

**Submission
No 52**

INQUIRY INTO THE REGULATION OF BROTHELS

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► **Submission to the NSW Legislative
Assembly Select Committee on the
Regulation of Brothels**

Dear Committee Members,

I am writing this submission to the Inquiry into Brothels in New South Wales. In the course of my academic research into HIV and AIDS in a global context, it brings me great pride to know that the decriminalisation model adopted by New South Wales in 1995 is frequently cited internationally for its achievements in reducing the rates of HIV transmission and improving the health and safety of sex workers.

Research has demonstrated that the decriminalisation of the sex work industry in New South Wales has improved the coverage of health promotion programs for sex workers,¹ eliminated police corruption involving street-based sex workers², enables sex workers to more easily move into alternate forms of employment due to a lack of a criminal record,³ and provides a safe working environment for sex workers. The decriminalisation model of sex work in New South Wales has been proven to be the most robust method of improving the health and safety of sex workers and reducing secondary criminal activity surrounding the industry. The decriminalisation model is advocated by UNAIDS, UN and WHO as a best-practice.⁴ Decriminalising sex work does not limit the powers of the state to address other concerns such as human trafficking, council powers to close non-compliant commercial businesses, or elements of organised crime as existing legislation and regulatory powers in place are able to address these issues.

The terms of reference for the present inquiry demonstrates that the NSW Government is operating under a number of false assumptions and misunderstandings about the ways in which the sex industry operates in the state and the forms of industry regulation required to achieve the best outcome for the community. Research has shown that the licensing model can have a negative impact on the health and safety of sex workers by driving sex workers into an unregulated black market in order to avoid time-consuming, costly and inefficient bureaucratic processes required to obtain a license.⁵ Licensing models are similarly costly and inefficient for the state, and create significant barriers to compliance. Whilst issues of amenity have

¹ C. Harcourt *et al*, "The Decriminalisation of Prostitution is Associated with Better Coverage of Health Promotion Programs for Sex Workers," *Australian and New Zealand Journal of Public Health* 35.5 (2010): 482-486.

² C. Harcourt *et al*, "The Health and Welfare of Female and Transgender Street Sex Workers in New South Wales," *Australian and New Zealand Journal of Public Health* 25 (2001): 84-9.

³ B. Donovan and C. Harcourt, "The Female Sex Industry in Australia: A Health Promotion Model," *Venereology* 9.1 (1996): 63-67.

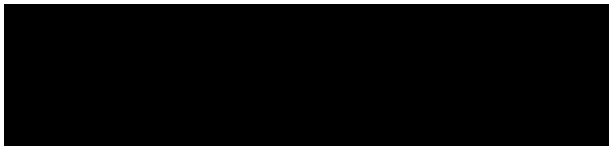
⁴ UNAIDS, *Sex work and HIV/AIDS*. Geneva: Joint United Nations Programme on HIV/AIDS, 2002.

⁵ D.M. Lee, A. Binger, J. Hocking and C.K. Fairley, "The incidence of sexually transmitted infections among frequently screened sex workers in a decriminalised and regulated system in Melbourne," *Sexually Transmitted Infections* 81.5 (2005): 434-436.

been raised in the terms of reference for the inquiry, it is crucial to note after thirteen years of decriminalisation in New South Wales, only one brothel owner had been ordered to cease operation due to amenity impacts, and there had been no complaints relating to amenity impacts for private sex work.⁶ Evidence from Queensland and Victoria, two states in which sex industry licensing is in place, demonstrates that licensing regimes “have large administrative costs that could be better directed towards health care and health promotion”⁷ and discourage compliance and ensure that clandestine and unregulated operations proliferate, reducing the effectiveness of health promotion and occupational safety programs which are restricted to targeting the licensed sector, “thus neglecting the more problematic sectors of the industry.”⁸

For the health and wellbeing of sex workers, sex industry clients, and the broader Australian community, I implore the Committee to not disregard the significant benefits that decriminalisation of the sex industry in New South Wales has achieved. The people of New South Wales should be proud of their role in defining world best-practice in sex industry regulation, as evidenced by the internationally-lauded low rates of HIV transmission and STI incidence in the New South Wales sex industry and the significant reduction of police corruption since the introduction of decriminalisation. Moving towards a licensing model would result in worse health and safety outcomes for sex workers, an increase in the involvement of organised crime and police corruption, and in ineffective and costly administrative burden on the taxpayers of New South Wales. Please do not trade the lives of sex workers and the accumulated benefits of the New South Wales model in for the short-sighted purchase of political cachet in appeasing a misinformed public morality. Decriminalisation works.

Yours in trust,



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⁶ Scarlet Alliance and Nothing About Us Without Us, *Submission to Shadow Attorney General Chris Hatcher on Sex Industry Regulation in NSW*, September 2010, p.10.

⁷ C. Harcourt, S. Egger and B. Donovan, “Sex work and the law,” *Sexual Health* 2 (2005): 126

⁸ *Ibid.*