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**UNREGULATED AND ILLEGAL PROSTITUTION IN QUEENSLAND**  
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Licensed brothels only make up a small part of Queensland's sex and prostitution industries. Several reports by the Crime and Misconduct Commission (CMC) suggest that the vast majority of prostitution on offer in Queensland is unregulated and frequently involves illegal forms of prostitution. About 75% of prostitution is carried out by escorts (so-called outcall prostitution) and is not regulated by the existing framework.<sup>1</sup>

## 1. Sole operators

Queensland's prostitution licensing system does not regulate the work of individual sex workers. Specifically, sole operators are not required to hold any licenses. The services offered by individual sex workers are legal — or, to be precise, unregulated — unless they violate provisions in the *Criminal Code* or the *Prostitution Act 1999* (Qld). It is, however, illegal for more than one sex worker to operate in the same premises, even at different times (s 229I *Criminal Code* (Qld)). In the absence of any regulatory or registration system it is not possible to estimate the number of sole operators offering sex work in Queensland. It has to be noted that many sex workers also have employment in other industries, and there is a large number of persons engaging in prostitution in an ad-hoc fashion. For example, reports about university students offering sexual services for payment are not uncommon.

Sole operators may use licensed brothels to offer their services. Generally, Queensland brothels do not technically employ sex workers, but instead maintain contracts or other forms of arrangements with them. It is also legal for an individual to work as a sex worker independently of a licensed brothel, subject to a number of conditions.<sup>2</sup> Sole operators may work from their own home or in rented (but not shared) premises (so-called incall prostitution), and they are able to legally provide outcall prostitution or escort services so long as they work independently. As mentioned earlier, outcall prostitution is the most popular form of prostitution among clients and sex workers. It is also not uncommon for sole operators to advertise under multiple names. However, a considerable part of outcall prostitution is run or facilitated by agencies or other prostitution rings, which employ or otherwise contract multiple sex workers. This is an illegal form of prostitution.<sup>3</sup>

The strict requirement that sole operators work independently has the consequence that apart from a bodyguard (holding a valid crowd controller's license<sup>4</sup>) a sole operator must not engage any other staff, or work in conjunction with another sex worker. In 2006, the CMC recommended that sole operators be allowed to employ a receptionist or a driver, which may contribute to the safety of independent sex workers.<sup>5</sup> In August 2009, the *Prostitution and Other Acts Amendment Bill 2009* (Qld) was introduced to amend s 229H(5) *Criminal Code* (Qld) in order to allow a person holding a current crowd controller licence<sup>6</sup> to act as a driver for a sole operator sex worker,<sup>7</sup> amending the previous provision which allowed a person to act only as a bodyguard for a sole operator. In either case, however, the driver or bodyguard may only perform this function if he/she is not him/herself a sex worker and does not assist another person who is engaged in prostitution.<sup>8</sup>

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<sup>1</sup> Queensland, Crime and Misconduct Commission (CMC), *Regulating Prostitution* (Brisbane: CMC, 2004) xiii.

<sup>2</sup> The offence of participating in prostitution in s 229H *Criminal Code* (Qld) is limited to participation 'in the provision of prostitution by another person'.

<sup>3</sup> See Section 5.3 below.

<sup>4</sup> Section 229H(5) *Prostitution Act 1999* (Qld).

<sup>5</sup> Queensland, CMC, *Regulating Outcall Prostitution* (Brisbane: CMC, 2006) xiv.

<sup>6</sup> As issued under the *Security Providers Act 1993* (Qld).

<sup>7</sup> *Prostitution and Other Acts Amendment Bill 2009* (Qld) clause 16, amending *Criminal Code* (Qld) s 229H(5).

<sup>8</sup> *Prostitution and Other Acts Amendment Bill 2009* (Qld) clause 16, amending *Criminal Code* (Qld) s 229H(5).

