

**Submission
No 35**

INQUIRY INTO THE REGULATION OF BROTHELS

Name: Miss Jackie Parker

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

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To Whom It May Concern,

I am a current sex worker in country NSW Australia, I am writing to make a submission for the Inquiry into the regulation of Brothels. I have 14 years of experience in this field.

New South Wales is an amazing place for sex workers to be. When decriminalisation came into place it was a win not only for NSW sex workers but sex workers on a global level. My peers all over the world right now are fighting for what we have here. NSW is a world leader for implementing decriminalisation. This has been recently demonstrated with Amnesty International voting for full decriminalisation as a world model for the sex industry¹, as it gives sex workers their human rights, lowers STI transmission and generally makes for a healthier industry.

I have worked in brothels for many years and right now I am a private sex worker. Being a private sex worker and working from home has its own set of issues that need to be addressed. I believe that these issues are not caused by sex workers or clients of sex workers or amenity impacts, but by the improper handling of home based sex workers by local councils.

Local councils have not created Local Environmental Plans (LEPS) that assist with sex worker safety.

This is demonstrated by most councils still using the “default” setting of – all Sex Service Premises (SSP), even sole private workers when not prohibited), MUST be in Industrial zones and not permissible in any other zoning area.

This is problematic.

I use myself and my situation as an example for you in this submission.

Each council was given guidelines² on how Sex Service Premises were to be handled. They were given different zoning options and the one being the safest for sex workers is for them to be allowed to work in pairs, from their home without Development Application (DA). To the best of my knowledge only a few councils applied this – Sydney City, Armidale, Clarence Valley and Uralla.

I live in a country town, Griffith NSW. There is one Sex Service Premises which has been approved but it never opened as a functioning business. My only option to work here as a private sex worker that complies with the local council LEP is to do outcalls (where I visit the client’s home or their motel). This work practice is unsafe and puts me in a vulnerable position.

In Griffith City Council the only zone for Sex Service Premises or private sex workers is Industrial 1 zone.

¹ <https://www.amnesty.org/en/latest/news/2015/08/sex-workers-rights-are-human-rights/>

² http://www.scarletalliance.org.au/library/ssppg_04

Obviously industrial zones are also problematic. Industrial zones are not the safest for a brothel and obviously industrial zones are unsuitable for a residence.

In 2013 Griffith City Council were drafting their new LEP and did a call out for submissions for changes to the LEP. I and a few others made a submission requesting that Sex Service Premises be allowed in other zones. At this point I did not mention in my submission about private workers working from home without a DA because I did not think they would EVER approve such a thing. I also made a point of getting to know the local council staff and speaking to them on how I could work safely and educating them on the needs of private sex workers (which may I add, there are only 3 known sex workers residing in my town).

The council staff members submitted their suggestion to the council board and in their suggestions, they put forward business zones as an option and also suggested that private sex workers be allowed to work from home without DA.

It's now August 2015. 2 years have passed since my original submission to Griffith council for their LEP. No changes have been made. I call them up and ask "hey when can I start working safely?" and they have no answer for me.

THIS is the problem. I am doing the right thing. I am not operating against the rules of the council. But the council are not helping me. They do not allow me to work safely.

Councils pay too much attention to the needs of the religious communities and not to the safety and wellbeing of sex workers. Allowing me to discreetly work from my home with a friend is not going to hurt the community. It is not going to bring bad things, but the council are feeding into the propaganda that is being fed to them.

Sex work is not a moral issue. It's a work health and safety issue. Sex work is a legal profession in NSW and it is up to councils to give us REASONABLE ways to work safely and it is also up to them to show the public that sex work is not an evil occupation that will bring down the community.

It is discrimination.

If all councils allowed private workers to work from home in pairs without a DA, it would not get rid of the need for brothels, but I do truly feel that it would lower the need for more brothels to be opened. Those of us who prefer to work privately for ourselves will have a safer option.

