

INQUIRY INTO THE REGULATION OF BROTHELS

Name: Ms Elena Jeffreys
Position: Sex Worker
Date Received: 3/08/2015

Partially Confidential

Elena Jeffreys

please can I have my address suppressed for privacy

31/07/2015

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

To the Committee,

RE: Formal Submission to the Committee

I am a [redacted] sex worker [redacted] I have worked in Sydney for over a decade. I have worked in brothels, privately from my own rented premises and home, and in strip clubs. [redacted]

[redacted] I am writing to you today to express my support for retaining the current method of sex industry regulation, and not implementing licensing in NSW.

1) Terminology

My first concern is the terminology used by this committee. There are no 'illegal' brothels in New South Wales. Describing some brothels as 'illegal' is a tactic by larger brothel owners to try and squeeze out their smaller (and often more sustainable) competition. Some brothel owners have thought that sex work is a gold mine and over-invested. Others, usually people with a bit more experience, run smaller businesses and are aware that like any small business its not a way of growing money on trees. Sex work is not a cash cow, it's a business. Sex workers are not particularly rich or wealthy, our income is average, just like other workers in Australia. The idea that NSW has 'illegal' brothels is simply an agenda by bigger brothel owners to try and pressure the NSW Government to bring in a system which would outlaw all the smaller operators.

Sex industry businesses are not 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.

2) Decriminalisation is the only workable approach

The licensing systems in Queensland and Victoria are a terrible failure. They have created a two-tiered industry, where 50% or more of brothels are non-compliant, and the street based portion of the sector is higher because there are less actual workplaces for people to work in.

New South Wales is hailed currently having THE ONLY successful laws in the world. This includes

Extremely low rates of STIs and HIV (recognised by Australia's National Strategies and the Kirby Institute Annual Surveillance Report);¹

- o 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);²
- o No evidence of organised crime (recognised by the Land and Environment Court);³

- 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);⁴ and
- 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.⁵

3) New South Wales has successfully prosecuted cases of trafficking

The laws in New South Wales mean that sex workers are able to get assistance if and when they need it. The two trafficking cases in NSW (one of an underage worker, the other being the Seiders Case) were both successfully resolved and prosecuted BECAUSE OF decriminalisation. Any tightening of brothel regulations or criminalisation of sex work related activity risks this track record, and is likely to result in putting people in trafficking-like situations at HIGHER RISK of harm.

Thank you for considering my submission. I am available to give verbal input as the hearings progress.



Elena Jeffreys
Sex Worker



1 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.

2 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.

3 *Martyn v Hornsby Council*, cited in Nothing About Us Without Us, 'North Sydney Council Prohibits Home Occupation (Sex Services) in All Zones under the New Draft LEP', accessed at <http://nothing-about-us-without-us.com/tag/urban-realists/> on 30 October 2014.

4 NSW Government and Workcover, 'Health and Safety Guidelines for Brothels', accessed at http://workcover.nsw.gov.au/formspublications/publications/Documents/brothels_health_safety_guidelines_English_0120.pdf on 30 October 2014.

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