

**Submission
No 82**

INQUIRY INTO THE REGULATION OF BROTHELS

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Date Received: 19/08/2015



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19 August 2015

Submitted online at: <http://www.parliament.nsw.gov.au/regulationofbrothels>

To whom it may concern

Re: Inquiry into the Regulation of Brothels

The Council of Social Service of New South Wales (NCOSS) is the peak body for the social and community services sector in New South Wales. NCOSS works with its membership on behalf of disadvantaged people and communities towards achieving social justice in New South Wales.

We are pleased to briefly share our views regarding the regulation of brothels.

Decriminalisation of sex work is important for the rights, interests and protection of sex workers

The decriminalisation of sex work in NSW has improved the human rights of sex workers and made the NSW sex industry safer for sex workers and clients. The current NSW system is regarded as best practice by international authorities. It has 'improved human rights; removed police corruption; netted savings for the criminal justice system; and enhanced the surveillance, health promotion, and safety of the NSW sex industry' (Donovan et al, 2012, p.7).

The Hon. Michael Kirby, former Australian High Court Judge, has insisted that rights for sex workers are a matter of public morality, while the Australian Department of Health has recognised the protection of human rights to be essential to the effective protection of public health (Stardust, 2014, p.30). The decriminalisation of sex work is the best way to protect sex workers.

Regulation of sex work is best done by civilian agencies rather than police

The regulation of sex work should not be the responsibility of the police service. The Royal Commission into the New South Wales Police Service documented extensive corruption links between police and brothel owners. This finding by the Royal Commission was one of the catalysts for the decriminalisation of brothels in NSW. Since the decriminalisation of brothels, there has been no evidence of widespread police corruption around sex work (Donovan et al, 2012, p.vi).

Given police corruption around sex work has been drastically reduced, if not eradicated, since the decriminalisation of brothels, it would seem prudent to avoid a return to police regulation of sex work and instead continue with the current system of regulation by Councils and planning bodies.

Health promotion with sex workers is best led by sex workers themselves

The criminalisation of sex work makes it more difficult for sex workers to protect their health as it increases the likelihood that they will avoid state institutions, including those providing health care (Wolfers and van Beelan, 2003). The UN Population Fund, the UN Development Fund and UNAIDS support the decriminalisation of sex work because this underpins effective HIV responses (UNAIDS and UNFPA, 2011, p.14). Since the decriminalisation of sex work, the NSW Department of Health has worked with the community-based Sex Workers Outreach Project to promote safe work practices. These health programs have been aided by a decriminalised legal climate that removes the expense and barriers created by regulation. Consequently NSW maintains effective programs that have minimised the public health threat posed by sex work. NSW now enjoys historically low rates of sexually transmitted infections (Donovan et al, 2012, p.12).

Licensing sex work is a threat to public health as such systems are expensive, cumbersome, and create an underclass that is wary of and avoids surveillance systems and public health services (Donovan et al, 2012, p.7). The current licensing systems in Queensland and Victoria demonstrate this fact, and should be avoided.

Access to Sexual Services by People with Disability

NCOSS urges the members of this Inquiry to ensure that any recommendations made do not impose physical or other barriers to accessing sexual services for people with disability. The *Disability Inclusion Act NSW 2014* requires NSW government departments and local councils to develop and implement a Disability Inclusion Action Plan (consistent with the State Disability Inclusion Plan) that includes strategies to increase access and participation by people with disability. Regulation 7 of the *Disability Inclusion Regulation 2014* requires government departments to have a Disability Inclusion Action Plan by 1 December 2015 and local councils by 1 July 2017. Consideration of people with disability when planning is essential for the creation of more liveable communities for people with disability, which is one of the government's stated objectives.

NCOSS would welcome the opportunity to engage further with the Inquiry on the details of this submission.

Should you require further information, please contact John Mikelsons, NCROSS Deputy CEO, on [REDACTED] or via email at [REDACTED]

Yours sincerely



Tracy Howe
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