

Improving the Regulation of the Sex Industry and Supporting Sex Workers Who Want to Move On

A report by The Prostitution Control Act
Ministerial Advisory Committee

October 2007

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Glossary

The following glossary explains a number of specialised words used in the Victorian sex industry and their definitions.

Adult businesses	Adult businesses or services are used in this report to describe all facets of the sex industry where sexually explicit entertainment services are made commercially available for purchase, for example sex work, telephone or internet sex services, tabletop dancing, strip tease, etc.
Ancillary staff	Ancillary staff is a term used in this report to describe people who work in brothels and escort agencies in non sex-working roles, for example as approved managers, receptionists, cleaners, security personnel, drivers, etc.
Approved manager	Section 3 of the <i>Prostitution Control Act 1994</i> defines an approved manager as “a person who holds an approval of the Authority under section 52 as a manager of a prostitution service providing business.” (The “Authority” is the Business Licensing Authority).
Brothel	Section 3 of the <i>Prostitution Control Act 1994</i> defines a brothel as “any premises made available for the purpose of prostitution by a person carrying on the business of providing prostitution services at the business’s premises.”
Business proprietor	A business proprietor is a term used in this report to describe someone who owns the business, whether it is a licensee or small owner-operator.
CALD	Culturally and Linguistically Diverse.
Escort agency	Section 3 of the <i>Prostitution Control Act 1994</i> defines an escort agency as “any business of providing, or facilitating the provision of, prostitution services to persons at premises not made available by the agency.”
Exempts	“Exempts” is a term used by industry to describe independent sex workers who are working as sex workers in their own business, and are exempt from the requirement to hold a licence by section 23 of the <i>Prostitution Control Act 1994</i> . The Act refers to independent sex workers as “small owner-operators.”
Independent workers	The term “independent workers” has the same meaning as “exempts” or “small owner-operators.”
Licensee or licence holder	An individual who holds a licence granted under Part 3 of the <i>Prostitution Control Act 1994</i> authorising the holder to carry on business as a prostitution service provider.
Small owner-operators	Section 23 of the <i>Prostitution Control Act 1994</i> contains the special provisions for small owner-operated businesses that are exempt from the requirement to hold a licence. See also “exempts.”
STI	Sexually transmissible infection.

Message from the Chair

As Chair of the Prostitution Control Act Ministerial Advisory Committee, I would like to thank members for their dedication and commitment to work together, research, investigate and examine the issues in depth and with integrity. See appendix D for a short biography of each Committee member.

The Prostitution Control Act Ministerial Advisory Committee is established under the *Prostitution Control Act 1994*, to advise the Minister for Consumer Affairs on issues relating to the regulation and control of prostitution in Victoria.

From time to time, the Minister provides the Committee with terms of reference for its examination. In 2006, the Committee submitted two reports to the former Minister for Consumer Affairs, Marsha Thomson MP. The reports fulfilled the terms of reference to enquire into and examine:

1. appropriate support services for people considering moving on from sex work, and
2. the experiences of prostitution business proprietors under the *Prostitution Control Act 1994* ("the Act"), particularly the provisions relating to advertising, liquor and health and safety, to advise on improvements to achieve the principle objective of harm minimisation.

We have as a Committee learned an enormous amount about the complex policy challenges inherent in the regulation of the sex industry, no less because any examination must touch on societal expectations around morality, public health, public amenity and human rights to address a phenomenon that has an economic as well as a social basis. Importantly, the diversity of perspectives around the Committee table has enabled us to consider these issues and present recommendations which we believe will better achieve the harm minimisation objectives of the *Prostitution Control Act 1994*.

Glenyys Romanes

Chair

9 October 2007

The Committee's recommendations

Recommendation 1: Review the *Prostitution Control Act 1994*

The Committee recommends Government review the *Prostitution Control Act 1994*. The review should reaffirm the harm minimisation principle underpinning the Act and include an assessment of the operation of the Act since its commencement and the impact of the Act on the operation of the industry. As part of the review process, Government should fund research into the nature and extent of the Victorian sex industry, taking into account the experiences of sex workers and prostitution business proprietors.

Rationale: It is now over a decade since the *Prostitution Control Act 1994* came into operation. There have been many positive changes in this time, much of the sex industry is now open to public scrutiny and sex workers have more protections under the law. As recommended in the ALP election platform *Rising to the Challenges*, it is time for a review of the Act, to assess its overall effectiveness, particularly how to improve implementation and how illegal activity – the hidden sector – can be better dealt with.

Recommendation 2: Support sex workers

The Committee recommends Government fund a career transition program for sex workers who want to move on. The Committee favours a case management approach that builds linkages and non-judgmental referral pathways for sex workers to other programs and services delivered by government agencies, education and training institutions and community organisations. This model allows the case manager to tailor support to the needs of individual participants. The package should include a component reserved for emergency funding – with the flexibility to provide small amounts of financial assistance to alleviate immediate crises, such as emergency accommodation, transport, winter clothing, blankets and so on.

A funded caseworker would provide specialised support to a sex worker wishing to expand his or her career options by helping them to:

- access appropriate government and community services, such as emergency housing, drug rehabilitation, counselling, financial management, and for young people, school retention programs, etc;
- recognise prior learning and accredited education and training opportunities (for example through CAE, TAFE and Universities);
- assess transferable skills; and
- receive ongoing mentoring and support to seek and maintain employment in occupations outside the sex industry.

Rationale: In 1994 when the Act came into operation, the Government acknowledged the importance of providing career transition support for sex workers. Since then, successive governments have indicated support for such a service, yet funding has not been forthcoming.

Recommendation 3: Support young people at risk

The Committee recommends Government establish a service to assist young people involved in prostitution to develop alternative pathways. The service can be delivered through existing 24-hour drop-in centres which are staffed by specialist youth workers.

Rationale: Research from Australia (*Child Wise: Speaking for themselves*) and the United Kingdom (*Tackling Street Prostitution*) reveal that young people are more likely to seek assistance if the service is non-judgmental and provides outreach to vulnerable young people.

Recommendation 4: Continue the Tuesday Court

The Committee recommends Government ensure the continuation of the court attendance program at the Melbourne Magistrates' Court known as the "Tuesday Court" so that street sex workers can continue to access appropriate supports.

Rationale: Tuesday Court is an excellent service that assists vulnerable sex workers to access appropriate support.

Recommendation 5: Continue and strengthen the post release programs

The Committee supports the continuation of Correction Victoria's post release programs initiated through the pilots "Bridging the Gap", the "Correctional Services Employment Program" and the "Transitional Housing Management Program" for a further three years. It is further recommended that wherever practicable, female, male and transgender prisoners with a history of prostitution should be provided with access to information regarding exiting the sex industry if this is a personal choice they believe will be of benefit to them.

Additionally, the Committee has learned that female prisoners at Dame Phyllis Frost Centre and Tarrengower Prison currently do not have access to treatment for Hepatitis C. In light of the high prevalence of Hepatitis C amongst female prisoners and the fact that many female prisoners have a history of prostitution, particularly street prostitution, and a history of illicit drug use, the Committee believes action should be taken to address this anomaly in the provision of health services to female prisoners. Currently male prisoners in Victoria are able to access treatment for Hepatitis C at Port Phillip Prison.

Rationale: The Committee's research showed that people newly released from prison and who do not have a supportive social or familial network are often vulnerable to homelessness and chronic unemployment, which may lead them to street sex work when they would prefer other options. Corrections Victoria's pilot post-release programs with its focus on reintegration into the community, assistance in finding appropriate housing, access to drug treatment and employment programs, provide much needed support to this vulnerable group.

Recommendation 6: Advertising for ancillary staff

The Committee recommends Government allow advertising for ancillary staff such as approved managers, receptionists, accountants, cleaners, etc, and prescribe a condition of employment so that employers do not pressure ancillary workers to take on a sex worker role.

Rationale: Having appropriately skilled staff is important in any business. The current ban on advertising for all forms of employment in a prostitution business limits the sector's ability to maximise one of the objectives of the Act – to promote the welfare and occupational health and safety of sex workers.

Allowing businesses to advertise for ancillary staff will improve the chances of getting the right person in the right job, for example someone with the capacity to protect sex workers from difficult clients and improve professionalism right across the business.

Further, the laws in other jurisdictions allow advertising for sex industry workers – with no discernible impact on the broader community – for example in the Australian Capital Territory and in New South Wales.

Recommendation 7: Advertising for sex workers

The Committee recommends Government retain the prohibition on advertising for sex workers. The Committee is aware that the views of licensees differed depending on the location of their businesses. City operators were not concerned about the ban on advertising while suburban businesses said they found it difficult to find sex workers. The Committee is also aware that advertisements for sex workers are available via the internet and in other countries.

Rationale: The balance of opinion among licensees interviewed was that advertising for sex workers is not required.

Recommendation 8: Advertising of services

The Committee recommends Government remove the advertising restriction that only allows “head and shoulder” images to be used for advertising.

Rationale: There are sufficient controls in place to ensure advertising is not offensive to the community. For example, the *Victorian Government Gender Portrayal Guidelines*, which aims to ensure that advertising, portrays men and women in a way that is positive and suitable for general viewing and contributes to the elimination of gender-based discrimination; and the Australian Standards Board, which considers written complaints about advertisements in the media. The Board uses the Advertiser Code of Ethics as the basis of its determinations and considers issues around discrimination, violence, language, portrayal of sex, sexuality or nudity, health and safety, and alarm or distress to children.

Recommendation 9: Serving and selling liquor in a brothel

The Committee recommends Government retain restrictions on serving and selling liquor to clients in brothels.

Recommendation 10: Consuming liquor in a brothel

The Committee recommends Government retain the restrictions on consuming liquor in a brothel. While reliable data on drinking patterns within the sex industry is not available, we do know that the environmental determinants of liquor-related harm include general workplace stressors, physical availability, the social norms defining its consumption, and the economic incentives that promote its use. Separating liquor and brothels has proved an effective measure to serve the public good.

Rationale: The Committee agrees that workplaces should be free from liquor related harm. Inappropriate and irresponsible use of liquor can have a negative impact on a person’s judgment and can adversely affect the safety and comfort of others in the work place.

Recommendation 11: Health and safety

The Committee recommends Government work with the sex industry to develop health and safety guidelines in line with the *Occupational Health and Safety Act 2004* and the Prostitution Control Regulations 2006. These guidelines should draw on the work already undertaken by Scarlet Alliance and the New Zealand Government, which

set out the relevant health and safety duties for all parties in the sex industry and provide practical advice to achieve those duties.

Rationale: There are occupational health and safety issues specific to the sex industry and occupational health and safety issues that are common across all workplaces. Making sure that all sex industry workplaces understand all the OHS risks and how to minimise the risks is important for the health and safety of everyone in the sector.

Recommendation 12: “Active” and “dormant” licences

The Committee recommends Government amend the *Prostitution Control Act 1994* to create a distinction between an “active” and “dormant” licence, and revise the licence fees according to this distinction.

Rationale: In some cases, more than one licensee is associated with a business, where one licensee manages the day-to-day running of the business, while the others remain “dormant” - only to be “activated” in the unlikely event that the “active” licensee is unable to continue trading, in the event that the active licensee cannot continue trading. Creating a distinction between an “active” and “dormant” licence better reflects the business reality faced by many licensees, and will not compromise those aspects of the Act designed to keep criminals out of the industry, as the same application process and probity checks would still occur.

Recommendation 13: Small owner-operator register

The Committee recommends Government amend the *Prostitution Control Act 1994* to require registered small-owner operators to update the register whenever their circumstances change.

Rationale: The Committee understands that the accuracy of the small owner-operator register is questionable due to there being no requirement for registrants to update their information.

Recommendation 14: education and communication

The Committee recommends Government informs and educates the industry about the respective roles and responsibilities of the various government agencies working with the sex industry, including who is responsible for compliance monitoring and enforcement of the various Acts and Regulations.

The Committee further recommends that government and non-government officials working with the sex industry receive awareness training on the objectives of harm minimisation.

Rationale: The Committee’s research revealed that there is confusion among industry participants about the roles and responsibilities of the different agencies they deal with. Further, Government and non-government officials will be better able to improve levels of knowledge to industry participants about the regulatory framework and its objectives if they have an understanding of the complex issues faced by people who work in the sex industry. Information and/or training sessions would be provided to such officials about some of the more complex issues including the demographics of workers, their reasons for entering the industry, their concerns about anonymity and the barriers to leaving the industry. This would give them skills and information to work more confidently with the industry.

Section 1: Introduction

This report presents the result of the Committee's analysis of its terms of reference to enquire into and examine:

1. appropriate support services for people considering moving on from sex work, and
2. the experiences of prostitution business proprietors under the *Prostitution Control Act 1994* ("the Act"), particularly the provisions relating to advertising, liquor and health and safety, to advise on improvements to achieve the principle objective of harm minimisation.

The report is in five sections. Section 1 presents an introduction to the report and a summary of the objectives of the *Prostitution Control Act 1994*.

Section 2: *Supporting Sex Workers who want to Move On* presents the work of the Committee in fulfilling the terms of reference about career transition support. This section draws the thread of knowledge gathered from the Committee's research and presents them into a set of recommendations to improve the delivery of services for sex workers in Victoria.

The Committee also submitted to the Minister an **interim report** summarising these interviews in May 2005 (see Appendix 1 for the Interim Report). The interim report found that there are many pathways into prostitution and that moving on from sex work is just as complex.

Section 3: *Improving the Regulations of the Sex Industry* presents the results of the Committee's examination of the impact on businesses and sex workers of the advertising, liquor, and health and safety provisions in the Act. This section is underpinned by the Committee's belief that the viability of businesses operating within the law is a key contributor to the overall health of the legislative framework.

Section 4 presents the Committee's recommendations, and Section 5 presents the report's five appendices – these are the interim report from May 2005, the interview questions for welfare organisations, the interview questions for licensees, the survey questions for sex worker, and a short profile of each of the Committee members.

1. The *Prostitution Control Act 1994*

The *Prostitution Control Act 1994* and the Prostitution Control Regulations 2006 govern businesses providing prostitution services in Victoria.¹ The Act aims to:

- (a) seek to protect children from sexual exploitation and coercion;
- (b) lessen the impact on the community and community amenities of the carrying on of prostitution-related activities;

¹ Other Acts and Regulations affect prostitution businesses as they do other businesses. These include the Occupational Health and Safety Act 2004, the Health Act 1958, the Planning and Environment Act 1987 and the Health (Infectious Diseases) Regulations 2001.

- (c) seek to ensure that criminals are not involved in the prostitution industry;
- (d) seek to ensure that brothels are not located in residential areas or in areas frequented by children;
- (da) seek to ensure that no one person has at any one time an interest in more than one brothel licence or permit;
- (e) maximise the protection of prostitutes and their clients from health risks;
- (f) maximise the protection of prostitutes from violence and exploitation;
- (g) ensure that brothels are accessible to investigators, law enforcement officers, health workers and other social service providers;
- (h) promote the welfare and occupational health and safety of prostitutes.

Under the Act, individuals in Victoria can operate prostitution businesses by obtaining a licence from the Business Licensing Authority or by registering as a small owner-operator who is exempt from the requirement to hold a licence.

1.1 Licensees

Licensees are individuals who hold a licence to carry on a business as a prostitution service provider; this means they can operate a brothel, an escort agency or a combined brothel and escort agency. Licensees are business proprietors who engage sex workers to provide sexual services at their business. The Business Licensing Authority does not register or licence sex workers engaged by licensees to provide sexual services in their business.

When a brothel is open for business a licensee or an approved manager must supervise the day-to-day running of the business. An approved manager is an individual approved by the Business Licensing Authority to manage a brothel.

According to the Business Licensing Authority's records for August 2007, there are 148 individuals licensed to run prostitution businesses, comprising 52 individuals licensed to operate a brothel, 15 to operate an escort agency, and 81 to operate a combined brothel and escort agency.

Not all the 148 individuals who have a licence are currently trading and sometimes more than one licensee operates a single brothel. There are 90 brothels operated by licensed individuals in Victoria.

1.2 Small owner-operators

A small owner-operator is an individual working as a sex worker in his or her own business and is exempt from the licensing scheme. Small owner-operators must register with the Business Licensing Authority and the business must be small-scale with no more than one other person working with them. Small owner-operators can operate a one or two person brothel, escort agency or combined brothel and escort agency.

