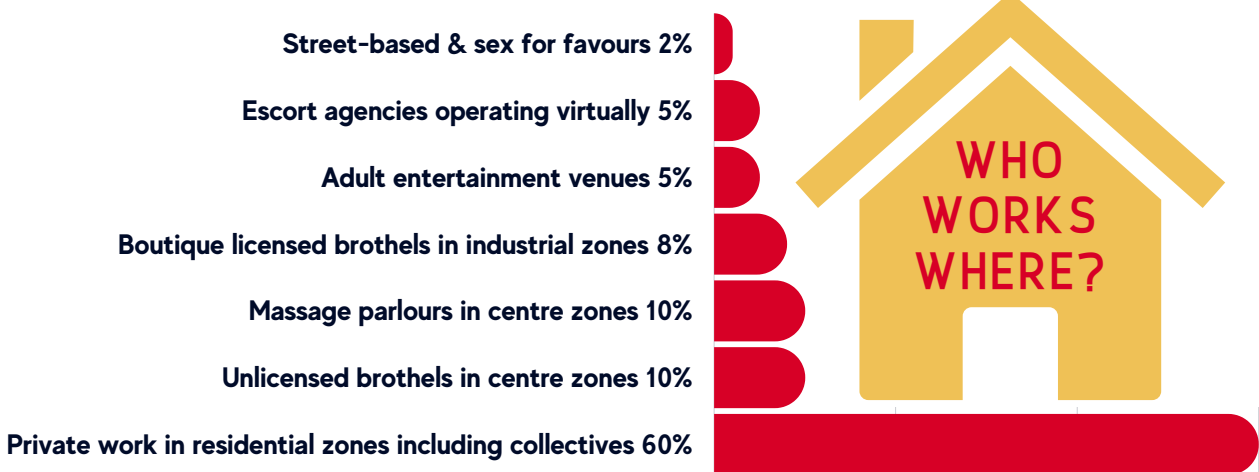


# "WE'VE BEEN WORKING ALL AROUND THEM FOR YEARS"

## SYNOPSIS 3: PLANNING REGULATION UNDER DECRIMINALISATION

The planning framework under decriminalisation should provide **fair and applicable planning regulations, practical zoning solutions** and be covered by already applicable **universal local council amenity impact rules**. This synopsis summarises the outcome of **consultation, research, legal advice and a recent survey of 204 sex workers** who work in Queensland to recommend a transparent and evidence-based planning framework for decriminalised sex work. Research shows sex work will not increase, decrease or substantially change location after decriminalisation.



"...Sex workers and our clients are incredibly discreet and have an investment in our privacy. We don't need to be stored away on the edges of town in order to be discreet."

**Discretion, privacy & confidentiality plus extremely low amenity impact is the sex industry business model.**

### EXISTING PLANNING RULES AND REGULATIONS APPLICABLE TO ALL SEX INDUSTRY LOCATIONS IN QUEENSLAND

- ✓ Minor building works regulations and limits
- ✓ Visitor and disturbance rules set by strata
- ✓ Noise regulations in residential zones
- ✓ Consumer protection regulations Fair Trading Act (1989)
- ✓ Commercial opening hours regulations Trading (Allowable Hours) Act 1990
- ✓ Smoke alarm regulations set by zone and strata
- ✓ Acoustic quality objectives Environmental Protection (Noise) Policy 2019
- ✓ Mandatory car park rules set by strata and council



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# PLANNING SOLUTIONS

BRING ALL SEX WORK INTO THE PLANNING REGULATIONS  
MAKE SURE NO WORKPLACE IS EXCLUDED

## MESSAGE PARLOURS

- **Message parlours** permitted in centre zones **without council discretion to close, ban, inspect or categorise into industrial zones.**
- Don't let council discrimination undermine the decriminalisation of massage parlours.
- Apply WHS guidelines to sex work in massage parlours.
- Councils retain authority over external signage, parking and amenity.
- No DA required.
- Include into Schedule 6 or Schedule 7.

## ESCORT AGENCIES

- Escort agencies have **never** been allowed to operate lawfully in Queensland. Don't exclude them from decriminalisation.
- The business model is often virtual.
- There is no public access, front-facing business or sex work on premises.
- Allow in centre zones without DA.
- Promote compliance and transparency for the escort sector. Permits or licensing provide no incentive to compliance.
- WHS guidelines to apply.

**5% of sex workers in the recent survey preferred working in escort agencies.**

"I would not want to work from my own residence because it's important to me to keep boundaries so I would prefer to do escort work with an agency."

"Not being allowed to work at an escort agency means that if I do outcalls to avoid sharing my home address with clients, I do not have ANYBODY who knows where I am, when I am due home. That puts me at huge psychological and physical risk."



"Being able to choose how to work - when to work - where to work - with whom to work - options - it will give sex workers options."



