

LEGISLATIVE COUNCIL

SELECT COMMITTEE ON STATUTES AMENDMENT (REPEAL OF SEX WORK OFFENCES) BILL

Plaza Room, Parliament House, Adelaide

Thursday, 5 August 2021 at 2:20pm

BY AUTHORITY OF THE LEGISLATIVE COUNCIL

WITNESSES

BROHIER, CHRISTOPHER, Director, Australian Christian Lobby	43
FRANCIS, WENDY, Women's Advocate, Australian Christian Lobby	43
PHILLIPS, ROSLYN	53
VICE, ASHLYN	59

MEMBERS:

Hon. T.A. Franks MLC (Chairperson)
Hon. N.J. Centofanti MLC
Hon. I. Pnevmatikos MLC (via videoconferencing)
Hon. D.W. Ridgway MLC
Hon. C.M. Scriven

WITNESSES:

BROHIER, CHRISTOPHER, Director, Australian Christian Lobby
FRANCIS, WENDY, Women's Advocate, Australian Christian Lobby

[Via videoconferencing]

215 The CHAIRPERSON: Welcome to the meeting. The Legislative Council has given the authority for this committee to hold public meetings. However, due to the current situation concerning COVID-19, the committee has resolved to exclude strangers from the gallery. A transcript of your evidence today will be forwarded to you for your examination for any clerical corrections. I advise that your evidence today is being broadcast via the Parliament of South Australia website.

Should you wish at any time to present confidential evidence to the committee, please indicate and the committee will consider your request. Parliamentary privilege is accorded to all evidence presented to a select committee; however, witnesses should be aware that privilege does not extend to statements made outside of this meeting. All persons, including members of the media, are reminded that the same rules apply as in the reporting of parliament.

We would like to acknowledge that the land we meet on today is the traditional lands for the Kaurna people and that we respect their spiritual relationship with their country. We also acknowledge the Kaurna people as the traditional custodians of the Adelaide region and that their cultural and heritage beliefs are still as important to the living Kaurna people today.

My name is Tammy Franks and I am the Chair of this select committee inquiring into the Statutes Amendment (Repeal of Sex Work Offences) Bill 2020. To my right in the room is the Hon. Nicola Centofanti, to my left is the Hon. Clare Scriven and joining us remotely is the Hon. Irene Pnevmatikos. If you would like to introduce yourselves and outline your organisation's position and roles and make any opening statements, after that we will move into questions.

Mr BROHIER: My name is Frederick Christopher Brohier. I am the South Australian Director of the Australian Christian Lobby, and I appear with the Political Director of the Australian Christian Lobby, Ms Wendy Francis. I will make a brief statement and so will Wendy.

This bill repeals all provisions in relation to prostitution in South Australia, save for the laws in relation to use of children in part 3, division 12 of the Criminal Law Consolidation Act. The bill in fact repeals 13 provisions of the CLCA and the Summary Offences Act. Ten of those relate to the keeping of brothels, living off the earnings of prostitutes, procurement and the like. In our submission, this bill should be more appropriately titled the 'facilitation of pimps' or the 'pimps' protection act'. It does little, we say, for prostituted men or women.

The most significant submission to this inquiry is submission 92, that of Dame Diana Johnson. She submits as the Chair of the UK All-Party Parliamentary Group on Commercial Sexual Exploitation. It is the most recent and the most authoritative inquiry into this issue, and it concludes that full decriminalisation not only fails to reduce harm but magnifies it. In our submission, that submission and also submission 62 of Associate Professor Joanna Howe should carry great weight with this committee.

The submissions to the committee reveal the broad-based opposition to this bill. There were 548 submissions, 447 against the bill and 61 for it. The opposition is clearly broad based; it is not just the usual suspects like us and FamilyVoice. Submission 20, the Equality Model Information Centre; submission 27, CATWA; submission 4, Caroline Norma, a feminist academic; I mentioned submission 62; CollectiveShout; and submission 72, the Feminist Legal Clinic, are all arrayed against this bill.

I will give a brief, broad observation about the submissions. Those that are for the bill take a utopian view of the future. They say, 'Things need to change and if we do this it will be better,' but they pay little or indeed no analysis to what has actually happened in places like New Zealand, Germany and New South Wales. Those that are against the bill have looked at what has happened in New Zealand, looked at what has happened in Germany and New South Wales, and therefore are driven to a conclusion, as should this committee, that this bill should be opposed.

The proponent in the bill in the second reading speech put this question: does this state intend to continue to punish people who choose to engage in adult consensual sex to pay for bills, to put their kids through schools, etc., and deny autonomy, agency and free choice? The proponent posits a moral question. Firstly, there is a wrong understanding in that question because the current law doesn't prohibit adults having consensual sex for money. What it does do is criminalise things like soliciting, running a brothel, profiteering, procuring.

Secondly, it supports a society, we say, that offers to women this as the only choice. Some of the submissions reflect this sadness, that this is a choice made where there is no choice, particularly in submission 67, which speaks of a person who is homeless, disabled, and that this was the only way out of poverty. That is a poor situation in our society.

The proper question that this committee should consider is this: does this parliament and this committee and this society intend to encourage and facilitate those who would procure poor, vulnerable, often Asian women to have repeated sexual use by men, who have no care for them, and provide no support for them to exit the industry. That is the question this committee should consider. The answer to that question must be no.

Mrs FRANCIS: Along with my colleague, I appreciate this opportunity; thank you so much. As over 90 per cent of prostitutes are female and between 98 and 99 per cent of sex buyers are men, I am going to refer to people involved in prostitution as women, but I would like my comments to be also understood to include men and those who identify as transgender.

This bill is poorly conceived. It relies on weak research, it is outdated and it is ignoring global best practice. All robust evidence leads to an understanding that full decriminalisation of prostitution does not reduce harm. Instead, jurisdictions that have decriminalised commercial sex experience a surge in human trafficking, pimping and other related crimes.

In New Zealand, for instance, the majority of prostitute people report the decriminalisation has failed to curb the violence and abuse they experience and which they say is inherent in prostitution. The New South Wales parliamentary committee on the regulation of brothels received evidence of significant criminal involvement in the sex services industry. Around 40 New South Wales brothels recorded connections to outlaw motorcycle gangs as well as numerous reports of links to Asian organised crime.

The head of the New South Wales police sex crime squad warned that exploited overseas workers were slipping through the cracks because there was now no way to identify or stop underground brothels. New South Wales councils are powerless to prevent illegal parlours opening anywhere, including alongside schools, learning centres and within residential buildings. They find themselves dedicating more and more resources in an effort to curb the spread of illegal operators.

A New South Wales former Deputy Commissioner of Police also reported on the use of illegal workers and extortion by organised crime and outlaw motorcycle gangs. He told of Asian sex workers on student and tourist visas being drawn into a life of virtual slavery. He talked of forced illicit drug use. Police Superintendent Howlett said women continue to suffer off the grid in underground parlours.

Under decriminalisation, demand increases and so does trafficking, which makes it incredibly hard to fathom that this bill fails to even include the provision of exit strategies. The major

reasons that primarily women, but also men, turn to prostitution is a story of poverty, financial disadvantage, isolation and homelessness. It is most often the last resort. Over 80 per cent of sex workers indicate that they would like to leave the industry. If women really do choose prostitution, as the pro-prostitution lobby claims, why is it mostly disadvantaged and marginalised women who do? An evaluation of decriminalisation in New Zealand showed that 73 per cent of prostituted individuals needed money to pay for household expenses and about half of those who were street based or transgender have no other source of income.

Supporters of prostitution as legitimate work argue that it is no different to the sale of other commodities, but women are not commodities. Prostitution is a form of gendered violence. It is inherently exploitative and our governments have a duty to prevent exploitation, not to encourage it. Thank you.

216 The CHAIRPERSON: Thank you. Do members of the committee have questions?

217 The Hon. N.J. CENTOFANTI: Can I ask what your opinion is on street prostitution. If this bill is successfully passed through the Parliament, prostitution will be legal. And what are your views on the likely impact of an increase in street prostitution?

Mrs FRANCIS: In every other jurisdiction when it has been decriminalised, street prostitution has risen. That is particularly shown in New Zealand. I think what is shocking to me about this bill is that we will have soliciting in a public place. It will not be illegal for anybody to approach any woman or girl—again, I use that term in a global sense—to solicit them even in a public space. The objectification of women in this instance is just horrendous because, in this bill, every woman is potentially somebody who they can approach. Street prostitution will definitely increase.

218 The CHAIRPERSON: In terms of your reference for the increase in street sex work in New Zealand, could you please provide that reference to the committee?

Mrs FRANCIS: Certainly.

219 The Hon. C.M. SCRIVEN: Sorry, isn't the reference that the Hon. Ms Franks is referring to already in the submission here? It is page 118.

220 The CHAIRPERSON: The research that I have read—and I have been over to New Zealand—showed that street sex work decreased under decriminalisation, except for the occurrence of the earthquake. I am just wondering which research you are relying on for the evaluation that street work has increased in New Zealand.

Mr BROHIER: It's paragraph 39 of our submission, Chair, at page 7. There are four dot points and there are a number of footnotes, which give the references. That's the authority for that proposition. If I could just chime in as well on the question by the Hon. Nicola Centofanti, in submission 28—that is the submission of Roslyn Phillips—she sets out SA Police concerns at page 10 and following. Part of that is the problems at page 16. Acting Commissioner Venditto told the select committee on the last occasion this:

If you are talking about a street walker soliciting from a public place...it will open up official and non-official enclaves of where the clients will know to go...

For instance, a particular corner of the bridge at Adelaide Oval could be a period when, after games, they will solicit from there, but the mums and daughters who are there legitimately won't know that, and it opens them up to being accosted or approached.

And it then talks about toilet blocks and that comes with we have to start closing toilet blocks, to the detriment of people like night workers. Then he says this:

It creates an open environment for the client to make an approach and use it as an excuse if they go to a non-prostitute and accost them or speak to them to say, 'Well, I thought she was.'

That's a relevant answer to your question, respectfully.

Mrs FRANCIS: Can I also add: I know Wikipedia might be something that people do not necessarily go to, but I just googled it while I am on the teleconference. Wikipedia says:

Since decriminalisation, street prostitution has spiralled out of control, especially in New Zealand's largest city, Auckland. A 200-400% increase...

So it's not something that we've just snatched out of the air.

221 The CHAIRPERSON: Could you provide me with what Farley 2003a is then, because that is the reference that you've got here? There is no title for that document.

Mr BROHIER: Yes, Chair. If you go through our submission, the Farley paper has been referred to earlier in our submission.

222 The CHAIRPERSON: What is it? What is the reference? I am happy to take that on notice. Also then, you have referred me to that particular paragraph and that is the paragraph that quotes one person. So I am just interested in where the source data is on this one.

Mr BROHIER: Yes, it's in our submission and I will give you the footnote. But it is in one of the earlier footnotes to our submission. It is also referred to in the report of the all-party committee.

223 The Hon. C.M. SCRIVEN: Could I just ask if I could do a follow-up question on the topic that we were discussing there? In terms of women and girls being approached, are you aware of, in any of the decriminalised jurisdictions, where women or girls have been able to raise objections to that and have any kind of redress, or is it that decriminalisation removes that possibility altogether?

Mr BROHIER: This bill would remove any significant ability of a woman to complain. I suppose you could have some of the offences under the Summary Offences Act like disorderly behaviour or something, or indecent conduct. But this was addressed by the police commissioner in that evidence given in the last select committee when he said that a lawyer would be able to say, 'Well, I thought she was,' and would have therefore set up a defence of a reasonable excuse.

224 The Hon. C.M. SCRIVEN: Thank you, because if prostitution is treated simply as a purchase of a service, it's hard to imagine how someone could object to being asked for a service under a decriminalised model that's in this bill. Thank you, you have just confirmed that for me.

225 The CHAIRPERSON: Thank you. I have a supplementary on that. The way I am hearing what you are saying today is that the soliciting criminal provisions that we currently have are provisions that stop somebody asking somebody if they are prepared to pay them for sex, rather than stop somebody offering their sexual services on a commercial basis; is that your understanding?

Mr BROHIER: No, the soliciting provisions stop someone—well, it actually does both because if you look at the soliciting and procuring provision in section 25 of the Summary Offences Act, section 25(a) says:

A person who—

(a) in a public place, or within the view or hearing of any person...accosts or solicits a person for the purpose of prostitution—

So it does both, Chair.

