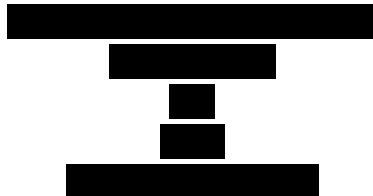


**Submission
No 77**

INQUIRY INTO THE REGULATION OF BROTHELS

Organisation: Sex Industry Network
Name: Ms Sharon Jennings
Date Received: 19/08/2015



18th August 2015

The Committee Manager
Select Committee on the Regulation of Brothels
Parliament House
Macquarie St Sydney
NSW 2000
Submitted online: <http://www.parliament.nsw.gov.au/regulationofbrothels>

To whom it may concern,

Please accept this submission to the Inquiry into the Regulation of Brothels.

SIN is run by sex workers, for sex workers. Our mission is to promote the health rights and wellbeing of sex workers in South Australia. For 25 years SIN has provided a range of health and support services for sex workers and has been continuously funded to deliver specialised HIV and Sexually Transmitted Infection (STI) prevention programmes to sex workers in South Australia. We have targeted projects for CALD and migrant sex workers, trans and gender diverse sex workers, male sex workers and street based sex workers. We record approximately 2000 instances of contact with sex workers each year through our outreach, education and community development programmes. We are the only organisation in South Australia that works specifically with sex workers and our contact with and connection to our community, along with our sex worker only leadership structure, means that we are able to confidently and authentically represent and advocate on behalf of sex workers in South Australia.

Sex workers are the key stakeholders in the process of evaluating the regulation of brothels in NSW and we wish to add our voice to the submissions made by SWOP NSW and Scarlet Alliance supporting decriminalisation. In particular our submission draws on our experience of criminalisation and our campaign for decriminalisation.

As a result of existing laws (contained in the Summary Offences Act 1953 and the Criminal Law Consolidation Act 1935) sex work in South Australia is criminalised, and sex workers work in underground and unregulated workplaces, without industrial or Occupational Health and Safety (OHS) protections. Condoms and safe sex equipment, even health promotion material distributed by SIN, is seized and used as evidence against suspected sex workers. Consequently sex workers fear the police, and have little recourse when crimes are committed against them.

Australia is in a unique position to critique the different models of sex industry legislation, simply by reviewing the outcomes of the different models used in each of the states and territories. Sex workers, law makers, policy developers and health and welfare groups have done this in SA and as a result there is broad support for decriminalisation as the preferred model, and a Bill to that effect was introduced to Legislative Council by Hon. Michelle Lensink on July 1st 2015.

Contemporary research, released in The Lancet series on HIV and Sex Work recommends the decriminalisation of sex work and the model is regarded by sex workers, trade unions, the health sector, women's groups, academics, the World Health Organisation, the International HIV/AIDS Alliance and United Nations Secretary General- Ban Ki Moon,

and human rights organisations such as Amnesty International as the only model of law reform that promotes the health and safety of sex workers and the wider community.

In contrast to the successes of decriminalisation in regards to public health and safety outcomes, licensing models such as those used in QLD and Vic create a two-tiered industry whereby many are working outside the legal sector of the industry, because they are unable to meet the excessive licensing requirements, thus compounding the negative impacts of criminalisation for those sex workers.

Sex industry businesses are no different to other businesses, and there is no basis for the assumption that special laws and regulations are required to manage non-compliant brothels differently to other non-compliant businesses. Creating special laws to regulate sex work is not only ineffective and unworkable, it is also expensive. Licensing of sex industry businesses in Queensland has cost tax payers more than \$7 million over a ten year period, and only resulted in 24 licensed brothels; leaving the majority of the industry illegal.

Only decriminalisation supports sex workers control over our work and occupational health and safety - providing safe working environments for sex workers is an essential factor of a successful regulatory model. Licensing models rely on police as the regulators, placing a heavier workload on our already overstretched police force, and creating an environment where sex workers fear the police and face discrimination; this does nothing to protect sex workers. In fact decriminalisation supports positive relationships with police and other welfare organisations making it easier for workers to seek help if they need to.

Evidence shows that decriminalisation is the world-renowned, best practice model for sex work regulation, and that it has brought high rates of compliance, minimal opportunities for corruption, increased transparency and improved safety for sex workers.

Decriminalisation has been successfully in place in NSW since 1995 and has brought improved work safety, high rates of safer sex practice, low rates of STIs, and improved OHS. We thank the committee for the opportunity to make this submission and we urge the committee to recognise the importance of maintaining decriminalisation.

Yours sincerely

Sharon Jennings

Manager

Sex Industry Network (SIN)

Promoting the health rights and wellbeing of sex workers in South Australia

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Decriminalisation for sex worker rights, health and safety