

REPORT OF PROCEEDINGS BEFORE

**SELECT COMMITTEE ON THE REGULATION OF
BROTHELS**

INQUIRY INTO THE REGULATION OF BROTHELS

—

At Sydney on Wednesday 2 September 2015

—

The Committee met at 10.00 a.m.

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PRESENT

Mr A. Henskens (Chair)

The Hon. M. Pavey

Ms M. Gibbons

Mr A. Greenwich

Ms J. Haylen

Ms E. Petinos

JANELLE FAWKES, CEO, Scarlet Alliance, Australian Sex Workers Association, 203/1 Erskineville Road, Newtown,

JULES KIM, Migration Project Manager, Scarlet Alliance, Australian Sex Workers Association, 203/1 Erskineville Road, Newtown, and

GEMMA KEEGAN, Policy Officer, Scarlet Alliance, Australian Sex Workers Association, 203/1 Erskineville Road, Newtown, affirmed and examined:

CHAIR: Good morning and thank you for attending the second public hearing of the Select Committee on the Regulation of Brothels. My name is Alister Henskens, I am the Chair of the Select Committee and the member for Ku-ring-gai. With me today is the Deputy Chair, Mrs Melinda Pavey, the member for Oxley, Ms Melanie Gibbons, the member for Holsworthy, Mr Alex Greenwich, the member for Sydney and Ms Jo Haylen, the member for Summer Hill. Ms Eleni Petinos, the member for Miranda, will be joining us later in the day and Ms Kathy Smith, the member for Gosford is sick today.

Yesterday the Committee heard from State Government agencies dealing with planning, policing and justice, as well as local councils and public health advocacy groups. This morning the Committee will hear first from witnesses from Scarlett Alliance, ACON and the Sex Workers Outreach Project. Following the lunch break the Committee will hear from witnesses representing the Sydney Sexual Health Centre, the Australian Christian Lobby, BaptistCare, HopeStreet and the Wayside Chapel.

May I remind everyone to switch off their mobile phones as they can interfere with the Hansard recording equipment. For the benefit of the gallery, I note that the Committee has resolved to authorise the media to broadcast sound and video excerpts of its public proceedings. Copies of the guidelines governing coverage of proceedings are available. I now declare the hearing open.

I now welcome our first witnesses representing the Scarlett Alliance, Ms Janelle Fawkes, chief executive officer, Ms Jules Kim, migration project manager and Ms Gemma Keegan, the policy officer.

Thank you for appearing before the Select Committee today to give evidence. Before we proceed, do you have any questions concerning the procedural information sent to you in relation to witnesses and the hearing process?

Ms FAWKES: No.

CHAIR: Would any of you like to make an opening statement before the commencement of questions.

Ms FAWKES: Yes thanks. To start, I would like to make a short statement before the Committee today on the success of decriminalisation in New South Wales, the failure of licensing in Victoria and Queensland, the issue of council's role in regulating the planning and zoning of sex industry and sex workers and the solutions to the problems created by councils that have sparked this Inquiry.

Scarlet Alliance, the Australian Sex Workers Association, is the peak national sex worker organisation in Australia. Our 11 member organisations and projects have the highest levels of contact with sex workers in Australia of any agency, government or non-government. In fact, our organisation is made up of sex workers. We are sex workers.

Sex workers do not need to be members of Scarlet Alliance in order to access peer support or

participate in consultations. In this way we represent not only our membership but also those who are unable to have their name associated with sex work for fear of stigma and discrimination. This very real fear of stigma and discrimination is also the reason that registration of sex workers has failed wherever trialled. When there is the potential to lose custody of your children or to be excluded from professions you are studying to be part of, or from travelling to other countries, for example, the United States of America, simply because you have worked as a sex worker, people avoid having their real name attached to their work and in weighing up the risk, cannot register.

Decriminalisation of the sex industry in New South Wales has been extremely successful. It has delivered exceptional public health outcomes with rates of STIs and HIV as low as the general community. Importantly, it has removed police as the regulators of the sex industry. In doing so, it has reduced the exceptionally high levels of police corruption identified in the Wood Royal Commission.

Police are not the appropriate regulators and whenever they are, sex workers access to justice is reduced. In New South Wales decriminalisation has increased access to justice and willingness to report crime for sex workers. It has increased transparency and improved sex workers' safety and there are far higher levels of compliance than any other model of regulation in Australia.

Whether you access decriminalisation from a justice, health, planning or policing point of view, the model has delivered exceptionally strong outcomes. The outcomes are significant and cannot be assured with any other model. They include better access to health promotion, little to no amenity impacts, no increase in the size of the industry and better access to occupational health and safety.

In contrast, there is extensive evidence of the failure of licensing in Queensland, where it has been in place for 14 years and Victoria, where it has been in place for 21 years. Licensing has created a two tiered industry or a two tiered system, criminalising or applying significant fines to those who are unable to comply with the excessive requirements of the licensing schemes.

The development of a two tiered industry occurs under licensing when businesses and individual workers are excluded from operating legally because the requirements of licensing are excessive or unreasonable. In this way non-compliance is the inherent flaw of the licensing model, creating an ongoing and costly problem for governments.

Fifty per cent of Victorian sex workers still operated illegally in 2012 and 90 per cent of Queensland industry operates illegally now. A cost benefit analysis on Queensland would demonstrate its failure with over \$9 million in government funds over 14 years to manage a system that has licensed, at most, 25 brothels, whose annual reports from the prostitution licensing authority openly discuss their inability to address extremely high levels of non-compliance.

Licensing also requires a high level of police involvement in policing non-compliance, which maximises the risk of corruption. As you know, the New South Wales model of decriminalisation was introduced in response to high levels of police corruption and has been found to have reduced police corruption.

The Independent Pricing and Regulatory Tribunal (IPART) report, Reforming Licensing in New South Wales, published in August this year, did not find or include a recommendation for licensing of sex industry businesses. Instead, the report stated that on the evidence it had reviewed, alternatives to licensing may be more appropriate to the New South Wales Government's policy objectives in this areas.

Scarlet Alliance's assessment of licensing as an effective regulatory approach to brothels, using the licensing framework assessment tool provided in the IPART final report, demonstrates licensing would not be an appropriate mechanism against any of the four criteria.

Positive health outcomes have also been achieved for migrant sex workers under decriminalisation. With consistent findings of research demonstrating low rates of STIs, high rates of condom use for migrant sex workers.

Decriminalisation allows for transparent operation of the sex industry, increasing access to health promotion initiatives and enabling access to police and support programs to protect sex workers' human rights.

In New South Wales there have been convictions for only three instances of sexual servitude under Commonwealth law. Despite the significant financial resources invested into identifying sexual servitude in Australia, consistently low government statistics show that the media hysteria surrounding sexual servitude is disproportionate to its actual existence.

Rather than no regulation, decriminalisation is a whole of government approach. It includes different government departments playing different roles. Councils are only responsible for regulating zoning, planning and location controls and environmental health in regard to sex industry businesses. However, it is the failure of some councils in New South Wales to implement decriminalisation properly that has resulted in significant barriers to compliance, which is at the crux of this Inquiry.

It is public knowledge that some councils refuse to approve any sex industry business development applications, providing no option but non-compliance. On page 3 of the submission Ashfield Council states that Ashfield Council has, over many years, consistently rejected all development applications for brothels. On the first page of their submission, Shoalhaven Council notes that home occupation sex services are prohibited in council areas. These two councils are by far not the only councils to take this approach.

The excessive cost of appeals to the Land and Environment Court due to incorrectly refused development applications is completely unnecessary and would be avoided if councils determined development applications on their merit.

The 2012 Better Regulation Office issues paper notes that the City of Sydney Council and Marrickville Councils accounted for two thirds of sex services premises approvals during 1996 to 2007 and that 11 councils had not approved any brothels.

Apart from City of Sydney Council or Marrickville Council, in the 19 other councils where approved brothels were operating, 50 per cent were approved by the Land and Environment Court. This demonstrates councils refusal to assess development applications from sex industry businesses fairly and is evidence of how councils are creating non-compliance sex industry businesses.

This is further evidenced in the work of academic, Penny Crofts, who reviewed council decisions when assessing development applications for brothels and other businesses and she states:

Brothels have been able to operate as legitimate commercial businesses in New South Wales for over a decade. Despite this, brothels continue to be treated differently by councils from other commercial businesses with similar amenity impacts.

It is also openly discussed that some councils or councillors advise applicants to apply for a massage centre development application instead of a sex services premises development application in order for councillors to avoid perceived public backlash for approving sex industry development applications. The requirement by most councils for home occupation sex workers to seek development consent when other home occupation businesses are exempt, provides little option but non-compliance. Other councils simply ban home occupation sex services from their local environmental plans and in these instances non-compliance is the only option available to sex workers working from home.

It is our strong assertion that councils' failure to effectively regulate the sex industry in their local areas does not demonstrate a failure of decriminalisation, rather it demonstrates a systemic long term failure or in some cases, wilful refusal by councils and/or councillors to not discriminate against the sex industry. At some point it must be recognised that it is in fact councils themselves that are directly creating the problems they seek further powers to address.

The evidence from councils themselves, even to this hearing, demonstrates low amenity impact in relation to sex industry businesses. This is supported by research outlined in our submission.

It is also the case that councils already have significant powers to close down non-compliant businesses. The 2007 Brothels Legislation Amendment Act expanded the powers of the Land and Environment Court and local councils to close non-compliant brothels. The amendments made closure laws effective within five days rather than 28, reduced the requirement that would support action from sufficient complaints to only one complaint and in addition, if the non-compliant business fails to comply with the closure order, the Land and Environment Court and Local Courts can then direct amenities to be switched off from any premises.

Several pieces of legislation cover sex worker related offences in New South Wales. It is unnecessary to introduce additional measures. Scarlet Alliance does not believe it is necessary or ethical for councils to pay private investigators to have sex with people they suspect to be sex workers. We question whether the person is providing sexual services regularly or whether the offer of considerable amounts of money by private investigators is indeed inducement and whether consent would stand when sex has been fraudulently gained for the purpose of detection.

In closing, the underlying problem where councils own actions are creating high percentages of non-compliance will not be addressed by increasing powers.

Importantly it should be noted that under a licensing model there remains a role for council in regulating zoning and planning of sex industry businesses. These issues will not be addressed by introduction of a licensing model in New South Wales.

In summary, Scarlet Alliance recognises that decriminalisation has been highly successful, however, councils need support in fairly and appropriately implementing their role of regulating the zoning and planning of sex industry businesses. There is no evidence to support the need for a legislative response to council regulation compliance issues. However, three factors are critical to solve these issues—improved knowledge amongst councils and councillors of both their role in the implementation of decriminalisation and how to break the cycle of mis-management that promotes non-compliance.

Also, information on what is their role and not to overstep their role and take on the role of police, Department of Immigration, et cetera.

Comprehensive guidelines like the Sex Services Premises Planning Guidelines to support better practice approaches, this includes clarification of the definition of a brothel to ensure that individual sex workers are not defined as such.

Thirdly, education and training for councillors and council staff to prevent discriminatory approaches to sex industry businesses that there is immense evidence to demonstrate is currently part of the problem.

CHAIR: Would anyone else like to give a statement?

Ms KIM: No.

Ms KEEGAN: No.

Ms FAWKES: Sorry, I have done that on behalf of everyone.

CHAIR: It is fair to say that the Scarlet Alliance's submission, to my reading, is a little bit schizophrenic in the sense that it spends a lot of time criticising the performance of local government in this area but yet rejects the suggestion that someone other than local government should be the regulatory authority in this space. What do you have to say about that?

Ms FAWKES: Well I disagree with that assertion, particularly the schizophrenic part. Our submission very clearly states that decriminalisation is a whole of government regulation of the sex industry. So that relies on a number of different government institutions and authorities to implement different parts of the regulatory model. Councils remit is only for one part, around planning and zoning.

Our point is that decriminalisation has been extremely effective. Some councils demonstrate very clearly their ability to effectively regulate the industry. City of Sydney Council is one example.

The Hon. MELINDA PAVEY: Can you give us some other examples of councils that, in your opinion, are doing a good job in this space?

Ms FAWKES: There are different ways in which different councils do different things well. Overall though, the City of Sydney Council has the largest percentage of the sex industry in its area and manages particularly to handle what is necessary in relation to understanding the different scale of sex industry businesses. So not trying to use a one size fits all approach in treating brothels the same as private workers for example.

But back to my point, it is not that we think councils are unable to do their work, we believe that councils need support to understand their role effectively. I would put to you Alister that a small number of councils are complaining about the role and the place they play in this regulatory model. In fact, many others are silent on the issue and other councils, as are shown in the submissions, demonstrate that they are quite happy with the model—City of Sydney Council again.

CHAIR: So, other than City of Sydney Council, are you able to mention any council that you consider is doing good work in this space?

Ms FAWKES: Not off the top of my head, but I would be happy to come back to you with a list of the councils and the particular areas in which they are successfully regulating and managing the sex industry.

But as you will know from our submission, what does happen even in areas where councils are not doing their role successfully, the Land and Environment Court demonstrates in its decisions that in fact council should have approved the development application at the time that it was received.

CHAIR: But the same could be said in many other areas with apartment building approvals, a whole lot of areas where the Land and Environment Court deals with appeals from council decisions.

Ms FAWKES: Sure.

CHAIR: There is nothing unique about this area that from time to time councils are overridden by the Land and Environment Court.

