



**LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL
TERRITORY**

**STANDING COMMITTEE ON JUSTICE
AND COMMUNITY SAFETY**

(Reference: [Prostitution Act 1992](#))

Members:

**MRS V DUNNE (The Chair)
MR J HARGREAVES (The Deputy Chair)
MS M HUNTER**

TRANSCRIPT OF EVIDENCE

CANBERRA

WEDNESDAY, 11 MAY 2011

**Secretary to the committee:
Dr B Lloyd (Ph: 6205 0137)**

By authority of the Legislative Assembly for the Australian Capital Territory

Submissions, answers to questions on notice and other documents, including requests for clarification of the transcript of evidence, relevant to this inquiry that have been authorised for publication by the committee may be obtained from the Legislative Assembly website.

WITNESSES

CASEY, MR MATTHEW WILLIAM , Coordinator Parish Support, CatholicLIFE, Archdiocese of Canberra and Goulburn	76
JENSEN, MR NICK , ACT Director, Australian Christian Lobby	57
NORMA, DR CAROLINE , Lecturer, RMIT University, and Representative, Coalition Against Trafficking in Women Australia.....	66
PEARSE, MRS MICHELLE , WA Director, Australian Christian Lobby	57
TANKARD REIST, MS MELINDA , Co-founder, Collective Shout.....	66

Privilege statement

The committee has authorised the recording, broadcasting and rebroadcasting of these proceedings.

All witnesses making submissions or giving evidence to an Assembly committee are protected by parliamentary privilege.

“Parliamentary privilege” means the special rights and immunities which belong to the Assembly, its committees and its members. These rights and immunities enable committees to operate effectively, and enable those involved in committee processes to do so without obstruction, or fear of prosecution. Witnesses must tell the truth, and giving false or misleading evidence will be treated as a serious matter.

While the committee prefers to hear all evidence in public, it may take evidence in-camera if requested. Confidential evidence will be recorded and kept securely. It is within the power of the committee at a later date to publish or present all or part of that evidence to the Assembly; but any decision to publish or present in-camera evidence will not be taken without consulting with the person who gave the evidence.

Amended 21 January 2009

The committee met at 10.33 am.

JENSEN, MR NICK, ACT Director, Australian Christian Lobby

PEARSE, MRS MICHELLE, WA Director, Australian Christian Lobby

THE CHAIR: Welcome to this public hearing of the committee's inquiry into the operation of the Prostitution Act. I welcome Mr Jensen and Mrs Pearse from the Australian Christian Lobby. I draw your attention to the buff paper and ask you to acknowledge that you understand the content and implications in relation to privilege. Mr Jensen, would you like to make an opening statement?

Mr Jensen: I will pass that privilege over to my colleague, if that is all right, Madam Chair.

THE CHAIR: Mrs Pearse?

Mrs Pearse: Thank you, Madam Chair and committee members, for taking the time to hear the views of the Australian Christian Lobby today.

The Australian Christian Lobby is interested in this issue because we have a strong interest in the welfare of every individual, including prostituted women. We have talked with women who have been in prostitution, heard their horrific stories and have felt compelled to advocate on their behalf.

We acknowledge that prostitution has existed for many centuries in many nations and is firmly established in this nation in many forms. It is easy to accept the industry because it has been a part of Australian society probably since its foundations, but the question now is: what do we want Australia and the ACT to look like in the future in relation to prostitution? Do we see it as a necessary activity that needs to be regulated and controlled? It seems that this is the current position of the government, yet regulation has failed to achieve the desired results in every state and nation that has attempted it. Or do we see it as an unnecessary activity that is harmful to society and needs to be hindered in its growth as much as possible?

The Australian Christian Lobby is convinced of the latter position for the following reasons. Firstly, the prostituted woman can never be compensated for the exploitation she experiences. Our submission shows the disadvantage she experiences in this industry, and I will elaborate on this further. Secondly, if it is not hindered in its growth and if sex continues to be accepted as a commodity, it will become an increasingly popular commodity, as it already is, and continue to grow, thereby bringing continued harm to the prostituted woman, to families and therefore to society. Thirdly, the global commoditisation of sex has led to a global human sex trafficking phenomenon. This exploitation only exists because of the wide acceptance of sex as a commodity and as a right to be purchased. We have seen some evidence of trafficking. However, it is largely unknown what the current degree of trafficking is, especially in the unregulated industry.

Allow me to explain briefly these points in further detail. Firstly, with regard to the exploitation of the prostituted woman, a recent report to the WA government in 2010 revealed that prostituted women in Perth brothels suffered extreme distress—three

times that of the general population. As well as this, 15.4 per cent were threatened by clients, 20.3 per cent were assaulted and almost one-third reported being pressured by a client to do something they did not want to do. In Sydney, half of the street prostitutes met the criteria for post-traumatic stress disorder. We are confident that if there was greater research into the legal and illegal ACT industry, we would reach similarly shocking figures.

In the Netherlands, a decriminalised regime, 40 per cent of the prostituted women were forced into prostitution, 40 per cent suffered sexual violence, 60 per cent suffered physical assaults and 70 per cent had verbal threats. But perhaps the most devastating of these statistics is this: in another study of 854 prostituted women in nine countries, 89 per cent told the researchers they wanted to leave prostitution but did not have other options for economic survival. This means that nine in every 10 prostitutes, if they had a real choice, would not be there. Understandably, Australian statistics are not as high as for these other nations, as we are a younger country. However, if we keep heading in the direction of acceptance and normalisation of prostitution, our rate of assaults will be likely to increase, as it has in other nations.

Prostitution is harmful. I am sure you could find women who claim they feel empowered as prostitutes, and unfortunately it is the dominance of these voices in public policy debates that fails to acknowledge the harm and vulnerability that many women, especially foreign women, suffer in prostitution.

Secondly, I would like to address the view of sex as a commodity. It is a reality that sex has become accepted as a commodity and this is why we have a market for prostitution. Economists, or even capitalists, may say, "Why not? Why can't sex be something useful that can be turned to commercial advantage?" And that is exactly what legalisation has achieved: sex has become a legitimate business transaction. But the commercial advantage between the purchaser of sex and the woman who receives the payment will never be a fair and equal transaction. Why is this? Because of the harm the prostituted woman suffers. It is not an ordinary commodity. This is a transaction that involves purchasing a body for sex, and sex without any intimacy or bonding is a breeding ground for male domination, power imbalance and violence.

Sex is being treated like a commodity but it is not a commodity; it is part of a person and the purchase of it is the exploitation of that person. The Australian Christian Lobby is therefore convinced that the government will contribute to the commoditisation of sex and the subsequent devaluation of the Australian woman if it continues to allow the purchase of sex to be legal. In a capitalist regime where citizens are driven by profit, the prostitution market will only continue to increase. This is what has happened in every Australian state and in every nation in the world where the purchase of sex is legalised or decriminalised.

Legalisation and decriminalisation provide a perfect justification for men to purchase sex and will naturally lead to an increase of bias. It is not a niche market of sexually unattractive men that are lured to purchasing sex; it is a large market, including husbands, partners and fathers. In Sweden, for example, the national institute of public health reports that the majority of men who purchase sex are between 30 and 55 years of age, have been married or are cohabiting and often have children.

A close relative of mine actually visited brothels for many years of his married life. After whittling away all the family savings on prostitutes, he had to admit to his wife the truth. She had to be then tested for AIDS and STDs. They were divorced, lost the family home, along with many precious assets, and it tore the family apart.

More prostitution equals more harm to families and therefore more harm to society. In this inquiry prostitution has been compared to other services such as physiotherapy, lawn mowing and labouring, and previous members have implied that it is no different from a young person working at McDonald's. There are some major differences between this industry and other ACT industries. In what other industries are you more valuable to clients the younger and less experienced you are?

