

**Submission
No 17**

INQUIRY INTO THE REGULATION OF BROTHELS

Name:

████████████████████

Date Received:

14/08/2015

Partially Confidential

13/08/15

The Committee Manager

Select Committee on the Regulation of Brothels

Parliament House

Macquarie Street

Sydney

NSW

2000

To whom it may concern,

[REDACTED]
[REDACTED] I am writing to make a submission to the NSW Inquiry into the Regulations of Brothels, 2015. The GLBTIQ community is one of the key stakeholders in the evaluation of the regulation of brothels in NSW.

I strongly believe that the current system of decriminalisation should stay in NSW and to bring in a system of legalisation or to re-criminalise sex work or to criminalise clients of sex workers, also known as the Swedish Model, would cause great harm to the community.

[REDACTED]
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[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

I believe that the history of the state of NSW and the background of the Wood Royal Commission, and the events that led up to the Wood Royal Commission, must be taken into account in any Brothel review.

[REDACTED]

[REDACTED]

I understand that the government wishes to bring in a legalisation model for sex work in NSW.

I would also recommend that organisations like Scarlet Alliance, SWOP and ACON, continue to work further with sex workers and the community to eradicate corruption and the trauma from corruption and violence of the past.

I wish to address the point 9e) the protection of sex workers, including issues around organised crime and sex trafficking and

9f)

Options 9f) maintain the high level of public health outcomes.

In reference to the section that refers to protection, it failed to mention that some sex workers have needed in the past protection from the police. In the past sex workers have been exploited by police, and there needs to be a Royal Commission into this, but in terms of current protection, there is little need for protection of sex workers in current day as the level of successful trafficking convictions is very small.

I do however regard education of sex workers as very important – the education of sex workers and the community and providing funds for sex workers to be complaint and run their own businesses, and to work as sole traders and in small groups that would be safest.

I think that the health and safety would be the most important and not commercial objectives of businesses like brothels. This would be the best guarantee of harm minimisation so sex workers feel empowered to demand to have safe sex and to be able to run small businesses without the fear of the stigma and discrimination of being outed.

I note that studies indicate that in 2015, many sex workers work as a second job and are also teachers, lawyers, students, trade workers, nurses. They have families and are mothers, daughters, sons and fathers, and the requirement of legalisation, to force sex workers who work best independently, to register on a public data base, would in turn create negative outcomes, greater harm, and not address the fact that

brothels are suitable for some workers as a place of work, but workers also need to be free to work independently and safely with an organised support network.

I have spoken to mature age workers, and was formerly in a relationship with a woman who worked in the industry in her youth who now identifies as lesbian. Because of the negative experiences of abuse, corruption, and lack of access to justice she continues to have health problems. There are many women like her, of murdered sex worker, Sally Ann Huckstepp's era, whose access to justice had been severely curtailed due to being known as a sex worker, and I believe that to force private workers to register would create stigma, non-compliance, crime, exploitation and force workers underground and into unsafe working conditions.

I note that some brothel owners may discriminate against the GLBTIQ population, and members of this population, would be better off working independently, and need to be supported to work safely and compliantly.

Even though the general population may not be aware there is a large section of the sex industry who identify as gay, lesbian, bisexual or transgender and because there have been a lack of studies quantifying this section of the community and because of fear of stigma and discrimination, this section of the NSW population, may be far larger than assumed.

Many needs are unique to the large gay community of NSW. And it is indicative of the sexual and gender diversity that this state prides itself on.

Some of these local constituents in 1978, and supporters of the gay movement, were sex workers who had experienced much police corruption by being pressured to give pay-offs in the form of sexual favours, or money, to various departments of the police at Kings Cross that was documented in the Wood Royal Commission of 1994-96.

I strongly believe that decriminalisation is the best practice model for prostitution /sex work in NSW.

The reason why I believe that decriminalisation is the best practice model for the state of NSW, are:

1. NSW is a unique model due to large members of the GLBTI population who work in or are clients of sex workers and the legalisation model would force these workers to out themselves publically on a data base if they wished to continue to work independently and individually.
2. Due to the history of corruption, police are not the best people to order compliance from sex workers. A legalisation model would need police enforcers and given the history of the relationship between the police and the GLBTI community, this may not be the best practice model.
3. There are many GLBTIQ citizens who are sex workers for all genders including male, female, intersex and queer as well as disabled clients.

