

**Submission  
No 23**

## **INQUIRY INTO THE REGULATION OF BROTHELS**

**Organisation:** Global Network of Sex Work Projects (NSWP)  
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**Date Received:** 14/08/2015



**nswp**  
**Global Network of Sex Work Projects**  
Promoting Health and Human Rights

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

14<sup>th</sup> August 2015

Dear Members of the Committee,

**NSW Inquiry into the Regulation of Brothels**

We understand that the Select Committee on the Regulation of Brothels have been convened and will examine and report on a number of issues related to the regulation of brothels in NSW around the 12<sup>th</sup> of November 2015.

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 included (but are not limited to):

- Extremely low rates of STIs and HIV (recognised by Australia's National Strategies and the Kirby Institute Annual Surveillance Report);<sup>1</sup>
- 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);<sup>2</sup>
- No evidence of organised crime (recognised by the Land and Environment Court);<sup>3</sup>
- 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);<sup>4</sup>

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<sup>1</sup> 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.

<sup>2</sup> 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.

<sup>3</sup> Land and Environment Court of New South Wales, Martyn v HornsbyShire Council [2004] NSWLEC 614, 2004, accessed at <http://www.lawlink.nsw.gov.au/lecjudgments/2004nswlec.nsf/00000000000000000000000000000000/45b396e658d9f27eca256f420004a76a?opendocument> on 12 August 2015.

<sup>4</sup> NSW Government and Workcover, 'Health and Safety Guidelines for Brothels', 2001, accessed at

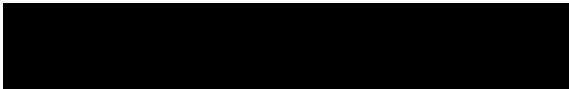
It should be noted that The Lancet Special Issue on HIV and Sex Workers, launched at AIDS 2014, reported that the decriminalisation of sex work would have the greatest impact on the HIV epidemic, reducing HIV by up to 46% in the next decade and resulting on cost saving thresholds of tens of millions of dollars globally.<sup>5</sup>

NSWP shares the concerns expressed by Scarlet Alliance, a member of NSWP, that the Terms of Reference for this inquiry demonstrates that the NSW Government is operating under a number of false assumptions and fundamental misunderstandings about sex work, how brothels, and the sex industry operates, and what is necessary to develop effective sex industry regulation.

NSWP hopes that the committee will engage sex workers, the key stakeholders, in the review process to ensure sex workers' views and experiences are represented without bias. We urge the Committee to engage in an intelligent debate and examination of sex work, including meaningful dialogue with sex workers themselves, looking at how a legal framework can best protect their health and human rights.

Excluding the voices of sex workers in this debate is in violation of the right of sex workers to participate in this process and to have their voices heard.

Kind regards



Ruth Morgan Thomas  
Global Coordinator

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[http://www.workcover.nsw.gov.au/\\_data/assets/pdf\\_file/0014/15134/brothels\\_health\\_safety\\_guidelines\\_English\\_0120.pdf](http://www.workcover.nsw.gov.au/_data/assets/pdf_file/0014/15134/brothels_health_safety_guidelines_English_0120.pdf) on 12 August 2015.

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