Submission on Sex Industry Regulation in NSW

September, 2010

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1. Introduction

This submission has been drafted and produced through a collaborative process with members of:

- *Scarlet Alliance, Australian Sex Workers Association,* the National Peak Sex Worker Organisation in Australia. The organisation was formed in 1989 and along with its membership has extensive experience in documenting the impacts of the different models of sex industry regulation and informing sex industry regulation development.
- *Nothing About Us Without Us*, a collection of individual sex workers and sex worker organisation representatives in NSW who developed a campaign in October 2009 to address emerging issues related to the NSW sex industry, including the lack of consultation by all levels of governments, with sex workers and peer sex worker organisations.

As part of the consultation on development of this submission sex workers in NSW (on the Nothing About Us Without Us E-list) and Management of SWOP NSW, Sex Workers Outreach Project, NSW were asked to provide input.

We wish to acknowledge the extensive amount of work by sex workers in NSW over many years in this area. This submission builds on this significant contribution toward improving policy development.

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2. Current Sex Industry law in NSW: regulated like other businesses

Decriminalisation is a model of regulation that at its essence recognises that Sex Industry businesses must be regulated like other businesses. Decriminalisation recognises that it is unnecessary to develop a set of additional laws to regulate the Sex Industry as existing regulatory approaches (local government, WorkCover etc) and existing laws (Criminal Code and Police Act) regulate a wide range of factors across society and all industries. This model removes barriers to effective HIV prevention and is in this way a best practice model to regulating the sex industry[1] Australia has been recognised internationally as a leader in this regard.

> *"I urge all countries to remove punitive laws, policies and practices that hamper the AIDS response… Successful AIDS responses do not punish people; they protect them…We must ensure that AIDS responses are based on evidence, not ideology, and reach those most in need and most affected." Ban Ki-moon, Secretary General United Nations, World AIDS Day, 2009*

In 2003 New Zealand also decriminalised the Sex Industry. The 2008 review, five years into the implementation of the laws, demonstrates valuable outcomes and importantly demonstrates perceived risks were unfounded.[2]

Decriminalisation has demonstrated strong benefits in NSW including:

High compliance – reduced barriers to compliance when businesses are treated without discrimination and the value of compliance strongly outweighs non compliance.

Increased transparency – as the model is a whole of Government approach to regulation. Councils regulate planning and zoning, WorkCover regulates O H & S[3], the Australian Taxation Office regulates taxation adherence, Police regulate only where a law may have been broken.

Strong public health outcomes – the state funded sex worker project has access to staff of businesses on outreach to deliver health promotion through peer education.

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[1] Commonwealth Government Department of Health and Ageing, Sixth National HIV Strategy 2010-2013, (P.39) 2010

[2] New Zealand Ministry of Justice. (Feb 03, 2010). Report of the Prostitution Law Review Committee on the Operation of the Prostitution Reform Act 2003. Retrieved Sep 14, 2010, from http://www.justice.govt.nz/policy-and-consultation/legislation/prostitution-law-review-committee/publications/plrc-report/report-of-the-prostitution-law-review-committee-on-the-operation-of-the-prostitution-reform-act-2003

[3] WorkCover NSW. (2001). Health and Safery Guidelines for Brothels. Retrieved Sep 14, 2010, from http://www.workcover.nsw.gov.au/formspublications/publications/Documents/brothels_health_safety_guidelines_English_0120.pdf

An approach documented within the National HIV[4] and STI[5] Strategies as contributing to low rates of HIV and STI's amongst sex workers and the effective implementation of safer sex practices by sex workers with their clients.

Inexpensive and sustainable – this model does not require additional laws or additional bureaucracies to regulate the sex industry instead it brings the industry within existing regulation. It does not require additional investment by Government and is therefore sustained through current expenditure.

Social Inclusion of sex workers – Health promotion, public health and human rights approaches recognise that social exclusion and marginalisation impact on an individual and communities ability to contribute positively to society. Sex workers are recognised as having rights (industrial, legal, health, civil and human) within a decriminalised regulatory model – contributing to increased social inclusion. This outcome must be supported by changes to anti-discrimination legislation to include coverage for sex workers (already in place in Queensland, Tasmania and the Australian Capital Territory) in order to show reach potential in this area.