Thirdly, the global commoditisation of sex has led to a global sex trafficking phenomenon. This exploitation only exists because of the wide acceptance of sex as a commodity and as a right to be purchased. Australia's efforts to combat human trafficking at a national level have gone some way to address the problem. However, as long as there is a high demand for prostituted women, human trafficking will continue to be a threat simply because there is profit to be made.

The UN understands the connection between the demand for prostitution and human trafficking. Article 9.5 of the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, states, "State parties should adopt or strengthen legislative or other measures to discourage the demand that fosters all forms of exploitation of persons, especially women and children, that leads to trafficking." Yet Australian states and territories continue to cultivate, contrary to the advice of the UN protocol, environments of high demand through the legal purchasing of sex that allows for the exploitation of women and children that inevitably leads to trafficking.

We understand that, where there is sex and where there is money, demand for sex will always be an issue. But the question is: how do we discourage this demand so that the amount of women in prostitution is limited as much as possible? The Australian Christian Lobby is convinced that the ACT government can limit the expansion of brothels and the amount of women in prostitution by targeting the demand.

I understand that there are two main issues with this position. Firstly, demand cannot be affected by policy; it simply spreads to other areas. Secondly, criminalising the demand will drive the industry underground, thereby failing to protect women in prostitution.

On the first issue, it is proven that the number of buyers has decreased in Sweden. In 1999, Sweden passed acts prohibiting the purchase of sexual services, recognising it as a serious form of male violence against women and children. The law has had dramatic results.

In a questionnaire-based survey within the research report on prostitution in Nordic countries, questions were asked to establish whether the patterns and actions of prospective buyers were affected by the Swedish ban on the purchase of sexual services. The surveys conducted in 1996 and 2008 revealed a decline in demand for prostituted women of over 40 per cent. According to the Swedish police, it is clear

that the ban on the purchase of sexual services acts as a barrier to human traffickers and procurers who are considering establishing themselves in Sweden.

Jonas Troll, who is a detective inspector and head of surveillance at the Stockholm police department, admits that in Stockholm there are approximately 200 prostitutes. Compare this to 15,000 prostitutes in Barcelona, which has a similar population to Stockholm. I am sure that the detective inspector would have looked underground as well as above ground to find this number of prostituted women.

Other Nordic countries that were struggling with the growth of prostitution and human trafficking have recognised the success of the Swedish law and now Norway and Iceland have adopted similar laws.

Has legalisation or decriminalisation achieved a safer sex industry and kept prostitution from going underground? The answer is no. Queensland's tough regulatory approach has meant only 10 per cent have entered the legal industry. Victoria and New South Wales have seen a rapid expansion of the illegal industry, with recent reports saying there are at least 10,000 sex workers in New South Wales, which is about the same as Amsterdam and double the number in Victoria and Queensland combined. Only 50 per cent have conformed to the legal regime in Victoria.

In the ACT, illegal prostitution is still a problem, despite regulation. Recent examples of illegal employment and evidence of sex trafficking in the death of 17-year-old Janine Cameron reveal current flaws in the legislation. The extent of the illegalities in the ACT is unknown. If a proper review of the sex industry in the ACT took place, it would most likely reveal that the legal side of the industry is vastly outnumbered by the illegal side of the industry. And we are convinced that, because of the nature of prostitution, no amount of regulation can fix this.

Regulation has not achieved the desired outcomes for a safer sex industry. Regulation only distorts the reality of what prostitution is: sexual exploitation. Governments across Australia are intent on doing the same thing over and over again and expect a different outcome. Legalisation, decriminalisation or regulation does nothing to create a safer sex trade.

In regard to the health aspects of prostitution, it is impossible to stop the spread of STIs. If you really wanted to create a safe industry, prostituted women would have to be tested before every shift. But even this would fail to guarantee safety since STI results can take days. An STI can be picked up from one casual sex encounter even outside work. The results of a test for syphilis can take seven to 10 days. Even if the test comes back negative, there is no way to be sure that a prostituted woman has not contracted syphilis in the seven to 10 days since the test.

The failure to test the buyer of prostitution is, again, evidence of the unequal relationship between the buyer and the prostituted woman. Even if a man has to be tested for syphilis and the results come back negative, once again there is no way to know whether he has contracted syphilis in the days since, especially because symptoms often go unnoticed.

These sorts of dangerous health consequences can potentially destroy a male or a female's reproductive potential and this kind of danger is not associated with any other trade except the sex trade. This fact alone should be grounds to make the purchase of sex illegal.

The Australian Christian Lobby strongly believes and argues that women should not be supported to stay in prostitution but should be encouraged to leave the harmful industry. Exit programs should be established to support women in leaving and would assist with trauma counselling, drug support, medical support and perhaps job training or working with job agencies to help women be re-established in a field that is not harmful to their psychological and physical health.

In this inquiry we have heard an estimate of between 600 and 1,000 prostitutes in the ACT and only about 14 registrations by sole operators. It would be quite reasonable to conclude then, as we have seen in other jurisdictions in Australia, that the illegal industry has grown to be bigger than the legal, regulated one—an illegal industry that the chief of police stated was “notoriously reticent in its reporting to police in relation to crime”. We believe that the unsafe industry will continue to grow if not addressed and the government, as well as the Canberra community, are sure to experience more cases like Janine Cameron appearing.

In conclusion, the Australian Christian Lobby recommends that this committee send a delegation to Sweden, Norway and Iceland to study their prostitution laws and establish firsthand the effectiveness of these models. The committee should not disregard the only evidence in the world that is seeing a reduction in prostitution. ACL also recommends that the committee give serious consideration to the abuse and exploitation that women suffer in prostitution and to let this underpin any policy advances in the law.

If the government decides to persevere with regulation, ACL has a list of recommendations on the final page of our submission. Even though these are listed, we by all means do not support any legitimisation of this exploitation. We are convinced that the government needs to make every effort to limit, hinder and restrict the growth of brothels and prostitution in the ACT. Thank you.

THE CHAIR: Thank you, Mrs Pearse. I will start by going back to some of the evidence that was given when we last met. The minister and some of the advocates for the current regime have said to us—and you have touched on this in your evidence—that prostitution is a legitimate occupation and that it should be regulated like other occupations. In 25 words or less, what is your view of this proposition?

Mrs Pearse: I think the amount of harm that the woman suffers in prostitution proves that it is not an occupation like any other occupation. Statistics reveal a high amount of physical and psychological harm that the woman suffers.

THE CHAIR: You address that in your submission and you have referred to studies, particularly the study of Farley which looks at the number of people who would like to exit prostitution. Would you like to elaborate on the sorts of programs that you think are necessary to assist people who might like to exit prostitution?

Mrs Pearse: Exit programs were established in Sweden as part of their strategy to help women escape the industry and this was worked holistically with social services and counselling. We would think that services to help women to get out of prostitution would include trauma counselling, a comprehensive overview of their physical and psychological health and then also, as I mentioned, job training to assist them in their economic survival, in achieving employment in a different occupation.

THE CHAIR: Do you know whether there were any conditions put upon participation in exit programs in Sweden?

Mrs Pearse: No, there are no conditions for the prostituted woman to attend exit programs.

MS HUNTER: I want to go to the Swedish model and one of your key recommendations. You cite evidence at pages 3 and 4 of your submission that the model has been a success and that the number of sex workers out on the street has decreased. In making your submission, were you aware of a paper that was published by the Queensland government titled *The ban on purchasing sex in Sweden: the so-called 'Swedish model'*?

Mrs Pearse: No, I am not.

