

**Submission
No 154**

INQUIRY INTO THE REGULATION OF BROTHELS

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

To whom it may concern,

As a researcher conducting a comparative study on the regulation of the sex industry in NSW and England, I am writing to make a submission to the Inquiry into the Regulation of Brothels. I fully support the position of Scarlett Alliance and would like to point out a few of the advantages of the current NSW legislation.

In the international community of researchers working on sex work, NSW is often praised as a best practice model for its excellent outcomes in the areas of public health, health of sex workers, and high occupational health and safety standards.¹ Compared to the UK, where the sex industry is not fully decriminalised, the model in NSW offers many advantages for sex workers themselves, local residents and the wider public. Amnesty International agrees that decriminalisation protects human rights and encourages states to adopt the model NSW and New Zealand have already implemented.

- A study in 2010 found that the condom use of sex workers in NSW has increased substantially since the 1980s.² This demonstrates the positive effects of decriminalisation on the health of sex workers. Sex workers in NSW have extremely low HIV and STI rates, which are internationally remarkable.³
- Research on the sex industry in New Zealand, which has been decriminalised since 2003, shows that decriminalisation empowers sex workers. Decriminalisation has increased sex workers' ability to refuse a client without the interference of management. After decriminalisation 68% of sex workers (as opposed to 47% before decriminalisation) claimed that they had refused to see a client in the last 12 months.⁴
- Research has also shown that residents who live in areas in which sex industry premises are located, are often unaware of their existence and do not think that it has many negative effects. The research suggests that brothels have a neutral or positive effect on neighbourhoods.⁵

¹ Barbara Sullivan, 'When (Some) Prostitution Is Legal: The Impact of Law Reform on Sex Work in Australia' 37 *Journal of Law and Society*.

² Basil Donovan and others, 'Improving the Health of Sex Workers in NSW: Maintaining Success' (2010) 21 *New South Wales Public Health Bulletin* 74.

³ Australian Government Department of Health and Ageing, *Sixth National HIV Strategy 2010-2013* (2011), Commonwealth of Australia, Kirby Institute, HIV, Viral Hepatitis and Sexually Transmissible Infections in Australia Annual Surveillance Report, University of New South Wales. 2011. Elena Jeffreys, 'Mandatory Testing for HIV and Sexually Transmissible Infections among Sex Workers in Australia: A Barrier to HIV and STI Prevention' (2012) 02 *World Journal of AIDS* 203.

⁴ GM Abel, 'A Decade of Decriminalization: Sex Work "down under" but Not Underground' (2014) 14 *Criminology and Criminal Justice* 580.

⁵ Jason Prior and Penny Crofts, 'Effects of Sex Premises on Neighbourhoods: Residents, Local Planning and the Geographies of a Controversial Land Use: Effects of Sex Premises on Neighbourhoods' (2012) 68 *New Zealand Geographer* 130.

Because of the positive effects of decriminalisation on the health of sex workers and public health, sex workers' ability to control their own working conditions and sex premises' low impact on the living quality of residents, I urge the NSW government to keep the sex industry in NSW decriminalised and improve the current model's implementation. Important issues which need to be considered are the regulation of home-based sex premises, which should not have to meet the same standards as larger sex premises.⁶ A recent study has shown that most instances of violence and victimisation against sex workers occur in private spaces.⁷ This indicates that workers who operate from home-based sex premises, which comprise about 40% of the sex industry in NSW, are at serious risk of experiencing violence. The failure of most councils to appropriately regulate home-based sex premises has particularly negative consequences for sex workers in rural areas.⁸ It should be made easier for these workers to work with others and increase their safety. The model that is implemented in Sydney, where specific policies for home based sex work were created to allow sex workers to work in pairs in residential and mixed zones, should be adopted across the state and would lead to the decriminalisation of a large proportion of the NSW sex industry. Rather than searching for legislative alternatives, councils should receive more support and guidance in managing the successful implementation of the internationally renowned NSW model.

Thank you for your consideration.

Yours sincerely,

[REDACTED]

[REDACTED]

⁶ Jason Prior and Penny Crofts, 'Is Your House a Brothel? Prostitution Policy, Provision of Sex Services from Home, and the Maintenance of Respectable Domesticity' (2015) 14 *Social Policy and Society* 125.

⁷ Jason Prior, Phil Hubbard and Philip Birch, 'Sex Worker Victimization, Modes of Working, and Location in New South Wales, Australia. A Geography of Victimization' (2013) 50 *The Journal of Sex Research*.

⁸ John Scott and others, 'Sex Outside the City: Sex Work in Rural and Regional New South Wales'.