

**Submission
No 136**

INQUIRY INTO THE REGULATION OF BROTHELS

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Date Received: 17/08/2015

19th August 2015

Select Committee on the Regulation of Brothels
Parliament of NSW
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Submission in response to the Legislative Assembly Select Committee on the Regulation of Brothels

Dear Chair,

I would like to thank you for this opportunity to provide a submission to the Select Committee on the Regulation of Brothels

I would like to also recognise how important it has been for individual sex workers to have the opportunity to contribute to this process, to share our own stories and lived experiences. I sincerely hope that our voices and in-depth knowledge about our profession is fully considered and not treated as a tokenistic gesture.

Introduction to myself

I have been a sex worker for over 21 years. I have worked in most areas of the sex industry: small and large scale 'brothels', massage parlours, stripping, BDSM, escorting and predominately over the last 15 years as an independent/ private worker doing both in-calls and outcalls. I have worked from rented premises, hotels, motels and also the house that I own.

I have worked both in Australia and internationally in a number of countries. I have worked as a sex worker under all four legislative frameworks: decriminalisation, different forms of "legalisation", locations where it's completely illegal and also in Sweden, under the draconic "Swedish Model" of regulation. I ONLY support decriminalisation as the only regulatory model that supports sex workers health and safety.

I am fortunate to live and work within the City of Sydney Council which affords me the greatest level of support, anonymity and protection within the decriminalised regulatory framework within NSW. I believe that the policies of this council should be utilized throughout ALL of NSW.

I have also previously worked at the Sex Workers' Outreach Project (SWOP) NSW in numerous roles including the Sex Work and Massage (SWAM) Project Officer, in the Metropolitan Women's Team Outreach Officer and as the Private Worker Officer. These roles were all within a peer capacity.

I also previously held the volunteer role of International Spokesperson for Scarlet Alliance – the Australian Sex Workers' Association for a period of five years.

I am one of the founding members of Touching Base Inc – an association that brings sex workers and people with disability together (www.touchingbase.org) and continue to be on the Touching Base Committee. I am the nominated sex worker on this committee that communicates with other sex workers and establishments in regards to our Sex Worker Referral List. This is only one aspect of Touching Base but in the last 15 years there has been a notable increase in people with disability wishing to find willing, able and/ or trained sex workers – and becoming more supported and confident in speaking up for their right to sexual expression.

In all roles I have been fortunate enough to present papers about the NSW and Australian sex industry and the work of these organisations. This has been at universities and conferences both here in Australia and Internationally. These include:

- *Key Note presentation* – 18th International Harm Reduction Conference: 13-18th May 2007: Warsaw, Poland
<http://www.ihra.net/files/2010/05/13/WottonWarsaw2007.pdf>
- *HIV prevention strategies within the Australian sex worker population - an overview of successful implementation*, International AIDS Conference, 3-8 August 2008, Mexico City, Mexico “Universal Action Now”
http://www.scarletalliance.org.au/events/0809/mexico08/wotton_htmlpresentation08/
- *Getting on Top Of Decriminalisation for the NSW Sex Industry - The Ins and Outs of Sex Work and the Law* Conference, City University of Hong Kong; October 20-22nd October 2006
http://www.scarletalliance.org.au/library/wotton_2006/
- *'The Swedish Model' – A Failed System of Regulation*, Sex Work Regulation Symposium: Best Practice Models for Public and Sex Workers Health, Scarlet Alliance, 28th October 2010 <http://www.axerwap.com/video-wap/watch/lady-gaga-interview-2015/41653654367054665f414d>
- Part 1 Scarlet Alliance National Symposium 2009: Rachel Wotton on the Swedish Model. (2009, November). [VIDEO of Conference] Retrieved from <https://www.youtube.com/watch?v=JTXh8NQYK7k&feature=channel>
- *“Professional Disability Awareness Training for sex workers (PDAT) : an innovative, educational workshop by Touching Base Inc”*, XIX International World Association of Sexologists (WAS) Conference, Goteborg, Sweden, July 2009,
http://www.wasvisual.com/Video_by_Rachel_A_Wotton_on_Professional_disability_awareness_training_for_sex_workers_PDAT_An_innovative_educational_workshop_by_Touching_Base_inc.html

I am writing this submission as an individual, not formally representing any of these organisations I have worked or volunteered for previously or currently.

Please note though, that as an active, paid member of both Scarlet Alliance and Touching Base Inc, I fully support their submissions to the NSW Select Committee on Brothels.

I would welcome a further invitation to provide oral evidence and answer any questions this submission may raise for the committee during the public hearing stage of the inquiry.

Scarlet Road Documentary

I was the subject of an SBS commissioned documentary, *Scarlet Road*.¹ It features two of my clients with disability, their parents, Australian and international sex workers and the work of Touching Base Inc – including the training workshops we deliver to both sex workers and people working within the disability sector. Detailed discussions in support of Decriminalisation as well as sex workers talking about the negative and harmful outcomes of the ‘Swedish model’ are also featured.