Ms FAWKES: I think it is a systemic issue that the Committee should consider. It does appear to us that the Land and Environment Court decisions and some of the statistics I have read to you and provided in our submission, show that the only way to get development applications through

as a sex industry business in some areas is to go through the Land and Environment Court process, which is extremely expensive and therefore means that the majority of smaller businesses are unable to do that.

Ms KIM: I do not think you would have councils saying that they will arbitrarily saying they will refuse development applications for apartments, whereas that is happening openly in the sex industry.

CHAIR: You have not spent much time around my part of the world. Can I take you to page 26 of your submission please and some of the statements you make about sex trafficking. You say this:

In all the finalised trafficking cases that involved migrant sex workers, no one had been deceived as to the fact that they would be sex working and they all consented to working as a sex worker in Australia.

Do you see that?

Ms KIM: Yes, that is correct.

CHAIR: Are you familiar with the prosecution of Chee Mei Wong, the proprietor of Diamonds Brothel in Crows Nest?

Ms KIM: Yes I am.

CHAIR: In that case the two sex workers involved had been recruited to Australia with the promise of an education and a fresh start, had they not?

Ms KIM: They knew that they would be sex working. I think if you have a look at the case transcripts, it was made very clear that they would be sex working coming to Australia. Our assertion is that nobody was deceived as to the fact that they would be sex working. Clearly there were cases of exploitation and there were clearly workplace breaches, but we are saying in terms of the fact that they would be sex working, there was no deception.

CHAIR: They were promised a fresh start and education, were they not?

Ms FAWKES: The two things are not mutually exclusive. You can have a fresh start and an education and also be a sex worker.

CHAIR: They were kept in sexual servitude working 17 hour days and having to perform sexual acts even when they refused or were sick.

Ms KIM: We are not denying that there is exploitation taking place. Our statement does not exclude the fact that exploitation had taken place. Our statement is that consent to the fact that they would be sex working was not an issue in those cases.

Ms FAWKES: It is an important point, because often media and other people misunderstand the cases that have occurred in Australia and believe that people have been tricked into being sex workers. But actually what we do have in Australia is a situation where people do seek to come and work in the sex industry and there are few legal pathways in order for that to happen.

CHAIR: The trial judge in the case that I have just referred to, found that they were forced by threats of deportation to perform sexual acts they did not want to.

Ms FAWKES: We are not denying that.

Ms KIM: We are not denying that that was a case of exploitation.

CHAIR: That they were isolated in Australia away from their family and that they were subject to a high degree of exploitation.

Ms KIM: I put it to you Alister, there have been very few cases of trafficking and exploitation that has happened in the sex industry in New South Wales, not to take away from the seriousness of those cases, but if you are looking at the industry as a whole, it really is not a widespread phenomenon in the Australian sex industry in New South Wales.

CHAIR: With any concealed criminal activity, it is always difficult to accurately understand the extent of the problem, do you not agree?

Ms KIM: I think the sex industry is quite unique in the sense that we do have to advertise and we do have a customer base, so it is quite different to say, detecting people who are working on a farm or trafficked to work in a factory, because it is a situation where we do interface with the public.

CHAIR: We heard of a case in Victoria where in a licensed brothel a sex worker was being kept in a cupboard who was subjected to sexual servitude. That was in a licensed brothel operating openly in full permission of the authorities. So to suggest that it is an open industry where these activities do not take place is just not the case.

Ms KIM: I have not said that it does not take place, but I am saying to you that it is not the experience for the majority of the sex industry and I think for any industry we could probably pull out horror stories, but we do not actually have that happen for any other industry but sex work.

If you look at the vast majority of sex workers, including migrant sex workers, we are actually working in positive work conditions and satisfied and choose our work.

Ms FAWKES: Your example, Alister, was of Victoria and I point out to you that Scarlet Alliance makes a very clear statement in our submission that we believe that decriminalisation provides a far more transparent industry where any problems, criminal problems will be detected and can be detected. However, in Victoria the licensing model does force a lot of the industry underground and does create a distinction where most sex workers are fearful of reporting crime.

CHAIR: Can I just follow up on that because you have said in your opening statement that licensing encourages a two tier system and Victoria is an example that you give of that, but the fact of the matter is that we have heard evidence yesterday that 30 per cent of the sex workers who had been surveyed by Professor Donovan report that they work in massage parlours. Massage parlours which in New South Wales fall outside of the lawful system of regulation of sex work in this State.

Mr ALEX GREENWICH: That does depend on the council area though. In the City of Sydney Council area it would be allowed, for example. You could have legal sex work in a massage parlour in the City of Sydney Council area, so a sex worker reporting that they work in a massage parlour and are a sex worker; that is actually allowed in some council areas, including the City of Sydney.

CHAIR: If it is approved as a brothel?

Mr ALEX GREENWICH: No, within the City of Sydney Council planning laws they deal with home-based sex workers, people who would work in a massage parlour, people who would work in a brothel, so they look at the spectrum of sex work without defining different premises necessarily as brothels.

CHAIR: It is an offence under the Summary Offences Act, if nothing else, to perform sexual

acts within a premises referred to as a massage parlour. So it is unlawful in New South Wales.

We have 30 per cent of sex workers reporting to Professor Donovan who are part of a two tiered system where they may be less inclined to report matters to authorities, no different to Victoria.

Ms FAWKES: I would disagree with you on that point and I will give two reasons. One is that decriminalisation, if you like, pulls up the entire industry from underground, so it is more transparent to a range of different parties, a range of different government institutions, health support services, et cetera. As a sex worker, as sex workers in New South Wales, we know very clearly that we are able to report crime, go to police, know that in doing so we have not outed ourselves to police and therefore will at some point in the future be arrested, and we can expect that we are going to be treated with respect and that our case is going to be followed up.

The culture, that shift that has come with decriminalisation in that regard, goes across all of the issues that you as a Committee will be dealing with and should not be underestimated as the real impact to the individual sex workers involved.

CHAIR: But I just have difficulty accepting that proposition in circumstances where a sex worker operating in a massage parlour in New South Wales will be admitting to an offence under the Summary Offences Act—

Ms FAWKES: It is not an offence.

CHAIR: —if they report that they are engaging in sex work in a massage parlour.

Ms FAWKES: It is not an offence for the individual.

CHAIR: Yes it is, read section 16 of the Summary Offences Act.

Ms FAWKES: Under the Summary Offences Act it is an offence. As you know, most people are not even aware of that charge and it is not used.

CHAIR: So you accept it is an offence now?

Ms FAWKES: Well I do accept that it is an offence, but it has never been utilised or rarely utilised and therefore, there is very little likelihood that that is going to be acted on.

But just back to my point, under New South Wales, if I am to be working in whatever premise, I know that as a sex worker I can report crime, so it is absolutely not the same experience as the one you are describing of a two tiered industry like Victoria where I am either criminalised or fined for a number of activities that are my usual work activities.

CHAIR: In Victoria we were told that there are many unlicensed premises operating, were we not, that is what the owners were telling us?

Mr ALEX GREENWICH: Yes.

CHAIR: That they similarly did not seem to be enforcing the law. So I am just struggling to see what the difference is.

Mr ALEX GREENWICH: I apologise for my interruption and I apologise for my interruption of your questioning earlier.

Is it your experience that people who would work in a registered brothel would say they work in a massage parlour rather than a brothel?

Ms FAWKES: Of course. It is because of the stigma and discrimination that I described at the very beginning.

Mr ALEX GREENWICH: That 30 per cent that Professor Donovan was talking about, that would include people who would be working in an authorised brothel but would be saying that they work in a massage parlour?

Ms FAWKES: That is right, of course.

CHAIR: I do not think this witness can give that evidence given that she is not there.

Mr ALEX GREENWICH: Professor Donovan did clarify that in his testimony yesterday.

CHAIR: He also said that he felt very safe to be honest with him as to the environment that they were working in.

Mr ALEX GREENWICH: But he did clarify that a lot of people would say they work in a massage parlour.

CHAIR: He said sometimes they do.

Mr ALEX GREENWICH: The other point here is you could work in a sex services premises where the offering is massage with a bit more, rather than a full service sex services premises. I think we probably need to get a breakdown of that 30 per cent. To argue that there are 30 per cent of people who are working under the system I think is an incorrect assumption.

Ms JO HAYLEN: Can I note too that in our evidence that we received on Friday from the workers that we met within a licensed brothel, they actually referred to working in a parlour and I think there is some language use here. I think it would be beneficial not to get down to the semantics but perhaps if we could put a further question to Professor Donovan about the breakdown of that, but understanding that sex workers refer to their places of work in different ways, particularly that historical language around the word “parlour”.

CHAIR: Let us forget about the semantics. We all know that there is a significant proportion of the sex work industry operating in New South Wales where sexual acts are taking place in premises described as massage parlours which have no council approval who operate as providing sexual services.

Ms KEEGAN: I need to correct you on that point. There are quite a few, especially in the City of Sydney, erotic massage parlours. They are approved sex services premises. They work exactly the same way as a brothel, they are approved in the same way as a brothel, it is just that their main service is erotic massage. So they are not pretending to be therapeutic massage and then doing sex services on the side, they are fully a sex services premises.

CHAIR: I am not talking about those.

Ms KEEGAN: But it is disingenuous—

CHAIR: I am absolutely not talking about those premises.

Ms KEEGAN: Sorry, can I finish? It is disingenuous to say that 30 per cent have said they work in massage parlours and then to infer that that means that they work in unlicensed places or unapproved places. That is disingenuous. It could be that that 30 per cent work in massage parlours that are approved sex services premises.

CHAIR: We heard evidence yesterday that there are a large number of massage parlours which have been recently opening in suburban Sydney where there are complaints and evidence that has been gathered, and successful prosecutions with regard to the provision of sexual services and they are calling themselves massage parlours. They have no approval to be conducting the business activity that they are conducting.

The Hon. MELINDA PAVEY: We also had Deputy Commissioner Kaldas give evidence yesterday. Did you catch up with that evidence?

Ms FAWKES: I am aware of some parts of it, yes.

The Hon. MELINDA PAVEY: In that testimony he highlighted a growing level of concern through south-west Sydney in terms of potential servitude issues, as well as money laundering issues. He has committed to get back to the Committee with some further evidence of that but in terms of representing members of the profession, sex workers throughout south-west Sydney, can you illuminate us with any experiences that you have or anything that we should be looking out for in our Inquiry?

Ms KIM: Sure, I think just to contextualise as well that the scale of the prosecutions, and I am talking about the prosecutions ever, in New South Wales there has never been a conviction under the Commonwealth legislation for debt bondage. There have been four people convicted for sexual servitude relating to three instances and there have been two convictions for slavery related to sexual servitude in New South Wales.

Ms MELANIE GIBBONS: Sorry, over what period of time?

Ms KIM: Ever; since the legislation came into play in 2004.

Ms FAWKES: We should be clear that Scarlet Alliance does not believe that it is reasonable to assume that the small number of cases is due to difficulties in surveillance, prosecution or laws. In fact, in New South Wales there have been very high levels of raids—which you might speak to.

Ms KIM: We have conducted national research as well in partnership with the Australian Institute of Criminology. In addition, there have been other research projects, as well as anecdotal feedback from outreach that confirms that most migrant sex workers have experienced compliance visits from the Department of Immigration and from the Australian Federal Police. That is the human trafficking investigation team. It is an area that is highly investigated and if there was—

The Hon. MELINDA PAVEY: Are they going to parlours and massage parlours?

Ms KIM: Yes indeed. They are including massage parlours.

The Hon. MELINDA PAVEY: That is by the Australian Federal Police and the Department of Immigration, the NSW Police?

Ms KIM: That is correct, because the trafficking offences are under the Commonwealth legislation. The Australian Federal Police has a human trafficking team within each State and Territory.

The Hon. MELINDA PAVEY: To the other issue of money laundering, the Rebels motorcycle gang was mentioned as a particular concern by Deputy Commissioner Kaldas and we had heard concerns about the triads when we were in Victoria. Do you have any information that you could share with us in relation to those very genuine concerns we have as Parliamentary members of corruption and money laundering in your industry?

Ms KIM: Various government inquiries have been unable to find any presence of organised crime in the sex industry. Prior to the reforms that led to decriminalisation, there were some instances identified, but since then, various government inquiries have not been able to locate the presence of organised crime.

The case in Victoria that you are referring to in terms of money laundering, that was a trafficking case where money laundering was a charge and that actually related to one of the people that were charged assisting the sex workers to send money back home to the families. That was one of the charges they actually managed to prosecute, and that was called money laundering. But if you read the case transcripts, it was actually just in relation to assisting money being sent home.

Ms FAWKES: Our membership includes an organisation that provides outreach directly into the workplace of sex workers and you will hear from Sex Workers Outreach Project (SWOP) today. We also are sex workers and all of our membership are sex workers.

If there were high levels of organised crime and that was impacting on sex workers or sex industry businesses in New South Wales, then we would be hearing about it and we would be the first to be attempting to have something done about it. That is not our experience in New South Wales at all.

Ms KIM: Can I put to you as well it is a lot to do with perception and reality. I think particularly when it comes to migrant sex workers, and there is this perception of widespread organised crime, even within those trafficking cases, it was not actually large scale organised criminal networks, yet you will see that actually in the case law it was people that had family connections or knew each other. So it was actually small networks, not elaborate trans-national large scale organised criminal networks, as is inferred.

Also, just on that point, when we actually look at the statistics and look at the research, another example is for student visas. People claim that there are large abuses occurring of the student visa program. I can give you some figures. As at 30 September 2012—and this is the Department of Immigration's figures—there were 341,813 people that held student visas and of those student visa holders working in the sex industry, they represented 0.08 per cent of people that were actually working in the sex industry under student visas.