226 The CHAIRPERSON: Are you sure about that, Mr Brohier?

Mr BROHIER: I am reading the section—section 25.

227 The CHAIRPERSON: How many times has the charge ever been employed for somebody who has asked another person for sexual services, as opposed to somebody who has offered another person their sexual services?

Mr BROHIER: I have no idea, Chair, but respectfully that wasn't your question.

228 The CHAIRPERSON: No—it actually was my question.

Mr BROHIER: Your question was—just let me finish—what does the section provide, and I am reading to you the section.

229 The CHAIRPERSON: But I have asked you—

Mr BROHIER: It says 'in a public place, or within the view'—

230 The CHAIRPERSON: —how many times that provision has been used in the way that you say it would currently provide protections? I am really interested in this, and we actually did cover this in the previous select committee, because my understanding at the moment is that it's not

a crime for somebody to come up to a person and ask them if they would be prepared to be paid for sex but it is a crime for somebody who wishes to offer that service to offer the service.

If you have any evidence that it has ever been used for the buyer of sex to criminalise them rather than the seller of sex to criminalise them, I am very interested in that. I believe you are proponents of the Nordic model and, in fact, that would be a Nordic model approach to criminalisation here, rather than criminalising the person who is the sex worker, which is certainly the way these laws seem to me to work. If you've got evidence to the contrary, I would be very interested to see it.

Mr BROHIER: The issue for you, respectfully, Chair—

231 The Hon. C.M. SCRIVEN: Excuse me, Mr Brohier. Madam Chair, I appreciate the technology isn't—

232 The CHAIR: I think the witness is attempting to answer my question, though.

233 The Hon. C.M. SCRIVEN: Yes, I appreciate that. I appreciate, also, that the technology might be interfering with us. I think initially the witness was trying to read out the section and I didn't hear all of that. So perhaps we could ask the witness to read out the relevant section that he's referring to first without interruption, and then he could go on to answer your question after that, if everyone is happy with that? So, Mr Brohier, could you re-read that section?

234 The CHAIRPERSON: The witness asked me to stop talking before, so perhaps he didn't hear. Mr Brohier, would you like to read out again and start again with the section that you have referred to, and then if you could respond to both my questions and give any clarification to the Hon. Clare Scriven that she might require?

Mr BROHIER: Certainly. Section 25 of the Summary Offences Act 1953 provides as follows, and I quote:

A person who—

(a) in a public place, or within the view or hearing of any person in a public place, accosts or solicits a person for the purpose of prostitution; or

(b) loiters in a public place for the purpose of prostitution,

is guilty of an offence.

Maximum penalty: \$750.

Reading from the *Shorter Oxford Dictionary on Historical Principles*, 'accost' means, 'To lie alongside, to draw near, to approach for any purpose, to face, to address.' So in answer to your question, Chair, I haven't researched this issue, so I can't give you any references at the moment, but I'm certainly happy to take that on notice.

235 The CHAIRPERSON: Thank you.

236 The Hon. C.M. SCRIVEN: A supplementary: if I can just clarify your answer there, Mr Brohier. You are saying you haven't researched how many times such a provision may have been used to attempt to prosecute someone who is approaching women or girls for sex; is that the correct understanding of what you said there?

Mr BROHIER: Yes—how many times it has been used on the basis of the word 'accosting'. On the interpretation, I think that is reasonably open.

237 The Hon. C.M. SCRIVEN: Thank you.

238 The CHAIRPERSON: Any further questions?

Mrs FRANCIS: I would just like to comment on it, too, to say that the law has a normative function. So the fact that that is in the law, I don't think we would expect to have a whole lot of offences happening because the law actually is there to have a normative function, and that's what it does. To remove that means that we would have to start telling girls that they better not dress like prostitutes; so we are telling them to not wear short skirts in public, which would be really offensive.

239 The Hon. N.J. CENTOFANTI: The arguments put forward in favour of decriminalisation are that abuses will be less likely because sex workers will be able to go to the police more easily. What are your comments on that argument?

Mrs FRANCIS: It's not borne out in the research and it's not borne out in the statistics. You just have to look at New South Wales, New Zealand or Germany and it's just not borne out. Certainly in the Nordic model that we do support, all the statistics of the many countries now—and I could list them but I think you have all heard them—who have adopted this progressive form of prostitution legislation, what they find is that there is an open door to the police for the girls who are caught up in the sex trade.

Mr BROHIER: I think something else needs to be said. There is a narrative that's in some of the submissions of people, being afraid of the police, etc., but as Dennis Hood pointed out and it is noted in submission 28 of Ms Phillips' submission, there was an instance a few years ago of some people being assaulted in a brothel and the women went to the police and they were not prosecuted, and the people who conducted the offence were prosecuted. SAPOL makes it clear that they would treat any offence properly. In my submission, SAPOL deals with these things very professionally.

240 The Hon. C.M. SCRIVEN: I have a supplementary question in a similar vein. On page 5 of your submission you refer to the fact that Germany's prostitution laws were supposed to provide welfare protection for sex workers, but instead there has been an increase in the use of drugs, violence and intimidation. The reference there is the head of the German police stating that the brothels are run by pimps or criminal gangs and almost always have close ties to organised crime. I just wonder whether you want to expand on the organised crime aspect in those regions that have changed their laws in the sorts of ways we are discussing here.

Mr BROHIER: Probably the best place to look at it is in the report of Dame Diana Johnson. Paragraph 2.2 and following has a statement on this. Paragraph 2.6 deals with Germany. It starts with this:

The legalisation of the prostitution trade in Germany led to a rise in 'mega brothels'...In 2019, the owner of the high-profile chain of mega-brothels—including Stuttgart Paradise—was imprisoned for aiding and abetting trafficking. As the *Guardian* newspaper reports: 'The jewel in the crown was the Stuttgart Paradise...The Paradise business model is the same as hundreds of other 'sauna clubs'...Yet Rudloff's high-volume, low-cost model only works if the supply of women is enough to satisfy demand...According to court documents, this became a problem for Paradise almost immediately. There weren't enough women to fill the clubs. So Rudloff's friends...offered to help him out...In a trial lasting almost a year, testimony from the jailed pimps revealed that trafficking was crucial to [Rudloff's business model].

This is the logic of it, respectfully. You decriminalise prostitution, you introduce the profit motive into the operation and control of prostituted people and brothels. The profit motive drives entrepreneurs to increase business. If business increases you have to have a supply, and in places like Germany the supplies come from poorer countries like Romania, and here in Australia the supplies are coming from Asian countries like China, Thailand—as the New South Wales report said—and other Asian countries. So this is where it will happen that trafficking will pull in women—poorly educated, unable to speak English—to service white Australian men. That is objectionable and it should not be allowed.

Mrs FRANCIS: You shouldn't just take our word for it because, if you are hesitant to do that, we've got the head of New South Wales Police sex crimes squad saying it; we've got the New South Wales former deputy commissioner of police, Nick, saying it; we've got Police Superintendent Howlett saying it. These are people who are saying it in New South Wales. It's very close to home and surely these are people we should listen to.

241 The CHAIRPERSON: Can you explain then why the Berejiklian government continues with the decriminalisation model and that the Northern Territory government has recently introduced one?

Mrs FRANCIS: No, I can't actually. I am in the Northern Territory at the moment and I can tell you that the First Nations people up here are suffering badly under what has been brought in. I can't explain that, no. I certainly can't get into people's minds, but I have it written here what the New South Wales police sex crimes squad are saying, what the New South Wales former deputy commissioner of police is saying and what Police Superintendent Howlett is saying.

Mr BROHIER: If I could just add to that, to give some other evidence, I have just had a quick look at some of the reported cases about slavery and I have found seven. They are all from New South Wales, Queensland or Victoria where there is either a partial decriminalisation or a decriminalised regime. I can give you the references. We actually have now recorded convictions for slavery cases in Australia. It's not a make up.

242 The CHAIRPERSON: Do you acknowledge that this bill doesn't actually change the laws—largely federal laws—around sexual servitude, trafficking and slavery?

Mr BROHIER: No, but it makes the convictions of them much harder to obtain, because you are taking away the power of police to go in and look at a brothel by repealing section 32. The police commissioner said on the last occasion that it's a very important section. If you take that away then you take away a tremendous right of police to make investigations.

243 The CHAIRPERSON: The police are still able to get a warrant if they believe that there is sexual servitude, slavery or trafficking, however.

Mr BROHIER: Yes, but that's not the real world, respectfully, Chair.

244 The CHAIRPERSON: It's not a real warrant?

Mr BROHIER: You are taking away an important evidence-finding proposition. Police have to have some reasonable suspicion to obtain a warrant. This section gives them the power to go in and investigate if they hear something that's less than a warrant but it's a real issue for them to investigate, and there is no reason to take that section away.

245 The Hon. C.M. SCRIVEN: I am not quite sure if we heard Mr Brohier. Chair, you queried, 'That's not a real worry.' I wasn't sure if that's what Mr Brohier said.

246 The CHAIRPERSON: 'Warrant' is what he said. He said, 'That's not a real warrant.'

247 The Hon. C.M. SCRIVEN: 'That wasn't a real warrant' or a 'real world'?

Mr BROHIER: 'Real world' was my submission.

248 The Hon. C.M. SCRIVEN: World—w-o-r-l-d?

Mr BROHIER: Yes, real world.

249 The Hon. I. PNEVMATIKOS: I don't understand and certainly I would appreciate some clarification. We have trafficking, sexual servitude and slavery-like practices that are occurring across the country in Australia. They're occurring in South Australia. We don't have a decriminalised model here. I don't understand what the connection is between the two because we do have those practices happening in this state at this point in time, and we have heard evidence on those issues.

Mr BROHIER: Respectfully, it's quite simple. If you decriminalise prostitution you increase demand and therefore the operators of premises or brothels need to find women—mostly women, although obviously there are men and transgender people. They will have to come from somewhere. They are likely to come from Asia and they are likely to be trafficked in. The evidence, in one of the cases that went to the High Court, *R v Tang* (2008 HCA 39), is that women were being brought in and being made to sign contracts and told, 'You have a large debt of \$40,000 or something and you have to pay it off at \$50 a client.' That takes them forever and ever to do, so they're indentured labour.

250 The Hon. I. PNEVMATIKOS: Sorry, I appreciate that issue. I understand the issue. What I am saying is: how do you draw the connection between current practices that exist in this state in terms of servitude, in terms of slavery-like practices, where we have a criminalised model? I don't see the parallels.

Mr BROHIER: Because you are making it easier for people to be trafficked. You can see that if you look at *Tang*, which was a New South Wales case, *Kam Tin Ho* (2008 VSCA) was a Victorian case and *McIvor v The Queen* is a New South Wales case. You are making it easier for the traffickers. That must be a clear conclusion. If you look at Dame Diana Johnson's submission, that sets it up very clearly in those paragraphs I said earlier.

251 The Hon. I. PNEVMATIKOS: I appreciate what you are raising. I just don't necessarily draw the same parallels that you draw.

Mr BROHIER: Well, respectfully, you might come to a different conclusion.

252 The Hon. I. PNEVMATIKOS: Correct.

Mr BROHIER: I appreciate you have a long history fighting for people who are not treated properly in workplaces. This legislation that, respectfully, you support unfortunately is going to go against everything you have worked for.

253 The Hon. I. PNEVMATIKOS: I don't want to have an argument here. Can I just raise a few issues in terms of your evidence. I suppose the first issue that needs to be raised is that you refer to various individuals who were involved in making comments in relation to decriminalisation and the effects of the decriminalisation of sex work. You draw parallels that, if sex work is decriminalised, then that somehow opens up the floodgates for all kinds of slavery-like practices and abuses. We don't have statistics on it; we have individuals who have expressed views. We have no statistics, no figures, in terms of the issues that you are raising. That is the first point.

The second issue is that one can't see this discussion outside the context of various laws that exist both federally and at the state level that protect weaker or vulnerable people or people who could be subjected to abuses. I don't necessarily draw the same link as you do in terms of that decriminalising sex work somehow means that there are unrestricted and unlimited or no controls whatsoever. That's not the case. That's not the case in terms of experiences in other states where they have a decriminalised model.

Mrs FRANCIS: I wonder where that comes from because, for every state that I am looking at, New South Wales is the one particularly in connection to decriminalisation.

[15-second break in audio]

254 The CHAIRPERSON: We've lost you.

Mrs FRANCIS: The New South Wales sex crime squad say that since decriminalisation there is no way to identify or stop underground brothels. It goes on to talk about the trafficking having increased. It talks about the illegal workers. I don't understand how it we can say that it doesn't happen in other states; when decriminalisation happens, this happens.

