



# Submission to Select Committee On Statutes Amendment (Repeal Of Sex Work Offences) Bill 2020

## May 2021

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## Introduction

Collective Shout ([www.collectiveshout.org](http://www.collectiveshout.org)) is a grassroots movement challenging the objectification of women and sexualisation of girls in media, advertising and popular culture. We target corporations, advertisers, marketers and media which exploit the bodies of women and girls to sell products and services and campaign to change their behaviour. More broadly we engage in issues relating to other forms of exploitation, including the inter-connected industries of pornography, prostitution and trafficking as well as the growing market in the sale of children for Live Distant Child Abuse.

We welcome the opportunity to submit our evidence and perspective to the Committee.

- We oppose the current proposal to decriminalise and deregulate prostitution, on the grounds that the sex industry is founded on violence, abuse and misogyny, and can never be made safe.
- Australia’s sex industry – legal or illegal – is rife with criminal activity, rape, murder, sex trafficking, racism and unacceptable health risks.
- Decriminalisation will allow prostitution entrepreneurs to expand their businesses with minimal police oversight, allowing violence and organised crime to boom.
- We reject the claim that ‘stigma’ is the cause of these problems within the sex industry.
- We reject the ableist and offensive claim that men with disabilities have a need for and a right to women’s bodies.
- The term ‘sex work’ is used to sanitise and legitimise the sexual exploitation and abuse of women, ignoring the high risks of drug addiction, violence, PTSD and human trafficking endemic to the trade.

- Informed by evidence and survivors of the sex industry, we believe that people in prostitution - the majority of whom are women and girls - should not be criminalised.
  - However, South Australia should criminalise those who purchase sex (the buyers) and those who profit from the sale of others' bodies (pimps and madams).
  - These people inflict great harm on the bodies and minds of those they abuse.
  - We commend to the Committee the Nordic Model (also known as Equality Model) of legislation, implemented by numerous governments, including that of Sweden, South Korea, Norway, Iceland, Canada, Ireland, Israel and Northern Ireland.
  - Nordic Model is not "criminalisation" – it is a distinct legislative model.

We urge committee members to acknowledge the reason prostitution is falsely portrayed as normal, progressive and empowering is because it is an extremely lucrative business -the profits of which fall predominantly to pimps and traffickers, rather than the women who are engaged in prostitution .

While the language of the provision in South Australia's Criminal Law Consolidation Act is old-fashioned, its prohibition of pimping continues to be a critical legal obstacle to the development of brothels, escort agencies and other prostitution businesses in South Australia which commercialise the sexual exploitation of women. Removing this provision would effectively deregulate the sex industry in South Australia and pave the way for prostitution businesses to proliferate.

## Violence, abuse and harm endemic are intrinsic to the sex industry

Industries built on sexual exploitation, such as prostitution and pornography, are always closely connected with organised crime and always involve violence and criminal activity. This is true whether or not such activities are illegal or decriminalised:

- In NSW this violence has included the death in 2009 of two women dispatched to hotel rooms by an escort agency,<sup>1</sup> a brothel owner raping the young daughter of a woman prostituted in his business,<sup>2</sup> serious burns inflicted on a Korean prostituted woman outside a Sydney brothel in 2012,<sup>3</sup> the organised trafficking of Korean women into the Sydney sex industry<sup>4</sup> and the prostitution of a 14-year-old girl through a brothel.<sup>5</sup> However, despite the atrocities committed within the decriminalised sex industry in NSW, a 2012 report found that

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<sup>1</sup> Meers, Daniel (27 Aug 2014). Sex addict surgeon Dr Suresh Nair will be deported. *The Daily Telegraph* <https://www.dailytelegraph.com.au/news/nsw/sex-addict-surgeon-dr-suresh-nair-will-be-deported/news-story/a6e8685d10426414bd60fe9c5aa4a4b1>

<sup>2</sup> Thompson, Angela (4 April 2014). Brothel owner guilty of molesting girl. *Illawarra Mercury*. <http://www.illawarramercury.com.au/story/2197870/brothel-owner-guilty-of-molesting-girl/>

<sup>3</sup> Bibby, Paul (18 August 2014). Chippendale victim storms out of court as teen jailed for setting her alight in alley. *The Sydney Morning Herald*. <http://www.smh.com.au/nsw/chippendale-victim-storms-out-of-court-as-teen-jailed-for-setting-her-alight-in-alley-20140818-105b4m.html>

<sup>4</sup> BBC News (7 March 2008). Sydney police free sex captives. <http://news.bbc.co.uk/2/hi/asia-pacific/7282711.stm>

<sup>5</sup> Bibby, Paul (16 December 2013). Jennifer Weatherstone linked Juanita Nielsen to brothel during court case over 14-year-old sex worker. *Brisbane Times*. <http://www.brisbanetimes.com.au/nsw/jennifer-weatherstone-linked-juanita-nielsen-to-brothel-during-court-case-over-14-year-old-sex-worker-20131216-2zgw.html>

fewer than 10 per cent of respondents reported any contact with police via the brothels where they worked.<sup>6</sup>

- In the late 1990s, the prostitution industry in NSW was handed over to local government to manage via planning – this has allowed development of brothels in residential areas, since local government is ill-equipped to conduct investigations and lodge court applications to deal with such a large, lucrative and criminally-connected industry. In the 2012 report, 67% of the brothels were located in commercial or mixed-use zones, 19% in industrial zones, and 13% in residential areas.<sup>7</sup> Only 113 of the estimated 400 brothels in the Sydney greater metropolitan area had obtained planning permission.<sup>8</sup>
- Red flags for trafficking crimes in any industry include extremely vulnerable women with low-level English skills, impoverished backgrounds and very few contacts and networks in Australia.
- Prostituted women have multiple experiences of violence and have levels of PTSD comparable with those reported by treatment-seeking war veterans.<sup>9</sup>

Appendix 1 details just some of the reported murders of women in the sex industry in Australia and New Zealand by buyers or pimps. Appendix 2 lists examples of criminal activity within legal prostitution in Australia. Appendix 3 introduces the emerging problem of cryptocurrencies in the sex industry, its rapid uptake and its focus on anonymity for perpetrators.

Decriminalisation only serves to legitimise and expand the aggressive and harmful behaviours of sex buyers.

- A former brothel receptionist writes that the younger and more vulnerable a woman is and the less experience she has, the more money she makes. The most common question asked by punters when contacting a brothel is how old the youngest girl is. They always want new girls. Punters would complain that the women were too old, even though the oldest was about 25.<sup>10</sup>
- Under decriminalised prostitution in Victoria, the Ugly Mugs initiative delivered by a state funded health organisation called RhED (Resourcing Health and Education in the Sex Industry) remains necessary to help women be alert to violent or dangerous clients.<sup>11</sup> These dangerous, violent “clients” are so common that, for example in the UK in 2016-2017, 46% of those surveyed said they had avoided a specific individual (who had contacted them) as a result of the Ugly Mugs checking system. The report claims that “on this basis, NUM alerts

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<sup>6</sup> Donovan, B., Harcourt, C., Egger, S., Watchirs Smith, L., Schneider, K., Kaldor, J.M., Chen, M.Y., Fairley, C.K., Tabrizi, S. (2012). *The Sex Industry in New South Wales: A Report to the NSW Ministry of Health*. Sydney: Kirby Institute, University of New South Wales.

[https://kirby.unsw.edu.au/sites/default/files/kirby/report/SHP\\_NSW-Sex-Industry-Report-2012.pdf](https://kirby.unsw.edu.au/sites/default/files/kirby/report/SHP_NSW-Sex-Industry-Report-2012.pdf)

<sup>7</sup> Donovan, Harcourt, Egger et al (2012) p. 41

<sup>8</sup> Donovan, Harcourt, Egger et al (2012) p. 42

<sup>9</sup> Park, J. N., Decker, M. R., Bass, J. K., Galai, N., Tomko, C., Jain, K. M., Footer, K., & Sherman, S. G. (2019). Cumulative Violence and PTSD Symptom Severity Among Urban Street-Based Female Sex Workers. *Journal of interpersonal violence*, 886260519884694. Advance online publication. <https://doi.org/10.1177/0886260519884694>.

<sup>10</sup> Gwynn, Jacqueline (27 July 2020). Insights into prostitution by former receptionist presents harrowing reality. *Adopt Nordic WA*.

<https://www.adoptnordicwa.org/uncategorized/insights-into-prostitution-by-former-receptionist-presents-harrowing-reality/>

<sup>11</sup> Saint Kilda Legal Service. <https://lgbtiqlegal.org.au/wp-content> Saint Kilda Legal Service. <https://lgbtiqlegal.org.au/wp-content/uploads/2020/08/SKLS-SWR-Submission-170720-FINAL.pdf/uploads/2020/08/SKLS-SWR-Submission-170720-FINAL.pdf>

have potentially saved 6,900 sex workers from dangerous, possibly life threatening situations... 29% of all NUM alerts warn about a sex offender so NUM has helped 2001 sex workers avoid a sexual predator.”<sup>12</sup> This is a very dangerous legal occupation. Yet only 25% of women in the report were willing to report directly to the police.

- According to the St Kilda Legal Service, clients are nervous about police on the street, making it difficult for prostituted women to screen for potential violence.<sup>13</sup>

## Criminal activity in the legalised/decriminalised sex industry

In our previous submission to the Select Committee on the Statutes Amendment (Decriminalisation of Sex Work) Bill 2015, we wrote that the delegation of regulatory and enforcement functions to local government would effectively create an environment of total impunity for sex industry operation. Depriving police of the power to enter suspected brothels removes any barrier sex industry entrepreneurs face to the development of their businesses in South Australia.

Local governments do not have the resources or expertise to regulate an industry heavily infiltrated by organised crime, overseas syndicates and persons with criminal records. At the time it was proposed that convictions related to pimping or living off the earnings of prostitution would be wiped from the record. This would further burden local government with potentially overseeing large-scale sex industry developments in their jurisdictions by businessmen who have undeclared criminal histories. In Sydney in 2020, councils called on police to help them manage the proliferation of illegal brothels, with nine councils having closed down 62 unauthorised businesses since 2017.<sup>14</sup>

The NSW experience illustrates the situation confronting local government in jurisdictions of deregulated prostitution. In that state, so-called 'massage parlours' almost totally ignore local council requirements for business registration.<sup>15</sup> Businesses complying with the regulations resented being undercut by those who did not comply, and found little action taken by council or police when they reported non-compliant businesses.<sup>16</sup> Professional 'brothel buster' Chris Seage said: "Ninety-nine per cent of illegal houses are owned and operated and staffed by Asian sex workers offering massages. A lot of these people are defying the law by coming in on tourist visas, they're trafficked here but not always against their will, a lot are recruited." Some women were brought in through debt bondage and are required to pay back costs. If threatened by the Department of Immigration, owners of such brothels simply lodge appeals which take years to progress - in the meantime, the exploitation continues.<sup>17</sup>

Non-compliant brothels or massage parlours are often run by syndicates who transport women between different venues and locations. This takes place particularly for Asian-background women in

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<sup>12</sup> <https://uknswp.org/um/uploads/2016-17-Impact-report-GEN-NEW.pdf>

<sup>13</sup> St Kilda Legal Service (14 August 2020). Submission to the Victorian review into decriminalising sex work. <https://lgbtiqlegal.org.au/wp-content/uploads/2020/08/SKLS-SWR-Submission-170720-FINAL.pdf/uploads/2020/08/SKLS-SWR-Submission-170720-FINAL.pdf>

<sup>14</sup> Daily Telegraph (20 June 2020). Sydney Councils call for police to target unauthorised brothels. *Daily Telegraph*.

<sup>15</sup> Parkins, Brianna (30 Nov 2014). The Wollongong brothels hidden in plain sight. *Blayne Chronicle*. <https://www.blaynechronicle.com.au/story/2731267/the-wollongong-brothels-hidden-in-plain-sight/?cs=524>

<sup>16</sup> Parkins, Brianna (28 November 2014). Underground operators annoy approved outfits. *Illawarra Mercury*. <https://www.illawarramercury.com.au/story/2730035/underground-operators-annoy-approved-outfits/?cs=300>

<sup>17</sup> Parkins, Brianna (28 November 2014). Underground operators annoy approved outfits. *Illawarra Mercury*. <https://www.illawarramercury.com.au/story/2730035/underground-operators-annoy-approved-outfits/?cs=300>

the sex industry. It was reported in October 2011 that an “inner-city Sydney brothel... specializes in Korean prostitutes and is closely linked to the Comancheros outlaw motorcycle club and senior Asian organised crime figures.”<sup>18</sup> In March 2008, three people were arrested in Sydney for sexually enslaving ten Korean women, and in December 2008, a Korean woman thought to have been involved in Sydney’s sex industry was found dead in an apartment.<sup>19</sup>

There is evidence for not only poverty as a push factor in Korean women being brought to Australia to be sexually exploited, but also Australia’s sex-industry-friendly laws are acting as a pull factor.<sup>20</sup>

In 2011, two federal police investigations, Operations Elixation and Raspberry, identified at least two Sydney brothels and three Melbourne venues linked to an international human trafficking and sex slavery ring. State and local authorities, however, took no action. Why not? The City of Sydney’s acting manager of the Safe Cities Unit, Rebecca Martin, explained that issues of organised crime were beyond the scope of council officers, whose role was only to ensure brothels complied with development regulations.<sup>21</sup>

In our submissions to the National Action Plan to Combat Modern Slavery 2020-24<sup>22</sup> and the Anti-Money Laundering and Counter-Terrorism Financing and Other Legislation Amendment Bill 2019 inquiry,<sup>23</sup> we urged the inquiry Committees to establish specific Action Plan goals to combat prostitution as an enterprise of trafficking.<sup>24</sup> For example, we suggested provisions requiring existing reporting entities to pay careful attention to customer identity verification in prostitution businesses as well as massage parlours, which are a common front for prostitution activities and potential trafficking destinations.<sup>25</sup> Even when decriminalised at the State level, criminal activity continues in

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<sup>18</sup> McKenzie, N., Beck, M., Reilly, T. and Davies, A. (10 Oct 2011). Legal brothels linked to international sex trafficking rings. *The Sydney Morning Herald*.  
<https://www.smh.com.au/national/legal-brothels-linked-to-international-sex-trafficking-rings-20111009-1lfxs.html>

<sup>19</sup> Ramachandran, Arjun (23 Dec 2008). Brothels said to operate in unit block where woman’s body found. *Sydney Morning Herald*.  
<https://www.smh.com.au/national/brothels-said-to-operate-in-unit-block-where-womans-body-found-20081223-gdt7i4.html>

<sup>20</sup> Norma, Caroline (2011). The Koreanization of the Australian Sex Industry: A Policy and Legislative Challenge. *The Korean Journal of Policy Studies* 26(3):13-36.  
<https://s-space.snu.ac.kr/bitstream/10371/75651/1/1t700365.pdf>

<sup>21</sup> McKenzie, N., Beck, M., Reilly, T. and Davies, A. (10 Oct 2011). Legal brothels linked to international sex trafficking rings. *The Sydney Morning Herald*.  
<https://www.smh.com.au/national/legal-brothels-linked-to-international-sex-trafficking-rings-20111009-1lfxs.html>

<sup>22</sup> Collective Shout (2020). *Submission to the National Action Plan to Combat Modern Slavery 2020-24: Public Consultation Paper*.  
<https://d3n8a8pro7vhmx.cloudfront.net/collectiveshout/pages/3389/attachments/original/1594084711/nap-2020-24-submission-collective-shout.pdf?1594084711>

<sup>23</sup> Collective Shout (2020). *Submission to the Anti-Money Laundering and Counter-Terrorism Financing and Other Legislation Amendment Bill 2019 Inquiry*.  
[https://d3n8a8pro7vhmx.cloudfront.net/collectiveshout/pages/3376/attachments/original/1592287311/Submission\\_12.pdf?1592287311](https://d3n8a8pro7vhmx.cloudfront.net/collectiveshout/pages/3376/attachments/original/1592287311/Submission_12.pdf?1592287311)

<sup>24</sup> Collective Shout (2020). *Submission to the National Action Plan to Combat Modern Slavery 2020-24: Public Consultation Paper*.  
<https://d3n8a8pro7vhmx.cloudfront.net/collectiveshout/pages/3389/attachments/original/1594084711/nap-2020-24-submission-collective-shout.pdf?1594084711>

<sup>25</sup> Wolfe, Natalie (5 October 2017). The truth about ‘rub and tug’ parlours. *The Queensland Times*.  
<https://www.qt.com.au/news/truth-about-rub-and-tug-parlours/3231101/>

non-registered prostitution venues, in parallel with the 'legal' industry. This lesson is important for South Australia in considering its future governance of the sex industry.<sup>26</sup>

## The failures of decriminalisation/legalisation of prostitution

Many jurisdictions which have legalised or decriminalised the business of prostitution have failed to achieve intended objectives. Instead, legitimising the sex industry leads to weakened social sanctions against prostitution which, in turn, leads to an increase in demand for sexual services and a corresponding expansion of the legal and illegal industries, an increase in street prostitution, child sexual abuse, escalated involvement of organised crime and greater sex trafficking. This process is assisted by the proliferation of pornography that inspires men to become sex industry customers and agitates demand for sex acts only acceptable in places like brothels. In the Netherlands, after spending millions of Euros trying to rid Amsterdam of criminal gangs, Deputy Prime Minister Lodewijk Asscher described legalisation as "a national mistake".<sup>27</sup> In 2012, in New Zealand, then Prime Minister John Key said prostitution law reform had not achieved its objectives in achieving a reduction of street and child prostitution:

*The argument was that it would eliminate all the street workers and underage people, particularly girls, and the reports that we see in places like South Auckland is that it hasn't actually worked...I think it's been marginally successful, if at all.*<sup>28</sup>

Legalising or deregulating the sex industry leads to an expansion of both its legal and illegal sectors. In Victoria, the illegal (unlicensed) industry in 2017 was believed to be around five times larger than the legal industry, with 91 licensed brothels and around 500 illegal brothels, often disguised as massage parlours, beauty salons and karaoke bars.<sup>29</sup> Sex industry entrepreneurs, often associated with criminal elements, own and operate both legal and illegal brothels simultaneously.<sup>30</sup> Women and girls are trafficked for sexual exploitation indiscriminately between the two sectors, and child prostitution exists across the spectrum.<sup>31</sup> In her research on Victoria's legalised sex industry, Melbourne academic Mary Lucille Sullivan wrote, "the increased tolerance of prostitution in Victoria, in effect, requires a steady flow of women and girls to meet the demands of a vastly expanded and lucrative market."<sup>32</sup> And a 2015 inquiry into brothels in New South Wales found that drug use, abuse, organised crime and sex trafficking remained substantial problems under full decriminalisation. There had also been no improvement to women's safety since the full decriminalisation regime had been introduced in the late 1990s.<sup>33</sup>

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<sup>26</sup> Wolfe, Natalie (2017)

<sup>27</sup> Diu NL (2013). Welcome to Paradise. *The Telegraph*.