"I should be able to choose the work situation that feels safest and works best for me."



"The more options sex workers can make by themselves, the better. We are adults, we can make our own choices."

## PRIVATE SEX WORK

- **Private sex work** in residential zones permitted as 'Home Occupation' & 'Material Change of Use' Schedule 6 or 7.
- **Strata** rules apply to everyone equally.
- **Councils** retain power over street-scape maintenance and existing amenity impact regulations such as signage, noise, parking and DA approval for renovations that alter the footprint of a building.
- **No special council powers** to categorise private sex work, enter premises or zone as industrial.
- No DA required.

## BROTHELS

- **Brothels** permitted in centre zones.
- **Local council** retain existing powers over alcohol-related DAs and liquor licences.
- **Transition support** for licenced boutique brothels in industrial zones.
- Don't replicate failed licensing with permits or DAs. **Apply Schedule 6 or 7.**
- Compliance with universal zoning & amenity impact rules still apply.
- **No proximity rules or room number restrictions**, unnecessary barriers to compliance must be avoided.
- Councils not granted discretion to categorise, zone, close or penalise.

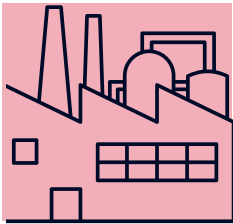
# INDUSTRIAL ZONES ARE UNSAFE AND IMPRACTICAL

LISA MILLAR, 7:30 Report, 2 April 2011

One of the most contentious issues in the legislation is the move to force brothels into industrial estates.

JEFF McLAREN (Qld Lawyer)

It's totally inappropriate. This is not the place where people come for love.



When asked about the impact of being forced to operate in industrial zones, sex workers answered:

"It would be terrible. It would almost cut out the private sector.

I work from home in an outer city suburb. I would continue working from home. I'd just have another thing to be afraid of getting caught for."

**WE NEED  
INDUSTRIAL  
RIGHTS  
NOT  
INDUSTRIAL  
ZONES**

**QUEENSLAND HAS CREATED  
NON-COMPLIANCE BY ONLY  
APPROVING SEX WORK IN  
INDUSTRIAL AREAS.**

Sex workers, including those who work privately in residential zones, told us they would not relocate to industrial areas and would choose to work illegally instead.

**Reasons for not working in industrial zones were:**

Issues with transportation

Safety concerns

Lack of suitable accommodation

Loss of clients

Financial burden

Increased stigma and discrimination

Isolation and mental health impacts

In the words of sex workers industrial zones are inappropriate:

"I do not drive, this makes me a target walking through these areas, know the only reason I would be there is for sex work." (participant 35)

"What if you don't drive? How do you get there? How do clients get there and what does it say if we can only work from difficult locations?" (participant 71)

"Industrial zones are dark, away from people and public transit and other amenities, and often are located in places that are expensive to travel to if you don't have a car..." (participant 94)

"I would risk being thrown out of more hotels and essentially forced to work under criminalisation."

"I do mostly private outcalls and I think I would continue to do it illegally."

"I can only imagine the number of workers this would suddenly make criminals."

# COUNCIL DISCRETION HAS PROVEN DISCRIMINATORY

Demonstrated problems with discriminatory practices by councils in Queensland and evidence from NSW prove that **discretionary council powers over sex work planning decisions** will create over-reliance on the Planning and Environment Court and the systemic undermining of decriminalisation policy goals. Research and legal advice suggest there are a range of **state planning regulation solutions** that could clarify the role of council, create certainty for the sex industry and provide a fair, workable framework.

## LESSONS FROM QLD:

For twenty years, Queensland councils have demonstrated **discriminatory approaches** and have attempted to exercise discretionary powers over the sex industry. Councils' discretionary powers were granted within the licensing framework. This power is used to prevent brothel approvals, thus **deliberately undermining** the 1999 licensing legislation.

WHEN LICENSING WAS  
INTRODUCED 200 QLD TOWNS  
APPLIED TO BAN BROTHELS



ONLY 12 OF 77 COUNCILS  
HAVE EVER APPROVED  
A LICENSED BROTHEL  
IN QUEENSLAND

**Bill Carter**  
**Chair, Prostitution Licensing Authority**  
**2001:**

"The major concern in relation to the operation of the legislation has really been the attitude of local authorities. The approach [of councils] has been extremely negative. It has been said that local authorities have sought to hijack the legislation and they've made it extremely difficult for applicants to get approval in respect of development applications made for premises."

## LESSONS FROM NSW:

Decades of research and evidence shows that almost all NSW councils have used their discretionary powers and DA processes to behave in an unreasonably hostile way towards brothels, massage parlours and sex workers broadly, **even against the advice of their own planning staff and lawyers**. This is despite the fact that sex work is located across every suburb and city area in NSW.