MS HUNTER: That paper concludes that the rhetoric of the success of the prohibition is not matched by available evidence and that the law has compromised the health, safety and welfare of sex workers. Why do you think there is a level of disagreement about what the actual facts and figures are around the Swedish model?

Mrs Pearse: I think it is because the sex lobby wants to achieve legitimisation of the industry as much as possible. So to look at it as exploitation and therefore desiring to see the amount of women in prostitution decline would be a negative thing, in their opinion, and so they would try and discredit the evidence as much as possible. But this survey done of buyers in Sweden was done of over 2,000 men in 1996 and 2008 and it did reveal a 40 per cent reduction in the amount of men who purchased, and I would be confident that those are reliable statistics.

MS HUNTER: I point out that that one actually was not a paper written by the industry; it was actually one done by the Queensland government. One element of the Swedish laws that does seem well settled is that it actually makes sex work more dangerous for sex workers. We have been given evidence through some submissions, and also heard some evidence from people who have appeared before us, that the nature of the model means that workers will leave the place that is safe and has in place some occupational health and safety features to go out to meet clients, because that is the only way that it can happen. And that basically is setting up quite a dangerous, risky environment for women in Sweden, which is part of the issue. Do you have any views on that aspect of the law? The reality is that there is still an industry, it is going on, but unfortunately we are getting evidence to show that in fact the changes have made it riskier for women. Do you have any thoughts or views on that?

Mrs Pearse: I think the very nature of the industry is underground. Even when

regulation and legalisation, decriminalisation, have taken place, the underground industry has still expanded. When you create a regime that is regulated, a lot of the workers do not want to take part in a regulated regime, so they will still meet their clients in secret. I think the nature of prostitution is that if they are seeking buyers then they have to be somewhat publicly viewable, in a sense, to be able to attract clients. If the clients can find the prostituted women, where they are located, then I think the police and other services should be able to find them as well.

Mr Jensen: Even in the Netherlands, they have got a legal, thriving industry but they still have a very big underground industry. I think we can say that, obviously, if it is the purchase of sex and the johns are criminalised, there will be less occupational health and safety for those who continue to stay in the industry. But that underground industry will actually be a lot less than somewhere like the Netherlands, where the whole booming industry of the illegal and legal sex trade is still there. In the ACT, we have seen with the death of Janine Cameron that prostitution is inherently a very dangerous industry and these things still happen in a legal, regulated one. So, yes, there will still be an underground element; yes, they will not be able to have checks quite as easily. But I think that in Sweden, because there is a lot less prostitution, these dangers are actually a lot less as well.

THE CHAIR: On the subject of Sweden, in your introductory comments, Mrs Pearse, you quoted a police officer who estimated that there were 200 prostitutes still operating in Stockholm. Do you have available to you figures estimating the number of people working in the sex industry in Stockholm before the changes to the law?

Mrs Pearse: I will take that on notice and try to find that.

THE CHAIR: Okay.

MS HUNTER: Do you have any information or evidence or know of any studies or inquiries around the displacement? We heard from the Chief Police Officer that there has been displacement. So, yes, there are less in Sweden because they have relocated to the border and have set up brothels there. Have you looked at that issue and do you have any thoughts on it? Do you know of any particular studies or inquiries that have been done on it?

Mrs Pearse: The reports from Sweden do show the reduction in the amount of brothels and the number of women in prostitution. They do not report that it has spread to other countries, but do report, as I said before, about the decrease in the buyers and the general attitude towards the purchase of sex in Sweden. However, there has been an increase in the number of brothels in Norway, which is on the border of Sweden. Norway have now passed the same laws as Sweden in regard to making illegal the purchase of sex, because they are seeing it as a growing issue in their own country. So it will be interesting to see then whether it spreads to the countries around Norway and, if it does, then those countries will probably face their own issues to make the purchase of sex illegal in those countries as well, because it does deter men from purchasing sex.

MS HUNTER: When was that law put into place?

Mrs Pearse: In Norway?

MS HUNTER: Yes.

Mrs Pearse: In 2010.

THE CHAIR: I want to go to one of the themes of your submission, which is addressing the issue of demand. You make recommendations about education, that there should be education in this area. It seems to me that in public policy terms it is very difficult to legislate in areas of demand like this. We have talked about exit programs. What sort of programs would you have in mind to address issues of demand?

Mrs Pearse: It is interesting that in Sweden, in the first year when the law passed, there were hardly any arrests. They realised this was because the police did not have ownership of the law. They did not see the purchase of sex as exploitation. So the Swedish government ran programs to educate the police and educate social services about why the purchase of sex is exploitation and why it is linked to human trafficking. After educating the police and social services, they saw the amount of arrests actually increase. So it is a holistic approach. It is about re-educating the community. They also did an advertising campaign on buses and bus shelters, with posters all over the community, sending this message to the community that the purchase of sex is exploitation. So it was a re-education of the community. If the ACT government looked at targeting demand, it would have to be a holistic approach.

Mr Jensen: The popularity of this law now in Sweden is up at what—80 per cent?

Mrs Pearse: Seventy-six per cent.

Mr Jensen: Seventy-six per cent with the general public. This is a very progressive country. These laws were motivated by equality and the human rights of these women. We feel that they are leading the way in this. Obviously, in the ACT we need to look at these things closely. It is definitely worth looking at the only country that seems to be having a lot of success in this area and at what they are doing so well.

THE CHAIR: You refer in your submission to extension of these laws into South Korea. Has that been mooted or has that come about?

Mr Jensen: It is a very recent thing. I read a news report, I think, probably a few months ago.

THE CHAIR: Are you aware of any progress? I do recall some years ago that the then Home Secretary Jacqui Smith in the UK proposed looking at this. Are you aware of any developments in that area in the UK?

Mrs Pearse: Yes. They have passed laws to make it illegal to purchase sex from a woman that has been trafficked. Yet when I looked at this, probably a year ago, no arrests had been made. I am not sure what the current situation is. When you only make the purchase of sex with a trafficked woman criminal, it is really difficult to make that distinction between who is trafficked and who is not trafficked. It is

actually quite difficult to enforce.

THE CHAIR: I am mindful that we started late but also that we are running out of time. Are there any other questions that members wish to ask?

MS HUNTER: No, not at this stage.

THE CHAIR: I think that probably covers the questions because you gave such an extensive set of introductory comments. Thank you, Mrs Pearse and Mr Jensen, for your attendance this morning. There will be a transcript provided and it will be given to you. If there are any errors in it or whatever, please get back to the secretary, and after that is cleared the transcript will be published.

NORMA, DR CAROLINE, Lecturer, RMIT University, and Representative Coalition Against Trafficking in Women Australia

TANKARD REIST, MS MELINDA, Co-founder, Collective Shout

THE CHAIR: I now welcome Dr Norma of the Coalition Against Trafficking in Women Australia and Ms Tankard Reist from Collective Shout to the Standing Committee on Justice and Community Safety inquiry into the operation of the Prostitution Act. I draw your attention to the buff page which relates to your responsibilities in relation to privilege. Could you please acknowledge the contents of that.

Dr Norma: Thank you. I acknowledge that statement.

THE CHAIR: Would someone like to make some opening comments?

Dr Norma: I will go ahead. We are the Australian branch of CATWA International, which is a non-governmental organisation with category 2 consultative status for the economic and social committee of the United Nations. I am also a full-time ongoing lecturer with RMIT University's School of Global Studies, Social Science and Planning. My research and community engagement history has been long in this area, in prostitution, trafficking and pornography; I have been active for more than 10 years in this area.

