

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

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21 August 2015

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

**By online portal**

Dear Committee

**Parliamentary Inquiry into the Regulation of Brothels in NSW**

Community Legal Centres New South Wales (CLCNSW) is the peak body for community legal centres in NSW. We represent a network of 38 legal centres throughout the State, providing free legal advice to the most vulnerable members of our community. Employment related matters make up a significant part of the work of many of our legal centres; for example in 2014/15 community legal centres in NSW gave over 4000 instances of legal advice and provided representation in over 500 employment related matters.

We understand that the NSW Government is considering introducing a licensing model to regulate brothels and sex workers in NSW. CLCNSW has serious concerns about the impact that the increased regulation of the sex industry will have on the ability of sex workers to enforce their employment rights and to ensure their safety and wellbeing.

CLCNSW firmly believes that any change in law or policy should be evidence-based and properly balance the human rights of sex workers, public health outcomes and the concerns of the community. The impact of increased regulation on the employment rights, the safety and wellbeing of sex workers should be given significant weight.

The evidence from the Victorian and Queensland models is that licensing has significant impacts on the employment rights of sex workers. The result of this kind of regulation



results in a high level of non-compliance, which means that most of the industry continues to operate unlawfully.<sup>1</sup>

Unlawful workplace environments mean that workers are less able to exercise their workplace rights and access the services they need to support them in their work. In particular we note the United Nations report *Sex Work and the Law*<sup>2</sup> examines 48 countries to assess laws, legal policies and law enforcement practices that affect the human rights of sex workers and impact of the effectiveness of HIV response. In particular, the report found:

*Evidence from the region that have decriminalized sex work – New Zealand and New South Wales (Australia)- indicates that the approach of defining sex work as legitimate labour empowers ex workers, increases their access to HIV and sexual health services and is associated with very high condom use rates.*

The evidence from sex workers in NSW is that decriminalisation and the current regulatory system has brought improved worker safety, higher rates of safer sex practice and low rates of sexually transmitted infections and no evidence of organised crime. This environment also means that sex workers can access support in the event of a crime.

CLCNSW also notes the recommendation of the Joint NGO Submission for Australia's 2<sup>nd</sup> Universal Periodic Review<sup>3</sup> in relation to sex workers:

*Australia should encourage a consistent approach to decriminalisation of sex work and introduce measures to tackle discrimination against sex workers*

Sex industry businesses are already regulated like other businesses, subject to existing regulatory mechanisms such as a local council planning and zoning regulations, WorkCover and the Australian Taxation Office.

Any significant changes to law and policy around sex work in New South Wales must be justified and proportionate to the identified problem. The current system is adequate and the law should continue to provide a safe environment for sex workers.

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<sup>1</sup> Chen MY, Donovan B, Harcourt C, Morton A, Moss L, Wallis S, Cook K, Batras D, Groves J, Tabrizi SN, Garland S, Fairley CK, 'Estimating the number of unlicensed brothels operating in Melbourne (2010) Australia and New Zealand Journal of Public Health Vol 34(1), 67.

Carnovale, M, 'Trading in Lives' Police Life Autumn 2015, 11.

Donovan B, Harcourt C, Egger S, Watchirs Smith L, Schneider K, Kaldor JM, Chen MY, Fairley CK, Tabrizi S (2012) The Sex Industry in New South Wales: a Report to the NSW Ministry of Health, Kirby Institute, UNSW. Harcourt C, Egger S, Donovan B, 'Sex Work and the Law' (2005) Sexual Health 2(3) 125.

Queensland Prostitution Licensing Authority, Licensed Brothels

<http://www.pla.qld.gov.au/brothels/licensedBrothels.htm>

Queensland Prostitution Licensing Authority, Annual Report 2013 -2014

<http://www.pla.qld.gov.au/Resources/PLA/reportsPublications/annualReport/2014/documents/AnnualReport20132014.pdf>

<sup>2</sup> Sex Work and the Law in Asia and the Pacific <http://www.undp.org/content/dam/undp/library/hiv/aids/English/HIV-2012-SexWorkAndLaw.pdf>

<sup>3</sup> Joint NGO Submission on behalf of the Australian NGO Coalition March 2015, paragraph 87 <http://hrlc.org.au/wp-content/uploads/2015/04/Final-UPR-NGO-Submission1.pdf>

CLCNSW strongly recommends, based upon existing evidence, that NSW Government should not introduce licensing of brothels and sex workers in NSW, and strongly advises against any changes to the existing laws

We thank you for your consideration of our concerns. Please contact Kerry Nettle, Advocacy and Human Rights Officer on [REDACTED] should you have any further questions or wish to discuss any of the matters raised in this letter.

Yours sincerely,

[REDACTED]

Nassim Arrage  
Chairperson  
Community Legal Centres NSW