The NSW Parliamentary Library has a copy of Scarlet Road and it has been uploaded to the audio visual library database where every member of the Select Committee can view it at their leisure. The trailer can be viewed here: www.scarletroad.com.au

Scarlet Road’s International Premiere was at the International Sydney Film Festival in 2011 and has since toured the world, screening at film festivals, conferences, Universities, TAFEs and organisations’ training workshops.

The documentary has generated overwhelming support from members of the public across the globe and it has been screened within at least eight countries on major TV stations. I have personally received emails of support from sex workers, people with disability and the general public from well over 20 countries. Many of the emails are from people with disability who would love to book my services and are reaching out to me with their stories and their personal situations. They feel isolated and afraid of talking with anyone else in their lives about their sexual needs and, due to sex work being either illegal or highly stigmatized within their own country they feel fearful and disempowered to be able to try and find sex workers in their own country.

It is only because I live and work predominately within NSW, where I can work under a decriminalised framework that I agreed to participate in Scarlet Road.

¹ <http://www.scarletroad.com.au/trailer/>

Decriminalisation – globally recognised and supported

Decriminalisation of the sex industry occurred in NSW in 1995. The two main intentions of decriminalisation were to eliminate the corruption that was at abhorrent levels within the NSW police force (from the Woods Royal Commission) and to increase the health and safety of sex workers, our clients and therefore the general population.

I completely commend the strong leadership of all sides of government, in 1995, in working together to allow bipartisan support of Decriminalisation. I hope that the NSW Parliament of 2015 can appreciate that NSW has led the way in supporting the health and safety of sex workers and is globally recognised as doing so.

In the last two decades the policies of The United Nations Population Fund, United Nations Development Fund, Amnesty International and UNAIDS have all been reviewed, via extensive consultation and consideration of the evidence, and now all support the decriminalisation of sex work.

In addition, there has been extensive research done supporting Decriminalisation as the best – and only – method of regulation for the sex industry. I draw your attention to a number of recent publications:

- A Kirby Institute report to the NSW Ministry of Health².
This report determined that decriminalisation of the NSW sex industry has resulted in improved human rights, netted savings for the criminal justice and health systems, and enhanced surveillance and health promotion programs for sex workers. Licensing was found to impose unnecessary expense and to be a threat to public health.
- The Lancet produced a Journal about Sex Work & HIV which was launched here in Australia during the International AIDS Conference 2014³
This Series of seven papers aims to investigate the complex issues faced by sex workers worldwide, and calls for the decriminalisation of sex work, in the global effort to tackle the HIV/AIDS epidemic

At state, national and international levels, licensing, prescriptive forms of 'legalisation' and other forms of regulation (such as the 'Swedish model' have been completely rejected and are acknowledged as putting sex workers and our clients at further risk of harm, stand over tactics, corruption and abuse.

² <https://kirby.unsw.edu.au/projects/sex-industry-new-south-wales-report-nsw-ministry-health>

³ . <http://www.thelancet.com/series/hiv-and-sex-workers>

I wish to strenuously reiterate that the 'Swedish model' is inappropriate within the Australian context where sex work is already a legally recognised occupation. The Prostitution Licencing Authority (Qld) has also formally recognised this via their publication [The Ban On Purchasing Sex In Sweden: The So-Called 'Swedish Model'](#)⁴

Benefits of decriminalisation

Working in NSW has allowed me to increase my knowledge and skills to be able to work more extensively with clients with disability, without fear of persecution, discrimination or being rejected from participating in any workshops where I identify as a sex worker.

Two such clients have had their voices heard via Australian media, which I believe all members of the Select Committee would benefit from listening to / watching:

I have Cerebral Palsy and I enjoy having sex (31 Jul 2014)

<http://www.sbs.com.au/news/article/2014/07/30/i-have-cerebral-palsy-and-i-enjoy-having-sex>

Walkley award-winning: *The Too Hard Basket* (12 December 2009)

<http://www.abc.net.au/radionational/programs/360/the-too-hard-basket/3093916>

Decriminalisation also allows my clients and I to communicate openly and honestly with what their needs may be. I am also able to describe my appearance, my age, the range of services I am happy to offer, what my prices are and when & where I am able to be available for an appointment. I have complete autonomy over how I operate my business.

I am also able to refer clients to other sex workers who may be able to better meet their needs and requests if I am unable to do so.

I am able to offer a range of locations to best meet the needs of my clients. For some I may need to visit them at their home (due to their disability they may need an electric hoist to transfer them in and out of bed). For other clients their need for privacy means they prefer visiting my own home. For others they enjoy meeting at a hotel. If I am touring then I am able to offer in-calls at my hotel without the fear of being evicted or charged by the police (like I would in Victoria).

