

"LICENSING IS A LIE. WHEN 90% OF OUR WORKPLACES ARE LOCKED OUT THERE IS AN OBVIOUS PROBLEM."

## SYNOPSIS 5: LICENSING HAS FAILED

The Queensland sex industry is currently regulated by a licensing framework. Licensing has created a two-tiered industry where the majority of the sex industry and sex workers are locked out of the legal system, at risk of police prosecution and charges, and have few rights or protections at work. The licensing framework has resulted in only 20 licensed brothels, criminalising the majority of sex work businesses such as co-operatives, escort agencies, BDSM salons, and massage parlours.

This synopsis summarises the **evidence of the impacts and failure of licensing** in Queensland. It is informed by consultation and a recent **survey of 204 sex workers who work in Queensland** who recounted their experiences of the current licensing system and its effect on their workplaces and access to justice.

## Decriminalisation in Queensland includes the **complete repeal** of the licensing framework.



Enables access to the same industrial rights, responsibilities and WHS regulation as other Queensland businesses.



Ends the Prostitution Licensing Authority (PLA).



Ends the documented negative impacts including the criminalisation of most workplaces, a two-tiered industry, heavy resource and administrative burden on the industry and government with no benefit for sex workers or the wider community.



Promotes autonomy, human rights, and choice for sex workers.



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# LICENSING CRIMINALISES 90% OF WORKPLACES

Licensing creates a two-tiered system under which the majority of the industry cannot comply, thus decreasing the number of workplace options sex workers have, restricting our freedom, flexibility, human and labour rights, and job satisfaction.

In 23 years, the licensing framework has resulted in **only 20 licensed brothels** and has criminalised all other sex industry business models and shared workplaces. As a result, **police regulate 90% of the sex industry**, contrary to the recommendations of the 1989 Fitzgerald Inquiry Report.



“...Typically, in jurisdictions that have introduced licensing or registration systems, the vast majority of sex workers operate outside of the system. This approach compounds the marginalization of most sex workers. Human rights violations may result from licensing models that require [...] registration [...] with government authorities.”

UNDP Report, October 2012, pp. 6–7 ([tinyurl.com/5469rz8t](https://tinyurl.com/5469rz8t)).

## POLICE ARE THE PRIMARY REGULATORS UNDER LICENSING

“I tried to report a crime and I was treated like I was the criminal because I do sex work. I would never do it again.”

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“...I would be extremely unlikely, if ever, to go to the police. I would be worried that I have outed myself to them, that I wouldn't be taken seriously, that I would be blamed for the way I am working. I would be more likely to make a report in NSW or the NT.”



Licensing places the police as the primary regulators of the sex industry, which has many negative consequences. Queensland police have a long history of targeting sex workers, taking crimes committed against us less seriously, and engaging in discrimination against us. Sex workers avoid contact with the police due to fear of criminal repercussions and increased targeting, as well as a concern that their report won't be actioned; this leads to **serious underreporting of crime and limits access to justice**.



# THE LAWS ARE DIFFICULT TO COMPLY WITH

Sex workers said complying with the Queensland sex work laws was "almost impossible", describing them as confusing and inconsistent. Many participants said they were not currently complying with the laws, outlining how the laws

limit work options that maximise safety, peer support and cost sharing. Others described how the nonsensical nature of the laws meant it was easy to break the laws without knowing.

"There are so many laws and they are so confusing that I honestly probably break them every day."

"The laws are very specific and confusing, and don't seem to be consistent or make much sense. It's hard to be safe and stay within the law so I usually just prioritise my safety and try not to get caught."

"I don't comply or I would risk my safety. If I don't come home who will look after my family."

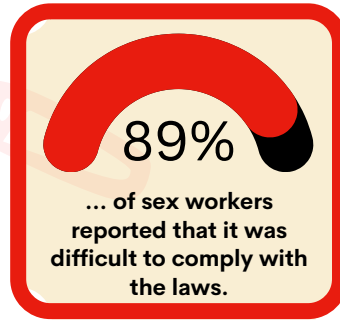
"It is almost impossible to comply with the laws in QLD. We really do have to choose between working safely or legally. There are many laws here that you would just never realise is illegal...and so many sex workers are doing something illegal without knowing it."

The advertising laws were described as difficult to comply with and also impacting safety.

"...the advertising laws in QLD...are much more stringent than anywhere else and lead clients to turn up expecting services I don't offer, which can get dangerous."

"The list of words forbidden in advertising is truly insane, and it is difficult to ensure all of my ads are in compliance. I have lived and worked in other states, and sometimes third party websites steal my ads to post on their sites without my consent; this means old ads may be visible that we're compliant in the states I posted them in, but aren't in QLD..."