There are 2083 entries in the register for small owner-operators who are exempt from the licensing scheme, of these, there are 2152 individuals registered to provide an escort service only, 1 to run a brothel, and 2 to run a combined brothel and escort service. However, information obtained by the Committee indicates that the accuracy of the small owner-operator register is difficult to verify because there is no requirement in the Act for registrants to update their entry on the register when their circumstances change. A review of the *Prostitution Control Act 1994* should examine the possibility of inserting a requirement for registered small owner-operators to update their information when their circumstances change.

Section 2: Supporting sex workers who want to move on

To determine the most appropriate career transition support for sex workers who want to move on from the sex industry, the Committee reviewed Australian and international literature about sex worker entry and exit experiences and interviewed a number of organisations delivering support services to sex workers in Victoria.

The interviews were semi-structured, which allows for focused yet conversational communication, so that both the interviewers and interviewees have the flexibility to probe for details or discuss certain issues in more depth.

2. Organisations interviewed

The Committee interviewed the following organisations because the sex workers who use their services reflect the different types of commercial sexual activity in Victoria. See appendix A for a list of the interview questions.

1. *Resourcing Health and Education in the Sex Industry (RhED)*: RhED is a program of the Inner South Community Health Service, which offers a specialist statewide health and advocacy service for the sex industry in Victoria. RhED provides services to approximately 3000 clients a year, of whom up to 90% are sex workers and the remaining 10% are people associated with the industry, like brothel owners and health or welfare providers. RhED also deliver the Street Sex Worker Court Attendance Program, known as the Tuesday Court, and employ an Arrest Referral project worker as coordinator. The project worker coordinates with St Kilda Police, the Melbourne Magistrates Court, Victorian Legal Aid, St Kilda Legal Service and health and community agencies to support and advocate for street sex workers charged with soliciting.
2. *Project Respect*: Project Respect is a non-government organisation working to challenge the exploitation of and violence against women in the sex industry. They provide outreach services to women in brothels and tabletop dancing venues. In particular, they work to assist women from non-English speaking backgrounds who may be victims of trafficking.
3. *Salvation Army Crisis Contact Service*: The Salvation Army Crisis Contact Service in Gray Street, St Kilda, provides crisis support to men and women in need, such as emergency housing, domestic abuse, or any other crisis. In 2003-04 over 18,000 people contacted the agency for emergency assistance. Research conducted by the agency in 2002 revealed that up to half the women seeking assistance reported having made money from sex in the past year.
4. *Living Room Health Service*: Living Room is a primary health service operating in Melbourne's central business district, providing a free and confidential service to people who are homeless or injecting drug users. People involved in prostitution who access this service tend to be street-based workers.
5. *St Kilda Legal Service*: The St Kilda Legal Service provides a free service to residents of the City of Port Phillip, Stonnington, and Bayside. The St Kilda Legal Service is actively involved in the Street Sex Worker Court Attendance Program held at the Melbourne Magistrate's Court at 2.00 pm on the first Tuesday of every month (the Tuesday Court). The program enables those appearing at the court to get access to the services they need to stabilise their lives, such as legal aid, emergency housing, health services, and drug and alcohol rehabilitation.

6. *Gatehouse*: Gatehouse, in St Kilda, provides a drop-in centre, alcohol, and drug counselling, and referral to detoxification & rehabilitation centres. Its main target group is street sex workers, drug and alcohol users, and the homeless, who seek support of various kinds, whether it is a cup of coffee, food, clothing, or referrals. Gatehouse provides a place of acceptance for a group who largely have low self-esteem. They also keep in contact with men and women who end up in prison.
7. *Southern Edge Training*: Southern Edge Training delivers the *Queensland Government Career Transition Program for Sex workers* in partnership with Self Help for Queensland Workers in the Sex Industry (SQWISI). Southern Edge are a registered training organisation offering nationally accredited training for individuals and businesses that comply with the Australian Quality Training Framework, which is an initiative of the Australian Department of Education Science and Training to ensure a consistent, vocational education and training system across Australia. Southern Edge offer a wide range of vocational subjects including workplace management, occupational health and safety, information technology, sales and business development, customer service and account management.
8. *Transitional Services, Corrections Victoria, Department of Justice*: Corrections Victoria is responsible for the direction, management, and operation of Victoria's corrections system. An important component of their work involves actively engaging offenders and the community to promote positive behaviours. In particular, the Committee were interested in programs to reintegrate men and women released from prison to the community, the Employment Pilot Program, the Correctional Housing Pathways Initiative, and Bridging the Gap.

3. Literature reviewed

The Committee reviewed literature from Australia, New Zealand, and the United Kingdom, published between 2004 and 2005. What emerges from this exercise is the paucity of longitudinal and empirical research on prostitution. However, the studies provide a useful context in which the Committee can review its own findings and experiences of the sex industry in Victoria. The Committee reviewed the following publications:

1. *Selling Sex in Queensland 2003 (2004)*: A report commissioned by the Queensland Prostitution Licensing Authority and published in 2004, *Selling Sex in Queensland* is the most recent and comprehensive research on sex-work in an Australian jurisdiction. The report looks at sex work from the perspective of workers, clients and the wider community.
2. *Review of the Queensland Prostitution Control Act 1999 (2004)*: In 2004, the Queensland Crime and Misconduct Commission reviewed the Queensland *Prostitution Act 1999*. The review complemented the findings in *Selling Sex in Queensland* with additional research on 65 sex workers and licensees running brothels. Generally, the review found that businesses operating inside Queensland's regulatory system were safer for both workers and clients. The report concluded that an educative approach to regulation improves regulatory effectiveness.
3. *Speaking for Themselves (2004)*: A report by Child Wise Australia, a not-for-profit organisation working to prevent, protect, and reduce the sexual abuse and exploitation of children in Australia and overseas. The report documents the results of interviews with 30 young people in Melbourne who had become involved in prostitution while aged 16 or younger. The report concludes that services for young people should be non-judgmental, include a 24-hour drop-in centre, or outreach facility targeted exclusively for young people.
4. *The Sex Industry in New Zealand: A literature Review (2005)*: Commissioned by the Ministry of Justice and completed in March 2005, the literature review assesses the state of the sex industry in New Zealand and examines models of

prostitution law reform in other countries. The review found that the sex industry in New Zealand predominantly consists of massage parlours (more than half), escort agencies (up to 30%), and street sex workers (14%). The New Zealand sex industry is segmented, with little crossover between indoor and outdoor workers. The review found sex worker populations are diverse, and that the stereotypical view of young, drug-addicted prostitutes does not always reflect the reality. However, the review also found little research on prostitution by young people under the age of 18. The authors found that research on the pathways into prostitution outnumbered research on the experiences of exiting. Sex workers cited the freedom to work their own hours and the ability to accommodate childcare and other responsibilities as drives for entry. While studies on exiting found that laws that criminalise prostitution make it harder for people to move on from sex work, because prostitution-related convictions drastically limit a person's employment options.

5. *Paying the Price (2004)*: A UK Government consultation paper released in July 2004. The report conceptualises prostitution into three areas of focus, 1) prevention, 2) protection and support and 3) justice. The consultation process closed in November 2004 and the results became the basis of *A Coordinated Prostitution Strategy*, released on 17 January 2006. The Strategy mainly focuses on street prostitution, and outlines a program to improve law enforcement against kerb-crawlers and those who exploit prostitutes, support services for women wishing to leave prostitution, and programs to prevent vulnerable children from becoming involved in prostitution.
6. *Tackling Street Prostitution (2004)*: A UK Government report, which includes recommendations from the *Crime and Disorder Associated with Prostitution* project. The initiative funded 11 multi-agency pilot projects addressing street prostitution to determine the most effective approach. There were three types of projects, 1) attendance and prevention, 2) enforcement and community liaison, and 7) support strategies for exiting. The report recommends separate initiatives for young people. This is consistent with the findings of *Speaking for Themselves*, the Child Wise report, which found that young people are reluctant to access services they view as 'adult' services.

4. What the Committee found

The Committee found a diversity of experiences and circumstances among the sex worker population, each segment with their own needs. For example, the most vulnerable groups such as street-based sex workers and young people at risk, homeless or recently released from prison have different needs to sex workers who simply wish to improve their ability to move between occupations.

The Committee found that sex-work offers some people a good income and flexibility about when and where to work. Sex workers cite the overall autonomy and independence that the sector offers, and the importance of camaraderie among fellow workers as a support and survival mechanism.

However, the Committee also found that a sex worker's occupational mobility is significantly impaired the longer they stay in the sex industry, thus restricting their future employment options. This report identifies the components to allow individual sex workers to move on successfully.

4.1 Pathways into sex work

Results from both the literature review and interviews are unanimous that the pathways into prostitution are complex and gradual.

Research that includes surveys of significant samples of sex workers, such as *Selling Sex in Queensland*, which surveyed over 200 sex workers, reveal that the primary motivator for entry is economic.

However, the Committee found that not all sex work is the same; some sectors are more dangerous for sex workers than others. Street sex workers, for example, are more vulnerable to violence and exploitation. Not surprisingly, the literature review also revealed that street sex workers, when compared to other sex workers, are more likely to have begun sex work at a younger age and have a dependency on illicit drugs.

Despite the inherent dangers in street work, the Committee found that some sex workers chose to begin sex work on the street because it is informal. Street work can seem less intimidating for people just starting out, who are not comfortable about providing a full sexual service. Furthermore, street sex workers can keep all their earnings as they are operating outside the control of business owners who take a percentage of their earnings.

Perhaps the most interesting finding is the significance of the degree of control that sex workers have over their lives on their overall wellbeing. Sex workers who have control over other aspects of their lives are more likely to have an entry and exit plan, where they choose to work for a certain period and for a specific goal, like paying for their children's or their own education, an overseas trip or a car. These workers have a strong sense of agency and are more able to negotiate better outcomes for themselves. Often they are more able to find a place inside the regulatory system; they know their rights under the law and understand the protection it affords them.

People whose lives are chaotic, for example due to a dependence on drugs or alcohol, are homeless, or have just been released from prison, are less likely to be connected to a supportive network and less able to negotiate positive outcomes for themselves.

4.2 Barriers to leaving

It is no surprise that vulnerable people have fewer options, which is why leaving sex work is harder for men and women who are less in control of their lives. It follows that support for sex workers considering moving on from the industry should be appropriate to the circumstances in which they live. For people in vulnerable situations such as homelessness or addiction, support should be about providing a stable environment to assist in regaining that sense of control.

Sex workers with a strong sense of agency are more confident, more likely to have transferable skills and better able to seize opportunities, such as those offered by the Queensland Government's Career Transition Program for Sex Workers.

However, occupational mobility is severely limited the longer a sex worker stays in the industry as they become more isolated from mainstream society. The social stigma and discrimination experienced by sex workers can also affect self-esteem, and the support and camaraderie offered by fellow workers can make it easier to stay on, even if they had planned to stop.

4.3 Service delivery models

The Committee found a number of service delivery models to support sex workers wishing to leave the sex industry; they range from those that provide emergency assistance, like housing or referrals to drug treatment programs, to those focusing on longer-term life goals.

There are positive and practical elements to the models explored below, a composite of which, delivered through a case-management model could form the basis of a successful initiative for Victoria.

4.3.1 Career transition support for sex workers (Qld Career Transition Program)

Funded initially at \$250,000 per annum by Queensland Health and delivered by Southern Edge Training and Self Help for Queensland Workers in the Sex Industry or SQWISI. This program is managed through a case management approach to assist sex workers considering moving on from sex work to find alternative employment.

The program is voluntary and gives one-to-one and group assistance based on the needs of each participant. Training includes nationally accredited job search and competency-based modules to improve job search, workplace entry and life skills. Where physical or mental health issues exist, participants are referred to appropriate agencies for further support, which can include counselling, medical, or specific educational services.

Since its inception, over three years ago, the program has assisted 139 individuals into sustainable alternate employment. They are currently working with another 45 individuals undergoing new training and engaged in work place preparation programs. Southern Edge reports that up to 80% of participants who are considering moving on from sex work and have appropriate support in the transition process do not return to sex work.

Key Elements of the Qld Career Transition Program for Sex Workers

- Case management model,
- voluntary participation,
- transferable skills and training needs assessed,
- one-on-one counselling as well as group support,
- integrated into existing services for fast-tracking and referral, and
- ongoing mentoring.

4.3.2 Supporting street-based sex workers

1. Emergency Funding

Street sex workers are more likely to be vulnerable in other areas of their lives, whether it is homelessness, a dependence on drugs, or being in an exploitative and violent relationship. For this reason, street sex workers considering leaving sex work are likely to face challenges that are unique to their circumstances.

Dr James Rowe from the Centre of Applied Social Research at RMIT, in consultation with the Salvation Army and RhED suggested a model whereby *emergency funding* is available to provide material support to street sex workers when the desire to move on is at its strongest, for example, after experiencing extreme violence.

Emergency funding would assist street sex workers to access support from the necessary services, and once the immediate emergency is alleviated, links them with services that can deliver longer-term solutions. Flexible emergency funding is the provision of small amounts of financial assistance to alleviate immediate crises, such as emergency accommodation, transport, winter clothing, blankets and so on.

2. Housing Support

On a similar vein, Gatehouse also reports the provision of stable housing as critical in the pathway out of street-based prostitution. In particular, they have identified former sex workers released from prison or who have just completed detoxification or rehabilitation programs as a vulnerable group requiring support. Gatehouse is keen to establish an exit-house to prevent street sex workers who find themselves in this situation from re-entering street life, and provide them with skills training to expand their options. In their experience, when street sex workers have recovered from addiction, boarding houses are not appropriate as the culture of drug use in some places make it very difficult to reintegrate into the community.

3. Access to Drug Treatment Programs

Both the Salvation Army and Gatehouse report an urgent need for dedicated detoxification or rehabilitation beds that are available for immediate use when street sex workers want to move on from sex work, as often happens after someone is bashed or raped. There are currently no beds reserved for sex workers and it is normal to wait for two to three weeks for a bed, by which time it is too late. Evidence presented in the UK report, *Tackling Street Prostitution* also indicates that fast tracking into drug treatment programs are essential.

4. Court Attendance Programs – The Tuesday Court²

The Tuesday Court supports people charged with non-violent drug and street sex offences in the City of Port Philip. It is a community initiative of RhED (a program of the Inner South Community Health Centre), the City of Port Philip (through their Local Drug Strategy), St Kilda Police, various St Kilda based community and health agencies, St Kilda Legal Service and the Melbourne Magistrates' Court³. The Department of Human Services funds the program.

The Tuesday Court began in October 2003 when RhED and the St Kilda Legal Service noted that the majority of defendants listed to appear at the Magistrates' Court were not appearing when charged with 'loitering for the purpose of prostitution' and are summoned or bailed to appear, increasing the risk of incarceration. Thus, a pivotal element of the Tuesday Court is the partnership with St Kilda Police to divert the target group away from the criminal justice system to health and drug treatment services.

The Tuesday Court is an important point of engagement for service providers with women who do not generally use structured health services. This 'window of opportunity' has meant women have engaged with counselling and health treatment services for the first time.

The Court has increased the rate of court attendance by sex workers (see table below), and by keeping street sex workers out of prison, it has achieved court outcomes more appropriate than warrants or fines – because previous convictions appear on police checks, this is especially important for street-sex workers who want to enter mainstream occupations.

² Arrest Referral Program Annual Report 2006/07 RhED.

³ Up to 80% of the charges finalised under the *Prostitution Control Act 1994* are listed in the Melbourne Magistrates' Court, and approximately 10% in the Dandenong Magistrates' Court.

No. of Defendants Attending the Tuesday Court at the Melbourne Magistrates' Court

	2004	2005	2006	2007
February	4	9	15	11
March	7	14	18	19
April	3	13	12	15
May	5	19	12	7
June	7	22	8	25
July	10	13	12	11
August	9	19	15	29
September	6	18	13	22
October	7	22	12	7
November	No Court	No Court	No Court	No Court
December	10	23	8	

Note: This data is a reflection of defendants attending court, not the total listed for offences.