<https://s.telegraph.co.uk/graphics/projects/welcome-to-paradise/>

<sup>28</sup> APNZ (14 Nov 2012). Prostitution law reform hasn't worked: PM. *Otago Daily Times*.

<https://www.odt.co.nz/news/politics/prostitution-law-reform-hasnt-worked-pm>

<sup>29</sup> Hynninen, E. (26 May 2017). Melbourne's illegal sex industry. *Upstart*.

<https://www.upstart.net.au/melbournes-illegal-sex-industry/?fbclid=IwAR003d-t8sYmVZd9WoFVy9tTY86hHW-F4qdKsy5A2mVxaJzGXEx94byTvKI>

<sup>30</sup> Sullivan ML (2007). *Making Sex Work: A Failed Experiment With Legalised Prostitution*. Spinifex Press, Victoria, p. 186.

<sup>31</sup> Sullivan (2007) p. 186

<sup>32</sup> Sullivan (2007) p. 5

<sup>33</sup> Legislative Assembly of New South Wales (2015). Select Committee on the Regulation of Brothels Report 1/56 – November 2015 Inquiry into the Regulation of Brothels.

## Decriminalisation in New South Wales: women less safe

New South Wales has proven to be an unregulated minefield of exploitation and abuse, and an ever expanding illegal sector associated with other criminal activities. Media reports indicate that New South Wales has allowed criminals to run brothels in the state, despite having convictions recorded against them.<sup>34</sup> In one case, brothel owners banned in Victoria for pimping underage girls were found to have moved to Sydney and launched major prostitution businesses. A brothel called 'Liaisons' was found to be run by a man whose licence was revoked in Victoria for pimping an underage girl. The same man was later found with a 16-year-old girl at another brothel he operated after her mother forged the girl's birth certificate.<sup>35</sup>

Brothel proprietors have been criticised for being involved in illegal practices and allowing their employees to be placed in dangerous situations. One report criticises a brothel that ignored warnings about a predatory drug addicted neurosurgeon who was targeting women in the sex industry. Not only did the brothel sell cocaine to the doctor but two young women died as a result of being given lethal doses of cocaine.<sup>36</sup>

The year 2012 also saw the release of a study which found that 507 people in the sex industry were offering unprotected oral sex.<sup>37</sup> In NSW, a police officer who investigates sex trafficking commented on the effects of decriminalisation: "Although the intention was to provide a safe working environment for sex workers the reverse has occurred in that pimps and brothel operators were empowered and enriched".<sup>38</sup>

## Decriminalisation in New Zealand led to worsening conditions

Women who worked in New Zealand's sex industry both prior to and following the 2003 *Prostitution Reform Act* report worsened conditions for women after decriminalisation.

Women experienced increased violence and entitlement from sex buyers. "The men were the same men, but they were different, they had been emboldened," said Michelle Mara. "Now we were just completely commercialised, just marketable goods...There was no illusion."<sup>39</sup>

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<https://www.parliament.nsw.gov.au/ladocs/inquiries/1703/Final%20Report%20-%20Inquiry%20into%20the%20Regulation%20of%20Brot.pdf>

<sup>34</sup> Bennis, Matthew (8 March 2014). Inside seedy world of sex for sale. *Daily Telegraph*, p. 4.

<sup>35</sup> Bennis (2014)

<sup>36</sup> Duff, Eamonn (25 May 2014). Brothels ignored warning on neurosurgeon Suresh Nair. *The Sydney Morning Herald*.

<http://www.smh.com.au/nsw/brothels-ignored-warning-on-neurosurgeon-suresh-nair-20140524-38vk9.html>

<sup>37</sup> Tabakoff, Nick (10 Jan 2012). More than 500 Sydney prostitutes are offering unprotected sex to clients in brothels. *The Daily Telegraph*.

<https://www.dailytelegraph.com.au/news/nsw/more-than-500-sydney-prostitutes-are-offering-unprotected-sex-to-clients-in-brothels/news-story/16de680173ddcf1340a2399adcf8b773>

<sup>38</sup> Reilly, Tom, and Davies, Anne (11 Octo 2011). Licensing law to tighten screws on brothel chiefs. *The Sydney Morning Herald*.

<http://www.smh.com.au/nsw/licensing-law-to-tighten-screws-on-brothel-chiefs-20111010-1lhm7.html>

<sup>39</sup> Murphy, M. (13 April 2020). PODCAST: Michelle Mara on the truth about the decriminalized sex trade in New Zealand. *Feminist Current*.

<https://www.feministcurrent.com/2020/04/13/podcast-michelle-mara-on-the-truth-about-the-decriminalized-sex-trade-in-new-zealand/>

Chelsea Geddes, who was prostituted in New Zealand, wrote about how sex buyers became increasingly entitled after decriminalisation:

*It used to be that men knew the sex they did to us was unwanted, that we just needed the money. This didn't make them feel like helping us out with some money and leaving without raping us, but it did make them feel at least a little bit guilty about exploiting us, which made them treat us a little bit gentler, and they aimed to get their jollies and leave a little faster with a little less inconvenience to us. Increasingly, with the current decriminalisation legislation and pro-sex work propaganda saturating the media, more men are convincing themselves that we are having consensual sex with them, and charging them, not for hard work or victim compensation, but only because we can. This makes men feel ripped off: 'If we are two consenting adults why do us men have to pay while she just collects?' It makes them more angry, more violent. They are expecting more and more, and willing to pay less and less... No, decriminalisation of johns and pimps has not improved our safety or lives.<sup>40</sup>*

Sabrina Valisce, a volunteer with the New Zealand Prostitutes Collective for 24 years, campaigned for full decriminalisation. Having worked in the sex industry under prohibition, where women were subjected to fear of the police and police brutality, Valisce believed decriminalisation would improve the working conditions for women in the sex trade: "I thought it would give more power and rights to the women, but I soon realised the opposite was true."<sup>41</sup> Within the space of a year, sex buyers had turned more violent and had greater demands. "They thought they could do whatever they wanted, thought they had bought your body. I had never had someone say, 'I paid for your body and I can do what I want' until decriminalisation."<sup>42</sup>

After prostitution was decriminalised, Valisce described the outcome as a disaster which only benefited pimps and sex buyers. Women went from fearing police to fearing pimps, brothel owners and escort agency owners.<sup>43</sup>

## Less power to negotiate, none of the rights of an employee

Women who worked in New Zealand's sex trade under decriminalisation described being employed as though they were independent contractors but expected to behave as though they were employees.

Michelle Mara, who worked in 'high-end' escorting before and after decriminalisation, said, "I never met one single woman who had a contract that even resembled something you would get in a

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<sup>40</sup> Geddes, Chelsea (26 August 2018). No, decriminalisation of johns and pimps has not improved our safety or lives. *Nordic Model Now*. <https://nordicmodelnow.org/2018/08/26/no-decriminalisation-of-johns-and-pimps-has-not-improved-our-safety-or-lives/>

<sup>41</sup> Bindel, Julie (2017). My work as a prostitute led me to oppose decriminalisation. *BBC*, 2 October. <https://www.bbc.com/news/magazine-41349301>

<sup>42</sup> Valisce, Sabrina (23 Oct 2017). *The Pimping of Prostitution*. YouTube. [https://www.youtube.com/watch?v=pasJGGunWsk&feature=emb\\_title](https://www.youtube.com/watch?v=pasJGGunWsk&feature=emb_title)

<sup>43</sup> Valisce (2017)

regular job.”<sup>44</sup> Mara reported that women working under decriminalisation had “all of the expectations and none of the rights” of being an employee, with no ability to say no, or to determine working hours, no protection and no access to health services.<sup>45</sup>

Sex trade survivor Rae Story described similar conditions working in a New Zealand brothel:

*We were supposed to be ‘independent contractors,’ I discovered later, but the way the system was set up, it didn’t feel that way. We had to keep careful count of what we earned, otherwise, some of the women told me, the receptionists would try to short-change you. Often, though, I was so confused by my necessary intoxication that I wasn’t entirely sure how much money I was owed and mostly didn’t bother to count. I wasn’t the only one.*<sup>46</sup>

In New Zealand, women in the sex trade report having less power to negotiate with buyers. Following decriminalisation, brothel owners started offering sex buyers an “all inclusive” deal where they could pay a set price to the brothel or agency to do whatever they wanted with a woman. This prevents women from being able to set their own prices or to determine which sex acts they will offer. “All inclusives” means that the prostituted person/sex worker has no power of negotiation. It also means that the pimp decides her (most prostituted persons are women) earnings. The pimps gained the power to decide what a ‘service’ would be paid and how much of that belonged to them. They also gained the power to withhold the woman’s earnings or even deny any existence of those earnings.<sup>47</sup> Valisce listed other ways brothel owners and escort agencies deduct money from the women’s payments, taking half to begin with, as well as shift fees, driver’s fees, petrol and advertising fees and fines for coming out of the room late, for arriving late or for “appearance infractions”.<sup>48</sup>

## Lack of support under decriminalisation in New Zealand

Despite worsened conditions, women working under decriminalisation reported having very little support from ‘sex work’ advocacy groups, particularly the support required to exit prostitution. Chelsea Geddes, then in the industry, approached the New Zealand Prostitutes' Collective (NZPC) for advice, and all they provided was discounted condoms.<sup>49</sup>

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<sup>44</sup> Murphy, M. (13 April 2020). PODCAST: Michelle Mara on the truth about the decriminalized sex trade in New Zealand. *Feminist Current*.

<https://www.feministcurrent.com/2020/04/13/podcast-michelle-mara-on-the-truth-about-the-decriminalized-sex-trade-in-new-zealand/>

<sup>45</sup> Murphy, M. (2020). Podcast Michelle Mara.

<sup>46</sup> Story, Rae (2 May 2016). Working in a New Zealand brothel was anything but ‘a job like any other. *Feminist Current*.

<https://www.feministcurrent.com/2016/05/02/working-in-a-new-zealand-brothel-was-anything-but-a-job-like-any-other/>

<sup>47</sup> Moran, Rachael (2016). The Evidence About Prostitution That The New York Times Ignored. *TruthDig*.

<https://www.truthdig.com/articles/the-evidence-about-prostitution-that-the-new-york-times-ignored/>

<sup>48</sup> Valisce, Sabrina (2017). The Pimping of Prostitution. Sabrina Valisce, YouTube, 23 October.

[https://www.youtube.com/watch?v=pasJGGunWsk&feature=emb\\_title](https://www.youtube.com/watch?v=pasJGGunWsk&feature=emb_title)

<sup>49</sup> Geddes, Chelsea (16 August 2018). No, decriminalisation of johns and pimps has not improved our safety or lives. *Nordic Model Now*,

<https://nordicmodelnow.org/2018/08/26/no-decriminalisation-of-johns-and-pimps-has-not-improved-our-safety-or-lives/>

Jade, who first began working in a New Zealand brothel while she was underage, described her failed attempts to leave the industry:

*After five years I wanted out of the sex industry. Twice I tried to go to school –once when I was eighteen and again when I was nineteen. I wanted to be a youth worker. But I couldn't study due to drugs and sex work. None of the sex worker advocacy agencies ever offered a contingency to get me out of the sex industry. They supplied lawyers, health checks, lube, condoms and dams but nothing to help me get out.<sup>50</sup>*

If prostitution is decriminalised, and regarded as a job like any other, then there is no recognition of the need to provide exit programs or support for women wanting to leave the industry. For example, in NSW, with a mostly deregulated sex industry, there are no government-funded exit services to assist women desiring to leave prostitution. As the Native Women's Association of Canada states: "Instead of legalising prostitution, governments should be looking toward alternative solutions that address root causes that make women susceptible so that they truly do have choices for survival."<sup>51</sup>

German Detective Superintendent Helmut Sporer described a trend where men's purchase of sex had come to be accepted in civil society, and sex buyers were emboldened:<sup>52</sup>

*...visiting a brothel and buying a woman is considered as cool...There is also a new type of punter. He is assertive and confident. This becomes very apparent during raids or checks of brothels. Punters used to feel embarrassed at being found there. If their names were taken down, some of them at least started sweating or showed an increased pulse rate. These days, raids in brothels do not deter the punters from entering the brothel even if the presence of the police is clearly visible. They wait patiently for the police to finish checking the brothel and for the women to be available again. The question is how the scene could change so drastically.*

## Sex buyers aware of harm done to women

The sex industry is driven by demand, overwhelmingly that of male consumers, who buy sex primarily from women and girls. Mary Lucille Sullivan writes, "the [sex] buyer's economic power means he determines how the sexual act will be played out... [Buyers believe] their purchasing power entitles them to demand any type of sex they want."<sup>53</sup>

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<sup>50</sup> Jade (2017). The Fake You, in Norma, C. and Tankard Reist, M. (eds.) (2016). *Prostitution Narratives: Stories of Survival in the Sex Trade*, Spinifex Press, Victoria, p. 47.