"The advertising rules are beyond ridiculous and totally impractical and unworkable."



Laws that prevent working alongside another sex worker outside of a licensed brothel also make compliance difficult; currently all shared workplace options except in the 20 licensed brothels are illegal.

"I try to avoid working alone when I can. I don't like putting my life or health at risk for arbitrary laws."

"...by supporting more freedoms...with decriminalisation...with the right to security and co-ops and the rights any worker is entitled to in a progressive modern workplace we would see a safe workplace without the current dangers."

"...disgruntled clients know that they have the power to report you to the police, which makes it harder to refuse service to difficult...clients for fear of retaliation."

Another reason sex workers wanted to have the option to work in shared workplaces outside of brothels was to support their mental well-being. Respondents told us:

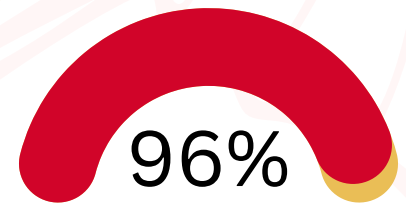
"...When I tour I often share accommodation with a peer - for the sake of keeping costs low, for my safety and sense of security, and because this is a job that can be incredibly lonely and stressful and it's really helpful to have someone around who understands. I cannot do this in Queensland."

For some sex workers, the choice to work together and/or share resources had an economic imperative. These sex workers chose to work illegally, some or all of the time because they **could not afford to cover overheads alone**; to subsidise their rent or mortgage; or because they could not afford to lose the additional income from double bookings. **Licensing has forced these workers to choose safety over compliance.**

"It is too expensive to work alone, without sharing premises with other independent sex workers..."

# A LACK OF WORK OPTIONS

The licensing laws introduced in 1999 attempted to transition sex workers who worked in a range of sectors into licensed brothels. **This has failed**, because sex workers choose workplaces and sectors of the industry that match their availability, family commitments, skills, and the services they want to offer. **Licensing severely restricts the legal modalities of work** for sex workers; massage parlours, BDSM venues, escort agencies, and any shared sex work workplaces other than boutique brothels are ineligible to attain licences. **The vast majority of Queensland sex workers want more options for shared workplaces.**

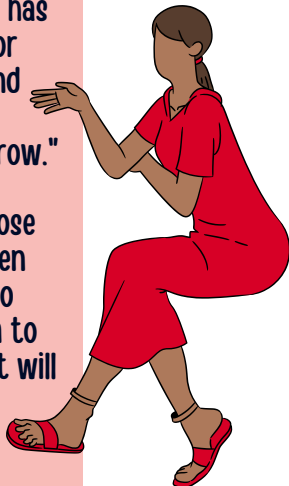


... of sex workers said that they would like more options for workplaces than licensed brothels or working alone.

"Every sex worker has different needs for how they work, and having only two options is too narrow."

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"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 like to have choices. Sometimes I feel like working with a friend, sometimes I feel fine to work alone. I like to work in a brothel during periods in my life when I don't have the energy to advertise and I feel more like a 9-5 lifestyle. I know many sex workers, especially those who are parents feel that working in a brothel is more discreet and easier to combine with school hours."



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

"Working in pairs, or as a group, is fun and safe and empowering. I would love to see worker-owned co-operatives."

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

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"There are not enough brothels (and shifts) available for all the workforce. And some may not like to work independently. So we need more variety/diversity in how we can provide service."



Workers often reported that there were no positions at licensed brothels available for them under the current system.



"I would not be able to work in a licensed brothel because I am too old and there are not enough of them so the roster shifts go to younger sex workers."



"I'm a male worker. There are no male brothels or body work spaces."



"As a trans/non binary sex worker there is very little to no spaces with a licensed brothel for me."

## MASSAGE PARLOURS

Many sex worker respondents to the survey indicated that working in a massage parlour was the best option for them over a licensed brothel. The most common reason given was that they did not have to do full service sex work unless they chose to and/or it was easy to handle the clients; this is why massage

parlours are the preferred option for some Asian migrant sex workers.

Massage parlour workers also preferred the flexibility, shorter shifts, appeal as a "starting point" in the sex industry, and because massage was their particular area of skill. **However, these reasons were sometimes overshadowed by the fear of consequences from criminalisation.**



20% of sex workers who had worked in massage parlours elsewhere said that they couldn't work in one in Queensland, for fear of arrest.

"I like the option of not having to provide full services in every booking."

"It meant I could alter my hours to meet childcare needs and I received a higher cut from each booking."

"It makes people happy and I am very good at it."