5. Conclusion

In conclusion, Emergency Funding, Housing Support, Access to Drug Treatments, and the Court Attendance Program are examples of appropriate and well-targeted support services for street-based sex workers who are generally more vulnerable compared to sex workers working in other settings. These programs recognise that the window of opportunity to support street sex workers wishing to leave sex work opens for a limited time only – the few hours after a traumatic incident when a street sex worker says they want out is the time to give support.

Key Elements of a Support Program for Street Sex Workers

- Participation is driven by emergency situations when participants come into contact with an outreach, drop-in service, or the court attendance program,
- support is one-on-one with a focus on providing immediate stability,
- integrated into existing services to allow fast-tracking and referral to drug treatment programs, emergency housing, counselling, escape from domestic violence, etc, and
- underpinned by partnerships between government and community agencies.

4.3.3 Supporting people coming out of prison

The Salvation Army and Gatehouse identified people released from prison without a supportive social or family network, as being at risk of homelessness. Homelessness is a strong indicator of disadvantage and can be a pathway into street prostitution. For this reason, the Committee investigated the following pilot programs, which aim to assist men and women released from prison to adjust back into community life.

1. *Correctional Services Employment Program*: This program helps people to become work-ready and secure post release employment. The program is available to all prisoners from six months prior to their release, and provides ongoing support for up to one-year post release.
2. *Transitional Housing Management Corrections Pathway Initiative*: This is a joint initiative between the Office of Housing and Corrections Victoria, which targets prisoners who are likely to be homeless following release, and helps them to find accommodation. The initiative funds a small number of housing properties, a tenancy management service, and housing placement workers to help people find accommodation.

3. *Bridging the Gap*: This pilot program began in 2001 to reduce drug related harm experienced by some people following release. In particular, the program aims to reduce the risk of re-offending, reduce the harm associated with alcohol and drug use, and prevent overdoses or deaths. The program provides intensive pre and post release support to people with drug or alcohol issues, and facilitates access to drug treatment programs, accommodation, employment, education, health, legal assistance, and family reconciliation. Bridging the Gap has been extended for a further three years.

Key Elements of the Post Prison Release Programs

- Support available to all prisoners pre and post release,
- focus on reintegration into the community through support in finding appropriate housing, access to drug treatment and employment programs, and
- program delivered jointly across different government agencies that are collaborating to achieve the shared objectives of their plans and strategies.

The Committee supports the continued provision of post release programs, and wherever practicable, female, male and transgender prisoners with a history of prostitution should be provided with access to information regarding exiting the sex industry if this is a personal choice they believe will be of benefit to them.

Additionally, the Committee has learned that female prisoners at Dame Phyllis Frost Centre and Tarrengower Prison currently do not have access to treatment for Hepatitis C. In light of the high prevalence of Hepatitis C amongst female prisoners and the fact that many female prisoners have a history of prostitution, particularly street prostitution, and a history of illicit drug use, the Committee believes action should be taken to address this anomaly in the provision of health services to female prisoners. Currently male prisoners in Victoria are able to access treatment for Hepatitis C at Port Phillip Prison.

4.3.4 Supporting young people at risk

The Australian report *Speaking for Themselves* by Child Wise and the UK report *Tackling Street Prostitution* found young people involved in prostitution are more likely to use services that are youth oriented and are delivered by specialist workers.

Both reports found homelessness to be a key factor in a young person's involvement in prostitution. A vulnerable young person may begin sex work in exchange for emotional and material support. For this reason, early intervention programs that aim to divert young people at risk of homelessness are a priority. Initiatives integrated with existing programs targeting young people such as school retention and mentoring programs are an advantage.

The provision of secure and safe housing and a non-judgmental 24-hour drop-in service is important for young people already involved in prostitution. This service would link with appropriate education programs.

Key Elements Of Support Programs For Young People

- 24-hour drop in centre providing non-judgmental support and referrals,
- staffed by specialist youth workers, and
- integrated into existing services, for example mentoring, school retention programs, and services for young people at risk of homelessness.

4.3.5 Conclusion: a case management approach

There are many reasons why people become involved in prostitution. While some people have a strong sense of autonomy and control in their chosen occupation, others are keen to develop skills for a future away from sex work.

The Committee investigated the many pathways into prostitution and the different types of realistic assistance for those considering moving on. The Committee researched the support needs of street sex workers, young people at risk, and people coming out of prison, as well as sex workers who simply want to improve their ability to move between occupations. Outlined below are the principles, which the Committee noted underpin the more successful support services, that is, they tend to be:

1. based on research, an analysis of the need and the active participation of the target group from inception to delivery;
2. non-judgmental and create an enabling environment where individuals can take greater control of their lives;
3. integrated into existing service delivery models including education and training services to ensure flexible and response actions; and
4. delivered in partnership between government, business and community organisations.

Following the above principles, **the Committee favours a case management approach to provide support that builds links and non-judgmental referral pathways for sex workers to other programs and services delivered by government agencies, education and training institutions and community organisations.**

For example, a caseworker would provide specialised and targeted support for a sex worker to:

- access appropriate government and community services, such as emergency housing, drug rehabilitation, counselling, financial management, and for young people, school retention programs etc;
 - recognise prior learning and accredited education and training opportunities (for example through CAE, TAFE and Universities);
 - assess transferable skills; and
 - receive ongoing mentoring and support to seek and maintain employment in occupations outside the sex industry.
- The committee's recommendations

Section 3: Improving the regulation of the sex industry

To ensure the Committee's examination of the advertising, liquor and health and safety provisions reflects the reality experienced by a cross-section of the industry, the Committee sought input from licensees, small owner-operators who are exempt from the licensing scheme and sex workers (female, male and transgender). See appendix B and C for a list of interview questions for licensees and sex workers.

5. Research and interviews

The Committee interviewed the Australian Adult Entertainment Industry Association Inc (AAEI)⁴ and 8 licensees. Table 1 details the characteristics of the licensees interviewed.

The Committee captured the views of small owner-operators in a focus group attended by five sex workers. All small owner-operators participating in the focus group operate in the Melbourne metropolitan area. Table 2 details the characteristics of the small owner-operators in the focus group.

Approximately, 90 surveys seeking sex worker views on health and safety in the work place were distributed at the business premises in which interviews with licensees took place; however, only one person responded. The sex-worker survey questionnaire is in Appendix B.

The Committee also considered the submissions to the Regulatory Impact Statement for the proposed Prostitution Control Regulations 2006, especially where matters that are under consideration in this report are raised.

To understand the experiences of the male sex industry, the Committee drew upon the research funded by the Australian Research Council entitled, *Male Sex Work as Cultural Practice: An Examination of the Structure, Workforce and Practices of Melbourne's Male Sex Work Industry*. Dr Jon Willis and Mr Kirk Peterson of the Australian Research Centre in Sex, Health and Society at La Trobe University conducted the research. This research included interviews with 30 male sex workers, 10 street workers, 10 independent exempt escorts (called small owner-operators in the Act) and 10 brothel/escort agency workers. Eight key informants including two licensees were also interviewed.

⁴ According to AAEI spokesperson Mr W Albon, up to 66% of the prostitution businesses operated by licensees are financial members of AAEI.

Table 1: The Licensees Interviewed

	Business Type	Location	No. of Rooms	Years Experience
Licensee 1	Brothel	Melbourne City	6	9
Licensee 2	Brothel	Outer Suburbs	6	17
Licensee 3	Brothel	Outer Suburbs	6	less than 1
Licensee 4	Brothel	Outer Suburbs	3	7
Licensee 5	Brothel	Regional	6	2
Licensee 6	Brothel	Regional	2	2
Licensee 7	Escort	Services Melbourne City	N/A	17
Licensee 8	Escort	Services Melbourne City	N/A	17

Table 2: The Small Owner-operators in the Focus Group

	Business Type	Location	No. of Clients pw	Years Experience
Operator 1	Escort (outside regulatory system – no PCA number)	Melbourne City	2 to 20	13
Operator 2	Escort (outside regulatory system – no PCA number)	Melbourne City	1 to 12	10
Operator 3	Escort	Melbourne City	5 to 25	10.5
Operator 4	Escort	Melbourne City	5	11
Operator 5	Escort	Melbourne City	5	5

6. What the Committee found

This section discusses the Committee's findings. The interviews revealed a number of differences in the experiences of prostitution service providers, which depended on factors such as:

- whether the business is run by a licensee or a small owner-operator
- whether the business is a brothel, an escort agency business, or a combined brothel and escort agency business;
- the location of the business, whether it is in the inner-city, outer-suburbs or in a regional setting;
- the type of clients purchasing the services;
- the length of time the business has been in operation; and
- the gender and sexuality of the sex workers working in the business.

Among the licensees interviewed, the desire to comply with the law is high. The licensees said the high financial investment required to establish a brothel or escort agency meant that they would not risk losing their licence by not complying with the law. For example, a Melbourne real estate agent with experience in brothel real estate submitted to the Committee that the cost of purchasing a brothel located in Melbourne city ranges from \$1.5m to \$4m and in the outer suburban area ranges from \$0.8m to \$1.5m.

Among the small owner operators in the focus group, two are operating outside the regulatory framework, in that they have not registered with the Business Licensing Authority and do not possess a "PCA number" that enables them to advertise. However, all of the focus group participants said they understood and complied with the provisions in the Act relating to advertising, health and safety including sexual health.

While there is consensus among licensees and small owner-operators about certain aspects of the law that they believe inhibit their ability to run a good quality business, there were also some key differences.

Both licensees and small owner-operators interviewed felt that the restrictions that only allow "head and shoulder" images used for advertising puts their business at a disadvantage when compared to other adult businesses. They felt that it was hypocritical to allow full body images in advertisements for every other product or service on the market but sex.

Licensees interviewed felt strongly about the prohibition on advertising for employment contained in section 17(3) (b) of the Act. Section 17(3)(b) states that "A person must not publish or caused to be published a statement which is intended or likely to induce a person to seek employment in a brothel or with an escort agency or any other business that provides prostitution services."

They said that section 17 (3) (b) puts the health and safety of sex workers at risk, because businesses cannot recruit suitably qualified staff for the position of approved manager who can deal with difficult clients.

Views about the liquor restrictions contained in section 21 of the Act were more diverse, with licensees running smaller establishments advocating retaining the absolute ban so that the health and safety of sex workers is not compromised. While licensees running larger businesses advocated the removal of all liquor restrictions

allowing brothels to sell or serve liquor to clients and compete with other sexually explicit businesses.

There was a broad understanding of health and safety issues in the industry among both licensees and small owner-operators, and they were generally supportive of the specific health and safety laws. Licensees interviewed recognised that the health and safety of the sex workers operating in their business is critical to the success of their business, and small owner-operators recognised that their income depends upon their good health.

Licensees participating in the research raised additional matters they believe impede success without delivering the intended benefits of the Act such as, the six-room limit for new brothels, the small owner-operator provisions exempting independent sex workers from the licensing scheme, competition between adult businesses, the lack of a distinction between "active" and "dormant" licences, and monitoring compliance. The section "Other matters relevant to the regulation of the sex industry" explores some of these issues.

6.1 The advertising provisions

In Victoria, section 17 of the Act and the Regulation 9 of the Prostitution Control Regulations 2006 control advertising by prostitution service providers.

Section 17 of the Act prohibits advertising which:

- describes the services offered;
- is broadcast or televised;
- induces a person to seek work as a prostitute;
- induces a person to seek work in a brothel or escort agency; and
- uses words which imply or state that the business provides massage services.

Regulation 9 of the Prostitution Control Regulations 2006 stipulates that an advertisement must include a true licence or exemption number and must not:

- contain a picture of a person that reveals below the shoulders;
- exceed 18cm x 13cm (this restriction does not cover Internet or outdoor advertising);
- refer to race, colour, or ethnic origin of the person(s) offering the service; and
- refer to the health of, or medical testing undertaken by, the person(s) offering the service.

Two previous studies have examined prostitution advertising in Victoria - the 1985 *Inquiry into Prostitution* by Professor Marcia Neave ("the Neave Inquiry") and the 1999 *Report into Advertising for Ancillary Staff* by the Prostitution Control Act Ministerial Advisory Committee.

The Neave Inquiry found that 17% of prostitutes were recruited into prostitution by answering an advertisement for ancillary staff. However, the Neave Inquiry also stated that advertising in general may play some role in attracting new recruits to the industry, whether or not they mentioned that staff were required. The Neave Inquiry recommended that it be an offence to advertise any statement which intended to induce a person to seek employment as a sex worker, and to advertise for any staff in a brothel, escort agency or massage parlour. It recommended that discreet advertising should not be prohibited, but that explicit advertising and descriptions of sexual services should be banned. It recommended that restrictions should be detailed in regulations which should specify size, form and content.

In March 1999, the Committee investigated and reported on advertising for ancillary staff by brothels and escort agencies. The Report concluded that the prohibition on advertising for ancillary staff:

- compromised the safety of workers due to the inability to recruit the most qualified staff;
- affected brothels and escort agencies ability to compete with other adult service businesses which are not subject to the same prohibition; and
- impacted more significantly on smaller businesses and escort agencies because ancillary staff were generally recruited after approaching a business and larger businesses could better afford to advertise services and were more prominent.

The 1999 Committee Report recommended the following:

- Repeal section 17(3)(b) of the Act
- Amend section 3 of the Act to include a definition of 'ancillary staff', which includes Approved Managers.
- Amend the Regulations to include controls over advertising for ancillary staff.
- Amend the Act to include an offence of offering employment as a prostitute to an applicant for an ancillary staff position.
- Amend the Act to include an offence of failing to comply with the advertising controls.

Table 3 summarises the legislative restrictions on advertising in other Australian states where prostitution is decriminalised – New South Wales, Queensland and the Australian Capital Territory.

Table 3: Advertising Rules in New South Wales, Queensland & the Australian Capital Territory

Jurisdiction	Legislation	Advertising Restrictions
NSW	<i>Summary Offences Act 1988</i>	Section 18 and 18A of the <i>Summary Offences Act 1988</i> prohibits advertising that a premises is used for prostitution or advertising for prostitutes. However, despite the law, advertisements still appear.
QLD	<i>Prostitution Act 1999</i>	Division 4 of the <i>Prostitution Act 1999</i> controls advertising. It allows for the advertisement of prostitution in an "approved form", i.e. the Prostitution Licensing Authority must approve each advertisement. The <i>Prostitution Act 1999</i> also prohibits statements that are likely to induce a person to seek employment as a prostitute.
ACT	<i>Prostitution Act 1992</i>	The <i>Prostitution Act 1992</i> does not contain restrictions on advertising.

6.1.1 Advertising for ancillary staff

Being able to advertise for ancillary staff was important to all the licensees interviewed. The ban on advertising for staff has significantly reduced their access to appropriately skilled receptionists and approved managers, and forces licensees to use alternative recruitment methods such as:

- using the contacts or networks of existing staff (word-of-mouth);
- alerting potential recruits about vacancies in the business through advertising statements like "under new management" or "new closing hours due to shortage of skilled managers".

The above methods generally lead to two types of individuals being employed:

- people who are friends or family of current staff who may or may not have industry experience or transferable skills from other sectors; or
- people already working in the industry, who manage to remain employed by moving between businesses even though they are not always suitably skilled.

The licensees interviewed said that they seek to recruit approved managers who can resolve situations where a client is intoxicated and aggressive, and who can appropriately screen such clients so that they do not enter the establishment and endanger other staff and sex workers.

When asked whether licensees would use advertising for ancillary staff as a cover to recruit sex workers, they replied that the substantial investment in training reception staff and approved managers meant that it is highly unlikely that anyone would coerce an ancillary staff member into becoming a sex worker. Estimates submitted to the Committee indicated that licensees spend between \$3,500 and \$5,000 (including the monetary value of their time commitment) on training approved managers and receptionists.

6.1.2 Advertising for sex workers

Licensees running businesses in the city areas were not concerned about the ban on advertising for sex workers. Neither were small owner-operators concerned about this ban, this is because a key condition of their exemption from the licensing system is that they are the sex workers in the business.

Sex worker recruitment currently occurs through:

- using the contacts or networks of existing sex workers (word of-mouth);
- licensees offering bonuses to staff who find sex workers willing to work more than five shifts for the business;
- individuals contacting the business to enquire about work; and
- alerting potential sex workers to vacancies in the business by adding particular statements in general advertising about services, for example “ladies always welcome,” “ladies invited” or “we treat our ladies like angels”.

