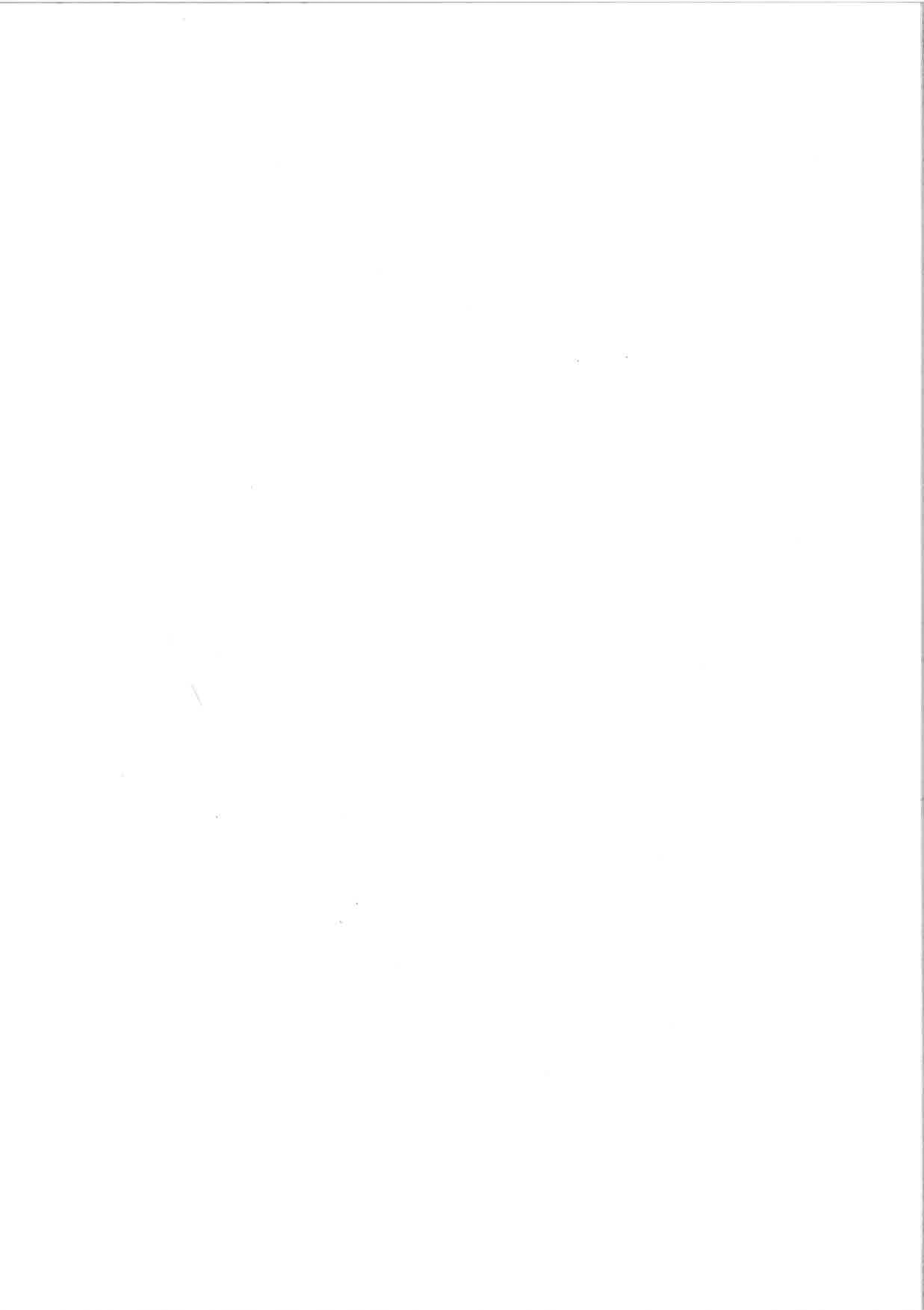



**Submission
No 48**

INQUIRY INTO THE REGULATION OF BROTHELS


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Date Received: 18/08/2015



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15/08/2015

The Committee Manager
Select Committee on the Regulation of Brothels
Parliament House, Macquarie St
Sydney NSW 2000

UTS CRICOS PROVIDER CODE 00099F

To whom it may concern,

As an academic and journalist who has researched and reported on sex work issues in NSW and internationally for over 20 years I am writing to make a submission to the Inquiry into the Regulation of Brothels.

I have produced several long form investigative documentaries about sex work that inform my opinions here including the award winning *Shutting Down Sharleen* (Aroney/Morton 2010) an investigation into the impact of decriminalisation on street sex workers with HIV in Sydney in the 1980's¹, *You Can't Touch me I'm Part of the Union* (Aroney 1996) this documentary took listeners inside Victoria's legal and illegal brothels and followed the world's first attempt to sign up sex workers to the Miscellaneous Workers Union in Victoria and *Living off the Earnings* (Aroney 1994) where I spoke to families of sex workers about the impact of criminalisation re the "Living Off the Earnings" clause which was repealed with the passing of the Disorderly Houses Amendment Act 1995. I have also researched private home based sex work – both in urban and rural NSW - and more recently was commissioned by Radio France and Radio Belgium to produce a documentary about the 1975 French sex workers strike which included researching the contemporary sex industry in France. The documentaries described above have been broadcast on ABC Radio National, the BBC, NPR, Radio France and Radio Belgium and are available for listening at the website below.

