

**Submission to the Community Panel on Prostitution
by the West Australian Branch of the Australian Association of Social
Workers (Prepared by Greg Swensen May 1990)**

It has been observed that prostitution has operated in Australia since the earliest days of settlement: Daniels (1984), Perkins & Bennett (1985), Winter (1976). We support the objectives and reforms outlined in the discussion paper prepared for the Western Australian Women's Advisory Council to the Premier: Bryski (1988). Our submission extends the scope of debate about prostitution to include both male and female workers in the sex industry because if legislative reform was based on the proposition that prostitution was a consequence of unequal relationships between males and females it would avoid the issue of male prostitution.

If prostitution was to be legalized in Western Australia it would mean that government would regulate the activities of a considerable number of sex industry workers, most of whom would be females. Even though male prostitution may appear to be less frequent in this State, it may merely be 'invisible' because it has not been subject to nearly the same degree of control as applied to female prostitution in this State: Acott & Hewett (1987). Legalization would mean that there would be criteria needed to approve which classes of persons could and could not legally obtain income from prostitution. Though it is probable the majority of sex industry workers who already work in parlours would accept this form of regulation¹, given that they are already regulated by the police, there must be real concern about the class of workers who were considered as unsuitable to work in parlours.

The current containment policy in Western Australia creates two classes of sex industry workers, with the effect that workers who operate without police permission are likely to supply services that expose them to greater risk. These workers, who are mostly Aboriginal and non-Aboriginal women, operate on a number of beats around parks in the inner city, and are testimony to the failure of policy to confine prostitution. Workers who work outside the regulated establishments experience considerable risk through sexually transmitted diseases, including HIV infection, because of the difficulty in enforcing condom use. They also are exposed to violence from customers and potential customers due to the discreet location of some of the places they solicit custom, and from the locations and facilities they may use to supply services.

It has been the experience of social workers familiar with sex industry workers who operate outside of the police regulated establishments, that they often have difficulty in obtaining police approval because they are either too young², have a serious drug or alcohol problem, or have an infectious disease, such as a STD (Sexually Transmitted Disease), or infectious Hepatitis B, for instance.

¹ The current "containment policy" as conducted by the Western Australian Police which requires a female who wants to work at a parlour to be vetted by the police is unsatisfactory because not only is the woman is photographed and catalogued, she also becomes a "shadow criminal" because of the fact the police control her opportunity to earn income.

² The current containment policy stipulates that only women aged 21 and over may work in parlours. Women aged 18 and over can work in the escort sector of the sex industry: Guild (1989).

The relative advantages of either decriminalization or legalization of prostitution must be measured by the extent to which workers are prepared to take risks to work outside of it. The incentive to work outside the present system of police-regulated establishments exists because of the possibility of higher income, as the worker does not pay portion of her income to a madam. Another reason is the possibility of anonymity.

The current containment policy appears to operate on a fiction that a better quality service is possible because police are able to exclude undesirable persons from working in the industry: West Australian (1981). It is claimed by police, for instance, that they exclude sex industry workers who are drug users or have criminal convictions for offences other than prostitution: Weekend News (1981). In reality significant numbers of intravenous drug users (IVDUs) of heroin and other drugs, work in parlours. We ought to be very concerned if this class of sex industry workers were excluded by regulation from working in approved establishments, as they are at great risk of HIV infection through needle sharing as well as by unsafe sexual practices. The need of IVDU sex industry workers to obtain high levels of daily cash income means that they would work in the highest risk areas of prostitution if excluded from employment by regulation.

It is preferable for these workers to freely obtain any form of treatment **and** be able to continue employment in the sex industry. We are concerned the present inquiry may have the view put to it that IVDU sex industry workers should be excluded from employment, because they might tarnish a "clean" image that some operators in the sex industry would want us believe exists. A madam not approved by the police to operate in Perth and the subject of police attention from time to time claimed that

"... the brothels free from police harassment exploited their girls through long hours and poor conditions because they had a monopoly of a market that was bigger than the supply ... The existing places flourish, she said. They can open up new places, they can have druggies working for them and young girls and the police allow it." West Australian (1985).

Views expressed by some of the operators of parlours in Kalgoorlie, for instance, convey the impression that the authoritarian structure by which prostitution has been regulated in that place is beyond reproach: Edwards (1986). A number of articles in the popular press uncritically support the practice whereby madams in Kalgoorlie run their establishments in a matriarchal fashion in close cooperation with the police and local government to ensure that undesirable "girls" are excluded: Daily News (1984), Haselhurst (1984), Prior (1984). One madam was quoted in an interview as claiming her workers were required to conform to strict rules of conduct: "... no drugs, no four-letter words, no boyfriends, and (they) must dress decently." Daily News (1984)

This kind of image portrayed in the popular press implies that in Kalgoorlie everyone is a winner: the madams, the workers, the customers, and the city through its identity as a locality with a bit of respectable notoriety. In reality the circumstances under which sex industry workers are employed in Kalgoorlie is deplorable. The workers live the life of second class citizens and are segregated from the rest of the community and denied many of the rights accorded any other adult citizen. The "containment" policy that has operated in Kalgoorlie is an indictment of the capacity of a system of regulation to protect the interests of sex industry workers.