Licensees with businesses in the city centre said that they are not finding it difficult to find sex workers willing to work in their business. While licensees with businesses in the outer suburbs said, they are finding it difficult to find sex workers who are willing to operate from their establishment.

Consequently, licensees’ views on whether advertising for sex workers should be allowed differed depending on where their business was located. Owners of outer suburban brothels advocated for the prohibition on advertising for sex workers to be lifted.

Licensees with city-based businesses were undecided about whether they would like the prohibition lifted. On the one hand, they would like to be able to advertise for sex workers as they think that it would attract new talent to the industry but on the other hand, they think that being able to advertise for sex workers would lead to a supply side price war, which they could not afford.

Removing the restrictions on advertising for sex workers may benefit sex workers currently operating in the industry. Supply side competition may lead to better conditions for sex workers as licensees come under increasing pressure to compete with the conditions being advertised by other licensees. Removing the restrictions on advertising for sex workers may remove some of the stigma associated with working

in the sex industry and may also ensure that sex workers are better informed about whether the brothels they are working in are run by licensed individuals or not.

6.1.3 Advertising of services

The licensees interviewed said that they advertise their business in several ways and in a range of publications, including:

- in the Yellow Pages;
- on the Internet (through their own website or advertising on other businesses' websites, for example, a building industry website);
- in newspapers (local, state-wide, CALD publications, industry trade and gay);
- on billboards (mobile and stationary); and
- at Sexpo.

Expenditure on advertising varied among the licensees interviewed – from \$8,000 per annum by a regional brothel to \$100,000 per annum by an inner city brothel.

Of the small owner-operators participating in the focus group, only those with a PCA number advertise and they indicated that they advertise:

- in the Yellow Pages;
- on their own website; and
- in local newspapers.

Expenditure on advertising for the small owner-operators interviewed ranged from \$3,000 to \$15,000 per annum.

Male escort workers working in their own business but not registered with the Business Licensing Authority as small owner-operators, regularly advertise their services via sex-orientated and gay websites and Internet chat-rooms. Although most of these sites and Internet chat-rooms had rules that explicitly prohibited advertising for sexual services, in practice these rules were simple to circumvent through careful wording.

Licensees and small owner-operators felt that all the advertising restrictions unfairly impacts on their ability to compete with other adult businesses like tabletop dancing venues and telephone sex businesses (other adult businesses can broadcast and televise advertisements and show full body images). However, regulation 9 (4) (a) which restricts photographic or pictorial images of persons in advertisements to the "head and shoulders" emerged as a key concern.

Licensees and small owner-operators said that the "head and shoulder" rule is a significant barrier to competition for Victorian-based businesses advertising service on the Internet, particularly if they provide a visiting service to other states. Businesses based in other states can use full body images on their Internet advertisements.

Licensees and small owner-operators acknowledged two situations that could be used to justify restrictions in advertising for sexual services; 1) to protect the anonymity of sex workers, for it is not uncommon for individuals to have other jobs in addition to sex work and they would not want current co-workers or future employers to be aware of their involvement in the sex industry; and 2) to protect the community from advertising that is offensive.

However, as evidenced in interstate advertising that includes full-body imagery, there are those who are comfortable with the use of their bodies in advertisements. Indeed,

the small owner-operators participating in the focus group said that they would like to be able to use “tasteful” full body images to advertise their services. As for protecting the community from offensive advertising, they felt that sufficient controls exist which would ensure advertising is inoffensive.

6.2 The liquor provisions

In Victoria Section 21 of the Act controls the consumption, sale or supply of liquor in a brothel. In particular, section 21 of the Act states that a prostitution service provider must not:

- sell, supply or consume liquor at a brothel; or
- permit liquor to be sold, supplied or consumed at a brothel.

The second reading speech for the passage of the Act did not discuss the policy objective behind the banning of liquor in brothels. The Committee assumes that the objective for this policy decision is contained within the broader objectives of the Act and appears most closely related to the objective of promoting the welfare and occupational health and safety of sex workers.

A ban on liquor in brothels may protect sex workers from the undesirable behaviour of clients who are under the influence of alcohol, and the effects of alcohol on sex workers themselves including impaired judgement and lower diligence about personal health and safety.

Another possible explanation for the banning of liquor in brothels may have been to make brothels less attractive as a venue. By banning liquor in brothels, the objective may have been to discourage people from attending brothels over other entertainment venues.

The Committee found no consensus among research participants on the issue of liquor in brothels. Licensees of smaller brothels were generally supportive of an absolute ban on liquor in brothels. While licensees of larger inner city brothels with “high-end” clients wanted to be able to serve or sell alcohol. Small owner-operators were supportive of the ban, though preferred that some alcohol on the premises be allowed for staff celebrations.

6.2.1 Dealing with intoxicated clients

The Committee found that the licensees interviewed who are running brothel businesses had systems in place to screen clients for intoxication prior to allowing the client to see a sex worker. One licensee, for example, had a very thorough system. Receptionists viewed, via security cameras, a client’s manner as they walked to the door of the brothel. If they are intoxicated, the receptionist did not answer the door. If they appeared sober, the receptionist would open the door and speak to them from behind a locked security door. If they then presented as being intoxicated, the receptionist would ask them to leave and close the door.

6.2.2 Industry perspective on liquor provisions

Everyone interviewed believed that the Government had imposed the ban on liquor in brothels to protect the health and safety of sex workers, but they had mixed feelings on whether the ban is justified. Some licensees supported the absolute ban on liquor in brothels. These licensees put forward a range of reasons for their stance:

- The ban on liquor protects the health and safety of sex workers, both from intoxicated clients and from the effect of alcohol on sex workers, i.e. impaired judgement and lower diligence about their own health and safety.
- Allowing the sale or supply of liquor in brothels would be a significant additional cost for brothels. They would need to train staff in the responsible serving of alcohol and would need to employ security staff. Given the ban on advertising for ancillary staff, licensees may have difficulty in finding appropriate qualified staff.
- Brothels are in the business of supplying sexual services. Allowing brothels to sell and/or supply liquor would blur the lines of the business they are in and may take business away from their primary function, i.e. clients may come just to consume alcohol and not purchase sexual services.

On the other hand, the licensees of larger inner city brothels with “high-end” clients such as travelling businessmen think that the liquor restrictions limit their ability to compete with other sexually explicit businesses in Victoria and with brothels operating in other states and countries. These licensees said that their clients often demand alcohol, and that a relaxation of these laws would strengthen their profitability.

The licensees of small outer suburban brothels indicated that if the laws were relaxed they would not serve liquor; however, they acknowledged that there was probably a role for it in larger brothels.

There was much discussion among the Committee around serving and selling liquor to clients, some members believed that allowing the personal consumption of liquor by ancillary staff and sex workers during celebrations would not be problematic and that the restrictions were paternalistic. While others expressed caution, as allowing liquor in brothels might be difficult to manage.

In making its recommendation relating to liquor in brothels, the Committee considered the interests and concerns of sex workers, licensees and small owner-operators within the context of the harm minimisation objectives of the Act.

6.3 The health and safety provisions

In Victoria the *Occupational Health and Safety Act 2004*, the *Prostitution Control Act 1994*, the *Prostitution Control Regulations 2006*, and the *Health (Infectious Diseases) Regulations 2001* cover sex workers’ occupational health and safety.

Under the *Occupational Health and Safety Act 2004*, which covers all workplaces, the primary duty is on employers and they must provide, so far as is practicable, a working environment for employees that is safe and without risks to health. Employers and self-employed persons must also ensure that persons other than their employees are not exposed to risks to their health and safety arising from the employer’s undertaking.

Industry specific OHS requirements are in the *Prostitution Control Act 1994*, the *Health (Infectious Diseases) Regulations 2001* and the *Prostitution Control Regulations 2006*. Moreover, promoting the health and safety of sex workers is a primary objective of the *Prostitution Control Act* and section 4 specifically states the objectives as:

- maximise the protection of sex workers and their clients from health risks;
- maximise the protection of sex workers from violence and exploitation; and
- promote the welfare and occupational health and safety of sex workers.

Section 7 of the *Prostitution Control Regulations 2006* protects the occupational health and safety of sex workers by requiring that:

- a receptionist does not misrepresent the qualities of the sex worker or negotiate the sexual services to be provided;
- a system is in place to ensure the safety of brothel and escort workers;
- all rooms have a concealed alarm, sufficient lighting to enable STI checks and safe sex signage in the reception area and in all rooms used for prostitution;
- sex workers are provided with a free supply of condoms and water-based lubricant and that they are not required to clean or disinfect any bath, shower, toilet or spa on the premises unless those facilities have been used by that sex worker.

6.3.1 Knowledge of health and safety among licensees

The licensees interviewed generally understood and were mostly supportive of the OHS requirements specific to their industry as outlined in the Act and Regulations. However, there was limited understanding about the way in which the general workplace provisions in the *Occupational Health and Safety Act 2004* applies to prostitution businesses. For example, there was a view that a prostitution business is exempt from the OHS Act when the sex workers engaged by the business describe themselves as “independent contractors” or “consultants”, when this may not necessarily be the case.

Licensees interviewed recognised that the health and safety of sex workers operating in their business was critical to the success of their business. They support sex workers who choose not to see particular clients regardless of the reason (for example personal choice, potential violence from the client, the client is intoxicated, or the sex worker suspects the client has a sexually transmissible infection). When asked, all the licensees said that they do not exercise punitive measures against sex workers who refuse to provide a service.

Licensees interviewed reported that they had strict safe sex policies; they said it is in the best interests of their business and the sex workers operating in their business to do so. For example, some businesses had a diarised system for reminding sex workers when their medical certificates are due. Some had strict policies on medical certificates by not allowing sex workers to work if the sex worker has not received a new medical certificate or the doctor had made a mistake on the certificate (eg, the doctor had misspelt the sex worker’s name), others allow sex workers to work one more shift. However, the small owner-operators in the focus group suggest that sex workers working in brothels that are strict on medical certificates, were most likely to forge them (i.e. white-out the date and photocopy).

Licensees interviewed thought that the testing regime should remain monthly as they felt that the current requirement afforded them some level of protection from clients suing them with a claim that the client had contracted a sexually transmitted infection from a sex worker working at the establishment.

All the licensees interviewed were appreciative of the information on sexually transmitted infections provided by organisations like Resourcing Health and Education in the Sex Industry (RhED).

6.3.2 Knowledge of health and safety among sex workers

The Committee left approximately 90 surveys seeking sex worker views on health and safety in the work place at the business premises in which interviews with licensees took place; however, only one completed survey was returned. Consequently, the Committee relied on previous research conducted by the sex worker organisation Scarlet Alliance and the experiences of small owner-operators in the focus group.

The small owner-operators spoke about health and safety issues that are specific to sex workers such as thrush, sore knees, backs and wrists, and generally feeling run down. However, they identified safety as the major occupational health and safety issue, in particular the potential exposure to violence from “ugly mugs” (nasty clients).

Small owner-operators believe that the Act forces sex workers who want to work independently to do outcalls (escort work) which can be as dangerous as street sex work, due to the fact that the transaction occurs at locations determined by the client.

The special requirements to obtain a planning permit in the Act require that brothels be located in industrial areas. Small owner-operators believe that the costs associated with obtaining a suitable premise in an industrial area makes it almost impossible for them to operate a brothel; consequently, most small owner-operators provide outcall services as an escort agency.

Although the small owner-operators interviewed only spoke about three confrontations they had had with “ugly mugs”, they spoke of a constant fear they had that an incident may occur.

Whilst the small owner-operators in the focus group said that they had a system in place to minimise the exposure to violence, for example by calling their driver or a friend to let them know the booking was starting and again when the booking had finished, they suggest two initiatives which would increase their safety:

- that small owner-operators be allowed to book a hotel room, because it should be up to the hotel and not the government whether to accept such a booking; and
- that a password protected website should be set up for sex workers working alone so that they can alert each other to “ugly mugs”.

Some of the male escorts interviewed revealed they regularly provide services in their homes to minimise the safety risks involved in escort work. Male sex workers interviewed indicated that they did not make hotel bookings, but rather left that responsibility to the clients.

The small owner-operators in the focus group were aware that the legislation in relation to STI checks applies to them even though they did not work for a brothel or escort agency operated by a licensee. They indicated that they were at as much risk as any other worker of being accused of passing on an STI and would need to defend themselves by showing that they had been undergoing regular STI check ups.

Whilst the small owner-operators indicated that they had STI tests once a month, they felt that the monthly requirement was ridiculous given that as soon as you had sex after having the tests, the tests become irrelevant. One private worker said she knew a doctor happy to provide blank certificates to fill in monthly and to see him every three months.

The male sex workers interviewed revealed that the most important aspect in maintaining optimal sexual health was trust in their treating doctor, i.e. the freedom from being judged for the work they do and ability to openly discuss sexual matters. Access to easy-to-understand sexual health information was also identified as being important.

6.3.3 Health and safety guidance for the sex industry

The Committee reviewed A Guide to Best Practice: Occupational Health and Safety in the Australian Sex Industry published by Scarlet Alliance and the Australia Federation

of AIDS Organisations, and A Guide to Occupational Health and Safety in the New Zealand Sex Industry published by the New Zealand Department of Labour, which uses the Scarlet Alliance Guide as a model.

The Scarlet Alliance is a national forum for sex worker rights organisations, providing support, information and solidarity to sex workers. It is composed of autonomous member organisations from each state and territory of Australia. The Australian Federation of AIDS Organisations is the peak non-government organisation representing Australia's community-based response to HIV/AIDS.

Underpinning both the Scarlet Alliance and New Zealand Guides is the principle that all workers have the right not to put their health at risk due to the normal requirements of their work. In addition to the specific occupational health and safety issues relevant to the sex industry, such as making sure beds give good support, lubricants are non-allergenic and that sex workers have sufficient breaks between clients to avoid fatigue, the NZ Guide also draws on the NZ *Health and Safety in Employment Act 1992*, which provides for the safety of all people in places of work or those affected by work activities.

Specifically, both the Scarlet Alliance and New Zealand Guides set out the occupational health and safety duties for all parties in the sex industry and gives practical advice on how to achieve those duties by dealing with topics such as:

- sexual health education of sex workers, their clients and licensees;
- sexual health assessment for sex workers;
- dealing with condom breakage or slippage;
- storing, handling and disposing of personal protection equipment, such as condoms, dams and latex gloves; storing, handling and disinfecting sex toys;
- hazards to the reproductive health and fertility of sex workers and pregnant workers, e.g. chemicals;
- occupational overuse or Repetitive Strain Injury from working in fixed or constraining postures, or from performing rapid repetitive tasks or forceful movements;
- security and safety from violence;
- drugs and alcohol in the workplace;
- smoking in the workplace;
- access to first aid kits;
- fire safety;
- cleanliness of showers, baths, toilets, linen, spas, and bar and food preparation areas;
- provision of appropriate protective clothing to deal with body fluid spills;
- heating and cooling;
- lighting to ensure stairs, passageways, entrances, exits and common areas are well lit; and
- adequate lighting to perform STI checks.

6.3.4 Induction for new starters

An important element of managing health and safety risks is to ensure all parties in the workplace such as employees, contractors and others know about the specific in-house procedures such as first aid locations, as well as their legal obligations such as STI testing.

The Committee asked licensees whether they have in place an induction program for new starters. An effective induction program introduces new starters to the business in a positive way, making them feel welcome and providing them with relevant

information, for example about STIs or how to get help if a client is intoxicated or violent.

While none of the licensees interviewed had a formal OHS induction program, in all cases, there was a serious attempt to communicate the required information to new starters. Below are elements of this informal program described by licensees to the Committee:

- running through the brothel's/escort agency's policies and procedures;
- showing sex workers where clean towels, condoms and lube are located and where dirty towels and condoms should be placed after seeing a client;
- showing sex workers how to operate the security alarms and/or phones in the rooms;
- running through information about, and pictures of, STI's with sex workers;
- if the sex worker is new to the industry, giving them an experienced sex worker as a "buddy"; and
- making themselves and reception staff available to answer any questions or resolve any problems the sex worker may have.