**Papadopoulos & Steinmetz, 2011:**

"Planners often find themselves caught between community disputes and internal political machinations when development proposals for these activities are submitted for approval."

**NSW PLANNING APPROACH  
HAS RESULTED IN:**

- Harm
- Exclusion of sex industry from civil participation
- Unreasonable closure orders
- Unwanted media attention
- Lengthy and expensive court cases
- Criminalisation of small businesses
- Advantage for large businesses
- Vilification of workplaces that research shows were operating to scale without neighbours even being aware they were there.



# LOCAL GOVERNMENT NEEDS SUPPORT TO UNDERSTAND THEIR IMPLEMENTATION ROLE IN DECRIMINALISATION

Sex worker workplaces currently operate in residential, centre and mixed zones throughout Queensland and are behaving in ways that are compliant with amenity impact regulations. This is despite these workplaces being in contravention of the Prostitution Act 2000, sections of the Criminal Code and the Planning Act itself.

## LESSONS FROM NSW:

In 1995, NSW councils received confusing departmental and ministerial instructions about decriminalisation and discretionary powers. This remains unresolved. Each individual council is permitted to try their own approach to planning, regardless of rationale. Refused DAs are then referred to court, with varying success. Consensus among councillors on zoning and proximity rules has proven impossible for some. **Elected councillors mostly prefer to let sex industry DAs lapse and be determined in court.** Instead of implementing decriminalisation, the work of local councils in NSW is characterised by costly and time-consuming avoidance of implementation.

## LESSONS FROM VIC:

**Sex Work Act 2022** "Local laws [are] not to be inconsistent with or undermine the purposes of this Act. A local law made under the Local Government Act 2020 must not be inconsistent with the purposes of this Act or undermine the purposes of this Act to decriminalise sex work and provide for the reduction of discrimination against, and harm to, sex workers."

Thousands of sex workers live, work and contribute to their local council area.

Working in massage parlours, escort agencies, in small groups, sharing overheads and most safety strategies are criminalised.

These sectors are not currently permitted under the Planning Act and have never been regulated at a council level.

## SOLUTIONS

**LOCAL GOVERNMENT RETAINS THEIR ENFORCEMENT ROLE OVER AMENITY IMPACT**

**LOCAL GOVERNMENT NOT GRANTED SPECIAL POWERS OF INSPECTION OR CLOSURE**

**SPECIAL DA APPROVAL FOR SEX WORK IS NOT REQUIRED**

## GOALS OF THE NEW PLANNING APPROACH:

- Decriminalise all current sex industry businesses. They already fit into their local street scape, are compliant with amenity impact and located in the appropriate zone.
- Create a deliberate, fair, transparent, workable and straightforward planning approach concisely formalised in the state planning regulations.
- Retain council amenity rules and powers over external streetscapes.
- No new sex work-specific council discretion, powers or approvals.

# PRIVATE SEX WORKER SAFETY AND CONFIDENTIALITY IS PARAMOUNT

7:30 Report, 2 April 2011

LISA MILLAR:

Susan is a sex worker operating from a house in suburban Brisbane and living in fear.

**SUSAN, QLD private sex worker:**

It would be nice to know that one could go to work and not be breaking the law. But under the current legislation, there is no way you can work and not break the law.

LISA MILLAR:

Susan shares the daily roster with other women, but that's illegal. Under the current laws, she should work on her own.

**Small collectives with a roster are common, with or without it being a person's home. Preferred for safety reasons, these workplaces are not 'Home Occupation' compliant.**

Development applications in Queensland are published by council for community input and consultation, announced online and publicly.

Risk of privacy breach is a strong and convincing disincentive to compliance with DAs.

Evidence shows private workers will not risk safety for DA compliance.



**Planning Regulation Schedule 6 or 7** can appropriately accommodate sex workers working at their residential address under "Home Occupation", and sex workers not residing at their work address as "Material Change of Use". The outcome is 100% planning compliance and **local government is not required to consider DA approvals from private sex workers.**

- Councils can retain all current & existing amenity impact rules without special powers to ban, relocate, punish, exclude, categorise or enter sex work workplaces in residential zones
- One size does not fit all, no limits on room numbers or sex worker numbers
- Ban no sector of the industry, no permit or DA system, leave no sex workers behind
- Create WHS guidelines promoting compliance, education and information
- Private sex work allowed in residential zones as **'Material Change of Use'** or **'Home Occupation'** depending on the business model

## **Sex workers told us they pose little threat to public amenity in residential zones:**

✓ "As a disabled lady, I find it hard to find a job working for someone else because my pain and limited mobility gets in the way. I enjoy working for myself in a safe environment that gives me the ability to make money to support my needs."

✓ "I currently work in XXX - it's wonderful. On my street are a lot of little home businesses, it is very idyllic. All my clients have always been well behaved and quiet..."

