

Criminal Code (Decriminalising Sex Work) and Other Legislation Amendment Bill 2024

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Individual Submission In Relation To A Decriminalised Sex Work Industry In Queensland 2024

I am making this submission as a concerned citizen. I work as a voluntary community and citizen advocate. I have experience in identifying others that may be at risk of abuse, violence, neglect, and exploitation. Once I identify an individual or group at risk, I gather evidence and report it to the appropriate authorities. Mid last year I decided to investigate Queensland's sex trade after encountering blatant illegal sex operators. That has led me to report several cases of illegal sex industry activities to the Prostitution Licensing Authority (PLA) Queensland Police Service (QPS) and Australian Federal Police (AFP) and the Queensland Crime and Corruption Commission (CCC) and Respect Inc.

The first irrefutable fact I wish to bring to the committees' attention in relation to Queensland's illegal sex industry is its massive size. It is noteworthy that 90% of the sex trade, according to Queensland Law Reform Commission (QLRC) occurs illegally.

There are several glaring areas of slopping work in the QLRC report that ought to be of serious concern. For example, their limited sources of industry statistics they frequently quote. Then it is equally alarmingly what the QLRC choose to omit from their report. For instance, quantifying the market's annual financial value. Furthermore, I know of no other Bill brought before parliament in its history that involves a substantial industry change where there is no information provided about the most important person in any service industry, namely the customer.

I contend that the Queensland Government (OG) has allowed the entire sex work industry to substantially operate illegally because they have lived in a form of mass denial. This Bill is their attempt to be seen to be doing something progressive. In fact, the Bill simply seeks to acknowledge the 90% of illegal sex work and maintain the existing status quo. The Bill seeks to make all that 90% of illegal activities legal, pretending that will fix the industry with no need to address the much more consequential unsafe sex practices endemic throughout both the legal and illegal sectors of the industry. That is great news for the 90% of illegal sex providers. Some of those are individual sex worker abusers of customers and business providers that abuse sex workers and customers alike.

The state government has lacked the leadership and competency to regulate the sex trade, which, has in fact enabled and normalised illegal sex work. The industry has evolved sophisticated and widespread practices that have exploited the QG's lack of regulation and law enforcement. The Bill, apart from quietly attempting to divert attention away from the QG's failures to prevent crime and harms to sex workers and Queenslanders, does absolutely nothing to address the serious existing systemic structural issues that will continue to see established business, like erotic massage parlors, escort agencies, syndicate networks (including foreign based ones) roaming

nationwide with their temporary pop-up brothel business models. Most of those working in those illegal business are non-English speaking guests to our country that are mostly financially vulnerable and easily coercively controlled.

I call that Australia's great hidden shame. And, even to a hard-core advocate like me, I have been shocked to find that racism towards immigrant workers on student, temporary work and even tourist visas, arriving in their thousands annually, have become Australia's cheap permanent sex worker labor force to meet growing customer demand. In fact, the economic structure of the sex trade system that involves our lax visa system, where national and overseas immigration agents are selling Australia to foreigners, tell those mostly young people that they can study and earn extremely high incomes (the government is not strict with monitoring visa work hours) if they invest their money to come here to study and work. The reality is that a significant proportion of those on student and other temporary visas are the ones that end up working illegally as the preferred sources of cheap labor for existing illegal sex businesses in Queensland. I see nothing in the QLRC report and Bill specifically addressing these sex trade structural industry problems. That means those deceptive industry practices will continue even after the Bill is introduced.

