


**Vicki Dunne MLA**

Chair, Standing Committee on Justice and Community Safety  
ACT Legislative Assembly  
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Canberra ACT 2601

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28 February 2011

Dear Chair,

	A.C.T. LEGISLATIVE ASSEMBLY COMMITTEE OFFICE
SUBMISSION NUMBER	18.
DATE AUTH'D FOR PUBLICATION	16.03.2011 <i>Dee.</i>

**Australian Federal Police Association ('AFPA') Submission to the ACT Legislative Assembly  
Inquiry into the operation of the *Prostitution Act 1992***

Thank you for the opportunity to comment on the operation of the *Prostitution Act 1992* on behalf of the members of the Australian Federal Police Association.

The Australian Federal Police Association (AFPA) represents the professional, industrial and welfare interests of the Australian Federal Police (AFP) and law enforcement employees across a range of agencies. As an autonomous sub-branch of the Police Federation of Australia (PFA), the AFPA is a registered professional industrial organisation

**1. Comments**

The AFPA is pleased to provide the following comments in response to the Terms of Reference:

- 1.1 Licensed brothels in the Australian Capital Territory ('ACT') are currently policed in the same fashion as other legal businesses in the ACT and our members attend as needed;
- 1.2 Our members are increasingly engaged in constructive dialogue and cooperation with sex workers in the ACT and maintain a good relationship with the Sex Workers Outreach Program ('SWOP') with a view to ensuring that police retain the confidence of sex workers and are called on to ensure their safety when needed;
- 1.3 We are not aware of any particular or ancillary criminality specifically attaching to the operation of licensed brothels in the ACT, and to our knowledge are not associated by our members with local, interstate or international organised crime. Our understanding is that most licensed brothels in the ACT are owned and operated by members of the local community.
- 1.4 Australia is known as a destination country for human trafficking, but this has not been reported as a major issue in the ACT. To the best of our knowledge, incidents with visa

over-stayers and underage sex workers appear to be rare and isolated and have to date been appropriately handled by responsible agencies;

- 1.5 Non-compliance with some parts of the Act remains an issue. We understand that a number of sex workers in the ACT choose not to comply with the registration requirements set out in Part 2 of the Act. We also understand that a number of private sex workers occupy or work from the same premises in non-prescribed locations (locations outside Mitchell and Fyshwick) and believe that more stringent enforcement measures may be required;
- 1.6 Currently the power of police to enter a brothel or escort agency under s 28 of the Act is limited only to circumstances where police believe on reasonable grounds that offences relating to children and minors providing commercial sexual services and/or permitting a child to be in a brothel have been, are being, or are likely to be committed;
- 1.7 We note occasional reports of underage sex workers working in the ACT and the tragic drug-related death of an underage sex worker in Fyshwick in 2008 and believe that all necessary steps should be taken to ensure that children and minors are not taken advantage of in the ACT sex industry;
- 1.8 We note that s 32 of the Act provides for a wide ranging set of regulation-making powers relating to sex-worker health, safety, advertising and education, but that to date no regulations relating to these areas appear to have been enacted. Regulations of this would act to prevent the commission of the health and safety offences in Part 3 of the Act.

## **2. Recommendations**

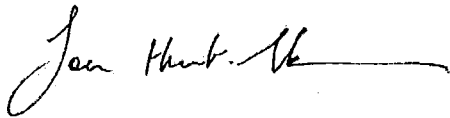
In light of the comments above, the AFPA recommends:

- 2.1 The ACT Government review the resources available to regulators to ensure compliance with the Act, and the diligence exercised in enforcing the Act;
- 2.2 The ACT Government consider strengthening the offences and penalties relating to children and minors providing commercial sexual services in sections 20-22 of the Act;
- 2.3 The ACT Government consider amending the Act to widen the scope of s 28 (entry by police) to include all of the offences prescribed in Part 3 of the Act; and
- 2.4 The ACT Government review the health and safety regulations (if any) relating to licensed brothels and private sex workers to ensure that best-practice health and safety standards for sex workers and members of the public are maintained.

We note with approval that the *Criminal Proceedings Legislation Amendment Bill 2001 (ACT)* proposes to abolish trial by judge alone in relation to causing child to provide commercial sexual services (s 20 of the Act) and receiving proceeds from child prostitution (s 21). The AFPA believes that these are extremely serious offences which should be subject to a full jury trial.

We thank the members of the Committee for taking the time to consider our submission. We would be pleased to expand on these comments if invited to do so.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Jon Hunt-Sharman', followed by a long horizontal flourish.

**Jon Hunt-Sharman**  
National President  
Australian Federal Police Association