I would like to make comments firstly with regard to exit programs and the Coalition Against Trafficking in Women's recommendation that exit programs be established for women seeking to exit the sex industry in the Australian Capital Territory.

I would like to draw on a study that was taken in Melbourne in 2006. This study is by the Melbourne Sexual Health Centre, which has a financial interest in the ongoing operation of the legalised sex industry in Victoria, so I am citing a source that might be considered hostile to the views of an organisation like the Coalition Against Trafficking in Women. Nonetheless, this centre found in 2006 that 55 per cent of women in brothel prostitution in Melbourne—this is not street prostitution; this is brothel prostitution and these women were interviewed in brothels themselves, so from a methodological point of view this would not be considered an ideal research setting to seek information about women wanting to exit prostitution—wanted to leave.

From that finding I would submit that organisations that purport to speak on behalf of women in prostitution, in the sex industry, at the very least should be in agreement with something like exit programs. I note in the submissions that Scarlet Alliance state categorically in their letter prefacing their submission that they oppose exit programs. I think that is a questionable view to hold given that something like 55 per cent of women at the very minimum want to leave prostitution. Figures like 89 per cent have been found in a study, for example, across nine countries that was done in 2003 by Melissa Farley and her colleagues that was taken of interviews with 854 women.

So the scale of the studies, the empirical research in the area showing the harms of

prostitution for women and children, and the rates at which women are wanting to leave the industry, are established in empirical literature. In response to that research established in literature, countries like Sweden, Norway, Iceland and South Korea, as the committee has already heard, have established legislation that properly understands people in prostitution to be victims of sexual violence with myriad harm, including physical, psychological and post-traumatic stress disorder, as a result of the ongoing and relentless use of their bodies for the sexual gratification of groups of men mainly.

Personally I received a scholarship from the Australian government to study the implementation of effectively the Swedish model in South Korea. I went there for six months in 2007-08 so I can speak specifically on that, but I also have knowledge of the operation of the Swedish model in Sweden. Speaking to that law specifically, I think the committee already understands what the model involves, but just to address the criticisms that have been made as to the effectiveness of the operation of the model in Sweden since 1999 and to note to the committee that organisations such as the Swedish Ministry of Integration and Gender Equality, the Swedish Institute, the Swedish National Board for Health and Welfare and the Nordic Gender Institute, which is a research institute outside Sweden, based in Denmark, have all conducted ongoing evaluation studies of the operation of the model and all have produced reports year after year showing that the model is working in terms of reducing the size of the sex industry overall in Sweden and reducing the level of demand that emanates from Swedish men as a population.

Especially as compared to countries like Denmark and Norway, which are adjoining Sweden, in the statistics that have been found with regard to the Netherlands, for example, the number of women in street prostitution estimated to be in Amsterdam, which is a city of 750,000 people, is between 20,000 and 35,000. This is comparable in the current time to Stockholm with 200 women on the streets in prostitution, and Stockholm, with 1.3 million people, is a bigger city than Amsterdam. That gives you some idea of the enormity of the scale of the sex industries in the two countries as a result of—this is the Swedish government’s argument—criminalising prostitution from 1999 onwards. Sweden has seen a decline that has been shown in empirical studies across a range of organisations to have been effective in decreasing the number of women in street prostitution. I do not have figures on indoor or escort prostitution exactly but certainly street prostitution has been counted very carefully across the Netherlands and Sweden.

Before passing over to the others, I will say something quickly about South Korea—my knowledge of the operation of exit programs in South Korea is probably more detailed than in Sweden—to give you some idea of the comprehensiveness of the exit programs that are in operation currently there. For example, the women’s human rights commission, which is the semi-government body that oversees the implementation of the anti-prostitution law, is the same model as Sweden’s. It was introduced in South Korea in 2004. They have things like one-stop shop type centres with emergency support, medical and legal counselling, outreach programs, counselling officers and shelters. There are 26 of these one-stop shop support centres located throughout Korea. Women exiting the sex industry are eligible to stay in shelters in Korea with a subsidy of \$300 a week for one year with a possible extension of six months and then after that they are also eligible to go on to what the Koreans

call group homes, which are essentially supported residential homes to assist their exit from the sex industry.

The scale of the support that is currently in operation in Korea is something for the committee to be interested in and I would recommend that the committee at some point contact the women's human rights commission of Korea for the details of what they are doing over there. There are 15 support facilities for juveniles nationwide, in addition to the 26 I have already mentioned and other self-support centres and facilities specifically to assist foreign women to exit the industry. So South Korea's model of a comprehensive exit program I think is a good one.

THE CHAIR: Thank you very much, Dr Norma. Ms Reist, would you like to say something on behalf of Collective Shout?

Ms Tankard Reist: I would, yes. Collective Shout: for a world free of sexploitation is about a year and a half old. We are involved in addressing all forms of exploitation, including the sexualisation of girls, the objectification of women, pornography, prostitution and trafficking.

The inherent nature of sex work runs against the notions of a gender equal society. The idea that human bodies, mostly those of women and children, can be bought, sold and rented in the flesh trade requires them to be treated as objects. Many prostituted women report having experienced childhood sexual abuse, physical abuse, domestic violence, substance dependency, sexual assault, interrupted education and/or mental health problems. The harm minimisation model, or legalisation of prostitution services, is essentially around the exploitation of society's most vulnerable.

The failures of legalised prostitution in Victoria have been thoroughly documented by our colleague Mary Lucille O'Sullivan in this book *Making Sex Work: A Failed Experiment with Legalised Prostitution*. I would like to table that if it has not been done so already by anyone else.

THE CHAIR: It has not been tabled.

Ms Tankard Reist: All right; if I could do that. All the claims made about how legalisation would solve so many problems connected with prostitution, such as drugs, crime and violence against women, did not come true. What did result was millions of dollars in profits for the state and the Australian sex industry.

It is well established that many prostituted women come from backgrounds that have been most disadvantaged. The further exploitation of these women in the sex industry then subjects them to significantly higher rates of drug addiction, mental and physical abuse and mental and physical health problems.

To accept licensing fees from money that has been obtained in such an unethical and harmful manner renders the ACT government both complicit and compromised, and we would be interested to know how much the ACT government derives in funding through these licensing fees.

A woman known as Julie recently spoke on *7.30 ACT*. She had been prostituted into

Canberra's sex industry as an under-age teen. She said: "When you're 17 and earning a couple of thousand dollars a day it's addictive and that's why people need genuine help to get out of the industry. You can't have sex with 10 to 15 different men each day without it impacting you and how you value yourself and how you value sex and how you build intimacy with another human being. Being 17 and having worked as a prostitute you don't have many skills you can use in the workforce or can put on a CV. It took me about 12 months to find a job and start to function." I hope to feature a longer interview with Julie on my website within the next couple of months, which I hope will be of benefit to your inquiry.

The regulation, enforcement and monitoring of commercially operated brothels is clearly not working, given the death of 17-year-old Janine Cameron in a Canberra brothel in 2008. Prostitution harms women. One study found prostituted women to have post-traumatic stress disorder symptoms at similar levels to war veterans. Significant links to other mental and physical health problems have been documented, including substance dependency, violence, sexual assault, trauma, dissociation and other mental health conditions. Another study found that 89 per cent of prostituted women wanted to leave the industry but were forced to stay as they could not see any other options for survival.

Child prostitution has significantly increased in countries where prostitution has been legalised, despite Victoria being Australia's first state to legalise prostitution. The group originally known as End Child Prostitution Child Pornography and Trafficking of Children for Sexual Purposes, now known as Child Wise, examined information from 471 governmental and non-governmental agencies working with children in Australia. They found that more than 3,100 Australian children aged 12 to 18 had sold sex to survive and Victoria had the highest number in the nation at 1,200. We would be interested in any information this inquiry has obtained about the state of child prostitution in the ACT.

