

**Submission
No 156**

INQUIRY INTO THE REGULATION OF BROTHELS

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SELECT COMMITTEE ON THE REGULATION OF BROTHELS

The Australian Sex Party New South Wales (NSW) believes the current sex work and brothel laws in NSW to be the 'Gold Standard', for sex workers, worker conditions, safety and good brothel management. Since sex work was decriminalised, NSW has one of the safest and healthiest environments for sex workers in the world.

Just last week, Amnesty International adopted a similar policy in favour of sex workers, stating that:

"We have chosen to advocate for the decriminalization (sic) of all aspects of consensual adult sex - sex work that does not involve coercion, exploitation or abuse. This is based on evidence and the real-life experience of sex workers themselves that criminalization (sic) makes them less safe." (Murphy, 2015)

Sexual Health Outreach

Currently in NSW, SWOP (Sex Worker Outreach Project) in partnership with the Multicultural Health Promotion team at the Sydney Sexual Health Centre perform an excellent task with outreach programs. Some of these include sex worker support, safer sex instruction, distribution of condoms and advice on health checks or referrals for financial matters.

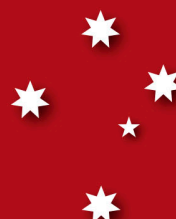
The Kirby Institute's *The Sex Industry in New South Wales: a Report to the NSW Ministry of Health* (2012) found that decriminalisation coupled with outreach services to be a highly effective system with an STI infection rate for sex workers that is lower than that of the general population.

Human Trafficking and Sexual Servitude

There is no credible evidence to support human trafficking in brothels in Australia. The human trafficking issue should be considered irrelevant to any discussions about sex between consenting adults. Human trafficking occurs overseas in wide variety of industries, including garment manufacturing, construction and agriculture. That is, there is no credible evidence to suggest people traffickers and organised crime groups are involved in the sex industry any more than any other industry. To date, not a single person in the Australian adult industry has been convicted of child sex abuse. The same cannot be said of the Catholic Church for example. The Sex Party believes that the issue of human trafficking is usually exploited by anti-sex campaigners as a stick to beat the sex industry with.

The Sex Party acknowledges that the potential issue of consensual sexual servitude (for example a person consenting to a student VISA whilst having the intention of undertaking sex work) may be resolved through the introduction of working VISAs for *bona fide* sex workers. But as this is an immigration issues, it is a matter for the federal government.

Your life, your choice...



No Licensing for Brothels

A licensing system is fruitless and does not work, which is clearly evident in Victoria. Heavy-handed regulation adds to the cost and complication of opening a brothel and encourages some operators to choose to operate outside of regulation. Such a system also adds to stigma that the sex industry and sex workers already face. Such systems indicate that sex workers and brothels should be treated differently to any other tax paying worker or business, and somehow subjected to more controls and laws.

Licensing in Victoria has not stopped illegal brothels or private workers operating outside of the law. Victorian regulations disallows private sex workers from seeing clients in their own homes unless it has been declared as a brothel. This has presented problems for workers reporting matters to the police if they are robbed or assaulted, or even witness a crime.

The Sex Party therefore recommends that the NSW government seek to amend and reconcile the discrepancies between definitions of a brothel in the *Restricted Premises Act 1944* (NSW) and the *Environment Planning and Assessment Act 1979* (NSW). The Sex Party recommends that the definition for a brothel comprise three or more workers. Private workers working in pairs for safety should therefore be exempt from the development approval process.

Incidence of massage parlours and other businesses offer sexual services who are avoiding the development approval process is a problem. These businesses often have inadequate working conditions for sex workers and from public health perspective they carry a greater risk of STI transmission. The NSW government should work with local councils to try and reduce the number of rejections to development approvals for brothels. This does not mean necessarily developing homogenous local laws, as approvals should be judged on their own merits, however, without legitimate grounds to reject an application, morals have dictated decisions made by local governments. The Sex Party does not support the notion of brothels having to operate out of an industrial zoned area for example.

Any attempt to restrict brothels to the second story (first floor walk up) of a building through the development approval process or restricted premises legislation unfairly discriminates against people with a disability or older persons. Accessibility to these businesses should be highly regarded and demonstrate best practice.

Opposition to the Nordic Model

The Sex Party vehemently opposes the 'Nordic Model' of sex worker laws, or any other user end criminalisation which has caused dreadful harm in the countries that have adopted it. The Sex Party notes the criticism of the nordic model discussed in the issues backgrounder prepared by the NSW Parliamentary Library, particularly those of from the Canadian HIV/AIDS Legal Network. It is on these grounds that the party oppose any laws which criminalise and impact on the safety of sex workers or conditions in brothels or the sex industry in any form.

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References:

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Murphy, C., 'Sex Worker Rights are Human Rights', *Amnesty International*, 14 August 2015, <<https://www.amnesty.org/en/latest/news/2015/08/sex-workers-rights-are-human-rights/>>, accessed 18 August 2015