255 The Hon. I. PNEVMATIKOS: So how do police deal with brothels in our state currently, where it is illegal?

Mr BROHIER: If I could come back to that question. I am not dodging the question. I want to pick up on something you said, respectfully, Hon. Irene Pnevmatikos, that we cited individual examples, no statistics to say that decriminalisation will open the floodgates on abuse. That's, respectfully, not correct. In paragraph 18, we have given you authority about the 2019 Trafficking in Persons Report, the US State Department report. In paragraph 2.3 of Dame Diana Johnson's report, I referred you earlier to paragraphs 2.1 to 2.7—

256 The Hon. I. PNEVMATIKOS: Is that a US report, sorry?

Mr BROHIER: No, this is submission 92 to this enquiry. She says:

A cross-sectional analysis of up to 150 countries found that reported trafficking flows are larger into countries where prostitution is legal. Similarly, a study of European countries using cross-country data found that sex trafficking was most prevalent in nations with legalised prostitution regimes.

Then, paragraphs 2.4 to 2.5 deals with evaluations—not anecdotal, but evaluations—in the Netherlands. So, it is, respectfully, not the case that we have selected anecdotal evidence. These are large-based analyses of what is happening.

Just to return to your question, my understanding is that South Australia Police take what is called a light touch to the policing of prostitution at the moment. They don't generally interfere with what is happening unless they have specific complaints to do with trafficking and things like that, and then they will go and do something. I could be wrong but that is my understanding that I have gained.

257 The Hon. I. PNEVMATIKOS: That's your perception?

Mr BROHIER: That's my perception.

258 The Hon. C.M. SCRIVEN: I have a supplementary on that. Mr Brohier, you might be aware that SAPOL addressed a briefing—I do not know if you would have been aware; I cannot remember if it was open to the public—on the previous bill in regard to this. They talked about an operation where they had uncovered trafficking-like situations. I think the women were basically locked within the premises and forced to service men for 12 hours plus per day. That was here in Adelaide. Are you aware of that case and, if so, are you aware of whether they were able to uncover that because they were able to enter the premises under the current laws?

Mr BROHIER: I am not aware of that particular case, I'm sorry. I am aware of something similar raised by the Hon. Dennis Hood in his second reading speech on the last bill. He quoted from an anonymous letter of a person who has had, quote, 'intimate knowledge of the operation of prostitution in this state'. They started with, 'Many of the women are forced to do anal sex', etc. There is a passage in there—I won't read it all—but if you look at that second reading speech you will see very much slavery-like conditions. In our submission, we detail in paragraph 21 a similar instance in a brothel in Brisbane of women kept and tattooed, etc., and kept as property.

259 The Hon. N.J. CENTOFANTI: May I have a supplementary on the safety of sex workers. On pages 12 to 19 of the final report of the Select Committee Inquiry into the Regulation of Brothels in New South Wales, which I think Mrs Francis alluded to—New South Wales is under a decriminalised model—there were a number of findings and recommendations. Findings number 14, 15 and 16 state:

Some sex workers are subject to fines or other financial punishment and other undesirable industrial practices (like being forced to work in their places of work for up to 17 hours or more a day against threat of deportation) that would not be acceptable in normal work places and the usual protection of the rights of workers provides particular challenges given the nature of the sex services industry.

There are pressures from clients to compromise the occupational health and safety of sex workers and the nature of the operation of the industry make it difficult for SafeWork NSW to protect workers in the sex services industry.

The enforcement of the current planning laws, industrial laws and health and safety laws provide particular challenges given the nature of the sex services industry.

Do you have any comments in regard to these findings?

Mrs FRANCIS: These are the women who you are not hearing from because these are the women who are silenced. These are the women who are caught in horrendous circumstances. Many of them cannot speak English, so they wouldn't be able to appear before you, even if we asked them to. These are the women who are suffering up to 68 per cent PTSD. That is the latest statistic of women who have been in prostitution. We are talking about the difference between 5 to 12 per cent if you have been in the military of people who have PTSD—between 58 and 68 per cent PTSD for women who have been in prostitution.

So the women who you are talking about—and thank you, it breaks our hearts. I have no doubt that everybody on this call actually has the best interests of these people at heart, the best interests of the women particularly, but also the men and transgender people. But if we have the best interests of them at heart, we will not actually encourage the exploitation of these people, we will actually discourage them. It is our duty to prevent it.

Mr BROHIER: If I could just add to that—at paragraph 3.51 of the New South Wales 2015 report, it deals with the difficulties council has of dealing with these issues. The councils obviously have no experience conducting these inquiries, they have problems with gathering evidence and they have inadequate regimes. Submission 75 to this select committee from the Local Government Association makes it clear that local government is very concerned. It says many councils do not have resources to deal with it and the Local Government Association doesn't want this to be lobbed on councils, putting it very bluntly.

The whole SafeWork SA issue is another issue that needs to be properly interrogated. SafeWork SA is very busy, they are very slow in getting things done and this would just give them another unnecessary burden without any proper regime to back them up.

Finally, on what Wendy said, in submission 97, which was from Ms Thain, she says at page 16 that SIN reports that a large number of sex workers who are prostituted persons in this state of South Australia come from a C-A-L-D background—that's a linguistically diverse background.

260 The Hon. I. PNEVMATIKOS: CALD.

Mr BROHIER: CALD, yes. But only 14 per cent of the respondents to this survey said they were from a C-A-L-D background. That is obvious because the large majority, if they are people from Chinese/Asian backgrounds, would have little English. They are not going to respond. They are not going to come forward to this inquiry. It supports what Wendy was saying.

261 The Hon. I. PNEVMATIKOS: Does your organisation have the same position that you have in terms of sex work on temporary visa holders, people who come in on working visas in this country, seasonal workers and generally workers in low-paid, disadvantaged jobs? Do you adopt the same position as you do on sex work?

Mr BROHIER: I am sorry, what do you mean—

262 The Hon. I. PNEVMATIKOS: In terms of protecting the vulnerable.

Mr BROHIER: Absolutely.

263 The Hon. I. PNEVMATIKOS: In terms of your concerns about servitude, in terms of your concerns about slavery-like practices; do you have the same view for workers who come here doing work?

Mr BROHIER: One of the cases which I was looking at was a case of, I think it's DPP against Cannon, a Victorian case where there was an Asian worker kept in slavery-like conditions, a domestic worker—

264 The Hon. I. PNEVMATIKOS: There are many.

Mr BROHIER: Absolutely. I come from Sri Lanka and I know of a case not in this country but in a Middle Eastern country where a girl came home back to Sri Lanka and she had had nails put into her. We abhor any oppression of anybody.

265 The CHAIRPERSON: Thank you. On that note, I will note that we will be forwarding you the transcript for any clerical corrections. Certainly, 'world' and 'warrant' was one that the Hon. Clare Scriven has picked up already, but if you could make sure that those errors are spotted. We thank you for your time today in support of the work of this committee.

Mr BROHIER: Thank you, Chair.

Mrs FRANCIS: Thank you.

[Videoconference concluded]

Select Committee RepealSexWorkOffences LC

From: Christopher Brohier
Sent: Thursday, 5 August 2021 3:43 PM
To: Select Committee RepealSexWorkOffences LC
Subject: RE: Appearance at the Select Committee on Statutes Amendment (Repeal of Sex Work Offences) Bill

Dear Anthony

1. The reference the Hon Tammy Franks asked for is at note on page 4 of the ACL submission Melissa Farley, PhD Howard Barkan, Dr PH, Prostitution, Violence and Post Traumatic Stress Disorder, Women 8: Health, Vol. 27(3), 1998 by The Haworth Press, Inc. at: [http://www.prostitutionresearch.com/Farley%26Barkan %201998.pdf](http://www.prostitutionresearch.com/Farley%26Barkan%201998.pdf)

2. Section 25 of the Summary Offences Act 1953 provides:

SUMMARY OFFENCES ACT 1953 - SECT 25

25—Soliciting

A person who—

- (a) in a public place, or within the view or hearing of any person in a public place, accosts or solicits a person for the purpose of prostitution; or
 - (b) loiters in a public place for the purpose of prostitution,
- is guilty of an offence.

Accost is not defined in the Act. However the Shorter Oxford Dictionary On Historical Principles defines it to include to draw near. It could therefore apply to a person who seeks another to prostitute themselves (as is commonly understood that is perform sex for money).

I have not found any authority in SA on issue of accosting. There is a Victorian case *Gutierrez v R [2018] VSCA 270* which notes under the Victorian provision "A person must not for the purpose of sex work solicit or accost any person or loiter in a public place"(Section 13(2) of the Sex Work Act 1994) a conviction in relation not sex work performed by person said to be accosting or soliciting.

The Western Australian provision requires the accosting or soliciting to be done by a prostitute (s 59 of the *Police Act*).

That means that the argument remains open that a person who accosts another for the purposes of the other prostituting themselves commits an offence.

Kind Regards



Christopher Brohier

Director | SA

Elizabeth Mews – 22 Divett Place, Adelaide SA 5000

acl.org.au |  [/ACLobby](https://www.facebook.com/ACLobby)

Select Committee RepealSexWorkOffences LC

From: Wendy Francis
Sent: Thursday, 5 August 2021 4:32 PM
To: Select Committee RepealSexWorkOffences LC
Cc: Christopher Brohier
Subject: NZ Street Prostitution

Dear Anthony

During the hearing this afternoon, the Hon Tammy Franks asked what evidence I had that street prostitution had increased in New Zealand following decriminalisation in that country. Please find relevant media reports below. I'm happy to provide more research if required.

- NZ legalisation has encouraged street prostitution among Pacific Island girls
<https://www.abc.net.au/news/2013-09-28/young-pacific-island-girls-working-as-prostitutes-in-nz/4986524>
- [Concerns for the safety of underage street prostitutes in Auckland](#)
- [Call to change the law so that street prostitution is illegal](#). This is seen as the only way of eliminating underage prostitution.
- [Report of girls as young as 13 earning \\$600 a night on the streets in Auckland](#)
- [A 16year old street prostitute in Manukua \(Auckland\) is raped at knifepoint](#)
- [Teenagers in South Auckland sent to work as prostitutes by their parents.](#)
- [Auckland police concerns about girls as young as 12 working on the streets](#)
- [Auckland's Dirty Secret](#) – a short You Tube clip on underage street prostitution in Auckland
- [Evidence of widespread underage prostitution throughout New Zealand 5 years after legalisation](#)

Kind regards, Wendy



Wendy Francis
National Director | Politics
PO Box 6347, Mitchelton QLD 4053
acl.org.au |  /ACLobby

Young Pacific Island girls working as prostitutes in New Zealand

Posted Sat 28 Sep 2013 at 3:58am, updated Sat 28 Sep 2013 at 6:28am



A prostitute at the Melbourne Boardroom in Melbourne, Australia. (Sean Garnsworthy, file photo: Getty Images)

Pacific Island girls as young as 13 are working as prostitutes on the streets of South Auckland, according to a member of Parliament in New Zealand.

New Zealand First Party MP Le'aufa'amulia Asenati Lole Taylor has told Radio Australia's [Pacific Beat](#) the problem is that many Pacific Island girls are finding the sex trade more lucrative than school or a regular job.

"A13 year old was telling me she was earning between \$600-\$800 dollars a night," Ms Taylor said.

"She was also very proud to say that if she was able to earn \$600 a night, she only had to work a few days, she doesn't have to work the whole week."

"Some of these girls who are doing it have actually run away from home and they don't have the fear of worrying about what their families might say or

Le'aufa'amulia Asenati Lole Taylor speaks to Pacific Beat

Download 2.3 MB

what the consequences would be when they go back home," she said.

Ms Taylor says it's too hard to do something about these young girls working as prostitutes unless amendments are made to the current laws on prostitution.

"It's almost as if the government encourages young girls to consider prostitution as an option," she said.

"It hasn't covered under-age prostitution.

"Best thing for them to do is influence the actual policy or the law or the act right now because that will then enable the police to ensure that they can actually move these people off the streets," Ms Taylor said.

Ms Taylor is sponsoring a private members bill in parliament which would change the Prostitution Reform Act to ban brothels in residential areas.

