



**A submission to the  
Queensland Law Reform Commission (QLRC)  
Sex work industry review**

**Queensland Adult Business Association (QABA)**

**June 2022**

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## **Acknowledgement of Country**

The Queensland Adult Business Association respectfully acknowledges and recognises Aboriginal and Torres Strait Islander peoples as the Traditional Owners and Custodians of the lands, winds and waters where we live, learn and work.

# About the Queensland Adult Business Association (QABA)

## **QABA mission statement**

To advocate for the viable development of the Queensland legal brothel industry. For the safety and security of workers, clients, and the community.

## **What we do**

- advocate for 16 of 20 licensed Queensland brothel owners
- advocate for safe spaces under current legislation for independent sex workers to operate
- promote health and safety best practices
- advocate for independent sex worker rights with no coercion.

## **We do not:**

- support or condone illegal activity
- coerce independent sex workers.

## **Executive positions at time of submission:**

- Neil Gilmore - President (MBA) - Licensee of Pentagon Grand for 20+ years
- Rebecca Meynink - Vice President and Treasurer - Licensee of Montecito for 6 years
- Tania Matenga – Secretary - Licensee of Platinum 175 for 6 years and 26 years of industry experience



# Letter to the Queensland Law Reform Commission

## Re: Sex work industry review

On behalf of the Queensland Adult Business Association (QABA), we present a submission to the sex work industry review.

QABA represents 16 of the 20 licensed brothels in Queensland. We advocate for the viable development of the Queensland legal brothel system and for the safety and security of sex workers, clients and the community at large.

However, QABA does not claim to represent all sex work. We advocate and work with brothels; the submission comments on 'sugar daddy' services, but we do not represent this demographic. All types and forms of sex workers are currently represented by associations, including Respect Inc, Scarlet Alliance and QABA. Together we attempt to collaborate to achieve the safety and respect that each sex worker is entitled to.

Existing legislation sacrifices the safety of sex workers in favour of outdated restrictions on brothels. QABA believes that laws regarding sex work should regulate, not control, the industry and should prioritise the safety of the sex workers and clients.

The substance of our submission is driven by *Listening to sex workers: A survey of Queensland licensed brothels*. This research paper is based on a survey of over 100 sex workers within licensed Queensland brothels in August-November 2021.

The survey ensures that up-to-date sex worker knowledge and expertise are part of decisions that may affect their health, safety and livelihood.

QABA welcomes the opportunity for feedback on legislative changes as part of your review.

Yours sincerely

**Neil Gilmore - QABA President**

## How we talk about sex work

The Prostitution Act 1999 ("the Act") refers to the definition of prostitution in the Criminal Code<sup>1</sup> and avoids labelling sex workers as such - but does refer to "a person who provides prostitution". While the legislation governing Queensland legal brothels refers to prostitution, QABA uses the terms sex work and sex worker. Sex worker is the preferred term used by global bodies like the World Health Organization and United Nations, by sex work advocacy and support organisations (including Respect Inc, Scarlett Alliance, and the Australian Sex Workers Association) and most importantly by sex workers themselves.

For the purposes of the QLRC review<sup>2</sup> 'sex work' includes all forms of legal and illegal sex work, including but not limited to sex work in brothels and escort agencies, sexual services provided in massage parlours and other venues, sex work by sole operators and street-based sex work, but does not include an activity authorised under an adult entertainment permit issued pursuant to the *Liquor Act 1992*.

Throughout this survey and analysis we use the term sex worker to refer to those currently working within licensed Queensland brothels (the survey participants). If necessary, we use the term 'service providers' to distinguish between sex workers working within licensed commercial sex work venues and those operating outside of legal frameworks. While it is sometimes necessary to make this distinction, it does not represent a derogatory view of any sex workers not working within licensed Queensland brothels.

**QABA believes every sex worker has the right to safety, security and choice.**

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<sup>1</sup> [http://www5.austlii.edu.au/au/legis/qld/consol\\_act/cc189994/s229e.html](http://www5.austlii.edu.au/au/legis/qld/consol_act/cc189994/s229e.html)

<sup>2</sup> [https://www.qlrc.qld.gov.au/\\_data/assets/pdf\\_file/0007/692026/tor-sex-work-industry.pdf](https://www.qlrc.qld.gov.au/_data/assets/pdf_file/0007/692026/tor-sex-work-industry.pdf)

## Key messages

1. We support the repeal of the Act and the decriminalisation of the industry whilst recognising that it is critical that there be a system of licensing, regulating and policing of all providers of sex to the public.
2. The need for an ongoing licensing system is essential to ensure that currently existing licenses brothel owners are not discriminated against.
3. Any licensing fees should be reduced to a nominal fee.
4. Any new legislation should increase the number of brothels a licensee may have an interest in from one to three. This will allow responsible and successful operators to expand their businesses.
5. Any new legislation should allow brothels to supply outcall services to clients on the basis that it is monitored and therefore safe for all concerned.
6. The current planning laws should be amended to continue to restrict establishments to commercial and industrial areas to ensure safety and privacy for both the sex workers and their clients, whilst providing certainty to existing owners.
7. The location requirements of brothels should be amended to reflect Wollongong's planning controls, including:
  - a. restrictions for certain types of land; and
  - b. other brothel establishments.
8. The advertising guidelines should promote healthy competition between establishments. These amendments should include:
  - a. all sex worker advertising must be 18+;
  - b. sex workers and brothels should have the ability to display video recording of commercial sex venues and the sex workers that does not contain porn-type content; and
  - c. less restrictions on the use of words to comply with an 18+ website.

# 1. Introduction

## 1.1 Licensed sex work in Queensland: highly regulated

Queensland's licensed brothel sector is governed by the *Prostitution Act 1999*. The Act was established 10 years after the findings of Queensland's Fitzgerald Inquiry<sup>3</sup>, the two-year investigation into political corruption and abuse of power which revealed extensive and systemic police corruption and misconduct in the sex industry.<sup>4</sup>

The *Prostitution Act* (the Act) established the Prostitution Licensing Authority (PLA) and a regulatory framework that aimed to:

- eliminate organised crime in the sector
- shield the community from unwanted exposure to the sex industry
- protect the health and wellbeing of sex workers and clients.

In 2011, a report into the licensed brothel sector in Queensland published by the Crime and Misconduct Commission (CMC) report<sup>5</sup> found that:

*...the regulation of the licensed brothel sector continues to be successful. We have seen that licensed brothels:*

- a) have minimal impact on community amenity*
- b) show no evidence of corruption and organised crime*
- c) have access to exit and retraining programs for sex workers who may wish to leave the industry*
- d) provide a healthy environment in which prostitution takes place*
- e) provide a safe workplace.*

Continued regulation of the licensed sector has ensured the ongoing high standard of operation.

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<sup>3</sup> *Commission of Inquiry into Possible Illegal Activities and Associated Police Misconduct*

<sup>4</sup> [2] GE Fitzgerald (1989) *Commission of Inquiry into Possible Illegal Activities and Associated Police Misconduct*, p. 193

<sup>5</sup> Crime and Misconduct Commission Queensland (2011) *Regulating Prostitution: a follow-up review of the Prostitution Act 1999*, p. 46



## 1.2 Complex industry issues under the existing Act

Queensland is widely regarded as one of the least progressive Australian States regarding sex worker legislation.

Since legalisation of brothels in Queensland, there have been two persistent barriers facing legal brothel owners:

- the inability to provide outcalls (where sex workers can leave the brothel premises for client appointments)
- the inability to compete with illegal operators.

These issues were investigated as part of the two reviews that the CMC has undertaken into the Prostitution Act 1999 – the 2004 *Regulating Prostitution: an evaluation of the Prostitution Act 1999* and the 2006 *Regulating Outcall Prostitution*. As a result, some changes were made to the Act, but they did not result in any meaningful change.

The strict conditions that must be met to obtain and maintain a license have resulted in there being only 20 licensed brothels operating across Queensland. It is anecdotally accepted<sup>6</sup> that a significant portion of the sex industry in Queensland continues to operate illegally, flourishing in escort agencies, massage parlours and similar venues. Despite a Queensland Police Prostitution Enforcement Task Force, these venues are entirely unregulated. They are open to the influence of organised crime. They represent a significant risk to the health and safety of sex workers and the community.

The ability of unregulated and illegal operators to flourish and the impact of COVID-19 on licensed operators have affected the financial viability and sustainability of the legal operators.

QABA supports the repeal of the Act and the passing of legislation designed to ensure the ongoing safety, longevity, and viability of the current legal industry.

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<sup>6</sup> [Respect Qld report - https://respectqld.org.au/wp-content/uploads/Decrim/Sex-work-laws-and-workplace-health-and-safety-symposium-Report.pdf](https://respectqld.org.au/wp-content/uploads/Decrim/Sex-work-laws-and-workplace-health-and-safety-symposium-Report.pdf) (accessed 2 August 2021)

## 1.3 Feedback on consultation paper created for the review

Overall, QABA agrees with the matters raised in the QLRC's Consultation Paper. However, it notes the following inaccuracies that may affect assumptions and provides feedback on the following issues.

### A. The Reliance on Respect Inc

The QABA notes the Consultation Paper's seeming reliance on the Respect Inc 2017 report and says that its data is outdated, and in preparing the report, Respect had minimal involvement with the brothel industry.

Additionally, QABA questions the validity of the following references.

- Page 19, figure 1 shows Queensland's sex worker industry by sector. QABA says that the chart is inaccurate. QABA believes that the massage parlours shown at approx. 11% is incorrect, and a more accurate percentage would be 40 to 50%. We base this on feedback on a report given to us in 2021 by a private investigation commissioned by a Gold Coast brothel.<sup>7</sup>
- Page 21, paragraph 3.15 states that only 11% of sex workers who worked with Respect worked in brothels, and none engaged from massage parlours. This reflects the lack of organisational representation and a fragmented support network for sex workers.
- Page 21, paragraph 3.20 cites the 2.1% working in massage parlours as possibly being about 10%. It is referenced as being "from data provided in correspondence from Respect Inc, 2021".

We supplement these issues by presenting our recent report released in 2021, entitled "Listening to Sex Workers: A Queensland Industry Research Report".<sup>8</sup>

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<sup>7</sup> Complete Corporate Services – Interim Report dated 10 November 2020

<sup>8</sup> Appendix 1

## B. Brothel Location

QABA disagrees that brothel locations in industrial areas are unsafe for sex workers due to poor lighting and lack of public transport and<sup>9</sup> disagrees with the assertions that being distant is unsafe. Anecdotal evidence suggests most sex workers do not use public transport (as part of safety precautions). Additionally, QABA disagrees that prohibiting public solicitation increases risks<sup>10</sup>.

All brothels are required to have CCTV footage to cover all 'entry and exit' points which requires them to have more than adequate lighting for viewing, which is audited every 12 months.<sup>11</sup> QABA recommends that these restrictions should not be amended as they provide safety to both the sex workers and clients.

Furthermore, the rationale behind locating legal brothels in commercial and industrial areas has not changed.

## C. Advertising

Note that QABA does not request access in the Advertising Guidelines to billboard advertising or to sponsor public events.<sup>12</sup> See section 1.4 of this submission.

## D. Framework

QABA disagrees that removing licensing might remove competitive disadvantage.<sup>13</sup> The current regulatory system restricts brothels to industrial areas and limits the size of the premises to 5 working rooms. Current brothels are already invested in these locations by either purchasing the freehold or, in the majority of cases, entering into above-market rental leases. If these restrictions are removed quickly, allowing new operators to locate wherever they please, and at a larger scale, the current legal operators would be severely disadvantaged.

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<sup>9</sup> QLRC Consultation Paper 4.9.

<sup>10</sup> Ibid.

<sup>11</sup> Ibid.

<sup>12</sup> QLRC Consultation Paper 13.30.

<sup>13</sup> QLRC Consultation Paper 17.3.

## E. Brothel Ownership

QABA notes that conditions have been set at 5 rooms with an average licence cost of \$114,055 over 3 years paid annually, plus Manager certificates at \$2,942 over 3 years. A 24 hour brothel requires at least 5 Managers; the total manager licence cost alone over 3 years amounts to \$14,710<sup>14</sup> (without the CPI increases applied to fees).

Addressing reduced licensing requirements whilst policing illegal operations would increase the number of regulated businesses. The legal brothel industry has struggled due to the high fees and illegal competition. More legal brothels would ensure that more service providers have the opportunity to work in the safer legal environment.

QABA notes that the study referenced in [6.7] and [6.8] is a global study reflecting a range of brothels and not necessarily representative of the Queensland sector.<sup>15</sup> The QLD regulated brothel system is different from any other in the world. The tight regulation ensures protection for the service providers at the expense of the licensees.

## F. Sex Worker Rights

QABA notes that service providers are sole traders<sup>16</sup>, not independent contractors. Service providers cannot be subcontractors as brothel owners do not have the right to direct their work.<sup>17</sup>

## H. Financial Discrimination

QABA notes the literature on financial discrimination of sex workers from banks and other financial institutions.<sup>18</sup>

This includes having personal and business bank accounts closed, being declined merchant facilities, being charged higher fees, and being declined for credit and loans, regardless of whether they have a stable income or good credit rating. This discrimination erodes their access

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<sup>14</sup> <https://www.pla.qld.gov.au/licensing/licence-fees-and-forms>

<sup>15</sup> Ibid [6.7], [6.8].

<sup>16</sup> <https://business.gov.au/planning/business-structures-and-types/business-structures/sole-trader>

<sup>17</sup> Ibid 10.17.

<sup>18</sup> Ibid [4.2].



to small business opportunities and personal and professional financial security. However, QABA would like to note further that managers and licensees suffer the same discrimination. These discriminations should be read in conjunction with Chapter 55 of Respect Inc Submission Responding to Queensland Anti-Discrimination Act Review.<sup>19</sup>

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<sup>19</sup> Respect Inc Submission Responding to Queensland Anti-Discrimination Act Review (2022) 52.

## 1.4 Response to consultation questions

### CHAPTER 9: LICENSING OF SEX WORK BUSINESS OPERATORS

**Q6 Should sex work business operators be required to have some form of licence to operate a sex work business in Queensland? Why or why not?**

QABA agrees with the literature in the Consultation Paper on the benefits of a sex work licensing system. The establishment of the licensing system legitimises the industry and allows brothels to function transparently and safely, which ought to be the main concern of decriminalisation.

We recognise that this is a high-risk industry and needs safeguards to protect the community and industry stakeholders.

**Q7 If a licence were to be required what should the system look like?**

QABA believes that a regulated licensing system should exist so that current brothel owners are not disadvantaged. Already existing brothels have invested significant money in licensing fees and purchasing or renting properties in accordance with the current regulatory system. Therefore, if a new system were implemented, these legal brothel owners would be severely monetarily disadvantaged.

However, QABA also insists that it is essential to ensure that some restrictions are legislated that restrict the reach of illegal brothels. Currently, the Act specifies that: a licensee may not own multiple brothels; and escort services (outcalls) from brothels are not permitted.<sup>20</sup>

Under the current Act, illegal operators are providing these services, which effectively gives them the upper hand over legal brothels. In that context, the ownership restrictions serve only to punish professional and responsible licensed operators and benefit the illegal sector by further limiting the potential for competition. Any new legislation ought to:

- increase client access to legal sex services
- make licensed brothel ownership a more attractive business proposition

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<sup>20</sup> *Prostitution Act 1999 (QLD)* ss 19(2), 78(1)(a), 79, 82.

- encourage experienced, dedicated licensees to stay in business and scale their operations
- increase the licensed sector's ability to compete with illegal operators
- increase the number of licensed brothels in which sex workers and clients can connect safely and lawfully.

Additionally, QABA maintains that allowing outcalls will not increase the size of the sex industry or increase the number of service providers. The change to allow outcalls will provide a safer work environment and an additional income stream for existing brothel service providers. Independent workers may choose to work in the illegal sector due to these restrictions providing them with more opportunity for work. Currently, section 78(1)(a) prohibits sex workers from working outside of licensed premises. A change to this prohibition in any new legislation, accompanied by appropriate safety requirements, will provide sex workers a safe option to earn more money (which is their primary goal)<sup>21</sup> and to do so in a regulated and safer environment.

**Q10 Should the fee for a licence be set at a nominal amount (like the Northern Territory and New Zealand) or a higher amount (like the Prostitution Act)?**

**Q15 What is the best way for a licensing system (if any) to balance:**

- the need to protect against illegal activity; and**
- the need to limit the administrative and resource burden on government and the sex work industry?**

QABA argues that the high cost of licence fees has increased illegal activity. The costs, previously referred to, promote illegal brothel ownership. Addressing this will increase the safety of both sex workers and their clients. Therefore, as literature on this topic agrees with this statement<sup>22</sup>, QABA recommends that any new legislation reduces the licensing fee in accordance with Northern Territory and New Zealand regulations.

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<sup>21</sup> See Appendix 2.

<sup>22</sup> Consultation Paper [9.121].

## CHAPTER 10: WORKPLACE LAWS

### **Q20 Are there any other work health and safety matters we should consider in developing a framework for a decriminalised sex work industry?**

QABA believes that outcalls are essential to maintain the viability of licensed brothels and to allow them to effectively compete with escort agents and other sex workers. This should be permitted when combined with structured work health and safety measures to ensure that sex workers and clients are better protected when doing outcalls. Sex workers would no longer have to choose between working safely or legally.

Some suggestions include:

- monitoring of outcalls would be done by the brothel by time to ensure safety
- examples of this could include things such as:
  - identity check via ID of customer to ensure they are who they are
  - a call in and out system to ensure safety at the start and end of a booking
  - security driver to take them to and from an outcall to check that the premises are safe.
  - a code of conduct of some sort agreed to by the customer before the booking commenced.