It is our position that the harm minimisation model contravenes international best practice on prostitution. The only sex industry regulatory model that is consistent with international law is the Swedish model. This model has been demonstrated to reduce violence against prostituted women and has been adopted in Sweden, Iceland, South Korea and Norway.

The prostitution of women is inherently at odds with a gender equal society. This inquiry presents a great opportunity for the ACT government to become a world leader in regard to best practice policy on prostitution. It is unacceptable to Collective Shout and to our fellow colleagues that there are no exit programs in the ACT for those seeking to leave the industry. We find it extraordinary that the sex industry would be opposed to an exit program for women who really do want to get out of this work.

At a minimum the government must provide exit and retraining programs, housing, specialised counselling and drug and alcohol programs. Collective Shout recommends the government provide substantial funding to women's organisations to implement exit and retraining programs to assist victims of prostitution. Thank you.

THE CHAIR: Thank you. I go back to the question I asked of ACL when they were

here. The minister has made a submission to this inquiry and a range of groups have made submissions to this inquiry that working in the sex industry is a legitimate occupation that should be treated like any other occupation. I would like your response to that.

Dr Norma: I think what draws that kind of evaluation of prostitution would be the existence of money in amongst what we would understand as violence. The very existence of money alone, I think, is not enough to call something “work”. Money is inherently coercive, so when a socially vulnerable population of women and children are brought into an industry with the lure of money, and there are pimps, threats, debt, drugs, former histories of child sexual abuse—when those things are present—the fact that women or children might be paid to be prostituted I think does not make the activity work. That just makes it a form of sexual violence that is facilitated by money. Money is coercive. So anything involving money I think we need to question on those grounds.

Ms Tankard Reist: We would agree with what Caroline has said. I think we just need to continually go back to the research rather than to what a few individuals, paid by the sex industry, say. One study I would like to cite is Ross, Farley and Schwartz, who established that women from across the spectrum of the prostitution industry were found to have dissociative disorders. This was irrespective of whether women were prostituted in brothels, on the street or in strip clubs. Dissociative disorders were in turn associated with post-traumatic stress disorders, depression and substance abuse. These findings build on earlier analysis undertaken by Farley and Kelly wherein they concluded that the constant humiliation, social indignity and misogyny result in personality changes which we now know as complex post-traumatic stress disorders. There is so much research now testifying to the harm and damage of this industry. Again, you will find much of it in the work that I am tabling today.

THE CHAIR: Thank you for that. You and Dr Norma have spoken about the exit programs in Korea. The ACL also touched on the exit programs in Sweden. What would you see as a sort of base level exit program that should be available to people in the sex industry?

Dr Norma: At base level, the funding of women’s organisations to provide an alternative for women to not rely on either brothel managers or pimps or their buyers for an income. I think that would be the very base minimum. So some kind of financial subsidy for living and housing would have to be what I would understand to be the minimum.

THE CHAIR: And presumably some level of retraining—a skills upgrade?

Dr Norma: That is right.

THE CHAIR: I am aware of programs that are provided in Italy for trafficked women which have conditions attached to them. Some of those relate to making depositions about how they were trafficked. But also in Italy there are conditions in those programs that you remain off the streets and do not return to prostitution. Do you see that that is a desirable element of an exit program—that there would be conditions of some sort attached to it?

Dr Norma: My Coalition Against Trafficking in Women would recommend that the committee understand prostitution in the same way as domestic violence—so in the same way that the territory might have domestic violence shelters and services established for women exiting abusive households and husbands, in the same way that those services are not contingent on the women never going back into an abusive situation. In the same fashion, women returning into abusive situations with pimps or brothels and all the rest of it should not impact on their ability to access services, shelters and subsidies. Feminist researchers have shown what situations of sexual violence do to the victims in it. One of those things is that they struggle to leave a situation because of things like dependency, the Stockholm syndrome, and psychological issues. It is the same as domestic violence.

THE CHAIR: Do the programs in, say, Sweden or Korea involve drug and alcohol programs as well?

Dr Norma: Yes, essentially. The Swedish government has spent \$31.5 million over the years 2008 to 2010 on 35 different programs in five regions, of which a large number are drug and alcohol related.

MS HUNTER: I want to go to a statement that Ms Tankard Reist just made. You stated that in Sweden sex workers were a lot safer now. There had been a decrease in violence, I think, was the way you put it. What we also have is evidence that, in fact, it has made it more dangerous. The nature of the model is that women will leave the workplace, if you like, or where they are operating from to go and meet a client somewhere else and that adds an element of danger. Certainly there are issues around OH&S. Do you have any views on that? You have made that statement that, in fact, what is happening in Sweden has made it a lot safer. I am wondering about that.

Ms Tankard Reist: I am just trying to see the source I provided for that. I would think that the studies that my colleague Caroline Norma has referred to would testify to that. They have found an overall decrease in violence and risk for women. I suppose, if the violence is decreasing, there would be a subsequent decrease in the overall risk in and of itself. The fact is that fewer women are entering and fewer women are being trafficked into Sweden. The violence in relation to the whole process of trafficking women across states, across national borders, would decrease the overall rate of violence.

MS HUNTER: That is more on the numbers decreasing rather than the women who are remaining in the industry and what might be happening in their circumstances.

Ms Tankard Reist: Caroline might have some additional research on that. She has studied that in more detail, but I am happy to take it on notice and provide the detail from the studies.

Dr Norma: Perhaps to give some context to the idea that women might come under more danger when the industry is criminalised, when the pimps and the business owners were criminalised, the Queensland Crime and Misconduct Commission in 2005 found that the majority of the prostitution industry in that state, the majority being about 75 per cent, was conducted through escort prostitution. That is the nature

of the international sex industry as we have it. Escort prostitution is where they make money. The majority of their transactions is done through escorts because of low overheads. You can fall under the radar of legislation regulation that way.

I do not have figures on that but, presumably, Sweden is the same. Escort prostitution really is the main game for the sex industry. The idea that contracting the industry through criminalising its business and its business activities will then put women in more danger because they have to conduct prostitution through escorts, rather than through brothels or massage parlours, I think, would be an ambitious claim. The allegation I think I have seen through unsubstantiated, non-empirical based studies is that somehow women must firstly go into prostitution and therefore it is more dangerous.

The second thing is that Mary Sullivan's research has found that, particularly in Victoria but in other states as well, and in the Netherlands for example, when they legalise prostitution that gives licence to an unregulated sex industry sector to balloon. It is four to one, the size of the legal industry being one, and the four being the illegal businesses that proliferate once legalisation or decriminalisation comes in, for various reasons such as social permissiveness. The legal industry provides the front for the illegal industry, which is more profitable. For example, they do not have to pay licensing fees. All of that suggests that already in Sweden there would have been escort prostitution and there would have been a large illegal, unregulated sector even before the criminalisation of it.

It does not follow logic to then say that criminalising the industry, contracting the business activity of the sex industry, then puts women into more danger when already that was the case because that is the nature of the sex industry itself. That is not even going into the arguments about prostitution being inherently a risky and dangerous act of violence for women to come under. I am not even going to go into those arguments. Frankly, I do not see any empirical research that substantiates that claim that women come under more danger. Secondly, it just does not play out, I think, in terms of logic.

THE CHAIR: To follow up on that, one presumes that in Sweden, where there has been such a massive change in the law, the thing that disappeared would have been brothel-based prostitution and really obvious street walking. Is there any evidence of how much of that transferred into escorts? How is that policed in Sweden? In Australia there is advertising for escort services. In the ACT, if you open up the papers, there is advertising for escort services. How do buyers come in contact in an environment where there is fairly rigorous policing of the whole process?