[Scoop Search](#)[Contact](#) [Newsagent](#) [Login](#)[Supercity](#) [Business](#) [Education](#) [Entertainment](#) [Health](#) [Police](#) [Politics](#)[Scoopit](#)

[Under-age prostitution in South Auckland: concerns about safety, intimidation](#)

April 8, 2013 [Uncategorized](#) [3 comments](#)*Report from [Pacific Scoop](#) by Greg Asciutto*

As politicians discussed prostitution legislation reform in South Auckland at the weekend, more details of underage prostitution in the region continued to emerge.

New Zealand First MP Asenati Lole-Taylor, [whose comments](#) brought the issue of underage sex workers to national attention, was one of the speakers on Saturday at an Otara-Papatoetoe Local Board meeting addressing prostitution in the district.

The meeting, which NZ First Party Leader Winston Peters was also attending, aimed to “get feedback from the local community,” according to Lole-Taylor. “Some have raised concerns about their safety and local businesses are intimidated by the behaviour that’s going on.”

Lole-Taylor will take inquiries on a bill she has drafted that would ban street prostitution throughout New Zealand. Eliminating the practice, she said, would reduce the threat of young girls facing sexual exploitation on the streets.

“If we don’t put some control around prostitution, then the issue of underage prostitution will start to develop and increase under the radar, without being detected,” she said.

The MP, who represents the South Auckland electorate of Manukau East, said she had personally spoken with girls aged 13, 14 and 15 who were working as prostitutes in the suburb of Otara.

“There’s quite a large number of Polynesians,” Lole-Taylor said of the girls, adding that they represented a wide range of ethnic backgrounds.

“They vary from being Māori — there’s a large number of Māori girls — but there are also Samoan, there are a few Tongan, a huge number of Cook Island Māori and there are a number of Chinese girls.”

A local security guard, who wished not to be named out of fear of a community backlash, said that an increase in the number of young girls congregating around the Otara Town Centre was often witnessed on Tuesday and Thursday nights, when benefit cheques were distributed.

“I just tell them to go home,” the guard said. “I tell them, don’t be stupid — that’s how you get hurt.”

According to Lole-Taylor, it is difficult to determine if the girls are acting independently or if they are being forced onto the streets on someone else’s will. “I can’t see why those girls would be so brave to stand out, at night, on their own, waiting for these people to come pick them up,” she said. “If they are brave enough to be out there, then obviously they must be feeling very secure that some of the people who are looking out for them are not far away.”

Alan Bell, national director of Ending Child Prostitution, Pornography and Trafficking in New Zealand, said that while the “pimping” of underage girls did occur, it was important to recognise that any individual under the age of 18 working in the industry was a victim of sexual exploitation, regardless of management.

“Most of the young prostitutes down there come from dysfunctional families and broken homes,” he said. “In a sense, they are victims of circumstance — even if they don’t have someone directly managing them, we still classify them as a victim.”

Police have publicly stated they have no evidence suggesting underage prostitution is occurring in Otara, but according to Denise Ritchie, founder of Stop Demand, national laws and the clandestine nature of the industry make the subject hard to investigate.

“The police are facing their own difficulties,” said Ritchie. “If somebody is, say 16 or 17, and they catch them in a car with a man, even having sex, they have got to still prove that there was some commercial transaction.”

Though the age of consent in New Zealand is 16, the Prostitution Reform Act, which decriminalised prostitution in the country in 2003, dictates that an individual must be 18 before they receive compensation for sexual services.

“Unless the police can prove and see that a commercial transaction has taken place, the girl can just say it was consensual sex with some man they know,” said Ritchie. “It’s so resource-intensive.”

New Zealand is not the only Pacific country battling underage sexual labour.

The 2012 Trafficking in Persons Report, composed by the United States Department of State, listed a number of Asia-Pacific nations whose governments do not fully comply with the minimum standards of the Trafficking Victims Protection Act, a US law focused on the elimination of human trafficking and sexual exploitation across the globe.

The report cited Papua New Guinea as the worst offender in the region, categorising the nation as “Tier 3” country that is not making any significant effort to combat the issue.

“Children, especially young girls from tribal areas, are most vulnerable to commercial sexual exploitation,” the report read, adding that in urban areas, “children from poorer families are prostituted by their parents or sold to brothels.”

The report also listed Fiji as a “Tier 2” country, one in which officials do not meet the minimum TVPA requirements but are making efforts to do so.

According to Monica Waqanisau, a legal research official at the Fiji Women’s Crisis Center, reports of underage girls working as prostitutes are “definitely increasing” within the country, a problem she attributes to growing poverty, tourism and external pressure.

“The cases that we’ve come across have often been situations where the child is prostituted by adults, sometimes even by their own families,” she said.

In 2010, the last year in which a comprehensive study on the subject was conducted, Save the Children Fiji and the International Labour Organisation identified and interviewed 109 children within the country who were involved in the Commercial Sexual Exploitation of Children.

“From the research, it was found that most of the children in CSEC feel that the main reason they are involved in this is due to the lack of opportunity for education and employment,” said Zubnah Khan, the organisation’s communications officer.

“Acquiring easy money to keep up to date with the recent fashionable items, peer pressure and family problems are also contributing factors.”

According to specialists dedicated to the elimination of CSEC, regional governments could curb underage prostitution if more resources and legislation focused on the prosecution and identification of those who are exploiting young girls across the Pacific.

“The issue really is, you know, not that the underage people are being prostituted,” said Bell.

“It’s the guys who are willing to buy the services from them that is the problem.”

Ritchie said adopting an alternative approach that attacks the root of the problem will allow law enforcement, politicians and regional organisations to combat the issue with greater effectiveness.

“We’ve got to collaboratively, between the various agencies, work at ways to reduce and eventually stop demand,” she said. “If you stop demand, it won’t matter how many young girls are loitering in Otara or in Suva or anywhere else — if there’s no men to pick them up, then prostitution would just die out.”

Greg Asciutto is an exchange student from the University of Southern California on the Asia-Pacific Journalism course at AUT University.

-  [Print This Post](#)
-  [Email This Post](#)

Scoopit

3 comments:

1. Anne R, 9. April 2013, 17:42



The criminalisation of clients in Scotland has resulted in less safe working conditions for street-based sex workers there. There have been cases where women will get into cars with known rapists because there are so few clients left to choose from.

If Lole-Taylor’s bill goes through, New Zealand street workers will end up working in isolated areas and will thus have less negotiating power over what services they will or won’t perform etc. And then if they are indeed victimised in a culture with increased risk of rape and violence, they will feel less safe about going to the police for the risk of being treated like a criminal. This bill is an atrocity that will make young girls’ lives harder. Sex work doesn’t go away when you push it underground.

We’d be better to attack the reasons people get into sex work against their will—among many things, a terrible economy with rising unemployment.

A thought: when writing an article on sex work it’s kind of bad form/bad journalism to not include perspectives from sex worker organisations like the New Zealand Prostitutes Collective.

2. Greg Asciutto, 18. April 2013, 12:18



Thanks for your comments Anne,

I would agree with your statement that focus needs to be put upon the reasons why sex workers get into the business against their will. Just to clarify, the NZPC was approached for comments on multiple occasions but simply referred me to a press release from police denying underage prostitution in Otara. I would love to have received some input on the matter.

3. Sambo, 26. April 2013, 23:35



Let’s get out of the game of being politically correct.

One, men like to shag women. Two, they like to shag young women. Some like to shag very young women. Sometimes, if you can’t find what you want, and if there’s girls available, and you can afford to pay for it, you’ll shag whatever you can get. So don’t blame the girls, they’re only supplying to a market that’s already there. It’s been going on for centuries.

NEW ZEALAND | Politics

Dave Crampton: Laws needed to clean up underage prostitution

3 Apr, 2013 03:24 PM

🕒 3 minutes to read

An NZ First bill seeks to make all street prostitution a crime. Photo / Derek Flynn

NZ Herald
By: Dave Crampton

No doubt many people will be appalled when reading last week's Herald story noting that underage girls in south Auckland are being pimped out by their parents and relatives to be sex workers.

One local church pastor - from the C3 church - has said that he and church members have offered support to these underage girls, one as young as 11. However, this pastor told me that he has not gone to the police to lay a complaint.

Police have publicly denied there is a problem with underage street prostitution in the area. Perhaps this is because nobody has laid a complaint with the police. Are C3 church people offering support to these kids by merely returning them to their pimps and parents instead of Police and CYF?

Bob McCoskrie of Family First calls our current prostitution laws shameful and is campaigning to curb this behaviour by passing laws to arrest clients of sex workers. In effect that is a campaign to criminalise something that is already a crime - in terms of addressing underage sex work. Adult sex with minors is illegal. So is pimping for sex. The Prostitution Reform Act, which decriminalised the sex industry, notes it is a criminal offence, with a prison term of up to seven years, to assist, facilitate, or encourage a person under 18 years of age to provide commercial sexual services. To induce or compel others to provide such services attracts a prison term of up to 14 years.

However, the act is not clear on how such illegal behaviour will be policed or those who are pimped to offer their bodies for sex will be protected from abuse. Parents of these kids may be more likely to come to police attention for smacking their kids rather than pimping them for sex.

So why aren't people making police complaints of unlawful behaviour? It's not like these kids sign binding employment contracts - and if they are pimped, it is arguable that they are consenting to what is, in effect, paid rape.

New Zealand First has drafted a Prostitution Reform (Control of Street Prostitution) Amendment Bill in attempts to address the problem: the problem of police turning a blind eye to illegal, underage sex work. The bill seeks to make all street prostitution a crime, punishable by a \$2000 fine. This is a step further than other local bills seeking to restrict soliciting of sex work away from bars, cafes, sports grounds and restaurants, and in broad daylight away from the view of places such as schools, shops, hospitals and churches.

However, it may not see the light of day in its current form as the former Manukau City Council attempted to ban sex workers from the street but backtracked after legal advice stating that the move may contravene the Bill of Rights and the Prostitution Reform Act, as soliciting is now permissible.

What is actually needed is laws to clean the streets up of child sex workers and to regulate others. If Parliament refuses to pass associated laws, the Government should provide more support to the councils to do it, not just hand it to them to clean up the mess with a police force which ignores such criminal activity.

Dave Crampton is a Wellington based freelance journalist and writer. He researched the sex industry as part of his Politics degree and was the Australasian correspondent for ENInews for the past two years.

NEW ZEALAND | Education

MP finds 13-year-old prostitutes taking \$600 a night

27 Mar, 2013 03:00 AM

🕒 2 minutes to read

During a night walk of the area, Ms Lole-Taylor spoke to one girl aged 13 who said she made up to \$600 a night. Photo / APN

NZ Herald

Prostitutes as young as 13 are earning up to \$600 a night in South Auckland, says an MP who will be at a meeting called by community leaders to discuss an "outbreak" of underage street workers in the area.

Community and government representatives, including NZ First MP Asenati Lole-Taylor and party leader Winston Peters, will attend the open meeting hosted by Otara-Papatoetoe Local Board next Saturday.

The increasing number of underage prostitutes on the streets in Otara from Thursday to Saturday nights has shocked residents in the area.

Tina Herewini, a warden who patrols Otara's town centre and parks, said there could be as many as 20 to 30 young girls lingering at the corner of Bairds Rd and Kew Lane.

"I don't know which ones are prostitutes but there is also a line of cars leading up the lane into the carpark. You see the girls talk with the drivers and then hop in the cars and drive a few more metres into the carpark where they do the business," she said.

Young girls were learning from older prostitutes, she said.

"They tell me they are doing it because they can. It's legal."

During a night walk of the area, Ms Lole-Taylor spoke to one girl aged 13 who said she made up to \$600 a night.

"She even told me the prices she charges for the different sexual services," Ms Lole-Taylor said.

The families of many of the girls had no idea they were sex workers. "They [the girls] had given the impression they had gone to a friend's place to do some homework."

Board chairman John McCracken said Otara was the latest South Auckland area where the street sex industry had become established, joining Otahuhu, Manurewa and Papatoetoe.

Last month a parliamentary committee heard submissions on an Auckland Council bill that would allow bylaws banning street prostitution from the city's troublespots.

It would give police powers of arrest and allow fines of up to \$2000 for street workers and their clients.

However, the bill did not go far enough and would not protect underage girls, said Ms Lole-Taylor, who has drafted a separate bill to have sex work moved off the streets completely.

Nightwork

\$600 One teen's reported nightly earnings

20 to 30 Young girls linger on the corners in Otara.

Teen prostitute raped at knifepoint

Michael Fox · 10:41, Jun 12 2012

A 16-year-old prostitute was picked up in Manurewa and raped at knifepoint over the weekend, police have said.