There was a high level of compliance because at the time the then Minister of Immigration, Chris Bowen, because of the media reports, had initiated an inquiry into the abuse of the student visa program and the figures have found that they did locate between 1997 and 2011 858 current or former student visa holders working in the sex industry and they were holding a student visa at the time of sex working and of those people, 37 were found to be working unlawfully. If you look at the percentages compared to the breaches in other industries of the student visa program; that is very small.

The Hon. MELINDA PAVEY: Do you have any other information with what is happening in the rest of the world in regard to sex trafficking? Given that we have decriminalised the profession in New South Wales, are you able to share with us any information about how some of the sex trafficking seems to be a problem in other parts of the world and how our approach has maybe ensured that we do not see some of the problems that we hear about?

Ms FAWKES: There was an inquiry into the exploitation of women through trafficking in New South Wales in, I believe, 2012 and if I could table for you our submission to that inquiry. It does cover some of these points in detail.

Jules also represents Scarlet Alliance on the Commonwealth committee round table on

trafficking, the Ministerial committee or the committee that feeds to the Attorney-General and Scarlet Alliance also has a program through the Attorney-General's Department that contributes to the prevention of trafficking in Australia. We would be happy to provide further documentation on those issues.

Ms KIM: Absolutely and there is some very strong research and actually the findings of some recent research where the recommendations in response to the trafficking issue were to decriminalise the sex industry and I would be happy to forward that to you.

Ms MELANIE GIBBONS: Does the Scarlet Alliance keep a membership list?

Ms FAWKES: Yes. As I explained though at the beginning, Scarlet Alliance has multi-tiers of sex worker involvement and engagement. We have 11 organisations who are our members. We have some individual members. We have associate members but any sex worker can contribute and participate in Scarlet Alliance. Our policy positions, for example, are not only contributed to by our membership—I'm sorry, just on that point, I did want to table also this other document, the Principles for Model Sex Work Legislation. As an example, a document like this is widely circulated amongst sex workers and people contribute their lived experiences.

Ms MELANIE GIBBONS: It is particularly your individual members that I am interested in. We met with Vixen on Friday and their experience was they told us that they did not keep an actual membership list. Is that something in New South Wales that would be appropriate to do?

Ms FAWKES: No, that would not. I think I described at the very beginning the experience of being a sex worker if somebody finds out that you are a sex worker.

Ms MELANIE GIBBONS: But you keep the membership list of Scarlet Alliance of individuals?

Ms FAWKES: We allow people to become a member as one of the options of participating but we recognise that there are many, many reasons that sex workers cannot be out as a sex worker and could not either register as an individual sex worker. As you will know, probably in any part of Australia where individual sex worker registration has been trialled, the level of compliance has been extremely low and that is because in weighing up that decision, of course sex workers would protect their privacy and their family.

Ms MELANIE GIBBONS: We were talking about exploitation earlier and you were saying through your organisation you would hear of it or know if it happened. Situations like the one the Chair mentioned earlier; obviously went under the radar. How do we ensure that we can crack down on that and is it a legislative requirement? Is there something we can do to make sure that no sex workers are suffering through exploitation?

Ms FAWKES: As I pointed out, I said if it was at a large enough scale that there was an impact on sex workers and sex industry businesses.

Ms MELANIE GIBBONS: Because obviously an individual who is suffering would not be able to come forward to an organisation such as yours, so you may not hear of it, if it was happening on a small scale?

Ms FAWKES: Well, we have had people come forward and seek support. That is why we have the migration program, so that people can access translated information or information in their own language. Certainly there are people who have come forward who have needed a change in a venue. Different parts of Australia I am talking about now.

Ms MELANIE GIBBONS: If I can interrupt you for a moment, should it be a change in

venue or something like that, what happens to the venue that they were at? If you have seen someone and assisted them in getting out of that situation, what happens to the venue where they were?

Ms FAWKES: Sometimes it is because a person has an individual preference for working in a different way. It is not necessarily that there is anything happening in that venue that is exploitative as such, but the person would prefer that their personal work experience happened in a different way and they have been assisted to locate to another place.

For example, not all sex workers provide full sexual services and not all sex industry businesses offer that service.

Ms MELANIE GIBBONS: If they were being forced to do something though that was not what they wanted to do, is that not a bigger issue for the next sex worker that goes in and is in the same situation in that premises?

Ms FAWKES: Absolutely, if we were to be aware of practices which included exploitation, then of course we would be reporting those practices.

Ms KIM: As part of the round table and also through the Attorney-General's Department program, we do work in partnership with the Attorney-General's Department and with the Australian Federal Police if that is appropriate, but often part of our program is a prevention component and also for people that do not want to be involved in the criminal justice system, but might just have an issue that they need dealt with. It is often a case of a workplace issue and this is the beauty of decriminalisation, where if somebody has a workplace issue like wanting to get their final pay check, then we can actually use those mechanisms through workplace relations to recover that pay check.

Mr ALEX GREENWICH: One of the issues which we have consistently heard, whether it has been in Victoria or here, is the stigma and discrimination attached to sex work, and whether it comes from, say a council who has no problem with an accountant working from home but has a problem with a sex worker working from home or in future employment or any kinds of opportunities that may present themselves.

It is my understanding that the New South Wales Attorney-General is considering a review of the Anti-Discrimination Act. Would you like to see that review to include protection of sex workers?

Ms FAWKES: Absolutely. Scarlet Alliance has advocated for many, many years, as have SWOP and a number of other organisations for anti-discrimination coverage for sex workers in New South Wales. We do have anti-discrimination coverage of sex workers in some States and Territories in Australia using different definitions and different terminology under the different Acts and so some of it is more useful than others.

But absolutely, we have and we would advocate that decriminalisation and anti-discrimination protection need to be the two parts of effective legislation.

Mr ALEX GREENWICH: Would you be able to provide us with a list of the appropriate terminology that other States have used, what is appropriate and what is not?

Ms FAWKES: Absolutely. We have provided the Australian human rights commissioner with a submission in relation to that and also as part of our work in relation to HIV prevention, we have been part of the Ministerial advisory committee legal working party which did write a number of papers on this issue and I can provide those to you.

Ms JO HAYLEN: Thank you very much for your time today and your very useful submission. While I disagree with the Chair's characterisation of the issues that he has raised around massage parlours and particularly the hot spot instances on the upper North Shore of Sydney. It is an

issue that the community is clearly, rightly or wrongly, excited about, what do you think are some of the things that we could recommend, that we could do, particularly when you are mentioning some of the planning and other council issues, to try and prevent these kinds of instances, but firstly, to deal with the situation that we have and to prevent them occurring again?

Ms FAWKES: Two parts to our response, firstly it is the fact, as we have included in our submission and in our statement today, that there is a long history of some council areas promoting to applicants that they should apply for a massage development application instead of a sex industry development for sex services premises development application because councillors or council perceive that there would be less backlash.

That has been happening, that we have been aware of since as far back as 2007, so in 2015 we are actually experiencing the legacy of that type of approach by council. In the first place, it is important that practice is stopped by council and we believe that the Sex Services Premises Planning Guidelines or a similar set of guidelines, along with training and support for council, needs to be put in place with urgency in order that council will recognise the failings of that approach.

Secondly, where a massage parlour is operating and undertaking sexual services and is non-compliant, there actually exists strong powers already to address that activity and we note that councils are regularly not using the 2007 legislation but are instead using private investigators. There are powers available to councils currently; they are not using them, instead they are undertaking what we see as quite deplorable approaches.

We do not believe that it is necessary for greater powers to be extended to councils. Also I would say, that even in the evidence provided to your Committee already and also a number of the submissions, it is very clear that the level of amenity impact and complaints received is actually quite low, considerably low, in relation to the sex industry in New South Wales.

We do question whether it is the major concern to the community that some councils say that it is. Our understanding is that in a number of cases it is other businesses who are making complaints about that business, not residents in the area.

Also, just finally I would say that it is the case that the number of really significant barriers that councils have put in place for sex industry businesses and individual sex workers to operate under compliance in New South Wales has to be considered on this matter.

You are in a very unique situation as a Committee, because in New South Wales we actually have people who are really trying hard to be compliant. They are ticking all the boxes; they are spending a lot of money to make sure they are doing the right thing. They are ensuring that they have met all the requirements but yet, they are still not being given approval.

That is very different to situations like Queensland, the Australian Capital Territory or Victoria where the government there has a very different problem, where in fact it cannot deal with the level of non-compliance where there is such an incentive to be non-compliant that people are not attempting to be compliant anymore.

In that regard, I would say that the issue of massage parlours in the scale of sex industry regulation in New South Wales is actually quite a small scale issue.

CHAIR: Can I just finish with a couple of questions about organised crime? You gave us a very detailed submission, which is extraordinarily comprehensive—thank you for that, but it is fair to say, is it not, that within that very detailed submission you do not actually address the issue of massage parlours which are offering sexual services in Sydney, is that correct?

Ms FAWKES: Well actually, we do not say the words massage parlours but we talk about

the issue of non-compliance and we state directly the issue of councils promoting people to apply for massage parlour development applications when they will be undertaking sex services premises' activity.

CHAIR: So certainly there are sex services being provided in premises that are styled a massage parlour and which do not have an approval for those sex services, are there not?

Ms FAWKES: Well, as you will be very aware of the case in Hornsby, the evidence presented in that case was that one person was providing sex services from that business and the court determined that that did not demonstrate that that was happening as a matter of fact.

CHAIR: We heard some evidence yesterday that in fact the magistrate did not receive the totality of the evidence that would have been relevant to establish that there were other sex workers in those premises, but that is another issue.

Can I just though ask you this, do you represent sex workers who operate in massage parlours without an approval to be providing sex services?

Ms FAWKES: We represent all sex workers. We do not—

CHAIR: Do you have members who work in massage parlours that are not approved for sex services?

Ms FAWKES: We have members who work in massage parlours. I do not know whether they are premises that do not have approval or like my colleague explained to you, there are within New South Wales, a number of massage centres that do have approval.

CHAIR: The two so-called massage parlours up on Edgeworth David Avenue, Hornsby which are now the subject of prosecutorial activities by Hornsby Council for providing sex services when they are not approved to do so, one of them, according to its website, is part of 29 similar premises throughout Sydney. The other, according to its website, is part of an organisation which has six other premises throughout Sydney. That, to me, sounds like an organised set of activity, would you agree?

Ms KIM: Let us put it all into context though.

CHAIR: No, do you agree with that?

Ms KIM: I think if you put it into context—

CHAIR: Do you agree that is organised?

Ms FAWKES: What you are describing is that one person owns a number of massage businesses throughout New South Wales. What there is not, is any evidence to suggest that people who work in those premises are undertaking sex services.

CHAIR: We heard yesterday that there is evidence—

Ms FAWKES: What has been presented to the court—

Ms JO HAYLEN: It was thrown out by a court—

CHAIR: No, there are new proceedings on foot, two new sets of proceedings.

Ms FAWKES: We cannot discuss proceedings that—

CHAIR: And they have assembled evidence. Let us assume that what we were told yesterday is correct and that they have got evidence.

Mr ALEX GREENWICH: It is not for us to make that assumption.

Ms JO HAYLEN: I do not think that is a reasonable assumption.

Ms KEEGAN: Let us just assume that is all correct, they win their case and we can go and base it on that then.

CHAIR: That would go some way to establishing a network, would it not?

Ms FAWKES: You could assume that the evidence we are providing from an expert point of view as sex workers and an organisation made up of sex workers that has been established since 1989 and has been analysing different models of regulation and their impacts on sex workers, and accept that decriminalisation is not the problem here. Decriminalisation has delivered outstanding outcomes for sex workers, the community and government and—

CHAIR: That may well be the case but in 32 pages of a submission, you do not make any mention of this specific issue with regard to the two tiered system that is now operating of approved sex premises and unapproved sex premises, do you?

Ms FAWKES: We do not support your claim that there is a two tiered industry in New South Wales. What we have outlined—

CHAIR: We heard evidence yesterday of at least four or five successful prosecutions of massage parlours, this is not something that is just made up, it is a reality, it is happening. They appear to be a network of premises throughout Sydney.

Ms FAWKES: One person owning a number of businesses, massage businesses included, does not amount to organised crime alone. We are not aware of the case that you are talking about that is apparently coming up in New South Wales. If we had more information I guess we could research that situation, but it is our experience that in New South Wales decriminalisation has been successful. There are problems with councils creating non-compliance. If that was addressed, then the largest percentage of the non-compliance issue in New South Wales would go away without any legislative change, simply through greater levels of education and guidance provided to councils.

I have no doubt that if there does exist this problem you are describing, that that would also be addressed by councils supporting massage centres to apply for the correct development application. One part of that which would be extremely important is that they provide fact sheets and information in a range of languages. That has been identified in New South Wales as one of the barriers to people identifying which development application they should be applying for.

CHAIR: The real difficulty I have with that is that the two premises on Edgeworth David Avenue that I am talking about would never be approved if they applied for an application because it is right next door to a school. So under any planning principles that have been advocated in New South Wales, those premises would never be approved.

It has got nothing to do with the local council not applying planning laws. It has got everything to do with concerted and deliberate unlawful conduct.

Ms FAWKES: If the council in this case that you are talking about—that I must say, you are quite obsessed by—had followed the powers available to them, even under the 2007 Act, they would have available to them what they need to close down that premise, if in fact what you are saying is

taking place.

CHAIR: We heard evidence yesterday that a number of councils have used those powers only to get a closure order and the business re-opens a week later.

