions which affect them for the best possible outcomes.

We hope that the CMC will not ignore the illegal sector in any reform process. The PLA and the CMC appear interested in the legal boutique brothel sector only, and have formerly failed to assess the conditions for all other workers (including privates who are trying to work within the law and are being prosecuted by police anyway). Thus SSPAN does not support the extension of escort services to licensed brothels and independent escort agencies without further examination of the broader issues affecting the entire sex industry.

SSPAN Queensland
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