

**Submission  
No 121**

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

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**Date Received:** 20/08/2015

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**Monday 17 August**

## **Inquiry into regulation of Brothels in NSW**

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

To whom it may concern,

As someone who has worked as a sex worker, in NSW, and states and countries with other regulatory models including licensing and criminalisation, I am writing to make a 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.

The decriminalisation of sex work is essential to recognising the human rights of sex workers in Australia.

Sex work has been decriminalised in NSW since 1995 and NSW is world-renowned as having a best practice model. The outcomes of decriminalisation in NSW have been:

- Extremely low rates of STIs and HIV (recognised by Australia's National Strategies and the Kirby Institute Annual Surveillance Report);<sup>1</sup>
- 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);<sup>2</sup>
- No evidence of organised crime (recognised by the Land and Environment Court);<sup>3</sup>
- Better access to Occupational Health and Safety (WorkCover and SWOP worked with sex workers to create Health and Safety Guidelines for Brothels, which have been translated to Thai, Chinese and Korean);<sup>4</sup>

Current evidence presented by the Lancet at AIDS 2014 found the decriminalisation of sex work would have the greatest impact on the HIV epidemic, reducing HIV by up to 46% in the next decade and resulting on cost saving thresholds of tens of millions of dollars globally.<sup>5</sup>

There has recently been a push to criminalise clients of sex workers, also known as the 'Swedish Model' or 'Nordic Model', despite evidence this model of sex industry regulation has had a negative impact on the human rights of sex workers.

Sex workers in Sweden do not support the laws, describing the model as increasing isolation and describing how police stakeout their homes and workplaces in order to detect and arrest their clients.

The model does not 'decriminalise sex workers and criminalise the clients of sex workers' – it actually reduces sex workers' opportunities to work independently, and can also make landlords of sex workers likely to be charged.

The Prostitution Licensing Authority Queensland reported that the Swedish model has 'driven the sex industry underground', leaving sex workers 'at greater risk of violence'.

The United Nations Population Fund, United Nations Development Fund, UNAIDS & Amnesty International all support the decriminalisation of sex work and note that legal empowerment of sex worker communities underpins effective HIV responses.

I have worked in other places with different regulatory models and would choose to work in a state where sex work is decriminalised because it is the only model of sex industry regulation that promotes sex worker human rights, recognises sex work as work and has a proven track record of delivering positive public health outcomes.

Sex work is legitimate work, I do not want to be treated differently to other workers, I want access to workers' rights and to be able to work in a safe environment. I do not want police involved in the regulation of my work, they are not the appropriate regulators for a work place.

If NSW changes the current model of decriminalisation to any other model including a licensing model like QLD and VIC or any interpretation of the Swedish model I would not be able to comply, I would most likely have no option other than to operate outside of the system, unlicensed. This would put my health and safety at risk and potentially make me a criminal, where currently I am not one.

Yours Faithfully



<sup>1</sup> Australian Government Department of Health and Ageing, *Sixth National HIV Strategy 2010-2013*, Commonwealth of Australia, Canberra, 2010, 16. Kirby Institute, HIV, Viral Hepatitis and Sexually Transmissible Infections in Australia Annual Surveillance Report, University of New South Wales, 2011, p8, Figure 46, Figure 34.

<sup>2</sup> Christine Harcourt, J O'Connor, S Egger, C Fairly, H Wand, M Chen, L Marshall, J Kaldor, B Donovan, (2010), 'The Decriminalisation of Prostitution is Associated with Better Coverage of Health Promotion Programs for Sex Workers', *Australian and New Zealand Journal of Public Health*, 34:5 at 482.

<sup>3</sup> Land and Environment Court of New South Wales, *Martyn v Hornsby Shire Council [2004] NSWLEC 614*, 2004, accessed at <http://www.lawlink.nsw.gov.au/lecjudgments/2004nswlec.nsf/00000000000000000000000000000000/45b396e658d9f27eca256f420004a76a?opendocumenton> 12 August 2015.

<sup>4</sup> NSW Government and Workcover, 'Health and Safety Guidelines for Brothels', 2001, accessed at [http://www.workcover.nsw.gov.au/\\_\\_data/assets/pdf\\_file/0014/15134/brothels\\_health\\_safety\\_guidelines\\_English\\_0120.pdf](http://www.workcover.nsw.gov.au/__data/assets/pdf_file/0014/15134/brothels_health_safety_guidelines_English_0120.pdf) on 12 August 2015.

<sup>5</sup> The Lancet Series on HIV and Sex Workers, July 2014, accessed at <http://www.thelancet.com/series/HIV-and-sex-workers> on 30 October 2014.