Ms JO HAYLEN: One council gave that evidence; other councils gave conflicting evidence, Chair.

CHAIR: Those powers are not a silver bullet.

Ms FAWKES: I believe those powers are actually extensive and way beyond what councils have available to them to close any other type of business in New South Wales. In fact, I understand some evidence yesterday referred to those powers as the greatest in Australia for councils. So, it is not a case where councils need greater powers. Clearly from the evidence provided yesterday and the submissions provided to the Committee, the councils are not using the powers available to them and if they are not doing that and still—

CHAIR: The evidence was that they were using them; they are not working.

Ms FAWKES: You are describing a situation, if I understand you correctly, there is one case where a council described a premise which closed, then another set of owners re-opened later on.

CHAIR: You said they are not using those powers, that is your evidence and there is at least an instance that has been given in evidence to us that they were being used.

Ms FAWKES: There are several parts to those powers. The first component is the closure order. The last component is for the amenities to be cut off to the business. Actually, we are not aware that those powers are being used by many councils.

CHAIR: When the tenant changes, you can hardly—

Ms FAWKES: That is one case, one example and if that was to happen in any industry, for example, a restaurant that that occurred with, then council would have to follow its same process again with the new owners.

Ms KIM: I put it to you as well Hornsby Council receives 1,900 complaints generally per year and only 25 of them in the past 18 months have related to sex industry businesses, which accounts for less than one per cent of their complaints. So obviously there are greater issues with other businesses but for the one premises that you are talking about.

CHAIR: You have got to look at the proportion of the sex work industry activity compared to its overall activity to draw that conclusion.

Ms FAWKES: If I could just refer you to the recent inquiry into council regulation in New South Wales, it was the IPART local government compliance and enforcement regulation review, the draft report has been released in October 2013 and that document outlines the ways in which local government compliance and enforcement is falling down in relation to many industries and has some very strong recommendations for what needs to change.

These are not legislative recommendations or changes but these are changes which are necessary in order for local government to effectively take up their role of compliance and enforcement in areas that they regulate.

I would suggest to you that the problem we are discussing is not one only of the sex industry and councils' ability to effectively regulate in line with decriminalisation of the sex industry, but it is a

systemic issue.

If I could just say that—

CHAIR: Sorry, I am just conscious of time and we have heard your submission on IPART before. Are there any other questions? I think we may have to wrap this up.

Mr ALEX GREENWICH: We may have additional questions on notice, but I think we should end the session now.

Ms FAWKES: Thank you very much.

The Hon. MELINDA PAVEY: You have had an extra 20 minutes.

CHAIR: Thank you for appearing before the Select Committee today. We may wish to send you some additional questions in writing, the replies to which will form part of your evidence and be made public. Would you be happy to provide a written reply within five business days to any further questions?

Ms FAWKES: Yes, absolutely.

(The witnesses withdrew)

NICHOLAS PARKHILL, Chief Executive Officer, ACON, and

DEAN PRICE, Policy Advisor, ACON, affirmed and examined:

CHAIR: Before we proceed, do you have any questions concerning the procedural information sent to you in relation to witnesses and the hearing process?

Mr PARKHILL: No.

Mr PRICE: No.

CHAIR: Would either of you like to make an opening statement before the commencement of questioning?

Mr PARKHILL: Yes please. Thank you for the opportunity to appear before you today. ACON is a health promotional organisation specialising in HIV prevention, HIV support and lesbian/gay/bisexual/transgender and intersex health. As noted in our submission, ACON auspiced the Sex Workers Outreach Project until 1 July 2014. SWOP is now an independent non-government organisation and we continue to work closely with SWOP on issues that are of interest to both organisations.

From the outset we would like to be clear, we support the current framework of decriminalisation of sex work in New South Wales. Decriminalisation has facilitated the good sexual health outcomes for sex workers that we have seen in New South Wales, with high rates of condom use, low rates of STIs and no reported transmission of HIV during commercial sex work.

It has also facilitated an enabling environment in which sex workers have access to the NSW Police Force, WorkCover, the Australian Taxation Offices, health services, amongst others, without fear of repercussions from organisations that often play a regulatory role in other licensed and criminalised frameworks.

Licensing schemes such as those in Victoria and Queensland have not provided better health or justice outcomes for sex workers or their clients. The experience in these other States has shown us that inevitably licensing creates a second tier of sex workers and brothels. Some brothels operate outside of the licensing system, creating the potential for corruption and making sex workers vulnerable to abuse.

Those sex workers working in these second tier systems may have poorer health outcomes, are less likely to approach the police on issues related to their own safety and make it hard for police, both at a State and Federal level, to undertake their work in an open and co-operative way. Criminalisation, including the so-called Nordic or Swedish model would be a retrograde step. We have seen negative outcomes in these countries that have implemented the criminalisation of sex work or the criminalisation of clients. These jurisdictions have not seen a decrease in demand or supply, but there has been a reluctance by sex workers to seek health and safety services.

The global commission on HIV and the law, an independent body established at the request of the program co-ordinating body of the joint United Nations program on HIV/AIDS or UNAIDS and supported by the secretariat based by the United Nations development program recognised the problems with the Swedish model.

To quote the global commission on HIV and the law report released in 2012:

Lauded as a less punitive and more gender-sensitive legal strategy to reduce and ultimately eliminate sex work, the Swedish approach criminalises a client and not the worker. Based on the premise that women in sex work need protection, it regards the sex worker as the 'victim' and the client as the 'exploiter'. Since its enactment in 1999, the

law has not improved—indeed, it has worsened—the lives of sex workers’.

Beyond the Swedish model, it went on to recommend that:

Countries must reform their approach towards sex work rather than punishing consenting adults in sex work, countries must ensure safe working conditions and offer sex workers and their clients access to effective HIV and health services and commodities. Countries must, among other things, repeal laws that prohibit consenting adults to buy or sell sex, as well as laws that otherwise prohibit commercial sex, such as laws against immoral earnings, living off earnings of prostitution or brothel keeping, prohibit the mandatory HIV and STIs testing of sex workers.

It went on to say, that:

Countries should ensure that the enforcement of anti-human trafficking laws is carefully targeted to punish those who use force, dishonesty and coercion to procure people into commercial sex or who abuse migrant sex workers through debate, debt bondage, violence or by deprivation of liberty. Anti-human trafficking laws must be used to prohibit sexual exploitation and they must not be used against adults involved in consensual sex work.

In the same year, the law and sex worker health team from the Kirby Institute—and I hear you have heard from Professor Donovan—handed down its report entitled the Sex Industry in New South Wales. It was launched by the former New South Wales Opposition Leader, Minister for Health and Attorney-General, the Hon. Peter Collins. The report found that Sydney has a diverse and open industry that is commensurate in size with other Australian cities of a similar size. Few complaints about brothels were received from neighbours. Difficulties in obtaining development approval have led to some brothels operating without approval and that condom use approaches 100 per cent in Sydney brothels, with STIs rates at the lowest or at least as low as the general population.

The report went on to recommend that the New South Wales Government’s reforms of 1979 and 1995 should be endorsed. Licensing of sex work should not be regarded as a viable legislative response and the Department of Planning, as it was then known, in consultation with local government, community representatives and the Health Department should endorse planning guidelines for brothels; those planning guidelines that were established in 2004.

It went on to say that:

Decriminalisation of the adult sex industry means that prime responsibility for the industry has moved from the police to local government. Local government should be resourced by the State for this role and supported by WorkCover.

The New South Wales Ministry of Health should commission a review of clinical health promotion services and that the New South Wales Government in consultation with local government and street work communities should investigate more effective and more humane approaches to the problems posed by street-based sex work.

We absolutely acknowledge the politics surrounding brothels and sex work is complex, animating many groups who have strongly held views. Throughout your deliberations it is important to remember that there are a multitude of reasons why New South Wales decided to implement decriminalisation of sex work and reform the regulation of brothels.

They included the need to stamp out police corruption that was brought to light through the Wood Royal Commission. They also needed to take into account in the 1980s, due to the emergence of HIV, action to ensure that the health and wellbeing of sex workers and their clients was protected.

Australia has been very lucky in its response to HIV and this approach has largely been taken by a bipartisan partnership approach. It involves government, researchers, clinicians and importantly and critically, affected communities working together to address HIV. That very much is gay men, sex workers and injecting drug users. Fortunately, particularly in New South Wales we have had

successive governments that have taken a bipartisan stance and very much looked at evidence-based approach to putting in place programs to address HIV.

There is strong evidence that the decriminalisation of sex work in New South Wales is fundamentally correct. Decriminalisation is world's best practice, delivering public health outcomes that are not seen under other such frameworks.

We urge the Committee to uphold the decriminalisation framework that has been successful in New South Wales over the past 20 years. We believe that the system absolutely can be made to work better through increased collaboration between stakeholders, including sex workers and their peer-based partner organisations and making sure that local government is adequately resourced to play its role in the regulation of brothels.

Finally, I would like to end on a note that New South Wales currently has in place a very ambitious New South Wales HIV strategy. It does have bipartisan support. It sets very ambitious targets. Any retrograde steps in this area would pose considerable concerns on our behalf and the ability of the Government and those partner organisations that it is working with to achieve those goals that are outlined in that New South Wales HIV strategy, and the work of this Committee falls very much in that remit.

Finally, we would just like to thank you for the opportunity to present today.

CHAIR: Thank you. Mr Parkhill, I would be surprised if any member of this Committee would wish to do anything that would reverse the very good work that has been done in terms of HIV and other sexually transmitted diseases in New South Wales. I understand the argument that some regulation could be counterproductive from that point of view.

Is there anything though in a regulatory sense that the Committee could propose which may actually assist rather than detract from the preventative measures that you are working with? In other words, in Victoria for example, when we went into some brothels it is mandated that they have certain information within the brothels as to safe sex practices and the like and in several different languages. Would you see any measures of that kind as being helpful in brothels in New South Wales, for example?

Mr PARKHILL: I would not see that as sitting within the framework of regulation. I think within New South Wales we have a great environment where organisations like SWOP get great access to brothels already. Whether those brothels have been approved by council or not, they get access by the very virtue of the work that they do and also they are a peer led organisation.

So we have already in the State really great engagement through the work of SWOP with sex workers. I do not think that that needs to be regulated or mandated and in fact, I would argue that the decriminalised environment actually facilitates that access.

SWOP is also able to work with our clinical partners, the essential health centre and those others to facilitate, if you like, making sure if there is a sex worker in need of help, clinical help assistance, then they are actually able to access those clinical services. So we have actually got really good education programs already happening with sex workers in New South Wales and we already have great access. I actually do not think that that needs to be mandated.

I think if there were additional things that this Committee could be recommending, it would be enhancing or giving greater focus to the guidelines that were produced in 2004, yet perhaps were not given the kind of focus by successive New South Wales governments that they should have been and so conducting greater education with council workers about what they could be doing and how they could be better engaging with this particular industry in a more transparent way than what is currently happening.

CHAIR: We heard some evidence yesterday from the representative of the Kirketon Road facility that the only area of condom use which they thought was unacceptable from their point of view was actually oral sex in premises which were not approved for sex work. Have you any ideas on how that could be improved?

Mr PARKHILL: I think this is a great question for SWOP, who I know is coming up to speak to you after this, but it is my understanding that if those requests are being made of workers, then SWOP will often hear about it very quickly. SWOP developed resources to assist workers negotiate around those requests and also produce education materials that can be placed in sex work environments that actually speak to the clients about why that is inappropriate to be asking for that particular service.

I would also say that the rate of transmission around HIV through oral sex is very, very low. There are other STIs that certainly could be transmitted there.

There are already in place interventions that address those issues and the mechanisms to target those places where that might be occurring without it being regulated, if you like.

It is also really important to note, for a lot of sex workers, having good sexual health is absolutely fundamental to their livelihood; their economic agency depends on it, so that is why we have such great testing rates of sex workers in New South Wales, we have high levels of condom use, we have high levels of engagement with health services because it actually makes sense for their business model to be making sure that they are sexually healthy.

CHAIR: But there are legitimate public health concerns with massage parlours if they are operating, in effect, underground as sex service premises. It is more difficult to be open both with the clients and the workers about safe sexual practices within those premises; do you agree with that?

Mr PARKHILL: Not necessarily because I think the approach that SWOP takes is that they will work with all sex workers, whether they are approved by council or not, whether they work in a private setting or whether they work on the street. So SWOP does access a whole range of workers in different settings.

In terms of access, I think access could be improved by councils actually having their capacity increased to better work around what their responsibilities are under the current legal framework. So that would be an approach of doing it. I do not think a licensing system or a registration system would deliver you that public health benefit in any greater way than what we currently have in New South Wales.

CHAIR: The difficulty though with the council workers being involved is that the premises are operating contrary to the planning laws which are policed by the council. So it is very difficult for them to really play the role that I think you are suggesting or have I misunderstood what you were suggesting?

Mr PARKHILL: I just do not think it needs to be around council, I also think WorkCover. I think if there is going to be some sort of enhancement to the way New South Wales puts in place governance frameworks around this, then I think the foundation that we have is great, but it would be about building the capacity of councils to better do their job in this regard and have a more streamlined open process, but then also mobilising other agencies as well and that's where I see WorkCover would have a great role; but also recognising the agency of sex workers to be delivering those services and those fundamental sexual health services to each other, because peer-based led approaches are much more effective than government driven approaches into those often stigmatised populations due to a whole range of reasons.

Mr ALEX GREENWICH: Congratulations on the great work that ACON continues to do in reducing STIs and education awareness for gay men, injecting drug users and sex workers. Indeed, I would also like to acknowledge the work of the current Health Minister and her strong focus over many years in this space.