Even with those few things in place, this would give sex workers a greater sense of safety, security and support.



## CHAPTER 12: PLANNING LAWS AND SEX WORK

**Q26 Should commercial sex work businesses have specific planning requirements, different to other commercial businesses?**

QABA recommends implementing a planning framework based on the Wollongong model.<sup>23</sup>

**Q28 Should local governments have discretion to limit commercial sex work businesses to certain zones (for example, mixed use or industrial zones)? Why or why not?**

As previously mentioned, QABA agrees that establishments should be restricted to industrial zones as they currently are, as removing such restrictions would disadvantage current brothel owners.

There are more assaults in entertainment precincts and residential areas than in industrial areas. Further, the location meets the requirement of reducing unwanted exposure to the industry, for the public as well as sex workers and clients.

**Q33 If yes to Q32:**

- (a) What land uses (for example, schools, childcare centres, places of worship) should require a separation distance?**
- (b) Should local governments have discretion to decide what separation distances (if any) apply in their local government area?**

Chapter C16 of the Wollongong Development Control Plan 2009 states sex services premises must not be located within a 150-metre radius of land which has development approval for, or where the land is used for, any one or more of the following uses:

- i. child care centres;
- ii. places of worship;
- iii. community facilities;
- iv. residential dwellings;

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<sup>23</sup> Appendix 3 - Wollongong Development Control Plan 2009, Chapter C16: Sex Services Premises and Restricted Premises (Sex Shops).

- v. residential flat buildings (excluding mixed use developments);
- vi. boarding houses;
- vii. educational establishments;
- viii. entertainment facilities;
- ix. group homes;
- x. public open space or reserves;
- xi. any other approved sex services premises;
- xii. home occupation (sex services);
- xiii. restricted premises;
- xiv. a licensed premises; and/or
- xv. any place where children and adolescents regularly gather.<sup>24</sup>

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<sup>24</sup> Ibid 3.

## CHAPTER 13: ADVERTISING SEX WORK

**Q38 Should there be specific restrictions on the advertising of sex work and sex work businesses? Why or why not?**

QABA supports the removal of advertising restrictions so that all sex workers can compete safely and fairly. However, QABA acknowledges that this right should be restricted in the same way as 18+ advertising is currently restricted.

**Q39 If yes to Q38, what should those restrictions be? In particular, should there be specific requirements about:**

**(a) advertising mediums (for example, should advertising sex work through radio or television or by film or video recording continue to be prohibited?);**

QABA is not seeking to change the framework to allow for advertising on radio or TV, however, video recordings on 18+ internet websites, including brothel websites, should no longer be prohibited.

**(b) advertising on the internet;**

QABA supports legislation that allows sex workers and brothels on 18+ websites to advertise services that sex workers provide in more detail than the current advertising restrictions allow. This framework would still require all adult entertainment advertising to be 18+.

QABA supports a new framework that would allow sex workers and brothels to show video content on their websites. However, we are not seeking to advertise porn-type content, but rather premises tours and short videos of available sex workers to generate more income in a safe space. Such a framework requires the repeal of s 93(1) of the Act.

- (c) **advertising employment opportunities for sex workers (for example, should publishing a statement intended or likely to induce a person to seek employment as a sex worker continue to be prohibited?);**

QABA supports legislation that allows brothels to advertise for sex workers to apply to operate their services from our premises on 18+ platforms.

Advertising for sex workers exists now in Queensland on the internet, for example *LOCANTO*, run by illegal operators. QABA wishes to compete with illegal operators as the current system disadvantages licensed brothels.

- (d) **advertising sex work as massage services;**

QABA supports legislation with less restrictions around words like massage on brothel websites and 18+ websites. This would ensure consistency between massage parlours and brothels to promote healthy competition throughout the industry.

- (g) **wording that may be used;**

QABA supports a new framework with less restrictions in wording that can be used on websites and in 18+ directories.

**Q41 Should there be specific requirements for signage for sex work businesses? If so, how should they be regulated?**

QABA supports a framework around signage with low-visual impact and is non-offensive to the community. This is also important for sex workers' and clients' discretion and privacy protection. Any reasonable conditions imposed by local authorities that permit that which is proposed above are supported.

## CHAPTER 17: OTHER MATTERS

### **Q50 What are the potential impacts of a new framework for the sex work industry?**

It is important to note that licensed brothels are currently required to pay for all PPE, are limited in the number of rooms and have engaged in leases in industrial areas. The current regulatory system restricts brothels to industrial areas and limits the size of the premises to 5 working rooms. Current brothels are already invested in these locations by either purchasing the freehold or, in the majority of cases, entering into above-market rental leases. If these restrictions are removed quickly, allowing new operators to locate wherever they please, and at a larger scale, then the current legal operators would be severely disadvantaged.

Therefore, the QLRC needs to ensure that any legislative changes do not disadvantage the existing brothels and that there is a lengthy adjustment period to allow for the transition without cost and to avoid any claims against the state government for compensation. We suggest that the framework is implemented within a period of at least two years, allowing for current brothel owners to adjust, so they are not significantly disadvantaged.

### **Q52 Is there anything else you would like to tell us about these or any other matters raised by the terms of reference to ensure the legislative framework for decriminalisation is appropriate and effective?**

Since legalisation of brothels in Queensland, two persistent barriers have faced legal brothel owners:

- the inability to provide outcalls (where sex workers can leave the brothel premises for client appointments)
- the inability to compete with illegal operators.

Under the current framework, it is illegal for brothels to provide outcalls. However, as sex workers within licensed brothels are sole traders, there is a possibility that the client negotiates a private outcall while in the brothel room – with no health and safety or security measures in place. The lived experience of QABA members shows that sex workers on outcalls are currently at risk of:

- payment for services not being rendered
- refusal to use condoms and practise safe sex
- being drugged and experiencing physical harm
- sexual acts without consent
- sexual services not discussed or negotiated, including multiple people.

Incidents experienced during the current outcall legislation – which restricts outcalls to individual sex workers rather than a licensed brothel service – are often unreported. This can be because of a range of factors:

- inability to identify the client if they pay in cash
- the stigma of sex work and sexual assault
- lack of support services for physical and mental trauma.

Amending legislation to allow brothels to offer outcall and escort services, in a regulated environment which prioritises health and safety, would enable brothels to increase revenue without being limited by available space and room regulations in the brothel itself.

QABA supports proposed legislative changes regarding outcalls and escort services.

## 2. Summary of QABA position against review scope

The Queensland Law Reform Commission has been asked to recommend a framework for decriminalised sex work industry in Queensland with particular regard to:

**1a. The development of an appropriate legislative framework required to give effect to a decriminalised sex work industry;**

QABA supports changes to the existing legislative framework to ensure a safe, sustainable industry future.

**1b. The extent to which existing legislation should be repealed to give effect to a decriminalised sex work industry, including the *Prostitution Act 1999*, *Prostitution Regulation 2014*, Chapter 22A of the Criminal Code and provisions of the *Police Powers and Responsibilities Act 2000*;**

QABA supports legislative changes to the Prostitution Act and the other listed acts and codes to support a safe, sustainable and prosperous industry future.

**1c. Who the framework would apply to (i.e. brothel licensees, sole operators, escort agencies, massage parlours);**

QABA supports changes to the legislative framework for licensed brothel owners in Queensland and changes to eradicate the flourishing illegal sex work venues that make up a significant proportion of the Queensland sex work industry. QABA's position is that the "framework" should apply to all sex workers (as previously defined).

**Appropriate safeguards, including economic and health & safety protections for sex workers and their clients;**

QABA supports the economic and health and safety protections of sex workers and their clients through a robust legislative framework allowing for licensed brothels and sex work venues to act as a safe and secure alternative to illegal operators and the proliferation of criminal activity.

**1d. Appropriate safeguards to deter the involvement of illegal activity and the exploitation of vulnerable people in the sex work industry in Queensland;**

QABA supports any legislative change which will reduce the proliferation of illegal operators and associated criminal activity and improve the safety and security of sex workers in Queensland.

**1e. Appropriate safeguards to maintain public amenity, including in respect of the location of sex work premises;**

QABA supports existing legislative requirements safeguarding public amenity and specified locations for legal and approved sex worker premises. QABA does not support suggested legislative changes that could see licensed brothels located in high traffic commercial areas.

**1f. The compatibility of the framework with the *Human Rights Act 2019*;**

QABA's most significant goal is to ensure the safety and security of sex workers by creating safe environments within licensed brothel premises and when providing outcall services

**1g. Whether there are any public health or public safety implications associated with the framework;**

QABA supports proposed legislative changes regarding outcall and escort services to safeguard public health and public safety while still ensuring the safety and viability of the licensed brothel and sex worker industry.

**1h. How the framework would be administered;**

QABA supports a regulator to the extent that it is the regulatory body for licensed brothels and sex work in Queensland, however, it believes that the framework ought to be simplified.

**1i. Ways in which compliance with the framework can be monitored and enforced;**

QABA is supportive of having a regulator as the administrative licensing tool for the Queensland sex work venue sector, however, it recommends that monitoring and enforcing any legislative framework or compliance should put an emphasis on illegal operators and the associated risk of criminal activity and the associated risk to sex workers themselves in unregulated environments.



**1j. The potential impacts of the framework for the sex work industry (including the current licensed brothels) and government associated with:**

- i) The adoption of the new framework; and**
- ii) The transition from the existing framework to the new framework; and**
- iii) Any other matters the Commission considers relevant having regard to the issues relating to the referral; and**

QABA is supportive of the adoption of a new framework that reflects legislative change and recommends at least a two-year period of transition from the existing framework to any new framework to allow the industry to adjust and maintain the sustainability and financial viability of existing licence operators who have acted under strict compliance and licensing rules and paid premium licensing fees to earn their status as a licensed brothel.

**1k. Limiting the administrative and resource burden on government and industry**

It follows that QABA supports any legislative or administrative change to the Act that reduces the administrative and resource burden on the industry, which would necessarily include changes to licensing conditions and renewal processes and the draconian requirements involved in obtaining management rights.

### 3. Conclusion and recommendations

This is a high-risk industry. Therefore, regulatory safeguards are necessary to protect the community and industry stakeholders.

Current Licensed brothels in Queensland deliver on the intent of the regulatory framework established by the *Prostitution Act 1999*. They are free of organised crime, limit unwanted community exposure to the sex industry, and offer safety and security for sex workers and clients.

The industry response to COVID-19 reflects the success of the licensed brothel model in Queensland. Queensland licensed brothels continue to successfully operate under the *COVID Safe Industry Plan: Queensland Sex Industry*<sup>25</sup>; there have been no recorded cases of COVID-19 transmission via a licensed brothel. Illegal operators are not subject to the same industry plan, increasing the transmission risk and putting unacceptable barriers to contact tracing.

However, the legislation also imposes restrictions that limit the commercial viability and success of licensed brothels, making it easier and more financially rewarding to operate illegally.

Independent sex workers are subject to laws that force them to choose between operating legally or safely. Limited opportunities in the licensed sector caused by room and sex worker limits often lead them to work with illegal services, where they are more likely to be subject to exploitation and unsafe conditions.

Outdated advertising guidelines make it difficult for clients to find preferred services within the existing licensed sector, so they are more likely to engage with illegal operators.

The licensing regulations must be amended to reduce the exorbitant licensing fees as they discourage illegal operators from legitimising their establishment. In addition, unrestricting outcall

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services will have a compounding effect on the illegal sector by providing the same services as illegal operators but in a safe and regulated environment.

A licensed and regulated industry is a safe industry. QABA supports most of the key legislative amendments previously proposed by the PLA and has provided clear reasoning for the amendments they challenge. QABA looks forward to the ongoing support of the PLA in addressing our additional recommendations.

Any change to the current regulatory environment needs to consider the financial implications for brothels that have continued to work within the legislation and not place them at a disadvantage to any other commercial sex operators.

## **Appendices**

### **Appendix 1: Listening to sex workers: A Queensland industry research report**



# **Listening to sex workers**

## **A Queensland industry research report**



## **Table of contents**

Thank you

About the survey

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### **About the Queensland Adult Business Association**

QABA mission statement: To advocate for the viable development of the Queensland legal brothel system. For the safety and security of workers, clients and the community at large.

### **Acknowledgment of Country**

We acknowledge the Traditional owners of country throughout Australia and recognise Aboriginal and Torres Strait Islander peoples continued connection to land, waters and community. We pay our respects to Elders both past, present and emerging.



## Thank you

Thank you to the 101 sex workers who shared their lived experiences through this survey.

QABA values hearing your stories, your unique perspectives, and your needs and expectations from the sex industry. We hope your responses will support legislative change to improve safety and choice for sexual service providers in licensed brothels in Queensland.

Thank you for giving a voice to sex workers in Queensland.



## About the survey

From August to November 2021, QABA invited sex workers across Queensland's 20 licensed brothels to participate in a survey. The online survey aimed to provide in-depth and up-to-date information on the experience of sex workers working within brothels or non-regulated alternatives.

The survey was available with an assurance of anonymity to encourage honest and meaningful dialogue with sex workers, and genuine lived experiences.

It was not compulsory for sex workers to complete the survey. If a sex worker chose to complete the survey, they didn't have to add their name.

Resource constraints meant the survey was available only in English, so sex workers were encouraged to seek and offer support to others need translation or explanation of the survey questions.

The survey questions were designed to be respectful towards sex workers and gather expert opinions as part of QABA submissions regarding legislative reform, and ongoing continuous improvement in the sector as a whole and for individual operators.

## How we talk about sex work

The *Prostitution Act 1999* defers to the definition of prostitution in the Criminal Code<sup>1</sup>, and avoids labelling sex workers as such - but does refer to "a person who provides prostitution".

While the legislation governing Queensland legal brothels refers to prostitution, QABA uses the terms sex work and sex worker. Sex worker is the preferred term used by global bodies like the World Health Organization and United Nations, by sex work advocacy and support organisations (including Respect Inc, Scarlett Alliance, and the Australian Sex Workers Association) and *most importantly* by the sex workers themselves.

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<sup>1</sup> See Appendix 1 - [Criminal Code definition of prostitution](#)





Throughout this survey and analysis we use the term, sex worker, to refer to those currently working within licensed Queensland brothels (the participants of this survey). It is defined or referred to in a broader or different sense only if necessary to make a distinction between sex workers operating outside of legal frameworks. While it is sometimes necessary to make this distinction, it does not represent a derogatory view of any sex workers not working within licensed Queensland brothels. QABA believes every sex worker has the right to safety, security and choice.



# 1. INTRODUCTION



## 1.1 Research rationale

QABA developed this survey to get an up-to-date perspective from sex workers, with the most recent comparable research published in 2016<sup>2</sup>.

QABA believes every sex worker has the right to safety, security and choice.

In light of proposed legislative changes, the impact of the pandemic, and ongoing economic uncertainty, the industry is in need of a refreshed perspective. The focus must be on the experience of sex workers within licensed Queensland brothels, and provide options for comparison of other models of sex work outside the legal framework.

Primary goals of the research:

- listen to the expert perspective of sex workers in Queensland
- provide an up-to-date research resource encompassing sex workers
- respond to sex work feedback to ensure continuous improvement of brothel processes, compliance and safety.

As part of achieving these goals, we hope to add to the conversation on how legislative changes will impact sex worker livelihood, safety and choice.

## 1.2 Survey introduction to participants

*The introduction below was sent to potential survey participants.*

An up to date in depth survey into Sex Providers working within Licensed QLD Brothels<sup>3</sup>

This survey is undertaken as a formal correspondence with legal sex providers operating inside licenced QLD brothels regarding their concerns, safety, requirements, objectives and any other comments.

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<sup>2</sup> Regulating Bodies report

<sup>3</sup> Appendix 1



This is your open and anonymous opportunity to express your opinions and to have your input into your industry, its rules, regulations, restraints, advantages and future. Sharing your expertise and experiences of working as a sex provider will greatly assist in many areas but not restricted to:

- The improvement of access for sex providers to workplace rights
- Improvement of laws and regulations
- Decreased social stigma and discrimination against sex providers
- Improved safety for all sex providers
- Improved education for all sex providers
- The alleviation of any barrier that may restrict any person from conducting their business within the legal, regulated framework of the QLD brothel system.

The results of this study will be used to access what sex providers require in terms of support, education, health and safety. They will also assist in the correlation of a submission to the QLD Law Reform pertaining to the Decriminalization of Sex Workers in QLD.

Your confidentiality is assured and if you wish there is no need to place your name on the survey.

### **1.3 Survey methodology**

- Anonymous survey – online access with no login required
- 29 questions (up to ~35-40 questions dependent on answers)
- Distributed via licensed brothel owners and approved managers to all brothel sex workers

QABA's goal was a survey that made it easy for sex workers to give confidential feedback on critical issues.



## **2. BACKGROUND**



## 2.1 Licensed sex work in Queensland: highly regulated

Queensland's licensed brothel sector is governed by the *Prostitution Act 1999*. The Act was established 10 years after the findings of Queensland's Fitzgerald Inquiry<sup>4</sup>, the two-year investigation into political corruption and abuse of power had revealed extensive and systemic police corruption and misconduct in the sex industry.<sup>5</sup>

The *Prostitution Act* (the Act) established the Prostitution Licensing Authority (PLA) and a regulatory framework that aimed to:

- eliminate organised crime in the sector
- shield the community from unwanted exposure to the sex industry
- protect the health and wellbeing of sex workers and clients.

Ongoing, targeted regulation of the licensed sector ensures an ongoing high standard of operations and safety.