Dr Norma: The allegation that I think I have heard from other parties is that the so-called supply of women in prostitution has moved from street and brothel to internet-based, for example escort, forms of prostitution. The Swedish government in 2010, in its report of the ministry of integration and gender equality, stated categorically that there had been no disproportionate increase in the volume of prostitution mediated through the internet in Sweden compared to Denmark and Norway.

Yes, internet-based prostitution has increased overall, to a small amount, in Sweden but not disproportionately and certainly not more than or anywhere near what it would have been in Norway and Denmark. That is because the sex industry internationally

has moved onto the internet. That is obvious. The allegation that the supply has moved into the internet is not upheld by the Swedish government in its 2010 report. Certainly the statistics from the Swedish government and other sources show that street prostitution has definitely declined. That is in empirical research.

In terms of buyers accessing women in prostitution in Sweden, the internet would be the main form. The Swedish police force launches traces and tracks prostitution trafficking through that way. The police force itself says that, actually, internet-based prostitution is a convenient way for them to get to the traffickers and the pimps. They are fairly welcoming of that change, to some extent.

MS HUNTER: I did want to make the point that Dr Mary Sullivan has actually provided a submission to this inquiry as well. The other point I want to pick up on, Dr Norma, is your submission. Recommendation 5 is around the ACT government understanding that organised crime's involvement in the industry is a matter relevant to the AFP and there should be coordination between ACT Policing and the AFP on this issue. Have you got some concerns about what is happening in the territory? I want to bring it back to the local level. We are dealing with the ACT Prostitution Act. We are dealing with the local context. What were your particular concerns there?

Dr Norma: I do not have specific information about the territory but I would see no reason to understand the sex industry in the territory is operating in a different way from that of other states such as Victoria. The territory has a legalised system of prostitution that is almost the same as Victoria's. There are some small differences. I do understand that. It has also been operating for a similar amount of time.

The *Age* newspaper as recently as last month published findings of an investigation into illegal operators in Melbourne that were funded by organised crime. This is just speculation but I would see no reason why the territory's sex industry is operating in any other way. Prostitution, by its very nature, is organised through crime because it involves the trafficking and pimping of women and children for use mainly by men. There is nothing nice about that. It is a very profitable industry for organised crime. Books like Sheila Jeffreys' book from 2009 show that comprehensively.

On an international scale, it has been recognised by the UK government, Sweden's government, Norway. It has been recognised by the European parliament actually. The European parliament has put out very strong statements about the inherent involvement of organised crime in prostitution. I would submit that would also be the case in the ACT. I have no reason to think it would not be the case in the ACT.

MS HUNTER: The evidence was that there had been a bit of an investigation and there did not seem to be a thriving organised crime link in the ACT. I wondered whether you had some information that you could provide for us.

Ms Tankard Reist: I do have some information but I will be providing that in a different format.

THE CHAIR: I want to go to some questions that Ms Hunter asked of ACL in relation to the paper from Queensland. What is the name of the paper, Ms Hunter?

MS HUNTER: It is *The ban on purchasing sex in Sweden: the so-called 'Swedish' model*. It is a paper published by the Queensland government.

THE CHAIR: Are you aware of that paper?

Dr Norma: Yes.

THE CHAIR: Ms Hunter, would you like to ask the questions that you asked before?

MS HUNTER: In that paper it concluded that the rhetoric of the success of the prohibition is not matched by available evidence and that the law has compromised the health, safety and welfare of sex workers. You have given evidence here today around there being evidence to the contrary, so I wanted to get your views on that.

Dr Norma: That report was published by the Queensland prostitution licensing committee. This is the committee that collects licensing fees from brothels in Queensland. So I would suggest to the committee that it has a financial interest in the continuation of the legalised scheme in Queensland. From reading that report—and I am happy to be corrected—I do not think the licensing committee provided any empirical evidence for its claim that the model was not working effectively in Sweden. So I would reiterate my opening statement that the Ministry of Integration and Gender Equality in Sweden, the Swedish Institute, the Nordic Gender Institute, which is based in Denmark, and the Swedish National Board for Health and Welfare have all produced reports over the past 10 years. Most recently, in 2010 I think there were two reports and in 2009 there was one report that evaluated the success of the Swedish model in Sweden since 1999.

THE CHAIR: Could I touch on something which was raised more directly and extensively by the Australian Christian Lobby. I would be interested in your views on programs that might address the demand side. It seems—and this is me expressing a personal view—that there are a lot of programs about health checks and regulation but there is nothing that addresses the issue of demand in the sex industry. Do CATWA and Collective Shout have views about appropriate mechanisms or what might be considered appropriate mechanisms to address the demand side of the sex industry?

Ms Tankard Reist: Obviously the Swedish model that we have already advocated for does that. What I would like to do at this point, given the opportunity, is to share with you the attitudes of men who buy women for sex, because I think this goes to the heart of the way that the buyer, the john, views women. This is taken from a report called *Men who buy sex: who they buy and what they know*, published by an organisation called Eaves in the last couple of years. I would be happy to table that as well if you thought it was useful to your inquiry. These are comments from London men who buy women for sex: “Prostitution is like masturbating without having to use your hand.” “It’s like renting a girlfriend or wife. You get to choose like a catalogue.” “I feel sorry for these girls but this is what I want.” “No big deal, it’s just like getting a beer.” “My favourite experience in prostitution was when she was totally submissive.” “Look, men pay for women because he can have whatever and whoever he wants. Lots of men go to prostitutes so they can do things to them that real women would not put up with.” “We’re living in the age of instant coffee, instant food. This is instant sex.” “Prostitution is like being able to masturbate without doing any of the

work.” “You pay for the convenience, a bit like going to a public loo.”

I have no reason to believe that it is only men in London who have those particular attitudes towards prostituted women. So in terms of demand, yes, we think the focus needs to be on men who think it is appropriate to purchase women as receptacles, who see women as essentially holes to penetrate. We support anything that would put the focus on men and that would criminalise the buyer rather than marginalise and discriminate against the women who we believe are the victims in this whole industry.

THE CHAIR: Thank you for that.

Ms Tankard Reist: In terms of exit programs, could I make a quick comment. There is a model that the committee could look at that is in Australia. It is relatively new but it is a noodle restaurant in Melbourne which seems to be going quite well. That was established by a body called Project Respect. It might be worth talking to them and seeing how that model is working for women in Melbourne wanting to get out of the industry.

THE CHAIR: We have received a submission and will be hearing evidence from Project Respect.

Ms Tankard Reist: Great.

THE CHAIR: There being no further questions, thank you very much for your time and your contribution this morning. A copy of the transcript will be provided for you to check for errors and the like. Can you communicate with the committee secretary on that. Soon after that, this evidence that has been given in open session will be published. I understand, Ms Reist, you want to provide evidence in camera. That will happen at the end of this session. Thank you for your contribution this morning and later in the day we will hear some in camera evidence from Ms Reist.

Ms Tankard Reist: Thanks for the opportunity.

CASEY, MR MATTHEW WILLIAM, Coordinator Parish Support, CatholicLIFE, Archdiocese of Canberra and Goulburn

THE CHAIR: Welcome. I draw your attention to the buff card which states your responsibilities and rights in relation to parliamentary privilege. Could you acknowledge that you have read and comprehend those issues. Would you like to make an opening statement?

Mr Casey: I would like to table, if possible, a full statement and then make a very brief statement to begin with.

THE CHAIR: Thank you, Mr Casey.