[4] Commonwealth Government Department of Health and Ageing, Sixth National HIV Strategy 2010-2013, 2010. (Accessible at http://www.health.gov.au/internet/main/publishing.nsf/Content/ohp-national-strategies-2010-hiv/$File/hiv.pdf)

[5] Commonwealth Government Department of Health and Ageing, Second National STI Strategy 2010-2013, 2010. (Accessible at http://www.health.gov.au/internet/main/publishing.nsf/Content/ohp-national-strategies-2010-sti/$File/sti.pdf)

3. NSW continues to demonstrate effective outcomes:

Health of sex workers and public health outcomes – A recent three state study by the National Centre for Epidemiology & Clinical Research, Law and Sex worker Health (LASH), considered the rates of STIs amongst sex workers within three different models of Sex Industry regulation. The study found that sex workers working within the decriminalised sex industry of NSW demonstrated very good health outcomes without the expense and negative outcomes of a licensing model.

Council regulation – Sydney City Council, Marrickville, and Newcastle councils demonstrate that significant numbers of sex industry businesses can be regulated effectively when planning and zoning considerations permit various types and scales of sex service premises in their natural locations, e.g. commercial sex services premises in commercial and mixed use zones and home based services in residential zones.

The Sex Services Premises Planning Advisory Guidelines (SSPPG) state that: "*The most effective way for councils to reduce the number of illegal operators …within local council areas is to draft planning provisions that enable operators to conduct well-run premises within a reasonable choice of localities.*"[6]

A notable example of one Local Environment Plan (LEP) supporting the above planning principle was made by Armidale/Dumaresq Council in 2007, which also permits two workers to work in a home occupation as exempt and complying development. Another relevant example is the provision for commercial Sex Services Premises (SSP) in recent amendments to Wollongong Council planning controls. The draft Wollongong LEP 2009 includes specific controls for commercial SSP which identifies them as permissible development in the B2 Commercial Core, B3 Mixed Use City Edge, B6 Enterprise Corridor and IN2 Industrial zones where they meet specific controls.

Compliance is high – NSW when compared to any other states and territories in Australia has the highest level of compliance with regulation by sex industry businesses. An example for consideration is Queensland where 11 years of legalisation through licensing has only resulted in 25 regulated brothels across the state leaving the majority of the Industry operating outside of this regulatory framework.

[6] NSW Department of Planning Sex Services Premises Planning Advisory Panel. Sex Services Premises Planning Guidelines p.76: 2006. (Accessible at http://www.scarletalliance.org.au/library/ssppg_04):

4. Where improvements are needed

Sections two and three of this submission demonstrate that the NSW sex industry regulation model has resulted in strong outcomes for the general community (public health outcomes and neighbourhood amenity), sex workers (excellent sexual health, improved social inclusion) and government (cost effective and comparatively high compliance) and Appendix two outlines why a licensing model is not suited to New South Wales. This compelling evidence supports our belief that the regulatory model in NSW requires relatively minor changes but does not require a major overhaul. This is in line with the NSW Ministerial Task Force on Brothels Review report that found the 'objectives of the 1995 reforms are still relevant and appropriate, and the regulation of brothels through the planning system can be an effective means of control.'

Appendix One summarises key legislative changes to Sex Industry regulation in this state and supports our claim that any legislative changes should only be ones that support the reinstatement of the legislation to its original intention. Supporting the decriminalised model to reach its originally intended outcomes rests mainly on improving local government approaches to implementing the Act.

The NSW Brothels Taskforce Review also found that 'local councils need further support to optimise the potential of the planning system' and this support has been provided in the form of the Sex Services Premises Planning Guidelines. The update and promotion of this document will provide this necessary support.

This section identifies key areas which would contribute to and improve on the NSW decriminalisation model of Sex Industry regulation.

What needs to change

Commercial Sex Services Premises (SSP)

In relation to the commercial scale of SSP, current regulations have created an uneven multi-tiered system. This is comprised of:

(a) those who have been able to get development consent consistent with the historic location of SSP in mixed use and commercial zones - as was the intent of the 1995 reforms; or,

(b) those who have had no choice but to attempt to locate their businesses in industrial zones, (even then, many have been required to take the matter on appeal to the LEC following refusal at the local government level), or,

(c) unauthorised/'illegal' commercial SSP, including premises who have operated within mixed-use and commercial zones without amenity impacts for many years, and find they are unable to submit a DA as the use is not currently permissible in the zone they are located in. These businesses, due to limited suitable zoned and

available land, coupled with the perceived dangers of locating their business in industrial zones and the prohibitive cost of fit-out of former warehouse spaces; remain outside of the regulatory system.

