

Sex trafficking: the dark side of the Australian sex industry?

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Most people could not contemplate being sex workers, and they certainly wouldn't wish it on their children. Exploiting this fact, a couple of decades ago, some Machiavellian lesbian feminists – opposed to sex work in any form – set about perpetuating the myth that all sex work workers must have been coerced into the job. Rejecting the women's preferred self-descriptor term 'sex worker', they substituted the term 'prostituted women.' And they gained traction – a lot of traction. Indeed, 'prostituted women' became 'trafficked women' and even 'sex slaves' – terms that make great headlines and sell salacious movies.

Prostitution and trafficking have become conflated concepts in the minds of many. In some settings in poor countries, this conflation may be justified, but the authoritative evidence is that this is not the case, not in Australia.^{1,2}

Despite the paucity of evidence, normally astute journalists believe that Australia is being flooded with trafficked women. Even the ABC's *4 Corners* has been duped. At least one ambitious federal policeman saw the opportunity to fan the flames and further his career.³

Indeed, Australia did experience an influx of women from Thailand and Malaysia from the late 1980s through to the mid-1990s. Because legitimate work visas were not available, many of these women chose to become indebted to agents that organised false passports, visas, transport and jobs in city brothels. These debts ranged up to \$45 000 dollars and it typically took a woman ~4–6 months to work it off. Thereafter, she became free to work for herself.^{3–5} Often, the brothel owner held the woman's passport until she worked off her debt.

Even if these contracted women were busted by the Federal Police and deported – and hundreds were³ – many simply entered into a new contract, obtained a new identity and returned to Australia or another rich country. This was hardly the behaviour of coerced women. But these contracted women have largely faded into history, replaced by women on working holiday visas or student visas, or with permanent residency.²

Groan, I thought when I first saw the book that is the subject of this review. The cover is gruesomely predictable – a couple of women's thighs with a black lace garter in half darkness. Many publishing houses are mired in clichés and stereotypes, self-justifying their poor taste as eye-catching. Normally I wouldn't have even glanced at this book.

But the second thing that I noticed about the book was the question mark at the end of the title – maybe there was more to the book than the publisher was projecting. According to the back cover, Dianne McInnes is a bit of a knock-about writer, but Paul Wilson is an emeritus professor of criminology and I have usually found him to be pretty sensible.

At first glance, this does not seem to be an authoritative book – most of its sources are newspapers. That said, it is an easy read and it assembles and guides us through a series of criminal case studies that would otherwise be inaccessible. These cases typically limped through the courts over several years and were

often aborted. The book gives us the story of the alleged crimes, the court proceedings, and the outcomes.

Some of the cases could hardly be described as trafficking: a Filipina found herself in sleazy and exploitive household in Weipa, but no sex work was involved. Another case involved the murder by two teenagers of two former Thai sex workers outside Darwin, but there was no suggestion that the women had been trafficked. Particularly nasty cases involved children being pimped by their Australian parents, but no borders were crossed. The rest of the book deals with the more familiar concept of Asian women contracted to be sex workers in Australia and, as the authors point out, the difficulties of disentangling fact from fiction to obtain a criminal conviction.

Trafficking charges were laid against a Gold Coast hairdresser, Keith Dobie, in 2006. He had arranged the importation of two experienced sex workers from Thailand but had provided very exploitative working conditions. The evidence against him was never tested because Dobie pleaded guilty in 2008 and he was sentenced to 5 years in prison. Such convictions remain rare, as the legal hurdles are so high. People trafficking is defined as: 'the recruitment, transportation, transfer, harbouring or receipt of persons, by means of threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability; or the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation' (pp. 51–2).

The Wei Tang case – involving five Thai women working in a Melbourne brothel in 2002–03 – provided more interesting legal challenges. In this case, Ms Tang, the brothel owner, was charged under the Commonwealth's Criminal Code Amendment (Slavery and Sexual Servitude) Act 1999. The women were working in a debt-bondage arrangement but there was no suggestion of any physical abuse. At the first trial in 2005, the jury could not reach a verdict on Tang. At her second trial in 2006, Tang was convicted and sentenced to 10 years in prison; however, on appeal in 2007, the judge was found to have given inadequate instructions to the jury. An attempt at a third trial resulted in an appeal to the High Court, essentially to grapple with the definition of the terms 'slavery' and 'possession of one person by another.' The question was: were these Thai women in a situation of slavery or just a Work Choices arrangement on steroids?

The High Court's deliberations (pp. 63–8) make interesting reading. Ultimately, in 2008 the Court found Wei Tang guilty of five counts of possessing and using a slave. After 4 years in the courts, Tang was again sentenced to 10 years in prison.

McInnes and Wilson's book goes on to highlight the incredible expense and complexity of investigating and prosecuting these cases. The investigations number in the hundreds, but the convictions are few. Even the Australian Federal Police concede that the number of people being

traffic into the country is low, mainly because of its geographical isolation (p. 52).

In the final chapter, 'Sex trafficking or moral hysteria', the authors ponder – quite reasonably to my mind – whether the vast resources spent on these largely unsuccessful cases might be better spent on education of the women and brothel keepers. Better to prevent a crime than to prosecute it. Even High Court judges had to grapple with the vague distinction between bad working conditions and slavery. As the Global Commission on HIV and the Law recently warned us, conflating the concept of sex work and trafficking 'erases the dignity and autonomy of the sex worker in myriad ways. It turns self-directed actors into victims in need of rescue.'⁶

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