In 2011, a report into the licensed brothel sector in Queensland published by the Crime and Misconduct Commission (CMC) report<sup>6</sup> found that:

...the regulation of the licensed brothel sector continues to be successful. We have seen that licensed brothels:

- a) have minimal impact on community amenity

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<sup>4</sup> TBC - Commission of Inquiry into Possible Illegal Activities and Associated Police Misconduct

<sup>5</sup> [2] GE Fitzgerald (1989) Commission of Inquiry into Possible Illegal Activities and Associated Police Misconduct, p. 193

<sup>6</sup> Crime and Misconduct Commission Queensland (2011) Regulating Prostitution: a follow-up review of the Prostitution Act 1999, p. 46



- b) show no evidence of corruption and organised crime
- c) have access to exit and retraining programs for sex workers who may wish to leave the industry
- d) provide a healthy environment in which prostitution takes place
- e) provide a safe workplace.

Continued regulation of the licensed sector has ensured the ongoing high standard of operation.



### **3.RESEARCH RESULTS**



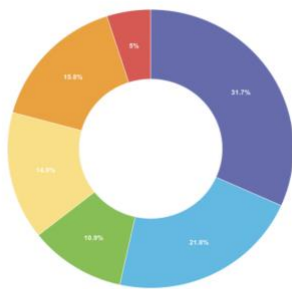


## 1. What age group do you fall into?

The largest age group of sex workers responding to the survey was 18-25 (31.7%) followed by 26-30 (21.8%).

In a broader sense, almost 65% of all respondents were in the 18-35 age bracket. Respondents aged 36 and over made up the remaining 35% - with sex workers over 45 making up only 5% of the total.

Q1 What age group do you fall into to?"



Answered: 101 Unanswered: 0

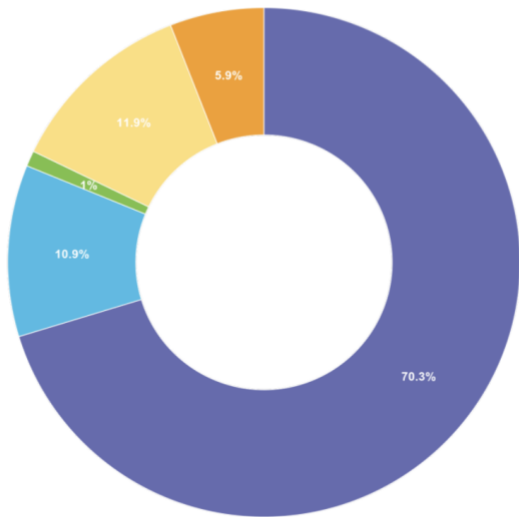
Choice	Total
18 to 25	32
26 to 30	22
31 to 35	11
36 to 40	15
41 to 45	16
over 45	5



2. What is your cultural background?

Almost 71% of respondents identified as Australian, with almost 12% identifying as Asian, almost 11% as English, almost 6% as European, and 1% as Indian.

Q2 What is your cultural background?\*



Answered: 101    Unanswered: 0

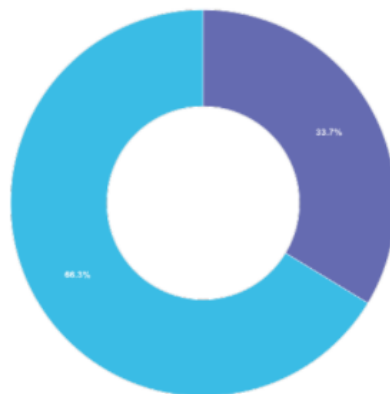
Choice	Total
<div></div> Australian	71
<div></div> English	11
<div></div> Indian	1
<div></div> Asian	12
<div></div> European	6



### 3. Are you currently doing any educational studies?

Almost 34% of respondents are currently studying.

Q3 Are you currently doing any educational studies?\*



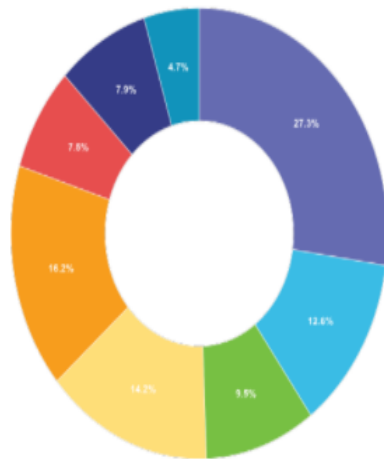
Answered: 101 Unanswered: 0

Choice	Total
Yes	34
No	67



#### 4. Why did you become a sex worker?

Q4 Why did you become a sex worker?\*



Answered: 101 Unanswered: 0

Choice	Total
<span style="color: #4F81BD;">●</span> To earn more money	69
<span style="color: #00AEEF;">●</span> To pay off debt	32
<span style="color: #4CAF50;">●</span> Unemployment	24
<span style="color: #FFC107;">●</span> To support my family	36
<span style="color: #FF9800;">●</span> To save for a goal	41
<span style="color: #F44336;">●</span> To pay for university / TAFE / college fees	19
<span style="color: #3F51B5;">●</span> Sexual fulfilment	20
<span style="color: #00BCD4;">●</span> Other	12

This is the first question where respondents were able to choose more than one answer; reasons for choosing sex work can be complex and an individual can have a range of reasons that should all be acknowledged.

Earning money was the most popular reason to become a sex worker (69%). This is not surprising; sex work is a job like any other.

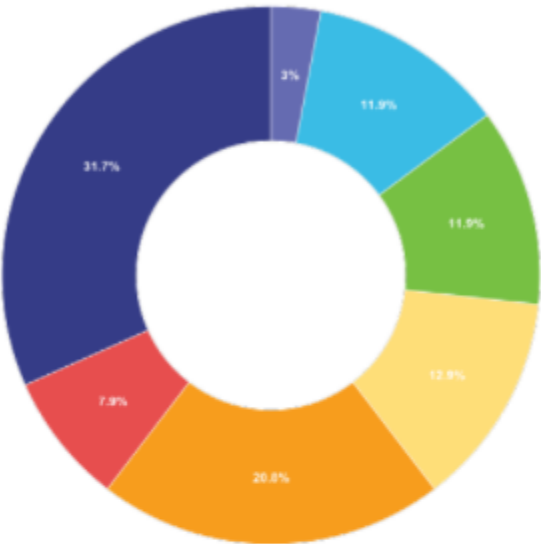
By grouping together the 6 options that relate to finances - saving (41%), provide for family (36%), to pay off debt (32%), unemployment (24%), to pay for education (19%) - it is clear that money is a key driver. However, there are also sex workers who choose the work for their own sexual fulfilment (20%), and specific reasons under Other (12%).



5. How long since you first started working as a sex worker?

Almost 74% of respondents have been sex workers for 12 months or more. Almost 27% have been in the industry less than 12 months, with 3% in their first month of sex work when they completed the survey.

Q5 How long since you first started working as a sex worker?\*



Answered: 101    Unanswered: 0

Choice	Total
Less than a month	3
1 to 6 months	12
6 to 12 months	12
1 to 2 years	13
2 to 3 years	21
3 to 4 years	8
more than 4 years	32



## 6. Why did you choose to work from a legal brothel?

Respondents were permitted to choose multiple reasons why they chose to work from a licensed brothel. The most popular were:

- Safety (92) and security (88)
- It's legal (67)
- I don't have to advertise (64)
- Flexible hours (64)
- The facilities (60)
- My rights are respected (56)

Q6 Why did you choose to work from a legal brothel?\*



Answered: 101 Unanswered: 0

Choice	Total
Safety	92
Security	88
Better clients	34
It's legal	67
I don't have to advertise	64
I don't have any costs	46
Flexible hours	64
The facilities	60
The company of other sex workers	52

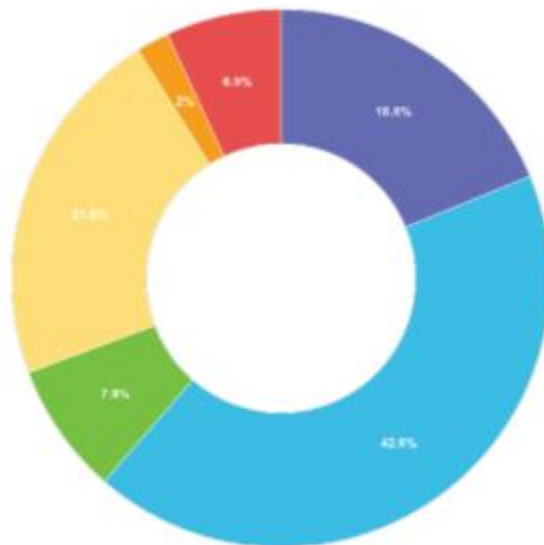
Choice	Total
My rights are respected	56
Other	3



## 7. In which Queensland region are you currently working?

Almost 84% of respondents are working within metropolitan regions in Brisbane or the Gold Coast. The remainder are located across regional licensed brothels. This reflects the bulk of licensed brothels operating in metropolitan areas in South East Queensland.

Q7 In which Queensland region are you currently working?\*



Answered: 101 Unanswered: 0

Choice	Total
 Brisbane North	19
 Brisbane South	43
 Sunshine Coast	8
 Gold Coast	22
 Toowoomba	2
 Townsville	7
 Cairns	0



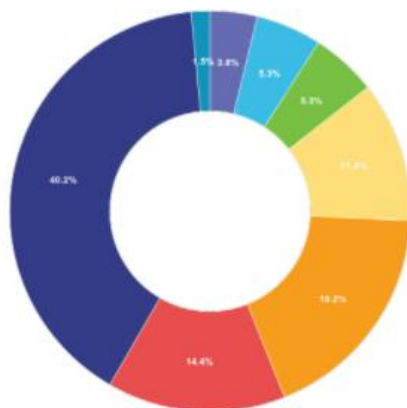
## 8. Apart from the Queensland legal brothel system, where else have you worked as a sex worker in Queensland?

Of the 101 respondents, almost 53% have only ever worked in licensed Queensland brothels, and almost 15% have worked in brothels interstate. Almost 24% have been sole operators and almost 19% can be grouped under working in massage parlours, with other sex workers, and escort agencies.

Almost 19% had worked via ‘sugar daddy’ sites - essentially online escort sites.

These results reflect a broad scope of lived experience within brothels and other frameworks, which is reassuring for results that reflect a wide range of expertise.

Q8 Apart from the Queensland legal brothel system, where else have you worked as a sex worker in Queensland?\*



Answered: 101 Unanswered: 0

Choice	Total
Massage Parlour	5
Escort Agency	7
With other sex workers	7
Interstate brothels	15
Sole operator	24
Sugar Daddy sites	19
Only ever worked in a Queensland licensed brothel	53
Other	2





**9. On a scale of 1-10, how would you rate your safety and security in a Queensland legal brothel?**

Respondents rated their safety and security at an average of 8.81 out of 10.

This is a reassuring figure, but it is important to note that several respondents rated their safety as Low - and it is important for all brothel owners and approved managers to consider these results in a respectful and considerate way to ensure all safety mechanisms are provided, and all workers feel safe and secure at all times.

Q9 On a scale of 1 - 10, how would you rate your safety and security in a Queensland legal brothel?\*



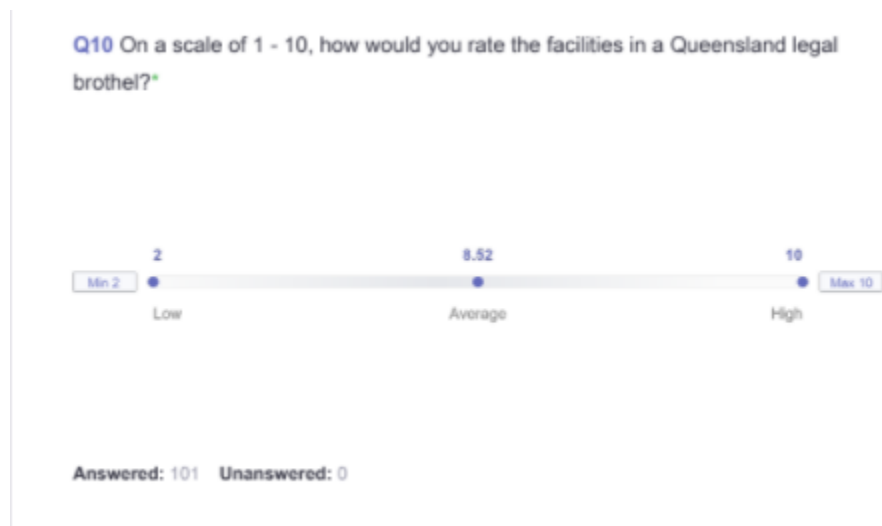
Answered: 101 Unanswered: 0



**10. On a scale of 1-10, how would you rate the facilities in a Queensland legal brothel?**

Respondents rated the facilities in Queensland brothels an average of 8.52 out of 10.

This is another reassuring figure, but again it is noted that several respondents rated their facilities as Low - individual concerns that must be addressed by every licensed brothel.





**11. On a scale of 1-10, how would you rate respect for you and your rights in a Queensland legal brothel?**

Respondents rated respect for themselves and their rights at an average of 8.47 out of 10.

This is another positive response, but still demands ongoing attention to ensure sex workers continue to choose legal brothel options rather than look for respect in other modes of sex work that may risk their safety.

**Q11** On a scale of 1 - 10, how would you rate respect for you and your rights in a Queensland legal brothel?\*



Answered: 101 Unanswered: 0



## **12. Are there any disadvantages in working from a Queensland legal brothel?**

*The following quotes represent a cross-section of responses provided.*

“Can’t do outcalls from brothel.”

“Gotta split the money lol”

“Pressure to stay on shift when feeling unwell or not up to working.  
This may be from managers, a lack of other workers on shift, or  
other reasons.”

“Not enough working rooms. We are all waiting for the next room.  
Sometimes an hour. 8 girls working should have 8 rooms to operate  
out of.”

“High room hire rates charged by brothels, resulting in over 50% of  
the fee going to the brothel.”

“Can’t do escorts in Qld.”

“I would like to see employed security guards as a standard at legal  
brothels for service providers, staff and client protection.”

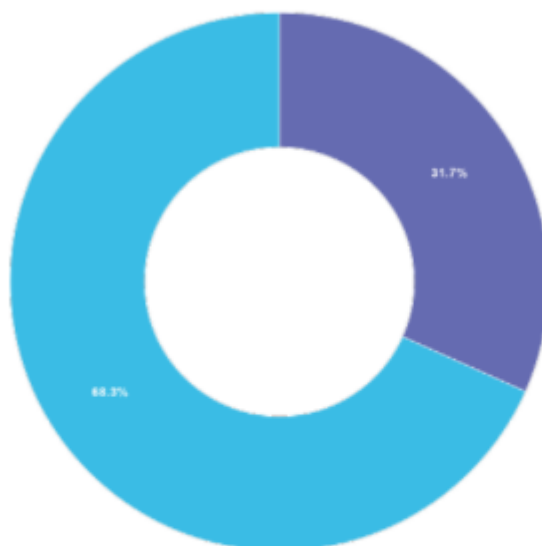


**13. Have you ever worked as a sex worker in a brothel in New South Wales, Western Australia or Northern Territory/ (states that are already decriminalised)?**

Almost one-third (32%) of respondents have worked at brothels in NSW, WA or the NT where sex work is decriminalised. The remaining almost 69% have either not worked in brothels outside of Queensland, but may have worked in other sex work modes in other States.

This is positive for the survey to ensure a cross-section of experience, expertise and comparison across states and formats.

**Q13** Have you ever worked as a sex worker in a brothel in New South Wales, Western Australia or the Northern Territory/ (states that are already decriminalised)\*



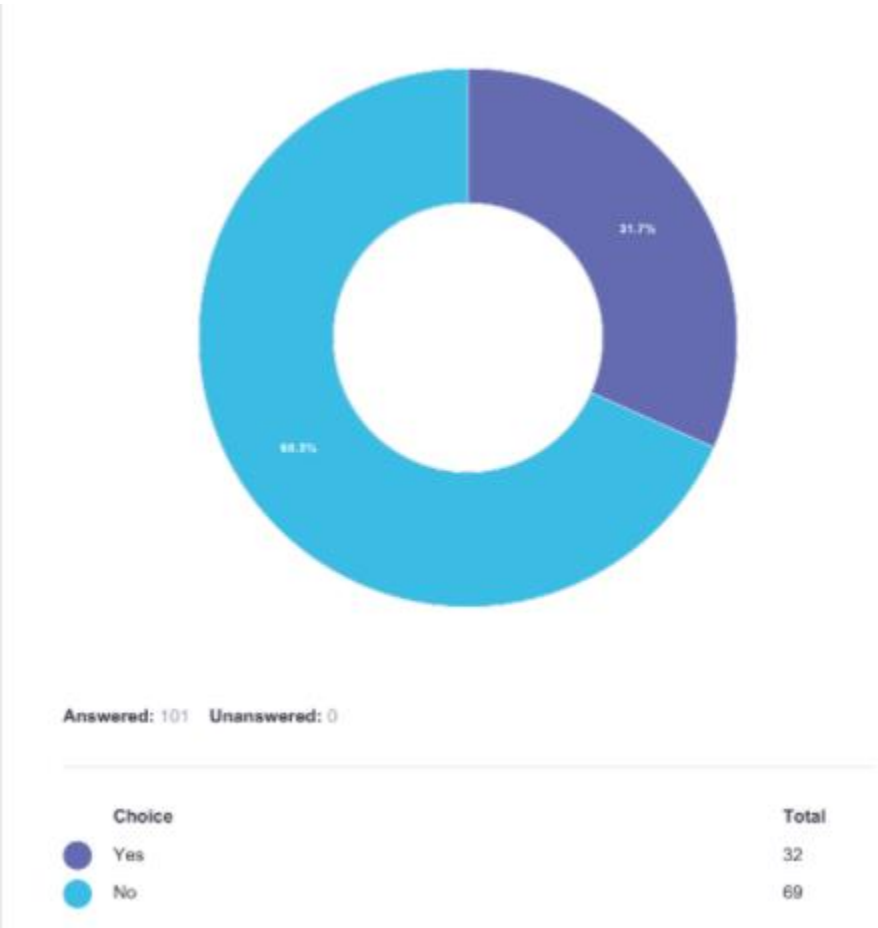
Answered: 101 Unanswered: 0

Choice	Total
Yes	32
No	69



**14. Have you ever felt pressured by a Queensland legal brothel to provide a service to a client?**

While almost 69% of sex workers had not been pressured to provide a sexual service, it is alarming to note that almost 32% of workers had felt pressured at a brothel to offer services to a client.