Clearly, there is a focus among industry participants on OHS issues that are specific to the industry, in particular those relating to sexual health. However, there is a range of OHS issues that are common in all workplaces or identified by Scarlet Alliance as being important to the sex industry, which also require consideration.

The Committee believes that there is an opportunity to increase awareness among industry participants about OHS generally. For example, that there is an obligation for all businesses to ensure a safe working environment, regardless of whether a licensee or a small owner-operator runs the business.

6.4 Other matters examined by the Committee

While interviewing industry participants about the operation of the *Prostitution Control Act 1994*, the following issues emerged and were also examined by the Committee.

6.4.1 Competition issues

The experiences of prostitution service providers depends on the characteristics of the business – what type of business they are involved in, where their business is located, the type of clientele they service, the length of time the business has been in operation, and the level of competition from other adult businesses.

Licensees reported that the level of competition faced by brothels and escort agencies depends on their location and the type of clientele they serviced. Brothels and escort agencies located in inner Melbourne face a high level of local competition. In addition to this, if they service what they consider to be the "high-end" clients they also compete nationally and internationally. In contrast, brothels and escort agencies in outer suburban and regional areas face little to no competition from other licensed businesses.

1. Competition between 6-room brothels and "deemed" brothels

Section 70 of the Act specifies that a permit cannot be granted for use or development of land for the operation of a brothel if more than six rooms in the proposed brothel are to be used for the purpose of prostitution.

However, any person who operated a brothel prior to the introduction of the Act, and who made an application for a licence within three months was granted the right to retain those additional rooms. This has created a situation where a number of brothels, operating prior to the Act, can continue business with more than six rooms.

One licensee felt that the six room restriction placed on entrants to the industry, gives brothels that were in operation prior to 1995 (i.e. brothels not subject to the six room restriction) an unfair competitive advantage.

2. Competition between Licensees and Small owner-operators

The small owner-operator provisions in Section 23 of the Act enable those sex workers wishing to work as sex workers in their own business to do so.

Licensees argued that the small owner-operator provisions should be abolished because many of the exempted individuals operate with more than two people in the business, which places licensees at an unfair competitive disadvantage due to the licence fees they have to pay. If small owner-operators are operating contrary to the exemption provisions in the Act, then they are operating illegally and should be subject to compliance action.

Licensees argued for the removal of the small owner-operator provisions because small owner-operators poach clients from licensed businesses. However, small owner-operators in the focus group reported that the "ownership" of clients in a brothel setting was causing tension between owners and sex workers well before the Act came into operation.

The small owner-operator's focus group discussed the "ownership" of clients in a brothel setting; they argued that given that licensees maintain that they do not "employ" the sex worker, that they only rent a room to the sex worker, then if the client asks to see the worker in another setting they should be able to do so.

Even if clients in a brothel setting "belong" to the licensee, focus group participants say that it is unlikely for an independent sex worker to poach clients from a licensee. This is because independent sex workers registered as small owner-operators who are exempted from the licensing system can advertise their services, therefore have more than sufficient demand for their services.

Moreover, the small owner-operators with PCA numbers participating in the focus group said that many of their clients have never been to a brothel because they want to guard their anonymity. Whilst some of their clients had seen escorts workers from a licensee operated business, they said they were often disappointed because the agency gave a misleading description of the escort worker. Consequently, their clients liked seeing independent workers as they were able to talk directly to the sex worker prior to the booking and they liked the professionalism of the independent workers. Some clients, they claim, also preferred that the sex worker retain all of the money paid for the service.

The small owner-operators indicate the primary benefit of being an independent worker was the ability to set their own price. They say that working independently is more profitable than working in a brothel or escort agency. They say that they enjoy being their own boss and the flexibility this allowed (i.e. they can work as often or as little as they like and could choose which clients to see). On the downside, the challenges of being a small owner-operator include the isolation from colleagues and the amount of time required to do administrative duties for the business.

3. Competition between adult businesses

Interview participants across the sector view those businesses and individuals operating in the following industries as major sources of competition:

- the sexually explicit internet industry;
- the tabletop dancing industry;
- the phone sex industry; and
- those operating outside the law.

Licensees emphasised that the tabletop dancing industry affected both the demand and supply side of their businesses. There was a view among some licensees interviewed that the more attractive sex workers were exiting the sex industry to work in the tabletop dancing industry because they could earn a similar income without being required to engage in sex.

6.4.2 "Active" and "dormant" licences

Some of the licensees indicated their frustration at having to pay the same level of fees for a licence for a business partner who only held a licence as a back up in case of the death or incapacity of the primary licence holder. Licensees suggested that an alternative to the current system would be to distinguish between "active" and "dormant" licences and base the ongoing licence fees on this distinction. Therefore, an 'active' licence would have a higher ongoing fee than a "dormant" licence and in the case of death or incapacity of the "active" licence holder, the "dormant" licence would come into effect and the "dormant" licence holder would start paying the higher ongoing fee.

While this issue may not affect many licensees, this approach may present a positive incentive for industry participants to operate inside rather than outside the system.

6.4.3 Monitoring compliance with the Act and regulations

Participants in this research all say they are keen to comply with the laws relating to their industry. They recognise that monitoring compliance and enforcement of any Act is challenging especially when there are a range of agencies involved.

The interviews reveal a level of confusion among industry participants about the roles and responsibilities of different government agencies and some confusion about the role of non-government organisations providing support and advocacy, such as RhED and Project Respect.

The Committee understand that Victoria Police, Consumer Affairs Victoria and the Department of Human Services all have an active role in monitoring compliance in the industry.

There was consensus among research participants that a document outlining the inspection process that sets out clearly the roles and responsibilities of each agency and their expectations would improve compliance and the inspection experience.

7. Conclusion: Improving the regulations

By examining how particular provisions in the Act affect the daily operation of businesses, the Committee is able to better understand whether this reality is meeting the Act's objectives.

The Committee made recommendations for some changes to the Act where there was consensus among members and research participants that the changes will deliver tangible benefits, such as viable businesses complying with the law. These recommended changes include allowing advertising for ancillary staff.

This report recognises that the effectiveness of the regulatory regime is the collective responsibility of sex-industry business proprietors, sex workers, government agencies and the community. While the Committee recognises that there is room for regulatory improvement, it also acknowledges that there is a need for the industry to be proactively engaged in the development of industry wide occupational health and safety measures, beyond the specific measures prescribed in the *Prostitution Control Act 1994* or the Prostitution Control Regulations 2006.

Section 4: The recommendations

Recommendation 1: Review the *Prostitution Control Act 1994*

The Committee recommends Government review the *Prostitution Act 1994*. The review should reaffirm the harm minimisation principle underpinning the Act and include an assessment of the operation of the Act since its commencement and the impact of the Act on the operation of the industry. As part of the review process, Government should fund research into the nature and extent of the Victorian sex industry, taking into account the experiences of sex workers and prostitution business proprietors.

Rationale: It is now over a decade since the *Prostitution Control Act 1994* came into operation. There have been many positive changes in this time, much of the sex industry is now open to public scrutiny and sex workers have more protections under the law. As recommended in the ALP election platform *Rising to the Challenges*, it is time for a review of the Act, to assess its overall effectiveness, particularly how to improve implementation and how illegal activity – the hidden sector – can be better dealt with.

Recommendation 2: Support sex workers

The Committee recommends Government fund a career transition program for sex workers who want to move on. The Committee favours a case management approach that builds linkages and non-judgmental referral pathways for sex workers to other programs and services delivered by government agencies, education and training institutions and community organisations. This model allows the case manager to tailor support to the needs of individual participants. The package should include a component reserved for emergency funding – with the flexibility to provide small amounts of financial assistance to alleviate immediate crises, such as emergency accommodation, transport, winter clothing, blankets and so on.

A funded caseworker would provide specialised support to a sex worker wishing to expand his or her career options by helping them to:

- access appropriate government and community services, such as emergency housing, drug rehabilitation, counselling, financial management, and for young people, school retention programs etc;
- recognise prior learning and accredited education and training opportunities (for example through CAE, TAFE and Universities);
- assess transferable skills; and
- receive ongoing mentoring and support to seek and maintain employment in occupations outside the sex industry.

Rationale: In 1994 when the Act came into operation, the Government acknowledged the importance of providing career transition support for sex workers. Since then, successive governments have indicated support for such a service, yet funding has not been forthcoming.

Recommendation 3: Support young people at risk

The Committee recommends Government establish a service to assist young people involved in prostitution to develop alternative pathways. The service can be delivered

through existing 24-hour drop-in centres which are staffed by specialist youth workers.

Rationale: Research from Australia (*Child Wise: Speaking for themselves*) and the United Kingdom (*Tackling Street Prostitution*) reveal that young people are more likely to seek assistance if the service is non-judgmental and provides outreach to vulnerable young people.

Recommendation 4: Continue the Tuesday Court

The Committee recommends Government ensure the continuation of the court attendance program at the Melbourne Magistrates' Court known as the "Tuesday Court" so that street sex workers can continue to access appropriate supports.

Rationale: Tuesday Court is an excellent service that assists vulnerable sex workers to access appropriate support.

Recommendation 5: Continue and strengthen the post release programs

The Committee supports the continuation of Correction Victoria's post release programs initiated through the pilots "Bridging the Gap", the "Correctional Services Employment Program" and the "Transitional Housing Management Program" for a further three years. It is further recommended that wherever practicable female, male and transgender prisoners with a history of prostitution should be provided with access to information regarding exiting the sex industry if this is a personal choice they believe will be of benefit to them.

Additionally, the Committee has learned that female prisoners at Dame Phyllis Frost Centre and Tarrengower Prison currently do not have access to treatment for Hepatitis C. In light of the high prevalence of Hepatitis C amongst female prisoners and the fact that many female prisoners have a history of prostitution, particularly street prostitution, and a history of illicit drug use, the Committee believes action should be taken to address this anomaly in the provision of health services to female prisoners. Currently male prisoners in Victoria are able to access treatment for Hepatitis C at Port Phillip Prison.

Rationale: The Committee's research showed that people newly released from prison and who do not have a supportive social or familial network are often vulnerable to homelessness and chronic unemployment, which may lead them to street sex work when they would prefer other options. Corrections Victoria's pilot post-release programs with its focus on reintegration into the community, assistance in finding appropriate housing, access to drug treatment and employment programs, provide much needed support to this vulnerable group.

Recommendation 6: Advertising for ancillary staff

The Committee recommends Government allow advertising for ancillary staff such as approved managers, receptionists, accountants, cleaners, etc, and prescribe a condition of employment so that employers do not pressure ancillary workers to take on a sex worker role.

Rationale: Having appropriately skilled staff is important in any business. The current ban on advertising for all forms of employment in a prostitution business limits the sector's ability to maximise one of the objectives of the Act – to promote the welfare and occupational health and safety of sex workers.

Allowing businesses to advertise for ancillary staff will improve the chances of getting the right person in the right job, for example someone with the capacity to protect sex workers from difficult clients and improve professionalism right across the business. Further, the laws in other jurisdictions allow advertising for sex industry workers – with no discernible impact on the broader community – for example in the Australian Capital Territory and in New South Wales.

Recommendation 7: Advertising for sex workers

The Committee recommends Government retain the prohibition on advertising for sex workers. The Committee is aware that the views of licensees differed depending on the location of their businesses. City operators were not concerned about the ban on advertising while suburban businesses said they found it difficult to find sex workers. The Committee is also aware that advertisements for sex workers are available via the internet and in other countries.

Rationale: The balance of opinion among licensees interviewed was that advertising for sex workers is not required.

Recommendation 8: Advertising of services

The Committee recommends Government remove the advertising restriction that only allows “head and shoulder” images to be used for advertising.

Rationale: There are sufficient controls in place to ensure advertising is not offensive to the community. For example, the *Victorian Government Gender Portrayal Guidelines*, which aims to ensure that advertising, portrays men and women in a way that is positive and suitable for general viewing and contributes to the elimination of gender-based discrimination; and the Australian Standards Board, which considers written complaints about advertisements in the media. The Board uses the Advertiser Code of Ethics as the basis of its determinations and considers issues around discrimination, violence, language, portrayal of sex, sexuality or nudity, health and safety, and alarm or distress to children.

Recommendation 9: Serving and selling liquor in a brothel

The Committee recommends Government retain restrictions on serving and selling liquor to clients in brothels.

Recommendation 10: Consuming liquor in a brothel

The Committee recommends Government retain the restrictions on consuming liquor in a brothel. While reliable data on drinking patterns within the sex industry is not available, we do know that the environmental determinants of liquor-related harm include general workplace stressors, physical availability, the social norms defining its consumption, and the economic incentives that promote its use. Separating liquor and brothels has proved an effective measure to serve the public good.

Rationale: The Committee agrees that workplaces should be free from liquor related harm. Inappropriate and irresponsible use of liquor can have a negative impact on a person’s judgment and can adversely affect the safety and comfort of others in the work place.

Recommendation 11: Health and safety

The Committee recommends Government work with the sex industry to develop health and safety guidelines in line with the *Occupational Health and Safety Act 2004* and the *Prostitution Control Regulations 2006*. These guidelines should draw on the work already undertaken by Scarlet Alliance and the New Zealand Government, which set out the relevant health and safety duties for all parties in the sex industry and provide practical advice to achieve those duties.

Rationale: There are occupational health and safety issues specific to the sex industry and occupational health and safety issues that are common across all workplaces. Making sure that all sex industry workplaces understand all the OHS risks and how to minimise the risks is important for the health and safety of everyone in the sector.

Recommendation 12: “Active” and “dormant” licences

The Committee recommends Government amend the *Prostitution Control Act 1994* to create a distinction between an “active” and “dormant” licence, and revise the licence fees according to this distinction.

Rationale: In some cases, more than one licensee is associated with a business, where one licensee manages the day-to-day running of the business, while the others remain “dormant” - only to be “activated” in the unlikely event that the “active” licensee is unable to continue trading, in the event that the active licensee cannot continue trading. Creating a distinction between an “active” and “dormant” licence better reflects the business reality faced by many licensees, and will not compromise those aspects of the Act designed to keep criminals out of the industry, as the same application process and probity checks would still occur.

Recommendation 13: Small owner-operator register

The Committee recommends Government amend the *Prostitution Control Act 1994* to require registered small-owner operators to update the register whenever their circumstances change.

Rationale: The Committee understands that the accuracy of the small owner-operator register is questionable due to there being no requirement for registrants to update their information.

Recommendation 14: Education and communication

The Committee recommends Government informs and educates the industry about the respective roles and responsibilities of the various government agencies working with the sex industry, including who is responsible for compliance monitoring and enforcement of the various Acts and Regulations.

The Committee further recommends that government and non-government officials working with the sex industry receive awareness training on the objectives of harm minimisation.

Rationale: The Committee’s research revealed that there is confusion among industry participants about the roles and responsibilities of the different agencies they deal with. Further, Government and non-government officials will be better able to improve levels of knowledge to industry participants about the regulatory framework and its objectives if they have an understanding of the complex issues faced by people who work in the sex industry. Information and/or training sessions would be provided to

such officials about some of the more complex issues including the demographics of workers, their reasons for entering the industry, their concerns about anonymity and the barriers to leaving the industry. This would give them skills and information to work more confidently with the industry.

Section 5: Appendices

Appendix A – Delivering services to sex workers (Interim Report, May 2005)

Project Aim

In December 2004, the Prostitution Control Act Ministerial Advisory Committee was asked to advise the previous Minister for Consumer Affairs on the components of an effective education and exit strategy.

The aim of this project is to understand the pathways into prostitution and the barriers to leaving in order to identify the components of an effective education and exit strategy.

Methodology

The Committee established a working group to carry out the research and interviewed four organisations delivering services to sex workers.

The organisations were chosen because the people who access their services reflect the different types of commercial sexual activity in Victoria. Project Respect primarily provides services to indoor sex workers who work in brothels and escort agencies. The Salvation Army and Living Room Health Service primarily provide services to street-based sex workers, while RhED provide services to both indoor and outdoor workers.

The research was based on semi-structured interviews with a set of questions that were provided several days before the interview. Thus allowing interview participants to prepare responses in advance and add detail or focus on issues of interest to them.

Interview Questions and Responses are attached at the end of this report.

