

## Issue 155 – September 2020

### Sexual violence

In July 2020, an offender found guilty of two counts of raping a sex worker at a Melbourne brothel was sentenced to a term of imprisonment of six years, with a non-parole period of three years and eight months' imprisonment (*DPP v Singh* [2020] VCC 1102).

The worker noticed that the offender appeared drunk. He was swaying, smelt of alcohol and she had difficulty understanding him because of his level of intoxication. The worker was raped twice in quick succession. On both occasions, the encounter began consensually but the offender ignored both physical cues and explicit verbal statements that consent had been withdrawn. On the first occasion, the offender became rough and when she tried to move away he held her down. According to his Honour Judge Georgiou in the County Court of Victoria in his Reasons for Sentence at para. 14: "The more she tried to move away from you, the harder you held her down on the bed." The worker also used words clearly indicating withdrawal of consent: "don't do that", "that's a bit too rough", "no", "I don't want that", "stop, you are hurting me", "stop, that's too much". The offender continued regardless.

At the conclusion of the first offence, the worker wanted to leave the room but was frightened that

she would be assaulted, was locked in the room with the offender and said that, "she did not know how to call for help" (para. 15).

The offender used this as an opportunity to reinitiate sexual contact, which again started consensually, but the offender became even rougher than before. The worker tried to push the offender away and close her thighs and said: "no, that's too much, stop, you need to stop" and "you are hurting me, can you just stop". This made no difference to the offender, who continued.

Judge Georgiou said at para. 20: "In respect to both charges, the jury accepted that at a point in time after consensual sexual penetration commenced, the victim withdrew her consent by her words and or conduct, such that she was no longer freely agreeing to being sexually penetrated. Despite the withdrawal of consent, on each occasion you continued to penetrate her. This forms the basis of your conviction on each charge."

In her victim impact statement, the worker outlined the significant ongoing impact of the crimes, including that she is joyless and sad and has "been stripped of the will to live", has been unable to work or study, and has been diagnosed with chronic and severe post-traumatic stress disorder and severe chronic emotional trauma. Judge Georgiou explicitly stated that, "sex workers are no less entitled to be protected from rape than anyone else" (para. 80). He referred to the vulnerability of the worker in that it was her first

night working at the brothel, she was alone in the room with the offender and he was, "physically stronger and able to overpower her" (para. 92). Judge Georgiou made clear that: "It was the right of the victim to withdraw her consent at any time." (para. 94) He found that a factor in the offending was the, "sense of entitlement" felt by the offender because he had "paid for sexual services" (para. 94).

This case underscores:

1. that all persons at all workplaces are entitled to a safe work environment, free of violence of any kind, and to feel and be safe at work
2. that brothel licensees have a legal obligation to provide a safe and healthy workplace, including policies and procedures to eliminate or minimise the risk of sexual violence
3. the importance of effective client screening practices, bearing in mind that persons who are drug or alcohol affected may be a greater risk for committing acts of sexual violence
4. the importance of brothels setting standards of appropriate client behaviour at the outset (e.g. signage at reception and in the waiting area stating that disrespectful behaviour or abuse and violence to staff and sex workers will not be tolerated)
5. the importance of staff and sex worker inductions so that they know what to do to

prevent, minimise and respond to an incident of sexual violence

6. that all persons are entitled to withdraw consent at any time and for any reason
7. that paying for sex in no way entitles a person to do whatever they want (activities must be negotiated, agreed and consensual) and clients must immediately stop if a sex worker indicates by their words and/or conduct that they are no longer consenting
8. the profound and ongoing impact that sexual violence can have and the importance of supporting affected persons.

The following Statewide sexual violence support services can provide victims with immediate and ongoing support:

- 13 HEALTH - 13 43 25 84
- Statewide Sexual Assault Helpline - 1800 010 120
- 1800RESPECT - 1800 737 732
- DVConnect - 1800 811 811.

If this article has raised issues for you, help is available 24 hours a day by contacting Lifeline on 13 11 14.

## Sex worker autonomy

Individual autonomy and freedom of choice are central to sex work. Sex workers must freely choose to engage in prostitution, without the application of duress or coercion. It is illegal to force a person to provide prostitution, such as by threatening, intimidating or harassing them or anyone else. It is up to sex workers to choose whether or not to see a particular client. They

must never be pressured or forced to see a client against their will. The particular services that are provided are a matter for negotiation between sex workers and clients. If there is something that workers feel uncomfortable doing, they should not be afraid to say, "no".

For sex workers in licensed brothels, brothel licensees and approved managers are required to comply with a range of brothel licence conditions, including that sex workers must not, either expressly or impliedly, be:

- coerced, directed, bullied, threatened or unfairly penalised by whatever means
- compelled to provide an introduction, to see a client, or to provide a particular service.

If someone is forcing a person to provide prostitution against their will, they can complain to the police. If a sex worker is concerned about the actions of a licensee or approved manager at a brothel, they may contact the PLA.

## Penalty infringement notices

Penalty infringement notices (PINs) may be issued by the police or by specified officers of the Office of the Prostitution Licensing Authority for a range of offences under the *Prostitution Act 1999* and the *Prostitution Regulation 2014*. In 2019-20, a total of 11 PINs were issued, nine by the QPS and two by the PLA. PINs were issued, generally for offences occurring in sectors of the sex industry other than the licensed sector, for the following offences:

- offering to provide prostitution involving sexual intercourse or oral sex without using a prophylactic

- publishing an advertisement for prostitution that describes the services offered
- publishing an advertisement for prostitution that is not in the approved form
- publishing an advertisement for prostitution through radio or television or by film or video recording.

## 2020 PLA meeting dates

The PLA Board generally meets on the first Monday of each month. Meeting dates for the remainder of 2020 are: 12 October, 2 November and 7 December. *Whilst current at the time of printing, these dates are tentative and subject to change without notice.*

## Vacancies for approved manager positions

**Utopia in Paradise:** Looking for casual/full-time approved manager that can work 20/38 hours per week, any shift. Please contact [licensee\\_utopiainparadise@outlook.com](mailto:licensee_utopiainparadise@outlook.com).

**Platinum 175:** Seeking full-time/part-time approved manager. Will be responsible for day-to-day management of the brothel including front of house client queries, facilitating bookings, and in-house sales and promotion. A high level of commitment to customer service, excellent work ethic, reliability, and excellent communication skills are essential. We offer competitive pay and work/life balance. Please email resume with cover letter to [manager@platinum175.com.au](mailto:manager@platinum175.com.au) (attention Tania) or call 0400701898.

**Please note that approved manager advertisements may be submitted at any time for inclusion in the next available edition of the newsletter. They should be emailed to [pladmin@primus.com.au](mailto:pladmin@primus.com.au).**