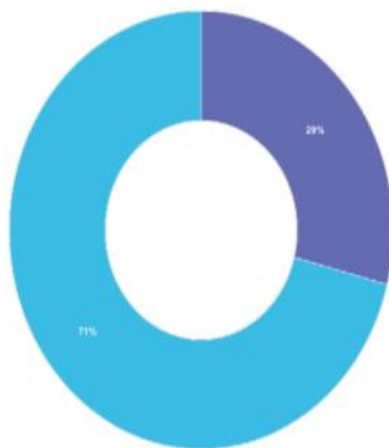




**15. Have you ever felt pressured to provide a service to a client when working outside of a Queensland legal brothel?**

Outside of a legal brothel, 29% had been pressured to offer services, while 71% had not. This result is similar to question 14, which asked about pressure within legal Queensland brothels.

The similar result may be a reflection of the respondents largely having not worked outside Queensland legal brothels before.



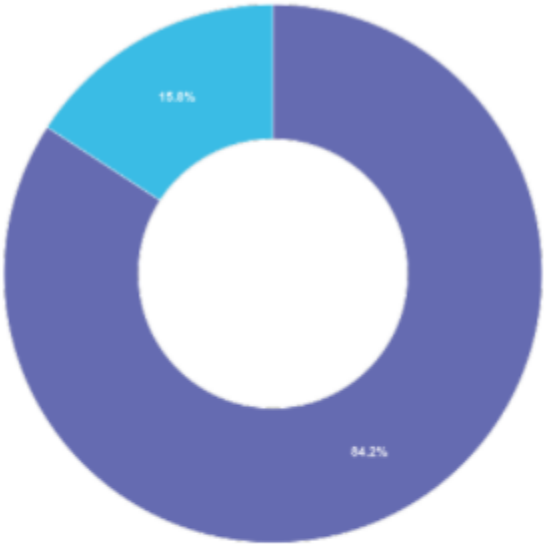
Answered: 100 Unanswered: 1

Choice	Total
Yes	29
No	71



**16. Do you feel safer in a Queensland legal brothel compared to other states or other workplaces?**

Almost 85% of respondents agree that they feel safer working within a licensed Queensland brothel than in other states or workplaces. This is an excellent reflection on the professionalism and security offered by the brothel environment, but we must not ignore that almost 15% did not feel any safer in the brothel environment.



Answered: 101    Unanswered: 0

Choice	Total
Yes	85
No	16





**17. Did your current Queensland legal brothel perform training and an induction with you?**

Almost 97% of respondents received training and induction sessions.



Answered: 101    Unanswered: 0

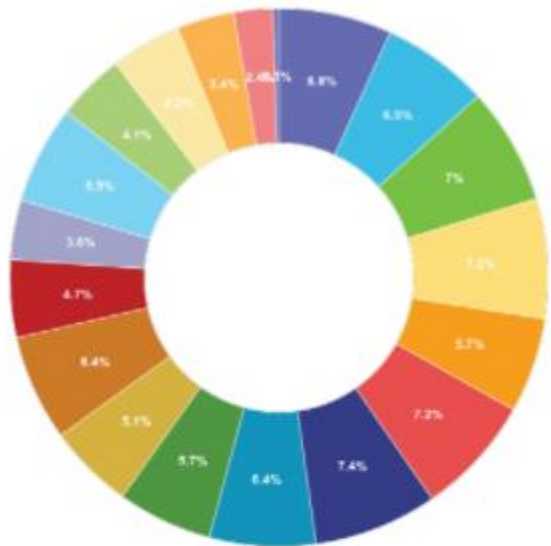
Choice		Total
<div></div>	Yes	97
<div></div>	No	4



**18. What training did you receive at the commencement of work at your current Queensland legal brothel?**

Of the 97% of respondents who agreed they had been given training or induction sessions, most agreed they had been provided specific training across most of the options listed.

To note, only 29% agreed they were trained on translation services.



Answered: 101    Unanswered: 0

Choice	Total
Your workplace rights	83
Your right not to introduce to any client	79
Your right to only provide the services you wish	86
How to do a proper sexual health check of the clients	88
How to deal with aggressive or violent clients	70
Shown and explained the duress alarms in each working room	88
That safe sex is compulsory	91
Specific information relating to that premises policies	78

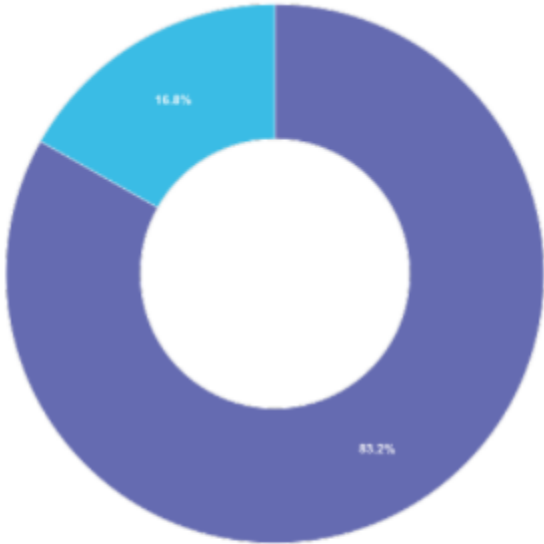


Choice	Total
 Specific information relating to that premises building	70
 Fire education and emergency procedures	63
 Correct and substantial COVID training, information and cleaning policies	78
 Contact information for:	57
 Scarlett Alliance	44
 Respect Inc	72
 Local Health services	50
 PLA	52
 Police/PETF	42
 Translation services	29
 Other	4



**19. Do you feel that training and information you received was sufficient?**

Almost 84% of respondents agree that their training was sufficient - meaning a significant almost 17% did not regard their training as sufficient. This is valuable feedback for QABA, licensed brothel owners and approved managers.



Answered: 101    Unanswered: 0

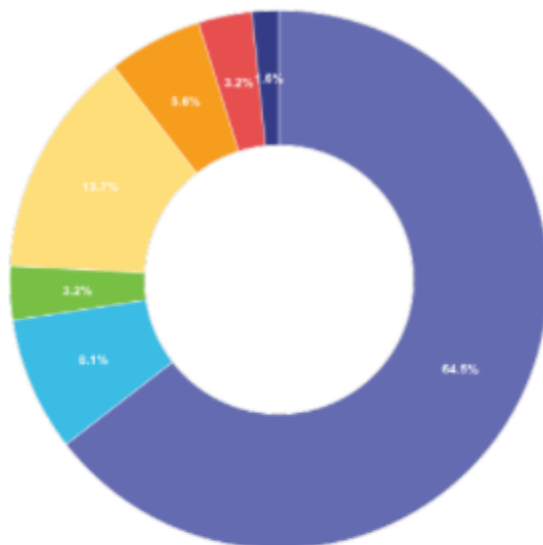
Choice		Total
<div></div>	Yes	84
<div></div>	No	17



**20. In the past 12 months have you been contacted by, received information from, received assistance/training from or attempted to contact any Industry Association?**

Almost 80% of sex workers on licensed Queensland brothels have not been in contact with any sex worker or industry associations in the past year.

Of those who had been in contact, the associations or bodies in contact include Scarlet Alliance, Respect Inc, PLA and QPS.



Answered: 101 Unanswered: 0

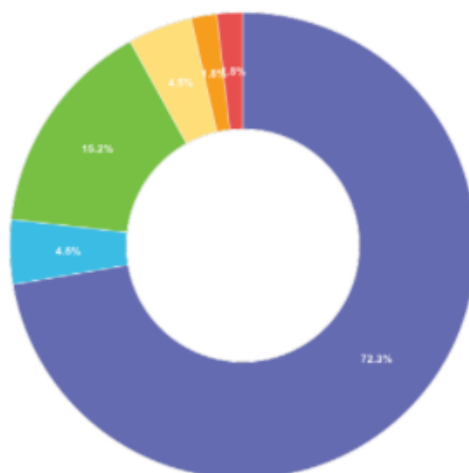
Choice	Total
No	80
Yes if so who	10
Scarley Alliance	4
Respect Inc	17
Prostitution Licencing Authority	7
QLD Police	4
Other	2



**21. Since starting as a sex worker, have you been contacted by, set information from, received assistance/training from or attempted to contact any Industry Association?**

When considering industry and advocacy contact since beginning sex worker rather than in the past 12 months, almost 81% of respondents have never been in contact with any sex worker or industry associations.

Of those who had been in contact since they began sex work, the associations or bodies in contact include Scarlet Alliance, Respect Inc, PLA and QPS.



Answered: 101 Unanswered: 0

Choice	Total
No	81
Scarlet Alliance	5
Respect Inc	17
Prostitution Licencing Authority	5
QLD Police	2
Other	2



**22. If there was a Sex Workers Advocacy and Action group, who acted on behalf of all sex providers, what would be some of the topics that you would like them to assist you with?**

*The following quotes represent a cross-section of responses provided.*

“My rights in brothel work.”

“Taxes.”

“Making brothels a better place to work. Increasing the girls pay and taking less than 50%.”

“Allowing the girls to say no to seeing a client. And not being shamed to turn clients away.”

“To police sex trafficking and people doing the wrong thing that give our industry and bad reputation.”

“Safe sex, coercing, bullying, drugs and alcohol.”

“Safety for sex workers in Queensland.”

“Things that pertain particularly to brothel work, most associations seem to focus on independent workers.”

“STI and STD Safety, physical safety, psychological advice, legal run down on current laws relating to sex workers.”



**23. Other than other sex workers that you work alongside, is there anyone else that you can talk to about your profession?**

Of the 101 respondents, 35% say they have no one to talk to about their profession.

Of the majority who did have people to discuss their sex work with, the most common responses were with brothel reception staff, brothel approved managers or owners, family and friends, spouse or partner, and friends.

*The following quotes represent a cross-section of responses provided.*

“Reception staff, my boss.”

“Yeah my family and friends fully support me and the ones that don't, don't have a place in my life.”

“Yes. Family, friends, GP, therapist.”

“Some of my friends find certain details of my profession to be awkward. I can speak with sexual health clinic or respect. But I prefer to speak with other sex workers.”

“Most of my support network are sex workers. When I try to talk about it with non sex workers I am met with judgement and ignorant ideas.”

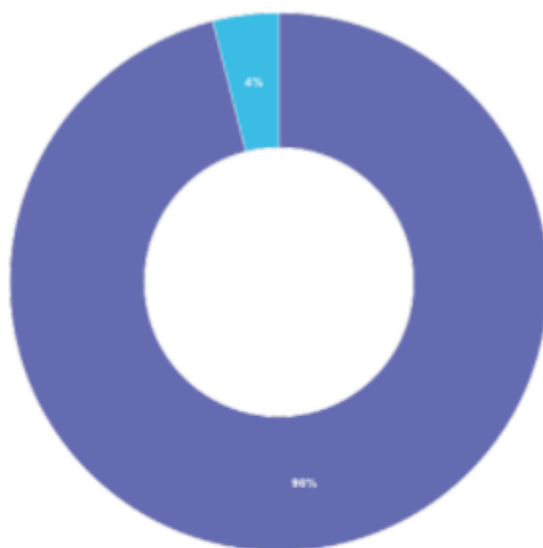
“No. Only brothel managers. or sexual health nurse.”





**24. Do you believe that if a Licensed Queensland brothel's management had more ability to advertise and promote their business, that this would result in a better and more financially rewarding outcome for yourself?**

Almost 97% of respondents agree that improvements to guidelines on brothel advertising would enable them to earn more money (noted as a primary motivator for choosing sex work in question 4).



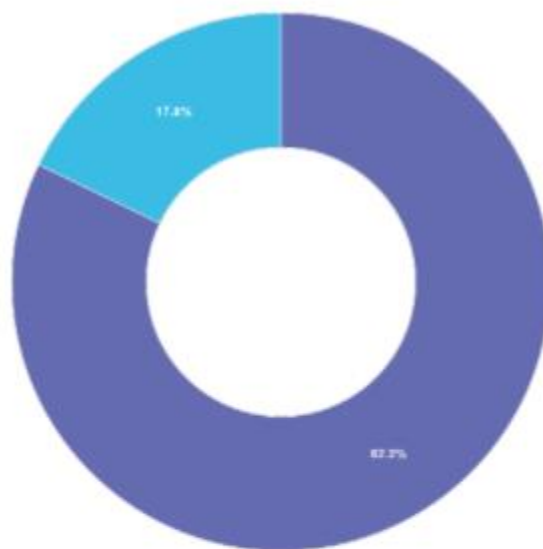
Answered: 101 Unanswered: 0

Choice		Total
	Yes	97
	No	4




**25. Do you believe that if a Licensed Queensland brothel could offer outcall services that this would result in a better and more financially rewarding outcome for yourself?**

Almost 83% of respondents agree that outcall services being offered by Queensland brothels would enable them to earn more money (noted as a primary motivator for choosing sex work in question 4).



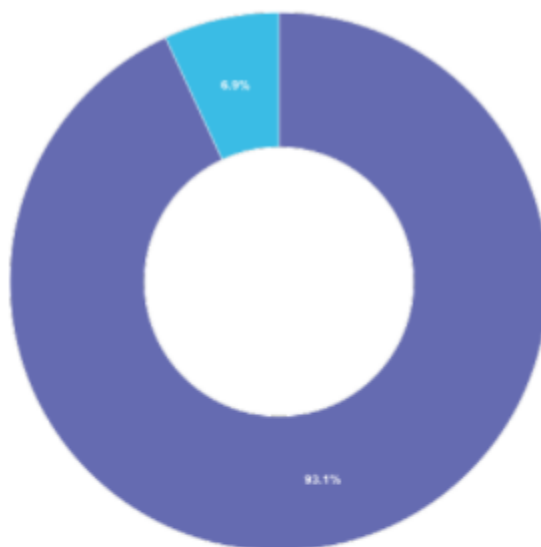
Answered: 101 Unanswered: 0

Choice		Total
 Yes		83
 No		18



**26. Are you happy that Licensed Queensland brothels treat you as an independent sole trader?**

Almost 94% of respondents are happy with the working model of sex workers being independent sole traders who negotiate their terms with the brothel licensee and/or approved manager.



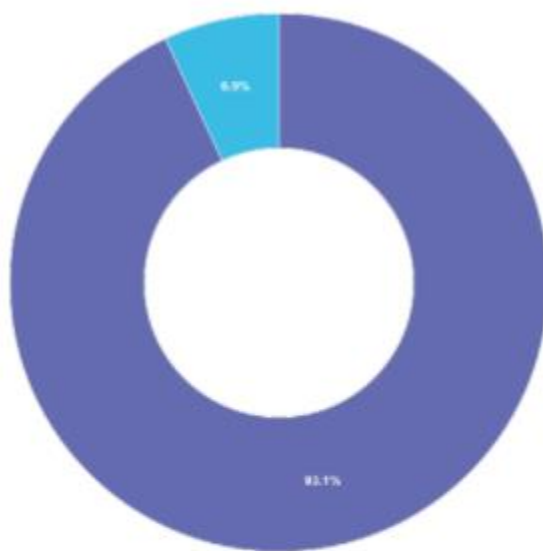
Answered: 101 Unanswered: 0

Choice	Total
Yes	94
No	7



**27. Are you satisfied that Licensed Queensland brothels never handle your money/income and that you are free and entitled to negotiate privately with your clients?**

Almost 94% of respondents agreed they are satisfied with brothel management not being involved in the financial transactions and respecting their rights to negotiate with their clients.



Answered: 101 Unanswered: 0

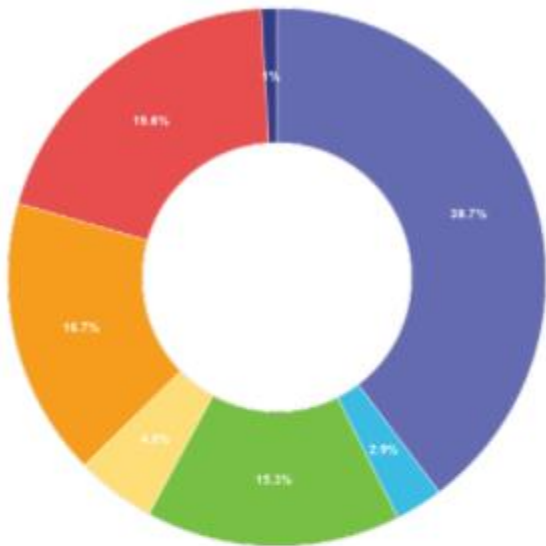
Choice	Total
Yes	94
No	7



**28. If the sex industry was deregulated, where would you prefer to work?**

Given the choice in a deregulated industry, almost 83% preferred to work in a licensed Queensland brothel, with sole operator (almost 41%), in a group of sex workers (35%) and escort agencies (almost 32%) the next most popular options.

