

## **Criminal Code (Decriminalising Sex Work) and Other Legislation Amendment Bill 2024**

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Submission Protecting Australians from Legal Prostitution (February 2024)

A Submission from the Australian Federation for the Family Against the Further Legalisation of Prostitution in Queensland.

February 2024

Prostitution is by and large nothing more than the exploitation of those who are made vulnerable by poverty, inequality, violence and abuse, by those with greater social and economic power.

Prostitution is not work in any conventional sense of the word and should never be treated as "just another business". Few people make a rational decision to enter into prostitution as a career choice; it is generally a survival strategy. The average age of those entering prostitution is estimated to be about 14 years internationally. Nations legalising prostitution, including Australia, have all experienced a significant increase in legal and illegal prostitution, child prostitution and trafficking in persons for sexual purposes.

Questions must be asked of the politicians, especially from the ALP/Greens who are anticipating further legalisation of prostitution in Queensland by dangerously treating it as just any other business.

- \* If prostitution is treated as just another legitimate business will prostitutes be able to apprentice young workers and at what age? (The death of a 17 year-old girl was reported in a legal brothel in Canberra.)
- \* Will our daughters lose unemployment benefits if they refuse Centrelink job openings?
- \* Will prostitutes be able to teach career opportunities in Queensland schools?
- \* Is it wise to think that Queensland families want their daughters, sisters and wives (or sons) working in this 'industry'?
- \* How will totally unenforceable condom use laws be policed?
- \* When will health checks be made, after each customer? After every third customer? After every 100th customer?
- \* How will international crime syndicates be deterred from importing sex slavery into Queensland as occurs worldwide when prostitution has been treated as just any other industry?
- \* How are women empowered by being sexually penetrated by strangers several times per hour/day for money?

Our politicians supporting the prostitution-as-any-other-business must answer these and other relevant questions before adopting this ill-advised ALP/Greens proposal.

Lifelong fertility and reproductive problems, totally unenforceable condom use rules, constant threats of physical violence, everyday exposure to countless incurable sexually transmitted diseases, daily sexual activity - available to be sexually penetrated every half hour (½ hr?), on the half hour (¼ hr?) throughout each and every day. The burden of proof is on the prostitution MPs to show how this is for the betterment of or empowers ANY woman, anywhere. Numerous daily sex partners and ridiculously inefficient health checks await the unfortunate girls (or boys) who are forced into sex work. It is not really a 'career oriented' opportunity and has always been about the strong preying upon the weak and should never be seen as just any other business.

Legalising and decriminalising prostitution as has happened in Melbourne and Sydney and even in Brisbane has resulted in more street prostitutes and illegal brothels.<sup>1</sup> The policy of legalisation (Victoria) and decriminalisation (New South Wales) of the sex trade have been adopted. The results have been the same: a significant increase in all facets of the sex industry. Legal brothels, child prostitution and trafficking have all increased and authorities concede that the illegal sex trade is out of control. The Sydney Morning Herald (Dec 2006) reported that almost four times the number of illegal, compared to legal sex premises, were operating in Sydney alone.<sup>2</sup> After 10 years of regulated "Boutique Brothels" in Queensland initiated by ALP Premier Peter Beattie, 90pc of the sex trade remains in the illegal sector.<sup>3</sup>

Rhode Island was the last state in the US to outlaw prostitution. In Nevada it's only legal in a few counties around Las Vegas. The Rhode Island legislature debated the prostitution issue but with the intent to abolish it not legitimise it. Rhode Island State Representative Joanne Giannini, a Democrat, correctly stated, "If we really care about the women who are the victims of prostitution and human trafficking, we need to shut down the industry."<sup>4</sup> Andrea Ritchie of the Sex Workers Project said she "does not favour legalising prostitution."<sup>5</sup> We urge Rhode Island to go forward, not backwards, in the fight against human trafficking." The Rhode Island legislature says addressing the underlying problems - drug addiction, sexual abuse, human trafficking, economic hardship - is the correct way to go. This last state in America with legal, statewide prostitution just moved to place a legal ban on the entire industry stating that "on the evidence" it could not move in any other direction. They emphatically rejected the idea of simply treating sex work as "just another industry".

The greatest market for human trafficking and sex slavery in the world is legal prostitution. Police investigations are commonplace in Melbourne concerning human sex trafficking run from legal brothels. The US State Department has recently named and shamed Australia for its role in sex slavery because of legal prostitution.<sup>6</sup> In fact, a report from the United Nations says legal prostitution in Australia is the worst in the western world.

Stefanie Konenber from the US State Department addressed the Australian Federal Police. She reported that "1200 victims of human trafficking made it to Australia each year." Held captive they are "subject to physical and sexual violence."<sup>7</sup>

The mayor of Amsterdam, Job Cohen, admitted that the policy of legalisation has been a failure and has instituted a reversal. He conceded that organised crime dominated the industry in which sex trafficking, exploitation, drug abuse and money laundering was rife. One third of the famous brothel windows have been bought out and replaced with fashion boutiques and there are plans afoot to replace a majority of the remaining windows.<sup>8</sup>

Far from accepting prostitution as "just any other business" rafts of new restrictions on other aspects of the sex trade are also being introduced in Amsterdam. Permits have also been withdrawn from dozens of sex businesses. Tolerance zones set up for street prostitution have also proved a failure. In 2003 the central-Amsterdam Tipplezone (pick-up area) established in 1995 for street prostitutes and promoted as a way to control the problems associated with prostitution was closed. The mayor admitted that it became a haven for traffickers, drug dealers and that it was unsafe for women. The Tipplezone in Rotterdam was closed for similar reasons.<sup>9</sup>

Prostitution was decriminalised in New Zealand in 2003. The National Council of Women of New Zealand, which originally supported the decriminalisation of prostitution, is now of the view that the only winners from the 2003 Prostitution Reform Act are males.<sup>10</sup> Civil society would do well to protect it's women and girls from sexual exploitation instead of treating sex work as simply "any other business". Civil humans should never entertain the idea of treating "sex work" as just another job.