How would you see a system of regulation or licensing working against that good work? What do you see as the potential impacts that may be had on the Health Minister's good work and on the good work of ACON with a licensing or further regulation?

Mr PARKHILL: Well I think certainly as our submission talks to and I know other submissions have spoken to as well, a licensing system or a registration system can create, if you like, second tiers or a black market if you like or things like that. I think that is one concern and then what happens then is that drives people underground and it makes it harder to access them in terms of health service delivery, and not just health service delivery, connection into a whole range of services, including justice services, presentations to police.

I think that is one thing and I think we also have to look at the evidence and what would be the policy outcome that a licensing system would achieve over and above what we already have. What we have seen in Queensland is they are very, very expensive. They do not actually set out to, if you like, have everyone involved. So it is not like you are actually capturing all operators under a licensing system, but you are actually expending a lot of money in trying to do that, without achieving those outcomes.

I think those questions need to be balanced really about what is the policy objective, what do you lose if you were to put in place a framework such as that? My concern is, in New South Wales we have great public health and social welfare outcomes to be lost into such frameworks.

Mr ALEX GREENWICH: You spoke of stigma and discrimination and obviously in our Anti-Discrimination Act there are various groups that are protected. In many parts of it the term homosexual or transsexual or people with a disability can be protected with anti-discrimination law. Do you think in consideration of any review of the New South Wales Anti-Discrimination Act that an inclusion of sex workers should be looked at?

Mr PARKHILL: Absolutely, I think it should be looked at by government and by the Attorney-General. I endorse Scarlet Alliance's comments in this regard. Where you have good human rights, you get good health outcomes and certainly that is what we are looking for, particularly under the implementation of the New South Wales HIV strategy. That would be in terms of a regulatory or legislative reform, something that I would think would enhance New South Wales' position in this regard.

The Hon. MELINDA PAVEY: I am Melinda Pavey, I am actually a National Party member so I just generally was wanting to ask you a question about health services and access for sex workers in regional New South Wales. How is that operating in the current framework?

Mr PARKHILL: SWOP will be able to provide you with a lot more detail because they actually deliver a lot of these health services. Absolutely, they have a regional program where they do coverage across New South Wales going in to work with brothels and sex workers in those localities and they use a variety of models to do that. They will go in and do independent outreach, they will partner, if you like, with the local health districts, sexual health services or drug and alcohol services, whatever, to facilitate that access. But it is very much a State-wide program.

The Hon. MELINDA PAVEY: I agree with the Chair and I am sure members of the Committee that we have seen substantial benefits by a bipartisan approach and the decriminalisation model that we have here in New South Wales. But that is not to say there are not issues; that is why we are here today.

Licensing registration, it sounds very heavy handed but what if there was a light registration approach? We had the Deputy Commissioner for Police in here yesterday, Deputy Commissioner Kaldas and he said he had asked his local area commanders to come forward with how many parlours or brothels there were within New South Wales I think it was and it came back at 340. That was not just licensed brothels, those that are acting within the planning laws for New South Wales. I think that did also include massage parlours probably acting outside the legal planning framework.

From what we did see in Victoria and I am not holding Victoria up as perfect, but I could see some benefit in the registration, a list that is available to health, that is available to police for example, to WorkCover so we know where the parlours are, where the brothels are, so that we can better access and provide information. There was some good information from the Victorian brothels in terms of work health and safety.

I do not think we can say there is not organised crime within some elements but at least if we had a registration system where you actually had to be a fit and proper person and not have a criminal record, do a criminal record check, for example, on the brothel owner. It does not have to be as heavy handed as Victoria but if there was another framework that we could look at, what are your views on that?

Mr PARKHILL: I agree that there are absolutely ways that the current system could be improved and as I mentioned, I think that is a good place to start, is looking at the 2004 guidelines, seeing if they can be updated within the current context and I would just urge the Committee to absolutely base whatever kind of formation around what that framework could look like, to base it on evidence. I think that is absolutely critical.

I think where we have seen other jurisdictions move to other models, it can often be led through media sensationalisation or a number of other inputs. We do have a strong evidence base in New South Wales about what works. We often are recognised as world leading practice in different international and national forums, so it is imperative, I think, that we do not throw the baby out with the bath water and that we look at the strengths of what we currently have here, but also identify those weaknesses.

From our perspective, one of those weaknesses at the moment is the lack of consistency around the approach being used by councils and the non-reference to the excellent guidelines that the Government put out in 2004 and work from there about what that might look like. But certainly, involvement of other agencies like WorkCover could also play out in that model.

Ms JO HAYLEN: We have heard some evidence about the changing nature of sex work with technology being used in lots of ways and perhaps the different models of services being provided in new ways. How are you dealing with the potential health impacts of that? How are you reaching everyone with the information they need and have you seen any impacts on the use of condoms and making sure people remain healthy?

Mr PARKHILL: Once again, I think that is a great question to be directed at SWOP as well, given as they are actually delivering those programs. Absolutely, the way people engage with sex more broadly across the community is changing, not just within sex work and the role that technology plays in that is changing that really quickly.

Organisations like ACON and SWOP are very aware of that and are making sure that we are putting in place digital programs to address what is going on in those digital spaces; putting out safe sex messaging on those digital platforms, making sure that we absolutely have a presence there. SWOP has been doing some fantastic work in this regard and Cam Cox will be able to talk to you more about that.

It is not just ACON and SWOP that are working in this space, Sydney Sexual Health Centre does a lot of great work, the Government is doing a lot of great work in the digital space because absolutely the evidence is pointing in the direction that where people hook up for sex is not through those traditional mechanisms. We have to be mindful of that.

CHAIR: Thank you for appearing before the Select Committee today. The Committee may wish to send you some additional questions in writing, the replies to which will form part of your evidence and be made public. Would you be happy to provide a written reply within five business days to any further questions?

Mr PARKHILL: Absolutely.

(The witnesses withdrew)

(Short adjournment)

CAMERON COX, Chief Executive Officer, Sex Workers Outreach Project, and

JACKIE McMILLAN, Sex Workers Outreach Project, affirmed and examined:

CHAIR: Thank you for appearing before the Select Committee today to give evidence. Before we proceed, do you have any questions concerning the procedural information sent to you in relation to witnesses and the hearing process?

Mr COX: No.

CHAIR: Would either of you like to make an opening statement before the commencement of questions?

Mr COX: Yes, I would, thank you. Good morning, my name is Cameron Cox and I am a current New South Wales sex worker and I am also the chief executive officer of the Sex Workers Outreach Project New South Wales.

I would like to thank the Inquiry for their invitation to give evidence and I would also like to thank our colleagues in the health sector in support of continued decriminalisation of sex work, sex workers and sex work premises. I would especially like to state that we support the submissions and recommendations of our friends and colleagues at the AIDS Council of NSW [ACON], Scarlet Alliance, the Australian Sex Workers Association and Touching Base.

Sex Workers Outreach Project, which is commonly called SWOP is a community-based peer education and support organisation which is directed, managed and staffed by New South Wales sex workers for New South Wales sex workers.

SWOP has been in existence in one form or another for over 30 years, starting out as the New South Wales Prostitutes Collective in the 1980s. It became the world's first known sex workers outreach project in 1990 and the forerunner of many SWOPs both here in Australia and around the world.

Since 1990 SWOP's main funding has come from New South Wales Department of Health and we adopt a peer education model, which has led to very successful work. New South Wales sex workers are reported as having lower rates of STIs than non-sex workers in New South Wales, rates of condom use in vaginal sex in sex work exceeding 99.9 per cent and we have had no documented case of HIV transmission within a sex working setting ever in New South Wales since the beginning of the epidemic.

These achievements in sexual health and especially in mandating condom use for all commercial sex were initially achieved by female sex workers in New South Wales, both street and brothel based with no outside support and against considerable opposition. They did this by organising and educating their fellow workers as peers.

If you do not mind I would like to pause for a moment and just pay tribute to the foresight, courage and determination of these amazing sex workers, several of whom are in the room with us today. SWOP is both humbled and proud to be able to carry on the work they started in the 20th century into the 21st.

As an organisation we have had a long involvement with New South Wales sex workers and we have high levels of engagement with our fellow New South Wales sex workers, sex work organisations in other Australian States and also in other countries.

SWOP is a member of Scarlet Alliance, which is the peak body for sex workers here in Australia and we are also a member of the Global Alliance of Sex Work Projects, which is the peak

body for sex workers and sex work organisation in the world.

In our last reporting year, as well as our engagement with former sex work networks and within the health and blood-borne virus sectors, we engaged directly with over 6,700 of our fellow New South Wales sex workers.

SWOP visited over 670 New South Wales sex services premises partnered with sexual health clinics and local area health districts across New South Wales, made 44 separate visits to regional and rural areas in New South Wales, distributed 270,000 safe sex items and over 20,000 printed resources.

As well as the accumulated organisation, knowledge of sex work within the SWOP organisation, we estimate that our staff has between us about 200 years of lived experience of sex work as sex workers.

We say very strongly from the start that we support the current framework that regulates sex work and sex work premises in New South Wales in the system that came into existence with the proclamation of the Disorderly Houses Amendment Act, commonly known as decriminalisation. We support it on four main grounds—sex workers health and safety, public health, human rights, practicability, efficacy and cost.

We know from evidence in other jurisdictions where decriminalisation is not the framework that operates, that licensing does not address those four issues.

A licensing system does not address current shortfalls in policy and performance as it is happening in local councils. There is a negative impact on health and safety and human rights and it adds an extra layer of red tape and bureaucracy on top of existing regulation to a premise without any real benefit being accrued, is costly to administer and to follow with compliance. It also diverts scarce police resources away from areas of actual need and on past experience, tends to lead to corruption of the police force.

CHAIR: Mr Cox, is SWOP a registered trade union?

Mr COX: No.

CHAIR: You have how many members did you say?

Mr COX: We are an incorporated association but we have only been an independent incorporated association for about 12 months and we have a couple of hundred members at this stage. Membership is something that we have not actually done a drive on yet. We have had the usual things of incorporation, getting our governing policies and documents in order.

CHAIR: Were you unincorporated prior to that?

Mr COX: We were part of ACON. We were a division of ACON for quite a long time.

Ms JO HAYLEN: This is a question I put to ACON before but probably more suited to you—the changing nature of sex work and how people hook up for sex is obviously evolving very quickly with the use of technology. How are you ensuring that you are accessing people providing sexual services and also making sure that they are getting the information that they need when it comes to getting better health outcomes?

Mr COX: We are also evolving fairly quickly. We run two Facebook pages, a website, two Twitter screens, a Tumblr and three email lists, so we are fairly well keyed into social media and the internet. The email project, which I run for a considerable amount of time, also runs profiles on what are known as gay hook up sites, where escorts operate.

The Hon. MELINDA PAVEY: Just in terms of your funding from New South Wales Health, how many years have you been funded for now or does it come through ACON?

Mr COX: It came through ACON but to my understanding it was, in a way, separate, but it channelled that way.

The Hon. MELINDA PAVEY: Thank you for your 44 regional visits, anything you want to share with me on that? Are things working well out there?

Mr COX: Yes, well it is great to get out of the city. Every outreach officer goes out twice a year at least and spends possibly two nights, three days in a rural or regional area, liaises with the local sexual health clinic or local area health district. Outreach is to them in a way because we do sensitive interview training, stuff like that. They provide us with information. We visit brothels, private workers and depending on the circumstances, maybe some outdoor work as well.

Yes, it goes well. We lay the ground work before we go. We try to contact all the workers who are in that area and set up times to meet them.

The Hon. MELINDA PAVEY: We are concerned about sex trafficking, people being held in servitude, people being treated poorly and that worries us as representatives. We had great evidence just before from the Scarlet Alliance and you have got 200 members, and I completely understand if you are a sex worker why you do not want your name on any list, that those privacy considerations are very, very important. You said that you reach out annually to about 6,700 workers, is that correct?

Mr COX: Reach out maybe is the wrong word, quite a lot of people come to us, they walk through the door, they phone in, they contact us on social media, they contact us by email. The outreach work that we do is mainly to brothels, but goes to private workers and rural and regional areas, so it is a two-way thing. Some of it is people coming in and some of it is us going out.

The Hon. MELINDA PAVEY: Are you reaching out to massage parlour workers, whether they might be working in a planning legal environment or an illegal environment?

Mr COX: We do not ask council for their details on premises before we go to premises. We look to see where sex work may be going on.

The Hon. MELINDA PAVEY: So you are reaching out to all levels?

Mr COX: Everyone if we can, yes. We do not want to miss anyone.

The Hon. MELINDA PAVEY: To what percentage of sex workers are you reaching out to in New South Wales, a hundred per cent, 80 per cent, are you reaching them all or are there some that are just there that you cannot reach that we should be worried about? What is your opinion, you are on the ground?

Mr COX: I would not characterise it as some that we cannot reach that you could be worried about. It is fairly complex, the nuance. There is a reasonably high turnover in the industry so we are hoping in any one year that we are contacting over half or maybe even a higher number of people who do sex work.

A lot of people only do casual sex work, maybe once or twice a month; it is not necessarily a regular job for a lot of people. The guys, for example, most of them do not do it as a full time job. Some people only do it when the credit card is maxed out or they are looking for a home loan or to buy a new car and stuff like that. It is very fluid and variable.

But if you are asking are there pockets that we are missing, we do not think so. We have got a call team, half our female staff are Chinese, Mandarin, Vietnamese, Korean speaking and sex workers of course as well and so when we go into parlours where language is spoken, they can often speak privately to the workers away from the boss, stuff like that. So we are pretty confident that there are no hidden pockets.

