

Issue 61 – September 2011

Welcome remarks from a judge

When it comes to the rape of sex workers, the judiciary, perhaps influenced by the persistent mythology about the sex industry so pervasive in the community, has not always taken an enlightened approach. There have been a number of cases in which, although the defendant has been found guilty, the judge has taken the fact that the victim was a sex worker into account as a mitigating factor in sentencing. In the notorious 1991 Victorian case of *R -v- Hakopian*, the judge said that because the victim of the rape was a prostitute, “the likely psychological effect on the victim ... is much less a factor in this case and lessens the gravity of the offences”. In this case, the female victim had also been kidnapped and threatened with a knife by the defendant. The defendant was sentenced to three years and four months imprisonment, with a non-parole period of 16 months.

Whilst a sexual element is at the core of rape, it is fundamentally an act of violence. The nature of a victim’s work should be irrelevant. The issue is one of consent to the act. Any person the victim of a rape is likely to feel violated, abused, degraded, and traumatised. That the victim happens to be a sex worker in no way changes this and should not lessen the gravity of the offence. Accordingly, recent remarks by another Victorian judge in sentencing a defendant who had raped a sex worker are to be welcomed.

According to a 10 June 2011 report in *The Age* newspaper, regarding the case of *R -v- Hughes*, the defendant had taken the female sex worker to a car

park, where he produced a knife, threatened to kill her, and raped her in the back of his car. *The Age* report states:

Handing down his sentence, Judge Michael Tinney said the woman was entitled to the full protection of the law regardless of her occupation.

“The gravity of this offence simply cannot be diminished because the victim worked as a prostitute,” he said.

“Your offending is extremely serious, and it must be denounced and denounced strongly by the court.”

“People must understand that if they treat people in the way that you treated this victim, when they are caught they will face the full weight of the law.”

...

Judge Tinney said Hughes had perpetrated violence on a vulnerable victim who had been left terrified.

“I have absolutely no doubt that you thought she would not have the courage, or will or capacity to complain to police about what you had done,” Judge Tinney said.

The defendant was sentenced to nine and a half years imprisonment with a non-parole period of seven and a half years.

Any person raped or sexually assaulted recently or in the past, and in need of assistance, can call the **Statewide Sexual Assault Helpline** on **1800 010 120** (Free Call). This is a free confidential service open 7.30am to 11.30pm, 7 days a week.

UN General Assembly Declaration on HIV/AIDS

In June 2011, the United Nations (UN) General Assembly issued a Political Declaration on HIV/AIDS, which acknowledged, “populations that epidemiological

evidence shows are at higher risk, specifically men who have sex with men, people who inject drugs and sex workers”.

Australia’s *Sixth National HIV Strategy 2010 - 2013* identifies a number of priority population groups, including those singled out by the UN declaration:

- people living with HIV
- gay men and other men who have sex with men
- Aboriginal and Torres Strait Islander peoples
- people from (or who travel to) high prevalence countries
- sex workers
- people in custodial settings
- people who inject drugs.

Specifically regarding sex workers, the National HIV Strategy states:

Despite the occupational risks, the incidence of HIV in sex workers in Australia is among the lowest in the world. This is largely because of the establishment of safe-sex as a norm, the availability of safe-sex equipment, and community-driven health promotion and peer-based interventions. However, the potential for an increase in HIV in sex work populations remains. Continuing support of prevention initiatives are therefore required to minimise transmission of HIV.

Sex workers are a priority population because of their significantly higher number of sexual encounters than other community members leading to an increased potential for transmission of HIV if safe practices are not adopted. Other contributing

factors are relative youth, discrimination, mobility and migration, and barriers to control over the occupational health and safety conditions of their work and to health service access. High priority subpopulations require specifically tailored and targeted interventions. This includes transgender sex workers, street based sex workers, Aboriginal and Torres Strait Islander sex workers, CALD sex workers, sex workers who inject drugs, and male sex workers.

The July 2011 edition of *In Touch* sets out the range of ways safer sex is promoted in the state's licensed brothels. It should be emphasised that both sex workers and their clients are responsible for ensuring safer sex practises. The onus is by no means solely on sex workers.

Advice on client relationship management from Respect Inc

The following advice on client and sex worker relationship management is provided by Respect Inc:

Remember that clients are not your friends or lovers and you are not theirs, they are paying customers. It is good to separate your working life from your personal life. It can become hard if you see your clients outside of work time. It can become harder to get them to pay if they think you are their friend. It is best to keep a distance between yourself and your clients. Always make sure that you get paid before you start the job or else you may not get paid at all.

Respect Inc is a Queensland-based sex worker organisation, run by sex workers for sex workers. It provides information, education, support and referral services to all sex workers in the state. Membership of the organisation is open to all past and present sex workers.

For more information:

- web: www.respectqld.org.au
- email: info@respectqld.org.au
- tel: 07 3835 1111 (Brisbane)
07 5657 0857 (Gold Coast)
07 4051 5009 (Cairns)
07 4724 4853 (Townsville)

Complaints about prostitution matters

Section 101 of the *Prostitution Act 1999* provides that it is a function of the Prostitution Licensing Authority (PLA) to receive complaints about prostitution. Complaints could be about brothel operations, prostitution advertising or suspected illegal prostitution, for example. Complaints may be made by telephone, email, by letter or in person. Complaints may be made anonymously but it is important that complainants provide as much information as possible to permit investigation of the complaint. In some circumstances, the PLA may request a confidential contact number to assist with further information or to clarify information already provided. Where a complaint is made by telephone, the PLA may request that details be provided in writing. This is to give the complainant the opportunity to recall as much detail as possible and in their own words.

When making a complaint, the following should be considered: who, what, where, how, why, descriptions of events, times, dates, locations, car registration numbers, personal descriptions, and so on depending on the issue.

The PLA does not have the capacity to investigate complaints about suspected illegal activities or criminal behaviour. Complaints of this nature are referred to the Prostitution Enforcement Taskforce of the Queensland Police Service for investigation and action. The PLA may also refer complainants to other agencies that have jurisdiction (for example, to the Anti-

Discrimination Commission Queensland, in circumstances where a sex worker has been refused accommodation). Complaints in relation to brothel operations or prostitution advertising may be investigated by the PLA, depending upon the specifics of the complaint. All complaints are recorded on a confidential database.

Suggestions for articles

Are there any issues or topics that you would particularly like featured in, *In Touch*? Your ideas for articles will help to keep the newsletter relevant and topical. Suggestions can be submitted via email to pladmin@iprimus.com.au.

2011 PLA meeting dates

The PLA Board generally meets on the first Monday of each month. Meeting dates for the remainder of 2011 are: 3 October, 7 November, 5 December. *Whilst current at the time of printing, these dates are tentative and subject to change without notice.*

Vacancies for Approved Manager positions

Luvasian: Gold Coast brothel requires a reliable and capable full-time approved manager. Great premises and excellent working conditions. Please contact Cheryl on 0412 174 588 or xwb777@hotmail.com.

88 on Logan: Woolloongabba brothel is currently looking for an approved manager to begin ASAP. Great establishment. Day and night shifts. Open 24/7. Please contact James or Georgia on 07 3891 1198.

Please note that approved manager advertisements may be submitted at any time for inclusion in the next edition of the newsletter. They should be emailed to pladmin@iprimus.com.au.