



HUMAN TRAFFICKING WORKING GROUP

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NEWS REPORT

Headline	Prostitution laws 'failing sex workers'
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Queensland's prostitution laws are failing to protect sex workers, and are forcing them into illegal brothels, a team of Brisbane academics has found.

Former premier Peter Beattie introduced the Prostitution Act in December 1999 which allowed boutique brothels with up to five rooms. At the time he said if such rules had been in place there never would have been a Fitzgerald Inquiry, which had detailed the link between illegal prostitution and organised crime. The new law established the Prostitution Licensing Authority to oversee the sex industry. But almost 10 years since the Prostitution Act was passed, a major study has found the laws are failing.

Researchers from the University of Queensland spent a year examining the industry and found only 10 per cent of the industry is regulated.

"We have in Queensland currently 25 legal brothels that operate throughout the state," said Associate Professor Andreas Schloenhardt. They are tightly controlled through the Prostitution Act and we have the Prostitution Licensing Authority monitoring their every move. We know pretty well what's going on in those brothels. They are operated very safely, but the main criticism that has emerged over the past 10 years is that only a very small slice of prostitution actually takes place in those legal brothels."

Professor Schloenhardt says the Crime and Misconduct Commission has suggested about 90 per cent of prostitution offered in Queensland takes place outside the legal brothels. He said the laws are only effective at protecting workers in licensed brothels.

"You can hear a pin drop in any of those brothels and the police and Prostitution Licensing Authority are very well aware of what's going on in there," he said.

"But we know very little about the rest of the industry, much of which is still illegal." Professor Schloenhardt says illegal street prostitution is continuing and the escort industry is flourishing.

"It's a completely unregulated industry. It happens very frequently, but again we offer no protection, no safeguards for this and we really don't know much about the sort of risks associated with that."

He said the laws make it too expensive for operators to run a legal brothel. "The licensing fees alone amount to more than \$30,000 each year and on top of that there is a lot of expenses for maintenance, security and hygiene in those places - and of course the salaries of the sex workers involved, which makes it very expensive."

The government cap of five rooms for boutique brothels also makes legal brothels less attractive. "They of course aren't busy 24 hours a day, so it means the brothels are quite limited in the sort of money that they can make," Professor Schloenhardt said.

"Many critics argue that this is what's pushing a lot of operators further underground, because you can simply make a lot more money doing it outside the legal sphere."

But Professor Schloenhardt has played down comparisons with the Bjelke-Petersen era and said the findings of his study are not a sign of a return to the bad old days. "Certainly the corruption and police involvement in the sex industry that we saw 20 years ago that came out of the Fitzgerald Inquiry is something that has been very well controlled in Queensland through the creation of the CMC and the Prostitution Licensing Authority," he said.

"There's no reason to think that we are moving back into this era. We do, however, have a very significant clandestine prostitution industry in Queensland. There might be criminal elements involved in that."

He said the State Government is adopting a "see-no-evil, hear-no-evil" approach to regulation. "This is an area that is not debated on the front page of the newspapers and it remains for many people a big taboo, which is why perhaps the Government doesn't see any urgency to act."

"But given the raw data that we have on how this industry is carried out in Queensland, I think it is long overdue that we revisit some of the objectives of the legislation and what it is that we want to achieve with the prostitution industry."

Human trafficking

Another murky area of Queensland's prostitution laws is the emerging issue of human trafficking and sex slavery. Professor Schloenhardt says their study found there is no legal protection to prevent migrants being exploited or forced into prostitution against their will.

"We know of a number of cases in Victoria and New South Wales. Perhaps we are lucky that we haven't seen any in Queensland. Perhaps we haven't found them yet, but it's again an area that the legislation currently leaves completely unaddressed. The longer we turn a blind eye to these issues, the longer we tolerate a large clandestine industry, the more vulnerable we make some people to human trafficking."

Candy Forrest, who works with the Brisbane-based Crimson Coalition, an advocacy group for sex workers, says she agrees with Professor Schloenhardt that the laws must be changed to provide better protection for workers.

"A lot of people working in the industry are unhappy with the laws," she said. "The workers who work in the licensed brothels generally feel physically safe most of the time, but we do get a lot of reports from workers in the licensed brothels where they feel like they're being coerced into working under conditions that they may not have chosen for themselves."

Options limited

Ms Forrest said the laws limit sex workers' options for working safely. "There are really only two legal options for sex workers in Queensland: One is to work in a licensed brothel and the other is to work entirely by yourself as a private sole operator," she said.

"The problem with working by yourself is that it's very isolating and it can be unsafe in some situations."

She said one of the reasons given for allowing boutique brothels was that sex workers could open their own legal businesses but that has not happened. "Sex workers generally don't want to commit themselves to several years working in the industry. They're generally just inclined to not commit to a long-term set up that's very expensive and difficult to go through."

Ms Forrest said funding should be set aside for a campaign to educate migrant sex workers on their rights.

"To ensure when they come to Australia and specifically Queensland they won't be caught up in a situation where they're having to pay a large contract debt to somebody who's bought them here illegally," she said.

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