Although the *Prostitution Act 1999* (Qld) does not regulate sole operators, individual sex workers have to meet certain requirements relating to their work, otherwise they may face criminal penalties.<sup>9</sup>

## 2. Unlicensed brothels and other shared premises

Any brothel that operates without a license is illegal and subject to criminal offences set out in the *Criminal Code* and *Prostitution Act 1999* (Qld). Multiple sex workers sharing premises (even at different times) and other businesses offering prostitution, such as massage parlours, are also treated as illegal brothels ('places being used for prostitution').<sup>10</sup> The PLA submitted in 2004, that

a large component of the illegal [brothel] industry consists [inter alia] of the provision of sexual services by two workers who prefer not to work as sole operators because of the dangers inherent in that work, and who do not wish, either for financial reasons or for commercial reasons, to establish a brothel solely in respect of two persons.<sup>11</sup>

Estimates about the number of illegal brothels in Queensland vary greatly. For example, in 2002, the then president of the Queensland Adult Business Association (QABA), Ms Debbie Nielson, suggested that there were 100 illegal operators for every legal brothel.<sup>12</sup> With 12 brothels operating legally in Queensland at that time,<sup>13</sup> her suggestion would put the number of illegal operators well over one thousand. Official figures are more moderate; data published by the Queensland Police Service for the 2007-08 financial year show that during that period 14 people were charged with having an interest in an illegal brothel (s 229K *Criminal Code*), and 92 persons were charged with being knowingly involved in the provision of prostitution (s 229 H).<sup>14</sup> Based on the available information, it thus seems plausible that the number of illegal brothels exceeds the number of licensed brothels in Queensland.

## 3. Outcall prostitution (escorts)

Outcall prostitution is a form of prostitution that takes place at a location agreed upon by the sex worker and the client. This is normally arranged on the internet (often involving personal websites or chat-rooms), or by telephone, after the client calls a number listed in the personals section of a newspaper. Outcall prostitution, commonly known as escort services, is illegal in Queensland if it is offered through an agent or brothel. Sole operators are able to legally provide this service, however, anyone assisting a sole operator in the provision of those services by taking phone calls, making bookings at hotels et cetera would be criminally liable for the offence of knowingly participating in the provision of prostitution.<sup>15</sup>

Figures released by the CMC in 2004 suggest that escort services make up 75% of prostitution in Queensland.<sup>16</sup> The majority of escort services are provided by agents or organised groups.<sup>17</sup> As the provision of escort services by any person other than a sole operator is illegal, this is indicative of the profitability of providing such services. The PLA submitted that outcall prostitution rings frequently consist of

<sup>9</sup> See further "Prostitution Offences – Qld" at [www.law.uq.edu.au/humantrafficking](http://www.law.uq.edu.au/humantrafficking).

<sup>10</sup> See further "Prostitution Offences – Qld" at [www.law.uq.edu.au/humantrafficking](http://www.law.uq.edu.au/humantrafficking).

<sup>11</sup> Queensland, CMC, *Regulating Prostitution* (2004) 80.

<sup>12</sup> Dianne Butler, 'Crisis in the Sex Trade: Rogue Operators use Dirty Tricks' (15 Sep 2002) *Sunday Mail* (Brisbane); cited in Queensland, CMC, *Regulating Prostitution* (2004) 81.

<sup>13</sup> Queensland, PLA, *2002-2003 Annual Report* (2003) 14.

<sup>14</sup> Queensland, CMC, *Regulating Prostitution* (2004) 79.

<sup>15</sup> Section 229H *Criminal Code* (Qld).

<sup>16</sup> Queensland, CMC, *Regulating Prostitution* (2004) xiii.