The case comes following a weekend sting in an area notorious for underage prostitution where police say even teens not working as sex-workers are being approached by men cruising for sex.

Counties Manukau central acting crime manager Inspector Richard Wilkie said police were investigating allegations the teenager was forced to have sex at knifepoint after being picked up in Northcrest on Sunday and driven to Sykes Rd.

Detective Inspector Mark Gutry said she did not suffer serious physical injuries.

Police had a description of the offender's vehicle and were following strong leads.

Gutry said such incidents were not common but did happen.

Police are trying to deter underage prostitutes from working around Northcrest and Southmall for their own safety. Prostitutes must be 18 to legally work in New Zealand.

"Look what happens on the Sunday, one of them gets taken away at knife point.

"The group we're targeting is the young, underage people that are coming out and thinking this could be the life for them. We're going to say, no, this isn't the life for you and try and put them into care and back out doing something other than this."

Police, Child Youth and Family, the Prostitute's Collective and the local business

national

As a result, Wilkie said another suspected underage prostitute, also 16, was taken off the street and placed in Child Youth and Family care.

Two sex workers were arrested for breach of bail and trespass, while five unaccompanied youths aged 13 to 15 were taken from an internet café late at night and placed in CYF care.

Wilkie said teens who were not prostitutes were being approached by those seeking them, and although there was no evidence any had been picked up yet it was "only one step away".

"We don't want them getting picked up in the wrong area at the wrong time by the wrong people," he said.

"It's a whole community approach and really it's not to try and get the kids scared of us its just to try and point out to them the risk that they put themselves at being out at that time of night. Some of them are prostituting but a lot of them are out just hanging around."

The Prostitutes Collective was involved to try and convince sex workers there were safer ways to ply their trade, Wilkie said.

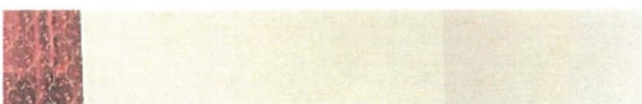
"To prevent this we get them off the street, we get them educated and we get them away from that area. It's small steps but we're going to get there."

Wilkie said they were having some success and there were fewer younger people selling themselves compared with last year, particularly during the Rugby World Cup.

The presence of authorities would also drive away their customers.

Auckland Now

more from stuff



NEW ZEALAND

Parents 'put teens into sex work'

4 Dec, 2010 03:00 AM

🕒 3 minutes to read

Girls as young as 13 are said to be working as prostitutes on the streets of South Auckland. Photo / Greg Bowker

NZ Herald
By: Andrew Koubaridis

Teenagers in South Auckland are being sent to work as prostitutes by their parents to pay for drugs, says an Auckland Council member.

Sharon Stewart challenged fellow councillors this week to see what was happening for themselves during debate on a bill banning street prostitution in parts of Manukau.

Mrs Stewart, who represents the Howick ward, said young girls and boys were often on the streets - some of them sent there by their parents.

"Some of their parents are taking them there to get money for drugs."

She told the council meeting that girls as young as 13 were working the streets and urged councillors from other areas of Auckland to join community workers and police one night.

The view was supported by former Manukau City councillor Colleen Brown, who this year took a group of people to Manurewa so they could see what was happening for themselves.

"Definitely the stuff about the parents - they're awful stories," Mrs Brown said.

"There was one gentleman who phoned me up very distressed. He'd come out of the RSA and there was a young girl there who propositioned him and all she had on was a coat.

"And he said to her, 'Young woman, you should be ashamed of yourself. What would your mother think?'

"She replied, 'My mother's on the other side of the street.'"

Mrs Brown said she'd heard several other stories, including tales of pregnant teenagers working the streets, with their parents in support.

"It's just one of the most desolate sights, watching a pregnant woman [working as a prostitute]. And the worst thing was after she had the baby, the mother looked after it and she went back on to the streets."

Maori warden Diane Black told the *Weekend Herald* it was not common for parents to send children as street workers but she did know of cases.

In one case a couple used two girls who had been fostered to them.

She said that following publicity about young girls working around areas like the notorious Hunter's Plaza, their numbers had dropped.

But she feared the onset of summer, with its warmer temperatures and school holidays, would result in more young girls working the streets.

At this week's council meeting, Sir John Walker (Manurewa-Papakura) said it was "very difficult" to see young girls standing around waiting for someone to proposition them.

"It's not a good sight."

Councillor Cathy Casey was the only dissenting voice at the meeting and voted against endorsing the Manukau City (Regulation of Prostitution in Specified Places) Bill.

She said it was a double standard because it penalised women and not men who sought their services.

"It will be seized on by rednecks all over the country."

NEW ZEALAND

Girls of 12 working in 'young red light area', say police

12 Jun, 2010 01:30 AM

🕒 6 minutes to read

Girls as young as 12 are selling themselves for sex in downtown Auckland. File photo / CityLife South

NZ Herald
By: Josh Gale

Police are worried by a spike in underage prostitution in Auckland's CBD, with girls as young as 12 selling themselves for sex.

Senior Constable Mark Riddell of the Auckland central police Youth Action Team said in the last six weeks, a police operation code-named City Door had identified at least 13 girls aged under 16 who were "active prostitutes".

Many of them work from City Road, which runs between Queen Street and Symonds Street. Senior Constable Riddell calls the street a "young red light area".

In the last two weeks, Senior Constable Riddell and his team have taken five underage girls off the streets and put them in to the custody of Child, Youth and Family. But Riddell said many of these girls escape CYF and go straight back on the street.

"Kids will run away on the same night we pick them up," he said. "On some occasions, they've got back to the city before we've got back out on the road."

One of the girls, who started working as a prostitute when she was 12 and had never been to high school, said she had been picked up by a car full of men and raped only days earlier.

Police placed the girl in the care of CYF, but Senior Constable Riddell said she ran away soon after.

He said CYF has only about 100 beds in secure custody across New Zealand. These are prioritised for those at risk of suicide, so the girls he dealt with often missed out.

Debbie Baker, the manager of Streetreach, a group supporting street sex workers, said she knew of at least 12 girls between 11 and 15 "out there selling themselves for sex" in the central city.

"Young meat earns a lot of money," said Ms Baker. "Underage prostitution has always been a problem, but there is an increase. We're seeing more and more young girls out there."

Ms Baker said she knew of a 12-year-old West Auckland girl who was recruited by a gang outside her school to sell cannabis.

After spending the drug money, the girl was forced into prostitution to pay her debt to the

gang and she shared the extra earnings from her work with her family.

"Her parents knew exactly what she was doing."

Ms Baker said she believed the police were under-resourced and CYF was unable to deal with the problem.

"These girls may be abused in their home and all the police have got the power to do is to take them back there. The police really do have their hands tied.

"We need to protect our children - and these are children, regardless of where they've come from. Child prostitution is child abuse and it needs to be given the same penalties. It needs to be given the same priority as child abuse."

Senior Constable Riddell also believed many of the girls' parents knew what they are doing.

"They're just happy a few dollars come in each week, because a lot of them will spread the money to family," he said.

Auckland Mayor John Banks said he was concerned by what he calls an epidemic of prostitution, family violence and drug and alcohol abuse in greater Auckland.

"We'll never be a Super City as long as we've got kids as young as 12 on the streets selling themselves for sex," said Mr Banks.

"I'm calling for the setting up of a new multi-agency taskforce to fight illicit drugs, alcohol abuse, violence, crime and prostitution... all of these agencies are talking at each other, not with each other."

Minister of Youth Affairs Paula Bennett supported Mr Banks' suggestion but said there was no easy answer to the problem.

"We are confronted with a community issue where men are paying for sex with underage women," said Ms Bennett. "Clearly, no community wants that for their young women and

Auckland is no exception.

"So I am delighted Mayor John Banks is taking leadership on this issue, I welcome any ideas from the local council and I would certainly support a co-operative effort between agencies."

CYF northern regional manager Marion Heeney confirmed the increase in underage prostitution and said she was also aware of 13 underage girls working as prostitutes in Auckland CBD .

"It is unclear what the reason for the apparent upsurge is or whether it signals a trend, but it is obviously concerning," said Ms Heeney.

Senior Constable Riddell believed the increase in underage prostitution in the CBD may be a result of police efforts to clean up "young red light areas" in South Auckland, such as Hunters Corner in Papatoetoe and spots in Manurewa, forcing the girls into the city.

"I would say there's probably not a problem out at Hunters Corner at the moment," said Ms Baker. "The girls travel, they have access to cars and friends with cars. They go to places we might not even know of yet".

Senior Constable Riddell said many of the girls used P, and has found girls as young as 13 staying with adult drug dealers.

Ms Baker said she wasn't surprised many of the girls used drugs, but they were not the only issue.

"For some of them, they can be out there for a packet of smokes or survival or because they're actually being abused at home, so they'd rather get paid for it," she said.

"I've had girls say to me: 'Deb, I can't do this straight'. Some of the things the girls have to do are pretty horrific so no wonder they take drugs."

Annah Pickering, the New Zealand Prostitutes Collective Auckland regional manager, said

while she didn't dispute the increase, neither she nor her staff had come across child prostitution in Auckland central recently.

"Our organisation is out there regularly and I haven't come across any 12-year-olds for a long time," said Pickering, who added NZPC staff were "not out there 24/7".

Pickering said adult sex workers discouraged children from working as prostitutes because it was "not good for business".

While Operation City Door has had some success, Senior Constable Riddell said his unit's next step would be getting Auckland City Council, the Langham Hotel and other stakeholders involved by providing better street lighting and car park security on City Road.

He said the Langham Hotel's car park attracted "undesirables".

"We want to make the area less user-friendly for them."

In a statement, Langham managing director Jeffrey van Vosselen said the hotel was unaware of the situation.

"However, it is pleasing that the Auckland Police are taking a proactive response to this issue allegedly occurring in the area," said Mr van Vosselen. "As a responsible business, we will support any initiatives to improve our local community."

Mr Banks said he would do anything the police wanted to make City Road safe.

"If the police came to me about street lighting, I'll put in more lighting on City Road."

nelson mail

news

Teenage hookers slip into shadow

14:43, Jan 31 2009

Complaints about girls aged under 18 working as prostitutes are being investigated by Nelson detectives, but they say they cannot tackle the problem unless the public gives them information.

A crackdown on child prostitution saw 25 people arrested in Auckland on Thursday and 16 girls, some as young as 13, being removed from the streets and returned to the care of their parents or Child Youth and Family Services.

Detective Constable Aaron Kennaway, of Nelson CIB, said on Friday that police had received information within the past year about girls under 18 working as prostitutes.

He refused to comment on who the complaints came from, how many girls were involved, where in the region they were working or how young they were.

Prostitution was decriminalised in 2003 but it is still illegal to have sex with a prostitute aged under 18.

Mr Kennaway said one girl had felt "stigmatised" by the community as a result of working as a prostitute.

Although he refused to talk about specific complaints because they were under investigation, Mr Kennaway said the reasons behind girls working as prostitutes were the same in Nelson as everywhere else.

"It's money to buy drugs. The motivations to do it are universal."

He said that because Nelson was a small place offering little anonymity, young girls did not stay in prostitution for long.

However, Mr Kennaway said police were not "pro-active" in looking for underage prostitutes because they had been "out of the loop" with the industry since

nelson mail

news

"No one is going to come forward and say 'I've had sex with an underage girl for money'," Mr Kennaway said.

Before prostitution was legalised there would have been three or four girls as young as 13 or 14 working as prostitutes around the Trafalgar Centre on weekend nights, but Mr Kennaway said it was now a "hidden problem" and it was important for young prostitutes to know they could contact police and be treated with dignity and respect.

Independent Nursing Practice director Annette Milligan said she had not been made aware of any young girls working as prostitutes in the region within the last several years.

However, underage prostitutes "always existed" in every area.

"Sometimes these young women are working in real isolation from anybody."

National Prostitutes Collective Christchurch coordinator Anna Reed said the organisation visited Nelson twice a year but had not heard of any underage workers in the region.

A spokeswoman for Child Youth and Family said information received about young prostitutes in the region would be difficult to collate as it was stored on individual files and often "part-and-parcel" of other behaviours.

The head of the Counties Manukau child abuse team, Sergeant Dave Pizzini, said several men were now before the courts on various charges after Thursday's operation in Auckland.

"Men engaging in this activity are put on notice that they will be arrested, and may well receive visits from the police at their homes or workplace," he said.

Child prostitution researcher Serafin Dillon said underage sex workers existed on the fringes of society.