<sup>51</sup> Collective Shout (16 June 2020). *Submission to Review into Decriminalisation of Sex Work (Victoria)*. [https://d3n8a8pro7vhmx.cloudfront.net/collectiveshout/pages/3377/attachments/original/1592369396/Collective\\_Shout\\_Victoria\\_Decriminalisation\\_Review\\_June\\_2020.pdf?1592369396](https://d3n8a8pro7vhmx.cloudfront.net/collectiveshout/pages/3377/attachments/original/1592369396/Collective_Shout_Victoria_Decriminalisation_Review_June_2020.pdf?1592369396)

<sup>52</sup> Collective Shout (16 June 2020). *Submission to Review into Decriminalisation of Sex Work (Victoria)*. [https://d3n8a8pro7vhmx.cloudfront.net/collectiveshout/pages/3377/attachments/original/1592369396/Collective\\_Shout\\_Victoria\\_Decriminalisation\\_Review\\_June\\_2020.pdf?1592369396](https://d3n8a8pro7vhmx.cloudfront.net/collectiveshout/pages/3377/attachments/original/1592369396/Collective_Shout_Victoria_Decriminalisation_Review_June_2020.pdf?1592369396)

<sup>53</sup> Sullivan p28

A 2011 study found:

- sex buyers had an extensive awareness of the relationship between coercion, prostitution and trafficking
- 41% used women they knew were controlled by pimps
- both sex buyers and non sex buyers had extensive knowledge of the physical and psychological harms of prostitution
- two thirds of both sex buyers and non sex buyers observed that a majority of women are lured, tricked or trafficked into prostitution
- many had an awareness of the economic coercion and lack of alternatives in women's entry to prostitution
- almost all share the opinion that minor children are almost always available for prostitution in bars, massage parlours, escort and prostitution.<sup>54</sup>

This awareness did not deter them from buying sex. Male participants agreed that the most effective deterrents to buying sex would be time in prison, public exposure and being issued with an anti-social behaviour order.<sup>55</sup>

## Racism in the industry

In a time when racial discrimination is at the forefront of public consciousness, it is disturbing to observe the overt and hateful racism in the sex industry.<sup>56</sup>

Racism in the industry is endemic. Former brothel receptionist Jacqueline Gwynn notes:<sup>57</sup>

*I answered many calls from men asking for women of specific ethnicities – particularly Black and Asian women. When they came in, I would see that these men were always white. We rarely had Black men as punters and they would always want white women. So the women's race and ethnicity was a selling point, which really emphasises that the men considered them commodities and not full human beings... But some of the Asian women couldn't speak English and they were really popular with the punters. I think this was because not speaking English made them more vulnerable and therefore easier to manipulate and coerce.*

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<sup>54</sup> Farley, M., Schuckman, E., Golding, J.M., Houser, K., Jarrett, L., Qualliotine, P. and Decker, M. (2011). Comparing sex buyers with men who don't buy sex. *Prostitution Research & Education*, p. 5. <http://www.prostitutionresearch.com/pdf/Farleyetal2011ComparingSexBuyers.pdf>

<sup>55</sup> Farley, Schuckman, Golding, et al. (2011)

<sup>56</sup> Fight the New Drug (9 Feb 2021). Content on Pornhub reportedly normalizes and promotes racism and racist stereotypes. <https://fightthenewdrug.org/porn-content-normalizes-promotes-racism-racist-stereotypes/>

<sup>57</sup> Gwynn, Jacqueline (27 July 2020). Insights into prostitution by former receptionist presents harrowing reality. *Adopt Nordic WA*. <https://www.adoptnordicwa.org/uncategorized/insights-into-prostitution-by-former-receptionist-presents-harrowing-reality/>

Yet Australian state governments write into legislation that punters can purchase women legally advertised according to their “race, colour or ethnic origin”.<sup>58</sup>

Buyers often post their opinions of the people they purchase on “punter websites”, revealing their misogynistic, racist, and hateful attitudes towards those in the sex industry. They even proudly detail the sexual assaults they have committed:

*“Anon’ complained that the woman he prostituted lied about her age and was “an absolute bitch” and “ugly”, and he stated that “Whores like this should stay in Japan as they would not treat customers like this.”<sup>59</sup> Another ‘Anon’ said that the Asian woman he prostituted, “a 20 year old named Ashely (sic)”, “said 3 words over and over “very cute boy” “big cock” “good sex” LOL”, but “it was very cheap which kinda (sic) made up for that part I suppose”<sup>60</sup>. ‘Fred’ stated that there were “Young Asian chicks on offer”. He then described his experience with the woman he prostituted: “She was going to put on condom for sex, I said just wanted head. She said Ok, but not to blow in her mouth, 10 minutes later I blew in her mouth, she got up and retched into sink and told me off. HA HA HA! (sic)”<sup>61</sup> These anecdotes by sex buyers expose a disturbing reality of the purchaser-purchased dynamic of the sex industry; it should be considered that it is not at all appropriate or safe to render sex sellers as any other product and sex buyers as any other customers by completely deregulating their purchasing activities.”*

Jacqueline Gwynn recalls:<sup>62</sup>

*I found the punters repulsive. They were entitled, rude, sexist, abusive, and violent, and many had appalling hygiene. They talked about women like they are slabs of meat, complaining about their “quality”. I found it unbearable sometimes just being near them. Can you imagine what it’s like to be naked and having such men grope and penetrate you? Many women report mentally escaping that reality by dissociating. Dissociation is psychological detachment from your surroundings because they are too awful to bear. One woman described it to me as astral travelling. Others said they focussed on the money and what they’d buy with it. Another way of dissociating is by using drugs or alcohol. Most of the women I knew in the brothel were addicted to drugs of one sort or another. But whichever way they did it, dissociating like that takes a terrible toll on women.*

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<sup>58</sup> Victorian Government (2016). *Sex Work Regulations 2016*.

[https://content.legislation.vic.gov.au/sites/default/files/d5d42cad-a7c4-3542-a543-3c1566dcbead\\_16-47sra002%20authorised.pdf](https://content.legislation.vic.gov.au/sites/default/files/d5d42cad-a7c4-3542-a543-3c1566dcbead_16-47sra002%20authorised.pdf)

<sup>59</sup> [http://www.worldsexguide.com/guide/Australia\\_and\\_Pacific/Australia/Perth/index.htm](http://www.worldsexguide.com/guide/Australia_and_Pacific/Australia/Perth/index.htm)

<sup>60</sup> <http://best-melbourne-brothels.com.au/ji-li-golden-hands/>

<sup>61</sup> [http://www.worldsexguide.com/guide/Australia\\_and\\_Pacific/Australia/Sydney/more3.htm](http://www.worldsexguide.com/guide/Australia_and_Pacific/Australia/Sydney/more3.htm)

<sup>62</sup> Gwynn, Jacqueline (27 July 2020). Insights into prostitution by former receptionist presents harrowing reality. *Adopt Nordic WA*.

<https://www.adoptnordicwa.org/uncategorized/insights-into-prostitution-by-former-receptionist-presents-harrowing-reality/>

## Removing from police the power to protect women

In our previous submission to the Select Committee on the Statutes Amendment (Decriminalisation of Sex Work) Bill 2015, we pointed out that abolishing the provisions of s. 26 in particular would make intervention in the exploitation and manipulation of pimps and other sex industry entrepreneurs almost impossible for police.<sup>63</sup>

At present, police rely on legal provisions outlawing “living on the earnings of prostitution” to prosecute pimping activity, which is difficult to prove through other frameworks. The modus operandi of pimps is often to enter into “relationships” with victims, and so prostituted women are often concurrently victims of domestic violence.<sup>64</sup> While police sometimes use proceeds of crime provisions to intervene in pimping activity, this charge imposes upon police a higher evidentiary burden in relation to establishing additional crimes.

It is now commonly the case that women live in the brothels where they are prostituted, or in nearby apartments arranged by pimps, and so the connection between pimping and living on the earnings of prostitution has become more evident and concrete than in the past.<sup>65</sup> Abolishing s. 26 would therefore deprive police of an effective criminal intervention tool, which would render vulnerable women in situations of domestic violence or migration to Australia less able to benefit from police assistance.

## Not a ‘job like any other’

‘Sex work is work’ is the standard line fed to the public to conceal the violence and abuse in the sex industry and to gain support for its unfettered access to women’s bodies.

Reviewing Melinda Tankard Reist and Caroline Norma’s book *Prostitution Narratives: Stories of Survival in the Sex Trade*,<sup>66</sup> Dr Abigail Bray outlines the shocking contrasts between the claims of the sex industry’s supporters and the reality of prostitution according to survivors themselves:<sup>67</sup>

“Progressive men often argue that prostitution is a job like any other.

*So, here I was, a small sixteen year old girl locked in a room where men would come to threaten, beat and rape me or take me to other men who would pay to*

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<sup>63</sup> Collective Shout (2015). Submission: Select Committee on the *Statutes Amendment (Decriminalisation of Sex Work) Bill 2015*.

[https://d3n8a8pro7vhmx.cloudfront.net/collectiveshout/pages/1097/attachments/original/1465353894/Collective\\_Shout\\_submission\\_Select\\_Committee\\_on\\_the\\_Statutes\\_Amendment\\_\(Decriminalisation\\_of\\_Sex\\_Work\)\\_Bill\\_2015.pdf?1465353894](https://d3n8a8pro7vhmx.cloudfront.net/collectiveshout/pages/1097/attachments/original/1465353894/Collective_Shout_submission_Select_Committee_on_the_Statutes_Amendment_(Decriminalisation_of_Sex_Work)_Bill_2015.pdf?1465353894)

<sup>64</sup> <http://www.rcfv.com.au/getattachment/8DF7ADDC-4E17-4D6E-8F4F-C330C645BA9C/Project-Respect>

<sup>65</sup> The Queensland Prostitution Licensing Authority issued 'Sleeping accommodation for sex worker' guidelines in 2012. See <http://www.happyplace8.com.au/about/facilities-hp8/>

<sup>66</sup> Tankard Reist M. and Norma C. (2016). *Prostitution Narratives: Stories of Survival in the Sex Trade*. Spinifex Press, North Melbourne.

<sup>67</sup> Bray, Abigail (2017) "Book Review: Prostitution Narratives: Stories of Survival in the Sex Trade, Edited by Caroline Norma and Melinda Tankard Reist," *Dignity: A Journal of Analysis of Exploitation and Violence*: Vol. 2: Iss. 2, Article 7. DOI: 10.23860/dignity.2017.02.02.07 <https://digitalcommons.uri.edu/dignity/vol2/iss2/7>

*rape me. My life had ended that first day, my mind had completely shut down.*  
—Suzzan Blac (p.192)

“Progressive men often say that prostitution is harmless.

*I am hurting from a past no one should know a past made of gang-rapes, of being alone with men who see nothing but an object to destroy, of wanting to die but fighting to stay alive.*—Rebecca Mott (p.187)

“Progressive men often say that women feel empowered by prostitution.

*I was gagged, choked, gang raped, pushed, pulled by the legs, shoved, yelled at, threatened, lied to, anally raped, filmed and photographed naked with and without my consent.*—Genevieve Gilbert (p.175)

“Progressive men often say that prostitution is a choice.

*I began volunteering at a drop-in centre for prostituted women. I was shocked at what I saw. Most of the women in the room were of Native ancestry, and most of them looked like death camp survivors.* —Jacqueline Lynne (p.167)”

Jacqueline Gwynn, cited earlier and a contributor to *Prostitution Narratives*, writes:<sup>68</sup>

*I was a receptionist in a legal brothel in Melbourne, Australia, for two years and I'd say things like: these women choose to do this work; the men are nice guys; it's just a job; it's no different from doing massage; and it's a lot better than flipping burgers in a hot, greasy kitchen. This was my survival instinct speaking and this is how women in the industry make it through the night. You tell yourself it's OK and think of the money. It's what you do to make the best of a bad situation, and to stop feeling too awful about yourself. In fact there's nothing normal or empowering about prostitution. But I wasn't able to say that until I'd been out of the industry for two whole years.*

There are several compelling reasons that prostitution is not a job like any other:

## Age and experience valued in other jobs, but not in prostitution

Dana Levy writes:

*A young woman who sells her virginity online can make a fortune, but a 40-year-old woman with vast experience will earn very little. A punter who calls a brothel never asks, “Which is your most experienced employee?” but rather, “Who is the youngest girl?” or “Do you have any new girls?”<sup>69</sup>*

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<sup>68</sup> Gwynn, Jacqueline (27 July 2020). Insights into prostitution by former receptionist presents harrowing reality. *Adopt Nordic WA*.

<https://www.adoptnordicwa.org/uncategorized/insights-into-prostitution-by-former-receptionist-presents-harrowing-reality/>

<sup>69</sup> Levy, Dana (12 March 2020). *Nordic Model Now!*

<https://nordicmodelnow.org/2020/03/12/prostitution-is-not-a-job-and-never-will-be-heres-why/>

## Vulnerabilities and harm increased during COVID lockdown

Despite the COVID restrictions placed on the sex industry, it has been reported that some women in prostitution are being forced to meet sex buyers in covert arrangements organised by brothel managers.<sup>70</sup> This places prostituted women at risk of contracting coronavirus as well as the added risk of punitive action and significant fines for breaching COVID restrictions.

Many women in prostitution who have faced economic disruption due to COVID restrictions are now seeking alternative means of survival.<sup>71</sup> For example, Melbourne based front line outreach service Project Respect, a support and referral service for women in the sex industry and women who have been trafficked, has seen an increase of 150% in women seeking their services, including support to exit the sex industry.<sup>72</sup>

In the face of such a significant increase in the demand for programs that support exit strategies, the lack of government funding for these desperately needed services becomes even more stark. The coronavirus exposed pre-existing vulnerabilities and contributed to increased risk and harms to those in the industry.

Poor workplace protections also mean that even when prostitution is treated as work in legalised and decriminalised regimes, women in the sex industry are not given basic workplace entitlements and many face severe economic distress, including the risk of homelessness and destitution. The vast majority of women turn to prostitution as a last resort for economic survival. Indeed, studies show that most women in prostitution want to leave but do not have other options to do so for survival.<sup>73</sup>

Women in prostitution face extreme harms. Human trafficking for sexual exploitation maintains the supply of women for the sex trade. Yet, there remains a lack of government funding for organisations which provide exit programs and support for women in prostitution. Additionally, many women in prostitution are ineligible for COVID-related government financial support. The negative impacts prostitution has on gender equality and women's status is also a serious concern.

## Women not always free to leave

Jacqueline Gwynn writes:

*After a woman walks in the brothel door at the beginning of her shift, she's not allowed to leave until it ends. That's the general rule in legal brothels in Victoria. This gives the lie to the sex trade lobby's pretence that the women are running a*

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<sup>70</sup> Project Respect (2020). *Project Respect*.

<https://www.facebook.com/ProjectRespectMelbourne/posts/3068021529943493>

<sup>71</sup> Boyer, D.K. (2021). Prostitution During the Pandemic: Findings Show Need for Nordic Model. *Dignity: A Journal of Analysis of Exploitation and Violence* 6:3. See also: Tankard Reist, M. Women & girls at increased risk of sexploitation & violence during pandemic. Presentation at June 2020 webinar event hosted by the Centre for Women's Studies, University of Hyderabad. <https://youtu.be/ejLAupWfBbM>

<sup>72</sup> Project Respect (2020). *Project Respect*.

<https://www.facebook.com/ProjectRespectMelbourne/posts/3068021529943493>

<sup>73</sup> Farley, M., Cotton, A., Lynne, J., Zumbek, S., Spiwak, F., Reyes, M.E., Alvarez, D., and Sezgin, U. (2004). Prostitution and Trafficking in Nine Countries: An Update on Violence and Posttraumatic Stress Disorder. *Journal of Trauma Practice* 2(3/4):33-74.

*small business like any other and can come and go as they please. ... Eventually I understood the real reason for keeping the women in lockdown is not about drugs at all. It is about control and making them obedient, to break them down mentally. In every sense the sex trade involves the manipulation, control and oppression of the women. I saw this even in that upmarket legal brothel.*<sup>74</sup>

## Consent is absent

Dana Levy explains that sexual consent requires (a) the freedom to choose a sexual partner, (b) the freedom to select the nature of the sexual activity and (c) the freedom to choose the timing. In prostitution, none of these three conditions exist. Non-consensual sex is an offence, and certainly not work.<sup>75</sup>

## No employment protection

Jacqueline Gwynn writes:<sup>76</sup>

*One of the arguments for legalising prostitution is that it brings the women the advantages of being in regular employment. But in practice that doesn't happen. It certainly didn't in the brothel I worked in and I never heard of one where it did – not even in New Zealand, where my friend was in a brothel. Instead the women were "sole traders" and they just got paid for the bookings they did. They didn't get any pension contributions or maternity or sick leave or pay. And they couldn't take out insurance for income protection like you can in a conventional job. They'd have to take time off for their period, or unwanted pregnancies or tears to their anus or vagina, or because they just needed a break from the abuse and trauma. What insurance company would cover a woman for this? It is too much of a risk.*

*Prostitution is not as lucrative as you would imagine. I was surprised that there isn't more money in it for the women. There were a few women who would see up to 10 punters a night but most saw two or three and it wasn't uncommon for women to get no bookings at all. It was upsetting seeing them sitting there for 10 or 12 hours without getting a single one – and knowing they'd go home without a bean.*

*Under normal workplace rules, workers get scheduled breaks. But not in the brothel – because if you get a booking, you are obligated to take it. In theory the*

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<sup>74</sup> Gwynn, Jacqueline (27 July 2020). Insights into prostitution by former receptionist presents harrowing reality. *Adopt Nordic WA*.

<https://www.adoptnordicwa.org/uncategorized/insights-into-prostitution-by-former-receptionist-presents-harrowing-reality/>

<sup>75</sup> Levy, Dana (12 March 2020). *Nordic Model Now!*

<https://nordicmodelnow.org/2020/03/12/prostitution-is-not-a-job-and-never-will-be-heres-why/>

<sup>76</sup> Gwynn, Jacqueline (27 July 2020). Insights into prostitution by former receptionist presents harrowing reality. *Adopt Nordic WA*.