Only 6% of respondents would prefer to work in a massage parlour, and 10% to work from sugar daddy sites.



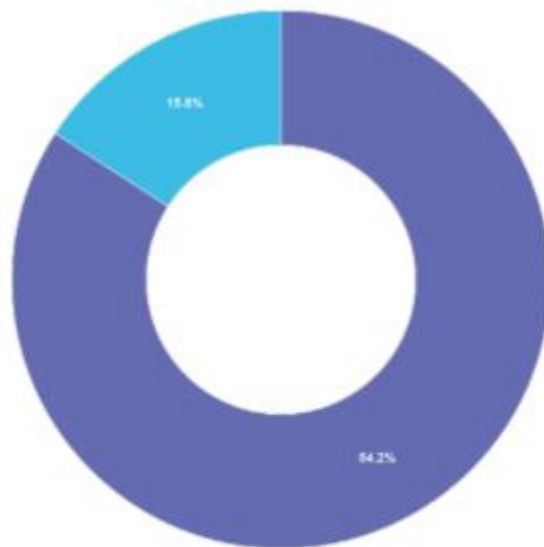
Answered: 101    Unanswered: 0

Choice	Total
Queensland brothel	83
Massage Parlour	6
Escort Agency	32
Sugar Daddy sites	10
In a group of sex workers	35
Sole operator	41
Other	2



**29. Do you think that all sexual service businesses, including massage parlours, escort agencies, etc should be regulated?**

Almost 85% of respondents agree that sexual services businesses should be regulated.



Answered: 101 Unanswered: 0

Choice	Total
Yes	85
No	16



## **4.DISCUSSION**



## 4.1 A survey snapshot

There is no such thing as a 'typical' sex worker. Both their individual demographic profile and industry experience are unique. However, we can use the qualitative and quantitative survey responses to draw a snapshot of who are respondents are, and their experience of sex work.

Brothels are the preferred location for sex work in Queensland, but constant vigilance is required by the industry to ensure conditions are safe, secure, fair and equitable.

### Who are our respondents based on typical responses

- Identifies as Australian (71%)
- Is aged 18-35
- 1/3 are students
- Has been a sex worker for at least 12 months
- Works from metro Brisbane and Gold Coast brothels
- Has experience as both brothel worker and sole operator
- Has been a sex worker in different states

### Working in brothels

- Most feel safe and secure in a brothel - safer in Queensland than other states
- 1/3 have felt pressured to provide a service to a client
- Most rate Queensland brothel facilities highly
- Most agree their rights are respected in brothels
- Most are given training when they start sex work in a brothel

### Support for individuals

- Over 3/4 had no contact with prof associations and bodies
- 1/3 have no one to talk to about their profession
- Most want help with the physical, financial and social wellbeing - including discrimination, stigma and sexual health





### **On industry regulation and change**

- 83% would choose to work in a Queensland licensed brothel even if deregulated, groups or escort agencies were legal
- Over 4/5 agree sexual services should be deregulated
- 97% agree advertising would increase their incomes
- 83% agree outcall services would increase their income
- 94% are happy to be sole trader and handle their own money

## **4.2 Legislative changes**

Much of this survey is relevant to the current QLRC review into sex work. QABA has used this report as part of background to inform our submission on specific legislative detail.

All survey responses are being considered by QABA, and individual brothel licensees and managers, with a view to ongoing improvement of existing processes and resources.



## 5.APPENDICES



## Appendix 1: QABA submission to the PLA





## Appendix 2: Survey questions

An up to date in depth survey into Sex Providers working within Licensed QLD Brothels

This survey is undertaken as a formal correspondence with legal sex providers operating inside Licenced QLD brothels regarding their concerns, safety, requirements, objectives and any other comments.

This is your open and anonymous opportunity to express your opinions and to have your input into your industry, its rules, regulations, restraints, advantages and future.

Sharing your expertise and experiences of working as a sex provider will greatly assist in many areas but not restricted to

- The improvement of access for sex providers to workplace rights
- Improvement of laws and regulations
- Decreased social stigma and discrimination against sex providers
- Improved safety for all sex providers
- Improved education for all sex providers
- The alleviation of any barrier that may restrict any person from conducting their business within the legal, regulated framework of the QLD brothel system.

The results of this study will be used to access what sex providers require in terms of support, education, health and safety. They will also assist in the correlation of a submission to the QLD Law Reform pertaining to the Decriminalization of Sex Workers in QLD.

Your confidentiality is assured and if you wish there is no need to place your name on the survey.

Question 1.

What age group do you fall into?

- 18 to 25
- 26 to 35
- 36 to 45
- 46 to 55
- 55 to 65

Question 2.

What is the culture of origin you identify as?

- English
- Asian, please specify
- European
- Indian



- Other, please specify

Question 3.

Are you currently doing any educational studies?

- Yes
- No

Question 4.

In which QLD region are you currently working?

- Brisbane North
- Brisbane South
- Gold Coast
- Sunshine Coast
- Townsville
- Cairns
- Toowoomba

Question 5.

In which QLD regions have you worked in the past? Circle all applicable.

- Brisbane North
- Brisbane South
- Gold Coast
- Sunshine Coast
- Townsville
- Cairns
- Toowoomba

Question 6.

How long since you first started working as a sex provider?

- Less than a month
- 1 to 6 months
- 6 to 12 months
- 1 to 2 years
- 2 to 3 years
- 3 to 4 years
- More than 4 years

Question 7.

Why did you initially start working as a sex provider?



- Unemployed
- Pays better than most other jobs
- To pay for education
- To pay off debt
- To save for a specific possession
- Suggested to me
- Other, specify if you wish

Question 8.

How long since you first started working in a Licenced QLD brothel?

- Less than a month
- 1 to 6 months
- 6 to 12 months
- 1 to 2 years
- 2 to 3 years
- 3 to 4 years
- More than 4 years

Question 9.

Have you worked as a sex provider outside of a Licenced QLD brothel in QLD?

- No
- Yes, please specify
  - Sole operator
  - Illegal massage parlour
  - Illegal escort agency
  - Illegal brothel
  - Other

Question 10.

Have you worked in a brothel in New South Wales, Western Australia, or the Northern Territory? (States that are already decriminalised)

- No
- Yes

Question 11.

Have you worked as a sex provider outside of a brothel in New South Wales, Western Australia, or the Northern Territory? (States that are already decriminalised)

- No
- Yes, please specify
  - Sole operator



- Illegal massage parlour
- Illegal escort agency
- Illegal brothel
- Other

Question 12.

If any, what would identify as advantages of working as a sole operator or in an illegal operation over that of working in a Licenced QLD brothel?

Question 13.

What has helped your decision to now work within the Legal Brothel framework? Please circle all that are applicable to you

- More clients
- Clients are screened by reception first
- Safer work conditions
- Work with other providers
- Feel part of a team
- To work legally without fear
- Heightened level of safety against COVID
- Access to information, training and knowledge
- Less effort
- No extra costs involved
- Other, please specify if you wish

Question 14.

In the following areas, how would you compare a Licenced QLD brothel to one from either New South Wales, Western Australia or the Northern Territory? (States that are already decriminalised)

	Worse	Similar	Better
Brothel management			
Staff friendliness			
Brothel cleanliness			
Provision of security			
Provision of required PPE (condoms, lubricants, Dams, Gloves etc)			
Working conditions			
Training and induction process			
Allowance for you to rest			
Allowing you to choose your customers			
Allowing you to provide services that you wish			
Allowing you to choose which hours or shifts you work			
Giving you the choice of when and what shifts you are available for			
Freedom from alcohol on site			



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Question 15.

What would you suggest is the biggest advantage of working in a Licenced QLD brothel over a brothel in New South Wales, Western Australia, or the Northern Territory? (States that are already decriminalised)

Question 16.

What would you suggest is the biggest disadvantage of working in a Licenced QLD brothel over one in New South Wales, Western Australia, or the Northern Territory? (States that are already decriminalised)

Question 17.

Do you feel safe whilst working in a Licenced QLD brothel?

- Yes
- No

Question 18.

Do you feel safer whilst working in a Licenced QLD brothel than in any other type of sex work?

- Yes
- No

Question 19.

Who at your current Licensed QLD brothel performed the training with you?

- The brothel owner
- The brothel manager
- Other sex providers
- Non provided

Question 20.

What training did you receive when you commenced work at your current Licensed QLD brothel? Please circle all that were provided

- Your workplace rights
- Your right not to introduce to any client
- Your right to provide only the services you wish
- How to do a Sexual Health Check





- Why you MUST provide your own sexual health certificate
- How to deal with aggressive or violent customers
- Show and explained the duress alarms
- Safe sex is compulsory
- Specific information relating to that premises policies
- Specific information relating to that premises building
- Fire education and emergency procedures
- Correct and substantial COVID training, information and cleaning policies
- Contact information to
  - Scarlett Alliance
  - Respect Inc
  - Health Services
  - PLA
  - Police/ PETF
  - Translation services

Question 21.

Do you feel that the training and information supplied to you was sufficient?

- Yes
- No, please specify

Question 22.

Do you feel that the training and information supplied to you when working in a brothel in either New South Wales, Western Australia, or the Northern Territory (States that are already decriminalised) is as comprehensive as in a Licenced QLD brothel?

- Yes
- No, please specify

Question 23.

In the past 12 months have you been contacted by, sent information from, received assistance/training from or attempted to contact any Industry Association?

- No
- Yes. If so, please advise who
  - Scarlet Alliance
  - Respect Inc
  - Prostitution Licensing Authority
  - QLD Police
  - Other

Question 24.



Since first starting work as a sex provider, have you been contacted by, sent information from, received assistance/training from or attempted to contact any Industry Association?

- No
- Yes. If so, please advise who
  - Scarlet Alliance
  - Respect Inc
  - Prostitution Licensing Authority
  - QLD Police
  - Other

Question 25.

Other than other sex providers you work alongside, is there anyone else that you can talk to about your profession? (i.e.: family, Friends)

- No
- Yes, please specify if you wish

Question 26.

If there was a Sex Workers Industry Advocacy and Action group, who acted on behalf of all sex providers, what would be some of the topics that you would wish them to assist you with?

Question 27.

Do you believe that if Licensed QLD brothel management had more ability to advertise and promote their business that this would result in a better and more financially rewarding outcome for yourself?

- Yes
- No

Question 28.

Do you believe that if Licenced QLD brothels had the ability to provide outcall services that this would result in a better and more financially rewarding outcome for yourself?

- Yes
- No

Question 29.

Are you happy that the Licenced QLD brothels treat you as an independent sole trader?

- Yes
- No



Question 30.

Are you satisfied that Licenced QLD brothels never handle your money/income and that you are entitled to negotiate privately with your clients?

- Yes
- No

Question 31.

Whilst working in a Licenced QLD brothel have you ever been fined or financially disadvantaged because of management? I.e.: penalties for not providing services, not doing introduction, changing shifts etc.

- Yes
- No

Question 32.

Whilst working in a brothel in New South Wales, Western Australia, or the Northern Territory? (States that are already decriminalised) have you ever been fined or financially disadvantaged because of management? I.e. penalties for not providing services, not doing introduction, changing shifts etc.

- Yes
- No

Question 33.

Whilst working in a Licenced QLD brothel have you ever been pressured into or suggested that you should participate in illegal activities such as taking or selling drugs, providing unsafe sex, partying with clients from brothel management?

- Yes
- No

Question 34.

Whilst working in a brothel in New South Wales, Western Australia, or the Northern Territory? (States that are already decriminalised) have you ever been pressured into or suggested that you should participate in illegal activities such as taking or selling drugs, providing unsafe sex, partying with clients from brothel management?

- Yes
- No



## Appendix 3 - a brief history of Queensland sex work before The Act

Queensland is widely regarded as one of the least progressive Australian States when it comes to sex worker legislation - the path to legalisation was long and challenging.

From the early 1900s, prostitution fell under the purview of the *Vagrants, Gaming and Other Offences Act*. From 1931 to the 1980s, penalties for prostitution offences increased by 400%. Deterrence by threat of fine and imprisonment proved ineffectual, with prostitution flourishing and police corruption and misconduct rampant.

The ensuing 1987 Fitzgerald Inquiry resulted in the creation of the CJC (now CCC), who's recommendations included legalising brothels, legalising private workers in their own home, and the establishment of a Registration Board. Unfortunately, these recommendations were not enacted by the Government of the time. Finally, in 1999, under a new government, the Prostitution Bill was passed and the Prostitution Act came into effect in mid 2000, along with the formation of the Prostitution Licensing Authority.

Since legalisation of brothels in Queensland, there have been two persistent barriers facing legal brothel owners: inability to provide outcalls, and inability to compete with illegal operators. These issues were investigated as part of the two reviews that have been undertaken by the CMC to the Prostitution Act 1999 – the 2004 Regulating Prostitution: an evaluation of the Prostitution Act 1999 and the 2006 Regulating Outcall Prostitution, resulting in some changes being made to the Act, however neither of these reviews resulted in meaningful change in relation to these barriers. In fact, the 2006 recommended that, at that time, laws surrounding outcalls from legal establishments should not be amended as requested by service providers and establishment representatives. Further, despite the existence of a Queensland Police Prostitution Enforcement Task Force, the number of illegal operators – most generally operating from massage parlours – continue to grow exponentially, impacting the financial viability and sustainability of the legal operators.

These barriers, in addition to the effect of Covid-19 on operators, have placed legal operators in a precarious position. To this end, now is the time for review of the Act against the current climate, to ensure the longevity and viability of the legal industry.



**Queensland Adult Business Association**

[www.qaba.org.au](http://www.qaba.org.au)

## Appendix 2: QABA Research Paper: Results and Analysis

From July to November 2021, QABA invited sex workers across Queensland's 21 licensed brothels to participate in an anonymous online survey.

The primary goals of the research:

- listen to the expert perspective of sex workers working in licensed brothels in Queensland
- provide an up-to-date research resource encompassing sex workers
- examine how legislative changes will impact sex worker livelihood, safety and choice.

The survey questions<sup>26</sup> were designed to be respectful towards sex workers and gather expert opinions and lived experiences as part of QABA submissions regarding legislative reform.

The research paper resulting from the survey, [Listening to sex workers](#) provides in-depth and up-to-date information on the experience of sex workers working within brothels or non-regulated alternatives.

QABA encourages the LRC to use the survey results and the research report as part of consultation on legislative amendments.

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## Survey feedback - a snapshot of Queensland brothel sex workers

### Demographics

- Age: The largest age group of sex workers responding to the survey was 18-25 (31.7%) followed by 26-30 (21.8%). In a broader sense, almost 65% of all respondents were in the 18-35 age bracket. Respondents aged 36 and over made up the remaining 35% - with sex workers over 45 making up only 5% of the total.
- Cultural background: Almost 71% of respondents identified as Australian, with almost 12% identifying as Asian, almost 11% as English, almost 6% as European, and 1% as Indian.
- Almost 34% of respondents are currently studying.

### Why they chose sex work

- This is the first question where respondents could choose more than one answer; reasons for choosing sex work can be complex, and an individual can have a range of reasons that should all be acknowledged.
- Earning money was the most popular reason to become a sex worker (69%). This is not surprising; sex work is a job like any other.

### Time in industry

Almost 74% of respondents have been sex workers for 12 months or more. Almost 27% have been in the industry less than 12 months, with 3% in their first month of sex work when they completed the survey.

### Why they choose to work within a legal brothel

- It's legal (67%)
- I don't have to advertise (64%)
- Flexible hours (64%)
- The facilities (60%)
- My rights are respected (56%)

### Where they work

Almost 84% of respondents are working within metropolitan regions in Brisbane or the Gold Coast. The remainder are located across regional licensed brothels. This reflects the bulk of licensed brothels operating in metropolitan areas in South East Queensland.

### **Sex work outside a brothel**

- 53% have only ever worked in licensed Queensland brothels
- almost 15% have worked in brothels interstate
- almost 24% have been sole operators
- almost 19% have worked in massage parlours, or with other sex workers, or with escort agencies
- almost 19% had worked via 'sugar daddy' sites - essentially online escort facilities.

### **Safety and security in licensed Queensland brothels**

Respondents rated their safety and security at an average of 8.81 out of 10.

This is a reassuring figure, but it is important to note that several respondents rated their safety as Low - and it is important for all brothel owners and approved managers to consider these results in a respectful and considerate way to ensure all safety mechanisms are provided, and all workers feel safe and secure at all times.

### **Facilities in licensed Queensland brothels**

Respondents rated the facilities in Queensland brothels an average of 8.52 out of 10. This is another reassuring figure, but again it is noted that several respondents rated their facilities as Low - individual concerns that must be addressed by every licensed brothel.

### **Respect for sex workers and their rights in Queensland brothels**

Respondents rated respect for themselves and their rights at an average of 8.47 out of 10.

This is another positive response but still demands ongoing attention to ensure sex workers continue to choose legal brothel options rather than look for respect in other modes of sex work that may risk their safety.

### **Working in brothels in states other than Queensland (decriminalised)**

Almost one-third (32%) of respondents have worked at brothels in NSW, WA or the NT, where sex work is decriminalised. The remaining almost 69% have either not worked in brothels outside of Queensland but may have worked in other sex work modes in other States. This is positive for the survey to ensure a cross-section of experience, expertise and comparison across states and formats.

### **Safety in Queensland brothels compared to other workplaces**

Almost 85% of respondents agree that they feel safer working within a licensed



Queensland brothel than in other states or workplaces. This is an excellent reflection of the professionalism and security offered by the brothel environment, but we must not ignore that almost 15% did not feel any safer in the brothel environment.