The Service Delivery Organisations

Resourcing Health and Education (RhED)

The former Prostitute's Collective of Victoria became Resourcing Health and Education in 2000. Funded by the Department of Human Services as a program of the Inner South Community Health Service, RhED offers a specialist statewide program with a focus on health, support and advocacy for the sex industry in Victoria.

Approximately 3000 clients a year, all of which are associated with the sex industry, access RhED services. Up to 90% are sex workers and the remaining 10% are people associated with the industry like brothel owners and health care or welfare providers.

RhED also deliver a 'foot outreach' service to street-based sex workers every Wednesday night between 6pm and 9pm. This service involves two well-equipped staff carrying small backpacks with useful items for distribution such as safer sex supplies, Ugly Mug reports and referral to other services.

The Youth Health Bus complements the foot outreach service, which like RhED is also a program of the Inner South Community Health Service. The Health Bus provides after hours opportunistic service delivery, where contact with clients can be brief and anonymous or lengthy and more engaging.

Project Respect

Established in 1998, Project Respect challenges the exploitation of and violence against women in the sex industry. It is a small organisation with two part time staff (one outreach worker and an office administrator) and volunteers.

Project Respect provides outreach services for women in brothels and tabletop dancing venues. Their outreach focuses on 'sistering' and mentoring support to motivate women in their transition to mainstream occupations.

They undertake between 150 and 200 brothel as well as personal visits a year. Project Respect has an 'information kit', which they leave in brothels for workers to look through. It contains various pamphlets produced by State and Commonwealth agencies on issues like women's health, housing, and immigration.

Project Respect also has a particular interest in assisting women from non-English speaking backgrounds who are victims of trafficking.

Salvation Army Crisis Contact Service – Gray Street St Kilda

The Crisis Contact Service is available for anyone in need of support, not just people involved in prostitution. They provide first line crisis-response services, information and referral for emergency and transitional housing, and accommodation referrals for people with specific needs.

People involved in prostitution that access this service are street-based workers who are operating outside the more formal and regulated sector and are seeking assistance for emergencies in relation to accommodation, domestic abuse or injury.

In 2003/04, 18,563 people contacted the service seeking assistance. Research conducted in 2002 by the Service revealed that up to half of the women seeking assistance reported having made money from sex in the past year.

Living Room Primary Health Service

Living Room is a primary health service in Melbourne's CBD with doctors, nurses, and specialist health workers. They provide a free and confidential service to the homeless and injecting drug users.

Up to 40% of those who access the services are women. Although the organisation does not explicitly ask whether their client is involved in prostitution, some people volunteer this information. People involved in prostitution who access this service tend to be street-based workers.

Scope and Limitations

The Committee generally does not undertake original research, but synthesises existing research and draws on the knowledge of members to make recommendations based on a consensus view of the issues under examination.

In this instance, the Committee felt it prudent to interview the four organisations identified above. However, their services tend to be Melbourne based, which means that sex workers in the metropolitan region primarily access them. Information about the service needs of country-based sex workers is not included in this research.

The Committee did not interview sex workers who are currently in the industry about the services they need and how it should be delivered.

Findings: Pathways to Prostitution and the Barriers to Leaving

Pathways into Prostitution

The four organisations interviewed reported that people who access their services tend to be in their 20s or 30s, although there are some younger or older clients. RhED suggested that this could be because some young people operate outside the formal regulated sector and are shy about accessing services when in need.

Entry is also facilitated by the fact that most workers see their involvement in prostitution as temporary, where prostitution does not define their identity. Indeed Living Room Health reported that opportunistic sex work is not uncommon.

Indoor Prostitution

All four organisations interviewed said that the most common reason for people to enter prostitution is the need for an independent source of income. Some people are motivated by particular goals such as paying for their education or their children's, an overseas trip, or a car, while others simply require a top-up to their earnings.

Feedback from the interviews suggests that entry into the sex industry is a gradual process, with a gap from when it is presented as a legitimate option to the time it becomes an occupation.

Some people enter through the informal sector because it can seem less intimidating for new entrants as they may feel able to provide a limited service and uncomfortable about providing a full sexual service.

Street-based prostitution

Respondents agreed that street-based workers are more likely to have a history of sexual abuse, and a dependence on drugs. The more dependent on drugs the more risks people are willing to take; a potential risk to public health.

Moreover, sex workers who are dependent on drugs find it difficult to work in the formal sector because they are considered less reliable. Although street-based prostitution may be an occupation of last resort, economic drivers are still significant, for example, some ex-brothel workers who are working on the street claim that they can make more money because they don't have to give a commission to management; which can be up to 50 or 60 percent of income earned in a shift.

Findings: Barriers to Leaving

People stay in prostitution because it offers flexibility about when and where they work and an acceptable economic return per hour worked, when compared to many mainstream occupations. However, once people have worked in the industry for a number of years, their mobility is limited, restricting their future employment options.

Respondents suggested that workers who have been in the industry for longer than 10 years find it more difficult to shift towards mainstream occupations. They also suggested that the cumulative impact of the social stigma associated with sex work could lower a worker's self-esteem.

Sex workers who have skills that are transferable to other occupations find it easier to leave. Similarly, people working for a specific goal also find it easier to quit once they have reached their goal.

People who stay in the industry for a number of years do so for a variety of reasons, including both economic and societal pressures. The necessarily secretive nature of the occupation means that non-judgmental emotional support from peers is highly valued and can contribute to a sense of camaraderie. This suggests that the provision of peer-based mentoring support may be appropriate during the transition period.

Service Delivery Models

What are the components of an effective education and exit strategy?

The aim of an education and exit strategy is to create an environment where, as soon as an individual decides to leave, they can immediately and successfully walk away from prostitution.

There are a range of factors that influence an individual's decision to leave the industry, such as the ability to access affordable housing, childcare, alternative income support, vocational training, financial management, and other essential life skills. Only when there is adequate support will exiting be a viable alternative with a reasonable chance of success.

In the recent Queensland Crime and Misconduct Commission report "Regulating Prostitution: An Evaluation of the Prostitution Act 1999 (Qld)" Southern Edge said that sex workers often feel that their occupation is being censured if an opportunity to leave is being offered to them.

Given that stigma plays a part in the sort of services that people will access, any program must be able to guarantee anonymity to participants with absolutely no risk of exposure. Obviously, an appropriate model would involve those affected as partners and participants in identifying and delivering solutions.

The individual needs of sex workers will differ depending on the circumstances of their lives, for example where and why they are working. In addition, a successful service delivery model would encourage interagency cooperation and the integration of existing services.

Respondents agreed that for street-based workers in the first instance the focus should be on stabilising the immediate crisis. Key to a sustainable pathway is to reduce the general level of chaos in people's lives, provide safe accommodation away from violence so that they can think beyond today and tonight. For indoor workers, who may be more in control of their circumstances, focus should be on opening up options for the future.

The components of such a model could include:

- well trained specialised workers who understand the industry and how to empower sex workers to access mainstream services;

- vocational guidance for people contemplating a transition (how to access traineeships and apprenticeships);
- case management and ongoing advice, counselling and support during the transition process including physical and mental health services, relationship counselling, financial planning, housing services and legal advocacy.

Conclusion

The purpose of this research was to understand the pathways into prostitution and the barriers to leaving, in order to tailor an appropriate education, and exit strategy.

Information gathered by the Committee suggests that exiting is a complex process. Both the pathway into prostitution and the pathway out are gradual. Some workers who have successfully moved into mainstream occupations often return to sex work. Those working to help workers take the steps towards mainstream occupations must be prepared to accept small successes. To minimise failure, sex worker perspectives must be included in the development and implementation of any program.

The Committee noted that much of the existing Australian and international research has focused on entry into prostitution, there is very little on the transitional journey out of prostitution. To remedy this gap, the Committee will suggest a comprehensive research agenda to be undertaken by government in the future, which incorporates the following:

- a study of current and former Victorian street-based and indoor prostitutes about pathways into and out of prostitution;
- a study of recruiters, managers and owners of prostitution businesses about their experiences;
- data on the clients of prostitutes; and
- community views on issues relating to prostitution.

Next Steps

Finally, before submitting formal recommendations to the Minister, the Committee will interview the Queensland-based training provider, Southern Edge. Southern Edge won the tender to run Queensland's Career Transition Program for sex workers, as well as the Commonwealth Government's training package for victims of sex slavery. In addition, the Committee will interview other relevant adult education and training providers to investigate the potential application in Victoria of different service delivery models.

Summary of Interviews by the Advisory Committee included in the May 2005 Interim Report

Resourcing Health and Education in the Sex Industry (RhED)

RhED is a program of the Inner-South Community Health Service, which is Government funded. Services are delivered through both peer-based approaches and by professionals in the relevant field.

Mr K Burgess, Ms J Futol and Ms G Skelsey representing RhED, were interviewed by Ms G Romanes MP, Ms S Maccaul, Ms A Arnot-Bradshawm and R Pryosusilo.

Questions about the clients of your organisation

1. How many clients come to your organisation in a year?

RhED sees approx 3000 clients a year

2. What proportion of your clients are sex workers?

90% are sex workers, working in legal settings and illegal setting such as street based sex work. 10% of the clients are those associated with the industry, like brothel or escort agency owners, health care and welfare providers.

3. How do sex workers find you?

Visits to legal establishments are done over twice per year. The magazine RED, the website and word of mouth, media and referrals from other service providers.

4. What type of sex workers are they?

70 to 80% of contact is with the legal sector, and 30 to 20% are with street-based workers. However, the service provided to street-based workers is more intensive, takes up more resources, and involves advocacy, linking with other services. Unsafe sex is more prevalent in the illegal sector. NESB workers are harder to access although RhED have a Thai-speaking worker. .

5. What age group?

All ages, but less so with younger ones who tend to be reticent to identify as sex workers

6. How often do they come back?

As often as they need to

Your views about the industry generally:

7. How would you describe the sex industry in Victoria?

The regulation of the sex industry determines how a worker will work at that time. Eg, for the period when Centrelink is focusing effort on the legal brothels, workers will opt out and join the illegal sector for some time.

The industry is currently under stress. Not a lot of money can be made easily. There are lots of both legal and illegal brothels, and competition from cyber sex is providing additional competition. The proliferation of other types of "sex entertainment" like table top dancing and strip joints also adds to the competition. Increases in licence fees have had an impact. The industry feels under pressure due to increased compliance monitoring. The inability to advertise for staff is difficult for the industry.

8. What do you think motivates people to join the industry?

Financial imperatives are the greatest driver for individuals to enter the sex industry.

Sometimes entry into industry is through the illegal sector. When starting out, people don't want to provide a full sexual service, in the beginning providing hand relief or massage. Drug use and other social issues often motivate people to work in the industry, in particular in the illegal industry (Street sex work).

Younger workers are motivated by particular goals, paying their education, overseas trip, a car.

Transgender people often are working to earn enough money for the transitional surgery, also transgender people frequently face discrimination in other workplaces.

9. What motivates them to leave?

Workers who have skills that can be transferred to other forms of employment find it easier to exit. The longer people are in the industry the more difficult it is to leave. A significant issue for workers is their relationship with their partners, whether to tell them about their work. This is often a difficult decision for them. Motivations for leaving include social stigma, discrimination, regulatory authorities such as Centrelink focusing on the industry and workers not wanting to be identified. The age of workers often is a motivator for employment change eg; male to male sector is very youth focused and older women may find it difficult beyond a certain age. At times workers may transition from working the rooms to being a receptionist or manager.

The support services your organisation delivers:

10. What kind of services or support do sex workers come to you for?

Most of our telephone work is related to industrial and occupational safety issues within the legal industry. Other issues may include how to access our health services and other health services in the community – sexual health etc,

Information about the legal issues, referral to accountants, financial planning, relationship counsellors, family issues, issues with children and partners; how to work with disabled and older people; how to access training

11. What do you think are the gaps in the services currently available? Do sex workers need specialised services?

Broader agenda than just public health, the gaps can be identified by an evidence-based approach, research into the needs of a diverse industry. Sex workers need specialised workers to assist them, those who understand the industry; they also need information on how to access services in their communities.

Research into the industry is needed. The world has changed since the Neave report in 1985; there is a new generation of workers. We need empirical research, why people work in the industry, why people leave, and why people stay.

In summary: the main gap is capacity building of organisations delivering services to sex workers; pathways to mainstream; and resourcing good quality research about the needs. We need resources to support health and education initiatives working with services that work with sex workers in rural areas.

12. In an ideal world, what would a successful service for sex workers look like?

A service that supports those working in the sex industry across a range of specialised knowledge bases of OH&S, IR, health services, legal, financial, a model that reflects the social model of health.

The rural areas need to be properly resourced. In relation to street based sex work, an ideal scenario would be the capacity to provide 24/7 services to minimise harms associated with street sex work.

The capacity to work with the increasing population of migrant sex workers needs to be addressed, with bilingual health support workers delivering the services.

Developing stronger evidence based models of service development and delivery including peer-based models integrated with professional services, through partnerships with research institutions is required.

Advocacy for the industry is needed to challenge discrimination and stigma, which exists in the current health care system. Continued support for all sex workers in the regulated and unregulated industry in Victoria. Ideally, RhED would welcome closer working relationships with the regulatory authorities.

Project Respect

Project Respect initially began with brothel visits in the Yarra area. They have developed an information kit for workers in brothels. Project Respect, is currently staffed by one outreach worker who works for four days a week and an office worker who also works four days a week. Project Respect supports the Swedish system where the laws target the clients rather than the workers.

Ms S Woods representing Project Respect was interviewed by Ms G Romanes MP, Ms A Arnot-Bradshaw and R Pryosusilo.

Questions about the clients of your organisation:

1. How many clients come to your organisation in a year?

16 to 20 at any one time on the books. 150 to 200 people a year.

2. What proportion of your clients are sex workers?

All of them are sex workers

3. How do sex workers find you?

Regular visits to the brothels. Sometimes women come to the Project Respect office or an outreach worker visits them at their home and through word-of-mouth. The website also has an outreach section. The outreach worker hands out a newsletter. Project Respect do not keep a mailing list of subscribers, the newsletter is distributed to people at brothels.

4. What type of sex workers are they?

Brothel workers both in legal and illegal sectors. However, not many illegal as they are harder to access.

5. What age group?

Between early 20s to late 30s. There are fewer young workers as it is not the money that they thought it was. Young people now stay at school more.

6. How often do they come back?

As often as they need to.

Your views about the industry generally:

7. How would you describe the sex industry in Victoria?

There is a lack of enforcement of some of the regulations, for example, there are premises without fire exits, or where condoms are not supplied, there are also places hosting live sex shows without condoms. Project Respect has helped women write anonymous letters to the Authorities about these breaches, yet it would seem that they are not always followed-up. Prostitution is not legitimate work; there is no holiday or sick pay. There is a lot of stigma attached. Another area of concern for Project Respect is trafficking.

8. What do you think motivates people to join the industry?

For the owners it is money, for the women it is money. The reason women stay in it is the camaraderie, other women in the industry give you support and it is difficult to get that support from your own family. There is a lot of movement from reception work to sex work rather than from sex work to reception work.

9. What motivates them to leave?

Women usually exit from prostitution after 3 or 3.5 years. Women who are working towards a goal can quit once they have met that goal. Those who have no goals end up staying longer. All of a sudden, they have been working for 10 years and it is hard to get out. The biggest problem with motivating women to leave is low self-esteem. Low self-esteem can be caused by sex abuse, community stigma, pressures from landlords who want to be paid in sex, no work history so difficulty in moving to mainstream work. Women need help to recognise the useful skills they have developed in the industry, like negotiation skills, and communications skills.

The support services your organisation delivers:

10. What kind of services or support do sex workers come to you for?

Housing services; escaping domestic violence - how to keep records so that you can get an intervention order;

11. What do you think are the gaps in the services currently available? Do sex workers need specialised services?

Vocational guidance and housing services, a facility like the one WIRE⁵ have, a quiet place where women can access the computer, learn how to use it. Somewhere where they can get support from a vocational counsellor who is not going to judge them - so they can get help if they want to do a traineeship, apprenticeship, so that they can begin to cut their shifts back. Because of the stigma associated with prostitution, mainstream services are hard to access; you cannot be honest about your circumstances.

