



## Resourcing Health & Education in the Sex Industry

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30 October 2008

Dear Minister

### **Re: Amendments to the Prostitution Control Act (PCA) 1994**

We refer to our letter of 27 November 2007, in which we introduced our service and requested to be considered when a review occurred. We are disappointed that we have not been approached concerning the ongoing amendments.

*Resourcing health and Education in the sex industry (RhED) is a program of the Inner South Community Health Services (ISCHS). RhED is a statewide health, education and support service for the sex industry. RhED is the state government funded service working with the regulated sex industry across Victoria.*

*RhED have the experience, relationships and expertise to make informed comment on a proposed review of The Prostitution Control Act and would very much like to be considered when a review occurs.*

*RhED operates from a harm minimisation approach providing information about safer sex, sexual health and work practice. The focus is on providing relevant health education, support and advocacy to people in the sex industry. RhED continues to support the Inter-departmental committee's work on improving communications between relevant regulatory departments and agencies in relation to the sex industry.*

RhED has been informed by reading Melbourne newspapers and the Hansard about the amendments to the Prostitution Control Act 1994.

**With regard to the amendments, RhED would be grateful if the Minister could respond to the following:**

#### **The Memorandum of Understanding**

When is it proposed that the Memorandum of Understanding will be completed? It would be helpful if RhED were informed as to the role of each party in the Memorandum of Understanding so as to inform our constituents, the people who work in the sex industry.

#### **Compliance**

This legislation is onerous on prostitution service providers who are consistently compliant. It is hoped that these additional legislative conditions do not cause more people to move into the illegal sector because of the degree of effort required to comply.

Given that the penalties for compliance have increased and are severe, is there going to be any education strategy provided to prostitution service providers?

Is there going to be an amnesty period before the penalties are enforced?



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### **Definition of Associate**

When broadening the definition of an associate, what considerations are going to be made regarding the veracity of such links that "other relatives beyond domestic partners and spouses" may have with licensees? At what point does guilt become the responsibility of the licensee rather than their associates, and how would such a determination be made?

The requirement that a licensee exercise effective control over their business can be seen as particularly invasive regarding individual business practises. Furthermore, the penalty of licence cancellation for non-compliance with this requirement seems quite punitive. What are the grounds for these requirements? If the justification for such a requirement is that approved managers do not meet such stringent criteria as licensees the actual role of an approved manager, as well as their requirement to be licensed, surely must be reviewed – is this going to occur?

What is the Prostitution Control Fund, and for what purpose are its monies used?

### **Tackling Illegal Brothels**

It is hoped that where circumstantial evidence is being used to prosecute establishments that are alleged to be practising as illegal brothels, current standards relating to common law and the admissibility of evidence be followed - how will it be proved that due process is followed?

### **Ongoing Amendments proposed 2009**

We welcome amendments to the PCA and particularly that all interested parties are being consulted in the process. We look forward to the amendments proposed for 2009 particularly relating to the language of sex work vs prostitution; advertising for ancillary staff; a review of Section 23A as it can be argued that to send people to home addresses to do their work is an OHS issue; STI testing regimes (the current monthly testing regime and the questionable public health benefits of this).

We will enthusiastically contribute to the discussion and the evidence required to further progress the development and advancement of this important legislation.

We look forward to contributing to a review of the Prostitution Control Act and continuing to improve legislation for the benefit of the people who work in the sex industry and the broader community.

RHED looks forward to your response to these queries. If you require further information or clarification of any of the above, please do not hesitate to contact us.

Yours sincerely,



Sandra Gibson  
Acting Co-ordinator  
RhED Program