### **Training and induction at Queensland brothels**

Almost 97% of respondents received training and induction sessions - ranging from workplace rights to facilities and policies. Not all respondents received training on all listed topics - but almost 84% of respondents agree that their training was sufficient.

### **Contact and support from industry or sex work organisations and bodies**

Almost 80% of sex workers on licensed Queensland brothels have not been in contact with any sex worker, industry or compliance bodies in the past year. Approximately 81% of respondents have never been in contact with any sex worker or industry associations since they started sex work.

### **Sex work advertising**

Almost 97% of respondents agree that improvements to guidelines on brothel advertising would enable them to earn more money (noted as a primary motivator for choosing sex work).

### **Outcalls and sex workers**

Almost 83% of respondents agree that outcall services being offered by Queensland brothels would enable them to earn more money (noted as a primary motivator for choosing sex work).

### **Sex work pay and financial frameworks**

Almost 94% of respondents are happy with the working model of sex workers being independent sole traders who negotiate their terms with the brothel licensee and/or approved manager. Almost 94% of respondents agreed they are satisfied with brothel management not being involved in the financial transactions and respecting their rights to negotiate with their clients.

### **Deregulation - preference for working location**

Almost 85% of respondents agree that sexual services businesses should be regulated.

Given the choice in a deregulated industry, almost 83% preferred to work in a licensed Queensland brothel, with sole operator (almost 41%), in a group of sex workers (35%) and escort agencies (almost 32%), the next most popular options.

Only 6% of respondents would prefer to work in a massage parlour, and 10% to work from sugar daddy sites.

## Key statistics from QABA's Research Report

Statistic	2017 - Respect Inc Report	2021 - QABA Report
<b>Safety and security – reason for working in a licensed brothel</b>	42%  Working in brothel safer than other modes of sex work	92%  Chose sex work in brothel due to safety
<b>Satisfied with security measures at brothel</b>	78% - Yes	88% - Yes
<b>Training</b>	67% training was sufficient	97% received training and induction  84% considered training provided was sufficient
<b>Training on how to do sexual health check</b>	84%	88%
<b>Training on laws re PPE (condoms etc)</b>	83%	91%
<b>Training on dealing with difficult/violent customers</b>	61%	70%
<b>Training on rights for refusing intro/refuse clients or refuse specific services)</b>	Refuse intro/Clients – 57%  Refuse Specific services – 57%	Refuse intro/clients - 79%  Refuse specific services – 86%
<b>Training – Advised about PLA</b>	31% know PLA role	52% know PLA training

<b>Respect of legal rights in brothel</b>	30% unsure of legal rights in Queensland licensed brothel	84.7% rights respected
<b>Autonomy</b>	<p>49% felt pressured to perform service in a brothel</p> <p>No statistic for same question outside of a legal brothel.</p>	<p>31% felt pressured to provide service in legal brothel</p> <p>(29% felt pressured to provide a service working outside legal brothel)</p>

## **Appendix 3: Wollongong Development Control Plan 2009, Chapter C16: Sex Services Premises and Restricted Premises (Sex Shops)**



Part C – Specific Landuse Controls

# Chapter C16: Sex Services Premises and Restricted Premises (Sex Shops)

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## 1 INTRODUCTION

This chapter of the DCP aims to provide guidelines for the establishment and management of sex services premises and restricted premises within the City of Wollongong Local Government Area.

This chapter of the DCP should be read in conjunction with the provisions of the relevant LEP applying to the site to determine the zoning of the subject land and the permissibility of the proposed sex services premises or restricted premises.

Before submitting a Development Application a pre-lodgement consultation with Council is recommended to ensure you are familiar with relevant requirements, prior to the lodgement of the Development Application.

## 2 OBJECTIVES

The aims and objectives of this Plan are:

- (a) To provide guidelines for the determination of applications for sex services premises and restricted premises in the City of Wollongong.
- (b) To acknowledge that whilst sex services premises and restricted premises are permitted in appropriate locations within Wollongong City, as determined in conformity with this chapter of the DCP, they are sensitive land uses and their location needs consideration beyond that of mere physical impact.
- (c) To provide appropriate locational restrictions for any sex services premises to ensure such premises are located at a reasonable distance away from any residential development or areas and any other sensitive land uses, such as places of worship or places where children and adolescents regularly gather, to minimise potential adverse social, economic and amenity effects upon the surrounding locality.
- (d) To control the location of sex services premises to avoid a concentration of these uses and to minimise any cumulative impact of such activities and to ensure that such premises do not become a prominent feature in the streetscape.
- (e) To ensure that all sex services premises and restricted premises are appropriately regulated under the Environmental Planning and Assessment Act 1979.
- (f) To identify appropriate health and hygiene standards for the operation of sex services premises.
- (g) To ensure the safety and discretion of clients, staff, and members of the public.

## 3 DEFINITIONS

**Home Occupation (Sex Services)** Refer to Local Environmental Plan

**Premises Manager** means the manager of the sex services business.

**Premises Operator** means the owner of the sex services business.

**Premises Owner** means the registered owner(s) of the premises.

**Prostitution** means the provision of a sexual act or sexual service in return for payment or reward.

**Restricted Premises** Refer to Local Environmental Plan

**Sex Services** Refer to Local Environmental Plan

**Sex Services Premises** Refer to Local Environmental Plan

**Spruikers:** persons located on the public way, usually associated with or employed by a sex services premises, who seek to entice customers to enter the premises.

## 4 PLANNING AND REGULATORY POWERS - OTHER AUTHORITIES

1. Council's responsibility in relation to "sex services premises" centres primarily on land use planning under the Environmental Planning and Assessment Act 1979. Responsibility for safe health practices in the workplace rests with the NSW Department of Health, while the WorkCover Authority is the primary authority regarding occupational health and safety issues in any workplace. Sex workers and brothel owners/proprietors must comply with Section 13 of the Public Health Act 1991.
2. Council will also periodically liaise with the NSW Police Service concerning complaints received about "sex services premises". Issues of illegal immigrant sex workers are matters for investigation by the Australian Federal Police and Commonwealth Department of Immigration. Issues of criminal behaviour are matters for the NSW Police Service to investigate and are outside the scope of this plan.
3. In appropriate circumstances, Council may refer Development Applications for "sex services premises" to the following:
  - (a) NSW Police e.g. for comment in relation to Crime Prevention through Environmental Design (CPTED) issues;
  - (b) NSW Department of Health;
  - (c) Aids Council of New South Wales, (ACON); and
  - (d) Any other relevant government department, agency or organisation, depending upon the nature and circumstances of the application.

## 5 RELEVANT LEGISLATION

1. The management and operation of "sex services premises" in NSW is regulated by the following Acts:
  - Environmental Planning and Assessment Act 1979;
  - Brothels Act 2007;
  - Public Health Act 1991;
  - Restricted Premises Act 1943;
  - Summary Offences Act 1988;
  - Crimes Act 1900;
  - Local Government Act 1993;

- Building Code of Australia; and
  - Occupational Health and Safety Act 2000.
2. Before submitting a Development Application it is recommended that persons seeking approval for “sex services premises” should familiarise themselves with the relevant sections of these Acts and their effect on the operation of a sex services premises.
  3. The NSW WorkCover Authority’s publication titled “*Health and Safety Guidelines for Brothels in NSW*” published by WorkCover NSW (2001), requires that sex services premises (brothels) shall have at least one current copy of the Guidelines placed in all staff and client waiting areas. These guidelines provide best practice from maintenance of a safe and healthy environment for sex workers, employees, clients and visitors.

## 6 PLANNING CONTROLS

### 6.1 Locational Requirements Relating to Sex Services Premises

1. In addition to clause 7.11 of the Wollongong Local Environmental Plan 2009:
  - a. Sex services premises must not be located within a 150 metre radius of land which has development approval for, or where the land is used for, any one or more of the following uses:
    - i. child care centres,
    - ii. places of worship,
    - iii. community facilities,
    - iv. residential dwellings,
    - v. residential flat buildings (excluding mixed use developments),
    - vi. boarding houses,
    - vii. educational establishments,
    - viii. entertainment facilities,
    - ix. group homes,
    - x. public open space or reserves,
    - xi. any other approved sex services premises,
    - xii. home occupation (sex services),
    - xiii. restricted premises;
    - xiv. a licensed premises, and/or
    - xv. any place where children and adolescents regularly gather.
  - b. The 150 metre radius referred to above is to be measured in a straight line on a horizontal plane from the proposed point of entry to the building to be used for the purpose of a “sex services premises”, to the nearest boundary of the land approved or used for one or more of the purposes listed above. Where more than one point of entry is proposed, the radius is to commence from the point of entry closest to the nearest boundary of the land approved or used for one or more of the purposes above.

### 6.2 Size, Layout and Design of Sex Services Premises

Sex services premises must meet the following design requirements:

1. The building design is to be compatible with the surrounding built form (to discreetly blend into the streetscape);



2. Only one separate street level access is permitted and there must be no other internal access to any other tenancy;
3. The entrances, exits and external appearance shall be well lit but not to the extent where it becomes a prominent feature in the streetscape.
4. Sex services premises shall not display sex workers, or sex related products from the windows, doors or outside of the premises. Activities relating to sex services premises shall be contained wholly within the building and are not to be visible from the windows, doors or outside of the premises.
5. Restricted premises must not display merchandise in the doors or windows and must not be visible from outside the premises.
6. No signs shall be permitted which, in the opinion of Council, are lewd, sexually explicit or offensive. "A" frame signs and signs with flashing lights are not permitted. Signage shall, however, clearly identify the number of the building only so as to minimise potential nuisance to neighbours.
7. Sex services premises shall minimise potential nuisance to neighbours in the street by displaying the building number in one location only, in a discrete manner that is clearly visible from the street, and is no larger than 300mm wide by 150mm high.
8. The paint finishes on external walls should not be such that they become a prominent feature in the streetscape (e.g. fluorescent or excessively bright colours).
9. The premises must comply with the requirements of the Building Code of Australia and access for people with a disability should be provided in accordance with all relevant legislation. In particular, the Disability Discrimination Act (DDA) requires that major entrances to premises to which the public is entitled to enter need to be designed and constructed to provide equitable treatment of users and meet minimum standards of grade, doorway width and connectivity.
10. Crime Prevention through Environmental Design (CPTED) issues should be addressed at the design/concept stage of the development. Refer to Chapter E2.

### 6.3 Car Parking

1. Off-street parking must be provided at the rate of one (1) car parking space per 40 square metres of floor space.
2. Car parks should be well lit and easy for staff and customers to locate.

### 6.4 Waste Disposal and Collection

1. Wollongong Council does not collect trade waste. Operators are to make their own arrangements for trade waste collection, and ensure that any potentially hazardous waste is collected by a clinical waste contractor.
2. Premises should provide sharp safes in sanitary facilities for sharps disposal.
3. Waste containers are to be stored and collected from within the site.
4. Waste disposal operations must comply with the NSW Department of Health and WorkCover guidelines.

## 6.5 Security and Public Safety

1. Development Applications are to provide details on measures to be undertaken to safeguard workers, clients and the general public. Such details are to address the number and hours of security personnel and the lighting of access ways and car parking areas. A private security company is to be engaged to monitor and regularly check entrances and exits.
2. Security intercom / alarms are to be installed in each room that is used for sexual activity. These alarms are to connect back to a central base, such as reception, that is to be monitored at all times.

## 6.6 Spruikers

Spruikers are not permitted in association with the operation of any sex services premises or restricted premises.

## 6.7 Plans of Management for Sex Services Premises

A plan of management must be submitted with Development Applications for all types of sex services premises. Considerations to be addressed within a plan of management are included in Appendix 1. **NOTE:** The premises operator and the premises owner shall **both** be held responsible for ensuring that the premises are run in accordance with an approved plan of management. Consent applies to the land and hence the owner must be party to the plan of management.

Plan of Management must address the following:

1. Premise Owner, Premise Operator and premise manager(s)
  - a. Provide the name and contact details of the Premises Owner, Premises Operator and Premises Manager(s);
  - b. Registered business name and trading name (if different).
2. The premise
  - a. Identify type of business, operating hours, services provided;
  - b. Identify number of working rooms/cubicles;
  - c. Identify all services.
3. Staff:
  - a. Identify all staff, responsibilities, working hours, prohibitions;
  - b. Staff facilities – staff rooms, sanitary facilities, notice boards;
  - c. Identify procedures for prohibiting underage staff.
4. Safer workplaces:
  - a. Safer Design – Entrances and Exits, security and surveillance systems, client assessment and reception areas;
  - b. Safer Operation – Safety of staff in isolated areas, security providers, video surveillance procedures, first aid, critical incident response, safe handling of money.
5. Managing clients:
  - a. Identify procedures for client assessment;
  - b. Procedures for equitable access procedures.
6. Compliance:
  - a. Identify liaison protocols with health service providers;

- b. Develop communication and conflict resolution procedures.
- 7. Cleanliness of premise:
  - a. Identify cleaning procedures including equipment, spa pools, waste, safe sharps disposal.
- 8. Staff health and safety:
  - a. Detail procedures to support health of staff;
  - b. Identify staff induction and training and resources;
  - c. Detail procedures for client health checking.
- 9. Equipment and safety:
  - a. Safe sex equipment, linen – provision, storage, cleaning;
  - b. Specialised equipment, mattresses etc.

## 6.8 Statement of Environmental Effects for Sex Services Premises

The following information must be included in the Statement of Environmental Effects which must be submitted with the required Development Application:

- (a) Number of employees;
- (b) Description of the activities that are proposed to be undertaken at the premises;
- (c) Details of existing uses of adjoining properties or any other uses established on the property;
- (d) Hours and days of operation;
- (e) Number of rooms in the premises;
- (f) The rooms to be used for the proposed activities;
- (g) The name of the business proprietor;
- (h) Floor plan of the premises;
- (i) Elevation plan (from all sides) where a new premises or additions to an existing premises are proposed;
- (j) Security arrangements;
- (k) Health and hygiene arrangements;
- (l) Plan of management; and
- (m) Compliance with other relevant planning instruments and development control plans.

## 6.9 Plan information for Sex Services Premises:

- 1. The following plans must be submitted with the required Development Application:
  - (a) A location plan drawn to scale showing the proximity of the site to all churches, hospitals, schools, community facilities, residential properties, any other brothel, or any other place regularly frequented by children within 150 metres of the site;

- (b) A full site and floor plan drawn to scale of 1:100 showing room layout and dimensions, partitioning, location of windows and doors including all entrances to and exits from the building. Any proposed internal and external alterations to the premises are to be clearly indicated on the plan. The use of each room should be specified;
  - (c) Sanitary facilities to be provided;
  - (d) Food handling and preparation areas;
  - (e) Ventilation and lighting;
  - (f) Layout of the parking area, including the location and number of parking spaces;
  - (g) The size, form or shape, illumination and position, colour and content of any proposed business identification sign, street number, advertisement or promotional device to be erected or displayed;
  - (h) Details of the existing and proposed external lighting;
  - (i) A specified operator must be named on the application; and
  - (j) Waste disposal areas and arrangements.
2. Development Applications must specify the name and residential address of the person responsible for operating the sex services premises.
  3. The nominated operator must register the sex services premises with Council for ongoing health surveillance services. A condition of any consent will require written notification to Council of a change in name of the nominated operator.
  4. The personal safety of clients and workers should be protected at all times. Development Applications submitted to Council should include details on security arrangements.
  5. A Plan of Management must also be submitted with Development Applications for all sex services premises (see Appendix 1).

## 6.10 Statement of Environmental Effects Restricted Premises

A Statement of Environmental Effects (SEE) must be submitted with the Development Application. The SEE should be prepared by a suitably qualified and experienced town planning consultant. The SEE must address the following matters / issues:

- (a) Full details of the proposed restricted premises including:
  - (i) Number of employees at any one time in the premises;
  - (ii) Proposed hours and days of operation;
  - (iii) The name of the business proprietor;
  - (iv) Floor plan of the premises;
- (b) Proposed security arrangements;
- (c) Health and hygiene arrangements; and
- (d) Written evidence as to the proposal's compliance with relevant environmental planning instruments (including Wollongong LEP 2009) and compliance with this chapter and any other relevant chapters in this DCP.

## 6.11 Plan Information for Restricted Premises

The following additional information is required to be submitted with the Development Application:

- (a) A full site and floor plan drawn to scale of 1:100 showing room layout and dimensions, partitioning, location of windows and doors including all entrances to and exits from the building. Any proposed internal and external alterations to the premises are to be clearly indicated on the plan. The use of each room should be specified.
- (b) A description of all materials, articles, compounds, preparations and the like to be offered for sale.
- (c) Layout of the parking area, including the location and number of parking spaces.
- (d) business identification sign, street number, advertisement or promotional device to be erected or displayed.
- (e) Details of the existing and proposed external lighting.
- (f) A specified operator must be named on the application.
- (g) Waste disposal arrangements taking into account the requirements of the Waste Management chapter in Part E of the DCP.