12. In an ideal world, what would a successful service for sex workers look like?

Have information available in different languages. Peer based program - someone who understands the industry and can mentor, encourage and motivate.

⁵ Women's Information and Referral Exchange provide a toll free telephone number – 1300 134 130 – for women to get free, confidential information, support and referral.

The Salvation Army Crisis Centre – St Kilda

The work of the Salvation Army Crisis Services is broad – it includes the provision of assistance in a number of areas. This assistance aims to increase access to housing, health, and legal services for those whose marginalisation may exclude them from mainstream services. Additionally, Crisis Services responds to crises such as family violence or a sudden financial crisis. By working in partnership with community and government organisations, the Crisis Contact Centre (the hub of Crisis Services management) provides access to Centrelink, lawyers, free health care, and nursing services as well as to St Kilda's primary Needle and Syringe Program (NSP). In regard to sex work, Crisis Services deal with the marginalised end of the industry, those street-based sex workers external to brothels

Ms J Plant and Mr J Rowe representing the Salvation Army, were interviewed by Ms G Romanes MP and R Pryosusilo.

Questions about the clients of your organisation:

1. How many clients come to your organisation in a year?

In 2004/04, 18,563 clients contacted the Crisis Contact Centre. In addition, 40,155 people visited the Health Information Exchange and the NSP.

2. What proportion of your clients are sex workers?

In 2002, research revealed that almost half of the women who accessed the NSP reported having made money from sex over the past year. A significantly lower proportion of men reported having made money from sex. The exact figures are contained in the briefing paper made available to the Advisory Committee.

3 How do sex workers find you?

Sex workers come to the Crisis Contact Centre either when they are in crisis (e.g. in relation to accommodation, domestic abuse or injury) or they come to the NSP to pick up condoms and lubricant as well as syringes and other injecting equipment.

4. What type of sex workers are they?

They are predominantly street sex workers - although we do not ask – they are only identified as sex workers when they tell us or by observation. Certainly, the Crisis Contact Centre may be visited by a range of sex workers from both the legal and illegal industry. However, given that staff do not ask clients of the service, we can't state with any accuracy the numbers of workers, legal or illegal, who use the service.

5. What age group?

The majority of workers appear to be in their 20s and 30s. At the same time, it is important to note that, in St Kilda, there are a significant number of street sex workers in their teens, in their 40s and, to a lesser extent, in their 50s

6. How often do they come back?

As often as they need – the Crisis Contact Centre is open every day of the year. The Crisis Services primary health facility (Access Health, located in the building adjoining the Contact Centre) is open Monday-Friday and co-located services (e.g. Argyle Street Housing, Community Legal Service lawyers, Centrelink officers) are available at

certain times each week. Clients are not restricted in terms of how many times they access Crisis Services or the number of programs that they access.

Your views about the industry generally:

7. How would you describe the sex industry in Victoria?

Perhaps the best way to describe street-based sex work in St Kilda is that it is 'resistant to change'. Despite a combination of periodic police operations and local planning initiatives by the Port Phillip Council (e.g. barriers to prevent cars accessing certain streets) sex work continues. In fact, police operations often have an unintended effect that places workers in greater physical danger. Street-based sex work was originally concentrated on the Fitzroy Street shopping strip. Police operations aimed at clearing the illicit sex trade from the area simply displaced it into residential streets where it robs residents of amenity. Workers attempts to avoid police detection may lead to them working in dark and / or isolated areas – this leaves workers more susceptible to assault and / or intimidation.

Street based sex work has been a feature of St Kilda since the 1930s. However, it was not until the organised importation of heroin into Australia in the late 1970s that the characteristics of street work changed from a market driven by the desire for extra money to a market driven by the desperate demands of drug dependency. At the same time that heroin began to arrive in Australia in large amounts, St Kilda's reputation as a place of entertainment and notoriety was attracting large numbers of unemployed and 'unattached' young people – many surviving on little or no income. Street sex work offered one of few available means of income generating activity. The street sex market was still, at this time, in Fitzroy Street, which also became the first street heroin market in Melbourne. Not surprisingly, the two illicit markets were soon inextricably entwined – the need to meet the costs of heroin habits driving young people to 'solicit' for trade on the same streets. The 'need' to meet the needs of this dependency is often accorded greater priority than all other factors – even fear of arrest and the consequences of a criminal record. It is the all-consuming demand of drug dependency that makes illicit sex work so resistant to change.

In the 1990s an influx of cheap and pure heroin, and the involvement of new syndicates in its exportation and distribution of heroin, saw the street trade in heroin shifted from its small base in St Kilda to the CBD and adjoining suburbs - these trends have been linked to more street based prostitution. Although the drug market had moved beyond St Kilda, the suburb's reputation ensured it remained the site for illicit street based work. Service providers in St Kilda note that drug use is just one of many complex issues that may affect street-based sex workers. Many sex workers have experienced sexual abuse, institutionalisation (through prison, psychiatric hospitals, or as children in state care), social isolation, homelessness, mental illness, poor physical health, police harassment, and involuntary separation from children. These experiences were interrelated aspects of day to day life as opposed to isolated incidents that could be addressed separately.

8. What do you think motivates people to join the industry?

There are a number of pathways that lead an individual to begin street work. The economic imperative is the primary factor. For the majority of street sex workers the basis of this need is drugs. Sex workers who use drugs find it difficult to work in the legal industry because they are considered unreliable and may leave a brothel open to criminal liability. Ex brothel workers who work on the streets have argued that they can make more money without having to pay a commission to management. Street clients pay for a service and not for a set length of time. Workers can work shorter shifts and the hours are as flexible as they need them to be.

For a small number of individuals, sex work is undertaken as a survival measure – particularly if they have no other way of earning a sufficient amount of money to live. A number of individuals have slipped through ‘the system’ and are not eligible Centrelink. For others, involvement may stem from exploitative relationships in which women are ‘encouraged’ (i.e. forced) to work to fund their own and their ‘partners’ drug use. A small number of individuals achieve some sense of personal empowerment – it may be a way of feeling loved for those who have not enjoyed a loving environment in their past. Further, some of the males who undertake sex work are involved on an intermittent basis to fund a lifestyle while transsexual workers may be raising money to pay for surgery or hormone treatments.

9. What motivates them to leave?

Often it is a particularly harrowing experience that involves physical and / or sexual violence. However, at the same time, despite the desire to leave, many workers face obstacles that frustrate their attempts to do so - not being able to find legitimate employment is an obvious issue. Many street based sex workers often have criminal records, which make it hard to join mainstream. Certainly, exiting street-sex work is a complex process. Even those workers who survive horrific assaults often end up back on the street again because legitimate employment is not accessible. Exit is gradual. Those whose work involves helping workers to address complex factors such as drug use, abusive relationships, a lack of accommodation and so on will have to be prepared to accept failure and relapse.

The support services your organisation delivers:

10. What kind of services or support do sex workers come to you for?

Crisis Services offers support on issues relating to the need to access accommodation and /or to escape poverty, violence and other incidents of personal crisis. In doing so, assistance, including the provision of both drug using and sex working equipment, is offered in a non-judgemental manner.

11. What do you think are the gaps in the services currently available? Do sex workers need specialised services?

Services at night time are lacking - this is when most workers are on the streets. These services are limited to an outreach bus at night. ‘Safe houses’ or ‘street worker centre’ should be explored within a broader policy program that accepts the necessity of the decriminalisation of street based work (given the intractability of street sex work and the counterproductive consequences of a traditional law enforcement based solution). Because stigma plays a part in limiting the sort of services people will access - people don't want to be identified as a drug addict or a prostitute – there is a need to look at linking existing services rather than set up a separate service. Ideally, this might result in a scenario in which someone at their local health centre can get advice on legal issues (or other issues) from the same site.

12. In an ideal world, what would a successful service for sex workers look like?

For street sex workers? It would be access to a street worker centre where clients could be taken and provided with the negotiated ‘service’ in a safe, secure, and hygienic environment – free from fear of both unlawful assault and law enforcement activities. In the first instance, however, there is a need to focus on stabilising the immediate crisis represented by workers who are currently on the streets in an illegal capacity and have limited opportunities to escape this existence. The key to a sustainable pathway is accommodation. If we are able to get people away from violence and create the stability necessary in their life for them to think beyond today

and tonight – only then can we, or anybody, begin to address the outstanding issues that have brought them to the street and that have flowed from their being on the street. The first priority must be to reduce the general level of chaos in their lives.

Living Room Health Service

The Living Room Health Service provides primary health care services and a Needle and Syringe Program distributes needles and syringes.

Ms G Romanes MP and R Pryosusilo interviewed Ms S Gregson who was representing the Living Room Health Service.

Questions about the clients of your organisation:

1. How many clients come to your organisation in a year?

Up to 200 people a year access the Needle Syringe Program (NSP). The number of people accessing the primary health care part (Living Room Health) has been around 20 a day. Overall, there are about 500 people on the database.

2. What proportion of your clients are sex workers?

We do not record this information. We suspect they are sex workers when they ask for condoms at the NSP and often when doing women's health screens and blood borne virus testing. Some younger women are more open about it. A lot of (what we suspect) illegal immigrants working in the sex industry ask for condoms. They cannot find other work - no visa - illegal brothels do not check papers.

3. How do sex workers find you?

Our clients find us predominantly through word-of-mouth or when accessing us for general health issues related to their drug use. We have outreach workers also.

4. What type of sex workers are they?

Up to 60% of our clients are male and 40% are female. However, out of these, the women are more likely to have worked as a sex worker than the men are. The few men who are sex workers sometimes do it to express their sexuality or to support a drug habit. They are nice kids who do not like violence.

5. What age group?

Females tend to be mid 25 and above, although, there are many younger women doing occasional work in St Kilda. Males tend to be under 24. Many of the younger women hide the fact that they are working because here at the Living Room, they hang in a group and they do not want their peers to know.

6. How often do they come back?

Some people come in daily, some weekly; overall clients come back as often as they need to. Many come in for the free STI screening that we provide, as Medicare does not cover STI screening for sex workers.

Your views about the industry generally:

7. How would you describe the sex industry in Victoria?

The sex industry in Victoria is more organised than it used to. Women are more supported now. Victoria is doing OK but improvements can be made. The illegal sector

is not so good; we are seeing some Russian and Asian women putting up with bad conditions. There is a language barrier to accessing these people. Sex education is important. Violence continues to be an ongoing issue as well as individual self-esteem and shame related to doing sex work. The general community is better but can say some dreadful things. The big issue is to educate male and female sex workers about their rights. The gay community could be more supportive of young male sex workers who are often expressing their sexuality in the only way they know how.

8. What do you think motivates people to join the industry?

Women find themselves in controlling relationships. Men are often coming out about their sexuality or are confused about their sexuality.

The most common reason is income, sense of control. Some people are isolated and the friendships in the industry are supportive. Some of the girls end up having a relationship with a client. The partner gets them out of the industry, and then they have no money again.

With street-based workers especially, often there is a history of sex abuse, and the need for money is related to drug use. The way they work is chaotic, less in control, the more dependent on drugs the more risks they take such as sex with no condoms.

Some girls do 'opportunistic sex work' where they take up the opportunities for sex work in the city - men between the ages of 40 - 50 hanging around looking for girls.

9. What motivates them to leave?

People want to get out of the industry after a bad experience, or they may have lost their kids due to drugs, and they want to get their kids back, or they are tired, or it is a seasonal thing, it's cold and wet in winter so they take a break, come out again in spring. We refer men and women wishing to get out of the industry to Centrelink programs, RhED or the Melbourne City Mission. Often people do not want to leave prostitution because they are successful financially.

The support services your organisation delivers:

10. What kind of services or support do sex workers come to you for? See above.

11. What do you think are the gaps in the services currently available? Do sex workers need specialised services?

There needs to be an education program for outreach workers and peer workers.

The following services would be useful, career guidance; small literacy and numeracy courses; safe behaviours; safe sex education; mental health issues etc. Finding support for older women is harder as many inner city programs are targeted to young people, (programs like Youth Substance Abuse Service, DASWEST and FrontYard are targeted towards under 21 year olds).

No need for sex worker specific programs for general issues, as long as people have the opportunity to access the type of help they need when they need it; financial skills. I actually think that there is a need for sex worker specific programs especially with peer knowledge" as how does a social worker know how to tell a sex worker to be safe. I learnt my knowledge from peer workers and I would not think of half the safety issues that they think of. What I mean is that many services can be helpful if they are truly non-judgemental and they have expert knowledge somewhere in the team.

12. In an ideal world, what would a successful service for sex workers look like?

A service that is open all hours, which offers a supportive environment and staffed by both male and female workers.

Appendix B – Interview questions for organisations supporting sex workers

Questions about the clients of your organisation

- 1. How many clients come to your organisation in a year?*
- 2. What proportion of your clients are sex workers?*
- 3. How do sex workers find you?*
- 4. What type of sex workers are they?*
- 5. What age group?*
- 6. How often do they come back?*
- 7. Your views about the industry generally:*
- 8. How would you describe the sex industry in Victoria?*
- 9. What do you think motivates people to join the industry?*
- 10. What motivates them to leave?*

The support services your organisation delivers:

- 11. What kind of services or support do sex workers come to you for?*
- 12. What do you think are the gaps in the services currently available? Do sex workers need specialised services?*
- 13. In an ideal world, what would a successful service for sex workers look like?*

Appendix C – Interview questions for licensees

Why is the Committee interviewing brothel and escort agency owners?

The Committee is interviewing brothel and escort agency owners to understand how businesses are operating under the Prostitution Control Act 1994.

In particular, how the provisions relating to advertising in section 17(3) and liquor in section 21 of the Act affect the way you run your business.

The Committee is also interested in OHS issues and any other issue relating to the regulation of prostitution that will allow you to provide a better and safer service.

Section 17(3) of the Act states—

A person must not publish or cause to be published a statement which is intended or likely to induce a person to seek employment—

(a) as a prostitute; or

(b) in a brothel or with an escort agency or any other business that provides prostitution services

Penalty: 40 penalty units

The advertising controls in regulation 9 of the Prostitution Control Regulations 2006 states—

9. Advertising controls

(1) Every advertisement for a business carried on by a prostitution service provider must contain the letters "PCA" followed by—

a) in the case of a prostitution service provider who is a small owner operator exempted by section 23 of the Act from the requirement to hold a licence, the exemption number allocated to that provider by the Authority; and

b) in the case of a licensee, the licence number allocated to that provider by the Authority.

(2) The letters "PCA" referred to in sub-regulation (1) and either the exemption number referred to in paragraph (a) or the licence number referred to in paragraph (b) must be clearly legible in a point type no smaller than the smallest point type appearing in the advertisement or 7 point type, whichever is the larger.

(3) An advertisement for a business carried on by a prostitution service provider must not contain a licence number or exemption number which is false, or which the provider is no longer entitled to use.

(4) An advertisement for a business carried on by a prostitution service provider—

a) must not contain a photographic or other pictorial representation of a person unless it is restricted to the head and shoulders; and

b) must not contain a photographic or other pictorial representation of a particular person unless that person has given written consent for that advertisement and a copy of the signed consent has been given to that person.

(5) A person must not arrange for any photograph, pictorial representation, text or other material to appear in

conjunction with an advertisement for a business carried on by a prostitution service provider unless that material is itself an advertisement for such a business.

(6) An advertisement for a business carried on by a prostitution service provider—

(a) must not refer to the race, colour or ethnic origin of the person offering sexual services; and

(b) must not refer to the health of, or any diagnostic procedures or medical testing undertaken by, the person offering sexual services; and

(c) may contain references to the sexual orientation of the person offering sexual services; and

(d) may state that safe sexual practices are engaged in and that condoms are always used.

(7) An advertisement for a business carried on by a prostitution service provider must not exceed a size of 18 centimetres by 13 centimetres unless—

(a) it appears in outdoor advertising; or

(b) it appears in an electronic communication; or

(c) it appears on the Internet.

(8) If 2 or more advertisements for a prostitution service provider are published in the same publication, apart from an advertisement referred to in paragraphs (a), (b) and (c) of sub-regulation (7), they must not form part of a unified whole which exceeds a size of 18 centimetres by 13 centimetres.

Section 21 of the Act states—

(1) A prostitution service provider must not—

(a) sell, supply or consume liquor at a brothel; or

(b) permit liquor to be sold, supplied or consumed at a brothel.