Decriminalisation allows for me to conduct my business equally to that of other occupations. For example – some book keepers and accountants work from home, others travel to their clients and others share an office with one or two other colleagues. Other accountants prefer to work for a larger business such as Price Waterhouse. Decriminalisation allows for sex workers to freely choose how and

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<http://www.pla.qld.gov.au/Resources/PLA/reportsPublications/documents/THE%20BAN%20ON%20PURCHASING%20SEX%20IN%20SWEDEN%20-%20THE%20SWEDISH%20MODEL.pdf>

where they prefer to work and to change locations to best suit their life circumstances at the time.

Peer education is internationally recognised as the best model of education & learning and decriminalisation allows for this to occur within the workplace settings in a safe and supported environment without fear of arrest and a criminal record (It's illegal for two private sex workers to work together in Qld)

The fear that councils and the media have generated due to the confusion of the definitions of a 'brothel' have created an uneven platform for private workers.

Living in the City of Sydney council area allows me to work from home without any need for a DA or any other 'special' authorisation. However peoples' life circumstances change over the years and it is abhorrent that if I chose to buy or rent anywhere else in NSW that currently I may end up prohibited from conducting my business in another council area. The NSW planning policies need to extend equal consideration to private sex workers regardless of what LGA we may reside in.

I implore you to remove the discriminatory different definitions and treatment between home-based sex work and other home-based enterprises by amending the Codes SEPP, the definitions in the Standard Instrument LEP, and clauses in the EP&A Act and the Restricted Premises Act

Please note that in the last 15 years, some of my neighbours have known that I am a sex worker – even some with children. I have always had the full support of them as they understand that there is no difference between my brother coming to visit, the electrician coming to fix a power point, my best friends coming over for dinner or a client arriving for an appointment. The amenity impact is the same – negligible - and in NSW it is well established that private workers operate in an incredibly discreet manner with no complaints made to councils.

[No support for Licencing](#)

The only way to eliminate corruption amongst the police force in regards to the sex industry was by decriminalisation. This has been very successful within NSW since 1995. Removing the police from the regulation of sex workers is one of the most positive elements of Decriminalisation and the NSW government should never entertain the idea of moving backwards and re-introducing them into the equation via any form of licencing. Victoria has completely failed to adequately support the health and safety of sex workers through their sex industry laws.

It is completely unacceptable that the very people entrusted with upkeep of society's safety are the very ones who are the regulators of the sex industry. How does the government expect any sex worker to report crimes of violence, theft, stand over, deception, sexual assault, physical abuse, force or domestic violence when there is a very real threat of being arrested yourself by the very police you have called to help you?

When I work in other states I am much more vulnerable and in some states it would be difficult for me to report anything to the police. Sometimes I am forced to operate my business in a manner that leaves me outside the 'legal' framework. In Queensland I cannot work with another sex worker – even though in NSW I often have. In Victoria I refuse to be registered - like a dog - and have my name on a register. There have been numerous reports of peoples' privacy being violated and the register being accessed by people that shouldn't have access. Even though no media outlet can have access to the registration details of sex workers in Victoria, we are refused the right to advertise our services in Victoria without the appropriate registration number. In Queensland, I can be charged by the police if I use certain words on my website that only refer to my services being offered in NSW.

Licensing is an expensive and discriminatory practice that completely fails to address the health and safety of sex workers, our clients and therefore the general population. This also includes the Victorian model of forced STI testing.

As already publically acknowledged – sex workers in Australia are often the safe sex educators for our clients. Every work day I am teaching my clients about STIs and the most up to date statistics on transmission rates and why it's important to use condoms and where to go get tested. It is unfair and discriminatory to legislate forced STI testing for sex workers. It puts an additional strain on the health care system and forces sex workers to waste up to a day of their working lives to sit in waiting rooms for tests that they do not need, while people who legitimately need to see a doctor cannot get access to such medical care.

Sex work has been recognised as a legal occupation in Australia since the 1970's and the laws should reflect that. Discriminatory legislation also perpetuates the myth that sex workers are vectors of disease which is definitely not true. In Australia it has been well researched and documented that mandatory testing is not more conducive to overall levels of sexual health amongst sex workers.^{5 6}

⁵ http://www.scarletalliance.org.au/library/briefingpaper_mandtest/

⁶ <http://www.scirp.org/journal/PaperInformation.aspx?paperID=22595%20>

Conclusion

Private sex workers need to be able to work without fear of persecution, entrapment or blackmail. We need to be able to operate like any other small business enterprise throughout NSW.

Sex workers should be recognised and formally acknowledged by the government, as valued members of society, who are not criminals nor vectors of disease.

We need to keep Decriminalisation as the regulatory model in NSW.

There should be nothing about us, without us, and the voices and experience of sex workers should be at the forefront of any decisions made in regards to how our occupations are regulated.

I understand that the Department of Planning policy formation is supposed to be based on an *evidence-based approach* and that moral or religious beliefs play no part of such decision making. By allowing meaningful consultation I trust that this Select Committee – and the Government, will recognise that Decriminalisation in NSW should continue to be upheld and improved upon in the future.

Kind regards,

Rachel Wotton

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