<sup>17</sup> Queensland, CMC, *Regulating Prostitution* (2004) 83; Queensland, CMC, *Regulating Outcall Prostitution* (2006) 16; Chris Griffith, 'Black Trade in Sex Flourishes' (27 Jan 2007) *The Courier Mail* (Brisbane).

a network of people connected by mobile phones to a central console or telecommunications service centre which takes bookings and then diverts them to a particular worker by personal mobile phones. These sex workers are in various locations, each attempting to present as a legal single operator [...].<sup>18</sup>

The frequency and profitability of outcall prostitution prompted the CMC to conduct an inquiry into *Regulating Outcall Prostitution* that was published in 2006.<sup>19</sup> Representatives of legal brothels argued that to maintain their competitiveness and financial viability, licensed brothels should be allowed to offer outcall prostitution services. They also argued that this would add to greater transparency and control by rendering many illegal operations legal. The CMC, however, felt that these proposals would ultimately lead to an increased demand in the provision of illegal services, and may add to the number of trafficked and underage workers in the illegal industry. Such an occurrence was considered too great a risk to justify modification of what was generally seen as a successful system.

On October 13, 2008, the Police Minister issued a media release confirming that the prohibition on outcalls from licensed brothels and independent escort agencies will remain. So-called social escorts that in reality provide sex services will be held criminally liable and new regulations of social escort advertising has been introduced.<sup>20</sup> Legislation was presented in August 2009 to amend the *Prostitution Act 1999* (Qld) to create a regulation-making power to prohibit any advertisements that do not unequivocally display the words 'non-sexual' or 'sexual services are not provided'.<sup>21</sup> The maximum penalty for advertising in breach of this requirement is 70 penalty units where the cost of publishing the advertisement is less than \$1000, or 10 times the cost of publishing where that cost exceeds \$1000.<sup>22</sup> Similarly, the amendments require that clients of social escort services be clearly informed by a social escort provider or employee that prostitution is not included as part of the social escort service.<sup>23</sup> A social escort is defined as: a person who is held out for public hire, under a commercial arrangement, 'to accompany another person to social affairs, places of entertainment or amusement; or consort with a person in any place, whether public or private' though it does not include a person who does so as part of health services or who provides prostitution.<sup>24</sup> A social escort provider includes a person or entity that, under an arrangement or a commercial character, provides or offers to provide the names of escorts, introduces or offers to introduce a person to escorts.<sup>25</sup> However, where this information is not provided to a client, a provider will have a defence where he or she issues appropriate instructions to employees and escorts regarding such disclosure, the provider is not aware of the improper disclosure and the provider could not have prevented the improper disclosure through the exercise of reasonable diligence.<sup>26</sup> Finally, the *Child Employment Act 2006* (Qld) is amended to create a new offence of permitting a child under 18 years of age to work as a social escort.<sup>27</sup>

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<sup>18</sup> Queensland, CMC, *Regulating Prostitution* (2004) 80.

<sup>19</sup> Queensland, CMC, *Regulating Outcall Prostitution* (2006).

<sup>20</sup> *Prostitution and Other Acts Amendment Bill 2009* (Qld).

<sup>21</sup> *Prostitution and Other Acts Amendment Bill 2009* (Qld) clause 8, inserting *Prostitution Act 1999* (Qld) s 96A(1).

<sup>22</sup> *Prostitution and Other acts Amendment Bill 2009* (Qld) clause 8, inserting *Prostitution Act 1999* (Qld) s 96A(2).

<sup>23</sup> *Prostitution and Other Acts Amendment Bill 2009* (Qld) clause 8, inserting *Prostitution Act 1999* (Qld) s 96B(1)-(3).

<sup>24</sup> *Prostitution and Other Acts Amendment Bill 2009* (Qld) clause 12, amending *Prostitution Act 1999* (Qld) sch 4.

<sup>25</sup> *Prostitution and Other Acts Amendment Bill 2009* (Qld) clause 12, amending *Prostitution Act 1999* (Qld) sch 4.

<sup>26</sup> *Prostitution and Other Acts Amendment Bill 2009* (Qld) clause 8, inserting *Prostitution Act 1999* (Qld) s 96B(4).

<sup>27</sup> *Prostitution and Other Act Amendment Bill 2009* (Qld) clause 21, inserting *Child Employment Act 2006* (Qld) s 8B.