Penalty: 100 penalty units

(2) If in a proceeding for an offence against section (1)(b) it is proved to the court that liquor was sold, supplied or consumed at a brothel, the prostitution service provider must, in the absence of proof to the contrary, be presumed to have permitted the liquor to be sold, supplied or consumed.

(3) This section applies despite anything to the contrary in the Liquor Control Reform Act 1988 or any licence or permit granted or having effect under the Act.

Are my responses confidential?

The Committee will use the information collected from the interviews to write a report to the Minister. A public report may result from this process. We will use the information in a manner where we will not attribute it to a specific individual.

How was I selected for the interview?

The Committee selected a range of businesses for interviews based on location, type of business (a mix of brothel, escort agency and small owner-operators) and the availability of people to do the interviews.

General Questions

- 1. How many years have you been in the business?*
- 2. How would you describe your day-to-day involvement in your business?*
- 3. How many people worked in your business last week and in what roles?*

4. *How many bookings did you have last week? On average how many would you have in a quiet week (and a busy week)? How do the figures compare to the same time last year?*
5. *Are you a member of a representative group?*

Advertising restrictions

6. *How much does your business spend on advertising?*
7. *How and where do you advertise your services to potential clients?*
8. *How do you currently find staff?*
9. *Why do you think the government has put restrictions on advertising?*
10. *How effective are these advertising restrictions?*
11. *What are the risks of removing the restrictions?*
12. *What are the alternatives? (eg, retain restrictions, allow advertising with some controls, allow advertising with no controls)*
13. *What would be the costs and benefits (to businesses, workers, clients, and the community) of each of the alternatives?*

Liquor in brothels

14. *Why do you think the government has banned liquor in brothels?*
15. *How effective is the ban on liquor in brothels?*
16. *What are the risks of not banning liquor in brothels?*
17. *What are the alternatives? (eg retain restrictions, allow limited liquor licence, allow full liquor licence)*
18. *What would be the costs and benefits (to businesses, workers, clients, the community) of each of the alternatives?*

OHS issues in the sex industry

19. *What do you know about the OHS laws?*
20. *How are OHS issues in your business identified?*
21. *How do you stay on top of your obligations (eg medical certificates) and your obligations towards the men and women who enter your premises?*
22. *How are new starters introduced into the work place? (induction)*
23. *Are there any regulatory impediments to you providing a better and safer service?*

Any other matter relating to the regulation of prostitution

24. *How do other adult businesses like tabletop, the use of the internet impact on your business?*
25. *What makes your business a good place to work?*
26. *In an ideal world, what would the laws relating to prostitution look like?*

Appendix D – Survey questions for sex workers

The Prostitution Control Act Ministerial Advisory Committee is interested in your views about your work.

What is the Prostitution Control Act Ministerial Advisory Committee?

The Committee provides advice as requested by the Minister on issues relating to Prostitution in Victoria. The Minister appoints individuals to the Committee based on their relevant background and expertise. The combined skills and experience of members ensures that a variety of sex worker, industry and public health perspectives are taken into consideration.

Why is the Committee surveying sex workers?

The Committee is doing a survey of sex workers to find out what sex workers think the Health and Safety issues in the sex industry are.

Are my responses confidential?

The Committee will use the information collected from the interviews to write a report to the Minister. A public report may result from this process. We will use the information in a manner where we will not attribute it to a specific individual.

Returning your Survey

Please use the reply paid envelope supplied to return your completed survey to the Committee (no stamp is required).

Liquor in brothels

- 1. Why do you think the government has banned liquor in brothels?*
- 2. How would you feel if alcohol was allowed in brothels?*

Health and safety issues in the sex industry

- 3. How are you introduced into the workplace when you start work at a new brothel?*
- 4. Do you think that there are health and safety issues that are unique to the sex industry?*
- 5. How should health and safety issues be dealt with in the sex industry?*
- 6. Any other issue relating to the prostitution laws*
- 7. What makes your workplace a good place to work?*
- 8. In an ideal world what would the laws relating to sex work look like?*

Appendix E – Members of the committee

1) *Ms Glenyys Romanes MP (Chairperson)*

Ms Glenyys Romanes is the Chair of the Ministerial Advisory Committee. She is currently working as the Community Relationships Manager in the Public Transport Division of the Department of Infrastructure. She was formerly the Upper House Member for Melbourne Province and Deputy President of the Legislative Council (Upper House) of the Victorian Parliament. She also has a background in local government; she served during most of the 1990's as a Councillor and Mayor on the former Brunswick Council and a Councillor on Moreland Council.

Prior to entering the Victorian Parliament in 1999, Ms Romanes worked as a teacher, a project coordinator with Community Aid Abroad and an investigator with the Commonwealth Ombudsman. Her key areas of interest are public transport, planning, public education, environment and issues of concern to women

2) *Dr Renata Alexander*

Dr Renata Alexander is a senior lecturer in the Faculty of Law at Monash University and a barrister at the Victorian Bar. Her academic and legal work focuses on family law, family violence and child abuse. She has also worked as a volunteer with St Kilda Legal Service since 1975 and is currently chairperson of the Board of Management as well as co-ordinator and volunteer lawyer on Monday nights.

Dr Alexander grew up in St Kilda and went to primary and secondary school there and still live there so she has had a lot of exposure to sex workers both as clients at the legal service, as clients in her practice as a solicitor in the past and as a barrister and as "neighbours". In addition, St Kilda Legal Service runs an outreach with RhED and at the sex workers' list at Melbourne Magistrates' Court each month with paid lawyers.

As a committed feminist, she has an interest in gender issues and women's rights generally. Her formal qualifications are BA, LL.B, Dip Fam Law, LL.M, PhD all from Monash University.

3) *Ms Alison Arnot-Bradshaw*

Ms Alison Arnot-Bradshaw has been a member of the Prostitution Control Act Ministerial Advisory Committee since its formation in 1995. Alison has been involved in the Victorian adult industry since 1994 and has experience working in most facets of the industry.

Currently, Ansell Healthcare employs Ms Arnot-Bradshaw as a Technical Services and Compliance Manager. Amongst numerous other tasks, Ms Arnot-Bradshaw has responsibility for liaising with the sex industry in the Asia Pacific region and organisations that support sex workers.

Ms Arnot-Bradshaw first became interested in sex industry matters in 1993 whilst writing an Honours thesis in Criminology on the sex industry and social control at the University of Melbourne. Her student placement was at the Prostitutes Collective of Victoria where she worked following graduation. She spent 5 years at the Collective, leaving to complete a Masters thesis in Criminology. This thesis centred around the impact of prostitution law reform in Victoria on the working and private lives of female sex workers. Upon completion of her studies, Ms Arnot-Bradshaw tutored in Legal Studies at La Trobe University and Criminology at the Australian Institute of Public Safety.

Ms Arnot-Bradshaw is a committed advocate for sex worker and sex industry rights and continues a strong association with Scarlet Alliance, the peak body for sex worker rights in Australia.

4) *Mr Geoffrey Code*

Mr Geoff Code is a lawyer and town planner. He currently works in the Victorian Government Solicitor's office. Most of his practice is administrative law, with a specialty of planning and environmental law. Before practising law, he worked as a town planner for Victorian agencies and has been involved in most of the Government's decisions setting the planning rules for prostitution and related activities since the early 1990s. Mr Code was appointed a member of the Committee since its inception in 1995 and has remained on the Committee since that time.

5) *Major Sophia Gibb*

Major Sophia Gibb has been a member of the Prostitution Control Act Ministerial Advisory Committee since 1998. She was ordained and commissioned as a Salvation Army Officer in 1978.

After completing her studies at the Salvation Army Training College, she held the position of Commanding Officer at Melton for three years and then the Commanding Officer at Kyabram for eighteen months.

Sophia resigned for nine years in 1982 to look after her three children, resuming in 1991, where she was appointed to the Corrections Department of the Salvation Army as the Court and Prison Chaplain for the women of Victoria.

At the commencement of 2001, Sophia was appointed to the International College for Officers in London to complete a Management Course. Upon her return to Melbourne, she was appointed as the State Director for Courts and Prisons. After being in this position for two and a half years, Sophia asked to return to work on the ground, with women prisoners and their families. This is where she feels fulfilment.

6) *Professor Christopher Fairley*

Professor Kit Fairley holds the chair in Sexual Health in the Department of Public Health at The University of Melbourne and is the Director of the Melbourne Sexual Health Centre. Prior to this position (before 2001) he lead the public health program for the CRC for Water Quality and Treatment for 5 years after returning from a post doc at the Communicable Diseases Surveillance Centre in the UK.

He is a fellow of the Australasian College of Physicians, and Sexual Health Physicians and Public Health Medicine and holds a Ph D in epidemiology. He is the editor of the journal, *Sexual Health*, an executive board member of the International Union Against Sexually Transmitted Diseases and a member of a number of Committees and boards including Ministerial Advisory Sub-Committee on AIDS, Hepatitis C and related diseases (DHS Vic).

His main research interests include the prevention and control of sexually transmitted infections and improving the quality of health care provided in sexual health services. He has nine full time research students based at Melbourne Sexual Health Centre undertaking work in this area.

7) *Detective Superintendent Paul Hollowood*

Detective Superintendent Paul Hollowood is a serving member of Victoria Police with over thirty-two years policing experience. He is a Detective Superintendent and member of the Crime Department's Executive Management Team. He has an extensive array of policing experience, principally as a criminal investigator and as a leader of groups involved in major and organised crime investigation, counter-terrorism and criminal intelligence.

He initially gained experience in uniform general duties and detective postings in the busier inner suburban areas of Melbourne, prior to taking up duties with a number of state crime squads. During that time, he has performed two tours of duty with the Homicide Squad. He has been involved in the investigation of numerous high profile, complex and protracted serious crimes that include leadership of the Zenith Task Force formed to investigate the 1991 kidnapping and murder of six year old Sheree Beasley at Rosebud.

He has been awarded the National Medal and Police Service Medal. He has been conferred with a Master of Arts (Public Police & Administration), Bachelor of Arts (Criminal Justice Administration) and an Associate Diploma (Executive Leadership). In 2000 as Australia's law enforcement representative, he undertook the prestigious FBI National Academy Course held in Quantico, North Virginia.

He has represented Victoria Police on many occasions in a national and international capacity. This includes the development of national and State-based strategies to combat crime and improve criminal investigation. He presently leads the Major Crime Management Model Project that is bringing about the most comprehensive transformation undertaken in respect to the manner by which Victoria Police approaches major crime.

8) *Ms Cristine Jones*

In May 1998, whilst studying for her degree in business Ms Jones began working in the sex industry as a brothel manager. In 1999, she purchased the brothel in Somerton, which is now known as Studio Honeys, and manages the day-to-day running of the business herself. Ms Jones acknowledges through experience that discrimination against workers in the sex industry is based on many false stereotypes promoted mainly by the media. She anticipates that some awareness into the complexities and challenges that workers endure can be promoted during participation with this committee.

9) *Ms Sharon Maccaul*

Ms Maccaul is 42 years old, married with two children. She joined the Australian Federal Police in 1981 and remained a member until 1990. During that time, she was involved in most uniform facets, and some non-uniform facets of that organisation. In 1991, she began working in the sex industry as a manager in a small suburban brothel and later that year she began working as a manager at Images in West Melbourne. She purchased Images in 1995. In 2002, she became president of the brothel owners association (Australian Adult Entertainment Association Inc).

10) *Mr Kirk Peterson*

Mr Kirk Peterson was born and raised in Michigan in the United States. He attended Western Michigan University where he completed a Bachelor of Arts Degree in Sociology and Education (1971) and a Master of Arts Degree in Teaching the Economically and Educationally Disadvantaged (1974). Mr Peterson immigrated to Australia in 1976 settling in Melbourne and initially working as a primary school

teacher at Baltara Special School, a school for court protected and delinquent boys located in Parkville.

During the 1980s and early 1990s, Mr Peterson worked for the Great Barrier Reef Marine Park Authority in Townsville, the Western Australian Museum in Fremantle, and the Museum of Victoria in Melbourne. In the early 1990s, Mr Peterson made a career change and took up positions working for community organisations. During the remainder of the 1990s, he worked for the Victorian AIDS Council, People Living With HIV/AIDS, and the Prostitutes' Collective of Victoria.

In late 2000, Mr Peterson began work as a Research Assistant at the Australian Research Centre in Sex, Health and Society at La Trobe University. This work led him enrol as a PhD candidate at that centre. He is currently completing his PhD thesis titled: *Sex, Money and Power: Deconstructing moral panic around street prostitution in St Kilda*. Mr Peterson is currently working for the Hepatitis C Council of Victoria in the position Education and Policy Development Officer – Custodial Settings.

11) *Dr James Rowe*

Dr James Rowe has been working at RMIT University since 2000. He has a doctorate in Politics and divides his time at RMIT as a Research Fellow at the Centre for Applied Social Research and as a lecturer in politics and sociology in the School of Global Studies, Social Science and Planning. In completing his doctoral research at Monash University in the mid-1990s conducted a critical analysis of Victorian illicit drug policy in which he argued against the continued politicisation of what is essentially a health and welfare issue.

Dr Rowe professional interests revolve around qualitative research with 'street-based' drug users and sex workers. The qualitative focus of Dr Rowe' research is based on a firm belief that the experiences that we have as diverse and different members of the community emphasise our similarities rather than our differences. However, circumstances often beyond personal control lead to many members of the community being marginalised and losing their 'voices' – particularly when discussing policies and practices that directly affect their lives. An attitude of 'there but for the Grace of God go I' and a commitment to addressing the social inequities that lead so many individuals into lives they would not 'choose' to lead informs his work.

12) *Ms Karen Sait*

Ms Karen Sait is the St Kilda Ward Councillor for the City of Port Phillip and the MAV (Municipal Association Victoria) representative for the Prostitution Control Advisory Committee. Ms Sait was previously a member of the Prostitution Control Advisory Committee from 2001 – 2004 as part of her former management and service development role with RhED - Resourcing health and Education in the sex industry. She was also a member of the Attorney General's Street Prostitution Advisory Group (AGSPAG).

Ms Sait has worked in a variety of settings within the health and community sector for the past 20+ years. Her experience includes roles in service delivery, policy development, advocacy and management in primary and clinical health including these areas: sex industry, alcohol and drug, mental health, youth health and aged health. She has extensive experience in the development and evaluation of programs and has undertaken and/or collaborated in research projects aimed at understanding and meeting the needs of complex, often isolated and marginalized client groups. Ms Sait currently combines her local government role with consultation and educational roles in primary health whilst continuing as an active member of many local and state committees.

Ms Sait's qualifications include a Bachelor of Arts, Bachelor of Social Work and a Masters in Primary Health Care. She is committed to social justice and as a long time resident of St Kilda remains passionate about retaining St Kilda's culture, heritage, accessibility and tolerance for difference and diversity. Ms Sait's key areas of professional interest include primary health, connected communities, the promotion of priority issues for women and environmental sustainability.

13) Ms Gabrielle Skelsey

Ms Gabby Skelsey has worked with the sex industry for the past ten years, both under the banner of the original Prostitutes Collective of Victoria (PCV) and since 2000, in the RhED program (Resourcing health and education in the sex industry). RhED is a program of the Inner South Community Health Service.

Ms Skelsey's position at RhED is as a health educator. She works with brothel, escort and independent workers providing information, advocacy, referral and support where needed. This takes place both on outreach and at the 10 Inkerman St site. Her work includes:

- providing health education and support services for sex industry workers;
- reducing harm associated with sexually transmissible infections in the community by working with and through the sex industry;
- providing information on safe sex practices, stress management, importance of physical health and occupational health and safety issues; and
- participating at a national level to promote solidarity amongst workers in the sex industry.

Ms Skelsey has postgraduate qualifications in health sciences and counselling. She is an accredited counsellor with National Loss & Grief Association, Victoria and an accredited member of the Psychotherapy & Counselling Federation of Australia, (PACFA).

Ms Skelsey has presented conference papers in the UK, Australia and New Zealand around topics including trauma, PTSD and counter transference. Recently, she ran workshops in London, UK for the British Counselling & Psychotherapy Association around similarities and differences in counselling practices between UK and Australia.

End of Report