## 6.12 Other Provisions

1. All development consents granted to a sex services premises or restricted premises shall be initially limited to a period of 24 months. At the completion of this period the operator/owner is required to submit a S96 Modification requesting an extension. Council will re-evaluate the proposal in terms of any complaints received regarding the operation of the business, and in terms of compliance with conditions of consent. If Council is satisfied that the premises has been operated in an orderly manner with minimal impact upon nearby uses, and in compliance with conditions of consent, it may approve a modification to the consent under the Section 96 of the Environmental Planning and Assessment Act, 1979, to extend the consent for a further twelve months with a further review to be conducted at the end of this period.
2. Council may also impose conditions of consent relating to hours of operation, which will be subject to review after the 24 month trial. If, after the initial 24 month trial, any hours of operation are shown to be causing a nuisance or disturbance in the neighbourhood, the approved hours of operation may be further restricted.
3. Should the specified operator change, Council must be notified prior to the business operating.
4. If the number of sex workers, hours of operation or signage are proposed to be changed, an amendment to the development consent should be applied for.
5. Persons under the age of 18 years are not allowed to be on commercial sex services premises and are not to be engaged in the business as a sex worker.
6. No alcohol is to be offered for sale.

## 7 LEGAL ACTION

The NSW Land and Environment Court, on application by Council, may make an order under section 17 of the Restricted Premises Act 1943 for the cessation of the use of a premises as an unauthorised “sex services premises”.

The Restricted Premises Act 1943 specifies the grounds under which an application may be made to the NSW Land and Environment Court. Additionally, Council has other powers under the Environmental Planning and Assessment Act 1979 available to deal with “sex services premises” or “restricted premises” operating without development consent or operating contrary to conditions of a development consent.



## **Appendix 4: Complete Corporate Services: Interim Report**



Complete Corporate Services



Mr Neil Gilmore  
President  
Queensland Adult Business Association  
Email: [neil@gaba.org.au](mailto:neil@gaba.org.au)

Dear Sir,

**INTERIM REPORT: Licensed Brothels – Assessment of competition on the Gold Coast and associated impact.**

Thank you for trusting us to consult to you for the purpose of assessing the competing factors to your business and provision of our strategic advice.

**1. Legislation for Legal Prostitution**

- 1.1** Brothels are licenced under the Prostitution Licensing Authority, who reports to the Crime and Corruption Commission, which reports to parliament;
- 1.2** The Prostitution Act 1999 regulates brothels and prostitution by establishing a framework for licenced brothels to operate within Queensland. The Prostitution Licensing Authority is responsible for granting licences to brothels; it is against the law to operate a brothel without a proper licence. The licence is granted for a three-year period and incurs annual fees, which are set out in Schedule 2 of the Prostitution Regulation 2000;
- 1.3** Under the Act, certain persons are not eligible to apply for or receive a licence to operate a brothel. This includes minors, corporations, those who are insolvent under administration, those who hold a licence under



the Liquor Act 1992, and anyone who has been convicted of a disqualifying offence. These regulations are in place to protect brothel owners, sex workers, clients, and the general community;

- 1.4** Although legislation and a regulatory authority are in place, there are still many instances of illegal sex work throughout Queensland, and in addition to operating illegally, this creates numerous health and safety risks;
- 1.5** Police also have various powers to enter and inspect licenced brothels. S59 and 60 of the Prostitution Act 1999 indicate the police powers to enter a licenced brothel during hours of business and to inspect, photograph and take possession of items in particular circumstances;
- 1.6** At present there is a robust compliance inspection regime which regularly undertakes inspections and issues fines and breaches to operators.

## **2. Unlicenced Prostitution**

- 2.1** It is estimated that only approximately 10% of prostitution occurs within licenced brothels, with the remaining 90% occurring in illegal or unregulated circumstances.<sup>1</sup>
- 2.2** Prostitution occurring in unlicenced brothels, massage parlours and through street prostitution constitute illegal forms of prostitution. There are currently a large number of massage parlours operating who illegally offer sexual services to clients. This carries a number of risks including legal risks for the massage parlour owners, workers and clients, as well as a number of health and safety risks;
- 2.3** The legislation and regulatory checks in place to grant a person a licence to operate a brothel are in place to protect individuals involved in the sex work industry. By providing illegal prostitution, massage parlours are avoiding the licence checks and may in fact be ineligible to hold a brothel licence for a number of reasons. Holders of a brothel licence are required to take reasonable steps to ensure that only safe sex occurs and are also required to keep record of brothel operations. It is unlikely that

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<sup>1</sup> Kate Dennehy, 'Queensland sex industry still largely illegitimate' (2009, Brisbane Times).

massage parlours operating illegally as brothels are upholding such requirements and keeping such records.

### **3. Definition of a Brothel**

A brothel is a premise that is used for the purposes of prostitution (the exchange of sex for money), or have been in the past and will likely be in the future; or have been expressly advertised as being used for prostitution. Sex workers must be at least 18, as must clients who enter the brothel. Criminal penalties can be applied for under-age activity. In order to be legal in Queensland, a brothel must be licenced.

### **4. The Regulations that Apply to the Operation of a Legalised Brothel**

**4.1** Owning and operating a brothel requires the owner to comply with the Prostitution Act 1999 (Qld). There are also a number of other laws that must be abided by, which cover aspects of employment, public health, discrimination and harassment, and public health. The licenced brothel business must be personally supervised by the licence or approved manager at all times that it is open for business. Brothel managers must hold a manager's certificate;

**4.2** There are also regulations around where a brothel can be established and how many working rooms are allowed. Examples of such regulations include but are not limited to:

4.2.1 Like any other business, the decision as to where a brothel may be located is largely a matter for local authorities, subject to the Sustainable Planning Act 2009. A development approval will not be granted by the local authority if the proposed brothel;

4.2.1.1 Is in or within 200 metres of the closest point on any boundary of a primarily residential area or an area approved for residential development or intended to be residential in character; or

4.2.1.2 Is within 200 metres of the closest point on any boundary of land on which there is a residential building, place of worship, hospital, school, kindergarten or any other

facility or place regularly frequented by children for recreational or cultural activities. This is measured according to the shortest route a person may reasonably or lawfully take, by vehicle or on foot, between the application land and the other land; or

4.2.1.3 The application land is within 100m of the closest point on any boundary of land on which there is a residential building, place of worship, hospital, school, kindergarten, or any other facility or place regularly frequented by children for recreational or cultural activities, measured in a straight line; or

4.2.1.4 Has more than five rooms, which are to be used for providing prostitution.

**4.3** It is possible for the local authority of a town with less than 25,000 residents to automatically refuse development applications for brothels, if the local authority has sought and received approval from the Minister to be an exempt town under the Sustainable Planning Act;

**4.4** Brothels are only permitted to operate with a maximum of five rooms and no more. If you have development approval to operate a five-room brothel, and you hold a brothel licence for 5 rooms, you must not have more than eight sex workers at the brothel at the one time. The total number of staff at a brothel must not exceed thirteen at any one time.<sup>2</sup>

## **5. The Application Criteria that Apply to a Legalised Brothel (as per the Queensland Government)**

**5.1** In considering a brothel licence application, the PLA must assess an applicant for:

- eligibility; and
- suitability.

**5.2** Once an application has been lodged with the PLA, all information supplied by the applicant must be kept up to date. Under the Act it is an

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<sup>2</sup> Queensland Government, 'Establishing a Brothel' (2019) <<http://www.pla.qld.gov.au/brothels/establishingBrothel.htm>>

offence if, within ten days after becoming aware of a change in the information, an applicant has not given the particulars of the change to the PLA by written notice. An applicant may withdraw an application at any time before the brothel licence has been issued.

## **6. Eligibility**

**6.1** A person is ineligible to apply for a brothel licence if the person:

- is a corporation or a minor;
- is an insolvent under administration;
- holds a licence or permit under the *Liquor Act 1992*;
- has been convicted of a disqualifying offence;<sup>[1]</sup>
- has had a licence or other authority under the Prostitution Act or a corresponding law to provide prostitution at a brothel cancelled in the last three years;
- has had a certificate or other authority under the Prostitution Act or a corresponding law to manage a brothel cancelled in the last three years;
- is subject to an order of the PLA declaring the person to be ineligible to apply for a licence;

## **7. Suitability**

In considering the suitability of an individual to hold a brothel licence the PLA must consider:

- the applicant's reputation, having regard to character, honesty and integrity;
- whether the applicant has been convicted of an offence against the Prostitution Act or a corresponding law;
- whether the applicant has been convicted of an indictable offence;
- whether the applicant has been convicted of an offence, the circumstances of which constitute the running of a brothel;
- whether the applicant has been charged with any offence of a sexual nature that involves violence, intimidation, threats or children;

- whether the applicant has, or is or will be able to obtain financial resources that are adequate to ensure the financial viability of the brothel;
- whether the applicant will have in place arrangements to ensure the safety of persons directly involved in providing prostitution and that otherwise comply with the requirements of the Prostitution Act;
- whether the business structure for the operation of the brothel is sufficiently transparent to enable all associates of the applicant, whether individuals or bodies corporate, to be readily identified;
- whether the applicant is an associate of a person who has been convicted of a disqualifying offence or an indictable offence;
- whether the applicant is an associate of a body corporate, an executive officer of which has been convicted of a disqualifying offence or an indictable offence;
- whether the applicant is an associate of a person who holds a licence or a permit under the Liquor Act.

The PLA must not decide that an applicant for a licence is not a suitable person to operate a licensed brothel only because the applicant has worked as a prostitute<sup>3</sup>.

## **8. Is it an offence for a male to pay for a sexual service at an unlicensed brothel?**

### **8.1 Yes. Procuring engagement in prostitution**

- 8.1.1 Clients who engage with illegal forms of prostitution may be charged under s229HC of the Criminal Code 1899 (Qld); under this section, it is an offence for a person who, without reasonable excuse, obtains prostitution through a business suspected on reasonable grounds for providing unlawful prostitution;
- 8.1.2 Additionally, under s229I of the Criminal Code (Qld), it is an offence for a person, without reasonable excuse, to be found in or leaving a place suspected on reasonable grounds of being

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<sup>3</sup> Queensland Government, 'Applying for a Brothel Licence' (2019) <  
<http://www.pla.qld.gov.au/licencesCertificates/brothelApplication.htm>>

used for the purposes of prostitution by two or more sex workers (except for a licenced brothel).

## **9. Is it legal for brothels to provide an outsourced service?**

- 9.1** According to current Queensland law, individual sex workers working alone ('sole operators') may legally provide outcall services. However, licensed brothels are only permitted to provide services on brothel premises; and, as the law currently stands in Queensland, independent escort agencies providing outcall prostitution services are not permitted.<sup>4</sup>

## **10. Criminal Charges**

### **10.1 Unlicensed Prostitution**

Under s229HB of the Criminal Code 1899 (Qld), it is unlawful for a person to carry on a business of unlawful prostitution. This carries a maximum penalty of seven years imprisonment. The massage parlours who are offering sex work without a licence are therefore operating illegally and could be subject to criminal charges and penalties. S229K of the Criminal Code also makes it an offence for a person with an interest in a property to knowingly allow the premises to be used for the purpose of prostitution without a licence; this would also apply to massage parlour owners operating with illegal sex workers.

### **10.2 Obtaining prostitution from a person under 18**

Under section 229FA of the Criminal Code 1899 (Qld), it is an offence to pay a person who is under the age of 18 for sex work where the offender knows or ought to have known that the person was under 18 years of age. It is unknown if there are minors working in massage parlours operating as unlicensed brothels, however this is a clear risk which may pose additional penalties to owners and operators as well as the clients.

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<sup>4</sup> Crime and Misconduct Commission, 'Regulating Outcall Prostitution' (2006) <<https://www.ccc.qld.gov.au/sites/default/files/Docs/Public-Hearings/Escort-agency-hearings/Regulating-outcall-prostitution-Report-2006.pdf>>

### **10.3**    Sex work without a condom

Under s77 of the Prostitution Act 1999, it is an offence for a sex worker to provide or offer to provide prostitution involving sexual intercourse or oral sex without a prophylactic (*male condom, female condom or dental dam*). In unlicensed premises such as massage parlours, the use of prophylactics may not be enforced and this can result in a number of health and safety risks, which will be discussed below. Under s77 of the Prostitution Act, it is also illegal for clients of sex workers to ask for sexual intercourse or oral sex without a prophylactic, or to accept such an offer, or to obtain prostitution involving sexual intercourse or oral sex without a prophylactic.

### **10.4**    Procuring engagement in prostitution

Clients who engage with illegal forms of prostitution may be charged under s229HC of the Criminal Code 1899 (Qld); under this section, it is an offence for a person who, without reasonable excuse, obtains prostitution through a business suspected on reasonable grounds for providing unlawful prostitution. Additionally, under s229I of the Criminal Code (Qld), it is an offence for a person, without reasonable excuse, to be found in or leaving a place suspected on reasonable grounds of being used for the purposes of prostitution by two or more sex workers (except for a licensed brothel).

## **11. Health and Safety Risks**

**11.1**    There are numerous different health and safety issues related to prostitution; this can include risks of developing a sexually transmitted infection or disease;

**11.2**    With the current climate, the risk of transmitting COVID-19 is also high in prostitution, as this is transmitted through close contact. In licensed brothels, managers are required to keep logs of activity and can also monitor sex workers for symptoms of COVID, ensuring transmission does not occur or is at least controlled. The regulation of this in massage parlours is unknown and therefore the risk is high;

- 11.3** Sexually transmitted infections such as human papillomavirus, herpes, chlamydia, gonorrhoea, HIV/AIDS and syphilis can all be transmitted through sexual activity. Many sexually transmitted infections are also transmitted through oral sex. Licenced brothels have practices in place to promote the health and safety of workers and clients, including requirements for regular health screenings and the use of prophylactics. As such, with proper testing and adequate controls in place, the risk of sexually transmitted infections can be controlled and reduced. In unlicensed massage parlours operating as illegal brothels, there is no regulation for health checks or the use of prophylactics, and therefore the risk of transmission is higher.

## **12. Illegal Brothels and Other relevant illegal activity**

- 12.1** Illegal brothels openly advertise themselves as “Massage” businesses. Our investigations reveal that there are at least 49 operating on the Gold Coast (*see Table 1*);
- 12.2** They breach most parts of the legislation, and also operate openly in places such as shopping centres and adjacent to residential property, including areas regularly frequented by children for recreational or cultural activities;
- 12.3** An inspection of over 25 COVID-19 records at front counters between 25 October 2020 and 3 November 2020, revealed substantial attendance records of male persons (*no records of females*);
- 12.4** Between the period of our investigations we surveyed business operators and members of the public within the vicinity of each massage parlour. A summary of the response was as follows:
- 12.4.1 92% of persons surveyed believed that the Massage Parlour was an illegal brothel;



12.4.2 87% of persons surveyed believed that the Massage Parlour did not comply with Local Authority Amenity;

12.4.3 72% of persons surveyed did not like the presence of the Massage Parlour.

**12.5** As these venues are not regulated by the PLA;

12.5.1 Operators, managers, and service providers are not registered;

12.5.2 Health standards are not enforced with regard to;

- Service Provider health;
- Linen;
- Client inspection;
- Use of condoms;

12.5.3 There is no requirement of record keeping;

12.5.4 It is highly likely that taxation reporting obligations are not followed;

**12.6** In terms of individuals performing prostitution services as sole operator's intelligence revealed that:

12.6.1 Some of these services are coordinated by third parties, who supply multiple prostitutes representing that they are sole operators;

12.6.2 Many sole operators employ security and or drivers;

12.6.3 Operators, managers, and service providers are not registered;

12.6.4 Health standards are not enforced with regard to;

- Service Provider health;
- Client inspection;
- Use of condoms;

12.6.5 There is no requirement of record keeping;

12.6.6 It is highly likely that taxation reporting obligations are not followed;

12.6.7 There is a high incident of reported criminal activity including but not limited to:

- Unreported assaults against operators;
- Extortion and blackmail by operators against clients.

12.6.8 In a recent matter, a paid sole operator demanded large sums of funds from a high-profile real estate agent, after sex was performed at his Sovereign Island property with the consent of both parties;

12.6.9 Subsequent to the event, the operator wrote and published a number of highly defamatory messages online, hacked into the clients LinkedIn and threatened to attend his place of work demanding funds to decrease. This is a common occurrence, (*extortion*) that is often not (*cannot be*) reported to authorities.