#### 4. Street prostitution

Street prostitution is probably the most visible and perhaps most controversial form of sex work.<sup>28</sup> Street prostitution occurs when a sex worker loiters in a public area in order to be approached by clients for the purpose of prostitution. The actual sex act is usually performed in the vehicle of the client, a public place, or in premises that are shared by street prostitutes for this purpose. Public soliciting is a criminal offence in Queensland under s 73 *Prostitution Act 1999* (Qld). Unlike some other jurisdictions, there are no exempted areas in which street prostitution is legal or otherwise tolerated. Regardless of this prohibition, certain parts of Brisbane and areas in other urban centres in Queensland are known to be used for street prostitution.

Despite the publicity street prostitution frequently attracts, this type of prostitution is generally regarded as constituting only a small percentage of sex work in Queensland. The Scarlet Alliance, an advocacy group for sex workers, and the Queensland Police Service (QPS) estimated in 2004 that street-based work represents around two percent of the prostitution industry in Queensland.<sup>29</sup> The illegal nature of this work, innovative policing techniques, and the dangers associated with street prostitution probably prevent this phenomenon from being more common.<sup>30</sup> However, public soliciting remains the single most common prostitution offence, constituting about 60% of reported prostitution offences.<sup>31</sup>

Many reports confirm that persons engaged in street prostitution are the most disadvantaged sex workers. In particular, illicit drug use is prevalent among street sex workers.<sup>32</sup> There is a widely held view that persons engaged in street-based sex work do so to pay for their drug habits.<sup>33</sup> Street-based sex workers are also more likely to experience violence.<sup>34</sup> The persistent threat of detection, arrest, and criminal sanctions associated with street prostitution forces many sex workers into areas that are less populated but well-known for this purpose.<sup>35</sup> High levels of street sex workers also reported that they had unwanted sexual experiences. For example, 48.5% stated they had sexual intercourse when they did not want to because someone used force. 78.8% said they had been raped, and 90.9% had suffered physical violence during their work.<sup>36</sup>

The sexual and general health of street-based sex workers remains problematic, especially as street-based sex workers and their clients are at greater risk of contracting or transmitting STDs. Even though it is a criminal offence for any sex worker to offer unprotected sex — and it is also a criminal offence for clients to request such services — unsafe practices continue to occur and it is difficult, if not impossible, to enforce relevant offences outside licensed premises. Further adding to the health risks associated with street-based sex work are hygiene problems, high levels of drug abuse, and the sharing of needles used for intravenous administration of illicit drugs.<sup>37</sup> Given the criminalisation of street-prostitution, street-based sex workers are unlikely to report violence against them to police or otherwise assist law enforcement agencies in

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<sup>28</sup> The impact of street prostitution on the community is further explored in Queensland, CMC, *Regulating Prostitution* (2004) 24–25.

<sup>29</sup> Queensland, CMC, *Regulating Prostitution* (2004) 85–86.

<sup>30</sup> Cf Queensland, CMC, *Regulating Prostitution* (2004) 45.

<sup>31</sup> QPS, *Annual Statistical Review 2007-08* (2008) 6.

<sup>32</sup> Charlotte Woodward et al, *Selling Sex in Queensland 2003* (2004) 44.

<sup>33</sup> Charlotte Woodward et al, *Selling Sex in Queensland 2003* (2004) 28.

<sup>34</sup> Charlotte Woodward et al, *Selling Sex in Queensland 2003* (2004) 57.

<sup>35</sup> Charlotte Woodward et al, *Selling Sex in Queensland 2003* (2004) 57.

<sup>36</sup> Charlotte Woodward et al, *Selling Sex in Queensland 2003* (2004) 47.