Moreover, the QLRC report and proposed Bill does not mention how technology now dominates the industry. For instance, how illegal erotic massage businesses are exploiting the use of technology and increasingly allowing their illegal work force to abuse customers through false and deceptive advertising. Internet based websites like Lacanto and Escorts and Babes, are being used by industry providers to illegally book sex worker appointments by businesses pretending that those sex workers are legal independents, When in fact they work as contractors in illegal brothels. The websites have text message functions and mobile phone contact numbers to make booking appointments. The advertised independent sex workers depicted on the booking sites are most often fake identities. That is illegal. Customers have a right to know who is providing them with the service. These sham massage parlors model their business on Queensland's legal brothels. They are exceptionally profitable to their owners. That is because they benefit from paying their contract workers little or nothing for performing a massage. Rather the owner gets the entire fee for the massage. The worker only receives payment if they offer extra sexual services, Which are exactly those offered in a legal brothel where a customer agrees to the service. Often extra unsafe sex acts are performed for a higher payment. That has serious public health implications. Over time many bad sex worker industry habits have developed in the absence of government regulation and law enforcement. For example, sex workers will quite often in these illegal brothels, being under intense pressure to earn money, sexually harass and even sexually grope customers without first asking for their consent. That is sexual assault. This has been reported to Respect Inc. Along with a request to run training programs for their members to teach them how to legally do skilled sex work. Sex workers will also become disrespectful to customers if they say they only want a massage. Where they will either tell the customer to leave the premises if they only want to have a massage. Or, if the massage has started, and the customer declines an offer for extra services the

sex worker will refuse to complete the pre-paid massage. Throughout Queensland hundreds of illegal erotic massage parlors have been allowed to blatantly operate with the QG and QPS tacit approval with such atrocious practices towards customers. This is an extremely serious issue that the authorities must regulate and have specific sex worker offences and penalties for. One of the most disturbing illegal crimes that a trusted industry source told me about involved teenage schoolboys. Where they would go along to an erotic massage parlor to obtain sex. That is a serious crime and if the sex worker involved were found guilty of that crime, they would face a lengthy jail term.

Similarly, escort agencies that typically charge sex workers between 35% and 50% of the sex worker agreed customer rate for simply making a third-party booking on behalf of the sex worker is highway robbery. These agencies are highly exploitative of non-English speaking sex workers and are owned and operated by nationals. The workers are often sent to work away from home, either interstate or regionally, which increases their vulnerability, especially when they are working alone. Though, frequently, multiple escort agency sex workers will work together from a motel or rented housing or unit. These workers are then expected to pay all their travel costs and other working expenses. The agency also uses websites to advertise the sex workers. A particularly disturbing aspect of escort agency work is that they often control the advertising and services that the worker will provide. From the agency's perspective, they will push workers (male, female, transgender) to perform extra services to increase profits. Those extra services, which often involve unsafe sex practices and/or sex acts they would prefer not to do often can create problems when customers have made bookings. Then the sex worker will message their cyber pimps back telling them they do not wish to perform a certain service. What typically happens in those cases, is there is very tense communication between the worker and their agency. I see no specific third-party coercive control amendments in the proposed Bill that addresses that form of agency abuse. This type of horrendous coercive control is standard practice by some exploitative agencies.

Of course, in the near total absence of QG and QPS regulation and police enforcing existing laws, spare a thought for those licensed brothel owners and independent sole sex traders (the QLRC notional 10%) of legal sex work operators. The only ones that have complied with the law, paid their taxes, and cared responsibly for their valued customers. The government has totally let them down. The ones doing the right thing. Their cost of legally doing business put them at a severe disadvantage compared to the hundreds of low costs (less than 10% startup costs) of illegal operators like erotic massage parlors. The crown lawyers will try and do what the crown lawyers do best, and offer minimal compensation to the legal operators, which I understand is to merely waive licensing fees. The committee needs to ensure fair compensation goes to those in the industry that have done the right thing. It appears that in the state of Queensland crime does pay.

While I have not found direct evidence for state corruption, I have absolutely no doubt that the QG and QPS have known about all the above I have reported to them. They have known about the widespread illegal criminal activity, health and safety harms, visa condition breaches, employment exploitation and industry advertising breaches that mislead customers. It is inconceivable that the QG and QPS are not aware of the above facts as they pertain to the shadow sex economy in this state. That make the QG and QPS complicit in those regulatory and law enforcement failures. The committee and Queensland public have a right to know of those realities so that they ask their local members to ensure that their communities are aware of these regulatory and law enforcement failures. The public have a right to know that the illegal sex trade in Queensland has been aided and abetted by the QG being soft on crime. The committee needs to ask the Queensland Minister for Police and the Attorney General what they know about what I have reported to all the above authorities I named above.