<https://www.adoptnordicwa.org/uncategorized/insights-into-prostitution-by-former-receptionist-presents-harrowing-reality/>

women can decline a booking or refuse to see a particular punter but that rarely happens in practice. They need to pay their rent, so they have to do the booking. Men would ask for an hour, and later extend it for another one. On a busy night a woman could have back to back bookings. ... In the brothel, punters are treated like kings and nothing is spared in the way of their luxury. They had a spacious lounge area with leather couches and pool tables. The women's facilities were at the opposite end of the scale. The 10 or more women working up to 12 hour shifts had to share one small cramped room, lacking in privacy. They didn't even have space to sit down comfortably to relax between bookings.

## Health risks

Rae Story, feminist writer and former prostitute, writes: "This lifestyle was endemic and institutional: we couldn't rest, eat healthily, take breaks and, by sleeping during the day, we mostly missed out on natural light. Compounded with a culture of substance use and abuse, this wasn't a healthy way to live."<sup>77</sup>

The experiences of being abused take a heavy toll on women. As mentioned earlier, research finds that levels of PTSD observed are comparable with that reported among treatment-seeking war veterans.<sup>78</sup>

Jacqueline Gwynn writes from her experience that prostitution is a dangerous job which can never be made safe.<sup>79</sup>

*Prostitution is the only job where unwanted pregnancy is an occupational hazard. Technically condoms were compulsory but every shift at least one punter would ask how much it was for doing it without. The women often told me about condoms splitting, of punters deliberately breaking them or taking them off when they did it "doggy style."*

*In hospitals and clinics, workers who handle bodily fluids like blood, saliva, semen, urine or faeces wear protective clothing, gloves and goggles. In the brothel, although condoms were technically compulsory, neither I nor anyone else had any control over what happened behind the closed doors of the brothel rooms... Kissing was considered an extra service that men paid more for. But it meant women were exposed to men's saliva in their mouth, and their vagina if he went down on them. They also have semen splashed on their face, hair and in their eyes during blow jobs. 'Golden showers' were a common extra.*

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<sup>77</sup> Story, Rae (2 May 2016). Working in a New Zealand brothel was anything but 'a job like any other'. *Feminist Current*.

<https://www.feministcurrent.com/2016/05/02/working-in-a-new-zealand-brothel-was-anything-but-a-job-like-any-other/>

<sup>78</sup> Roxburgh, A., Degenhardt, L., Copeland, J. (2006). Posttraumatic stress disorder among female street-based sex workers in the greater Sydney area, Australia. *BMC Psychiatry* 6:24.

<sup>79</sup> Gwynn, Jacqueline (27 July 2020). Insights into prostitution by former receptionist presents harrowing reality. *Adopt Nordic WA*.

<https://www.adoptnordicwa.org/uncategorized/insights-into-prostitution-by-former-receptionist-presents-harrowing-reality/>

*Every booking was meant to begin with the woman inspecting the man's genitals under a spotlight, lifting his penis and checking his testicles for warts or lesions. Can you imagine how awkward and humiliating that is for both parties? And anyway there's no guarantee it would reveal evidence of any sexually transmitted infections the man might have. To be honest, I'm not sure the women actually complied with this rule because in my two years, only one man was ever turned away because he failed the inspection.*

*Nothing can make these practices safe and they become even more dangerous when either party is under the influence of drugs or alcohol. Sexually transmitted diseases are an occupational health risk in all brothels, including legal ones.*

*Tears of the anus and vagina are also common and women typically need to take a month or more off to recover. Such injuries are physically and emotionally traumatising and, because the women are not employees, they're not paid while they take time off to recuperate.*

*Men who pay for sex expect to do whatever they want to a woman's body. If they are paying for an hour, they expect to fuck for the entire hour. They expect to get their money's worth. So women resort to pain killers or prescription or illicit drugs to numb themselves. And they use topical anaesthetic creams around their anus and vagina. But this means they don't feel the damage while it is being done, making serious injuries even more likely.*

*Getting pounded violently in the vagina, anus and mouth from uncaring men all night takes a serious toll on your body. The women would often look much older than they actually were – which is a known sign of extreme and persistent stress.*

*There were never any such inspections in the brothel when I worked there. I would have been sure to have heard if there had been one. And if they had done even a basic check, they would have closed the place down. Just having porn playing in every room made it an unsafe work environment. Women were exposed to sexually transmitted infections, violence and abuse. These conditions do not exist in a normal job.*

## Drug abuse

Drugs appear to be rife in legal brothels. Stacey Tierney's death in Dreams Gentleman's Club in Melbourne is an example of a sex industry workplace where illicit drugs are widely available and used, combined with "clients" who did not call for help when she needed it. This club promotes itself thus: "Melbourne's finest tabletop dancing venue houses a selection of the most exquisite ladies, plush decor, refreshments and full table service."<sup>80</sup>

Stacey died whilst with two men and lay dead for twelve hours before being found. Her body was found in the only place in the club with no CCTV. A source reported that drugs such as MDMA and

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<sup>80</sup> Ridley, Sarah (2 Jan 2017). Strip Club Death Mystery. *The Sun*.  
<https://www.thesun.co.uk/news/2519057/melbourne-strip-club-death-british-woman-stacey-tierney/>

cocaine were easy to obtain and were delivered by an experienced courier with his own bodyguard. There have been no prosecutions over her death.<sup>81</sup>

The two men claimed to be asleep, but their text messages tell a different story: “This chick’s passed out and I can’t leave her. She’s scaring me.” ... “I don’t know what to do anymore.” Only when the manager turned up at midday the next day did anyone call emergency services. But minutes before the police arrived, a boy was seen on CCTV leaving the club with a bag; he was never identified or located, and police said there were signs the room was ‘tidied up’. Victoria Police announced on 16 November 2018 that “there will be no charges stemming from this incident and no further police action.”<sup>82</sup>

And the next day, the club advertised their “Sexy Poker Tuesdays” as usual.<sup>83</sup>

Stacey’s tragic death happened in the context of an industry that cares little for its ‘workers’. Leigh Hopkinson conducted her own investigations into Stacey’s death, and noted:

*Since Stacey’s death, strippers have grown increasingly concerned for their safety. Last year, dancers at several Melbourne clubs had their drinks spiked, only to find that management was unwilling to call an ambulance. In one instance, the dancer was sent home in a taxi; in another, she was left vomiting on the toilet floor until her emergency contact arrived. That distressed co-workers feel unable to call an ambulance themselves speaks volumes about the workplace culture. And at some clubs, if a stripper is assaulted, she is no longer able to have the customer removed. For all of these reasons, strippers face significant pressure to overstep their professional boundaries, leaving them vulnerable to exploitation and assault.*<sup>84</sup>

Some sex industry advocates blame broader community ‘stigma’ and ‘cultural mythologies’ for Stacey’s death, rather than the club’s policies and practices or the men who were with her.<sup>85</sup> This perspective ignores the fact that it was clients and staff – who hold no stigma toward the sex industry – who failed to attend to and get help for Stacey. As soon as the manager called emergency services, they responded just as they would with any other emergency.

And if we need more reasons to refute the sex industry’s line of “sex work is work,” designed to protect their interests:

- Prostitution is not a task that a boss in the mainstream labour market can ever add to an employee’s job description
- No one wants their children to go into prostitution
- Job centres do not send women to ‘jobs’ in prostitution

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<sup>81</sup> Webb, Sam (9 Nov 2017). Mystery Death: Who was Stacey Tierney? British dancer found dead in Melbourne strip club. *The Sun*. <https://www.thesun.co.uk/news/2530991/stacey-tierney-british-woman-melbourne/>

<sup>82</sup> Hopkinson, Leigh (2019). After Hours. *Overland* <https://overland.org.au/previous-issues/issue-236/feature-after-hours/>

<sup>83</sup> Bruce-Smith, Alex (11 May 2017). Melbourne strip club finally breaks silence over tragic death of dancer. *Pedestrian TV*. <https://www.pedestrian.tv/news/melbourne-strip-club-finally-breaks-silence-over-tragic-death-of-dancer/>

<sup>84</sup> Hopkinson, Leigh (2019). After Hours. *Overland* <https://overland.org.au/previous-issues/issue-236/feature-after-hours/>

<sup>85</sup> Badham, Van (9 Jan 2017). Stacey Tierney deserved the same right to a safe workplace as any of us. *The Guardian*. <https://www.theguardian.com/commentisfree/2017/jan/09/stacey-tierney-deserved-the-same-right-to-a-safe-workplace-as-any-of-us>

- No other job requires extensive psycho-social rehabilitation
- Researchers are unwilling to try out prostitution themselves

To read more stories by survivors, get a copy of *Prostitution Narratives*,<sup>86</sup> or visit <https://nordicmodelnow.org/2019/05/11/is-sex-work-real-work-if-work-is-being-slapped-beaten-told-youre-a-worthless-whore-then-yes-its-work/>

## Increase in sex trafficking

There is little evidence to suggest Australia's sex industry is much different from those of countries in Europe. In other words, just like those countries, women in prostitution in Australia are disproportionately foreign-born, non-English speaking and live without permanent visa status in the country. These circumstances render women in the industry vulnerable to modern enslavement, and there have been numerous instances of the trafficking and murder of foreign women brought to Australia for prostitution.

For example, a 2018 investigation found that illegal brothels in Melbourne were linked to international crime groups and had been involved in visa fraud and human trafficking.<sup>87</sup> According to a report in the Canberra Times, in 2009, six young women were enslaved to work up to 20 hours a day in the Diamonds brothel in Willoughby and ordered to perform unusual sex acts against their will so they could pay 'debts' to the madam. The madam recruited the women from Malaysia and arranged for them to arrive on student visas, telling them they had to pay a \$5000 debt for their enrolment in education courses, airfares, and visas.<sup>88</sup> And a formerly prostituted woman (from Thailand) in 2012 was convicted of a slavery offence while the man she was connected to, who raped the victim soon after arriving in Australia, was not tried on any trafficking-related charge.<sup>89</sup>

Chinese national Tina Fang was murdered by a prostitution buyer in an Adelaide hotel in 2015 after travelling from Sydney. There is every reason to believe Fang was being trafficked around Australia's cities; the sexual exploitation of Asian-background women in Australia is recognised as occurring on a widespread scale. At the time of her death, Fang was on a four-day trip to Adelaide from Sydney with the escort agency for which she worked. A man who was employed by the escort agency as a minder told the court he had to pick up sex workers from the airport, take them to their hotel and make sure they had toiletries and food. "Different girls came for different times, normally three days ... some would come from a Monday to Wednesday, others would start on Wednesday ... there was an overlap," he told the court.<sup>90</sup>

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<sup>86</sup> Tankard Reist M. and Norma C. (2016). *Prostitution Narratives: Stories of Survival in the Sex Trade*. Spinifex Press, North Melbourne.

<sup>87</sup> Nine News (20 Aug 2018). Exclusive investigation reveals illegal brothels operating in Melbourne. <https://www.9news.com.au/videos/exclusive-investigation-reveals-illegal-brothels-operating-in-melbourne/cjl21kf7d003y0rnghaf6fcpe>

<sup>88</sup> Bibby, Paul, and Gardiner, Stephanie (3 April 2013). Madam convicted of enslaving students at north shore brothel. *The Sydney Morning Herald*.

<http://www.smh.com.au/nsw/jail-for-brothel-keeper-who-enslaved-women-20130705-2phgf.html>

<sup>89</sup> Andrews, Louis (12 April 2012). How this sex ledger helped convict ACT brothel madam of 'slavery'. *The Canberra Times*. <https://www.canberratimes.com.au/story/6171823/how-this-sex-ledger-helped-convict-act-brothel-madam-of-slavery/>

<sup>90</sup> News.com.au (4 August 2017). Chungaung Piao loses appeal to overturn sentence over murder of sex worker Tina Fang. <https://www.news.com.au/national/south-australia/chungaung-piao-loses-appeal-to-overturn-sentence-over-murder-of-sex-worker-ting-fang/news-story/f5258696c268e31a6180ab1fa346b3ec>

Despite ongoing problems in Australia relating to the trading of, particularly, foreign-born Asian women for prostitution, the Australian government, according to the US Department of State's 2018 *Trafficking in Persons Report*, "did not make efforts to reduce the demand for commercial sex acts."<sup>91</sup>

The *Report* continues, "[s]ome foreign women—and sometimes girls—are held in captivity, subjected to physical and sexual violence and intimidation, manipulated through illegal drugs, obliged to pay off unexpected or inflated debts to traffickers, or otherwise deceived about working arrangements [in Australia]. Traffickers attempt to evade authorities by allowing victims to carry their passports while in brothels and frequently move them to different locations to prevent victims from establishing relationships with civil society or other victims."<sup>92</sup>

Australia is considered a destination country for sex trafficking by the US Department of State and the UK Home Office.<sup>93</sup> Research also confirms Australia's status as a high-volume destination country for sex trafficking.<sup>94</sup> It is difficult to ascertain the precise extent of this practice, however researchers estimate that about 2000 women are trafficked into Australia each year for sexual exploitation.<sup>95</sup>

According to the Australian Federal Police, the problem of sex trafficking is "wide and vast", and prosecuted cases represent a fraction of the trade passing under the radar.<sup>96</sup> Australia is a hub for sex trafficking in the region due to the large scale of the sex industry, its legal status and its relative profitability compared to other sex industries in the region. It is an attractive investment destination for pimps and traffickers as the industry has in the past operated relatively free of government monitoring and intervention. The market for buying sexual services ensures Australia remains a hub for victims of trafficking because Asian women are in demand by the local Australian male population.

The proposal to decriminalise the sex industry in South Australia leaves the state's sex industry open to both unfettered trafficking as well as sex tourism by men who will likely travel interstate to buy Asian women in lax regulatory jurisdictions. The border South Australia shares with Western Australia risks becoming a hotspot for trafficking if South Australia dilutes its sex industry laws to create an operating environment different from that in WA. While neither state hosts a domestic jurisdiction fully hostile to the commercial activities of the sex industry, it is nonetheless the case that prostitution entrepreneurs will receive financial incentive to operate more intensively in South Australia if its laws are lax compared to those of WA.

Industry legalisation and deregulation create a lucrative and expanding prostitution market into which women will be trafficked to meet escalating levels of consumer demand. Legalising or

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<sup>91</sup> US Department of State, *Trafficking in Persons Report*, 2018, p. 81

<sup>92</sup> US Department of State, *Trafficking in Persons Report*, 2018, p. 81.

<sup>93</sup> Home Office (2004). Paying the Price: a consultation paper on prostitution. *Home Office Communication Directorate*, [http://news.bbc.co.uk/nol/shared/bsp/hi/pdfs/16\\_07\\_04\\_paying.pdf](http://news.bbc.co.uk/nol/shared/bsp/hi/pdfs/16_07_04_paying.pdf)

<sup>94</sup> Cho, S.Y., Dreher, A., and Neumayer, E. (2012). Does Legalized Prostitution Increase Human Trafficking? *World Development*, 41:67-82. Appendix B, p 30, citing the United Nations Office On Drugs and Crime. [https://eprints.lse.ac.uk/45198/1/Neumayer\\_Legalized\\_Prostitution\\_Increase\\_2012.pdf](https://eprints.lse.ac.uk/45198/1/Neumayer_Legalized_Prostitution_Increase_2012.pdf)

<sup>95</sup> SBS News (2012). Trafficked Women Forced into Brothels. *SBS News*, 3rd October. <https://www.sbs.com.au/news/trafficked-women-forced-into-brothels>

<sup>96</sup> Duff, Eamon (12 Sept 2015). AFP reveals sex trafficking based in Sydney brothels. *Sydney Morning Herald*. <https://www.smh.com.au/national/nsw/afp-reveals-sex-trafficking-based-in-sydney-brothels-20150912-gjkzwt.html>

deregulating the sex trade serves to normalise the purchasing of sexual services and, as a result, many men who had never before purchased sex when it was illegal may now feel comfortable to do so. As the demand for women and girls for sexual exploitation increases, a greater number of women and girls must be imported to meet this demand, which leads to a significant rise in sex trafficking. A study of 150 countries confirmed that legalised prostitution leads to expansion of the prostitution market and increasing human trafficking and that on average, countries where prostitution is legal experience larger human trafficking inflows.<sup>97</sup> As the Native Women's Association of Canada writes:

*[Legalisation] fails to protect women who are targeted by traffickers and who continue to be forced into prostitution, and there seems to be a direct link between legalizing prostitution and the rise of human trafficking for sexual exploitation...the legalized prostitution system has provided for a great increase in trafficking victims in an unhealthy dynamic that seems to be increasing the number of women who are forced and trapped within a legalized system.*<sup>98</sup>

Overseas governments are aware of the risk their citizens face in relation to visa-mediated trafficking in Australia's sex industry. The South Korean Ministry of Foreign Affairs and Trade, for example, has hosted pre-departure training for Koreans participating in working holiday programs in Australia on their vulnerability to sex trafficking.<sup>99</sup> There have been persistent and continuing practices of sexual enslavement within the NSW sex industry, regardless of whether or not proprietors are registered with local councils.