"There is no one looking out for them; no dedicated support network or policy framework."

Her study, carried out on behalf of Ecpat New Zealand (an agency fighting the commercial sexual exploitation of children), found underage prostitution was "clandestine, opportunistic and hidden".

nelson mail

news

who assisted the Ecpat project, welcomed the police crackdown on underage prostitution - but cautioned it had to be consistent.

"At least the old law kept a lid on the numbers, but with no law on the streets, the pimps and the gangs have moved in."

Street Reach manager Debbie Baker said some children were having sex "just for a packet of smokes or something to do".

Other community workers had come across girls "as young as 10 or 11" selling sex, and one mentioned students from a West Auckland high school who "turned tricks" at lunchtime.

One Wellington brothel owner said older men had brought in underage girls to "apply for jobs" twice in the past year.

In Christchurch, Salvation Army officer Major Wendy Barney from Christchurch's Street Outreach Service said underage prostitution was "a big problem".

"We always see an surge in numbers during the school holidays because some girls think it's a great holiday job."

Ms Dillon, who has interviewed 13 prostitutes aged between 14 and 22, said one 14-year-old sex worker said that when her mother found out what she was doing, her only advice was to "use a condom".

Family violence, sexual abuse and addiction were the most common reasons children became sex workers. Many were homeless or came from state care. "To suggest they had a choice is like saying they chose to be born into dysfunctional families. In many cases they have fled horrendous situations to suffer more horribly."

The Nelson Mail

WITNESS:

PHILLIPS, ROSLYN

266 The CHAIRPERSON: Welcome to the meeting. The Legislative Council has given the authority for this committee to hold public meetings. However, due to the current situation concerning COVID-19, the committee has resolved to exclude strangers from the gallery. A transcript of your evidence today will be forwarded to you for your examination for any clerical corrections. I advise that your evidence today is being broadcast via the Parliament of South Australia website.

Should you wish at any time to present confidential evidence to the committee, please indicate and the committee will consider your request. Parliamentary privilege is accorded to all evidence presented to a select committee; however, witnesses should be aware that privilege does not extend to statements made outside this meeting. All persons, including members of the media, are reminded that the same rules apply as in the reporting of parliament.

We would like to acknowledge that the land we meet on today is the traditional lands of the Kaurna people and that we respect their spiritual relationship with their country. We also acknowledge the Kaurna people as the traditional custodians of the Adelaide region and that their cultural and heritage beliefs are still as important to the living Kaurna people today.

Good afternoon. My name is Tammy Franks and I am the Chair of this select committee inquiring into the Statutes Amendment (Repeal of Sex Work Offences) Bill 2020. On the screen, joining us, we have the Hon. Irene Pnevmatikos, and then here in the room at the table today we have the Hon. Nicola Centofanti and the Hon. Clare Scriven. If you would like to introduce yourself and make any opening statements. We certainly have received and published your submission. After that opening statement, we will move into questions.

Mrs PHILLIPS: Thank you for this opportunity to explain my concerns in more detail. As mentioned in my submission, I have studied moves to repeal laws against the prostitution trade since 1979, when this issue was first put before the SA parliament. I was and remained some four decades a journalist and researcher with Festival of Light Australia, later known as FamilyVoice Australia.

Activists began campaigns in the 1970s to repeal laws against so-called victimless crimes, including drug use and prostitution. One result was that the New South Wales Wran government repealed laws against street soliciting in 1979. The New South Wales government subsequently realised that street soliciting does indeed have victims: the streetwalkers themselves, other women passers-by who are propositioned for sex, as well as neighbours who are subjected to abuse and foul language and whose yards are littered with excrement and condoms. Soliciting was then significantly restricted by New South Wales law, although brothel-keeping was decriminalised in 1995.

FamilyVoice, then known as Festival of Light, investigated whether prostitution had victims. We read academic papers and other reports and interviewed former Adelaide sex workers. They said that their prostitution experience was very far from the 'pretty woman' portrayed in the famous film starring Julia Roberts.

One of the former sex workers had been in the game for seven years, had worked in Brisbane, Sydney, Melbourne, Hobart and Perth, as well as South Australia and she explained that there is a hierarchy of sex workers. At the bottom is the streetwalker, or girl who stands on the corner or in the doorway. Then comes the working girl in the parlour. Next you've got the girls who do home calls and motel calls. Then there are the girls who do stag shows or exhibitions and, finally, the high-class call girl. She is different from most of the others because she normally is just a common nine to five working girl, somebody's private secretary for example, and she is just after the money to get to Europe faster, or something like that.

The former sex worker said that high-class workers don't usually use drugs, but in her experience most other workers do in order to help them cope, either legal drugs prescribed by

doctors or illegal drugs. Every sex worker I have ever interviewed has said the same. It's a clear sign that sex work is inherently damaging to the worker who becomes a victim.

I also asked the former Adelaide sex worker what she thought of the SA Police force. Remarkably, she said in general the police had a very good attitude towards the girls, 'They didn't treat us like dirt or like other criminals.' She also said that corruption in SAPOL was rare, unlike New South Wales police at the time. Her report is very different from the submissions to this committee from some current Adelaide sex workers. They generally say that they greatly fear the police, with one partner claiming in submission 35:

Knowing that the police can bring this all crashing down at any time is terrifying. Knowing that we can't put this money into any kind of retirement fund, or pay taxes easily, or be open about our finances when applying for housing is unfair—and frankly—pretty stupid. Knowing that workplace safety is something that cannot only not be legally pursued, but is actively made worse through police action, is mind boggling.

This claim doesn't make sense. Former sex workers have told me that they certainly pay tax. They simply stated their occupation as something like entertainer or massage therapist. No-one has ever said that they could not apply for housing or that the police stopped them accessing free confidential health services such as the government's Adelaide Sexual Health Centre on North Terrace. It would be good to hear what SA Police say about such claims.

Many of the sex industry submissions talked about the need for decriminalisation to make sex work safe. Lani in submission 2 said that Michaelia Dunn, 24; Tracy Connelly, 40; Tina Fang, 25; Johanna Martin, 65; and Clare Garebedian, 21 are just a handful of the women who have been murdered in Australia for simply doing the job and providing a service they were asked to provide.

Sex work is only dangerous when it's criminalised and we have no-one rooting for us. Be better. Stop making us statistics.

Lani's claim ignores the experience of Christchurch, New Zealand, where four sex workers have been murdered since decriminalisation, compared with none before. My husband and I visited Christchurch, New Zealand, in 2012. Its population was 340,000, much smaller than Adelaide. We were granted an interview with Deputy Mayor Ngaire Button about the Christchurch City Council's experience of the 2003 Prostitution Reform Act. We recorded the interview, with her permission. Among other things, she told us:

This South Australian bill will have an impact on rates, on the efficiency of how cities run, because it's staff time and not police time. The sex industry, because it's so fraught with so many criminal facets, it really is a law and order issue, not a local government issue. A parking officer who enters a brothel wouldn't know what to look out for.

We can't do anything about street prostitution. The streetwalkers fight about possession. They yell at each other across the road and argue, make a racket, and the cars are stopping. And there's mess in people's yards because there are no toilets so they have been using people's yards as toilets. Then there's the condoms and needles and other things in people's front yards and around the property and on the streets, and husbands being solicited in their driveway as they come home from work.

Pimping has been an issue too. A council colleague has been to Manchester Street to talk to some of the girls. There are guys behind them with baseball bats. Exploitation has caused some problems, great problems, with drug addiction.

Ms Button was not aware of any prostitute murders before the sex industry was decriminalised in 2003, but since then four Christchurch sex workers have been murdered, the most recent victim in 2019, 'Yet the law was supposed to make it safer,' Ms Button said. Clearly, decriminalisation does not make sex work safer, let alone safe.

Several submissions claim that sexually transmitted infection rates in sex workers are much lower than in the general community. Studies such as the one by Eric Chow et al in a *PLOS ONE* Journal purported to show this. That was in 2014. The authors compared STI rates in female sex workers who requested certificates proving that they had been tested with other people attending the Melbourne Sexual Health Centre.

The latter were all assumed to be members of the general community since they didn't require a certificate, mandated for legal sex workers under Victorian law. But as many as 80 per cent of Victorian sex workers operate illegally, and you will find that in submission 61. They

do not require a certificate, so the comparison of sex workers on one hand and those not requiring a certificate on the other is not a valid comparison.

There are similar problems with studies reported in the 2014 *Lancet* journal cited by some submissions. Many sex workers do not want to reveal their occupation to health workers, researchers or anyone else, and that skews the results. However, it is noteworthy that a 2016 New South Wales Kirby Institute report covering 32 New South Wales sexual health clinics, not just the Melbourne one, among other things, found that 'overall incidence of infection among sex workers was similar to incidence among non-sex workers'.

That is contrary to many other claims I have seen. Secondly, the incidence of HIV were similar among sex worker and non-sex worker, gay and bisexual men. Thirdly, the incidence of anogenital chlamydia increased among female sex workers from 2007 to 2015. Fourthly, anogenital gonorrhoea incidence increased among both male and female sex workers, rising threefold among male sex workers.

Fifthly, in 2015 one-third of female sex workers attending the New South Wales sexual health clinics were born in Australia or New Zealand, while over half were born in Asian countries. The report notes that its findings rely on clinic patients disclosing their sex work to staff, so accuracy cannot be assumed, given the likely underestimate of the number of sex workers. The large number of New South Wales illegal brothels and high incidence of sex trafficking reported by New South Wales Police may well be associated with more unsafe practices, less condom use and lower attendance at medical clinics.

The 2016 Kirby Institute report has shown that significant sexually transmitted infections are increasing, not decreasing, in New South Wales sex workers. There is therefore no basis for Professor Spurrier's claim in her submission (No. 76) that repealing sex work offences would lead to 'clear public health benefits'. This outcome has not happened in New South Wales under its decriminalised sex work model.

The Statutes Amendment (Repeal of Sex Work Offences) Bill 2020 should be withdrawn and replaced by laws similar to those operating in Sweden, Iceland, France and Northern Ireland, where sex worker exploiters are criminalised, unlike the sex worker who is given counselling and practical help to quit the trade. That's my opening statement.

267 The CHAIRPERSON: Thank you. Do I have questions from other members of the committee?

268 The Hon. C.M. SCRIVEN: Thank you, Ms Phillips, for your submission and your opening statement today. On page 12 of your submission, you say that Scarlet Alliance and SIN do not represent the vast majority of SA sex workers, who are mostly Asian. Can you expand on why you think that and what evidence you have?

Mrs PHILLIPS: You have heard from the previous witnesses about the lack of CALD sex workers who answered surveys and so on. It's been my experience, too, from former sex workers in Adelaide who told me that most of the sex workers are Asian. Some of my people I know have gone into brothels where the sex workers didn't speak English. One of these women, who went into the brothel, did speak Chinese and was able to converse with them, said they were very fearful and she wasn't able to converse very much even though she spoke Chinese.

It must be a real problem with police. I gather that, often, such Asian workers move on after only a couple of weeks, so it would be very difficult to find out evidence of trafficking, although it looks as if that's what's happening. I went to a meeting some years ago, chaired by the Hon. Steph Key, who, as you know, introduced a number of sex work bills, decriminalisation. Scarlet Alliance was there, SIN was there and quite a few sex workers were there at the meeting—no Asians at all, so I think we get—

269 The CHAIRPERSON: I'm sorry, but are you aware that Scarlet Alliance is actually led by a woman of Korean heritage—

Mrs PHILLIPS: Well, that may indeed be—

270 The CHAIRPERSON: —and has been for a very long time?

Mrs PHILLIPS: Yes.

271 The CHAIRPERSON: Do you know how long?

Mrs PHILLIPS: I'm just saying at this particular meeting—

272 The CHAIRPERSON: Do you know her name? Are you aware of her name? Have you ever had a conversation with her?

Mrs PHILLIPS: No. I'm saying that at this large meeting there were no Asians present. I think we are just not hearing from the experience of these women.

273 The CHAIRPERSON: I would just say for the record that Jules Kim is the Chief Executive Officer of Scarlet Alliance, has been for some length of time and is actually certainly very much of Asian background.

274 The Hon. C.M. SCRIVEN: Where is Ms Kim based?

275 The CHAIRPERSON: She's based in Sydney and she's the head of Scarlet Alliance, and she is also on the various anti-trafficking boards and works closely, hand in hand, with police groups and international human rights groups; in fact, she often attends UN meetings.