"I also wanted to learn what I was doing before I went out on my own, about safety and sexual health etc."


"I have [worked] in many massage parlours in NSW but it's too stressful in Qld to...potentially be arrested."



# NO ACCESS TO WORKERS' RIGHTS

Removing the licensing system would mean that sex work businesses are regulated under existing laws and regulations that apply to all businesses. Sex workers would have **access to industrial rights and protections**, and have more confidence in reporting crimes committed against us. Currently, sex workers cannot access remedies for workplace issues such as Workplace Health and Safety violations or discrimination at work. Reporting such violations to authorities may result in a loss of income as the workplace is shut down, as well as police action taken against them as individual sex workers.

"There are no anti-discrimination protections for sex workers under the licensing system. Since sex workers at licensed brothels are treated as 'independent contractors' they have no rights to a shift, and no standing to fight being declined shifts. They also get no vacation/leave/work security/superannuation contributions - which if decriminalised, could be adopted by businesses to support sex workers."

 **73.5% OF THOSE WHO WORKED IN LICENSED BROTHELS SAID THAT THEY WOULD NOT MAKE A COMPLAINT TO THE POLICE IF THEY WERE ASSAULTED.**

## COST OF LICENSING

PROSTITUTION LICENSING AUTHORITY Statement of Comprehensive Income for the year ended 30 June 2022				
	Notes	2022 \$	2021 \$	
<b>Income from Continuing Operations</b>				
<b>Revenue</b>				
User charges and fees	2(a)	917,774	885,338	
Grants and contributions	2(b)	748,000	725,000	
Interest		9,981	11,666	
<b>Total Income from Continuing Operations</b>		<b>1,675,755</b>	<b>1,622,004</b>	
<b>2. Revenue</b>				
<b>(a) User Charges and Fees</b>				
Licences and certificates are recognised as revenues when the applications have been approved by the Board of the PLA. Application fees, Annual Returns, fines and other user charges are recognised as revenues, in accordance to the Australian Accounting Standards, when receipts for the related services are issued.				
<b>User charges and fees</b>		<b>2022 \$</b>	<b>2021 \$</b>	
Fees for licences		656,287	650,877	
Fees for licence applications		150,220	145,650	
Fees for certificates		4,727	4,691	
Fees for certificate applications		84,888	81,465	
Other fees		21,652	2,655	
<b>Total</b>		<b>917,774</b>	<b>885,338</b>	

Licensing was originally intended to be cost-neutral, but the reality is that it is not self-sustaining, with **only 50% of the PLA's operating costs coming from licensing fees**. The remaining funds come from government grants, interest, and fines from sex workers and sex work businesses. The system has cost **more than \$20M** to regulate only 20 brothels. The licence to open a brothel can cost **up to \$70,000**, and subsequently, up to **\$67,000** annually.

PLA Annual Report 2021-2022, pp. 47-52

# QUEENSLAND IS LAGGING BEHIND

Queensland is the only jurisdiction to maintain a licensing framework. In 2022, the Victorian Government introduced the Sex Work Decriminalisation Bill, which fully repeals the licensing framework by December 2023, including approvals for brothel managers. Victoria did not maintain certification in any form as **'it would only serve to maintain the current licensing system'** and they consider certification to be **'fundamentally at odds with what the decriminalisation bill sought to do'**. They also noted that those operating without a licence, **'are breaking the law and therefore do not have access to basic rights and entitlements'**.\*

New South Wales has regulated the sex industry without licensing for almost three decades, and having considered licensing, they did not introduce it **'as it would be high cost and risk creating similar adverse outcomes to re-criminalisation'**.\*\*

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\* Victorian Government, *Decriminalising sex work in Victoria* [media release], 13 July 2022 ([tinyurl.com/4m35zp8r](https://tinyurl.com/4m35zp8r)).

\*\* Jo Halen MP, *Government sees sense: NSW continues to lead on regulation of sex work* [media release], 10 May 2016 ([tinyurl.com/u84pth42](https://tinyurl.com/u84pth42)).

"Sex worker safety is constructed individually through a matrix of experiences, choices and privileges, and the current system does not even really allow us to *\*make\** those choices. Choice enables me to accommodate life circumstances, like disability or chronic illness, care responsibilities, other employment responsibilities, etc. Choice also gives me a sense of self-determination, which is absolutely necessary for me to be well in sex work."



**THERE IS NO EVIDENCE TO SUGGEST THAT A SEX INDUSTRY LICENSING SYSTEM HAS ANY BENEFIT TO SEX WORKERS, GOVERNMENT OR TO THE WIDER COMMUNITY.**

# 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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