Mr Casey: It is our position that prostitution is basically gender violence against women, that those most likely to be involved are vulnerable and disadvantaged women. The evidence is that prostitution and trafficking are innately linked and that illegal prostitution inevitably flourishes along with legal prostitution. Both in Australia particularly and in other parts of the world, there is strong evidence that an increasing and significant proportion of sex workers are from Asia, particularly China, and it can be extrapolated that many of these women have been trafficked.

The most effective way to combat trafficking is to reduce demand, and the most effective way to reduce demand is through education and other means to change the behaviour and therefore the attitude of the men who seek to buy and use women for sexual activity. This is an important public policy issue for this parliament and for parliaments across the country.

I cannot help thinking that nationally our approach to this issue has overtones of racism and class. If the majority of people involved in this trade were white women from upper-middle-class backgrounds, the reforms we urge would long ago have been implemented. But they are not. In the main, the women working in this grubby trade are non-nationals and not from upper middle classes and therefore as a society we can ignore their plight.

THE CHAIR: Thank you, Mr Casey. I will start where I started with all the previous witnesses. The minister has put forward a position to us that there should be minimal change to the current legislation because prostitution is, in this day and age, a legitimate occupation and that it should be regulated in the same way that other occupations are. This is a view that has been expressed to us by other witnesses as well. I would like your response to that.

Mr Casey: We would argue that prostitution is not now and never will be an authentic career choice to which our school leavers should be encouraged to aspire. Its existence is always going to be at the squalid end and sordid margins of any civilised society, and as a community we must always seek to protect the vulnerable from exploitation, and this particularly applies to those whose entry to or continuance in sex work is not a real choice but a crushing reality.

THE CHAIR: Do you see that there is any model of legislation that would

completely do away with prostitution?

Mr Casey: It is one of those issues that is always going to be there. But because it is hard, it does not mean that we as a society should shy away from it. When we look at various models around the world there are some where it seems that people have simply thrown up their hands and said, “Well, you can’t beat it, join it; so let’s legalise it and try to regulate it.” The evidence is that that does not work. The evidence is that as you legalise it, the legal trade and the illegal trade rise together. The evidence is that it is inevitably linked with trafficking of women. And the evidence is that trafficking is inevitably linked with organised crime. Those are the simple facts.

I have to say that there needs to be a lot more rigorous research done. The research on this issue is actually fairly thin. But what there is supports the notion that prostitution, trafficking and organised crime are inevitably linked. What we have seen from the Swedish model I think is quite interesting because sometimes the attitude that is taken is that what we need to do is just criminalise the blokes who are involved in this, the clients, and somehow that will solve the problem. There is no evidence from anywhere in the world that you solve problems by simply prosecuting people.

If you look at what happened in Sweden, initially when the legislation was passed not much happened at all, but then a vast and probably reasonably effective education program was undertaken. We would argue that this is actually a long-term policy issue. If I could cite an example, we can go back to the simple issue of drink driving. I am old enough to remember when we first started to test people with the little green phials and everything. There was no random breath testing, and people seemed to regard the issue of getting caught for drink driving as one of those things that happened; it could happen to anyone; there was nothing wrong with having five or six or 10 drinks and then jumping in a car and driving. If we go back far enough, I can remember times when brewery truck drivers used to have a beer at every pub that they called in at. You had people driving around with blood alcohol readings of .15 and better and who drove big trucks.

If we look at the policy issues, there has actually been some research done around this. If we look at the public policy issues there, drink driving has moved from something where everyone did it to something that is now frowned upon by people in society. I ran a traffic offenders program for five years, and I am well aware and have very close relationships or very close contact with people who had offended in that way. What they found was that universally, from their friends and relatives, people did not think it was bad luck; they actually thought it was pretty bad form. If we start to look at a long-term program to educate people in the community about the violence that is done to women and to men by this, we start to get a real picture of how we could change, long term, people’s attitudes to this. I do not think we are going to solve it in 10 minutes, by one act of parliament or anything like that. But if we were very careful to look at a long-term program with bipartisan support, much could be achieved.

When you read the research on this, I have to say that when we initially started to think about this, I had some different ideas. I pretty much had the idea that there was not much we could do about this. But when you read what happens to women, when you read, for example, studies that tell you that prostitutes suffer post-traumatic stress

disorder at similar rates to war veterans, if we do anything that encourages this industry to flourish, we are not doing the right thing by women, men and children. The evidence is that this industry, no matter how you dress it up, causes harm to people at every level.

THE CHAIR: Your opening comments, Mr Casey—and there is much in your submission—touch on the issue of addressing demand. I have asked questions of other witnesses about that. What does the Catholic archdiocese in the ACT see as the essential elements that might be involved in that sort of education to address demand?

Mr Casey: We would see that a very important part—there are a number of levels—would be education. The other thing is that obviously there has to be some sanction on those who seek to use prostitutes. We would see that having a sanction is an important part of that. The idea of issuing people with an infringement notice or something like that and letting them go on their way we would not see as being terribly effective. Neither would we see that stigmatically naming and shaming people would be terribly effective on its own. But we do see something that links a proper compliance program that involves sanctions, and perhaps criminal sanctions, along with an education program that engages people—not just offenders but people within the broader community—on the issues about prostitution. We also suggest in our submission that this needs to apply not just around those who are immediately affected, either arrested or involved, but the broader community. We need a broader education program around this.

The other thing that we think would be very effective would be to introduce legislation that looks like the chain of responsibility legislation that exists in the transport industry which would cover everyone associated at every link in the way of someone who has been trafficked. If there is a sanction against them, similar to the one in the transport industry—if we have something like that—it means that people cannot be involved at one level in financing or transporting or using or housing or directing or managing and all we sanction is the end result of that. There needs to be a sanction that goes all the way through it.

It needs to be a strict liability offence. To say, “Oh, I didn’t know,” is not a good enough answer. “Oh, I didn’t know” does not work and does not cut it for our traffic rules. If we look at the amount of death and injury that has been reduced across Australia in the last 20 years through the programs we have put in around simply the traffic laws and the way we deal with traffic matters, there are thousands of people that are not dead or injured because of the effective way we have managed that.

We have got people every day who are damaged in this trade. It is important that we take their plight as seriously as the average person who gets injured in a car accident. We need to apply the same rules around this that we apply around other dangerous industries and other dangerous events that happen in our society.

MS HUNTER: Mr Casey, in your submission—it is on page 34—you talk about this chain of evidence and strict liability applying and so forth. You also speak about trafficking and trafficked people. I just want to clarify: are you seeing anybody who works as a sex worker as a trafficked person or are you referring to people that would fall within that trafficking definition, if you like? I am just trying to clarify that.

Mr Casey: There are certainly people who work in this industry that you would not say are trafficked, but there is a proportion that are. In terms of establishing exactly how many there are, if we look at the current approach, say, by policing and immigration around this, it does not really give us a true picture. We know there is evidence to suggest that for every 1,000 crimes that are committed one person goes to jail, only 340 of such things are investigated and only some 44 people are arrested or even considered for arrest—we get down to one person out of 1,000 crimes. If we just look at the number of people, charges or investigations that are done around trafficking and apply the same rule to that—and there is no reason why we should not—it could be argued that the problem is far broader than we have imagined.

When I look at approaches that policing, the AFP, have taken and I look at what the other jurisdictions are doing, I have got to say it is pretty ordinary, to tell you the truth. It is not indicative of a real strong approach being taken to it. In fact, a lot of the statistics you see are about successful or unsuccessful prosecutions. We would look at the percentage of women, for example, from China. I think that a recent study indicated that 33 per cent of the women who attended clinics in western Sydney were actually from Asia. Of that 33 per cent, 54 per cent were from China. That had been a change that had taken place over a period of four to five years.