In 2009, Jang, Jung and Dalton published an article (followed by a book in 2010) based on surveys and interviews with 21 Korean women in Sydney's sex industry. They found that more than half the women "felt that they were deceived about their eventual working conditions [in Australia] and found their working conditions to be either worse or much worse than what they expected or heard."<sup>100</sup> Interviewees experienced "surveillance or [being] in captivity" and had their "physical appearance or . . . daily activities controlled" while in Australia at rates of more than 80 percent.<sup>101</sup> In 2006 it was reported that a 36-year-old woman was detained at the Songpa Police Station in Seoul for successfully recruiting 50 women for trafficking into prostitution in Sydney. She had been undertaking this activity since April 2004. The newspaper reporter noted she "lured women by telling them that the sex trade is legal in Australia."<sup>102</sup>

Jang, Jung, and Dalton noted that "international employment networks based in Korea . . . may have played a significant role in the entry of Korean women into the Australian entertainment and sex industry," and a "large number of recruiters in Korea [are] working as agents for Australia-based

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<sup>97</sup> Cho, Dreher and Neumayer (2013)

<sup>98</sup> Native Women's Association of Canada (2014). *Sexual Exploitation And Trafficking Of Aboriginal Women And Girls: Literature Review and Key Informant Interviews: Final Report*. Native Women's Association of Canada, p41.

[https://www.nwac.ca/wp-content/uploads/2015/05/2014\\_NWAC\\_Human\\_Trafficking\\_and\\_Sexual\\_Exploitation\\_Report.pdf](https://www.nwac.ca/wp-content/uploads/2015/05/2014_NWAC_Human_Trafficking_and_Sexual_Exploitation_Report.pdf)

<sup>99</sup> US Department of State (2011). *Trafficking in Persons Report 2011*, p. 218

<https://2009-2017.state.gov/j/tip/rls/tiprpt/2011/index.htm>

<sup>100</sup> Jang, H., Jung, K. and Dalton, B.M. (2009). Factors influencing labour migration of Korean women into the entertainment and sex industry in Australia. *KSAA*, p255.

<sup>101</sup> Jang, Jung, and Dalton (2009) p. 940.

<sup>102</sup> Chosun Ilbo (22 Nov 2006). Women Lured into Australian Sex Trade.

[http://english.chosun.com/site/data/html\\_dir/2006/11/22/2006112261027.html](http://english.chosun.com/site/data/html_dir/2006/11/22/2006112261027.html)

Korean recruiters of entertainment and sex workers".<sup>103</sup> Indicative of foreign trafficker activity within Australia's borders is the statistic that over 54 per cent of women in prostitution in Western Sydney were born overseas.<sup>104</sup>

After legalising prostitution in 2002, Germany has become a popular sex tourism hotspot and is widely known as the 'brothel of Europe'. Only 20% of women in Germany's sex industry are believed to be German, with the vast majority being imported from foreign countries.<sup>105</sup> German Detective Superintendent Helmut Sporer described the devastating impacts of legalising the sex industry in Germany, including worsened conditions for women, greater power to pimps and organised crime gangs, and a significant increase in trafficking. Sporer described legalisation as "an El Dorado for pimps [and] punters"<sup>106</sup> who were transformed into legitimate businessmen overnight and empowered with the right to give orders to women in the industry. Women were subjected to strict rules by brothel operators:

*They had to be at the disposal of punters for 13 hours running, they weren't even allowed to leave the brothel earlier, they had to walk around stark naked, they weren't even allowed to decide on the prices for their services. Prices were unified and set. Some had to offer unprotected sex. And they all had to pay fees to the brothel for the infringement of any of these rules. These conditions are of course incompatible with human dignity. It has led to a massive reduction of the legal standing of the women...You could therefore say it is a new form of slavery, under state supervision.*

Sporer reported signs of sex trafficking, such as women being moved around every few weeks, and an estimated 80% of prostituted women coming from abroad, as well as a rise in demand for younger, more childlike women who were referred to as "fresh meat".

## The Asianisation of Australia's sex industry

In our submission to the Inquiry into Establishing a Modern Slavery Act in Australia, we wrote that the over-representation of Asian-background women with poor English proficiency in the NSW sex industry should be recognised as a red flag of trafficking crime and action taken accordingly.<sup>107</sup> The deregulation of most of the Australian sex industry means that awareness about trafficking, and initiatives to detect it, are almost non-existent in the country. This situation would only be exacerbated by any decision in South Australia to weaken the state's prostitution laws.

The Australian Anti-People Trafficking Interdepartmental Committee not only restricts its focus to trafficking taking place 'outside the sex industry' (with program funding directed accordingly), but openly declares an ongoing intent to exclude the sex industry from view: 'During the next year there

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<sup>103</sup> Jang, Jung, and Dalton (2009) p. 258.

<sup>104</sup> Kakar, S.R., Biggs, K., Chung, C., Sawleshwarkar, S., Mindel, A., Lagios, K., Hillman, R.J. (2010). A retrospective case note review of sex worker attendees at sexual health clinics in the western suburbs of Sydney. *Sex Health*, 7(1): 3-7.

<sup>105</sup> Sporer (2013)

<sup>106</sup> Sporer (2013)

<sup>107</sup> Collective Shout (2017). *Submission: Inquiry into establishing a Modern Slavery Act in Australia*. Submission 57 at

[https://www.apf.gov.au/Parliamentary\\_Business/Committees/Senate/Legal\\_and\\_Constitutional\\_Affairs/ModernSlavery/Submissions](https://www.apf.gov.au/Parliamentary_Business/Committees/Senate/Legal_and_Constitutional_Affairs/ModernSlavery/Submissions)

will be a continued focus on issues related to trafficking of people for exploitation outside the commercial sex industry'.<sup>108</sup>

Indeed, the Australian government closes its eyes to trafficking into the sex industry. Police in the country's capital admitted to a 2012 parliamentary inquiry that the Office of Regulatory Services had made only one visit in the last five years, with that visit flagged weeks in advance.<sup>109</sup> A view of prostitution as work circulates so strongly in Australian society that trafficking victims are barely conceived of in public policy, let alone identified. There have been fewer than fifteen convictions for trafficking-related offences in the country. Foreign women in prostitution are simply perceived of as 'sex work migrants.'

Recent developments in Australia toward the introduction of a 'sex work visa' category further reflect this idea of prostitution as an industry into which women simply migrate for labour. A second indicator of trafficking in Australia is the emergence of 'Asian women only' brothels, which have become popular in recent years, and particularly in NSW, widely known to offer unprotected oral sex and to conceal rates of disease.<sup>110</sup> The Queensland Prostitution Licensing Authority in 2011 noted with concern in its annual report that this type of brothel had become more common (this report has been removed from the PLA website). Asian-women only brothels were also mentioned earlier in a 2009 report commissioned by the Victorian state government in relation to venues that offer women for prostitution on a 'rotation' basis. This is a well-known practice of traffickers.

A brothel manager interviewed by researchers in Australia in 2009 described the practice of 'rotation' in this way:

*Most of them [i.e., Asian women in prostitution], they're just here on working visas and then they buzz back overseas in three months because they [brothel owners] turn them over. Their policy is to turn the girls over all the time. So the way they do it is they work between three or four brothels and they have them working one week there, one week there, one week there and they say, advertise, new girls, new girls. They haven't got new, they're just back after three or four weeks at another place they just rotate them around.<sup>111</sup>*

This practice of 'turning girls over' and 'rotating them around' generally requires the trafficking of women. In order for pimps to be able to offer customers a 'variety' of women (and thereby make more profit), they need to secure networks and channels for the procurement of women. The existence of 'Asian-only' brothels allows pimps to sell trafficked women on a rotation basis with lower possibility of being reported to authorities by local women in the industry. The emergence of 'Asian women only' brothels in Australia shows how well local pimps have developed networks and

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<sup>108</sup> Anti-People Trafficking Interdepartmental Committee (2012). *Trafficking in Persons: The Australian Government's Response 1 July 2011–30 June 2012*.

<http://www.ag.gov.au/CrimeAndCorruption/HumanTrafficking/Documents/ReportoftheAntiPeopleTraffickingInterdepartmentalCommitteeJuly2012toJune2012.doc>

<sup>109</sup> ACT Government (2012). *Standing committee on justice and community safety inquiry into the Prostitution Act 1992 Report 9*, p. 49.

[https://www.parliament.act.gov.au/\\_data/assets/pdf\\_file/0003/373368/JACS09\\_Prostitution\\_Act.pdf](https://www.parliament.act.gov.au/_data/assets/pdf_file/0003/373368/JACS09_Prostitution_Act.pdf)

<sup>110</sup> Marriner, Cosima (31 Jul 2011). The threat to health from cheap brothels. *Sydney Morning Herald*.

<https://www.smh.com.au/healthcare/the-threat-to-health-from-cheap-brothels-20110730-1i5an.html>

<sup>111</sup> Pickering, S., Maher, J.M, and Gerard, A. (2009). Working in Victorian brothels: An independent report commissioned by Consumer Affairs Victoria into the Victorian brothel sector.

<https://www.consumer.vic.gov.au/library/publications/resources-and-education/research/working-in-victorian-brothels-2009.pdf>

channels in overseas countries. While there are, of course, many women of Asian-backgrounds living in Australia, the overall lack of English language skill among women in prostitution in Australia suggests that pimps aren't recruiting local Asian women.

On the contrary, they are advertising women precisely on the basis of their foreign nationality, as this quote from a prostitution buyer on a review website indicates:

*Lately there has ben [sic] a number of girls advertising/claiming to be Japanese, Korean etc with similar websites and photos and different names. Are they the same girl or are there a whole lot of them that have decended [sic] into Melbourne.?*<sup>112</sup>

The sex industries of, particularly, Melbourne and Sydney have become 'Asianised' over the last decade, as this quote from a prostitution buyer posted to an online reviewer website indicates:

*Club 8 ran by new management with an overhaul of Australian WLS [i.e., prostituted women] to give us mostly Chinese and Korean WLS now. The facilities at Club 8 look like the Hotel brothels you get in China with all the space, huge lounge/waiting room, counter and hotel-styled rooms...*<sup>113</sup>

In 2011, Asian brothels were doing a roaring trade, offering services at half the price charged by non-Asian businesses, and offering unprotected oral sex. A prostituted Chinese woman told a reporter, "Men want [oral sex without a condom] so they go to places that offer that. It only happens in Asian place because the boss want more customer so he use that as a method of attracting more customer. In local place they usually emphasise the safety of girls."<sup>114</sup>

The Asianisation of the Australian sex industry points to an increasing involvement of pimps and sex industry investors from countries like Korea and China. While this doesn't necessarily constitute evidence of trafficking, it does show the likelihood that brothel owners in Australia have contacts among sex industry business people overseas, and possibly use these networks to procure women and 'rotate' them around licensed and unlicensed prostitution businesses in Australia. In spite of these many outward signs that trafficking is a feature of the Australian sex industry, government officials and researchers continue to repeat the claim that trafficking is rare in the country.

For example, the 2011 report of the Australian Commonwealth Anti-People Trafficking Interdepartmental Committee claims that "opportunities to traffic people into Australia are limited because of our strong migration controls and geographic isolation".<sup>115</sup> This statement reflects some naivety about the extent to which the sex industry is moving women around in Australia (i.e., trafficking them) to meet demand for prostitution. It was reported in July 2012, for example, that Asian women are being trafficked into mining towns like Mt Isa and are 'working on a fly-in, fly-out

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<sup>112</sup> Mikemelb, 'Punter Planet, 22 September 2010

<sup>113</sup> 'bareback spider,' Punter Planet, 4 March 2011

<sup>114</sup> Marriner, Cosima (31 Jul 2011). The threat to health from cheap brothels. *Sydney Morning Herald*. <https://www.smh.com.au/healthcare/the-threat-to-health-from-cheap-brothels-20110730-1i5an.html>

<sup>115</sup> Australian Government (2011). *Trafficking in Persons: The Australian Government Response, 1 July 2010 – 30 June 2011*. p. 3  
<https://www.homeaffairs.gov.au/criminal-justice/files/report-anti-people-trafficking-interdepartmental-committee-july-2010-june-2011.pdf>

basis, two weeks here, two weeks in the next town and so on; they are being advertised as available in the local newspapers, and they are coerced or threatened into doing it'.<sup>116</sup>

The US Department of State in its 2011 Trafficking in Persons Report describes the trafficking of women into prostitution in Australia in similarly clear terms:

*[S]ome brothels are run by Asian organized crime groups that arrange for Asian women to travel, sometimes on student visas, to work in brothels. The women and girls are sometimes held in captivity, subjected to physical and sexual violence and intimidation, manipulated through illegal drugs, and obliged to pay off unexpected or inflated debts to their traffickers.*<sup>117</sup>

The Australian Federal Police manager of victim-based crime in 2015, Commander Glen McEwen, told a parliamentary inquiry that there were 24 separate investigations into alleged sexual servitude in 2014, six in NSW, and some ongoing. He believed that number was only a fraction of the abuse that is going undetected and described the problem of human trafficking as “wide and vast.” The same parliamentary committee had previously seen presentations by stakeholders in the sex industry claiming that trafficking “doesn’t happen at all”.<sup>118</sup>

The culture of denial that surrounds sex trafficking in Australia contributes to an environment in which prosecutors bring very few trafficking-related cases to court (fewer than 40 in the country’s history) and achieve very few convictions (fewer than ten). When a conviction is achieved, moreover, prison sentences are often allocated to the women controlling the victims (who are often former victims themselves), rather than the (mostly male) pimps who organised their traffic. In one case tried successfully this year, a former prostituted woman (from Thailand) was convicted of a slavery offence, while the man she was connected to, who raped the victim soon after arriving in Australia, was not tried on any trafficking-related charge.<sup>119</sup>

While the woman was certainly involved in the victim’s trafficking and should indeed be penalised, the fact she herself had been in prostitution before the victim was trafficked into Australia suggests she might not have been the original instigator of the crime. The Australian courts are ignorant of the sophisticated strategies of traffickers which include using former trafficking victims as recruiters. The Australian anti-trafficking legislation contains only weak provisions against the brokers and middlemen who are crucial to trafficking networks worldwide. The government continues to see sex trafficking as organised by a few rogue individuals, rather than well-connected organised crime networks. The Australian Federal Police were criticised in the media in 2011 for failing to coordinate with Taiwanese public prosecutors over a trafficking network operating in Taipei which sent a number of women to Australia.<sup>120</sup>

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<sup>116</sup> The Age (10 July 2012). Sex workers trafficked through Queensland mining towns. *The Age*.

<http://www.theage.com.au/queensland/sex-workers-trafficked-through-queensland-mining-towns-20120710-21sgh.html>

<sup>117</sup> US Department of State (2011). *Trafficking in Persons Report 2011*, p. 218

<https://2009-2017.state.gov/j/tip/rls/tiprpt/2011/index.htm>

<sup>118</sup> Duff, Eamonn (12 Sept 2015). AFP reveals sex trafficking based in Sydney brothels. *Sydney Morning Herald*. <https://www.smh.com.au/national/nsw/afp-reveals-sex-trafficking-based-in-sydney-brothels-20150912-gjkzwt.html>

<sup>119</sup>

<http://www.canberratimes.com.au/act-news/how-this-sex-ledger-helped-convict-act-brothel-madam-of-slavery-20120411-1wshh.html>

<sup>120</sup> <http://www.abc.net.au/4corners/stories/2011/10/06/3333668.htm>

There appears to be a lack of comprehension among high levels of government, the judiciary and law enforcement in Australia about the attractiveness of the country for pimps and traffickers in the Asia-Pacific region. Australia is seen as an 'attractive' investment destination for pimps and traffickers because most of the country's sex industry operates free of government monitoring and intervention. Even when state governments introduce licensing systems for brothels, this doesn't necessarily mean they perform checks on the sex industry. This kind of welcoming environment for sex industry businesses makes Australia an attractive target for sex industry investors, and therefore makes Asian women vulnerable to cross-border trafficking into Australia, given the country's location in the region."