# MASSAGE PARLOURS ARE DISCREET AND SMALL-SCALE WORKPLACES



Historically this sector is subject to regular raids by police.

The massage parlour sector includes Asian and migrant women who speak English as a second language.

Restriction to industrial zones, permit rules, room limits, worker limits and a licensing framework are all incompatible with this low-key business model.



**Planning Regulation Schedule 6 or 7** can appropriately accommodate massage parlours in centre zones. The outcome is 100% planning compliance. Local government retains their amenity impact regulatory role, streetscape management and applicable universal planning rules and responsibilities **without being required to consider DA approvals from massage parlours.**

## Sex workers told us what they like about working in massage parlours:

- ✔ "I like the company of fellow sex workers. I also hate answering the phone and door and I like the option of not having to provide full services in every booking."
- ✔ "It means I do not have to provide full service and I was able to work with other people making it safer for me."
- ✔ "I also wanted to learn what I was doing before I went out on my own, about safety and sexual health."
- ✔ "I enjoy massage, it's physical and sensual. The clients are often happy with a hand job and I just take my top off so it's easy. It's not how it's made out by the brothel owners, PLA and the media."
- ✔ "It meant I could alter my hours to meet childcare needs and I received a higher cut from each booking."
- ✔ "It's good for my body. Not just sitting down."
- ✔ "Massage parlour have safety and more work can options."
- ✔ "A better handle with clients, clients more rate compensation for services, and we able to working with co-worker (for safety)."

# WHO WE ARE 我們是誰 소개 พวกเราคือใคร

#DecrimQLD is a committee of sex workers who have joined with Respect Inc to progress the removal of harmful and discriminatory sex work laws and achieve decriminalisation in Queensland.

Our campaign aims to:

- raise awareness of the problems with the laws in Queensland
- demonstrate the importance of removing harmful laws
- provide information on decriminalisation and other models of sex work regulation
- ensure policy discussions are informed by evidence, and
- make sure sex workers inform any and all changes to the sex industry laws in Queensland.

#DecrimQLD 是一群性工作者主持的性服務除罪化委員會，並與Respect Inc 性工作者協會，一起努力以推進消除有害和歧視性服務業相關的惡法，並在昆士蘭實現性服務業除罪化。

我們推動法律改革運動的宗旨是：

- 讓社會大眾與性工作者們意識到對目前昆士蘭州針對性產業的惡法問題
- 證明廢除針對性產業的惡法的重要性
- 提供有關性產業除罪化和其他性產業政策模式的信息
- 確保任何與性產業相關的政策討論是有科學證據為依據，以及
- 隨時告知性產業工作者關於昆士蘭性行業法律相關的任何變更和調整。

#DecrimQLD는 퀸즐랜드에서 행해지고 있는 유해하고 차별적인 성노동법을 철폐하고 성노동의 비범죄화를 추진하는 성노동자들로 이루어진 Respect Inc 에 소속된 위원회 입니다.

활동목표:

- 퀸즐랜드 법률의 부조리함을 널리 알립니다
- 유해한 법률 철폐의 중요성을 설명합니다
- 비범죄화 혹은 다른 성노동법 모델에 관한 정보를 제공합니다
- 정책에 관한 논의가 증거를 바탕으로 하는지 확인합니다
- 퀸즐랜드 성노동법의 부분적 혹은 전체적인 변경이 있을시 성노동자에게 정보를 전달합니다

#DecrimQLD เป็นคณะกรรมการของผู้ให้บริการทางเพศที่ได้ร่วมกับ Respect Inc เพื่อดำเนินการขจัดกฎหมายเกี่ยวกับบริการทางเพศที่มีอันตรายและการเลือกปฏิบัติและดำเนินการลดทอนความเป็นอาชญากรรมในรัฐควีนส์แลนด์

แคมเปญของเรามีจุดมุ่งหมายเพื่อ:

- ปลุกจิตสำนึกปัญหากฎหมายในรัฐควีนส์แลนด์
- แสดงให้เห็นถึงความสำคัญของการแก้ไขกฎหมายที่เป็นอันตราย
- แสดงให้เห็นถึงความสำคัญของการแก้ไขกฎหมายที่เป็นอันตราย
- ตรวจสอบให้แน่ใจว่าการอภิปรายนโยบายได้รับแจ้งด้วยหลักฐานและ
- ตรวจสอบให้แน่ใจว่าผู้ให้บริการทางเพศได้รับแจ้งการเปลี่ยนแปลงกฎหมายทั้งหมดของอุตสาหกรรมบริการทางเพศในรัฐควีนส์แลนด์

**"Decriminalisation is the best practice, human rights based approach to regulating the sex industry. Anyone who says licensing is good for sex workers is actively ignoring everything sex workers have been saying for years. Licensing does not keep us safe, it restricts us and keeps us away from society."**



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