In addition, councillor determination of development proposals for commercial SSP are rarely considered on their merits and emotion and moral argument is allowed to guide the decision making process.

Recommendation 1: In order to support and guide local councils to accommodate all scales and types of SSP, the Minister for Planning must clearly revoke the 1996 Ministerial directive that declared that local councils could now restrict brothels to industrial zones only.

Independent sex workers

Many independent home based sex workers are unable to benefit from the 1995 reforms as depending on their local government area, they may now find their business prohibited in mixed use and/or residential zones. Under the Standard LEP there is no provision for '*home business (sexual services)'* in residential zones; nor under the majority of current LEPs.

It should be noted that a significant number of independent sex workers operate lawfully, discreetly and most importantly – anonymously, as exempt and complying developments in various and diverse local government areas, e.g.: Sydney City, Canada Bay and Armidale/Dumaresq.

Recommendation 2: Remove discriminatory provisions against sex workers within the standard LEP. Amend the Dictionary definitions of '*home occupation*' and '*home business*' by deleting their reference to '*home occupation (sex services)*' and then delete the definition of '*home occupation (sex services)*'.

Council regulation

As the Ministerial Taskforce on Brothels noted, *"The* [1995] *reforms to the prostitution laws made brothels a legitimate land use. However, if planning regulation is too restrictive, it can be difficult for brothel operators to operate legally."* (Final Report, 2001, p. 9)

Yet since that time most local councils have continued to create overly-restrictive and prohibitive zoning controls and/or regularly refuse Development Applications from sex services premises - even if they have met the principle objectives and specific controls of planning instruments. Such decisions are often overturned in the Land and Environment Court (LEC), at significant cost to operators and ratepayers.

Recommendation 3: Revise and update the existing Sex Services Premises Planning Guidelines SSPPG as an ongoing resource for councils.

Recommendation 4: Promote the development and use of 'Factsheets' from the Guidelines to address and appropriately respond to community concerns and public perceptions of safety issues. Sample Factsheets are available in the SSPPG (Appendix E).

Recommendation 5: Appoint a sex industry liaison officer within the Department of Planning. This position would require a demonstrable understanding of the NSW sex industry and the intentions, principles and rationale of decriminalisation. Their role would be to assist Councils to abide by the Guiding Principles for sex industry planning identified in the SSPPG (p.3); which would be very timely during the current round of LEP reviews.

Recommendation 6: Support and fund the development of a half day education program at the next NSW Local Government Conference, to:

- inform councillors of the rationale behind decriminalisation;
- explain the legislative framework including the Standard LEP;
- explore the impact of planning on Occupational Health and Safety, competition, and economic outcomes for the sex industry;
- explore the reality of amenity issues;
- review councils' range of controls, remedies and powers; and
- review case law and costs relating to LEC cases.

Recommendation 7: Support research into actual amenity impacts of SSP since 1995. We believe this will identify adverse impacts to be negligible and consequent permissibility in a broad range of commercial and mixed use zones with home based sex worker businesses permissible in residential zones subject to merit and site based assessment becoming acceptable.

Anti-discrimination legislation

Queensland, Australian Capital Territory and Tasmania have Anti-discrimination laws which cover sex workers. The laws send a strong message to the community that discrimination against sex workers is illegal. The legislation contributes to a reduction in discrimination, provides an avenue to address discrimination and contributes to social inclusion and health and safety of sex workers.

Recommendation 8: Add new category to the *Anti-Discrimination Act (NSW)* to include protection on the basis of '*lawful sexual activity*', or '*occupation, vocation, calling or trade*'.

Advertising law

This law, whilst not implemented since the 1995 reforms, has the potential to be. If the law was implemented by police it would seriously impact on the appropriate operation of Sex Industry businesses and is out of step with the intention of decriminalisation.

Recommendation 9: Repeal the *Summary Offences Act (1988)*: Section 18. Deleting this un-used law, thus removing unnecessary discrimination, is consistent with the intentions of decriminalisation. Advertising publishers would still be able to exercise editorial control to ensure sex industry advertisements meet the publication's standards for content.