Criminalising the purchasers of sex has gone a long way to curtail the practice in Sweden<sup>11</sup> and it should be added that prosecuting the sellers and facilitators (pimps, madams, brothel establishments, etc) would help stop the ill-advised policy of legally permitting our women to work as prostitutes.

Governments should protect our women and girls, not encourage their sexual exploitation.

Queensland should follow positive aspects of the Swedish example in which prostitution is regarded as gender-based violence and a zero-tolerance approach is taken against buyers, procurers and traffickers. In 1999, at approximately the same time the Netherlands opted for legalisation of prostitution, Sweden introduced a policy of abolition with the focus on clamping down on the demand and helping women to exit prostitution. The purchase and attempted purchase of sexual services was criminalised for the first time. Sweden would do well to go further and, as has happened in Rhode Island, criminalise all other aspects of "sex work" and not simply prosecute men who use prostitutes.

Certainly Queenslanders should expect their lawmakers to criminalise the purchasers of illicit sex (the johns or customers), the sellers of illicit sex (the prostitutes) and the facilitators of illicit sex (madams, brothels, pimps, etc) and not to simply turn a blind eye to the social destruction caused by the perpetrators of the "sex trade". The women and children of Queensland deserve better protection from those blatantly involved in their sexual exploitation through further legitimisation of the sex trade. It should never be treated as "just another business".

The so-called Nordic model has never been nor should ever be accepted as the correct answer to the prostitution question. Imagine just prosecuting drug users and not drug dealers. Unfortunately there are many well-meaning but misinformed groups attempting to only criminalise the purchasers of sex. Instead of using Jesus' example of telling the woman involved in illicit sex to "go and sin no more"<sup>12</sup> these groups are actually misconstruing His words and telling the unfortunate prostitutes that it is OK, "go and sin some more".

Finally there is the harm to women themselves. In a study, Prostitution in Five Countries: Violence and Post-traumatic Stress by Melissa Farley, 67 percent met the criteria for a diagnosis of Post-Traumatic Stress Disorder. She also noted that "over time, the constant violence of prostitution, constant humiliation and the social indignity and misogyny, result in personality

changes".<sup>13</sup> Women are in no way empowered by legal prostitution proving it is a dangerous fallacy to treat "sex work" as just "any other business".

Sexually transmitted infections are also unavoidable in prostitution and so-called mandatory condom policies are not effective and impossible to be policed. There are long and well-established links between organised crime, prostitution and trafficking in women, children and other persons.<sup>14</sup> Legalising the illicit sex trade has been proven to place some of the most vulnerable in our society at great risk.<sup>15</sup>

No matter how well-meaning or monitored, legal prostitution clearly exacerbates health problems against women, sex crimes against women and the horrendous abuse of women. Every aspect of the prostitution trade should bear the brunt of the fullest extent of proscription and should never be treated as a legitimate business endeavour.

Certainly, none of our legislators would want their own wife/daughter/sister/mother (or son) working as a sex worker in the commercial sex industry. They should be seen as hypocrites for advocating it as OK for everyone else's.

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Footnotes:

1 Selling Sex in Queensland, Charlotte Woodward, 2004 ISBN 13: 9780646435664

2 <http://www.smh.com.au/news/national/illegal-brothels-flourish-across-sydney/2006/12/09/1165081201712.html>

3 <http://www.abc.net.au/news/2009-08-15/prostitution-laws-failing-sex-workers/1391654>

4 Rhode Island General Assembly Press Release <http://www.rilin.state.ri.us/news/pr1.asp?prid=5773>

5 [www.urbanjustice.org/pdf/press/providencejournal\\_11june09.pdf](http://www.urbanjustice.org/pdf/press/providencejournal_11june09.pdf)

6 <http://www.heraldsun.com.au/news/sex-trade-report-shames-australia/story-e6fr7jo-1225881175204>

7 <http://www.couriermail.com.au/news/australia-named-in-slavery-report-as-crime-gangs-profit-from-rights-abuses/story-e6freon6-1225881034108>

8 <http://www.thoughtleader.co.za/admin/2008/03/02/the-grey-zone/>

9 <http://www.thoughtleader.co.za/admin/2008/03/02/the-grey-zone/>

10 <http://www.stuff.co.nz/national/727258/Men-the-only-winners-of-Prostitution-Reform-Act>

11 Gould, A. (2001). The criminalization of buying sex: The politics of prostitution in Sweden. *Journal of Social Policy*, 30(3), 437- 456.

12 John 8:11

13 <http://fap.sagepub.com/content/8/4/405.short>

14 <http://www.familypolicyinstitute.com/article.php?id=27>

15 <http://www.rcmp-grc.gc.ca/pubs/ccaps-spcca/traffick-eng.htm>