

**Submission
No 15**

INQUIRY INTO THE REGULATION OF BROTHELS

Organisation: Sexual Health Program,
The Kirby Institute,
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Position: Professor and Head

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Alister Henskens SC MP

11th August 2015

Chair, Select Committee into the Regulation of Brothels

Parliament House

Macquarie Street

Sydney NSW 2000

Dear Mr Henskens,

Inquiry into the Regulation of Brothels

Thank you for the opportunity to provide a submission to the inquiry. The Kirby Institute is Australia's lead agency in the surveillance and research into HIV, viral hepatitis, and sexually transmissible infections (STIs); including the populations most affected by these conditions.

The Kirby Institute produced a comprehensive report in 2012 titled: ***The Sex Industry in New South Wales: a Report to the NSW Ministry of Health***. This was the most comprehensive report on a jurisdiction's sex industry ever produced. Much of the research was possible as a result of funding from the National Health and Medical Research Council of the Law and Sex Worker Health study. Data collection in NSW was facilitated by this state having the most cooperative sex industry in Australia. By contrast, we could not gain access to the bulk of the unlicensed brothels in Victoria, and many of Western Australia's truly illegal brothels required considerable persuasion because they had had no previous contact with health promotion programs or researchers, only the police.

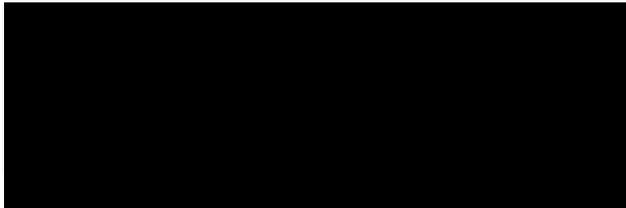
Importantly, the NSW Report was developed in full and open consultation with researchers, health services, community-based organisations, and the Ministry of Health and a consensus was achieved on the Report's recommendations. As little has changed since 2012, we request your Committee to review those recommendations. There is clear acknowledgement around Australia and internationally that the bipartisan act of decriminalising adult sex work in NSW in 1995 has been an unqualified success. Extensive police corruption, 'trafficking' (indebted migrant sex workers), and links to organised crime evaporated almost overnight. The public health achievements include the lowest rates of HIV and STIs ever documented in female sex workers, and robust surveillance systems provide ongoing verification.



The request for submissions used the regrettable phrase 'legal and illegal brothels'. There are no 'illegal brothels' in NSW, only brothels operating without planning approval. This is an inevitable consequence of most local councils, with questionable motives, not approving development applications. For a brothel to be illegal NSW would have to introduce a licensing system – a model that has been a proven failure for over 150 years, and has failed again in Victoria and Queensland. In addition, licensing effectively re-criminalises the unlicensed sector and we return to the dark old days of police and medical corruption.

That said, there is room for improvement of NSW brothels, particularly in the area of health and safety. Excellent planning guidelines have been produced with wide consultation but ignored; for example, the Sex Services Premises Planning Guidelines 2004. WorkCover would seem like the appropriate authority to administer updated guidelines. I have 35 years of research and clinical experience with sex workers, and have seen Parliamentary inquiries in NSW come and go for over 30 years. I would be happy to provide further information if required.

Sincerely,



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