5. Evidence driven policy

Media fuelled understandings of the Sex Industry, how it operates, and its successes and failings are far from reality in Australia. However, the key issues which are generally considered when developing Sex Industry policy throughout Australia are more closely aligned with the media portrayal of the industry than those we would be considering if we were developing evidence driven policy in Australia.

We recognise that this may be contributed to by sex workers own desire to remain anonymous and protect their privacy and deter the unwanted impacts of discrimination, alongside clients preference for anonymity and discretion which is equally based on avoiding discrimination. The combined result is the lack of these voices in public debate. However, in this instance the Coalition has the opportunity to consider the views of sex workers and consider the evidence available in New South Wales.

In this section a small collection of issues raised in our previous meeting have been selected to be addressed in detail. However, this section has been purposefully kept brief and we would appreciate the opportunity to provide comment on other specific issues should they be considered.

Evidence demonstrates

The evidence in NSW demonstrates that: "*sex workers have taken up their responsibilities in relation to various requirements, including public health, taxation and managing amenity impacts.*

The public health record for NSW sex workers shows:

- *Low, virtually undetectable rates of HIV and STIs*
- *No recorded case of HIV transmission in a sex industry setting.*
- *Sex workers educate clients on condom use and sexual health practices*

Taxation compliance is increasing:

- *NSW sex workers pay GST and personal income taxes*

Planning and amenity impacts are successfully managed. There are low or no amenity impacts from sex services premises;

- *Few genuine amenity complaints*
- *Only one brothel operator ordered to cease operation due to amenity impacts in 13 years*
- *NO complaints relating to amenity impacts for home occupation premises*

Sex workers and sex industry businesses are bearing all of the responsibility, but none of the benefits of social inclusion, such as respect, and appropriate regulatory policies."[7]

[7] McMahon, M. 2008. The Good, the Bad and the Misunderstood, *Roundtable on Sex Industry Legislation - ACON and SWOP*.

Four common misconceptions for consideration

- ***Anti-clustering***

The Sex Services Premises Planning Guidelines cover this issue in some detail, as follows:

> *Despite gaining popularity in recent years, anti-clustering controls are not appropriate or necessary as a generic control for all councils. Few areas have a high concentration of sex industry premises and many councils receive few, if any, DAs for commercial sex services premises. It is inappropriate to apply an anti-clustering provision unless genuine impacts emerge from the clustering of commercial sex services premises. Furthermore, implementing these provisions concerns health agencies, which have observed its impact on the sex industry.*[8]

The SSPPG identified many disadvantages of anti-clustering controls, as follows:

- *well run, discreet commercial sex services premises do not necessarily need to be separated from other commercial sex services or sex industry uses*
- *numerical separation distances are somewhat arbitrary and may not relate to the impact of a use upon the surrounding area as the use may have more or less impact*
- *lacks flexibility and precludes a merit based approach. In particular, applying a separation distance between commercial sex services premises and between commercial sex services premises and another 'sex industry' premises such as an adult book shop can make it impossible for a commercial sex services premises to establish in otherwise suitable areas*
- *'like' uses cannot congregate, thereby minimising opportunities for them to have similar opening hours that support safety objectives by providing casual surveillance*
- *sex workers report that clustering creates a level of tolerance and understanding in the community in regard to accessing other local businesses such as pharmacies, doctors, and shops, and*
- *if it is believed that commercial sex services premises cause offence, clustering them in one area as a precinct with a known character or identity may be preferable to scattering them premises throughout an area. People can then choose to avoid these areas, whereas it may be harder for them to avoid these premises if they are scattered throughout an area.*

The SSPPG suggest that anti-clustering controls should only be considered in the following circumstances:

- *where problems or issues have emerged from the clustering of existing commercial sex services premises*

[8] NSW Department of Planning. 2006. Sex Services Premises Planning Advisory Panel. Sex Services Premises Planning Guidelines p.37. (Accessible at http://www.scarletalliance.org.au/library/ssppg_04)

- *where commercial sex services premises are beginning to cluster in one area located in close proximity to, and likely to impact negatively upon, the amenity of a nearby residential area or a high concentration of residential uses e.g. in a mixed use or CBD area, or*
- *where commercial sex services premises are proliferating in a locality and affecting the land use mix or economic base of an area.*

Anti-clustering provisions are not warranted in industrial areas since the impact of any commercial sex services use is usually minimal in these areas.[9]

Council staff have also admitted that anti-clustering clauses and mandatory separation distances from other land uses were policies just cut and pasted from other council LEPs and DCPs; with no research or analysis informing their decisions.[10]

