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**Sex, lies and red tape**  
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With state governments constantly reviewing prostitution laws, Leisa Scott considers the pros and cons of regulating brothels

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LET's take a journey with Joe Blow, a man with a hectic interstate itinerary, a strong sex drive -- and a headache. Navigating his way safely through Australia's prostitution laws is making him dizzy.

He's pretty safe in NSW, now that the police no longer crack down on the sex trade, but in South Australia, wherever he ends up -- and there's plenty of places -- Joe's breaking the law. The same goes when he's in Tasmania, but in Victoria the intrepid Joe will be all right as long as he sticks with the legal ones and not the illegal ones, which is roughly how it is in Western Australia.

Back in the ACT, the neon lights will guide him to the approved brothel suburbs and, provided he wears a condom, he'll be above board, whereas in the Northern Territory, Joe must steer clear of brothels and meet an escort girl.

When Joe gets to Queensland, he'll be breaking the law if he goes with an escort girl or a brothel girl, but he'll be fine with a solo operator at her home. That is until next year, when brothel girls will be okay, as long as the house is licensed. But no escorts.

Like him or loathe him, you can understand Joe's confusion. The past 10 years have seen a thorough overhaul of prostitution laws as a number of states have grappled with the issue. A softening of community attitudes has contributed, but the driving force has been politically damaging findings of the links between illegal prostitution, organised crime and police corruption. The resulting laws have been as varied as sexual preferences.

Now Queensland is having another go at its laws. Brought in by the Goss government in 1992 after the corruption-exposing Fitzgerald inquiry, the existing laws won few supporters, being blamed for the murders of at least three prostitutes, an increase in assaults and a failure to stamp out illegal brothels. Under the Goss laws, only solo prostitutes working from home are legal.

Moves to rejig the legislation were spearheaded by National Party stalwart Russell Cooper, but he encountered strong resistance from the then Coalition cabinet. The Beattie Labor Government took up the baton and the result is the Prostitution Bill 1999. But, again, not everyone's happy.

The sex industry, led by Self-Health for Queensland Workers in the Sex Industry, calls the laws draconian, costly and unworkable because of the number of hurdles they'll have to

jump. Police Minister Tom Barton proudly admits they are ``the strictest'' in Australia but believes they will also be ``the most effective''. Despite support for the bill from the peak local government body, a range of councils are adamant they won't have a bar of it.

In essence, the new bill allows for boutique brothels of a maximum of five rooms to be licensed to operate in industrial or commercial areas. Licence applications will only be considered after the prospective brothel owner has found premises and obtained local council approval -- at best a six-month project. Then, a Prostitution Licensing Authority -- made up of police, health experts and lawyers -- will decide on eligibility for a licence.

Based loosely on Victoria's laws, which came into effect in 1995, there are significant differences. In Victoria, the licence comes first, then the seeking of premises. That saves money, as do the licence costs. A five-room brothel in Victoria (the maximum is six, apart from a few big exceptions) costs \$1268 every year. In Queensland, the same number of rooms will cost \$11,000 to set up, \$5000 of which is annual.

Experience in running a Queensland brothel will not be a plus. Anyone ever convicted of operating an illegal brothel -- and it seems anyone whom the police know has run one but not been convicted -- will not get a licence. ``If they're prepared to break the law now, they may be prepared to bend the rules when they are running a legal brothel, so they'll find it difficult [to get a licence],'' says Barton's spokesman.

``Tough'' is the image the Government is trying to promote. In conservative Queensland, overhauling laws for such a controversial industry is politically risky. The Beattie Government repeatedly pushes the line that the probity checks will be the strictest in Australia, capable of keeping organised crime out of the industry better than any other state.

SQWISI president Jeff McLaren says the effect will be quite different. He says the huge set-up costs and restrictions will lead to a ``small legal industry operating against an established, larger illegal industry'' as the illegals find creative ways to bypass the laws. And that, he says, can only lead to a re-emergence of corruption. ``It mightn't happen for five years, but it will.''

That goes for the legal brothels as well, he says. McLaren asks what lessons have been learned from the Fitzgerald inquiry when police will have the power to enter brothels at any time as long as they have written permission from their inspector. If liquor or drugs are found on the premises, or more than five working girls at one time, they will be prosecuted and could be closed.

``If they want to close you down, what's to stop a supposed client coming on to premises and dropping a bottle or some marijuana in the corner, and 10 minutes later the police come in, `Hello, hello, what's this?' -- and you're closed?''

Barton's office says safeguards have been built into the system

to prevent that. First, there's the written permission. Second, police must report their visits to the PLA within a week. Third, there's the Criminal Justice Commission, a post-Fitzgerald watchdog that investigates allegations of corruption. And from an unexpected quarter, the Prostitutes Collective of Victoria -- which believes Queensland's extra burdens are ``ridiculous'' -- says corruption by their police force has not been an issue for the legal industry.

Nonetheless, Victoria has failed to beat the illegal industry. There are about 50 illegal brothels operating compared with more than 80 legals and 50-plus licensed escort agencies, according to a Queensland draft report. Consequently, Australia's sex-industry lobby groups prefer the ACT and NSW models. Since 1992, the nation's capital territory has not licensed brothels but registered them. Areas such as Fyshwick and Mitchell are set aside as prescribed locations, there is no direct involvement of police, and as a result, says Sue Metzenrath of the **Scarlet Alliance**, the co-operation between them is ``fantastic''. She admits the lack of a third tier of government in the ACT makes such a system difficult for the states.

Similar, though, is the NSW model introduced five years ago. Police have simply been removed from the equation, a step recommended by the Wood royal commission after it exposed the nexus between corrupt police and illegal brothels. Local councils approve and oversee brothels. As Maria McMahon of the NSW Sex Workers Outreach Project explains, running a brothel is no longer a criminal offence, so police have as much right to be there as they do at any other legitimate business.

McMahon says the big plus has been the increased safety of workers because they are no longer fearful of seeking help from police, who in the past ``would take graft from brothel managers for keeping quiet about certain practices''.

The biggest problem, she says, is the refusal of some councils to approve brothels on ``moralistic'' rather than town-planning grounds. Only 10 per cent of councils have accepted the legislation to the letter, with another 40 per cent doing so grudgingly, she says. The rest fight it bitterly.

NSW Urban Affairs Department executive director in charge Gary Fielding says, however, that council objections tend to diminish after a few heavy losses in court.

McMahon has serious doubts about the Queensland legislation. ``Of prime importance when creating a set of laws is thinking how they will play out in the long term. The more complicated it is, the less likely it is that people are going to comply.'' Such are the quandaries facing South Australia, Western Australia and Tasmania. All are in various stages of review. Within weeks, the South Australian Parliament will take the unusual step of holding a conscience vote on prostitution reform. Four bills -- ranging from keeping sex work illegal to making it lawful with some exceptions -- will be on the floor, allowing politicians to vote free of party ties. In Western

Australia, which has some legal brothels, a broader bill has been drafted and is due for cabinet soon. In Tasmania, a parliamentary committee is working on a draft to regulate the industry.

None of them will stamp out the illegal trade -- even in NSW, illegal brothels spring up when councils refuse permission. But the search goes on, as it has through the ages, to find a way to deal with prostitution.

The 90s, as people such as Joe Blow can attest, has seen the biggest push towards giving prostitution some form of legal nod. To quote Cooper, the trailblazing Queensland politician: ``We have an issue here we can deal with, never get it right, never be perfect, we are only human, but we can at least do a lot better than what we are [doing].