

Submission to:
*National Action Plan to Combat
Modern Slavery 2020-24
Public consultation paper*

Australian Christian Lobby

About Australian Christian Lobby

Australian Christian Lobby's vision is to see Christian principles and ethics influencing the way we are governed, do business, and relate to each other as a community. ACL seeks to see a compassionate, just and moral society through having the public contributions of the Christian faith reflected in the political life of the nation.

With more than 170,000 supporters, ACL facilitates professional engagement and dialogue between the Christian constituency and government, allowing the voice of Christians to be heard in the public square. ACL is neither party-partisan nor denominationally aligned. ACL representatives bring a Christian perspective to policy makers in Federal, State and Territory Parliaments.

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Human Trafficking and Slavery
Australian Border Force
humantraffickingandslavery@abf.gov.au

7 February 2020

Dear Sir/Madam,

The Australian Christian Lobby welcomes the opportunity to make a submission in response to the Public Consultation Paper on the National Action Plan to Combat Modern Slavery.

This is an issue of great concern to our organisations. We are particularly concerned with the vulnerability of women and girls to being trafficked and exploited in a variety of ways, from unpaid or underpaid domestic labour but also subjected to sexual exploitation in the sex trade.

I am available to present at any hearings that Australia Border Force may sponsor on this issue.

Yours sincerely,



Wendy Francis
Spokesperson on Women and Girls.

Introduction

The Australian Christian Lobby congratulates Australian Border Force for taking seriously the issue of Modern Slavery. This issue has been of concern to ACL for many years, in particular, the exploitation of women in the sex industry.

It is surprising therefore, that the areas of concern listed by the Public Consultation Paper neglect to identify sexual exploitation as a serious concern regarding Modern slavery. This is despite that same paper making the observation that: “Historically, a significant portion of trafficked people identified by Australian authorities have been women from Asia who have been exploited within the sex industry.”

The Paper does not suggest that this has changed. Indeed the Australian Border Force issued a press release in September 2018 announcing the closure of illegal brothels in the Canberra suburb of Reid:

As a result of the warrants three illegal brothels were located and shut down and four non-citizens were detained by ABF officers. The one man and three women were all Thai nationals and were working in breach of their visa conditions or without a valid visa. yet sexual exploitation is not targeted in the National Action Plan.¹

Exploitation within the sex industry continues to be a problem, however, the National Action Plan to Combat Modern Slavery makes no specific reference to the sexual exploitation of trafficked women and girls.

Consultation Questions

The Australian Government welcomes feedback on any aspect of this Consultation Paper. We are particularly interested in the community’s views on the following consultation questions:

1. Do the 12 goals capture key areas of focus for Australia over the next five years?

No. The proposed 12 goals fail to specifically address the area of sexual exploitation of trafficked women and girls.

ACL calls for the issue of sexual exploitation of trafficked women and girls to be included in Australia’s response to Modern Slavery.
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2. Should there be additional goals to address other areas of focus, emerging issues or trends? If so, what should they be?

There should be a focus on sex exploitation of trafficked women and girls and this needs to happen in collaboration with state governments. Existing State and Federal legislation does not facilitate the monitoring of residential status of workers in brothels in legal and especially illegal ones.

¹ Australian Border Force <https://newsroom.abf.gov.au/releases/illegal-brothels-in-reid-shut-down> Accessed 7 February 2020

Additional goals: implementing strategies to monitor visa status of workers in the sex industry and increasing means of identifying and trafficked women and girls operating in illegal brothels in conjunction with State governments.

Sex- trade – legal and illegal – a symbiotic relationship

It is widely acknowledged that the legal brothels are at the top of a vast pyramid of illegal brothels.

A legalised sexual exploitation industry does not eliminate illegal exploitation. In all jurisdictions where prostitution has been decriminalised and brothels legalised there is a continued illegal trade often greater than the legal trade. In Melbourne, there are 91 licenced brothels, but around 500 illegal brothels according to Project Respect, a not-for-profit organisation providing support for women in the sex industry and women trafficked for sexual exploitation.² This ratio of illegal brothels as 4:1 with legal brothels does not seem to have changed since 2011.³ These figures may be similar for NSW despite the great confusion and lack of monitoring of legal brothels, with no figures for illegal brothels.⁴

Impunity for brothel operators due to lack of resources

The delegation of regulatory and enforcement functions to local government creates an environment of total impunity for sex industry operation. Local government does not have the resources or expertise to regulate an industry that is heavily infiltrated by organised crime, overseas syndicates, and persons with criminal records.

Some legislatures, such as the Northern Territory, deprive police of the power to enter suspected brothels. This removes any barrier that brothel owners may face to the development of their businesses.

The NSW experience amply illustrates the situation confronting local government in jurisdictions of deregulated prostitution. In that state, so-called 'massage parlours' almost totally ignore local council requirements for business registration.⁵ Councils express difficulty and frustration in managing the issue:

A spokeswoman for Willoughby City Council said: "Council does not have the adequate legal mechanisms, resources or power to efficiently and effectively close brothels."