Also often in outreach we do not necessarily announce that we are coming, we just turn up. So I'm fairly confident. I have been a sex worker for 30 something years and I have not come across anything like that. None of our members report that. None of the people who access our services are making reports of that nature. Does that answer the question for you?

The Hon. MELINDA PAVEY: I appreciate that, thank you.

CHAIR: Is there hostility by the proprietors to you coming into their premises?

Mr COX: It is a workplace and most workplaces, if people started wandering in now and handing out pamphlets and whatever you would be: What the hell is going on? So sensitivity is required. Sometimes there is a bit of like, what's going on, but that usually settles down fairly quickly. A lot of country parlours you will be sat down and given dinner and stuff like that because they are mum and pop operations.

The Hon. MELINDA PAVEY: See, country hospitality.

Mr COX: Country hospitality is great. I was at a brothel last night and we got coffee and biscuits.

CHAIR: With regard to the massage parlours that are not approved as brothels, it would seem as though the workers within those establishments may be a combination of a masseur for some customers and a sex worker for other customers and what that mix is may need to be made clear. Do workers of that kind identify themselves as a sex worker?

Mr COX: I am a worker of that kind. It is one of the strings in my bow. There are workers who do not necessarily identify as a sex worker because they are doing what is termed as massage parlour work. Stigma has got a lot to do with that and stigma really—just a side bar for a moment—is a basis of everything that drives the bad stuff that SWOP may have to deal with. If we took away stigma our phone would not ring.

Just to go back to decriminalisation, when you put criminalisation or licensing or any sort of legislative framework behind things; that just gives stated reinforcement to that stigma.

CHAIR: In terms of your engagement with the masseurs who may do occasional sex work but not really identify themselves as a sex worker, does that make it more difficult for you to then receive information about safe sexual practices and so on, particularly if there are language and other issues which may make communicating with them more difficult?

Mr COX: Not really because we are sex workers and we do the same sort of work so I can talk to you on a level playing field. If I go in, I know what this guy is doing or this girl is doing and it is just a matter of chatting and as soon as people know that you are the same as they are, it is easy to break down those barriers.

Language barriers, we have that reasonably well covered. We could do with more funding for more staff who speak language and more resources, but that is always something that comes up. But no, I think that is fairly well covered.

The definition of brothel is reasonably clear. It is in two Acts and it really needs to be tidied

up a little bit, have home occupation taken out of it and a few things like that, but I am sure Scarlet Alliance has talked about it and it is in our submission as well. I am happy to go through it.

But, it really depends what that individual is doing, whether the premises then becomes a brothel or a “massage parlour”. Massage parlour is again something that came out of stigma, where people did not 50 years ago like to say what the premises were.

I get a lot of bookings because people do not want to book full service or do not want to say that sort of thing on the phone, so they will book for massage and then 10 minutes in they will start asking questions about what else could possibly be available, so it is a very fluid thing.

But as far as health and safety, or even fire exits and stuff like that go, it is a premises that has a development application for something. It will be covered for most of those sorts of things.

CHAIR: In terms of what is a brothel, what is not and what is permissible on certain premises the definitional sections are all over the place, are they not?

Mr COX: Yes.

CHAIR: If nothing else, it would probably help if we at least tightened that up and got some consistency, would you agree?

Mr COX: Consistency, yes. My bedroom is a brothel—my mum always used to tell me it was. Because it is used for prostitution, that is what I do, though I prefer to call it sex work, but then when you come to the 2007 amendment, I sneak under the radar because I am home occupation.

But that is a separate category too when it comes to local environmental plans and I do not have a level playing field. I am lucky I live in the City of Sydney Council area where I can do that without asking for a development application, but when I move to another local government area, that is not available to me, so I am forced to work in a brothel, which I do not want to do.

Mr ALEX GREENWICH: Two questions, one just going on from Ms Haylen’s question about the technology which you guys are able to use. Those are obviously resources that are open to people who may not directly call you, who may not see you on a site visit but for people who are sex workers, there are online resources and other resources which are widely available to them?

Mr COX: Yes they definitely are. About a million people trotted through our website and whatever in the last year and our social media, 57,500 unique website views. When it comes to things like Facebook where there is a little bit of identity and whatever, we have got it set up so you do not have to actually like or identify the page but contrary to Facebook policy, we have got a lot of people with porn names who I would assume are sex workers and are not using their private profile.

Mr ALEX GREENWICH: Would you be able to provide those engagement statistics to the Committee as well?

Mr COX: Yes, we would be able to do that. We would be happy to do that. You can follow us on Twitter.

Mr ALEX GREENWICH: I will do it. The other question I have is when we were in Victoria we met a representative of Red. How does your engagement with sex workers differ from Red’s engagement with sex workers given the different regulatory environments?

Mr COX: Fairly dramatically. First of all, we are a peer-based organisation, so we have that peer to peer thing. Red is not quite so peer-based. Red also works in an environment where you have got brothels that are illegal by law and ones that are legal and outreaching to the illegal ones is

something that often cannot be done. So that puts a big hole in their ability to outreach and Victorian laws have got lots of little ins and outs to navigate. If I go down to Victoria as a private worker, I cannot work from a hotel room that I have hired, I cannot work from my own premises at all, so it is not a particularly good or safe environment.

CHAIR: Just on that, would you prefer to be able to work from home premises?

Mr COX: I would prefer to have a choice of where I would like to work and have some flexibility. I am a small business so I need to make money; the market changes. At one stage I did a lot of out calls, then rents went up in my area and a lot of people moved out. A lot of people do not like to visit an escort in the next block, again because of stigma and they will come two suburbs rather than come one block; so there are lots of variables.

I have a level playing field here in New South Wales. I am the same as the guy who does legitimate massage or the guy who gives tuba lessons or the accountant or the lawyer who works from home as a stand-alone business and I need the same flexibility as those people get.

The Hon. MELINDA PAVEY: Just on that issue and picking up on what Ms Haylen also raised, given social media the way it is, flexibility in New South Wales, as a small business contractor, are things better? Are sex workers earning more because of the choices that they may have or give us an idea?

Mr COX: I started in New South Wales when sex work was criminalised and I was a street-based worker. There was an area of Darlinghurst Road where it butts up to Oxford Street called “the wall” at the back of Sydney Tech, the stone wall. I worked there for quite a long time. It is cold in the winter sometimes at night. It is nice in the summer. But since the internet came along, people moved out of those spaces into online spaces where you could more easily and without leaving your own home choose a sex worker.

I do not think it has made a difference to the prices. Prices are a different variable; I am told operate in a pure market economy but it is not quite my area even though I did it at university.

The Hon. MELINDA PAVEY: One other question, what percentage of sex workers are overseas born, do you have estimates?

Mr COX: It is not possibly a low number. Basil Donovan from Kirbys has got some reasonably good research on that. We get a lot of people doing student sex work. Again, I did student sex work myself and quite a few people in the office did their degree via various forms of sex work.

About 72 per cent of sex service premises that we know of have people who have not got English as their first language. It does not necessarily mean that they arrived yesterday or anything like that but it does point to a number and a fairly high number.

If you are worried a little bit about agency and those sorts of things, I do not know if you saw Emma Alberici on *Lateline* lately asking questions about that. It is quite easy to sex work with fairly limited language skills. I have done it all around Europe and can only speak English and I have done it in countries where most people do not speak English. You learn what is called brothel English fairly quickly. I worked in restaurants as well in Europe and you learn restaurant French fairly quickly. I would not under-estimate the agency of sex workers. We are smart, we are savvy and most of us can handle it.

Ms MELANIE GIBBONS: You mentioned earlier that you visited 447 brothels in New South Wales. Did that include the massage parlour style, the ones that do not have a development application?

Mr COX: We do not ask.

Ms MELANIE GIBBONS: When you go and visit, it has got a big flashing massage sign out the front or whether it is more of a brothel style?

Mr COX: Not usually big flashing massage signs, sometimes it is the little flashing signs.

Ms MELANIE GIBBONS: Sure. I think you know what I mean though.

Mr COX: Yes I do.

Ms MELANIE GIBBONS: Did you visit that style as well or did you just focus on the brothel per se?

Mr COX: Of course. We go anywhere where we think sex work may be occurring. Last night we went to a brothel down in Cleveland Street and one of the workers there said, did you know that the old premises at X has just opened up and what did we do next, we went down to the old premises at X and checked those out and yes, they had opened up.

I am out in the country and I was told there was some truck stop work going on, so what do I do, I go out to the truck stop and hang around.

Ms MELANIE GIBBONS: I think you have answered my second question, which was how do you know where to go and visit?

Mr COX: We have the confidence of sex workers and they give us information, partner organisations like sexual health clinics, local area health care have an eye on the pulse, maybe police, somebody will drop you a word, sometimes members of the public.

Ms MELANIE GIBBONS: Are they telling you that so you can provide outreach to them or are they telling you that because there is competition there that does not have the same standard?

Mr COX: Usually this is outreach but there are cases like that. That usually happens more in a council context where there are complaints against the brothel down the road from the brothel up the road. The brothel up the road has usually spent quite a lot of time and money getting its development application approval in the Land and Environment Court and it has a considerable investment to get back and it is not too happy if somebody has not gone through the same process.

It is a very unlevel playing field that councils put out unfortunately and it has got lots of pitfalls and traps. Anti-clustering, where you cannot be here and you cannot be there or you cannot be near schools, hospitals and churches, which is something that has not got a great amount of validity.

Ms MELANIE GIBBONS: But you would undertake your visits to those massage parlours that are near schools for those workers?

Mr COX: Yes. There is one up in Potts Point that has been next to the Catholic girls' school forever.

CHAIR: Do you use social media also to identify premises where there is sex work going on that may not call itself a brothel?

Mr COX: We use whatever means that come to hand, yes. We use social media of course for outreach as well.

CHAIR: Just going back to Mr Greenwich's question about home service. So I am clear in

my mind, I think you have said in the City of Sydney Council are you can work from your own home?

Mr COX: Without a development application.

CHAIR: Without a development application. What is the position in other council areas?

Mr COX: The position in other council areas is there are a few of them who require a development application. A sex worker really cannot ask for a development application because that puts you as a sex worker. I would not apply for a development application if all of a sudden the City of Sydney Council changed its policy. It is dangerous. There are some people who for some reason do not like sex workers, like the *Sydney Morning Herald* does not like us.

CHAIR: Are there many council areas that positively have within their planning instruments that you do require a development application?

Mr COX: There are only a small number, the rest do not allow home occupation sex services at all.

CHAIR: The majority do not allow it at all, some allow it with a development application and the City of Sydney Council do not require a development application, is that right?

Mr COX: Yes.

The Hon. MELINDA PAVEY: It is regarded as a home-based industry in their local environmental plan.

Ms JO HAYLEN: Like an accountant.

Mr COX: But there are two definitions, there is home-based industry and home occupation sex services and they were separated out a little while ago, so we are treated differently from just normal home occupation.

CHAIR: Would it be fair to say though that in the local council areas that require a development application that there is home-based sex work going on in those areas without approval?

Mr COX: It is possible, yes.

The Hon. MELINDA PAVEY: One other question I wanted to ask and this is to the issue of organised crime within the industry, what is the prevalence, in your opinion, of drug addiction for sex workers? Is there a problem, is there an issue when you are going out and doing your outreach?

Mr COX: I work in other industries apart from sex work and there is lots and lots of drug use. Many people use drugs in sex work situations as well. It is no more problematic or less problematic than anywhere else and it is not as painted in the newspapers. There is the meme that we were always slumped against the lamp post with a needle in our arms, that is not a very true depiction of anything that goes on.

I am going to go out on a limb here and say that when people are in that situation, sex work often works quite well for them. I live just near Kirketon Road clinic, up near the coca cola sign and at one stage there was a person living in our garbage/hot water area at the back of our apartment block who I made some contact with. They were a university student who was transitioning from male to female and that caused them quite a bit of stress and they turned to various drugs and that drug use had become quite problematic. They decided that they were going to do something about that, they told me that they were stealing things from family and friends, they started to do sex work.

About three months after they moved into our garbage area and we kindly threw out quite a few doonas and stuff like that, I got a little note saying that they had now saved up enough money for a flatette and a computer. I think that is a good story; you may not. If sex work had not had been there, they might still be climbing in and out of people's windows.

CHAIR: Thank you very much for appearing before the Select Committee today. The Committee may wish to send you some additional questions in writing, the replies to which will form part of your evidence and be made public. Would you be happy to provide a written reply within five business days to any further questions?

Mr COX: Yes I would.

(The witnesses withdrew)

(Luncheon adjournment)

ANNA McNULTY, Director, Sydney Sexual Health Centre, affirmed and examined:

CHAIR: Thank you for appearing before the public hearing of the Select Committee today to give evidence. Before we proceed, do you have any questions concerning the procedural information sent to you in relation to witnesses and the hearing process?

Dr McNULTY: No.

CHAIR: Would you like to make an opening statement before the commencement of questions?

Dr McNULTY: My opening statement would be that I have worked at Sydney Sexual Health Centre since 1996, so I have wide-ranging experience across all areas of sexual health and particularly with relevance to this Committee, I guess over the course of the history of sex work in New South Wales and post-decriminalisation.

CHAIR: Dr McNulty, the Sydney Sexual Health Centre would appear to have a very high and well deserved reputation for its work. How long has it been operating?

Dr McNULTY: Since 1933.

CHAIR: Do you think that having such a long-established specialised medical centre of this kind has been of assistance in achieving what would appear to be very good health outcomes for sex workers in New South Wales?