Mrs PHILLIPS: If she's in Sydney, it's not surprising that she wasn't at the Adelaide meeting.

276 The CHAIRPERSON: She has often come over for Adelaide meetings actually, and indeed sex work is an industry that does travel a lot. Certainly, she is not the only woman of Asian background I have met with from either SIN or Scarlet Alliance.

277 The Hon. C.M. SCRIVEN: Following up from the Chair's comments there, do you have an indication of what proportion of people within prostitution in South Australia are of Asian background, as opposed to—I'm sorry, I'm not sure if you included this in your earlier opening statement.

Mrs PHILLIPS: I am told anecdotally that there are about 40 per cent from China, 30 per cent from Thailand and 30 per cent of Australian background. That is just anecdotal. The Kirby Institute report, that I mentioned in my introduction, found that a majority—I think it was up to 60 per cent—of sex workers in the clinics they surveyed were Asian.

278 The Hon. C.M. SCRIVEN: Up to 60 per cent, did you say?

Mrs PHILLIPS: Yes; certainly more than half.

279 The Hon. C.M. SCRIVEN: Sorry, I did just have one follow-up question from that previous comment. You mentioned that the woman you referred to who was going into the brothels and who spoke Chinese said that the women were fearful—I think you said Chinese?

Mrs PHILLIPS: Yes.

280 The CHAIRPERSON: What language did she speak?

Mrs PHILLIPS: Chinese. She was from Malaysia.

281 The CHAIRPERSON: Which Chinese language did she speak?

Mrs PHILLIPS: Presumably Mandarin.

282 The Hon. C.M. SCRIVEN: You said that the women seemed fearful. Did she say what they appeared to be fearful of? I guess specifically—

Mrs PHILLIPS: No, they really didn't want to talk to her and they did seem very afraid.

283 The Hon. C.M. SCRIVEN: It wasn't an indication that they were fearful, for example, of police, but they were fearful of—

Mrs PHILLIPS: Just generally fearful.

284 The Hon. N.J. CENTOFANTI: Thank you for your submission, Mrs Phillips. During these oral submissions, we have previously heard from a South Australian organisation called

SHINE, a sexual health organisation, who talked about the respectful exchange of money for sex and that it is not harmful to women or to anyone else involved in providing prostitution services. What is your view on that statement about the respectful exchange of money for sex?

Mrs PHILLIPS: And the fact that it is claimed not to be harmful?

285 The Hon. N.J. CENTOFANTI: Yes.

Mrs PHILLIPS: Well, it's just that the evidence shows a high degree of harm. One of the people I quoted in my submission was Linda Watson, who was in the sex industry as both a prostitute and a madam in Perth for nearly 20 years. She said initially it was marvellous and she said that is true for most sex workers. The money is great and they can buy all sorts of things they couldn't buy before, but it hurts them physically. She said, 'After six months, I was hurting all over, not just in my private parts but in my back and my head.' The money was what kept her there.

So she started using legal drugs and a lot of other girls do too. The doctors prescribe them valium and painkillers and things like that. Then, when those don't work enough and a client offers them something like cocaine, marijuana, or whatever, they start on those and then the addiction starts. She never did start the illegal drugs but she said when she became a madam—as a madam she didn't have to service many clients; she only serviced a few because she wanted to—but the others who had to service clients they became addicted, many of them.

With this high level of addiction, it suggests that, whatever the apparent consensual nature of receiving money in a brothel or wherever, it causes harm. I do not think we would accept that in any other industry, where so many of the workers feel they have to take drugs in order to cope.

286 The Hon. C.M. SCRIVEN: On page 13 in paragraph 5, you say:

Police would be powerless to close down brothels causing public nuisance near schools, churches and family homes—as has happened...in NSW.

Mrs PHILLIPS: Sorry, what page is this?

287 The Hon. C.M. SCRIVEN: Page 13. I was just wondering what information you have about council areas. Is it one council area, is it a number? What kind of experiences have been in New South Wales that you are referring to?

Mrs PHILLIPS: In my submission, I do quote from an article summing up evidence. I think it's on page 14 and 15. The heading is 'Councils fear illegal brothels will continue to spread after NSW Government rejects law reform'. It states:

Illegal brothels look set to continue to flourish in Sydney, frustrated local councils say.

Councillors have criticised the NSW Government's decision to not support a proposed new brothel licensing regimen, arguing that current laws make it impossible to stamp out a thriving underground trade.

Councils spend hundreds of thousands of dollars trying to shut down illegal brothels, including paying undercover investigators.

Then it talks about Hornsby council, which was quite a famous case because it involved the council employing a private investigator to have sex and prove that the brothel was a brothel. This brothel was just across the road from my old high school in Hornsby. You can understand why the council wanted to take action, but the magistrate wasn't very helpful and even this massage parlour, so called, was advertising the adult section of newspapers its sexual services and the private investigator had actually had sex for money in the brothel. The magistrate ruled it was not necessarily a brothel, so the case was dismissed.

But it's not just Hornsby council. The Local Government Association New South Wales president, Keith Rhoades said, current laws are simply not working and it's a 'ridiculous state of affairs where councils are forced to waste ratepayers' money hiring private investigators to go undercover and actually buy sex from prostitutes to obtain the necessary proof to launch a prosecution'. It details the Hornsby brothel situation because being across the road from a high school makes it perhaps more noteworthy than some of the others. But it's a widespread problem, as this article makes clear.

288 The CHAIRPERSON: Thank you for your evidence today. A transcript will be forwarded to you for any clerical corrections. Thank you for your time in making a submission and appearing as a witness to this committee's work.

Mrs PHILLIPS: Thank you.

THE WITNESS WITHDREW

WITNESS:

VICE, ASHLYN

289 The CHAIRPERSON: Welcome to the meeting. The Legislative Council has given the authority for this committee to hold public meetings. However, due to the current situation concerning COVID-19, the committee has resolved to exclude strangers from the gallery. A transcript of your evidence today will be forwarded to you for your examination for any clerical corrections. I advise that your evidence today is being broadcast via the Parliament of South Australia's website. Should you wish at any time to present confidential evidence to the committee, please indicate and the committee will consider your request.

Parliamentary privilege is accorded to all evidence presented to a select committee. However, witnesses should be aware that privilege does not extend to statements made outside of this meeting. All persons, including members of the media, are reminded that the same rules apply as in the reporting of parliament.

We would like to acknowledge that the land we meet on today is the traditional lands of the Kaurna people and that we respect their spiritual relationship with their country. We also acknowledge the Kaurna people as the traditional custodians of the Adelaide region and that their cultural and heritage beliefs are still as important to the living Kaurna people today.

Good afternoon. My name is Tammy Franks, and I am the Chair of this select committee inquiring into the Statutes Amendment (Repeal of Sex Work Offences) Bill 2020. To my right I have the Hon. Nicola Centofanti, up higher we have the Hon. Irene Pnevmatikos on both sides, and then to my left is the Hon. Clare Scriven. If you would like to introduce yourself. We have received your submission and have that with us. If you want to make any opening statement, after that we will move into questions.

Ms VICE: Good afternoon and thank you to the Chair and the committee for this opportunity to provide further evidence. My name is Ashlyn, and I speak this afternoon as a law student and as a member of an alliance of local women who seek to provide referral, English teaching and other services to vulnerable women in our local community. Through this alliance, I have been in contact with various sex workers over a period of 12 months.

The conviction underpinning my opposition to the proposed bill put forward by the honourable member, Tammy Franks, is that sex work is and always will be incompatible with equality, liberty and choice. Extensive research qualifies my observation that the decisive majority of women recruited into this industry start out and remain as some of society's most vulnerable—from financially destitute single mothers, victims of abuse or domestic violence, to trafficking victims in our own backyard. A choice, therefore, to enter prostitution must be understood within the context of inequality. This industry is built on the institutionalised oppression of gender, race and class.

While the proposed amendment professes the aim of regulating the sex industry in a safer, more transparent way, this model of decriminalisation has produced contrary outcomes across the board in New Zealand, New South Wales, Victoria and other jurisdictions. Five years after decriminalisation, New Zealand reported a 50 per cent rise in Auckland's street prostitution, almost no follow-up on reports of unsafe sex practices due to anonymous reporting, the continuance of unfair management practices in brothels where this had been previously identified, and a general consensus from the majority of sex workers interviewed that decriminalisation could, I quote, 'do little about the violence that occurred'.

Evidence regarding the physical and psychological harms of prostitution are unassailable. No amount of workplace regulation can make sleeping with five to 10 or more strangers a day safe, let alone empowering. Condoms cannot protect the prostitute from the customer's saliva, sweat, damage to her orifices and internal organs caused by prolonged friction and pounding, or from the violence which is rife in the industry.

With studies indicating 89 per cent of workers would escape the industry if circumstances permitted, the faces we see in the media promoting the positive experience in the

industry are anomalies, I daresay spoonfeeding society the 'happy hooker' tale that we do want to believe but glossing over the inherently abusive and emotionally destructive nature of the work which leads many prostituted women into drug dependency simply to cope.

Whilst I, alongside many others, agree with the basic premise that attaching criminal liability to sex workers themselves is a misplacement, providing sex workers a way out and quashing the industry is an imperative and decriminalisation is an obstacle to achieving either of these things. I therefore have called for this committee to consider an alternative approach and, as you are all aware, this is known as the Nordic or human rights model, which has been adopted in Canada, Israel, France, Northern Ireland, Norway, Sweden, Iceland and, most recently, Texas.

This model decriminalises the sex worker, introduces criminal sanctions for facilitators and consumers of commercial sex and provides an exit strategy for workers. It rejects the misogynistic ideal that men can commodify women's sexual consent, it shrinks the industry by targeting demand and, as per a 2013 Norwegian government report, decreased rape against sex workers by 48 per cent, violence from regular clients by 65 per cent and halved pimp violence in Oslo since 2008. Under this regime, a woman facing threats of violence or unprotected sex carries negotiation power and is able to prevent, in many instances, the violence from happening before it does.

Under the decriminalisation regime, alternatively, women lose this negotiation power often as pimps determine the fees and define the services. It has been the lived experience of many who now form organisations such as SPACE, which stands for 'survivors of prostitution abuse—calling for enlightenment', that decriminalisation does not empower sex workers but it broadens and affirms the financial and sexual dominance exerted by clients and pimps over the workers.

To conclude, I quote a former sex worker, Rachel Moran, who has worked under both regimes in New Zealand. She says that both pimps and sex buyers are able to demand more from them under the decriminalisation regime. I would be happy to take further questions. Thank you.

290 The Hon. C.M. SCRIVEN: Thank you very much, Ms Vice, for your submission and for appearing before us today. Are you aware of the situation in regard to the murders of sex workers in New Zealand and other jurisdictions where it has been decriminalised? I was wondering whether that was something that you looked at in your research.

Ms VICE: I have heard of those instances anecdotally but I don't have further evidence on murders in particular. I do have evidence regarding violence experienced by prostitutes in a range of countries.

I draw a lot of my research from a survey which was conducted in 2003 across nine different countries. It conducted interviews of 854 people working in the industry and it was first published in the scientific *Journal of Trauma Practice*. In this study, findings indicated that 71 per cent were physically assaulted in their work, 63 per cent were raped, 89 per cent of these respondents wanted to escape prostitution but did not have other options, 75 per cent have experienced homelessness, and 68 per cent meet criteria for PTSD. That research was conducted by Melissa Farley. However, as to murders, I don't have further information.

291 The Hon. C.M. SCRIVEN: Just for reference, New Zealand has had four murders by clients since decriminalisation; the Netherlands have had 28 since their regime changed in 2000; Germany has had 55 murders and 29 attempted murders since 2002; whereas Sweden, since you referred to the Nordic model, has had no murders by clients or pimps since they changed their regime. Melissa Farley and I think a number of other authors—the report that you refer to has continued other research since then as well, I am aware, so I think she possibly covers some of those things. Can you expand on your statement that was in your submission in regard to the industry driving the objectification of women?

Ms VICE: Sure. The essence of prostitution is a man with money and a woman needing money, behind closed doors. I refer to that as a situation of the woman becoming a commodity, and this is something unique to the sex industry. The person themselves becomes the commodity. You can't separate their sex acts from their body or their psyche, if you will.

Something that I am concerned about in this legislation is that there have been no restrictions on advertising discussed, and there is a significant body of research to indicate the harms of objectification culture and sexualised advertising to individuals and society as a whole.