Caroline Norma, international expert on sexual slavery, writes:<sup>121</sup>

*Australians feel proud of their easy-going, unprejudiced attitude towards the sex industry. So proud, in fact, that they write prostitution into law as "sex work", and write it out of federal anti-trafficking legislation entirely.<sup>122</sup> Our national spirit of tolerance towards customers of the sex industry is reflected in laws that award men rights to sue women for non-service,<sup>123</sup> and to buy women legally advertised according to their "race, colour or ethnic origin".<sup>124</sup> Pimps, too, are expansively embraced: since 2009, all councils in New South Wales must allow them to operate somewhere in their jurisdictions, and regulators must provide "certainty for commercial sex services premises and ensure equitable treatment with other commercial premises."*

*... This relaxed outlook on prostitution develops in Australia out of the sex-buying history of its male citizens. This history is fundamentally tied to Asia, and Australians have found magnanimity towards "sex work" an easy approach while the bodies used are Asian.*

*No similar national conversation emerges in Australia when the country sees similar atrocities against Asian women in the sex industry. Tina Fang was murdered in a hotel room in 2015, a Korean woman was set on fire as she left a Sydney brothel in 2012, and a recent court case revealed Asian parlour managers being instructed to train "scared" young women like a "new racehorse or a new dog". Australians fail to react to these serious crimes because acknowledging*

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<sup>121</sup> Norma, Caroline (31 March 2021). Australia's history of outsourcing sexual abuse to Asian women. *ABC Religion and Ethics*.

<https://www.abc.net.au/religion/australia-outsourcing-sexual-abuse-to-asian-women/13284728>

<sup>122</sup> Australian Government (2020). *Australia's National Action Plan to Combat Modern Slavery 2020-2025*.

<https://www.homeaffairs.gov.au/about-us/our-portfolios/criminal-justice/people-smuggling-human-trafficking/human-trafficking#:~:text=Division%20271%20of%20the%20Criminal,Convention%20Against%20Transnational%20Organized%20Crime>

<sup>123</sup> Fyles, S. (2019). A Bill for an Act to provide for a Regulator Framework for the Sex Industry. Serial 105.

[https://parliament.nt.gov.au/\\_data/assets/pdf\\_file/0018/731007/Sex-Industry-Bill-2019.pdf](https://parliament.nt.gov.au/_data/assets/pdf_file/0018/731007/Sex-Industry-Bill-2019.pdf)

<sup>124</sup> Victorian Government (2016). *Sex Work Regulations 2016*.

[https://content.legislation.vic.gov.au/sites/default/files/d5d42cad-a7c4-3542-a543-3c1566dcbead\\_16-47sra002%20authorised.pdf](https://content.legislation.vic.gov.au/sites/default/files/d5d42cad-a7c4-3542-a543-3c1566dcbead_16-47sra002%20authorised.pdf)

*prostitution's human rights violations undermines self-assured, self-congratulatory attitudes towards "sexual services".<sup>125</sup>*

The Australian government does not publicly acknowledge any link between the country's large and legal sex industry and the trafficking of women. It prefers to think that the causes of trafficking reside in other countries, and not within Australia's borders. This view is clearly expressed in a June 2011 statement by Australia's permanent mission to the United Nations.

According to the mission, there are two causes of trafficking, both of which originate overseas. The first is the 'poverty, unemployment, corruption, gender inequality, lack of access to education and discriminatory cultural norms' of countries other than Australia. The second is the inadequate 'capacity of States to address trafficking in persons'—states overseas, that is, and not Australia.<sup>126</sup>

The Australian government also likes to imagine, as much as possible, that trafficking is a crime that occurs outside of the sex industry. The most recent Australian federal Anti-People Trafficking Interdepartmental Committee report shows how keen the government is to draw attention away from trafficking as a crime driven by demand for prostitution, and toward other industries and forms of labour smuggling:

*During the past year, the Australian Government has maintained its focus on combating trafficking for labour exploitation... During the next year there will be a continued focus on issues related to trafficking of people for exploitation outside the commercial sex industry.<sup>127</sup>*

When the government is forced to recognise the existence of foreign women in Australia's sex industry, it prefers to imagine these women have autonomously 'migrated' to Australia to pursue 'sex work', rather than having been trafficked. In other words, the government subscribes to an idea of 'migration for sex work'. It promotes this revisionist idea of trafficking through measures like funding a project by an organisation called the Scarlet Alliance in 2009 to 'raise awareness' among 'migrant sex workers' about the 'legal and migration rights and responsibilities to people considering travelling to Australia for sex work'. This initiative, called the Migration Project, aims to improve 'access to justice and services for migrant sex workers and industrial conditions for sex workers in Australia'.<sup>128</sup>

## Addressing disability arguments

Advocates for the sex industry are working hard to generate pity for men with disabilities, and translate that pity into support for the big businesses of pimping women's bodies – which they like to

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<sup>125</sup> Parliament of NSW (2015). *Issues Backgrounder: Brothel Regulation in NSW*.

<https://www.parliament.nsw.gov.au/researchpapers/Documents/brothel-regulation-in-nsw/Brothel%20Regulation%20in%20NSW%20Aug%202015.pdf>

<sup>126</sup> Human Rights Council (1 June 2011). 17th Session Clustered Interactive Dialogue with the Special Rapporteur on the Right of Everyone to the Enjoyment of the Highest Attainable Standard of Physical and Mental Health and the Special Rapporteur on Trafficking in Persons, Especially Women and Children. Statement by Australia. <http://www.geneva.mission.gov.au/gene/Statement211.html>

<sup>127</sup> Collective Shout (2015). Submission: Inquiry into Human Trafficking, Parliamentary Joint Committee on Law Enforcement, Canberra, ACT.

[https://d3n8a8pro7vhm.cloudfront.net/collectiveshout/pages/1303/attachments/original/1480396859/Sub\\_1\\_Collective\\_Shout\\_redacted.pdf?1480396859](https://d3n8a8pro7vhm.cloudfront.net/collectiveshout/pages/1303/attachments/original/1480396859/Sub_1_Collective_Shout_redacted.pdf?1480396859)

<sup>128</sup> [http://www.scarletalliance.org.au/projects/migration/News\\_Item.2010-12-09.4018](http://www.scarletalliance.org.au/projects/migration/News_Item.2010-12-09.4018)

call 'intimacy'. One advocate says, "Instead of imagining clients are sleazy blokes cruising along the street, let's think about the disabled."<sup>129</sup>

We believe this perspective is ableist, sexist, misogynist and also, disingenuous.

Men with disabilities will not be getting 'intimacy' any more than any other 'client' does, as formerly-prostituted feminist writer Rae Story explains:

*The changing culture saw the increasing demand for "the girlfriend" or the "porn star" experience. Punters had become clients, with greater demands than simple sexual relief. The culture of the glamorized "girlfriend experience"—where a sex worker performs romantic intimacy—is meant to be our empowerment, but it is our new bind. Not only do we have to offer sexual activity, but we had to make it look good, too.*<sup>130</sup>

Jacqueline Gwynn condemns the idea that men with disabilities have a need and a right to women's bodies: "It is demeaning and ableist because it implies that people with disabilities are too grotesque to be sexually attractive and are not capable of sexual expression and forming partnerships with other people."<sup>131</sup>

She cites Carrie who was prostituted for over a decade:

*I saw very few disabled men but actually preferred them as clients because they did not physically threaten me like able bodied men. They were usually brought in by a female carer who, because of a duty of care, stayed to watch while I performed the service. The men were so profoundly physically and/or mentally disabled that I doubt they were capable of consenting to sex.*

Gwynn comments that if the men weren't capable of giving consent, "what does that make it? Who is deciding for them? Who is paying for it? How degrading it must be for the prostituted woman to have someone watching. According to Carrie, clients were often unable to climax and seemed uncomfortable being there. If it was not forced upon him by his family or carers, he probably would never have contemplated it. It is sexual abuse if he's not willingly choosing it."

Jess Martin, who has two brothers with developmental disabilities, notes three false statements in the argument that disabled men have a right to prostituted women's bodies.<sup>132</sup>

First, it offensively presumes that disabled people are so sexually unappealing that no one would willingly choose to have sex with them. Martin believes we should consider mechanical and communication technology and public education to help people with disabilities have intimate relationships. But offering prostitution as a substitute for mutually satisfying unpaid sex is regressive.

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<sup>129</sup> Briggs, Casey (25 Sep 2019). Sex work restrictions are punishing people with disabilities, advocates say. *ABC News*.

<https://www.abc.net.au/news/2019-09-26/sex-workers-say-laws-are-punishing-people-with-disabilities/11500210>

<sup>130</sup> Story, Rae (24 March 2016). Sex work, the "girlfriend experience" and the labors of feminine beauty. *Ms*. <https://msmagazine.com/2016/03/24/on-sex-workthe-girlfriend-experience-and-the-labors-of-feminine-beauty/>

<sup>131</sup> Gwynne, Jacqueline (2020). Myth: Men with disabilities have the right to prostitutes. *Nordic Model Now*. <https://nordicmodelnow.org/myths-about-prostitution/myth-disabled-men-have-the-right-to-paid-sex-with-prostitutes/>

<sup>132</sup> Martin, Jess (11 November 2014). The notion that it's ok for disabled men to pay for sex is rooted in misogyny and ableism. *Feminist Current*. <https://www.feministcurrent.com/2014/11/11/the-notion-that-its-ok-for-disabled-men-to-pay-for-sex-is-rooted-in-misogyny-and-ableism/>

Second, it is a grave mistake to conflate sexual preferences with sexual expression and for this to be considered a human right. The sex industry would like us to accept that it is a right to have “physical intimacy” with whomever we prefer (for example a thin, able-bodied, perky-breasted woman) in whatever fantasy we like. This suits their business model. But it is antithetical to real relationships.

And third, it presumes that the sexual appetite of disabled men is more important than equality for women.

## Violence, not ‘stigma’, is the cause of harm

Legislative approaches are argued to “reduce stigma” of individuals in prostitution. But it is not stigma that rapes and murders women in the sex trade; it is male buyers who believe they have an entitlement to women’s bodies and view women as less than human.

Many academics are determined to use ‘stigma’ to explain away all the problems in prostitution. One paper, for example, notes the burden of mental illness experienced by prostituted women, then blames it on suboptimal mental health care because of ‘stigma’.<sup>133</sup>

Another paper imposing an ideology of ‘stigma’ on prostituted women found that the women have a need for substantially more health care and protective services, but they experience/anticipate ‘stigma’ and discrimination in accessing these services.<sup>134</sup> The paper concludes by calling for decriminalisation. But how will this help reduce their need for health care and protective services? This focus on ‘stigma’ fails to acknowledge the fundamentally dangerous nature of the sex industry.

Another study explores the impact of prostitution on the women’s own personal romantic relationships. Most women (78%) reported that sex work affected their personal romantic relationships in negative ways, relating to issues of lying, trust, guilt and jealousy. A few women reported positive impacts from sex work including improved sexual self-esteem and confidence. Of those who were single, 77% chose to remain single due to the nature of their work. Many women used mental separation to cope with the tensions between sex work and their personal relationships. Despite the data revealing the harm that prostitution does to women’s personal romantic relationships, the researchers conclude that “greater public awareness and education programs aimed at addressing the negative stigma associated with the sex industry may go some way towards easing the issues faced by women in their personal relationships”.<sup>135</sup>

A study of Asian women in prostitution in Western Australia found that the only positive aspect of their ‘work’ was the financial benefits.<sup>136</sup> Otherwise, they worked longer hours and saw more clients

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<sup>133</sup> Treloar, C., Stardust, Z., Cama, E., & Kim, J. (2021). Rethinking the relationship between sex work, mental health and stigma: a qualitative study of sex workers in Australia. *Social science & medicine* 268, 113468. <https://doi.org/10.1016/j.socscimed.2020.113468>

<sup>134</sup> McCausland, K., Lobo, R., Lazarou, M., Hallett, J., Bates, J., Donovan, B. and Selvey, L.A. (2020) ‘It is stigma that makes my work dangerous’: experiences and consequences of disclosure, stigma and discrimination among sex workers in Western Australia. *Culture, Health & Sexuality*, DOI: [10.1080/13691058.2020.1825813](https://doi.org/10.1080/13691058.2020.1825813)

<sup>135</sup> Bellhouse, C., Crebbin, S., Fairley, C. K., & Bilardi, J. E. (2015). The Impact of Sex Work on Women's Personal Romantic Relationships and the Mental Separation of Their Work and Personal Lives: A Mixed-Methods Study. *PloS one*, 10(10), e0141575. <https://doi.org/10.1371/journal.pone.0141575>

<sup>136</sup> Selvey, L. A., Lobo, R. C., McCausland, K. L., Donovan, B., Bates, J., & Hallett, J. (2018). Challenges Facing Asian Sex Workers in Western Australia: Implications for Health Promotion and Support Services. *Frontiers in public health*, 6, 171. <https://doi.org/10.3389/fpubh.2018.00171>

per week than non-Asian women. They described stress and aggressive, demanding clients, and 44% were not taught about safe sex and work skills. Of those not working in massage parlours, 36% reported having been threatened, 24% reported having been assaulted, and 48% reported having been pressured to do something they didn't want to do by a client in the previous 12 months (known outside the sex industry as rape or sexual assault). However, once again, the conclusion was that 'stigma' and 'discrimination' were their main problems.

To talk about removing the 'stigma' of 'sex work', one must fully understand what prostitution is. We urge the Committee to understand prostitution outside of the academic and political context. In the words of Andrea Dworkin, feminist academic and a formerly prostituted woman:<sup>137</sup>

*It is very hard to think about talking about prostitution in an academic setting. It's really difficult.*

*I want to bring us back to basics. Prostitution: what is it? It is the use of a woman's body for sex by a man, he pays money, he does what he wants. The minute you move away from what it really is, you move away from prostitution into the world of ideas. You will feel better; you will have a better time; it is more fun; there is plenty to discuss, but you will be discussing ideas, not prostitution. Prostitution is not an idea. It is the mouth, the vagina, the rectum, penetrated usually by a penis, sometimes hands, sometimes objects, by one man and then another and then another and then another and then another. That's what it is.*

*I ask you to think about your own bodies.... I ask you to think concretely about your own bodies used that way. How sexy is it? Is it fun? The people who defend prostitution and pornography want you to feel a kinky little thrill every time you think of something being stuck in a woman. I want you to feel the delicate tissues in her body that are being misused. I want you to feel what it feels like when it happens over and over and over and over and over and over and over again: because that is what prostitution is.*

*Of course the circumstances must matter, you say. No, they do not, because we are talking about the use of the mouth, the vagina, and the rectum. The circumstances don't mitigate or modify what prostitution is.*

*The only analogy I can think of concerning prostitution is that it is more like gang rape than it is like anything else.*

*Oh, you say, gang rape is completely different. An innocent woman is walking down the street and she is taken by surprise. Every woman is that same innocent woman. Every woman is taken by surprise. In a prostitute's life, she is taken by surprise over and over and over and over and over again. The gang rape is punctuated by a money exchange. That's all. That's the only difference. But money has a magical quality, doesn't it? You give a woman money and whatever it is that you did to her she wanted, she deserved.*

*She is, of course, the ultimate anonymous woman. Men love it... her namelessness says to the man, she's nobody real, I don't have to deal with her,*

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<sup>137</sup> Dworkin, Andrea (1994). Prostitution and Male Supremacy.  
<http://www.nostatusquo.com/ACLU/dworkin/MichLawJournl.html>

*she doesn't have a last name at all, I don't have to remember who she is, she's not somebody specific to me, she's a generic embodiment of woman. She is perceived as, treated as—and I want you to remember this, this is real—vaginal slime. She is dirty; a lot of men have been there. A lot of semen, a lot of vaginal lubricant. This is visceral, this is real, this is what happens. Her anus is often torn from the anal intercourse, it bleeds. Her mouth is a receptacle for semen, that is how she is perceived and treated. All women are considered dirty because of menstrual blood but she bleeds other times, other places. She bleeds because she's been hurt, she bleeds and she's got bruises on her.*

*When men use women in prostitution, they are expressing a pure hatred for the female body. It is as pure as anything on this earth ever is or ever has been. It is a contempt so deep, so deep, that a whole human life is reduced to a few sexual orifices, and he can do anything he wants. Other women at this conference have told you that. I want you to understand, believe them. It's true. He can do anything he wants. She has nowhere to go. There is no cop to complain to; the cop may well be the guy who is doing it. The lawyer that she goes to will want payment in kind. When she needs medical help, it turns out he's just another john. Do you understand? She is literally nothing. Now, many of us have experiences in which we feel like nothing, or we know that someone considers us to be nothing or less than nothing, worthless, but for a woman in prostitution, this is the experience of life every day, day in and day out.*

What would be the consequences of reducing the 'stigma' of prostitution?