Dr McNULTY: Absolutely, I think there are key components of sexual health services that exist in all local health districts that require that we offer free services and no identification is required in order to receive those services. The main reason for that is the public health benefit that accrues from increasing access and not requiring identifiers given the sensitive nature of the reasons that people are presenting, it ensures that sex workers can come in and are not required to identify themselves in any particular way beyond some contact details so that they can be contacted if we need to see them again. That has been very important to ensuring that people come in when they need to.

CHAIR: We heard some evidence yesterday that obviously the high proportion of condom use has been very important in terms of achieving the low levels of HIV transmission and other STIs outcomes in New South Wales. I assume that you would agree with that.

Dr McNULTY: Absolutely.

CHAIR: We also heard some evidence from the Kirketon Road Centre that there is one area which is oral sex in massage parlours where there seemed to be a lower level of use of condoms than in other sex work premises. Have you similar anecdotal evidence consistent with that?

Dr McNULTY: I think that there has been a somewhat decline, not dramatic, in condom use for oral sex over the years as the demand from customers has increased for unprotected oral sex and also the risk of STIs transmission, HIV transmission is known to be lower for oral sex, so there has been some decreased use. No one uses condoms in the general community for oral sex, so it is higher than the comparable population.

Mr ALEX GREENWICH: Dr McNulty you have been practising for a while, before decriminalisation occurred as well and I am sure you would be aware of different models in different States. In your view what would be the impact of further regulation or licensing on the health outcomes of sex workers?

Dr McNULTY: When I first started practising, and we have done surveys of sex workers

which you probably have access to, because they were published, which showed that between 1993 and 2003 there was certainly a decrease in the numbers of sex workers who came in on contracts and from my personal experience, in those early days, there were sex workers we saw who did arrive somewhat unaware of what they were in for when they arrived in Australia, but we do not see that at all anymore. It is very uncommon to see anyone who is on a contract.

They were, I think in those early days, often worked very hard in order to pay off the debt that they had accrued in coming to Australia, whereas now most of the sex workers that we see—because we do specialise, for want of a better term, in sex workers from CALD [culturally and linguistically diverse] backgrounds, so particularly from Chinese and Thai speaking backgrounds. Many of them are on student visas and working legitimately, as they are allowed to, 20 hours a week.

If there was a change in the system requiring licensing, which is one option that is proposed, I think we would not see those women, they would not come in. There is no obligation for them to attend, so they attend out of their own concern for their health and I think that they would not bother. They are nervous enough as it is often and do not necessarily give us their real name, and if there was a risk of having to provide identification or whatever was required to be licensed or registered, then I think that we would end up with an underground industry of sex workers, which is, as I am sure you have heard, has been something similar to the experience in other jurisdictions where that sort of model is applied, in Queensland in particular I guess.

I think it would be detrimental to the health of sex workers if the current model was substantially changed.

CHAIR: Dr Tim Japp, who has put in a submission on behalf of—

Dr McNULTY: No, we did not put in a separate submission, ours is just with the New South Wales Premier and Cabinet. We were not allowed to.

CHAIR: We have a submission, number 162 from Dr Tim Japp on behalf of the Sydney Sexual Health Centre

Dr McNULTY: Okay, I did not see it on the website.

CHAIR: It is submission number 162. Have you not had a chance to read that?

Dr McNULTY: No, I brought it with me.

The Hon. MELINDA PAVEY: So you were allowed to.

Dr McNULTY: Well we put one in and then we were told it had to go via various routes.

Mr ALEX GREENWICH: To be incorporated in the Department of Premier and Cabinet one.

Dr McNULTY: Yes, the one I saw on the website—

Mr ALEX GREENWICH: I think a lot of the time it is incorporated in that one as well.

CHAIR: My question was going to be that the submission talks about the current system being strengthened and I was just wondering what you had in mind in terms of strengthening the current system.

Dr McNULTY: I think there has been a fair bit of work done looking at this issue. We were involved in that review in 2012 where the same kind of area was discussed and I think the discussion

that occurred at that time reflected my view, that it is the role of councils, and they need further support to apply the existing system that is already in place. Essentially brothels that apply for development applications often have a lot of hoops to jump through and they get refused permission. If that system was strengthened and supported and the red tape was reduced in terms of the regulatory processes that brothels have to apply, then it would strengthen the existing system and remove the risk of this underground industry and the potential for criminalisation that occurs with that and the role of police, which is historically what happened in the pre-1995 era.

CHAIR: There is a degree of underground operation at the moment though, is there not, in terms of unapproved premises, particularly we have heard evidence of massage parlours that do not have any local council approval and so therefore sexual services are taking place in an unimproved environment operating. We have a degree of underground system operating now.

Dr McNULTY: That is true.

CHAIR: Do you have sex workers presenting at your clinic who are working in massage parlours without approval?

Dr McNULTY: We do not ask them whether they are working in an approved premises. Some of them say they do predominantly massage. The common term that is used, they call brothels shops and so they just say they work in a shop. That could be a brothel or it could be a massage parlour. It is not terribly relevant to our work as to where exactly they are working.

But I suppose those massage parlours that offer those additional services, if the council regulatory system was strengthened, they may well register to become brothels that offer sexual services.

CHAIR: Although sometimes they are located in premises where they would never be approved.

Dr McNULTY: They might not get approval; that is true. I do not think that is really a new area. I am sure rub and tug has been available for many, many years in massage parlours and oral sex has been available in massage parlours I am sure forever. I do not know that that is a huge area of public health concern though really.

The Hon. MELINDA PAVEY: Are there any changes that you are seeing via modern day communications in terms of patients you are seeing? Has there been any information that they are sharing with you about the change in the industry?

Dr McNULTY: I see some sex workers who work privately and again, they are a more hidden group of people overall. They come in but they may well visit their general practitioner, for example, to have check-ups, so we do not see as many as we do from the brothel sector. We have outreach workers, as I put in my submission, who access those women. As I said, we specialise in that area.

In terms of technology impacting, I am sure it has but it is not something that we ask about or would come up particularly in our clinical consultation.

The Hon. MELINDA PAVEY: One of the areas of concern, whether it is real, which is what we are trying to find out, is about sexual servitude, people being forced into this that have come from overseas in particular. Do you see examples of that or do you see that as a problem with some of your customers that come in for help?

Dr McNULTY: I have not seen that in many years. There are many opportunities where women who came in could disclose that, particularly if they are from Thai or Chinese speaking

backgrounds, they could talk to the health education officers about that issue. A more common issue really for us is that some of them are exposed to violence within their relationships that they have established in Australia. That would be far more common, not that it is very common, but it is more of an issue and something they are more likely to disclose than any issue about being on a contract or subject to any sort of servitude.

The Hon. MELINDA PAVEY: It has also been put to us that south-western Sydney seems to be a concern to some parts of New South Wales Government. Is that an area that you are hearing of or are concerned about in terms of abuse?

Dr McNULTY: No, I cannot see why it would be different in any particular part of Sydney. A lot of the parlours or brothels that our sex workers come from are in the Sydney central business district. That is the area we service, so not many of them would be coming from south-western Sydney or at least they work in the vicinity closer to the clinic than in south-western Sydney. I have not heard any talk of that amongst colleagues or anything; that has not come up.

CHAIR: The nature of your clientele, I am not sure that I heard you correctly, so I was not quite sure, were you saying that your clientele were mainly brothel workers or were you saying they were not mainly brothel workers?

Dr McNULTY: At the clinic overall?

CHAIR: Yes.

Dr McNULTY: No, there would be the minority who worked in brothels.

CHAIR: The minority?

Dr McNULTY: Well we see what are termed by the Ministry of Health priority populations, so we see gay men, sex workers, people with HIV, injecting drug users, people with symptoms, anyone with symptoms, so sex workers within that group are included. We have roughly 40,000 attendances a year and of that I think, in here last year I put there were 6,000 from sex workers.

CHAIR: Just following up on some earlier questions, have you seen any trend towards the sex workers operating more outside of traditional brothels and more in terms of independent workers in their own home or are you not able to comment on that?

Dr McNULTY: I cannot really comment on that. As I said, we do not see that many private sex workers and they are more likely to be Australian born or English speaking than the Asian sex workers that we tend to see predominantly.

CHAIR: The Asian sex workers that you predominantly see, are they mainly working in the city of Sydney or are they working in other parts of Sydney?

Dr McNULTY: As I said, we do not require them to give anything beyond a mobile phone number and an email, so we do not know exactly where they are working, but our outreach workers go out to brothels within our catchment and that is the mechanism by which they are often made aware of the service and then come in. So those outreach workers go out and promote condom use and safer sex and hand out condoms and that sort of thing. Most of them, I think, are probably within that catchment.

Historically the outreach workers did go out across Sydney, so some of those women that come may still be from outside our catchment.

CHAIR: When you talk about your catchment, is that an area health service?

Dr McNULTY: Yes, pretty much.

CHAIR: What is that, the Sydney area?

Dr McNULTY: South-eastern Sydney. We are right on the border here, so we do also spend some time in the Sydney local health district, which is more of the central business district.

CHAIR: Can you explain to us the area that that catchment would cover?

Dr McNULTY: Around Chinatown, out down south a bit, down to Kogarah and around there. We do not go across the bridge unless there is a specific request to facilitate because sometimes additional staff are needed for various reasons. It is out to Bondi Junction. I am not too sure how many parlours there are out there, but that sort of area.

CHAIR: Do most area health services have a sexual health clinic similar to yours?

Dr McNULTY: All of them do and some have outreach workers or outreach staff as well. We are not the only clinic that offers that sort of model. All the ones in the city do outreach as far as I know. Some of them offer testing on outreach; they go out and test the sex workers at the parlour.

Ms MELANIE GIBBONS: I know later today the next groups of people that are coming to see us are going to be raising the issue of the Nordic and Swedish models. Do you have any opinions on those? I do not know if that is something you would come across in your work.

Dr McNULTY: I know that it is a criminal activity for the customer to seek out sexual services and I know there has been promotion of that model but I was reading in preparation for coming here I suppose, that the United Nations has put out a statement to suggest there is no evidence that it has reduced the rate of either the number of men seeking to visit sex workers or the number of sex workers. Personally I do not think it is a very practical model.

Ms MELANIE GIBBONS: My other question would be more on mental health services available for sex workers. Are there any additional than for the general population and should there be more available than what there currently are? Is there a need for more to be available?

Dr McNULTY: Not as far as I am aware. We do not encounter any particular mental health issues amongst the sex workers, no more than anyone else, yes.

Ms JO HAYLEN: Thanks Dr McNulty for your time. Do you have the appropriate level of resourcing to cope with demand, not just in your area but the interaction you have with other health areas and sharing of information?

Dr McNULTY: Well the demand for our services from sex workers varies over time. We have had, for example, Indonesian clinics; a few years ago there was an influx of women from Indonesia working as sex workers so we established an Indonesian language service because all our sex worker clinics targeting those women are interpreter facilitated. Then we at one point also had a Korean speaking clinic as well for sex workers.

The systems for information sharing between local health districts is such that you cannot really share information between local health districts through an electronic medical record currently. You can share information within the local health district but not between local health districts.

Most sexual health services do not separate it out from that electronic medical record because of the nature of the reasons why people are coming to visit.

CHAIR: If there are no other questions, thank you very much for appearing before the Select Committee today. The Committee may wish to send you some additional questions in writing, the replies to which will form part of your evidence and be made public. Would you be happy to provide a written reply within five business days to any further questions?

Dr McNULTY: Yes, five business days, I can do that.

(The witness withdrew)

WENDY FRANCIS, Queensland State Director, Australian Christian Lobby, spokesperson for women's issues, sworn and examined:

CHAIR: Thank you for appearing before the Select Committee today to give evidence. Before we proceed, do you have any questions concerning the procedural information sent to you in relation to witnesses and the hearing process?

Ms FRANCIS: No.

CHAIR: Would you like to make an opening statement before the commencement of questions?

Ms FRANCIS: Thank you for the opportunity to address this Committee in regard to the regulation of brothels in New South Wales. In this brief introduction I would like to speak to the question of possible reforms that address social, health and planning challenges associated with legal and illegal brothels.

Prostitution is defined as engaging in a sexual act in exchange for money but in reality prostitution is a form of violence particularly against women and girls. While there is a small percentage of prostituting men and boys, they are vastly outnumbered by women and girls.

Prostitution is both a cause and a consequence of gender inequality. As a society we should reject the notion that women are a commodity to be bought and sold. Men's demand for sex and their willingness to pay for it means the prostitution industry exists and flourishes and yet prostitution is inherently harmful, as shown by multiple studies over the past 30 years.

One recent study concluded that between 60 and 75 per cent of women in prostitution have been raped; between 70 and 95 per cent physically assaulted and 68 per cent met the criteria for post-traumatic stress disorder in the same range as combat veterans. Eighty nine per cent of the women in the study said they wanted to escape prostitution.

One of the most important elements of any public health approach to prostitution therefore is to develop and fund comprehensive exit programs that assist prostituted persons in overcoming trauma and facilitate transition to other work and educational opportunities. The Australian Christian Lobby would ask the New South Wales Government to make this a priority.

Some maintain that prostitution is a choice and therefore a right. However, I would say the majority of prostituted women worldwide suffer from poverty. New Zealand's Maxim Institute cites a range of studies showing that prostituted women tend to come from very disadvantaged backgrounds and from families with high rates of interpersonal difficulties and parental separation. They are more likely to have suffered high rates of physical abuse, to have left home early and school early, have lower qualifications and fewer work opportunities and experience early pregnancy. No one chooses to be poor when given other options.