In Germany, we see increasingly brothels popping up that advertise exotic women or women from other countries. We see a rise in the fetishisation of race. Recently, the Asian Women for Equality institute analysed 1,472 all online advertisements and found that 90 per cent were referring to Asian women and used racist tropes such as 'submissive', 'exotic', 'newly immigrated', 'fresh off the boat', 'young' and 'experienced'. This is just one example of the commodification of women occurring as a natural progression from giving the sex industry legitimacy.

292 The Hon. C.M. SCRIVEN: Thank you. I didn't quite hear you. Was that 'young and inexperienced' or—

Ms VICE: Young and experienced.

293 The Hon. C.M. SCRIVEN: So you're saying 'both young and experienced'?

Ms VICE: Yes.

294 The Hon. N.J. CENTOFANTI: Thank you, Ms Vice, for your submission and evidence here today. One of the arguments for decriminalisation is that the situation we have in South Australia at the moment limits the access to medical care by women and others in prostitution. What evidence have you seen around different jurisdictions in regard to accessing medical care under a Nordic-style model, a decriminalised model and a regulated model? I am happy for you to take that on notice.

Ms VICE: I will say, with regard to reporting unsafe sex practices, for example, which is something that you might want to follow up with medical treatment, what we see in New Zealand is that there is very limited follow-up on reports made regarding unsafe sex practices largely due to anonymous reporting. In 2008, five years after New Zealand decriminalised the sex industry, the government released a report on the sex industry as a result of comprehensive interviews with sex workers and other stakeholders.

What it found is that only one complaint that had been made to the medical officer of health during this period of five years had resulted in any action, and this was the result of a confession made to the police. Sorry, in that instance when I refer to 'action' I refer to a prosecution, so a fine. On page 57 of that same New Zealand government report, it mentions that a majority of respondents felt that decriminalisation had made no difference with respect to the violence that they experienced from clients and prostitution, and they felt that this was inevitably a part of the industry.

Although that's not directly to the point of medical care, there is very limited enforcement of protections for the workers under the decriminalisation regime, and just one of those obstacles is the anonymous reporting that they experience.

295 The CHAIRPERSON: Of the current criminal provisions that this bill seeks to repeal, how many of those provide protections against violence for sex workers?

Ms VICE: None. I do understand the distinction there. My submission today is that by enabling the sex industry to be legalised or decriminalised it does give the industry legitimacy, and we do see in decriminalised regimes this industry growing. Correlative to that we see a rise in violence against women due to the inherent violence within prostitution itself. I would be happy to speak about evidence of the rise in violence and the rise in trafficking under various jurisdictions. It's simply through the legalisation of prostitution that we see these problems rising with that.

296 The CHAIRPERSON: You have talked about the asymmetric criminalisation of the Nordic model. Is there an asymmetric criminalisation of the workers themselves currently under South Australian laws in your research and experience?

Ms VICE: My understanding of the current South Australian laws is that it's illegal for a woman to be living off the earnings of prostitution, which effectively makes it illegal for her to be a prostitute. What the Nordic model does is it removes that and instead it criminalises the purchase of the sex and it criminalises the facilitators, such as third-party brothel owners. Through that, it

decreases the industry by targeting demand and the woman is provided with an exit strategy. Usually, it will look like a social worker working with her to find alternative options to suit her needs.

297 The CHAIRPERSON: That wasn't my question though. It was about how many of the current criminal provisions, where they are applied under our state laws, are applied to women versus men for a start, or transgender people versus women versus men?

Ms VICE: Perhaps I will take that question on notice.

298 The CHAIRPERSON: Are you aware that it's predominantly women who are currently being charged under the current South Australian laws?

Ms VICE: I imagine that would be the case due to the fact that 90 per cent of prostitutes are female. As I have said, I agree that the basic premise that attaching criminal liability to them is not appropriate, which is why I support the Nordic model because it both does that and it quashes the industry.

299 The CHAIRPERSON: In Northern Ireland, are you aware of how many of the criminal provisions have been used against the workers as opposed to the clients?

Ms VICE: In Northern Ireland, no.

300 The CHAIRPERSON: Would it surprise you that it's a similar percentage as currently exists here under the criminalisation model of the workers?

Ms VICE: I haven't done much research on it. I understand that Northern Ireland has the Nordic model.

301 The CHAIRPERSON: It does.

Ms VICE: So is your concern that women are still being charged for providing sexual services?

302 The CHAIRPERSON: But with different crimes being used against them because they have provided sexual services, yes.

Ms VICE: What kinds of crimes are they being charged with?

303 The CHAIRPERSON: For example, two workers working together are each charged with pimping each other if they live in the same house.

Ms VICE: Okay. I can't speak to that particular circumstance, but I can say that I—

304 The CHAIRPERSON: Would you find that a perverse outcome of a well-intentioned attempt at providing better justice for these women, should that be the case?

305 The Hon. C.M. SCRIVEN: Is this something that you want to take on notice and bring back to the committee members?

Ms VICE: Yes, I think that would be best, thank you.

306 The Hon. C.M. SCRIVEN: Just on that, for your reference and background, if you do find it difficult to find the information about that case, one of our previous witnesses said that it has actually been proven to be an urban myth about those two. I don't know whether that's the case, but if you do find difficulty in researching that particular case, be aware that may be the issue.

Also, I think Northern Ireland is one of the more recent jurisdictions to introduce a version of the Nordic model. Those jurisdictions that have had it for very long time, such as Sweden, obviously have a greater body of evidence which, as you have alluded to, supports the better outcomes for women by far, under a Nordic model.

Ms VICE: If I could add to that, I did mention in my opening statement that Norway introduced the Nordic model—I believe it was in 2008—and they have seen a reduction of prostitution by 16 per cent (referring to brothel prostitution) and street prostitution by at least half in just one year. That report was issued by the government across 200 pages. As I mentioned, there was also correlative reduction in violence against sex workers, so rape was down by 48 per cent, and I think that was the standout statistic there.

307 The CHAIRPERSON: Are you aware, in that particular situation, of Operation Homeless?

Ms VICE: No.

308 The CHAIRPERSON: It was covered in the international report on Norway and the Nordic model. It was a crackdown by police on sex workers, which effectively made them homeless because, to pay rent with the proceeds of sex work, they then criminalised those taking the rent. Indeed, I think I've got here that quite an extensive number of sex workers were made homeless by that operation of the police under that model. Is that a fair outcome for women?

Ms VICE: I wouldn't say so, no, but my understanding of how the Nordic model is meant to operate—and there are variations of this model in the different countries where it has been implemented—is that women are provided with an exit strategy. Rather than being left financially destitute, they are given the support that they need, often, as I said, with a social worker to secure alternative employment.

309 The Hon. C.M. SCRIVEN: Also, if you are researching the case that the Chair is referring to, if I remember correctly it was a very small study and involved a number of those who did have a vested financial interest not in providing sexual services themselves but in profiteering from others who were providing those services. That's something to bear in mind as well.

Ms VICE: Okay. I suppose, adding to that, what we see in jurisdictions which have implemented decriminalisation is an increase in trafficking, for example, which I would say is of the same gravity as homelessness. An article published in 2013 by the *World Development* journal by Seo-Yung Cho, Axel Dreyer and Eric Neumayer reported countries with legalised prostitution have statistically significant larger reported incidents of trafficking inflows, and this held true regardless of the model that they use to estimate equations and variables controlled in the analysis. This is supported by observations from the US Department of State, which released its annual Trafficking in Persons Report. I do appreciate that we still have trafficking provisions in our Criminal Code; however—

310 The CHAIRPERSON: Trafficking is actually more the jurisdiction of federal police, which is one of the other parts of the submission that I was about to get to, but I will let you finish what you were about to say.

Ms VICE: I appreciate that it comes under the federal jurisdiction; however, as it would be desirable to prevent higher trafficking in-flows in the first instance before law enforcement agencies need to take action to protect these people, I would strongly support the Nordic model, which has seen a reduction in trafficking inflows.

311 The CHAIRPERSON: You have noted that the need for a warrant without cause is required by SAPOL to address issues such as trafficking to allow the federal police to do their work. Are you aware that, in fact, the federal police are the ones who address trafficking issues and have warrants for those purposes, as opposed to the current one-size-fits-all warrant of SAPOL? The particular unit that looks at sex work here is the Licensing Enforcement Branch, which does liquor licensing, tattooing and, for some strange reason, sex work. Would the repeal of that Licensing Enforcement Branch specific warrant have any impact on the work of the AFP?

Ms VICE: I believe there is a valid concern that it would reduce the evidence base available to the federal police, as police officers are able to enter suspected brothels currently and can identify possible evidence of human trafficking. However, my main concern, and I will just go back to what I said before, is that when the sex industry is given legitimacy to run as a legal industry, we see higher rates of trafficking inflows. Even if the federal police are still able to crack down on individual cases eventually, the damage is already done.

I would also just return to my stance that prostitution itself is harmful. It is violence against women. That is my stance. Regardless of statistics surrounding trafficking, I wouldn't be able to support this bill anyhow.

312 The CHAIRPERSON: My final question is: when the client is a female and the sex worker is a male, do your arguments stand or do you have a different opinion?

Ms VICE: When the client is a female? My arguments absolutely stand. I still think when there is a monetary transaction, there is a situation of one person being more vulnerable than the other.

313 The CHAIRPERSON: There being no any further questions, thank you for your submission and your time today. The transcript will be forwarded to you for any clerical corrections.

THE WITNESS WITHDREW

Select Committee RepealSexWorkOffences LC

From: Ashlyn Brooke
Sent: Friday, 27 August 2021 12:09 PM
To: Select Committee RepealSexWorkOffences LC
Subject: Re: Select Committee on Statutes Amendment (Repeal of Sex Work Offences) Bill - Transcript of Evidence
Attachments:

Good afternoon Anthony,

Please find attached my answers to the questions taken on notice.

Kind regards,

Ashlyn

Question on notice at paragraph 297.

The CHAIRPERSON: That wasn't my question though. It was about how many of the current criminal provisions, where they are applied under our state laws, are applied to women versus men for a start, or transgender people versus women versus men?

Answer:

I will speak regarding the relevant criminal provisions which would be repealed if this Bill is passed into law. Under our State's Criminal Law Consolidation Act and Summary Offences Act, the definitions for 'common prostitute' and 'prostitute' include males who prostitutes their body for a fee or a reward. Criminal sanctions under s270(1)(b) of the CLCA, s21, 25, 25A, 26 and Part 6 of the Summary Offences Act apply to 'any person' convicted of the specified acts. Therefore, our current laws are prima facie gender neutral. We know that in practice, however, over 90% of prostitutes are female – meaning more women than men are caught under s26 of the Summary Offences Act. Relevantly, though, the practices of soliciting, procurement, and the keeping and managing of brothels – which are provisions this Bill proposes to remove, but a Nordic model would seek to retain – have a more varied involvement of men and women.

Question on notice at paragraph 305.

304 The CHAIRPERSON: Would you find that a perverse outcome of a well-intentioned attempt at providing better justice for these women, should that be the case?

305 The Hon. C.M. SCRIVEN: Is this something that you want to take on notice and bring back to the committee members?

Answer:

Northern Ireland criminalises causing or inciting prostitution for gain under s62 of their Sexual Offences (Northern Ireland) Order 2008. This provides that a person commits an offence if they intentionally cause or incite another person to become a prostitute in expectation of gain for themselves or for another person. S63 of the same Order creates an offence for persons who intentionally control the activities of a person relating to prostitution in expectation of gain for themselves or another person. These provisions capture the standard definition of pimping, so unless the sex workers you refer to were engaging in those proscribed offences, the claim that they were charged for pimping one another is probably an inaccurate account. If, hypothetically, one sex worker incites another person to enter prostitution for their own personal gain, or controls another's client base or activities to receive a commission, for example, I understand it would be possible that she or he could be charged with committing an offence under the mentioned sections. The fact that they themselves are also a sex worker would be irrelevant to their liability under those charges.

If your concern is that sex workers under Northern Ireland's regime are regularly being charged with these offences as an underhanded way of punishing them for their work, I find no evidence of that occurring in my research. It would be an outcome antithetical to the purpose of the legislation, highlighting issues related to law enforcement and not the legislation itself - which provides a clear definition of pimping behaviour, removes criminal liability for sex workers and provides them with support to exit.

Certain lobby groups comprising of pimps and other stakeholders in the industry have a vested interest in publishing 'straw man' arguments against the Nordic model or pointing to unusual incidences of perceived law enforcement failures to discredit the regime entirely, despite evidence of the positive change it brings on many fronts.