- Reducing stigma means that people should understand and be comfortable with the fact that, among Asian women prostituted in Western Australia, 36% reported having been threatened, 24% reported having been assaulted, and 48% reported having been pressured to do something they didn't want to do by a client in the past 12 months. Outside the sex industry, this is known as rape or sexual assault.<sup>138</sup>
- Reducing stigma means that, with all the talk of 'consent' to reduce sexual assault, if 'consent' is lacking it can simply be purchased.
- Reducing 'stigma' means there will be increasing numbers of men who become customers of the sex industry. Women must be recruited if entrepreneurs are to profit from this consumer demand, since local women are unwilling to do so in the required numbers.
- The trafficking and 'unwilling participation' of women in the sex industry is one way of filling this gap between 'supply' and 'demand' for the sexual exploitation of women, and this solution particularly harms poor, foreign and vulnerable women who are escaping situations of domestic violence.
- Reducing stigma means empowering pimps to expand their lucrative businesses trading in the bodies of women and girls.

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<sup>138</sup> Selvey, L. A., Lobo, R. C., McCausland, K. L., Donovan, B., Bates, J., & Hallett, J. (2018). Challenges Facing Asian Sex Workers in Western Australia: Implications for Health Promotion and Support Services. *Frontiers in public health*, 6, 171. <https://doi.org/10.3389/fpubh.2018.00171>

- Sex industry deregulation reduces the level of contempt that the community has about prostitution, requiring the community to accept, for example, the fact that around 80 per cent of men who pay for sex have wives or girlfriends.<sup>139</sup>

## Failure to fulfil obligations under Palermo and CEDAW

In 2014 the European Parliament passed a resolution pronouncing that both “prostitution and forced prostitution... [are] forms of slavery incompatible with human dignity and fundamental human rights”.<sup>140</sup> Reports of the European Parliament describe, conservatively, a 21 million-person trade where “sexual exploitation is the main purpose...both globally and in Europe,” and in which, in the European Union, “figures for sexual exploitation...represent...69% of victims (95%...women and girls)”.<sup>141</sup>

This recognition of modern slavery as anchored in the sexual exploitation of women and girls is not, however, well reflected in Australian political debate.<sup>142</sup> Collective Shout believes that the omission is significant and should be rectified if Australia’s laws are to reflect the nation’s commitments to international law.<sup>143</sup>

Australia is a party to the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children(also known as the Palermo Protocol):<sup>144</sup>

*As a party to the Palermo Protocol, the Australian Government has an obligation to fulfil Article 9, Section 5, which requires State Parties to take measures, including legislative ones, to discourage demand for trafficking: States Parties shall adopt or strengthen legislative or other measures, such as educational, social or cultural measures, including through bilateral and multilateral cooperation, to discourage the demand that fosters all forms of exploitation of persons, especially women and children, that leads to trafficking.*<sup>145</sup>

<sup>139</sup> Marriner, Cosima (31 July 2011). The threat to health from cheap brothels. *Sydney Morning Herald*. <https://www.smh.com.au/healthcare/the-threat-to-health-from-cheap-brothels-20110730-1i5an.html>

<sup>140</sup> European Parliament (26 Feb 2014). European Parliament resolution of 26 February 2014 on sexual exploitation and prostitution and its impact on gender equality.

<http://www.europarl.europa.eu/sides/getDoc.do?type=TA&reference=P7-TA-2014-0162&language=EN&ring=A7-2014-0071>

<sup>141</sup> Voronova, S. and Radjenovic, A. (2016). The gender dimension of human trafficking. European Parliament. [https://www.europarl.europa.eu/RegData/etudes/BRIE/2016/577950/EPRS\\_BRI\(2016\)577950\\_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2016/577950/EPRS_BRI(2016)577950_EN.pdf)

<sup>142</sup>

[https://www.aph.gov.au/Parliamentary\\_Business/Committees/Senate/Legal\\_and\\_Constitutional\\_Affairs/ModernSlavery](https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Legal_and_Constitutional_Affairs/ModernSlavery)

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[https://www.aph.gov.au/Parliamentary\\_Business/Committees/Senate/Legal\\_and\\_Constitutional\\_Affairs/ModernSlavery/Submissions](https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Legal_and_Constitutional_Affairs/ModernSlavery/Submissions)

<sup>144</sup> United Nations Human Rights (15 Nov 2000). *United Nations Convention against Transnational Organized Crime and its supplementary Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children*.

<https://www.ohchr.org/en/professionalinterest/pages/protocoltraffickinginpersons.aspx>

<sup>145</sup> United Nations (2000). *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime*. Article 9, Section 5. <https://www.ohchr.org/en/professionalinterest/pages/protocoltraffickinginpersons.aspx>

## Need and case for the Nordic Model

The Government must honour its commitment to the Palermo Protocol by directly addressing demand for sexual exploitation of women and girls. The need to adopt best practice Nordic/Equality model Collective Shout recommends that the Australian government conduct research into the Nordic model of prostitution legislation, also known as the Equality model, which has been endorsed by the European Parliament as best practice for tackling trafficking and gender inequality.<sup>146</sup>

This description is taken from Nordic Model Now (<https://nordicmodelnow.org/>). It is important to include all these components in Nordic Model legislation.

### 1. Decriminalisation of those in the industry

Prostitution is inherently violent. Women should not be criminalised for the exploitation and abuse they endure.

### 2. Buying sex becomes a criminal offence

Buying human beings for sex is harmful, exploitative and can never be safe. We need to reduce the demand that drives sex trafficking.

### 3. A holistic approach: support and exit services

High quality, non-judgemental services to support those in prostitution and help them build a new life outside it, including access to safe affordable housing, training and further education, child care, legal, debt and benefit advice, and emotional and psychological support.

A public information campaign; training for police and CPS; tackling the inequality and poverty that drive people into prostitution; effective laws against pimping and sex trafficking, with penalties that reflect the enormous damage they cause.

If the South Australian parliament truly seeks to reduce the prostitution of women in its jurisdiction, there are numerous examples around the world of anti-sex industry legislation that criminalise the businesses and their customers (but not its victims), and institute programs of assistance for people in the sex industry to leave prostitution and forge lives in mainstream employment and society.

The Nordic model was enacted in Sweden in 1999 after decades of research to address women's equality and all forms of violence against women. It is an asymmetrical model of decriminalisation where those providing sexual services are supported to exit the trade, while the buyers, pimps and exploiters are criminalised. The model targets demand, and research suggests that countries which have adopted the Nordic Model approach to prostitution law have seen a reduction in sex trafficking inflows.<sup>147</sup> The Nordic Model of prostitution law has been adopted by Sweden, Iceland, Norway, Canada, France, Ireland, Northern Ireland and Israel.

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<sup>146</sup> European Parliament (26 Feb 2014). Punish the client, not the prostitute. *News*. <https://www.europarl.europa.eu/news/en/press-room/20140221IPR36644/punish-the-client-not-the-prostitute>

<sup>147</sup> Waltman, M. (2011). Sweden's Prohibition of Purchase of Sex: The Law's Reasons, Impact, and Potential. *Women's Studies International Forum* 34(5):449-74.

This model is built on the premise that without men's demand for women and girls for sexual exploitation, the global sex trade would not be able to flourish and expand.

- As a result of Sweden's legislation, street prostitution has halved,<sup>148</sup> the number of prostituted women in the country fell from 2500 to 1500 within two years of implementing legislation<sup>149</sup> and the number of sex buyers decreased by 80%.<sup>150</sup>
- A Government review found that the law had been an effective barrier for trafficking for sexual exploitation and that prostitution in Sweden, unlike other comparable countries, had not increased, but prostituted people in Sweden were around ten times lower per capita than in Denmark.<sup>151</sup>
- Rates of prostitution and sex trafficking remain substantially higher in neighbouring countries where prostitution is legalised,<sup>152</sup> as Sweden is no longer a profitable option for traffickers.
- Police wire taps confirm that Sweden and Norway are less attractive markets for pimps and traffickers.<sup>153</sup>

In Canada, a 2013 Supreme Court ruling declared that a legislative provision against operating a 'bawdy house' was unconstitutional. The court gave Canada's parliament one year to amend its statute to reflect the ruling. In response to the court's ruling, women's and indigenous organisations all over the country mobilised to resist judicial pressure to deregulate pimping. Instead they persuaded Canadian MPs to vote in favour of a model of legislation that declares prostitution a crime of violence – the Nordic Model. As a result, Canada now has nationwide legislation that criminalises the sex industry and its customers.<sup>154</sup> The legislation preamble states that:

- the Parliament of Canada has grave concerns about the exploitation that is inherent in prostitution and the risks of violence posed to those who engage in it.
- the Parliament of Canada recognizes the social harm caused by the objectification of the human body and the commodification of sexual activity.
- it is important to protect human dignity and the equality of all Canadians by discouraging prostitution, which has a disproportionate impact on women and children.
- it is important to denounce and prohibit the purchase of sexual services because it creates a demand for prostitution.
- it is important to continue to denounce and prohibit the procurement of persons for the purpose of prostitution and the development of economic interests in the exploitation of the

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<sup>148</sup> Ministry of Justice (2015). Evaluation of the prohibition of the purchase of sexual services. Government Offices of Sweden, 25 August. <https://www.government.se/articles/2011/03/evaluation-of-the-prohibition-of-the-purchase-of-sexual-service/s/>

<sup>149</sup> Ministry of Justice (2015). Evaluation of the prohibition of the purchase of sexual services. Government Offices of Sweden, 25 August. <https://www.government.se/articles/2011/03/evaluation-of-the-prohibition-of-the-purchase-of-sexual-service/s/>

<sup>150</sup> Gripenlöf A. et al (1991-2002). Yearly reports from the Stockholm Police Prostitution Group. Stockholm: The County Police of Stockholm.

<sup>151</sup> Waltman (2011). Ekberg (2004).

<sup>152</sup> Ekberg, G. (2004). The Swedish Law That Prohibits the Purchase of Sexual Services: Best Practices for Prevention of Prostitution and Trafficking in Human Beings. *Violence Against Women* 10(10):1187-1218.

<sup>153</sup> Waltman (2011).

<sup>154</sup> Department of Justice (Canada) (2017). Technical Paper: Bill C-36, Protection of Communities and Exploited Persons Act. <http://www.justice.gc.ca/eng/rp-pr/other-autre/protect/p1.html>

prostitution of others as well as the commercialization and institutionalization of prostitution.

- the Parliament of Canada wishes to encourage those who engage in prostitution to report incidents of violence and to leave prostitution.
- the Parliament of Canada is committed to protecting communities from the harms associated with prostitution...<sup>155</sup>

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<sup>155</sup> Parliament of Canada (2014). Statutes of Canada 2014, Chapter 25. An Act to amend the Criminal Code in response to the Supreme Court of Canada decision in Attorney General of Canada v. Bedford and to make consequential amendments to other Acts.  
<https://www.parl.ca/DocumentViewer/en/41-2/bill/C-36/royal-assent>

## Appendix 1: Reported murders of women in the sex industry by buyers or pimps

Below is a list of women in the sex industry, in legalised and decriminalised jurisdictions in Australia and New Zealand, who have been murdered by sex buyers or pimps. This list is by no means exhaustive. It does not include cases where the woman is missing and presumed dead, or where the killer is unknown, and it does not include deaths by suicide or drug overdose. It only reflects media coverage of known murders committed by sex buyers or pimps, spanning the periods where prostitution was legalised or decriminalised in the different states.

### Australia<sup>156</sup>

2020-Kimberley McRae was strangled by sex buyer Hector Enrique Valencia.

2019-Michaela Dunn was stabbed to death and her throat was slit by sex buyer Mert Ney.

2012-Debara Martin was beaten to death by her ex-partner Adam John Kennedy, a former client.

2010-Rebecca Apps was murdered with a tomahawk by client David John Dunn, after he tried to have sexual intercourse with her but was unable to.

2008-“Jenny” and “Susan”, both Chinese women in their twenties were found dead with their throats cut. A pimp was heard boasting over the murders, but the case remains unsolved.

2008-Emma Jane King was murdered by sex buyer John Michael Robert Potts, who stabbed her to death and then sexually abused her corpse and hid her naked body under his bed.

2006-Jo-Anne Bowen died of a drug overdose after being injected with cocaine and methylamphetamine by two clients.

2003-Maria Scott Bradley, an indigenous woman, was stabbed twice in the back and three times in the abdomen by Mark Brown, a frequent sex buyer.

1995-Kristy Mary Harty was shot in the head by client Bandali Michael Debs.

2015-Tiffany Taylor was murdered by sex buyer Rodney Wayne Williams. Her blood was found in his car, but her body was never recovered. She was 16, and five months pregnant.

2010-Shuxia Yuan was stabbed 23 times with a fishing knife by her client James William Glenn.

2004-Mayuree Kaewee was murdered by her client Craig Anthony Lennox, who punched her in the face until she lost consciousness and dumped her body in a ditch.

2003-Julie Louise McColl was bound with ropes and blindfolded and was forced to perform oral sex in the soaking rain, then stabbed to death by her client Francis Fahey, who also had murdered Jasmin Crathern.

2002-Jasmin Crathern was stabbed 14 times to death with a bayonet by her client Francis Fahey.

2000-“Bambi” was shot three times and killed while working at an illegal brothel. Her 12 year old daughter had also been handcuffed and raped. Victoria

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<sup>156</sup> Sex Industry Kills (2020).Prostitution Murders in Australia.

<https://www.sexindustry-kills.de/doku.php?id=prostitutionmurders:aus>

2013-Tracy Connelly was found inside the van she lived in, battered to death, with extensive injuries to her head and upper body. Her killer is still unknown.

2004-Grace Illardi was fatally bashed by Quincy Detenamo, who had reportedly earlier in the day approached another prostituted woman.

2003-Kelly Hodge was murdered by Novica Jakimov, who along with a friend picked up Hodge and prostituted her.

1998-Tracy Holmes was strangled by sex buyer Graeme Leslie Green.

1997-Kristy Mary Harty was shot in the head by client Bandali Michael Debs.

1990-Roslyn Hayward was drugged and strangled by sex buyer Gregory John Brazel.

1990-Sharon Taylor was hired and stabbed to death by sex buyer Gregory John Brazel.

## New Zealand

2019-Bella Te Pania was murdered by a client after being picked up in the city's red-light area.<sup>157</sup>

2016-Renee Larissa Duckmanton was murdered by Sainey Marong, who picked her up from Christchurch's red-light district and strangled her to death, dumped her body on a country roadside, and set her alight.<sup>158</sup>

2010-Nuttidar Vaikaew was strangled to death by one of her "regulars," Gordon Hieatt, in her own home.<sup>159</sup>

2008-Ngatai Lynette Manning aka Mellory Manning was picked up by Mauha Huatahi Fawcett and was stabbed, strangled, raped, and beaten to death with a metal pole.<sup>160</sup>

2005-Anna Louise Wilson was murdered by sex buyer Peter Stephen Waihape. She was run over, backed over, run over a second time, backed over a second time, run over a final time and then dumped in the Avon river.<sup>161</sup>

2005-Suzie Sutherland was strangled to death by sex buyer Jules Burns.

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<sup>157</sup> Sherwood, S. (7 Jan 2020). Christchurch woman killed while working on the street "would've fought for her life." *Stuff*.  
<https://www.stuff.co.nz/national/crime/118611422/christchurch-woman-killed-while-working-on-the-street-wouldve-fought-for-her-life>

<sup>158</sup> Bayer, K. (23 Feb 2018). Big Read: Brutal, bizarre murder of Renee Duckmanton and the lies to feign insanity by a guilty man. *NZ Herald*. [https://www.nzherald.co.nz/nz/news/article.cfm?c\\_id=1&objectid=12000374](https://www.nzherald.co.nz/nz/news/article.cfm?c_id=1&objectid=12000374)

<sup>159</sup> The Telegraph (8 Nov 2010). New Zealand man kept murdered girlfriend's corpse for one month. *The Telegraph*.  
<https://www.telegraph.co.uk/news/worldnews/australiaandthepacific/newzealand/8116479/New-Zealand-man-kept-murdered-girlfriends-corpse-for-one-month.html>

<sup>160</sup> White, P. (3 Nov 2015). Remembering the murdered women erased by the pro-sex work agenda. *Feminist Current*.  
<https://www.feministcurrent.com/2015/11/03/remembering-the-murdered-women-erased-by-the-pro-sex-work-agenda/>

<sup>161</sup> Sex Industry Kills (2020). Prostitution Murders in New Zealand.  
<https://www.sexindustry-kills.de/doku.php?id=prostitutionmurders:nz62lbid>.

