

Local Government's Role in Policing the Legal and Illegal Sex Industry

Local Government regulatory services in Victoria enforce a wide and diverse range of legislation, vegetation, animal management, rubbish bins etc, however, for most the association of their local Council in the enforcement or monitoring of any part of the sex industry within their municipality is not readily identifiable or comprehended. But, it is a fact. Primarily most punters see the sex industry as seedy criminal driven operations, whether legal or illegal and as such, see the main role in policing its activities would naturally be the Police. This is not necessarily the case.

By way of background, in the early 80's the government of the day allowed for legal brothels with a degree of regulation, The City of Yarra (amalgamation of Collingwood and Fitzroy in 1994) were inundated with planning permit applications for brothels, in all 16 permits were issued and established within the Municipality. These permits had the required restrictions regarding how many rooms could be used, how many persons on the premises at any one time, no alcohol, no under 18's and usually operating times. In 1994 with the introduction of the Prostitution Control Act, the planning requirements were shored up with more precision and it is now arguable if any of these premises would be able to get a permit for use as a brothel today. Yarra at present has one third of all legal brothels in Victoria within the Yarra Municipality.

Again by way of background the illegal brothel industry, operates in two ways and has done so for time immemorial, either by a planning permit for massage therapy or by conducting massage therapy without a planning permit. Those with a planning permit are bound by the conditions of the permit, whilst no regulation applies to those operating without a permit.

As can be seen the words Planning Permit are mentioned in each scenario and as such puts Local Government right in the mix. With the introduction of the Prostitution Control Act in 1994, the legislators endeavoured to administer legal prostitution and give scope and power to stopping illegal sexual service delivery through the provisions of proscription. Whereby in the event of evidence of illegal sexual deliver where no planning permit exists for the use an application can be made for a proscription, ie close the premises for a period of time, with no person allowed to enter, leave or remain on without lawful excuse.

The legislators again saw a role for Local Government in this area by specifically authorising Local Government, in both the planning and enforcement provisions, including giving authorised officers of Council the ability to enter a premises, without notice or warrant for the purpose of gathering evidence, conversely for the police to do the same they *must* have a warrant. A further anomaly is however that Council cannot charge operators with criminal offences as set out in the Act.

It is clear that Local Government does have a role to play in the policing of the sex industry, both illegal and legal and this needs to be recognised by Local Government as a whole and not just some Councils as is the case at present. The break up of the Victoria Police Vice Squad in 2000 severely hampered the relationship between Police and Council in this area and was the time that Police suddenly saw illegal brothels as low priority and a "Town Planning matter"

I of course can only speak on behalf of Yarra and what Yarra has achieved so far. Yarra is very pro-active with its responsibility in this area in trying to minimise the incidence of illegal sexual service provision and the adherence to planning permit conditions of the legal industry.

Yarra has in the past 18 months

- Closed 23 illegal brothels
- Visited 10 legal brothels
- Entered into an advertising moratorium with the local newspaper whereby massage therapy premises cannot advertise unless a planning permit is produced or a letter of authorisation is produced signed by myself.
- Formed a relationship with local police for attendance at suspect premises.

All the above help to minimise the incidence of illegal brothels and close them down, however what we are talking about today is not merely the closing of illegal premises or the routine check of a legal premise, it is the human face of those therein.

Enough about the background and how Local Government whether they like it or not are in the mix, I can speak of my experience in an inner city council, and what I have found when dealing with those involved directly in illegal and legal sexual service provision and of those who sit on the periphery of both as organisers, quasi partners in operations and financiers. However I will concentrate on the illegal operations.

It is notable that 21 of the illegal brothels that I have shut in the past two years were run, and staffed by the Asian community (generally Chinese). An anomaly I have researched with operators and some staff as to why this line of work generally; the most common answers given

- Premises are easy to find
- Overheads are next to nothing other than rent and normal bills, (staff only receive a percentage of money earned. No customers = no money)

- There is a claim that the service they offer is “soft sex” and is not “full sex” or what would go on in brothel. (ie No penetration)
- Can always find staff to work.
- It is very transient, once detected the occupier / lessee can flee with little ramifications

To paint a picture the premises used are often normal dwellings, there is generally a manager and only one girl working. It has come to light recently that agents when leasing properties for this purpose “massage” will ask for a double bond, to cover the fact the occupier may flee without trace when detected.

My experience with the women who work in this massage industry is extensive and often sad, as a rule of thumb the women are either University students or married women with children. The operators of these establishments in some cases are having a relationship with the worker or have advertised in Chinese papers for workers or the worker is organised by others in the industry known to the operator.

It is the case that a worker will work in a number of establishments over a period of a week, a day here or two days there, this again is not organised by the worker but by a third party.

My experience with these women is that

- When approached by authority they will not talk, generally the manager / minder will answer all questions. (Impossible to find out the circumstances of the worker and why she is doing the job, or if there is any coercion)
- They are scared.
- Their network is extensive, ie. They know a number of the women and bosses in the industry. (I believe this is intimidating for them as they would have no where to seek help when in trouble)
- They are more scared of the immigration people than Police or local Government officers.

In my experience I have spoken to women who are well qualified and they have spoken to me of how it has been impossible for them to find work in their chosen or any field, by way of example, One woman had a degree in economics and had worked for the bank of China, was made redundant or left for some reason but could not find work in any finance sector and ultimately gravitated to doing massage and providing sexual service in an illegal establishment. I sought help for her through Council services however she did not continue and I have no doubt she is in the same predicament today.

When a Council officer enters a venue of prostitution, there is no power to legally check the welfare, the health, the status or the identity of the women who are

working there, the legislation does not require the women to be licenced only the venue and the operator, there are no such regulations for illegal establishments.

If local Government is required to police the sex industry, then it should not just be “criminal” aspersions of the services or the fail to comply with conditions of a planning permit aspect, it must be global, it must identify those working there, it must check the welfare and status and give assistance to those who need it, to my mind this is a minimum a moral obligation. To look at the problem clinically does not alleviate the harm it causes to people, just moves it to someone else’s jurisdiction.

How do we then move this forward, What I do is at the coal face, I am in these establishments on a weekly basis, but my hands are tied or the communication lines are so crossed they are not existent. It is imperative that the players are identified they are as I see Immigration, State Police, Federal Police, Australian Tax office, Department of Health and Community Services, the Victorian Business Licencing Authority and of course Local Government.

Clear protocols at a *State level* are required for all policing bodies to be able to check at a minimum the status and welfare of workers in legal and illegal establishments, whether this is done by legislative change or by regulation I will be guided.

The State government first needs to be clear if it wants Local Government involved in the policing of the illegal and legal sex industry and if so it must as a matter of urgency ensure that the policing is done globally not ad hoc by only some Councils whilst others do nothing and let illegal establishments proliferate.

- Legislate to co-ordinate reporting and access to data from all policing bodies
- Make clear legislation regarding Policing and the ability of investigating officers to obtain bona fide documents from operators or workers.
- Provide a referral service for women found working in these establishments.

The problem is real and needs to be resolved

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