In their final report to the Minister of Planning, the Sex Services Premises Planning Advisory Panel noted:

A strong incidence of councils preparing controls which are overly restrictive on sex services premises, again not particularly based on significant planning grounds, nor equitable in nature. Examples of this include requirements for development applications for home occupations where the home occupation involves sex work, prohibiting commercial sex services premises from some commercial zones, ***restricting locations of sex services premises through use of unjustified anti-clustering provisions, applying unjustifiable separation distances*** *and distances from public transport, etc. Restricting types of premises available for such activity reduces options for workers and also for their clients and increases underground activity with implications for adequate access to health services.*[11]

In 2006, after consultation with health services the City of Sydney amended their draft DCP anti-clustering provisions. Their original intention was to increase the separation distance from 75m to 100m. The health arguments convinced them to drop the increase in distance and instead they introduced a concept of "high impact" uses. City planner made the following comments:

The control has been amended to consider the potential impact of the premises through the introduction of the concept of "high impact" uses, being larger brothels (with three or more working rooms), strip club premises, restricted premises and sex on premises venues. The 75m control will apply only between premises which are defined as "high impact"... Exempting [other] such premises from the control may also reduce the occurrence of small premises operating without development consent. [12]

[9] NSW Department of Planning Sex Services Premises Planning Advisory Panel. Sex Services Premises Planning Guidelines p. 65-66: 2006. (Accessible at http://www.scarletalliance.org.au/library/ssppg_04).

[10] ibid p.75 footnote.

[11] Ibid, Confidential Report to Minister on The Sex Services Premises Planning Guidelines, p.6.

[12] City Of Sydney. 2006. Adult Entertainment And Sex Industry Premises Development Control Plan, p.5.

- ***Connection to organised crime***

In his definitive report on police corruption in Queensland Fitzgerald noted that, "*Restrictive laws which seek to prohibit behaviour for which there is a substantial demand and which is profitable, encourage the involvement of organised crime and corruption*[13].

In 2004 the British Home Office reported that in relation to the licensing of brothels in the Netherlands "*contrary to expectations, organised crime associated with prostitution had increased rather than decreased".*[14]

Under decriminalisation, when all scales and types of sex services premises are able to operate legitimately from their natural locations rather than underground, there is no impetus for gangs or organised crime to gain control over sex industry businesses.

> *"Scientific literature on the public health outcomes of prostitution indicates that the best results are achieved within a non-coercive environment in which sex workers have a large measure of control over their own work conditions and are not pressured by the demands of pimps, corrupt officials or heavy handed management..."*[15]
>
> *"It is also notable that pimping very rarely occurs within the Australian sex industry."*[16]

- ***Councils suspecting illegal activities or items on premises***

The NSW Police representative to the NSW Brothels Taskforce (December, 12, 2009) addressing ICAC recommendations was very clear when this point was raised. **Any council staff suspecting illegal activities or items on sex services premises should report them to the appropriate authority - the NSW Police**. That was the end of the conversation.

- ***Distance to licensed premises***

Sex services premises have co-existed in neighbourhoods including proximity to licensed premises without incident since licensed premises and sex services premises have existed. There is no evidence to suggest there is a case to regulate the distance between the two.

[13] Queensland 1989, *Commission of Inquiry into Possible Illegal Activities and Associated Police Misconduct*, Report of a Commission of Inquiry Pursuant to Orders in Council, (Fitzgerald Report), Government Printer, Brisbane, p.186

[14] British Home Office. July 2004. Paying the Price: a consultation paper on prostitution, , , p.85

[15] Chris Harcourt - Research Officer Sydney Sexual Health Centre & Deputy Mayor South Sydney Council. 1999. 'Whose Morality? Brothel Planning Policy in South Sydney', *Social Alternatives* Vol. 18 No. 2 July 1999;