## Appendix 2: Criminal activity, including human trafficking, within legal prostitution.

1. Two legal brothels in NSW and three in Melbourne have been linked to international human trafficking and sex slavery rings, according to two federal police investigations, Operations Elixation and Raspberry. Police allege that the syndicate convinces Asian women to come to Australia to study, but then forces them to work as debt-bonded sex slaves in brothels. Two Chinese women gave witness statements saying they were forced to engage in unsafe sex practices up to seven days a week, servicing dozens of men, and all money earned was returned to the syndicate.<sup>162</sup>
2. "The population group in relation to this study consisted of 346 Australian Federal Police investigations that were undertaken by the AFP Human Trafficking Teams between 25 November 2003 and 29 October 2013... All one-hundred and fourteen (n=114) investigations pertaining to trafficking for sexual exploitation or the peripheral offences of sexual servitude or debt bondage were analysed for content... There was significant evidence of money laundering with thirteen criminal syndicates observed to be laundering money, some with large money flows in-and-out of the country; and consistently the data indicated that the money was being sent back to the country of origin of the traffickers. There were only a few instances where it was identified that funds were spent on lavish lifestyles, particularly when those syndicate heads or brothel managers submit tax returns indicating modest salaries below A\$50,000. However, this was often contradicted by AUSTRAC and financial institution reports providing evidence of large amounts of money being transferred out of the country and to a lesser extent back into Australia. For example, the syndicate head in Operation Alizarin utilised associates and reverse money remitters to move between A\$100,000 and A\$200,000 on a weekly basis. The movement of money observed in this study is consistent with various government reports and studies in respect to sex trafficking. Money laundering is an intrinsic enabler of serious and organised crime. .... The consistent theme identified in the current study is that large amounts of money have been laundered overseas and that those criminal syndicates involved in sex trafficking in Australia were making significant financial profits. In respect of laundering methods, it was clear that most of the trafficking syndicates used basic methods, predominantly through bank deposit transfers and international money remitters. There were only three cases, being Operation Alizarin, Operation Myrtle and Operation Raspberry that showed an indication of complex and high-level attributes of money laundering where the laundering process was outsourced to professionals. There is no existing research relative to Australia that explores the money laundering practices of human trafficking syndicates. This study found evidence of money laundering activity by the organised crime syndicates involved in sex trafficking."<sup>163</sup>

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<sup>162</sup> McKenzie N., Beck, M., Reilly, T. and Davies A. (10 October 2011). Legal brothels linked to international sex trafficking rings. *The Sydney Morning Herald*  
<https://www.smh.com.au/national/legal-brothels-linked-to-international-sex-trafficking-rings-20111009-1lfxs.html>

<sup>163</sup> Langhorn, M. (2018). Human Trafficking and Sexual Servitude: Organised Crime's Involvement in Australia. *Salus Journal* 6(1):1-25.  
[http://www.salusjournal.com/wp-content/uploads/sites/29/2018/03/Langhorn\\_Salus\\_Journal\\_Volume\\_6\\_Number\\_1\\_2018\\_pp\\_1-25.pdf](http://www.salusjournal.com/wp-content/uploads/sites/29/2018/03/Langhorn_Salus_Journal_Volume_6_Number_1_2018_pp_1-25.pdf)

3. A man who allegedly made daily visits to Sydney brothels to recruit young women who could assist him in laundering money will face court on Monday, after \$1 million cash was seized from a vehicle in which he was travelling on a "cash run" from Melbourne to Sydney. Branimir Ilic, 38, was arrested on November 10 as he passed through the Southern Highlands, in a car that had a sports bag allegedly containing \$1 million cash in its boot. The targeted road stop followed months of investigation by Strike Force Bibury, first established by detectives from the Organised Crime Squad's Money Laundering Unit and investigators from the NSW Crime Commission in May. Throughout the investigation, it is understood detectives observed Mr Ilic frequenting a number of brothels across Sydney on a daily basis, where they alleged that he was attempting to befriend escorts or sex workers to assist with money laundering under his instructions.<sup>164</sup>
4. Crown Resorts and a legal Melbourne brothel have been implicated in sex trafficking and money laundering. Asian sex workers have been flown into Australia on private jets organised by Crown Resorts "junket" operators. Crown Resorts paid a brothel owner and alleged money launderer to lure high rollers to its Australian casinos and then provided them with money to gamble. Brothel 39 Tope has been repeatedly raided by police and subject to sex trafficking investigations between 2008 and at least 2015, while the operations of the brothel have led to major prosecutions of mid-tier workers over breaches of Victorian prostitution laws. Well-placed sources said the investigations into 39 Tope between 2007 and 2015 had resulted in successful organised crime prosecutions of mid-tier brothel workers in the County Court in 2015 and had exposed the exploitative conditions at Mr Pan's brothel. The sources said human trafficking charges were not laid because sex workers were too scared to testify... However policing agencies have repeatedly filed documents in court identifying Mr Pan as owning brothels involved in serious criminal activity and suspected human trafficking and as having alleged deep ties to organised criminals. ... the casino company had dealings with junkets controlled by Asian crime syndicates, including one of the world's biggest drug trafficking gangs, which are laundering money and importing drugs into Australia. Online articles in *The Age* in 2011 reveal that in 2008, the federal police rescued two suspected victims of human trafficking from Mr Pan's South Melbourne brothel. numerous court files reveal how a criminal syndicate that was supplying women to Mr Pan's brothel "enticed women to work in brothels in Australia" using dozens of mobile phones subscribed in false names. In late 2015, County Court Judge Gavan Meredith said this syndicate was involved in the "laundering of funds generated from the work of ... women who were placed in a situation of potential vulnerability". "The potential for their exploitation was ripe." Court files reveal how the trafficking syndicate "expressed a direct interest in making sure the sex workers performed as many units as possible" at Pan's brothel, and that "fines would sometimes be imposed if sex workers did not attend for work ... or didn't perform enough units". Because of the difficulty getting fearful brothel workers to testify, the Federal Police charged members of the suspected trafficking syndicate with breaches of the Victorian Sex Work Act. While police did not charge Mr Pan, they aired evidence in court that implicated him as having links to serious criminal activity.<sup>165</sup>

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<sup>164</sup> Cormack, Lucy (19 November 2018). Man who 'tried to recruit escorts in money-laundering scheme' charged of \$1m cash haul. *The Sydney Morning Herald*.  
<https://www.smh.com.au/national/nsw/man-who-tried-to-recruit-escorts-in-money-laundering-scheme-charged-over-1m-cash-haul-20181118-p50gq5.html>

<sup>165</sup> McKenzie, N., Toscano, N. and Tobin, G. (28 July 2019). Brothel owner and alleged money launderer is Crown casino's business partner. *The Age*.

5. “Asian-styled ‘massage’ parlours comprise a large part of the NSW sex industry and are a sector that is wholly unregulated and unmonitored. There is no question that these venues are mediating the prostitution of women, and particularly women of Asian backgrounds. Massage parlours almost totally ignore local council requirements for business registration. They are often run by syndicates who transport women between different venues and locations. This takes place particularly for Asian-background women in the sex industry. It was reported in October 2011 that an “inner-city Sydney brothel specializes in Korean prostituted women and is closely linked to the Comancheros outlaw motorcycle club and senior Asian organised crime figures”.<sup>166</sup> In March 2008, three people were arrested in Sydney for sexually enslaving 10 Korean women, and in December 2008, a Korean woman thought to have been involved in Sydney’s sex industry was found dead in an apartment (Ramachandran, 2008).”<sup>167</sup>
6. Germany, 2019: Europe’s largest chain of ‘wellness spas’ that sold sex as a health service for men was in reality trafficking women to be prostituted. They were deceived, mistreated, beaten. Legalisation of the sex trade in Germany led to a huge boom which brings in sex tourists and trafficked women. Increased demand requires more women; gangs began trafficking women from eastern Europe. Women were set daily targets of 500 euros a day and beaten around the head if they failed to deliver. They were forced to undergo breast enlargement surgery and were tattooed with the pimp’s name. Young women wept after their first night at work. It is estimated that more than 90% of Germany’s prostituted women are from SE Europe and Africa, and half are under 21, with limited German and only basic education. With many traveling abroad for the first time, often not even knowing which city they are in, the likelihood they have been trafficked is very high.<sup>168</sup>

### Appendix 3: Use of Cryptocurrency in the sex industry

Collective Shout has grave concerns about the role of cryptocurrencies in the exploitation of women and children in the sex industry. As the sex industry becomes legitimised by decriminalisation, businesses expand and increase, and cryptocurrencies are proving to be wildly popular in the sexual exploitation business because it allows buyers to remain anonymous and avoid regulatory requirements of all kinds. They are used to protect the identity of the buyer, not the seller – the women, of course, are photographed, marketed, sold, ranked and reviewed online, in public.

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<https://www.theage.com.au/business/companies/brothel-owner-and-alleged-money-launderer-is-crown-casino-s-business-partner-20190724-p52ahq.html>

<sup>166</sup> McKenzie N., Beck, M., Reilly, T. and Davies A. (10 October 2011). Legal brothels linked to international sex trafficking rings. *The Sydney Morning Herald*  
<https://www.smh.com.au/national/legal-brothels-linked-to-international-sex-trafficking-rings-20111009-1lfxs.html>

<sup>167</sup> Collective Shout (2015). *Collective Shout Submission: Legislative Assembly Select Committee Inquiry on the Regulation of Brothels*.

<sup>168</sup> Lorenze, Hilke (22 June 2019). Trouble in Paradise: The rise and fall of Germany’s ‘brothel king’. *The Guardian*.  
[https://www.theguardian.com/global-development/2019/jun/22/trouble-in-paradise-rise-and-fall-of-germany-brothel-king-jurgen-rudloff?CMP=share\\_btn\\_tw](https://www.theguardian.com/global-development/2019/jun/22/trouble-in-paradise-rise-and-fall-of-germany-brothel-king-jurgen-rudloff?CMP=share_btn_tw)

PornHub has now moved completely into cryptocurrency, having been abandoned by PayPal, Visa, and MasterCard in the wake of the revelations of trafficking, rape, and underage sexual exploitation in their business.<sup>169</sup>

Chainalysis, a company that provides data and research on cryptocurrencies, reports:

*In 2019, we tracked just under \$930,000 worth of Bitcoin and Ethereum payments to addresses associated with CSAM providers. That represents a 32% increase over 2018, which in turn saw a 212% increase over 2017. We attribute most of these yearly increases to rising adoption of cryptocurrency rather than increased demand for CSAM, and it's important to keep in mind these transactions represent a miniscule fraction of all cryptocurrency activity. Even so, this should be a concerning trend for the cryptocurrency industry, from both a moral and reputational standpoint.<sup>170</sup>*

Because these currencies can be exchanged directly and anonymously between parties without a bank or government, they are also a nearly perfect way to pay for some of the most evil things on the black market. Roughly half of all Bitcoin transactions, totalling around \$72 billion a year, are associated with illegal activity, according to “Sex, Drugs, and Bitcoin”, a paper by Australian researchers. And many of the worst crimes are against women and girls: “Sex trafficking and child exploitation,” says Talis Putnins, Ph.D., a professor at the University of Technology Sydney, “are some of the illegal activity in the dark net that concern us the most.”<sup>171</sup>

Child sex abuse material is certainly empowered by cryptocurrency, rendering prosecutions increasingly more difficult.<sup>172</sup> In 2014, Bloomberg reported that in January of that year its researchers started seeing the cryptocurrency being accepted for child porn purchases ranging from as little as \$1 to hundreds of dollars. Since then, the foundation has discovered almost 200 websites that accept bitcoin, and researchers in the U.S., Germany and several other countries are seeing the same. More than 30 sites accept only Bitcoin, the IWF says. “The emergence of bitcoins as payment for child sexual abuse represents the newest challenge in the fight” against child pornography, said Sarah Smith, a researcher at the IWF. “This is just the beginning.” ... The currency provides “commercial child sexual abuse website operators with a method to revitalize their payment stream,” said John Shehan, executive director of the U.S. National Center for Missing and Exploited Children.<sup>173</sup> In the USA, Backpage was found to be knowingly facilitating child sex trafficking by profiting from advertising on the site. It is alleged that Backpage disguised payments for illegal services via cryptocurrency, among other methods.<sup>174</sup> Technologies which allow workers to ‘Know Your

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<sup>169</sup> Fergus, J. (15 Dec 2020). Pornhub now only accepts crypto, leaving sex workers with the bill. *Input*. <https://www.inputmag.com/culture/pornhub-now-only-accepts-crypto-leaving-sex-workers-with-the-bill>

<sup>170</sup> Chainalysis (21 April 2020). Making cryptocurrency part of the solution to human trafficking. *Chainalysis*. <https://blog.chainalysis.com/reports/cryptocurrency-human-trafficking-2020>

<sup>171</sup> Brody, Liz (7 May 2018). How Cryptocurrency May Be Harmful to Women – on the Dark Web and Beyond. *Glamour*. <https://www.glamour.com/story/how-cryptocurrency-may-be-harmful-to-women-on-the-dark-web-and-beyond>

<sup>172</sup> Brody (2018)

<sup>173</sup> Schweizer, Kristen (10 October 2014). Bitcoin Payments by Pedophiles Frustrate Child Porn Fight, *Bloomberg*. <https://www.bloomberg.com/news/articles/2014-10-09/bitcoin-payments-by-pedophiles-frustrate-child-porn-fight>

<sup>174</sup> Robertson, Adi (9 April 2018). Backpage founders charged with money laundering and aiding prostitution. *The Verge*.

Customer' are quite possibly most important to prostituted women who are at the highest risk of exploitation, abuse and violence by their customers. Cryptocurrencies allegedly offer the possibility for women to remove anonymity from their clients.<sup>175</sup> But the safety of women always appears to be a low priority for those making money out of prostitution. For example, PinkDate is a new cryptocurrency-driven system described as the "uber of escorting". Ironically, the project's founders are anonymous and their locations are unknown. It is not registered as a legal entity. "They do zero know-your-customer and anti-money laundering [checks]," Sarah Stevens [PinkDate's former president] said, referring to the screening of token-buyers. "Since they're not a legal entity, this is not even a security token offering." No support services are offered to escorts signing up to PinkDate.<sup>176</sup> In fact, one can presume that cryptocurrency is all about protecting the identity of punters rather than the safety of women. Gingr is a new Bitcoin system designed to pay for prostitution, avoiding government detection and remaining anonymous. Bunny Tokens, cryptocurrency which can be used to anonymously book prostituted women, are advertised on YouTube.<sup>177</sup>

Then there is Lust, a cryptocurrency designed for prostitution. It uses "smart contracts and anonymity features to escrow funding of the parties and keep their identities private, in order to avoid law-enforcement scrutiny and public shaming":

*The wire frame drawings of user interface features pictures of sex workers, selected by "elaborate filters based on skill ratings, age, eyes, hair color and other body parameters". The anonymity dimension of this platform is limited to the (presumably male) customers, not the (all-female) workers ...The game-theoretical aspects of this aren't hard to unpick: if the "client" has sex with the worker, and then does not scan her (sic) token, the client gets to have sex, and the worker gets nothing. Despite high-minded talk about preventing violence against sex-workers, the major threat-model addressed by these smart-contracts is men who don't feel like they got value for money when having sex, not women who perform sex-for-money and don't get paid for it.*<sup>178</sup>

For further information about problems with cryptocurrencies in the sex industry see:

<https://cryptobriefing.com/sex-industry-bitcoin-only-option/>

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<https://www.theverge.com/2018/4/9/17216988/backpage-founders-federal-charges-prostitution-money-laundering-shutdown>

<sup>175</sup> Van Rijt, Tim (28 January 2019). Gingr aims to bring cryptocurrency to the prostitution industry. *DataDriven Investor*.

<https://www.datadriveninvestor.com/2019/01/28/gingr-aims-to-bring-cryptocurrency-to-the-prostitution-industry/>

<sup>176</sup> Cuen, Leigh (16 July 2018). Sex workers have serious issues with a crypto-powered 'Uber for Escorts'. *CoinDesk*. <https://www.coindesk.com/sex-crypto-pinkdate-ico>

<sup>177</sup> Hamill, Jasper (18 April 2018). YouTube advertising 'Bitcoin for prostitution' which lets men anonymously buy sex for 120 an hour. *Metro*.

<https://metro.co.uk/2018/04/18/youtube-advertising-bitcoin-prostitution-lets-men-anonymously-buy-sex-120-hour-7477663/>

<sup>178</sup> Doctorow, Cory (6 August 2017). A new, dubious "smart" cryptocurrency for prostitution. *BoingBoing* <https://boingboing.net/2017/08/06/crypto-snake-oil.html>