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Dr Brian Lloyd
Committee Secretary
Standing Committee on Justice and Community Safety
GPO Box 1020
Canberra ACT 2601

Dear Dr Lloyd,

Please find below my confidential submission for the current Committee inquiry into prostitution.

SUBMISSION FOR THE INQUIRY INTO THE OPERATION OF THE PROSTITUTION ACT 1992

In September 2008 a 17 year old Queanbeyan girl died from a drug overdose in a brothel in Canberra.

This death is evidence of the unacceptability of current prostitution laws in the ACT. It also shows why prostitution needs to be re-criminalised in the ACT.

Why prostitution needs to be re-criminalised in the ACT

Prostitution is a systematic and cruel exploitation of women in the ACT. Legalisation of prostitution does not make this exploitation any more palatable. Indeed legalisation of prostitution solves no problems, and instead creates others.

Experience shows that legalisation of prostitution only leads to a proliferation of illegal brothels (see discussion below), provides a haven for the trafficking of women into this country¹, and props up other illegal activities such as the drug trade (as evidenced by the tragic death of the 17 year old Queanbeyan girl).

¹ On the links between the legalisation of prostitution, and people trafficking (in particular trafficking of women), see Mary Lucille Sullivan: 'What Happens When Prostitution Becomes Work: An update on legalised

Proliferation of illegal brothels

Following the legalisation of prostitution in Victoria, the number of illegal brothels in that State increased sharply. Victoria was the first state in Australia to legalise prostitution in 1984. In 1994, the legislation was expanded and brothels were fully legalised. Therefore its experience with illegal brothels is instructive, and is outlined below. The ACT Government should have the figures for the number of illegal brothels in the ACT, and I suggest that these be analysed.

The 1994 Victorian Act licensed brothels, making it an offence to work in prostitution except in licensed brothels or small owner-operated brothels (in other words, a home is acceptable). All prostitution service providers have to obtain a licence - this is overseen by the Business Licensing Authority.

Prior to the legalisation of brothels in 1994, there were about 50 illegal brothels. Following legalisation, the numbers escalated quickly. In 1999 police estimated there were more than 100 illegal brothels. Subsequent recent estimates claim there are up to 400 illegal brothels.

Street prostitution has also escalated sharply.

Trafficking of overseas women to work in illegal brothels has increased and court cases have ensued.

Criminalising prostitution – the way forward

I am sure the ACT can come up with a creative means of re-criminalising prostitution. I believe the Swedish model has proven successful, by recognising prostitution as sexual exploitation and making it an offence to buy sex. I understand from viewing online the various submissions made to the Standing Committee on Justice and Community Safety, that the committee has sufficient information on this model.

The main point in any amendment to the law would be to criminalise the activity of prostitution, and to observe that the benefits of such criminalisation have been shown in another jurisdiction.

I note also that the Swedish Government has given assistance through social security to women wanting to leave the sex industry – a productive and positive move.

prostitution in Australia' (2006), <http://www.turnofftheredlight.ie/wp-content/uploads/2011/02/What-happens-when-prostitution-becomes-work.pdf>. This is a summary of Ms Sullivan's PhD dissertation which has now been printed as the book *Making Sex Work*, (2008).

Final comment

Prostitution is degrading and demeaning for all involved. It exploits both parties – the payer and the one being paid.

As a simple test as to whether prostitution should remain legal in the ACT, or be re-criminalised, committee members should ask themselves:

Would I want my daughter or mother to be a prostitute, that is, to have someone pay money for sex with her? If you answer no to this question, or even have some doubt about it, then prostitution should be illegal, and we should find the best way to do this. It degrades, humiliates and treats women as chattels, to be exploited for their bodily functions. We have surely moved on from this degradation of women in the twenty first century.

Thank you for considering this submission.

I request that my personal name and contact details be held in confidence, but I am happy for the contents of the submission to be published.

Yours sincerely,

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