<sup>37</sup> Queensland, CMC, *Regulating Prostitution* (2004) 67.

investigations. And even if street workers are arrested and convicted, this does not deter them from returning to this type of work.<sup>38</sup>

On the other hand, street-based work also appears to be the most profitable form of prostitution due to the low operating costs. It has been estimated that street sex workers earn on average \$1814 per week, compared to sex workers in licensed brothels who only earn on average \$1341 per week.<sup>39</sup> This fact alone prevents many street sex workers from entering the legal brothel industry or operating as sole operators from their homes. In surveys, street-based workers have also expressed their inability to comply with restrictions on working hours, prohibitions on drug use placed on sex workers in legal brothels, and an unwillingness to share part of their income with a brothel operator.<sup>40</sup>

Public opinion remains fiercely opposed to any legalisation of street prostitution. Research conducted in Queensland in 2003 found that 83.15% of respondents did not believe that sex workers should be allowed to attract clients in a public place.<sup>41</sup> For example, residents in Fortitude Valley and in proximity to Brunswick Street, New Farm — well known areas for public soliciting<sup>42</sup> — have repeatedly expressed their discontent over sexual and other prostitution related activities in parks, gardens, driveways, car parks, and unlocked areas of houses, such as open laundries. They also reported of condoms and syringes being left in public places, and of frequent altercations and fights between sex workers, and between sex workers and clients.<sup>43</sup>

## 5. Massage parlours

Massage parlours that provide sexual services which fall within the definition of prostitution in s 229E *Criminal Code* (Qld) are illegal if such massages are offered by any person other than a sole operator or in a legal brothel. The new offence of carrying on a business concerned with the provision of prostitution, recently proposed by the Queensland Government,<sup>44</sup> will more comprehensively criminalise massage parlours offering sexual services. The exception for the holders of Adult Entertainment Permits are dealt with in the next Section.

Despite this prohibition, illegal massage services are easily available and advertised widely on the internet using expressions such as 'nude massage with relief'. These advertisements are illegal,<sup>45</sup> as the services offered meet the definition of prostitution. To protect themselves from prosecution, some massage service providers state explicitly in their advertisements that they offer 'no full service'.

Exact figures about the number of massage parlours offering sexual services in Queensland are not available.

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<sup>38</sup> Queensland, CMC, *Regulating Prostitution* (2004) 80.

<sup>39</sup> Queensland, PLA, *Select Prostitution Statistics* (December 2007) 2; Charlotte Woodward et al, *Selling Sex in Queensland 2003* (2004) 29.

<sup>40</sup> Charlotte Woodward et al, *Selling Sex in Queensland 2003* (2004) 35; Queensland, CMC, *Regulating Prostitution* (2004) 58.

<sup>41</sup> Charlotte Woodward et al, *Selling Sex in Queensland 2003* (2004) 101.

<sup>42</sup> Cf Queensland, CMC, *Regulating Prostitution* (2004) 81.

<sup>43</sup> Queensland, CMC, *Regulating Prostitution* (2004) 45.

<sup>44</sup> Queensland, Ministerial Media Statements, Minister for Police, Corrective Services and Sport, The Hon Judy Spence, *Cabinet endorses tougher approach to illegal prostitution* (13 Oct 2008) available at <http://statements.cabinet.qld.gov.au/MMS/StatementDisplaySingle.aspx?id=60757> (accessed 9 Jan 2009).

<sup>45</sup> Section 95, *Prostitution Act 1999* (Qld).

## 6. Adult entertainment including exotic dancing

Since July 2008, adult entertainment in Queensland is regulated and controlled by the Office of Liquor, Gaming, and Racing. Sections 103E-103K *Liquor Act 1992* (Qld) allow applications for so-called Adult Entertainment Permits which allow permit-holders to provide sexually explicit entertainment in accordance with the *Adult Entertainment Code 2002* (Qld).<sup>46</sup>

This Code, promulgated in 2002,<sup>47</sup> sets the limits on sexually explicit entertainment permissible in adult entertainment businesses. In summary, 'sexually explicit entertainment' is taken to mean any entertainment where the genitalia are exposed or where there is sexualised physical contact. The definition (and thus the entertainment permissible in adult entertainment businesses) does not include any acts of masturbation, oral sex, or intercourse,<sup>48</sup> or any of the sexual activities set out in s 14 *Adult Entertainment Code 2002* (Qld). This section also specifically prohibits the soliciting of any person for the purposes of prostitution in an adult entertainment business.<sup>49</sup>

