

**Submission
No 130**

INQUIRY INTO THE REGULATION OF BROTHELS

Organisation: Family Planning NSW
Name: Ms Nicola Moore
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19 August 2015

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

Dear Committee Manager,

Family Planning NSW welcomes the opportunity to make a submission on the Legislative Assembly Select Committee's *Inquiry into the Regulation of Brothels*.

As an organisation which champions the importance of high quality reproductive and sexual health for all people, and supports the rights of all people to lead safe and inclusive lives, Family Planning NSW does not believe that the sex industry in NSW should be regulated such that it creates an unsafe environment for sex workers or their clients.

There is overwhelming evidence that the decriminalisation of the sex industry is essential in order to uphold the human rights of sex workers, and leads to better mental and physical health outcomes for these people.

Family Planning NSW also believes that the decriminalisation of the sex industry in NSW allows sex workers to provide professional services to people with disability, which has been shown to improve the quality of life of people with disability.

For further information, please contact:
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Yours sincerely,

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[REDACTED]

Adj. Prof Ann Brassil
Chief Executive Officer
Family Planning NSW

Family Planning NSW

Family Planning NSW is the leading provider of reproductive and sexual health services in NSW. We are experts on contraception, pregnancy options, Sexually Transmissible Infections (STIs), sexuality and sexual function, menstruation, menopause, common gynaecological and vaginal problems, cervical screening, breast awareness and men's sexual health.

We have five fixed clinics in NSW (Ashfield, Fairfield, Penrith, Newcastle and Dubbo) and use innovative partnerships to deliver services in other key locations across the state with more than 28,000 client visits annually. We also provide Family Planning NSW Talkline 1300 658 886, a confidential telephone and email information and referral service, connecting our expertise to people and communities across NSW.

We provide information and health promotion activities, as well as education and training for doctors, nurses, teachers and other health, education and welfare professionals.

Our services are targeted to marginalised and disadvantaged members of the community, including people from culturally and linguistically diverse and Aboriginal and Torres Strait Islander backgrounds, refugees, people with disability, young people, people from rural and remote communities and LGBTIQ people.

We respect the rights of our clients to make choices about their reproductive and sexual health and we treat each and every person with respect, dignity and understanding.

Our work is evidence-based, and shaped by our research through the Family Planning NSW Sydney Centre for Reproductive and Sexual Health Research, our published clinical practice handbooks on reproductive and sexual health, our nationally recognised data and evaluation unit and validated through our own extensive clinical practice.

Family Planning NSW advocates for improved access to optimal reproductive and sexual health services, information and support for people with disability.

We advocate that people with disability have the same desire for relationships and intimacy as anyone else and therefore have the same right to choice, independence and inclusion relating to decisions about their reproductive and sexual health.

In December 2013 we released [*Love & Kisses: Taking action on the reproductive and sexual health and rights of people with disability*](#), an action plan developed to help guide the Federal and NSW Governments on policy, legislative, regulatory, service delivery and funding decisions. The plan makes recommendations on how to improve sexuality and relationships education in schools, enhance training and skill development for clinicians, health professionals and disability workers, and better support parents and carers.

Regulation of brothels in New South Wales

Family Planning NSW believes that it is not in the interest of sex workers or people with disability who access the sex industry, that the industry should be criminalised or overly regulated, as both give rise to unsafe behaviours and environments.

For sex workers

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

Family Planning NSW believes that it is not the role of local municipal council to impose discriminatory regulations on sex workers and brothels by prohibiting their business practice. Such restrictions impede sex workers' ability to access safe and healthy working environments, and create systemic barriers for adults with disability who wish to engage in consensual sexual acts in private.

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)¹;
- 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;
- 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 into Thai, Chinese and Korean)⁴; and

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*, accessed at

<http://www.lawlink.nsw.gov.au/lecjudgments/2004nswlec.nsf/00000000000000000000000000000000/0/45b396e658d9f27eca256f420004a76a?opendocument> on 10 August 2015.

⁴ NSW Government and Workcover, 'Health and Safety Guidelines for Brothels', accessed at

- 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 in cost savings of tens of millions of dollars globally⁵.

For people with disability

Family Planning NSW has a long-held positive relationship with Touching Base, a charitable organisation which works to assist people with disability and sex workers to connect with each other. Touching Base focuses on advocacy issues of access, discrimination, human rights and legal issues, as well as the attitudinal barriers that these two marginalised communities can face. Our relationship with Touching Base, as well as insights gained from our clinical and health promotion work, has shown that the ability to access the sex industry has an enormous and positive impact on the lives of people with disability, who hold the same rights to sexual expression, intimacy and health as any other member of the community.

We urge you to consider the following points from the perspective of this community, which depends on safe, reliable and healthy access to professional sex services across NSW:

- Sex workers make valuable contributions to the quality of life for many people with disability through education, therapy, improvements to physical health, psychological well-being and sexual self-esteem.
- Sex workers form an important part of the community for people with disability, and contribute valuable time, skills and knowledge and volunteer hours with community groups and organisations.
- The option for a person with disability to visit a sex worker at a brothel or home is important in ensuring they feel safe, comfortable and supported in their choice of consensual adult sexual contact. Including sex workers who work from home in the legal definition of a brothel (for regulatory purposes) limits the capacity of these workers to operate. These businesses should be regulated in the same way as any other type of home occupation.

http://www.workcover.nsw.gov.au/__data/assets/pdf_file/0014/15134/brothels_health_safety_guidelines_English_0120.pdf on 10 August 2015.

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

- People who visit sex workers are ordinary people, with ordinary lives. People who visit sex workers are not inherently immoral or seeking to exploit sex workers. Rather, people who visit sex workers are seeking a positive experience to enrich their lives. To restrict the capacity of people with disability to access the sex industry, is to restrict their access to information, support, and safe, healthy professional service environments, and impinges on their human rights.
- Family Planning NSW does not support the introduction of the ‘Swedish Model’ of sex industry regulation, whereby sex work is decriminalised for the workers, but criminalised for their clients. This has been shown to increase sex workers’ isolation and risk of violence, as access to the sex industry has been pushed ‘underground’⁶. We believe that this would affect the sexual health and safety of both sex workers and their clients, particularly those with disability.

⁶ Wallace, B., (Updated 2015), ‘The Ban on Purchasing Sex in Sweden: The So-Called ‘Swedish Model’, Prostitution Licensing Authority, Queensland:
<http://www.pla.qld.gov.au/Resources/PLA/reportsPublications/documents/THE%20BAN%20ON%20PURCHASING%20SEX%20IN%20SWEDEN%20-%20THE%20SWEDISH%20MODEL.pdf>