[16] ibid

Appendix One - Summary background NSW regulation

- **1979** Summary Offences Act repealed, making sex industry businesses a legitimate land use in NSW, which could then be regulated in the same manner as any other land use under the Environmental Planning and Assessment Act (EP&A Act).
- **1995** amendments to the Summary Offences Act 1988 and the Crimes Act 1900 removing criminal penalties for owning and operating a brothel.
- **1995-1997** Royal Commission into the New South Wales Police Force -final report exposed high levels of corruption in relation to the operation of brothels.
- **1995** NSW Attorney General announced a reform of Sex Industry laws in NSW. The Royal Commission noted of this reform *"in permitting well-run brothels to operate, a potential opportunity for corrupt conduct on the part of police was closed off*".
- **1995** Local Government became the regulatory authority for zoning of Sex Industry businesses under a complaints based system of regulation, requiring "sufficient" complaints before acting to close any brothel.
- **1996** Minister for DUAP – Craig Knowles, unilaterally directs Councils they can exclusively restrict brothels to industrial zones
- **1998** Local Government Act amended, inadvertently permitting councils to demand brothels submit Development Applications or face closure order– no complaints required.
- **2000** - the NSW Attorney General (Minister for Urban Affairs and Planning) formed a *Ministerial Task Force on Brothels* made up of Cabinet Office, Attorney General's Department, Department of Local Government, Department of Urban Affairs and Planning, Ministry for Police, WorkCover NSW, NSW Health, NSW Police Service and the Local Government and Shires Associations of NSW to review the regulation of brothels by local councils and assess the success of occupational health and safety programs for sex workers, their clients and the public13.The report recognised the success of the regulatory approach. However, the report identified that local councils need further support to optimise the potential of the planning system in regulating 'brothels'. The Task Force made the following three key recommendations:
    - establish an advisory service to assist local councils in the planning and regulation of sex services premises ('brothels')
    - amend the *Disorderly Houses Act 1943* to clarify the existing law concerning the evidence needed to determine that a premises is operating as a sex services premises (brothel), and
    - continue occupational health and safety programs for sex workers.
- **2001** the Disorderly Houses Amendment (Brothels) Bill clarified the evidence needed to determine that a premises is operating as a brothel and permitted councils to use circumstantial evidence.
- **2002**, a Sex Services Premises Planning and Advisory Panel was established by the NSW Cabinet Office as an advisory service to assist local government by providing advice on policy or operational issues relating to sex services premises.
- **2004** - The Sex Services Premises Planning Guidelines were released providing detailed advice on policy and operational issues relating to sex services premises (http://www.scarletalliance.org.au/library/ssppg_04)
- **2007** – Laws introduced to increase councils power to close unregistered brothels. Amendments to the law reduced the impact on private sex workers.

Appendix Two: Why the QLD model will not work in NSW

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4th August, 2010

Scarlet Alliance does not support the Queensland model of Sex Industry regulation for implementation in NSW. This briefing provides the basis for our recommendation that this model should not be introduced in NSW and should not be considered as the basis for a NSW Brothel Policy.

The Queensland model:

- Is inherently expensive and requires long term commitment by government to resource the Licensing Authority. In 2002 approximately 80% of the Prostitution Licensing Authority (PLA) income were provided by Government grants. In 2006 approximately 45% of the Prostitution Licensing Authority was still carried by Government grants.
- Requires a high level administration and compliance function. This function is high as the model is complex and does not promote compliance.
- Promotes the development of a two tier sex industry; the legal sector or those that can comply and the illegal sector made up of the majority who are unable to meet the excessive conditions of compliance. By 2005 only 15 brothels had been approved.
- Requires a high level police involvement in regulation of the industry maximising corruption risk. Note: the NSW model of regulation was decriminalised in response to high levels of Police corruption and is recognised to have reduced corruption.
- Has required the development of a Police Prostitution Enforcement Taskforce (PET-F). In 2005, 74% of complaints received by the PLA were referred to PET-F for response. Scarlet Alliance has consistently received complaints from sex workers about police treatment.
- Does not support best practice occupational health and safety for sex workers (number of rooms, private workers unable to work in pairs, escort agencies illegal, street based sex work illegal etc.)
- Is extremely costly to the license applicant and creates extreme barriers to compliance. In 2001-2 the average time to process a brothel license application was 231 days. A study of why potential applicants did not apply for a license showed *because of the information required, privacy invasion* and *fees too expensive* as the top three reasons to not apply.
- Black banning of brothels by councils remains a barrier to sex industry businesses operating within the legal, licensed systems. Within two years of implementation 201 towns or areas were granted permission to refuse brothel development applications.

The issues represented here remain consistent barriers to the success of the Queensland licensing model of sex industry regulation even though the model has now been in place for ten years. In 2010, there are still only 25 legal brothels in Queensland leaving the majority of sex industry businesses operating illegally.