

**Submission  
No 24**

## **INQUIRY INTO THE REGULATION OF BROTHELS**

**Name:** Miss Ava Grace

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

To whom it may concern,

As a sex worker, I am making my submission to the Inquiry into the Regulation of Brothels.

Sex workers are the key stakeholders in the process of evaluating the regulation of brothels in NSW.

Decriminalisation has proven to be a successful regulatory model in NSW if you consider: the excellent health outcomes, the low cost of this model, high levels of compliance compared to other models, reduction of police corruption, and improved occupational health and safety for sex workers.

However, some councils have struggled to effectively do their role of regulating zoning and amenity impact in their areas. Some councillors have refused development applications fearful of losing votes if they are seen to approve a brothel in the local area and others have failed to allow for sex industry businesses to operate within their planning guidelines. Most either do not allow sex workers to work from home or still require individual sex workers working from home to apply for a development application. This failure to effectively do their role in implementing decriminalisation has led to multiple problems that could be addressed if councils were to follow the intention of the legislation and not discriminate against the sex industry.

In order to understand why decriminalisation is so important to workers and the greater community it is useful to review some relevant facts.

- Providing safe working environments for sex workers is an essential factor of a successful regulatory model. Sex work is work and workers deserve safe working environments, just like workers in any other industry.
- Sex industry businesses are no different to other business 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.
- The failure of councils to consider Development Applications from sex industry businesses on the basis of planning and amenity impact (the impact on other businesses or residents) has meant many development applications not approved by council are then considered by the Land and Environment Court and found to have met the requirements for approval. This process is unnecessarily costly for both businesses and councils.

- There are minimal to nil amenity impacts of sex industry businesses, and this has been demonstrated in NSW, through experience and research. Research from 2008 demonstrates that after 13 years of decriminalisation in NSW, 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.<sup>8</sup> There are myriad benefits from decriminalisation and very few additional benefits from other regulatory models.
- Decriminalisation removes police as the regulators of the sex industry. Licensing models re-introduce police as the regulators on the non-compliant sector, and police corruption was one of the main reasons NSW was decriminalised.
- Licensing models promote the development of a two-tiered industry whereby many are excluded from operating legally – often because meeting the requirements of licensing is excessive or unreasonable<sup>9</sup>
- Despite the significant financial resources invested into identifying trafficking in Australia, consistently low government statistics show that the media-estimated incidence of trafficking in Australia is inflated.

Sex work is work. No other legitimate work is subject to criminalisation or regulation the way sex work is. I freely choose to do this work as my way of contributing to my community. Decriminalisation is the only model under which I can work the way I wish to without fear of arrest, abuse or other harm. The moral panic whipped up by anti-sex work activists is a campaign of fear-mongering and puritanical control. What I do with my body is my choice and mine alone. The sooner laws governing others bodies are removed the sooner our society can start to progress.

Retain the system of decriminalisation in NSW and provide recommendations to local councils in order that they follow the intention of the legislation and not discriminate against the sex industry.

Yours faithfully



Ava Grace

(this is the name I use to work in the sex industry – I choose to work under a pseudonym as I work in [REDACTED] where I am still subject to a criminal regulatory system. Thus I am at risk of stigma and repercussions if I publicise my real name.)

<sup>8</sup> Scarlet Alliance and Nothing About Us Without Us, *Submission to Shadow Attorney General Chris Hatcher on Sex Industry Regulation in NSW*, September 2010, 10.

<sup>9</sup> Christine Harcourt et al., 'Sex Work and the Law', *Sexual Health* 2(3) 121–8 at 125.