

**Submission
No 78**

INQUIRY INTO THE REGULATION OF BROTHELS

Name: [REDACTED]

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Partially Confidential



The Committee Manager
Select Committee on the Regulation of Brothels

Parliament House
Macquarie St
Sydney NSW 2000

To whom it may concern,

I am a sexworker of colour from Melbourne who has been working for 7 years across a variety of sex industry settings, however for the past three years my work has primarily been street based in St Kilda. I don't claim to speak on behalf of all sexworkers or all street-workers, I speak only from my own lived experiences, however as a Victorian street-worker I have seen first hand the failure and inequity of the legalisation model of sexwork. This is why myself and other sexwork activists in Melbourne have been actively lobbying our State government during the past month's Festival of Sexwork to adopt the model known to have the most positive outcomes for sexworkers' health, safety and wellbeing: decriminalisation. Decriminalisation is the policy framework upheld as best practise for achieving human rights for sexworkers and communities by Amnesty International, the World Health Organisation, Global Commission on HIV and the Law, UN Special Rapporteur on the Right to Health, Human Rights Watch and UN Women (Amnesty International, 2014).

The model you currently have in New South Wales is held up around Australia and the entire world as the best legislative framework sexworkers can hope for; sexworkers around the nation (including myself) travel to Sydney to enjoy the fair labour rights, the ability to report violence to police and reduction in stigma that decriminalisation affords us- yet you are considering stripping sexworkers of this hard-won equal treatment? I am outraged and confused why after improving the well-being and human rights of your state's most marginalised and stigmatised workers, your government would even consider leaping backwards into as ineffective and unreasonable a model as legalisation and a return to the police as our industry's regulator after witnessing the rife corruption that was a catalyst for adopting decriminalisation in the first place.

Our current policy framework of legalisation, and its characteristic 'over-regulation' of the sex industry in Victoria has failed sexworkers and taxpayers alike; producing a low compliance, high cost model and an inequitable two tier industry that marginalises the most vulnerable sexworkers in our communities (Matthews & Barker, 2012). Victoria's peer sexworker advocacy group Vixen condemns the current licensing framework as untenable for sexworkers; its licensing model is highly prescriptive and has created strong barriers preventing legal participation by a large proportion of the sex industry in Victoria as it "imposes stringent requirements on both sex industry businesses and individual sexworkers, providing only a narrow range of ways in which we can operate legally..." (Wotton,2006) (Matthews & Barker, 2012). For me, I am criminalised in my state for working in ways that uphold common-sense and that keep me safe; I cannot see clients in my own space where I feel comfortable and in control. I cannot have a friend act as my security if I am on an out-call with a stranger. If I do work privately, I can only use a head and shoulders shot, meaning my privacy cannot be assured; a huge risk when so much stigma surrounds my profession and I hold another position in social work. I cannot even mention I am a black woman as it is illegal to mention race in our advertising, meaning I have had to endure racist clients walking out once I open the door, disgusted that I had refrained to inform them I was black.

Those workers criminalised by the current regulations, such as myself, experience social marginalisation and increased risk of human rights abuses, poor working conditions, social stigma and considerable barriers to adequate medical care, legal and police protection (Amnesty International, 2014). Legalisation is a dated, ineffective and inequitable policy, which does not serve to reduce harm to sexworkers but to “control the industry by keeping it limited to certain areas where it will not offend the wider population” (Abel et al, 2009).

In New South Wales, it is currently acknowledged that sex work is work. The industry is bound by the same laws as every other, with no special treatment to make our lives harder, meaning that sexworkers are not treated differently from all other workers. When police are no longer the regulators of our industry, there is a lot less corruption and a lot more legal protection for sexworkers who are assaulted, raped or robbed at work. As a street-worker in St Kilda, my job is criminalised, meaning that the times I have been raped, egged, robbed and chased down the street by someone attempting to assault my colleague and I for refusing him a cigarette, I have felt unable to ask the police for help, so these perpetrators have gotten away with it just as they expected to. In this way, street-workers are vulnerable to violence when we are not protected by decriminalisation.

Hearing horror stories from so many of my Victorian peers who have dared to ask police for help, we know that police don't take the rape or abuse of sexworkers seriously in our state, sometimes even debating whether we even can be raped, and they won't guarantee that they won't arrest us for admitting being street-workers if we go to them for assistance when we have been attacked at work.

Personally, I would not feel comfortable asking for help from the same people who harass me night in, night out, whether I am soliciting or just walking to my local shops- just because they recognise me as a street-worker. I cannot trust the same police who try to entrap me, posing unconvincingly as undercover clients and trying to get me to agree to a job with them so they can arrest me.

As well as being stressful and annoying, the police harassment I experience under this model means I am often anxious on the corner, so my negotiations with clients (who also fear fines from police) take place in a rushed context where we are both keen to get off the street.

This means, at the inconvenient end of my concerns, my time is often wasted as I jump in cars with someone who attempts to haggle my prices down or ask for a service I don't offer, then I have to walk a block back to my corner. If I didn't have to fear police, in a decriminalised setting like Kings' Cross, I would have more time to explicitly set out the terms of the transaction before leaving with a client.

More seriously, I may not have time to get sense of a client and pick up on something dangerous. On the street, my gut instinct is my best asset and if I am rushed, I may not listen to an intuition that can be key to keeping me safe.

People who wish to prey on others seek out those they think are easy targets; that's why groups of men and sometimes women, feel comfortable to hurl abuse, eggs and bottles at me as a fun Saturday night activity out on Grey St with no fear of repercussions. Why we are targeted as murder, rape and assault victims so frequently and why the violence we survive or die from, like my peer Tracey Connelly, is met with little media attention or care.

Legalisation is a model that inevitably excludes many sexworkers and makes us criminals. Criminalisation means a lack of legal protection, and that costs our safety and sometimes our lives.

As sexworkers, we are the primary stakeholders in any discussion around sexwork, and we know that the only equitable policy framework for the future of Victoria and New South Wales alike is full decriminalisation of the sex industry.

We know that decriminalisation has delivered so many positive outcomes that have blessed sexworkers with:

- ⤴ Extremely low rates of STIs and HIV (recognised by Australia's National Strategies and the Kirby Institute Annual Surveillance Report);
- ⤴ Better access to health promotion (finding of the Law and Sex Worker Health Study, which compared the health impacts of legal frameworks across Victoria, NSW and WA)
- ⤴ No evidence of organised crime (recognised by the Land and Environment Court) and
- ⤴ Better access to Occupational Health and Safety (WorkCover and SWOP worked with sex workers to create this Health and Safety in NSW).

I implore that your committee steer clear of slipping back into the regressive models of the past that serve only to involve governments in issues of personal morality (Abel et al, 2009), rather than focussing taxpayer money on social inclusion and achieving positive health and social outcomes for marginalised sexworkers. As a St Kilda street-worker I am only too familiar with the ugly side of legalisation's regulatory framework- I am sick of an absence of legal protections and of vulnerability to abuse due to whorephobic stigma and discrimination. Decriminalisation is the only way forward for sexworkers in Victoria and all over the world- it makes no sense for NSW to abandon the best practice model that is held up as a role model for the rest of the world to aspire to. Please save decriminalisation!

Yours faithfully,

(Working name used in the interests of my privacy and safety given the stigma and discrimination I face as a sexworker).

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