The councils need to stop with the moral decision making, educate the public on how sex workers are not the seedy evil people stigma portrays us as, but show we are productive members of society that just need a safe space to work from.

How long do I wait for Griffith Council to make decisions on where I can work before I have no choice but to work by breaking rules? Two years after the submission and still no response from them. Surely this is not fair nor is it how other industries are handled?

Decriminalisation was the best thing to happen to NSW. It has been a positive for so many sex workers. The public health has improved and the fight against stigma and stereotype on sex workers is slowly changing. There have been so many studies done that show the positive effects for sex

workers and the public under decriminalisation. One example is a Kirby Institute report to the NSW Ministry of Health³.

There have been studies done in Sydney NSW on the “Effects of sex premises on neighbourhoods: Residents, local planning and the geographies of a controversial land use.” The study can be viewed here: <http://onlinelibrary.wiley.com/doi/10.1111/j.1745-7939.2012.01228.x/pdf>

This research involved 2 different case studies. The first, 284 resident submissions to sex premises planning processes, and the second, a survey of 401 residents living near a sex premises in New South Wales.

“The analysis of resident submissions found that the vast majority (279 out of 284, 98.2%) believed that the proposed sex premises would have an overall negative effect on the surrounding neighbourhood, and only a tiny proportion (5 out of 284, 1.8%) asserted that sex premises would have an overall positive effect on the surrounding neighbourhood. In contrast, our survey produced a broader range of perspectives on the overall experience of the effects of sex premises. Among those who were aware of sex premises in their neighbourhood, almost half (48.2%, or 108 out of 224) believed that sex premises had no overall impact on their surrounding environs. Of the remaining residents, nearly as many residents rated the overall impact positively (24.1%, or 54 out of 224) as rated it negatively (27.7%, 62 out of 224). Thus, 72.3% of the total survey experienced no negative effects as a consequence of the nearby sex premises.”

So basically 72.3% of people living within close proximity of a SSP said that SSP had neutral/positive effects on the neighbourhood. Some residents were not even aware there was a sex services premises nearby. Brothels, under decriminalisation, have no amenity impacts.

“Our analysis thus highlighted a disjunction between the imagined fears of sex premises as inherently disorderly expressed in resident submissions, compared with the lived experience of brothels as orderly businesses among those surveyed. Those who saw the overall effect as being neutral often noted their ‘indifference’ towards sex premises as a result of their familiarity with them. Survey respondents reported that ‘they’re around and a fact of life’, they had ‘no impact on [them] or [their] neighbourhood whatsoever’ and ‘It’s been there as long as we’ve [been here], thirty years, there’s never been any problems or caused any trouble’.”

“Our study suggests experience and familiarity can reduce anxiety about, and negative perceptions of, sex premises. Accordingly, locating sex premises within the community may be an effective means of reducing perceptions and anxieties that continue to circulate around sex premises.”

This study showed that people are scared of the unknown. That the stereotype an SSP brings a bad element or disruptive behaviour is not true. The community doesn’t want that kind of thing and neither do us sex workers! It also tells us that it is not harmful to have SSP near residential zones or dwellings. It might be a shock to the system at first, but over time, will just become another normal part of the community.

³ <https://kirby.unsw.edu.au/projects/sex-industry-new-south-wales-report-nsw-ministry-health>

New South Wales is an amazing place to be as a sex worker. Decriminalisation has been proven to do positive things for us sex workers, our clients and the general public. Now it's just a matter of getting individual Councils to stop discriminating against us and to allow us the worker rights NSW Government has stated we can have.

The other models – Swedish, Licencing, etc have been proven to not work in a positive way for sex workers or public health. I don't believe they need to be even looked at as options because they are harmful to our lives.

Keep NSW the safe place it is. Decriminalisation IS the right model for us, but it does need some serious tweaking by local councils.

I thank you for your time in reading my submission.

Jackie Parker
Sex worker of 14 years in NSW

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