Now, you cannot tell me or anyone else that there are a whole lot of little girls growing up in China whose parents are urging them that one day they can be a prostitute at Blacktown in Sydney. People simply do not get into this profession for that reason. We see lots of them coming here on tourist visas and for other things. So the evidence is clear that trafficking is heavily involved. On the available evidence, the level at which it is at is difficult to say, but the evidence is such that we should be concerned. I hope that answers your question.

THE CHAIR: Thank you.

MS HUNTER: In one of the other submissions—I will get the submission in a minute—to this inquiry there was actually reference to a 2009 case of a Kambah woman who had faced trafficking charges. That case was cited as evidence of the problems that are evident in the ACT around trafficking. Other people have said that, in fact, they see it as a case study of how the laws against trafficking can work and how offenders can actually be brought to the courts. Do you have a position on that?

Mr Casey: Before doing this work I had 28 years in the New South Wales Police. I was, in fact, a detective inspector and ran the school of investigation and intelligence at the police college for a few years. My view on that would be that any time we use a thief-catching model to solve a societal problem we are having ourselves on. To suggest that evidence that one person is being trafficked in any way indicates that the law works marvellously to solve all our problems is a misnomer—as is, by the same token, the suggestion that, because only one person has been prosecuted, we do not have that problem in the ACT. Looking at the research on policing and the research on law enforcement, I go back to my comment that, for every 1,000 crimes that are committed, one person goes to jail and 44 are arrested.

I would not agree with that at all. I do not think that in the ACT we can claim that we

are somehow hermetically sealed off from the rest of the world. We are only a small jurisdiction here, but the problems of the world are the problems of us. They might not be as obvious in what we have here, but the evidence is that if we were to expand in any way this industry in the ACT the same sorts of problems would come in. You lie down with dogs and you get up with fleas. That is one of our problems—that if we expanded this, all the problems would start to come in.

THE CHAIR: Could I go back to the question earlier about addressing demand. Your recommendations starting on page 43 are fairly comprehensive in that they outline an approach. But at 8.2.2 you recommend that the committee recognises that men are the principal perpetrators of this abuse and that their behaviour must be criminalised. Then you say that this requires the education of men and boys against the practice of prostitution. How would you envisage such education programs? What would they look like and where would you start with them?

Mr Casey: I would think that such programs would need to be developed over a long period of time. I would think that we would look at public education programs. There has been a lot of work done around domestic violence. We need to start thinking of using models that borrow a little from that—I think there is a lot more work we could do on that—but also borrow from the successful models that have been used around traffic matters, drink driving, speeding, those sort of things. We need to start to address that.

Let us look at the campaigns against smoking. It needs to be a combination of individual compliance, if we like, and general compliance. So we need to start thinking about education programs that are general. We need to start looking at compliance programs that address specific issues. That is where we say that we need to move the focus away from criminalising the women. One of the most appalling things we often see is where raids are done on brothels, legal or illegal, and women in various stages of undress are being taken out of those places—not so much in Australia but often in other parts of the world—and we see a number of women being detained. All the people who were there creating the demand walk out the door. We need to change the onus away from the victims in this matter towards the people who are perpetrating the violence and the offence.

What we would argue along with that is that that is where the chain of responsibility needs to come in. Everyone connected at any level with that needs to have action taken against them, along with a comprehensive education program. That could be linked to the whole way we treat women, the whole domestic violence issue. If it is inappropriate for people to commit violence against women—physical violence or mental abuse—within a relationship, it is also inappropriate for the same sort of thing to be done where people are just buying the use of their body for half an hour, an hour or something like that. What we are arguing is that the campaigns need to be comprehensive and multifaceted.

THE CHAIR: We have not really touched on this but there has been a lot of questioning of other witnesses about it. You have advocated the Swedish model and I just wanted to get some idea of your understanding of how the legislation in Sweden works and how you might see that practically translated into the ACT.

Mr Casey: I think if you are going to practically translate something from one jurisdiction and one culture to another that straight-out picking it up and moving it is not going to be the answer. It has not been the answer in many other things around the world. It needs to be “enculturated” for our culture. Our understanding around this is that the Swedish model looked at initially a model that was about: “Here’s the law. Go away and apply it and criminalise the use of prostitutes.” What they found was that the police and the prosecutors were not very much interested in it, so they went into a detailed education campaign.

What is significant when you read about the Swedish model, particularly when you apply it to trafficking, is that there is evidence, admittedly some anecdotal evidence, that traffickers find Sweden an unfriendly place to do business because of the focus that is on them. There is evidence to suggest that trafficking has actually reduced considerably in Sweden. Our view is that that is the sort of model we need to pursue. In broad terms we think they are on to something. The most important thing is that initially when we looked at the act and we looked at the way they had done things over there we thought it looked pretty good. But the real secret in what they did is that the real changes occurred only after they got into the education program.

One of the things we point out is that the education program needs to be for police, for prosecutors, for magistrates and judges and for everyone involved at every level, and there need to be comprehensive programs that enable women to exit the industry—and may I say men too; we need to enable people who are involved in that industry. I think the figures for the industry are about 80 per cent or a little more—maybe 85 per cent—women, so it is important to focus there. We need to establish well-resourced and well-directed programs to enable them to leave the industry. There is any amount of stuff that that could involve.

THE CHAIR: One of the criticisms of the Swedish model has been that there has been some displacement across the borders. The problem with the ACT is that we are a very small hole in a very big doughnut. What thought have you given to the issue of the potential for displacing activity in the sex industry essentially across the border because it is not very far away? How might that be mitigated or is it a risk worth taking?

Mr Casey: It is interesting to think about displacement and the Swedish model. There are some theories around crime displacement. The evidence is, and I stand to be corrected but I am reasonably sure I am on the money here, that where we have displacement we do not get 100 per cent displacement. So it is not like all the crime displaces somewhere else. I have been involved in programs in policing, particularly initiatives around drug use, which impacted on getting between the drug dealer and the market. The evidence was that we did not get a significant amount of displacement to other areas. But the evidence also is that even where you do get displacement you do not get 100 per cent displacement, so you actually start to reduce the problem; you do not simply move it somewhere else.

THE CHAIR: The tenor of your submission and other submissions is that any reduction is good in this circumstance.

Mr Casey: We would argue that any reduction is a good reduction. The other

important thing that we think the parliament and government of the ACT and indeed all the parliamentarians in the ACT would need to be doing if it was decided to apply a model that looked like this would be to measure it and then to speak to your colleagues in other jurisdictions, particularly in New South Wales but also in other jurisdictions, to try to get what has been done in the transport industry. The chain of responsibility legislation applies in every state in the country because it was recognised that transport crossed borders so each state has enacted similar legislation. We think that somebody needs to start it and then there needs to be encouragement for other jurisdictions to buy into it.

MS HUNTER: Page 14 of your submission talks about a significant increase in serious health risks and about STIs. Some submissions that we have had have called for clarification around the provision of condoms; that they should be provided at the expense of the owner, not the worker. Do you have a view on clarification in the law that responsibility be with, say, the owner of the brothel rather than the workers?

Mr Casey: The church has a particular view around the inappropriateness of the use of condoms and everyone is aware of that.

MS HUNTER: But you are talking about STIs and the serious health risk.

Mr Casey: At another level we would argue that any employer should provide all the safety equipment that any employee needs to do their role.

THE CHAIR: There being no more questions, thank you very much for your time, Mr Casey. There will be a transcript provided for you to review. If you find that there are any problems, you can communicate with the secretary on that, and that will be published in the near future. Thank you very much for your contribution today.

Mr Casey: Thank you.

Evidence was then taken in camera.

Public hearing concluded at 12.09 pm.