The second irrefutable fact is that the Queensland government (QG) and QPS have allowed the illegal sex industry to flourish and failed to protect not only sex workers from widespread systemic structural workplace exploitation, but equally importantly, failed to protect the health, safety, and consumer rights of its customers that would normally apply with respect to any other service industry. The evidence for that is everywhere to be found if one takes a close look into the how the industry currently operates here in Queensland. The QLRC totally fail to mention any of those facts. So much for the committee, parliament or the Queensland public having any confidence in the independence of the QLRC. Any credible independent report and Bill drafted on behalf of the state government would have at the very least mentioned the governments failures.

I fully support a decriminalise sex work industry over a legalised one. However, I believe the notion that decriminalising Queensland's sex industry, which has been running rings around the QG, and particularly the QPS for many years now requires the committee and parliament to recognise that the government needs to play a substantial administrative role in future regulation, Bearing in mind that Australia has inconsistent and contradictory state and territory jurisdictions. That is because a unique feature of Australia's overall sex economy, reflected in Queensland as elsewhere, is that it operates as an internationalized marketplace. In fact, it is heavily reliant on the continuance of foreign sex workers working for national employers (there is evidence of overseas based sex workers with family links in Australia coming here regularly for the purpose of sex work even on tourist visas) exploiting known weaknesses in Australia's visa system. It is a startling fact, that if Homeland Security and the Immigration got together with the states and territories and did frequent checks on certain types of visas, for example student visas, they would readily see how many sex workers are in illegal brothels in Queensland. Once again, the QLRC report fails to note these most basic facts about our sex industry that need to be known to the committee and parliament. Voting on the Bill without having all relevant information available to members is dangerous, because without proper scrutiny before voting on the Bill it

could predicably lead to poor outcomes for sex workers and customers alike, especially the most vulnerable ones I have identified in this submission.

My focus here has been to provide the committee members with information that it may not have been made fully aware of but obviously needs to know. We need to clearly recognise that Australia's sex industry has seen private providers, like illegal brothels, escort agencies and organised groups of visiting overseas sex workers flourish here in Queensland. Many illegal businesses are highly exploitative of sex workers employment conditions and human rights. The illegal sex industry in Queensland has become overconfident the government and law enforcement will continue to have no appetite to tackle any of the thorny structural systemic problems because they are too complex and would require investing more in resources and expensive administration to tackle the deeper structural aspects I have identified here. The QG and QPS also know that the sex industry is notoriously difficult to monitor and regulate within state, let alone nationally and internationally. That is especially true for some providers in the sex industry that are moving operations to the internet to advertise their services in Australia. This scales from individual sole operators working from home right up to syndicates operating nationally and coming in periodically from overseas exploiting our lax visa system.

That above industry observations I have shared come from independent, impartial, unbiased, and rational balance reporting. The one aspect of the QG failure to tackle the illegal sex work in this state Queensland has seen it cost the state and federal government billions in unpaid earnings made on illegal sex work. That will not change one iota if the parliament passes the Bill. Queenslanders deserve to know that, and it is the job of the committee to ensure that fact is made clear to the public.

I wish to acknowledge the hard work that many have put into pushing for decriminalising Queensland's sex industry. Whilst I am extremely critical of the QLRC missed opportunity to even acknowledge the fact this Bill is designed to merely maintain the status quo and does nothing to address the serious crimes I have reported, there is no doubt the overall intent of the Bill and the many important legal changes it wants to repeal, amend and new laws it wishes to pass are all well and truly overdue.

I will conclude my submission by making the following recommendations.

1. That a parliamentary inquiry be held to investigate the remaining structural, economic, national, and international aspects of the sex industry that the Bill does not cover. That will likely require federal government involvement.
2. That an Independent Statutory Queensland Sex Industry Commissioner Office be created to provide oversight for complaints coming from providers, customers, and members of the public. With complaints resolution powers granted and, if required refer to other agencies. The office would centrally

capture industry specific statistics to inform government to continuously improve industry governance and policy decision making. To make recommendations to government about industry skills training, developmental needs and to provide educational services to industry and the public.

3. That the Queensland Attorney General contacts the Australian Law Reform commission to initiate a process, in cooperation with the federal government, to tackle the critical problems associated with inconsistent and contradictory sex industry laws that currently exists between other states and territories. The goal being to introduce nationally consistent regulatory frameworks as the only viable solution to tackle the realities pertaining to Australia's internationalized sex industry.