



## Prostitution

12 July 2000

**Mrs PENFOLD (Flinders):** The topic of prostitution is one that I would prefer not to talk about or to have to deal with, but it exists. I am compelled to consider it as a member of parliament charged with making laws for the whole of the population and not just my constituency of Eyre Peninsula. It is widely recognised that the legislation regarding prostitution and related offences in South Australia is inadequate. Given this inadequacy, the policing of offences relating to prostitution creates many difficulties. Today's society is adept at passing the buck; at demanding that someone else do something; at refusing to accept responsibility. This attitude makes it doubly hard for our police officers who are at the coalface when it comes to prostitution and enforcing the law.

At various times our police force has come under criticism from different directions, including politicians, prostitutes, the courts, brothel owners and church groups in regard to the policing of the prostitution industry. Each group has its own special views on legislation surrounding prostitution. As is recognised in the 1998 police report on prostitution, given the limitations imposed on them by current legislation, the police cannot hope to meet the demands of any single party even under the most ideal circumstances, let alone the conflicting demands of all the interest groups.

One of my staff members recalls a senior police officer speaking at a school welfare conference many years ago. He gave the instance of two people entering into an agreement for one to use the other's body in return for payment of some kind—not necessarily money—and said that it would be impossible to police a law prohibiting such an agreement or action. Society today gives out confusing signals to young people concerning sexuality. Sexual activity is presented on television, in films and magazines as the ultimate experience and one to be pursued. The current television program *Sex in the City* is an example of this.

At the same time, society—thankfully still the majority of society—condemns child abuse and child prostitution. The way that sexuality is popularly presented is unbalanced because the pain, degradation, despair and destruction of self-esteem that occurs in indiscriminate sexual relationships, let alone abusive and prostituted sex, are not shown. If greater powers to police were granted through appropriate legislation, then concomitantly greater protection could be afforded to minors who may be enticed or forced into the industry.

Members of South Australia's police initiatives Operations Patriot and Torpedo conducted in the 1990s allege that there is some evidence of child prostitution. Operation Patriot located and identified five minors working as prostitutes in brothels in the 18 months to February 1995. All were females with an average age of 15 to 16 years who had either run away from country areas or interstate, or had been homeless and living on the streets.

Two of these children were located operating brothels alone, and in one extensive documentation was discovered revealing details of male clients repeatedly raping the child. Child prostitutes, both male and female, are rumoured to be available to trusted clients of some escort agencies.

Research has shown a link between child abuse, especially child sexual abuse and child prostitutes and those entering the industry as young adults. Such people are doubly abused by society. I do not approve of prostitution or condone the trade in any way. However, as a member of parliament I must consider all those who are involved, irrespective of whether or not I approve of their actions, just as, for instance, we must also consider demonstrators and see that they are protected, irrespective of whether or not we agree with them.

Current laws do need changing. They do not protect the young or naive people in the trade or society in general. I have personal knowledge of a young country woman who innocently accepted a position in an escort agency, only to find to her horror what was expected of her later in the night.

Prostitution has been the subject of various parliamentary inquiries and failed bills. The five bills before the House have drawn on the vast resources of information that committees have accumulated over the years. I am strongly of the opinion that prostitutes and clients should be treated equally. In the past, prostitutes have been guilty of offences while clients have not been charged. The approach in four of the bills is to treat the clients and prostitutes the same. I fully support this approach. It brings the treatment of prostitution out of the double standards of the Victorian era, where men were expected and young men encouraged to sow their wild oats, but any woman who acted in a similar manner was condemned or ostracised. Prostitution requires two people; both should be treated equally under the law.

People generally condemn prostitutes for passing on sexually transmitted diseases. Any person who infects a prostitute with a sexually transmitted disease should be equally guilty of an offence. In addition, brothel owners, pimps, procurers and any third persons profiting from prostitution should be held responsible for illegal activities that help to provide their income, including child prostitution and drugs. Assets should be forfeited and used to help fund law enforcement and prevention programs for people at risk, such as young street kids and rehabilitation of workers themselves.

I will now quote a letter from the Reverend Michael Semmler, who wrote:

*As you consider the prostitution legislation, may I put before you some considerations which I think are important.*

- § *Make laws as few and as simple as possible.*
- § *Resolve to keep those laws.*
- § *Resource the police appropriately so that they can be effective; to preserve their morale; to preserve their standing in the community; to give them appropriate access and ability to police.*
- § *Protect all citizens (even those who remain in the prostitution trade).*
- § *The government ought not to be involved in any kind of agency or management of prostitution.*
- § *Cover escort agencies as well as brothels.*
- § *Concentrate on the harm, e.g. violence, drugs, crime, sex slaves, paedophilia, under-age prostitution, blackmail, communicable diseases, advertising, loitering, money-laundering and the like— issues that harm society.*

*In your deliberations of this vexed issue, you are protecting, ordering and promoting a healthy society.*

*Obviously from the church, we would like to see prostitution out of existence! No society has achieved that, so the protection of society and the promotion of family and positive helpful values needs to be uppermost in your legislating. It is the task of the church to shape people from inside, but for governments to regulate and promote society, including curbing and controlling the harm that some seem bent on achieving. Our churches pray for you and encourage you toward good government. We are grateful for your major contribution to the society we are privileged to enjoy and wish to continue to promote.*

This letter succinctly sets out the problems with which we are dealing as politicians in considering these bills before the House.

The role of government is to govern for all people. I have spoken of some points in relation to children. Personally, I would prefer a law that stated that no person under the age of 25 is allowed to work in the prostitution industry. I believe that 18 is far too young to be making such an enormous life decision as to whether or not to become a prostitute. However, I realise that this is unlikely to be possible.

From these bills I hope that we will be able to fashion a bill that will not exacerbate the current situation and may help to improve what we have at present. May we as a society help to establish more intervention programs for people at risk of

becoming prostitutes, and provide houses of 'hope' as have been started in Perth by Linda and the Reverend Barry Hicky, so that those who are drawn towards prostitution and those who have succumbed have places to go, should they choose to turn away, where they may have some hope of being assisted in their decision.