### 13. Illegal Brothels – Gold Coast

At the time of this report, the following are some of the suspected illegal brothels operating on the Gold Coast:

**Table 1: Illegal Brothels Operating as ‘Massage Parlours’ on the Gold Coast**

	Location:	Phone Number:	Notes:	
1.	25 Massage Brisbane Road Labrador	5679 8854	40mts from residential units. 70 mts from Squash Courts	
2.	Healthy Dragon Massage No. 64 Frank Street, Lotus Creek Southport	55911889	Adjacent to other shops.	
3.	Lucky Massage Musgrave Av, Churn Park Southport	0420436388	CBD Churn Park, Southport	
5.	Oasis Massage 455 Oxley Drive Runaway Bay	56792876	In shopping Centre and beside restaurants	
6.	Cattlayaeye Orchid Blessings Paradise Point;	0405655736	In Shopping Centre	
7.	Cindy’s Emanuel Shopping Centre Service Road Oxenford	0424 367 458	Shopping Centre	

8.	Cottage Thai Massage Hope Island Road Hope Island	0405 539 511	Shopping Centre	
9.	Shining Star Massage Shop 6(b) 331 Hope Is Road Hope Island	0420976118	Shopping centre	
10.	Shop 1/166 166 Scarborough St Southport	55 28 3038	Amongst Shops and residential.	
11.	Massage for Health 152 Scarborough St Southport		Amongst Shops	
12.	38 Massage 38 Nind St Southport	55 32 8804	Amongst Shops in Southport CBD	
13.	Five Star Massage 20 Scarborough Street Southport	55919198	Amongst shops "Open 7 days 9am – Late"	
14.	Asian Massage 1/42 Thomas dr Chevron Island 4215	0432 899 791	Amongst Shops	
15.	37 Body care4 U 37 Thomas dr Chevron is 4217	0487325676	Amongst Shops	
16.	Happy Dragon Massage Fishwick house Thomas dr Chevron Island 4217	56 793568	Amongst Shops	
17.	Thai Palace Massage Gold Coast Hwy Surfers Paradise		Amongst Shops	
18.	Sawasdee Thai Massage Gold Coast Hwy Surfers Paradise	0492920570	Amongst Shops	
19.	49 Massage Gold Coast Hwy Surfers Paradise		Amongst Shops	
20.	Virtue Massage Gold Coast Hwy Surfers Paradise		Amongst Shops	
21.	Thai Massage Elkhorn Av Surfers Paradise		Amongst Shops	
22.	Yes Massage Trickett St Surfers Paradise		Amongst Shops	
23.	Thai Massage 3100 G.C Hwy Surfers Paradise	55510324	Amongst Shops Open 7 days 9am to 10pm Beside Gentleman's club	

24.	Asian Care 4 U Massage GC Hwy Surfers Paradise	0416200960	Amongst Shops. Open 7am till late	
25.	Butterfly Massage 2898 GC HWY Gold Coast Hwy	56274588	Amongst Shops Part of a Highrise residential complex	
26.	Healthy Asian 2791 HWY Gold Coast Hwy	56792598	Amongst Shops	
27.	Malaysian Massage 8/2723 Main PI Broadbeach	55316748	Amongst Shops	
28.	Massage by Fern 2717 Main PI Broadbeach	0419 889 014	Amongst Shops 9am till late	
29.	Yindee Thai Massage 2713 Main PI Broadbeach	55381815	9am till late Amongst Shops	
30.	Asian Massage 2563 GC Hwy Mermaid Beach	55 266266	Amongst Shops	
31.	Sunshine Smile Massage 1/2558 GC Hwy Mermaid Beach	55 266069	Amongst shops	
32.	Carnation Massage 2482 GC Hwy Mermaid Beach	55261664	Amongst Shops and next door to Club X Adult Boutique	
33.	FantAsia Massage 2468 Gold Coast Hwy Mermaid Beach	556612854	Amongst Shops	
34.	Massage – Relax on Mermaid 2440 Gold Coast Hwy Mermaid Beach	56791131	Amongst Shops	
35.	Massage – Waxing 1/2249 Gold Coast Highway Mermaid Beach	55 766197	Amongst Shops	
36.	Oriental massage 2088 Gold Coast Highway Miami	55723888	Amongst Shops	
37.	Happy Oriental Massage 1916 Gold Coast Highway Miami	55351282	Amongst Shops	
38.	Thai Massage James Street, Burleigh Heads	55343374 0449 869 354	Amongst Shops	
39.	Carnation Robina			
40.	Carnation Coolangatta			

41.	HQ Oriental Massage 1/1488 Gold Coast Highway Mermaid Beach	55 358818	Near Residential	
42.	Massage Cnr Eleventh Avenue and Palm Beach Avenue, Palm Beach	0439 770 166	Near Residential	
43.	Asian Massage Palm Beach Avenue, Palm Beach	0402751126	In shops in CBD area	
44.	Palm Beach Massage Palm Beach Avenue, Palm Beach	07 56481300	Adjacent to shops	
45.	Massage 449 Gold Four Drive Tugan	0448 388 669	Adjacent to shops	
46.	Thai Remedial Massage Shop 2/118 Griffith Street Coolangatta	07 5599 3978	Adjacent to shops	
47.	Cooly Massage Shop 12 106 Griffith Street, Coolangatta		Adjacent to shops	
48.	Coolangatta Thai Massage.com.au 5/102 Griffith Street, Coolangatta	55 363628	Adjacent to shops	

## 14. Investigative Methodology

The writer does not have access to police intelligence and methodology, however our own intelligence and media reports tend to indicate that current methodology used by the Queensland Police Service (QPS) has been covert in an attempt to record offers to provide sexual services at unlicensed brothels. Media reports and the QPS reveal that this methodology is in most part, *ineffective*.

Section 8, 9 and 10 of this report outlines the seriousness of non-compliance with legislation and the commission of various offences. Although Legalised Brothels are highly regulated our own intelligence from various sources including consumers, intelligence from licensed brothel operators and the public clearly reveal that unlicensed brothels continue to operate illegally with

very little or no investigation and or prosecution. The writer can only attribute this to:

- The alleged offending being low on priority with other crime;
- A lack of resources to investigate and prosecute;
- The difficulty in gathering evidence;
- Workplace Health and Safety and other propriety Risks associated with gathering evidence.

The writer submits that the QPS should consider a range of varied, coordinated and multidisciplinary extended strategy to address the issue and illegal offending, including but not limited to:

**14.1 Development of an accurate database of owners, operators, service providers and customers;**

- 14.1.1 Title searches will reveal property owners and subsequent lessees;
- 14.1.2 Advertised telephone numbers will reveal identities of persons involved in the business;
- 14.1.3 Telephone toll analysis will reveal the users of phone numbers associated with the business. i.e. owners, management, service providers and customers;
- 14.1.4 Site inspections under the relevant legislation will identify management and service providers;
- 14.1.5 The database should be maintained and updated and most importantly service providers who disconnect with operators should be targeted and interviewed regarding the allegations, with the view to building evidence in each

case, or potential using as informants or covert operatives. The writer submits that theory that former workers are more likely to reveal the real facts and or evidence about operators when they disengage;

## **14.2 Information share – Multidisciplinary approach;**

In the writer's submission the QPS should work with other agencies and services operators who also have responsibilities, including but not limited to;

### **14.2.1 Banks:**

In our experience all banks are reluctant to provide any banking facility (*eftpos, merchant, credit*) where there is reasonable suspicion that illegal activity is occurring. Upon enquiry and or notification by QPS banks usually close facilities;

### **14.2.2 Australian Taxation Authority (ATO)**

The ATO frequently work in a multi-disciplinary way with the QPS. In a suspected *high cash* type business, the ATO could audit each business and assess taxation breaches, including superannuation payments;

### **14.2.3 Department of Home Affairs (Immigration)**

Many operators appear to employ Asian females. The writer's assumption is that the type of employment at these unlicensed brothels would, in a lot of instances, breach visa status. (*e.g. education visa*);

### **14.2.4 Gold Coast City Council (GCCC)**

The writer submits that the GCCC should consider whether the type of business operating in each location is the type

of business that is permitted in that location and whether it is in breach of the town plan, in terms of its operations.

### **14.3 Search Warrants**

The writer submits that each operation should be a significant source of leads, intelligence and evidence as to the commission of the relevant offences. The QPS and or other agencies should be focused on obtaining warrants in each instance for the purpose of obtaining evidence. Such evidence would include but not be limited to;

- 14.3.1 Operators details;
- 14.3.2 Financial records;
- 14.3.3 Data;
- 14.3.4 Service provider details;
- 14.3.5 Customer records; (*e.g. COVID-19*)
- 14.3.6 Scientific evidence: (*e.g. All rubbish, sheets and towels should be collected for scientific analysis*).

### **14.4 Surveillance;**

Human Source surveillance is costly in terms of resources. In the writer's submission fixed covert camera operating from an IP address should be considered to record the number of clients attending per day. This intelligence may well become useful at a later time in the investigation.

### **14.5 Covert Operations:**

In the correct order of priority, consideration should be given to recruit the right service provider/s who will covertly collect evidence of the procurement of or conspiracy to commit offences by operators or management. This methodology is not only available to the QPS, but also you, as an industry. Section 43 (2) (a) of the Invasion of



Privacy Act 1971 makes provision for the recording of a conversation with a listening device, where a person is party to a conversation.<sup>5</sup>

#### **14.6 Service Provider interviews;**

All service providers should be interviewed as an intelligence exercise, particularly former employees, with the view to obtaining statements for consideration in Indemnity or Section 13 applications, with the view to giving evidence against operators;

#### **14.7 Customer interviews;**

All identified customers should be interviewed as an intelligence exercise, with the view to obtaining statements for consideration in Indemnity or Section 13 applications, with the view to giving evidence against operators;

#### **14.8 Crime and Corruption Commission (CCCS)**

Where investigations stall, the QPS could consider using the coercive powers of the Crime and Corruption Commission (CCC) to cross examine individuals on oath, particularly in consideration that the policing of legal brothels is part of its charter.

### **15.Strategy**

The writer respectfully recommends that you give consideration to the following further strategy;

#### **15.1 Media**

Consideration should be given to working with the right journalist who would commit to this problem long term publishing articles relating to:

15.1.1 The problem, including but not limited to:

15.1.1.1 Breaches of the legislation;

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<sup>5</sup> *Invasion of Privacy Act 1971 (Qld).*

- 15.1.1.2 Health risks;
- 15.1.1.3 Lack of Government action;
- 15.1.1.4 The legislation not keeping up with consumer behaviour.

## **15.2 Political Lobbying**

We suggest approaches to at least the following:

- 15.2.1 Local member/s of the Queensland Parliament;
- 15.2.2 The CCC PLA overseeing authority;
- 15.2.3 The relevant Government Minister of Parliament.

## **16. Strategy: A review of the legislation which was enacted over twenty (20) years ago, with the view to bringing all prostitution under Licensed Brothels, including Outsourcing.**

**16.1** According to a recent market research report, brothel keeping and sex worker services within Australia have experienced an industry growth of -4.6% between 2015-2020. It is estimated that the decline in industry growth is due to negative economic conditions as well as increases in external competition within the previous five years.<sup>6</sup> The external competition creating a decline in licenced brothel use may relate to the presence of dating apps, online pornography and an increase in illegal and unlicenced markets.

**16.2** The presence of illegal markets of prostitution of sex trafficking are highly driven by demand; when there is a demand for these services, we see an emergence in supply and distribution. The current legislation in Queensland makes it illegal for outcall escort services to occur from licenced brothels. However, outcall escort services are legal if they are provided by a legitimate sole

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<sup>6</sup> Ibis World, 'Brothel Keeping and Sex Worker Services in Australia – Market Research Report' (2020).

operator, meaning that single sex workers are legally able to provide the outcall service. Whilst many sole operators may be acting legally, there is a large portion of outcall services and illegal prostitution occurring within unlicensed premises, including massage parlours. This poses a number of health and safety risks, as such unlicensed premises are not following regulations set in place for licensed premises. As a result, there is a need to legalise outcall services for licensed brothels in order to support Queensland's sex industry and control health and safety risks.

**16.3** It is estimated that outcalls constitute a large portion of Queensland's sex industry. Some of the demand for outcall services is met by operators acting illegally, such as massage parlours. According to a report by the Prostitution Licensing Authority, licensed brothel workers reported seeing 29 clients in a busy week, and sole operators performing outcalls estimated seeing 24 clients.<sup>7</sup> In a quiet week, it is estimated that licensed brothel workers see 11 clients, and sole operators performing outcall services see 8 clients.<sup>8</sup> Flexible working hours and money are the two main factors that motivate involvement in prostitution. It is likely that these are also motivators for sex workers operating illegally in massage parlours and alike.

**16.4** Outcalls and the provision of illegal sex services in unlicensed premises is already occurring throughout Queensland, and as can be seen from the statistics, they often see a similar number of clients as in licensed premises. Being the owner of a licensed brothel premise means that certain criteria must be met with regard to the health and safety of workers and clients. For

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<sup>7</sup> Prostitution Licensing Authority, 'Select Sex Industry Statistics' (2011/2012)  
<<http://www.pla.qld.gov.au/Resources/PLA/reportsPublications/documents/Select%20Sex%20Industry%20Statistics.pdf>>

<sup>8</sup> Ibid.

instance, there are health check requirements as well as requirements to document activity within the premises. When sex workers operate illegally, such as through massage parlours, there is unlikely to be regulation in this area, and therefore health and safety risks rise.

**16.5 Health and Safety Risks:** Whilst the licenced brothel industry may have experienced a decline in recent years, it is estimated that the number of operators will increase in response to unemployment, which has been driven by recent economic and health impacts of COVID-19. When the national unemployment level rises, it is likely that there will be a benefit to the sex worker industry, although this does not mean that the increase in sex workers will be through licenced brothels. This means that more workers may be operating illegally, and this poses numerous health and safety risks for workers and clients.

**16.6** There are numerous different health and safety issues related to prostitution; this can include risks of developing a sexually transmitted infection or disease. With the current climate, the risk of transmitting COVID-19 is also high in prostitution, as this is transmitted through close contact. In licenced brothels, managers are required to keep logs of activity and can also monitor sex workers for symptoms of COVID, ensuring transmission does not occur or is at least controlled. The regulation of this in massage parlours is unknown and therefore the risk is high.

**16.7** Sexually transmitted infections such as human papillomavirus, herpes, chlamydia, gonorrhoea, HIV/AIDS and syphilis can all be transmitted through sexual activity. Many sexually transmitted infections are also transmitted through oral sex. Licenced brothels have practices in place to promote the health and safety of workers and clients, including requirements for regular health

screenings and the use of prophylactics. As such, with proper testing and adequate controls in place, the risk of sexually transmitted infections can be controlled and reduced. In unlicensed massage parlours operating as illegal brothels, there is no regulation for health checks or the use of prophylactics, and therefore the risk of transmission is higher.

**16.8      **Assault:**** Another safety risk that prostitutions are frequently exposed to includes assault, including physical assault and sexual assault. There is a greater risk for sex workers in unlicensed and outcall situations as the environment is unregulated and unfamiliar. Licensees and managers of a licensed brothel have a requirement to provide a safe working environment, which includes practices for workers to stop when they feel unsafe, providing safety systems and accessible alarms, and following health practices relating to linen, towels and condoms. With current regulations, sex workers who operate privately are prohibited from operating with other sex workers; this further exacerbates the risk as sex workers have to work alone and therefore may face unnecessary dangers. Furthermore, this may force sex workers to have to choose between legality and their own safety. Outsourcing should be supplied by such licence holders as they are at least able to follow regulations that can protect sex workers. This includes regularly contacting sex workers to confirm arrival, departure and safety. It also includes enforcing regulations relating to safe sex and health checks as well as documenting each client and sex worker interaction. Massage parlours who offer such services are unlikely to be documenting details of individuals or enforcing safety and health regulations.

**16.9      **Enforcement Challenges:**** Queensland police have complained about the significant difficulties that are associated with

enforcing laws relating to prostitution. It can be difficult for police to identify instances of illegal prostitution. For example, in massage parlours it is common for the client to be quoted the price of the massage, and only told the price of sexual services during the massage once the client has addressed. There are ethical issues associated with police officers engaging in this and undressing in an attempt to obtain any evidence linked with unlicensed prostitution in massage parlours.

- 16.10 Conclusion:** There is a high demand for outcall sex work in Queensland, and current evidence indicates that a large portion of outcall and unlicensed services are being provided by massage parlours throughout the state. This leads to significant challenges for law enforcement and potential health and safety risks for sex workers and clients. The solution to this is to legalise outsourcing services for licensed brothels, so that the risks can be managed and contained by those holding appropriate licences and following regulations. This also helps to support the growth of the sex industry and prevents unlicensed and illegal service providers, such as massage parlours, from competing with legitimate businesses.

## **17. Strategy: Litigation**

- 17.1** Currently underway in the Supreme Court of Queensland is action by a group identifying themselves as Queensland Taxi Licence Holders, against the State of Queensland<sup>9</sup>;
- 17.2** This action originated because of the claimed failure by the Queensland government to protect taxi licences and the value of associated business equipment, from ride-sharing operators with the most notable being Uber;

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<sup>9</sup> *Queensland Taxi Licence Holders v State of Queensland* [2020] QSC 94.

- 17.3** The claim covers a period with the Queensland government failed to take any action (or merely limited fine collection action) to stop and restrain the operators of ride-sharing apps (April 2014 to September 2017);
- 17.4** This action shares parallels with the members of the Queensland Adult Business Association seeing the diminished value of their licenses, due to the lack of enforcement regarding illegal brothels. However, a number of cautions should be raised:
- 17.5** Media articles have reported this case was not supported by Taxi Council Queensland and the Australian Taxi Industry Association due to legal advice that questioned the prospects of success<sup>10</sup>;
- 17.6** The claim commenced with three causes of action; breach of contract, equitable compensation, and a claim under the Australian Consumer Law. A decision delivered on 1 May 2020, struck out the equitable compensation and breach of contract claims, through an application for summary judgement. In essence, the Justice found there were no real prospects of succeeding;
- 17.7** The claim under the Australian Consumer Law was partially struck out, the opportunity re-draft and replead their arguments was allowed;
- 17.8** The original decision is currently being appealed, with a hearing date to be set;

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<sup>10</sup> Luke Housego, 'Queensland cabbies sue government for \$1.5b over devaluing by Uber' *Financial Review* <<https://www.afr.com/companies/transport/cabbies-sues-qlld-for-1-5b-in-uber-compensation-20191008-p52yl7>>

**17.9** It should be noted; in 2017 amendment to the Act<sup>11</sup> governing the taxi industry, a “no compensation” clause was inserted;

**17.10** Further consideration should be given to the possibility of legal action; however, this should only be done after seeking professional legal advice from experienced litigators, and Counsel. In this regard we can refer this situation to our Legal Professional partners for you on a speculative basis for an initial consideration of your position, without any obligation.

This report is interim in nature; however, we trust that it has been helpful at this stage. We look forward to discussing it with you further and completing it in full in the near future.

Kind Regards

**COMPLETE CORPORATE SERVICES**

**Per:**

A black rectangular box with a white grid pattern, used to redact a signature.

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<sup>11</sup> *Transport Operations (Passenger Transport) Act 1994* (Qld).