4. There are many GLBTI citizens who are clients of sex workers for all genders including male, female, intersex and queer as well as disabled clients.
5. Many transgendered sex workers work in the sex industry and the work help them pay for necessary surgery, medical costs and hormones.
6. Sex work allows many people who are curious about their sexual identity to explore options in a safe environment prior to coming out as gay or lesbian.
7. Although some brothel owners have a good understanding of discrimination issues, the licensing process does not require them to undergo training in sensitivity for the GLBTI community, consequently many brothel owners, to whom legalisation would give more power, would be in a position of employing more GLBTIQ individuals as these individuals would be forced out of individual work where they are compliantly employed as sole traders.
8. The requirement for compliance or reporting as in Victoria would require many individuals who would have to then out themselves as sex workers and would be fearful of discrimination and stigma as a result of being sex workers. The negative impact could be quite catastrophic for many queer mothers or fathers who are also sex workers. Many sex workers have other careers and having to register on a public data base. This may destroy those careers, or potential careers for students, [REDACTED]
[REDACTED]
9. Many members of the queer, gay, lesbian and leather pride community are sex workers and sex educators and would be subjected to discrimination if they were to register as sex workers, who studies have shown experience much discrimination and stigma.
10. The stereotype of sex workers as heterosexual and street based and drug addicted is not borne out in reality. The true statistics are missing from representation but research indicates that many sex workers are normal and often non-heterosexual.
11. Historically both gays and sex workers were targeted by others who chose to discriminate, so sex workers are the best regulators of their own practice as low rates of STI indicate - sex workers have lower rates than general population.
12. The sex workers are also sex educators and can provide a safe environment for clients to explore diverse needs - many GLBTI people work in the sex industry and many clients are exploring their needs – gay and bi-curious needs as well as gender diversity and bisexuality. Clients are not criminals but people for whom sexuality may require a professional to help them on their journey to explore diverse needs. Many clients have a disability and organisations such as Touching Base indicate this and serve a useful social function.
13. Because brothels are commercially focussed, individual workers must be supported so that independent workers can control their work hours and conditions of work, and not be subject to the pressures of brothels and their profit needs.
14. In my research, I have spoken to many women who were profoundly negatively impacted by working under a criminal system - which experienced police brutality, corruption and had to have sex with police or give them

money in order not to be arrested. This was all documented in the Wood Royal Commission. Decriminalisation supports better justice.

15. NSW is a unique model and different to other states, due to large GLBTIQ population who work in or are clients of sex workers and the legalisation model would cause greater discrimination and stigma. Amnesty International on August 11 2015 voted for decriminalisation as the best practice model for sex workers.
16. I realise that the inquiry is only looking at the registration of brothels but this often leads to registration of individual workers and this works to negate good health outcomes and human rights.
17. With the exceptions of City of Sydney Council, the barriers most councils put in the way of sex work premises being compliant with their DA, leads to problems of non-compliance.

In conclusion, decriminalisation is the best practice model for health and safety outcomes for workers and the community which includes many GLBTIQ citizens as both workers and clients. Legalisation or criminalisation would result in greater harm and risk increase to the community. Workers and the community should be further educated to maintain the high levels of health and low STI transmission rates. I refer to *The Lancet* edition on Sex Work and I was present at this inaugural paper presentation at the Melbourne International AIDS conference in July 2014. I would highly recommend that the Select Committee consider the findings and research evidence presented in this highly esteemed journal, *The Lancet*.

I realise that the inquiry is only looking at the registration of brothels but this often leads to registration of individual workers and this works to negate good health outcomes and human rights.

There is no clear need or evidence of a licensing model to operate a sex industry premises, because:

1. The sex industry is a low risk activity already highly regulated and a license would be an unnecessary duplication of cost and legislative requirements that would negatively impact on Compliance and previously successful public health outreach initiatives by SWOP
2. And sex workers as population group have higher levels of sexual health than the general population in NSW and a licensing regime would risk these outcomes
3. Under decriminalisation violence and injustice against sex workers has decreased, and workplace crime is reported and prosecuted.

Many studies demonstrate that decriminalisation is the best practice approach to regulating the sex industry.

Yours Sincerely

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