Adult entertainment businesses for exotic dancing offering sexual services within the meaning of prostitution under s 229E *Criminal Code* (Qld) are illegal and subject to the same criminal penalties as illegal brothels. However, s 229E(2) exempts exotic dancing in adult entertainment businesses from the definition of prostitution if it is adult entertainment authorised under a permit and does not involve sexual intercourse, masturbation, or oral sex. This exemption makes lap dancing legally permissible. It also appears from *R v O'Keefe*<sup>50</sup> that where a client pays to merely watch the manipulation by one performer of another performer's genitals, this will not offend this construction of s 229E.

It has to be noted that most adult entertainment businesses in Queensland avoid the requirement of a permit by offering entertainment that does not amount to 'sexually explicit entertainment'. Research published in 2004 showed that only around 26% of premises providing adult entertainment sought an adult entertainment permit.<sup>51</sup> The main reason for this is that adult entertainment businesses are not allowed to sell liquor. Businesses holding a general liquor license, however, may provide sexual entertainment that does not go as far as 'sexually explicit entertainment'. Thus, these businesses are not allowed to provide entertainment involving the exposure of genitals or physical contact between the entertainer and the client. In short, entertainment is generally limited to a topless striptease.

From the available information, prostitution available in or through adult entertainment businesses appears to be very limited in Queensland and the two industries are largely separate and 'culturally distinct'.<sup>52</sup> A recent study by the CMC found that only a small number of adult entertainers or proprietors had been involved in the provision of prostitution. Where prostitution did occur, it was generally in the form of a private arrangement between the entertainer and the client, and did not occur on adult entertainment licensed premises.<sup>53</sup> However, recent media reports have indicated that sexual services amounting to prostitution are currently being offered in a number of Queensland clubs with tacit managerial approval. Such reports have also indicated that enforcement of the *Adult Entertainment Code*, and liquor licensing restrictions are not being complied with, and compliance reviews are being undertaken less frequently by the Office of Liquor, Gaming and Racing.<sup>54</sup>

<sup>46</sup> Tom Young, 'Adult Entertainment Permits' (2000) 20(10) *Proctor* 22.

<sup>47</sup> *Liquor (Approval of Adult Entertainment Code) Regulation 2002* (Qld).

<sup>48</sup> Section 2 *Adult Entertainment Code 2002* (Qld).

<sup>49</sup> Section 14 *Adult Entertainment Code 2002* (Qld).

<sup>50</sup> (1999) 20 Qld Lawyer reps 97.

<sup>51</sup> Queensland, CMC, *Regulating Adult Entertainment* (2004) xii.

<sup>52</sup> Queensland, CMC, *Regulating Adult Entertainment* (2005) 43.

<sup>53</sup> Queensland, CMC, *Regulating Adult Entertainment* (2004) 29.

<sup>54</sup> Patrick Lion, 'Brisbane Strip Clubs Caught Breaking Adult Entertainment Laws', *Courier Mail*

## 7. Observations

The introduction of licensed brothels in Queensland has had little, if any impact on illegal forms of prostitution. The spirit of the *Prostitution Act 1999* (Qld), 'which is to draw as many of the illegal operators and workers as possible into the legal industry',<sup>55</sup> has clearly failed. A 2004 study found that 'illegal sexual services remain a visible feature of some Brisbane areas indicating that illegal service providers continue to operate despite the emergence of a legal sex industry'.<sup>56</sup>

Legalising some parts of the industry, while policing and suppressing illegal forms of prostitution has not eliminated the existence of and demand for illegal brothels, escort agencies, and street prostitution. It has been estimated that the current regime only addresses as little as 10% of all forms of prostitution in Queensland. In other words, 90% of prostitution remains unregulated in this state and most sex workers continue to work outside the regulated industry.<sup>57</sup>