It has been noted that until relatively recently owners of massage parlours did not encourage condom use: Guild (1987). The advent of AIDS has belatedly forced a recognition of the risks faced by sex industry workers. Condom use by sex industry workers must have major long-term benefits for women who work in the industry to reduce the risk of contracting more insidious STDs such as chlamydia which have been the cause of much pelvic disease. It is a curious question as to why the containment policy did not stipulate condom use in all establishments tolerated by the police.

It is to be noted that while sex industry workers in Kalgoorlie are particularly discriminated against in their employment because a small number of madams have a monopoly over the manner and form in which services will be provided, in Perth workers are also exploited by the way in which the containment policy permits operators to put workers in an inferior position. Unwittingly or otherwise the containment policy seems to have lost sight of the objective of any policy of regulation, which is to ensure the most favourable conditions exist for workers in an occupation which is unpleasant, stressful, and often causes psychological and health risks.

Sex industry workers ought to enjoy the same workplace protections as any other worker in any other industry. In addition to appropriate amenities, workers also ought to be entitled to annual and sick leave and other forms of protection for work-related disability. The present method of regulation, the containment policy, imposes high costs in particular on female sex industry workers in that they face great risks if they live with a male partner because he could be charged with the offence of "living off the earnings." One effect of enforcement of this law is to isolate women and penalize them for maintaining stable domestic relationships. If they have children such enforcement may contribute to family breakdown and prevent children from growing up with the open presence of a mother and father figure.

Other matters of concern are the conditions of employment that parlour operators may impose upon their employees. Some parlours require employees to work very long shifts, require payment of bonds, and impose other incidental charges upon workers. Charges for condoms for instance could mean that at times workers will not use them. If regulation was to be instituted it is essential that operators be required to conform to minimum conditions of employment. It has to be noted that many parlours are fully enclosed premises without natural lighting or ventilation. Given the prevalence of cigarette smoking by sex industry workers, for instance, it is likely that many workers in the longer-term will experience health problems due to tobacco use. This practice stands in stark contrast to the practice now where many businesses now require smoke-free work environments.

It has been the experience of social workers who work with sex industry workers that significant numbers of them tend to be heavy users of alcohol. Indeed some forms of prostitution directly encourage the consumption of alcohol as part of the job. The effect of this is that sex industry workers may be exposed to high levels of alcohol use in conjunction with their occupation. Escort work for instance can entail the regular consumption of alcohol, and therefore it can be very difficult for workers to avoid dependency because it is consumed over the course of a working day.

It is our belief that decriminalization is a preferable policy for the reform of prostitution in this State. Decriminalization accepts the fact that work by men and women in the sex industry is a legitimate form of employment. The role of government we would submit, is principally to ensure workers are able to avoid known risks to their health and welfare through supervision of employers and places of work. It is reasonable for government to set a minimum age at which an individual can work in the sex industry. A minimum age of 18 is appropriate. It is unreasonable to stipulate other kinds of conditions of employment, eg prior criminal convictions, substance use, male partners, etc. Such conditions of employment don't apply to many other areas of work in service industries. The enforcement of these kinds of conditions means that the underground and higher risk areas of the sex industry will develop, ultimately defeating the objects of regulation.

There appears to be a degree of non-compliance with local government laws, and we believe parlours should maintain safe conditions, with suitable staff amenities, eg showers. Zoning requirements should not isolate parlours in industrial areas, which at night time can be dangerous and unattractive areas. The current locations of many parlours in Perth are preferable. A policy of creating a "red light district", as has happened in Kalgoorlie, produces unsatisfactory results, and maintains community attitudes that see prostitution as sordid and as responsible for attracting unsavoury elements.

Prostitution is not necessarily a pleasant occupation, and it would be desirable for appropriate support services to be provided to workers who are experiencing social and emotional difficulties, or wish to either exit from this area of employment and need re-training for alternative employment. A difficulty faced by longer-term sex industry workers is that they may be unable to obtain alternative employment because they don't possess suitable skills. Significant numbers of sex industry workers are often able to only find alternative employment of a semi-skilled nature in service industries, such as in hospitality industry. For female sex industry workers such employment is of a arduous nature, requires a limited use of intellectual abilities and may involve male clientele who treat women as unequals. Such conditions may differ little from their experience in the sex industry, the major difference being that the pay is significantly lower.

We whole-heartedly support the growth of organizations, such as SIERA, which are run by sex industry workers. If reform of the law on prostitution does occur in this State sex industry workers must be directly represented on any planning or regulatory bodies. We believe that the history of regulation in this State has poorly served the interests of sex industry workers, and that we are now a more mature society which is capable of accepting the existence of prostitution.

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Ms Beryl Grant, Chairperson
Community Panel On Prostitution
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Dear Ms Grant

I am pleased to submit to your inquiry a submission prepared by the Western Australian Branch of the Australian Association of Social Workers.

The object of our submission is to indicate that decriminalization is a preferred policy option. We believe that regulation does not produce benefits for prostitutes, rather it confirms their status as second class citizens.

I trust our submission will assist you in your deliberations

Maria Harries
President

30 May 1990