I strongly support the current model of decriminalisation in NSW based on my work and other research that has taken place over twenty years including that published by peak human rights and representative health bodies. For example "All countries should work towards decriminalisation of sex work " according to a 2012 report by the World Health Organisation. The UN Special Rapporteur on Health called for decriminalisation in 2011, and in 2013 UN Women affirmed the statement by UNAIDS calling for decriminalisation. The most reputable medical journal in the world *The Lancet*² also firmly sided with decriminalisation as best policy in 2014 concluding that decriminalisation could reduce HIV up to 46% in the next decade.

¹ *Shutting Down Sharleen* (Aroney/Morton) 2010 ABC Radio, finalist in the Victorian Premier Literary Awards for Journalism, Winner Gold Medal New York Radio Festival. An academic paper based on this documentary *Journalism and Moral Panic* (Aroney, Morton 2014). Documentaries and academic papers cited in this letter that were authored/co-authored Eurydice Aroney can be found at <https://uts.academia.edu/EurydiceAroney>

² The Lancet Series on HIV and Sex Workers, July 2014, accessed at <http://www.thelancet.com/series/HIV-and-sex-workers> on 30 October 2014.

In my opinion and the opinion of many researchers across the world NSW is in a unique world leadership position with its approach to sex industry policy. As a jurisdiction with the longest history of a decriminalised sex industry in the world (and still one of only two places in the world to have adopted this approach) NSW continues to demonstrate its advantages in the areas of community health and amenity, safety and reduction of crime for sex workers and a minimisation of discriminatory policies towards sex workers which enables them to exit the industry more easily without stigma. These and other positive results are supported with research from public policy experts³, criminologists, health experts⁴ and the recent endorsement from the world's most respected human rights body Amnesty International following two years of independent global research.

Any move to dismantle or water down decriminalisation especially with a licensing system as that in Victoria would be to adopt an inferior system that would not benefit sex workers or the wider community. In Victoria in 1990 I interviewed brothel owners and sex workers in both licensed and unlicensed brothels. My observations were that licensing discriminated against sex workers having control of their workplace or banding together to run smaller more discreet operations like we have now in NSW. The larger commercial brothels owned by men were not impressive, the sex workers unhappy and nervous about what was expected of them. Whereas in the smaller so called "illegal" brothels managed by sex workers or former female sex workers there was a genuine regard for each other and a sense of shared responsibility in the control of the business.

As a resident of Marrickville for over twenty years I live in a community with a council that has largely supported the intent of NSW decriminalisation policy. Because of this there are several brothels on the main street in my shopping area, others in the factory area that I walk through with my children on our way to the park, and no doubt women working discreetly in their houses in my neighbourhood. I have experienced no impact at all. Neither do we or any other residents that I know experience problems with clients. We never see them nor are we afraid of our or our children's safety in walking the streets day or night. I think this is because as a community we have enabled sex workers to operate in largely the same way as other workers in the community and as a consequence crime and violence have evaporated. When sex work establishments and their workers feel part of the community they can call the police for support and so safety in and around sex work establishments is much more likely. It would be a sorry government that rejected the lived community experience in NSW over the last twenty years in favour of other approaches that have failed. I urge the committee to take a look at areas like Marrickville and see what happens when councils adopt the law in the way it was intended. Ignorance, fear and personal morality are not a good basis for policy in any area of responsible government.

Local governments should be encouraged to support a positive approach to a diversity of sex work situations so that sex work can be offered in discreet situations, controlled by sex workers themselves in a safe environment. Licensing of brothels only creates a two-tiered system that discriminates against small operators and women working together.

³ Penny Crofts, 'Brothels: Outlaws or Citizens?' (2010) *International Journal of Law in context*, 6:2, 151

⁴ Christine Harcourt, J O'Connor, S Egger, C Fairly, H Wand, M Chen, L Marshall, J Kaldor, B Donovan, (2010), 'The Decriminalisation of Prostitution is Associated with Better Coverage of Health Promotion Programs for Sex Workers', *Australian and New Zealand Journal of Public Health*, 34:5 at 482.

Requiring individual women to register as sex workers would be an entirely cynical approach when sex workers still endure high levels of discrimination in the community. Sex workers are unlikely to register because of justified fears that being labelled as a sex worker would affect their future employment outside the industry, along with housing options etc. Many sex workers worry about their status being leaked and the subsequent impact on their children.

As part of my work I have travelled to Europe looking at various sex work regulation in practice and I am involved with other sex worker researchers in Canada, France, Germany and the UK. In all these countries sex industry policies are in disarray. There is considerable dispute between legislators, health and legal sex work researchers and sex worker representatives about best practice along with high incidences of violence and police corruption that we do not experience in NSW. With all my contacts and experience I can be proud that since the 1980's NSW governments have taken a largely research bi-partisan approach to sex work that puts the community and sex workers first. This is in contrast to the approaches taken by the countries that I have visited and researched.

I urge this committee to continue to support decriminalisation of the sex industry as an example to the rest of the world in how to manage a difficult and controversial aspect of society without harming sex workers and the wider community to which they belong. I ask the committee to look carefully at the evidence-based research around the results of decriminalisation in NSW and most importantly to listen to sex worker organisations and sex workers themselves on this issue. Sex workers have no agenda other than that of protecting the health and safety of sex workers, their children and families. Sex workers along with the present and former NSW governments can be proud of what we have achieved here in Australia and I hope that this will be the case in the future.

Your Sincerely



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