Escort agencies and other prostitution rings probably constitute the largest part of the illegal sex industry — which also reflects the high demand for this type of service. The QPS Prostitution Enforcement Task Force (PETF) submitted in 2004 that many escort services offered by sole operators are in fact organised or controlled by criminal syndicates. Often these rings operate from interstate, especially from Sydney.<sup>58</sup> CMC surveys found that about 18% of sex workers reported that they had worked in association with some kind of organisation, including escort agencies, illegal brothels, or by sharing premises with other sex workers.<sup>59</sup>

Street prostitution is small in comparison, but continues to exist in Queensland and the PLA remarked that 'the notion that the Act was passed to eliminate street prostitution has no substance'.<sup>60</sup> The health and safety of sex workers soliciting on streets or in other public places give rise to serious concerns. It has been noted that

street prostitution exposes people to extreme and frequent risk of violence. [...] Consistently, the rate of violence reported by sex workers is high. [...] Unreported violence is an important issue as many sex workers are reluctant to pursue legal action against clients for fear of not being taken seriously within the justice system.<sup>61</sup>

The killings of several street-based sex workers are the most extreme manifestation of the risks associated with this type of prostitution.<sup>62</sup>

Illegal forms of prostitution cater for a demand that is not met by the legal industry. Client surveys have found that anonymity was one of the chief reasons for seeking an illegal type of prostitution.<sup>63</sup> On the other hand, clients are equally concerned about protection from prosecution when choosing a sex service. Ironically, even among those clients using illegal sex services, 80% felt that protection from prosecution was very important. 'One might wonder',

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(Queensland) 20 February 2009.

<sup>55</sup> Queensland, CMC, *Regulating Prostitution* (2004) 65.

<sup>56</sup> Charlotte Woodward et al, *Selling Sex in Queensland 2003* (2004) 112.

<sup>57</sup> Cf Charlotte Woodward et al, *Selling Sex in Queensland 2003* (2004) 55.

<sup>58</sup> Queensland, CMC, *Regulating Prostitution* (2004) 50.

<sup>59</sup> Queensland, CMC, *Regulating Prostitution* (2004) 50.

<sup>60</sup> Queensland, CMC, *Regulating Prostitution* (2004) 85.

<sup>61</sup> Charlotte Woodward et al, *Selling Sex in Queensland 2003* (2004) 21; Queensland, CMC, *Regulating Prostitution* (2004) 75.

<sup>62</sup> Queensland, CMC, *Regulating Prostitution* (2004) 68.

<sup>63</sup> Queensland, CMC, *Regulating Prostitution* (2004) 23.

comment Charlotte Woodward et al, 'why these clients are patronising an illegal facility if the risk of prosecution matters to them.'<sup>64</sup>

Contributing to the relatively high levels of illegal prostitution is the fact that prosecutions and convictions of offenders are few and far between. The CMC reported that the QPS 'acknowledged there have been few charges or convictions since the Act was implemented. Such agencies have the capacity to close down and reopen elsewhere very rapidly, which means that police efforts have limited effect.' Effective policing is very difficult 'for an industry that is highly fragmented, decentralised and mobile.'<sup>65</sup>

But even if prosecutions are successful, convictions usually only result in fines and gaol terms are very rare and do little to deter them from future involvement in the industry.<sup>66</sup> The CMC has received submissions suggesting that the penalties for prostitution offences are also too low especially in relation to high income that is achieved in the illegal industry. Some have argued that 'tougher penalties for illegal brothels and escort agencies would help to reduce the illegal industry', but '[o]n the other hand, penalties for street-based sex workers are thought to be not only ineffective but also dangerous because many prostitutes have to return to the streets to earn money to pay their fines.'<sup>67</sup>

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<sup>64</sup> Charlotte Woodward et al, *Selling Sex in Queensland 2003* (2004) 69.

<sup>65</sup> Queensland, CMC, *Regulating Prostitution* (2004) 81.

<sup>66</sup> Queensland, CMC, *Regulating Prostitution* (2004) 80.

<sup>67</sup> Queensland, CMC, *Regulating Prostitution* (2004) 82.