Khal Asfour, the mayor of Canterbury Bankstown, said the government's inaction on brothel reform was "unacceptable and leaves councils to do all the work in managing what is a state-wide issue".⁶

It is likely that some of these illegal brothels are possibly also involved in people trafficking. An illegal brothel in the Canberra suburb of Reid was found to have employed four Thai women who were in

² <https://www.sbs.com.au/language/english/the-majority-of-illegal-brothels-are-massage-shops-say-police>
Accessed 10 December 2019

³ Mackenzie, Nick and Beck, Maris; <https://www.theage.com.au/national/victoria/the-secret-world-of-melbournes-sex-trade-20110304-1bi88.html> Accessed 6 February 2020

⁴ Taylor, Andrew; <https://www.smh.com.au/national/nsw/sex-in-the-suburbs-where-are-sydney-s-red-light-districts-20190621-p51zxr.html> Accessed 6 February 2020

⁵ *ibid*

⁶ *ibid*

breach of their visa conditions or without a valid visa.⁷ The women were deported. The brothel was operated by two women who were Chinese nationals with a very limited understanding of English.⁸ It is difficult not to question who the masterminds might be behind such operations, but it is unlikely to be the women operating on their own.

According to a senior police officer in Queensland, there is a lack of will to clean up illegal brothels.⁹

Difficult to ascertain breaches of visa conditions

It is no surprise that many sex workers are women of an Asian background and that there are inadequate checks done on their visa or residential status.

In response to the ACT's consideration of changes to their prostitution laws in 2011, a submission from the Federal Department of Immigration and Citizenship detailed the practical difficulties of investigating suspected cases of trafficking within legalised brothels. "Brothel operators often do not keep adequate records in relation to their employee's conditions of employment ... it is difficult for compliance officers to ascertain whether a breach of a visa condition has occurred." These inspections can occur only when sufficient evidence has been gathered to warrant an investigation, it must then be demonstrated that trafficking is occurring (or that visa working conditions are being breached) to a standard of proof sufficient to refer the matter to the Commonwealth Director of Public Prosecutions.¹⁰

Organised crime and sex trafficking

There is evidence that many brothels are run by syndicates who transport women between different venues and locations. This takes place particularly for Asian-background women in the sex industry. It was reported in October 2011 that an "inner-city Sydney brothel . . . specializes in Korean prostitutes and is closely linked to the Comancheros outlaw motorcycle club and senior Asian organised crime figures".¹¹

Legalised prostitution provides a vestige of respectability over a cluster of criminal activities such as drug trafficking, sex trafficking, and organised crime.

Bikie gangs known to be associated with drug trafficking also have an interest in prostitution. The Comancheros bikie gang in Victoria has interests in brothels, tattoo parlours and gyms.¹² Two bikie gangs, the Rebels and the Finks were planning to move into prostitution activities in South Australia

⁷ Op.cit. Australian Border Force

⁸ Inman, Michael; <https://www.canberratimes.com.au/story/6001857/alleged-illegal-brothel-madams-face-court/> Accessed 10 December 2019

⁹ Wolfe Natalie; <https://www.news.com.au/lifestyle/relationships/sex/the-crackdown-on-rub-and-tug-parlours-and-how-its-affecting-workers/news-story/f447a9659f203785e1047d3ad3327e83> Accessed 10 December 2019

¹⁰ https://www.parliament.act.gov.au/_data/assets/pdf_file/0009/373293/Submission_No.56_-_Dept_of_Imm_and_Citizen.pdf 6 February 2020

¹¹ Mackenzie, Nick and Beck, Maris; <https://www.theage.com.au/national/victoria/legal-brothels-sex-slavery-links-20111009-1lfy0.html> Accessed 6 February 2020

¹² Palin, Megan; <https://www.news.com.au/finance/work/at-work/comanchero-bikie-gang-dealt-significant-blow/news-story/4012736831ae5a8f32d4b2beb589947b> Accessed 10 December 2019

in anticipation of legalisation of prostitution in that state.¹³ Interestingly, the Rebels, and other bikie gangs have been expanding into south east Asia.¹⁴ It would be important to ascertain their interests in south east Asia and the relationship to their investments in brothels.

3. The Government is committed to ensuring victims of modern slavery are supported, protected and empowered. Are there ways in which the Government can better reflect the voices of victims and their lived experiences in the 2020-24 Plan and Australia's response to modern slavery?

Strategies need to be developed collaboratively with State and Territory governments to ensure that trafficked women and girls are not engaged in the provision of sex services in legal brothels

A resolve to work with State and Territory governments to investigate illegal brothels particularly to identify the possibility of them engaging trafficked women and girls.

¹³ Hunt, Nigel; <https://www.adelaidenow.com.au/truecrimeaustralia/bikie-gangs-preparing-for-the-decriminalisation-of-sex-industry/news-story/88ff370da1b69df56169492dcef6bd24> Accessed 10 December 2019

¹⁴ Chambers, Geoff; <https://www.dailytelegraph.com.au/news/nsw/aussie-bikies-invade-asia-gangs-on-overseas-recruiting-drives/news-story/72076e407345e8b0661a9d21f655aa73> Accessed 10 December 2019