It is common for a prostitute to have been sexually or physically abused prior to entering prostitution. Stockholm University's Department of Political Science cites figures of between 55 and 90 per cent of prostituted women have been subjected to sexual abuse as children.

A study of Adelaide young people aged 12 to 23 living on the streets showed that 80 per cent of young women and 27 per cent of young men enrolled in sex work had a history of child abuse. Seventy five per cent of sex workers in Sydney's Kings Cross reported some form of child sexual abuse. Research with 30 young people in sex work in Melbourne found that 16 had been in the State care system, while 13 had left home because of physical or sexual abuse or neglect.

Nearly all of the participants in this study had experienced sexual assault or other violence at

least once since they had started working. No one chooses to be abused.

The majority of prostitutes are women. Gender inequality is the single most powerful determinant of being sold for sex. No one chooses the sex they are born with. Disproportionately women worldwide in prostitution are members of socially disadvantaged racial or ethnic groups or in India, in lower castes, for example. No one chooses to be born into a disadvantaged racial group or lower cast.

Then there is the trafficking aspect. The United States State Department in the 2015 trafficking persons report states that Australia is a destination country for girls and women subjected to sex trafficking, predominantly from South East Asia. This exploitation and the involvement of organised crime is found in New South Wales despite its decriminalised system.

There are numerous reports of young Asian women coming to Australia on tourist or student visas and being lured or coerced to work in both legal and illegal brothels. In 2014 the Australian Federal Police investigated 87 alleged trafficking cases and this was an increase from 46 in 2013.

Sex trafficking would not exist without the demand for commercial sex. This is a violation against human rights in every sense and must be treated as such. I read yesterday a report quoting the New South Wales Deputy Police Commissioner saying that sex slaves, forced illicit drug use and links to organised crime were all issues that could arise from poor regulation of the New South Wales brothels.

The Australian Christian Lobby asks the New South Wales Government to develop policies in line with many progressive countries who have adopted the Swedish approach towards prostitution, including Norway, Iceland, Northern Ireland and Canada. It is also being considered in France, Israel, Ireland, Scotland and Lithuania.

This approach recognises prostitution as a form of violence against women and more broadly, that it undermines women's equality. It directly addresses demand for prostitution by criminalising sex buyers and third parties who profit from prostitution while simultaneously supporting the victims and survivors of prostitution and trafficking.

Prostitution is harmful to women. It is overwhelmingly purchased by men from women and is founded on an inherent inequality between the sexes. This Inquiry is an opportunity for New South Wales to lead the way with important and progressive reform. Thank you very much.

CHAIR: I think you made reference to at least one United Nations report on sex trafficking. Can you identify that report by title?

Ms FRANCIS: I can. Resolution 317 adopted by the United Nations general assembly entitled the Convention for the Suppression of the Traffic in Persons and the Exploitation of the Prostitution of Others.

CHAIR: I think you said that that report identified Australia as a destination for sex trafficking, is that report?

Ms FRANCIS: The report that identifies Australia is the United States State Department 2015 trafficking in persons report.

CHAIR: That is the United States State Department?

Ms FRANCIS: Yes.

CHAIR: It has been put to our Committee that the incidents of sex trafficking in Australia is

low and that it is more emotive rather than a real issue. What are the statistics in the United States State Department report that justify the proposition that Australia is a destination for sex trafficking?

Ms FRANCIS: We mention sex trafficking in our submission. The Department of State's 2012 trafficking in persons report has all come from the Department of State. The first thing I would say about your comment is that this is a global issue. Sex trafficking is a global issue and we are part of a global community. Whether we perceive sex trafficking to be low in Australia or not, there is absolutely no doubt that it is happening.

It is not only the United States Department of State's trafficking in persons report, the United Nation's save the children report, which was in 2004, said that Victoria and New South Wales were the two worst States for the abuse of children through prostitution and that the trafficking of east Asian women for the purpose of prostitution was also found to be a growing problem.

A study by the University of Gottingen ranked Australia as a high volume destination country for trafficking. The reports indicate that the trafficking of women from south-east Asia is of particular concern.

I can relate to you recent instances of trafficking in Australia. That is all in our report as well. We have had a Korean woman set alight in Chippendale. We have had 18 Korean pimps who were involved in trafficking women into Australia as prostitutes. They were found in Seoul. We have got the *Sydney Morning Herald* and *The Age* reporting that several legal brothels located in Sydney and Melbourne are linked to an international human trafficking and sex slavery ring. At least two brothels in Sydney were associated with that ring, including one which specialises in Korean prostitution, which is closely linked to the Comanchero Outlaw motorcycle club. There are a number and I have listed them all in our submission.

The Australian Federal Police have reported that there were 308 Federal investigations of trafficking allegations and 181 victims were identified in that report.

Mr ALEX GREENWICH: Ms Francis, would you say that your submission is based on concern for sex workers?

Ms FRANCIS: Yes.

Mr ALEX GREENWICH: Would that concern for sex workers extend to wanting sex workers to be protected in New South Wales anti-discrimination law?

Ms FRANCIS: No. I do not think that it is an anti-discrimination thing. I guess I would question that in the fact that no other occupation is actually included in anti-discrimination law. If we are going to include occupations in anti-discrimination, I think we would have to perhaps include politicians and lobbyists.

Mr ALEX GREENWICH: Do you believe that people can choose to be a sex worker?

Ms FRANCIS: Well, it is interesting that you say that because what I pointed out in my introduction is that people say that they choose it, but when you look at the people who are involved in sex work, and certainly I would not deny that there are women who choose to be in prostitution, but I do not think anybody can deny also that there are many, many instances of women who are caught up in prostitution because of poverty, because of abuse or because they are in some other situation of slavery.

Mr ALEX GREENWICH: Your submission states that legal prostitution creates an environment in which human trafficking is more likely, under age prostitution is more likely and underground and illegal prostitution grows parallel to legal or regulated prostitution. Have you got any

information to back that statement up in relation to New South Wales?

Ms FRANCIS: Not New South Wales directly but this is a global issue, so certainly—

Mr ALEX GREENWICH: But this Inquiry is focusing on New South Wales so if you do not, that is fine.

Ms FRANCIS: Absolutely.

Mr ALEX GREENWICH: Your submission talks about the Nordic model, one which criminalises the procurement of sex work. Throughout various submissions and through various media reports as well, it is clear that one group of people that engage with sex workers are people with a disability. Would you suggest that a person with a disability who has engaged a sex worker should be criminally charged?

Ms FRANCIS: I believe that people are not for sale; that's what I honestly believe.

Mr ALEX GREENWICH: If a person with a disability has engaged with a sex worker, you would believe that that person with a disability should have a criminal conviction?

Ms FRANCIS: Under the Nordic model, no women and no men are available for purchase.

Mr ALEX GREENWICH: Do you think that it is a Christian approach to potentially gaol a person with a disability for engaging with a sex worker?

Ms FRANCIS: In Sweden and these other countries the gaol time has not happened. What has happened is there have been penalties in other ways. I am actually somebody who questions gaol time, the efficacy of that, but I would not privilege one subset of people for the sake of another subset of people and for me, the purchasing of women is a basic inequality. To say that one person's rights trumps another person's rights, I do not understand that.

Mr ALEX GREENWICH: Let me put two other potential cases to you. A spouse, say a wife has an illness where she loses her sex drive but stays married obviously to her husband, who could potentially become her carer. The wife hires a sex worker for the husband, understanding that the husband has needs. Should that wife, potentially with a terminal illness, with some affliction which has reduced her sex drive, should she be criminally charged?

Ms FRANCIS: I do not believe that anybody should be able to be purchased. I do not believe that she should be able to go and purchase another woman.

Mr ALEX GREENWICH: You would see that that person could also be criminally charged?

Ms FRANCIS: I do.

Mr ALEX GREENWICH: We have had examples yesterday of councils engaging private investigators to have sex on premises to build evidence. Would you see those councils should have some kind of criminal conviction under the Nordic model as well?

Ms FRANCIS: I feel really disappointed that councils feel as if that is their only option. One of the big things that seems to have come out of this Inquiry when I read through the submissions are the councils concerns. So the only way that the councils have been able to see that they can identify whether somebody is operating legally or illegally is to do this. I feel really disappointed for them, particularly in one of the cases when I read that there was an issue morally for them as to whether or not even some of the girls in the brothels might be under age.

Mr ALEX GREENWICH: But you would not necessarily see a criminal conviction under the Nordic model going to the private investigator or the council?

Ms FRANCIS: I would. I do not believe that women can be bought and sold.

Mr ALEX GREENWICH: Can I ask a question about your organisation, which Christians do you represent?

Ms FRANCIS: Well whoever actually signs up to be a grassroots member of Australian Christian Lobby. Australian Christian Lobby have 48,000 people who have signed up as supporters and so that is who we represent.

Mr ALEX GREENWICH: Have you surveyed your membership on the issue of sex workers?

Ms FRANCIS: No.

Ms ELENI PETINOS: Ms Francis, do you believe that the views that you have represented today would be consistent with that of your membership?

Ms FRANCIS: Yes. The reason why I believe that is because I visited Sweden to look at the Swedish model and the response of our members of me going there was really very encouraging.

Mr ALEX GREENWICH: But you would agree that there are more than 48,000 Christians in Australia and so your view is not representative of all Christians in Australia?

Ms FRANCIS: No, but I do think that one of the Christian tenets would be to care for the vulnerable and so Jesus certainly cared for prostitutes. A couple of instances in the Bible would see Jesus reaching out to the prostitute.

Mr ALEX GREENWICH: Except if that vulnerable person is a person with a disability who has gone to a sex worker?

Ms FRANCIS: I do not see one person's rights trumping another's.

Mr ALEX GREENWICH: Again, that vulnerable person would not be that wife with a terminal illness who has engaged a sex worker for her husband either?

Ms FRANCIS: I do not see one person's rights trumping that of another, no.

Ms ELENI PETINOS: To clarify, the Australian Christian Lobby believes that we should treat all people equally?

Ms FRANCIS: Certainly, God treats equally, yes.

Mr ALEX GREENWICH: Does that extend to all areas of legislation?

Ms FRANCIS: God treats everybody equally, yes.

CHAIR: Can I go back to your opening statement and some of the matters that you raised there. You gave some statistics with regard to the incidence of rape, physical assault and post-traumatic stress disorder amongst sex workers. What is your source for those statements?

Ms FRANCIS: Are you asking particularly about the rape? I talked about 60 to 75 per cent

of women?

CHAIR: Yes.

Ms FRANCIS: That is from Melissa Farley, she is a well known researcher in this area.

CHAIR: Is that a publication that is referred to in your paper?

Ms FRANCIS: Melissa is referred to in our submission, yes. Those statistics might not be in there but I can certainly provide them for you.

CHAIR: What about on the incidence of physical assault on sex workers?

Ms FRANCIS: That was from the sex workers and sexual assault in Australia prevalence risk and safety from Doctor Antonia Quadara and she is with the Australian Institute of Family Studies.

CHAIR: The post-traumatic stress disorder statistics, where did they come from?

Ms FRANCIS: Melissa Farley.

CHAIR: The Nordic model which you advocate for, that has not been enacted in many countries in the world, has it, outside of Sweden?

Ms FRANCIS: Well it is actually growing a lot. We have now got Norway, Iceland, Northern Ireland and Canada and at the moment it is also being considered in France, Israel, Ireland, Scotland and Lithuania. These are progressive countries and it is actually the most recent and progressive look at prostitution laws.

CHAIR: In terms of Canada, is that in some provinces of Canada?

Ms FRANCIS: No.

CHAIR: What is it, the Federal law?

Ms FRANCIS: It is, yes.

Ms MELANIE GIBBONS: The Scarlet Alliance in their submission, they estimate that the number of sex workers in Sweden appears to be the same now as it was prior to having the Swedish Nordic model. If the numbers seem to be the same in Sweden with or without this model, how does that validate implementation of the Nordic model?

Ms FRANCIS: I would question those statistics. The new law in Sweden has actually been remarkably effective. As I said, I visited there. The Sweden's national board of health and welfare report has reported significant decreases the number of men buying sex and the number of women in prostitution. Stockholm, with a population of 1.3 million has about 200 people in street prostitution and by comparison Amsterdam, with a population of 750,000 has tens of thousands of prostitutes.

Ms MELANIE GIBBONS: Where do you think they are getting those figures from if it is criminalised? How would those figures be coming to light?

Ms FRANCIS: Well, this is Sweden's national board of health and welfare. I guess that they would have the same way as we would estimate how many prostitutes we have on the streets now.

Ms MELANIE GIBBONS: I would question whether that becomes a little bit like in

Victoria with the two tiers of sex worker and I would worry about the help and support being available for sex workers if it were criminalised, how they could then come forward for assistance.

Ms FRANCIS: The sex workers are not criminalised, this is the whole point; the sex workers are not criminalised at all.

Ms MELANIE GIBBONS: In Sweden?

Ms FRANCIS: Yes.

CHAIR: It is the customer, not the worker.

Mr ALEX GREENWICH: But engaging in their profession is a criminal activity?

Ms FRANCIS: No it is not, not at all. Somebody buying them is a criminal activity, so the inequality is removed because they are actually not penalised at all.

Mr ALEX GREENWICH: What work does a sex worker do if they are not having sex in some form?

Ms FRANCIS: If they have sex, that is completely up to them; that is within the law.

Ms MELANIE GIBBONS: They are just not paid for it.

Ms FRANCIS: They can be paid for it.

Ms MELANIE GIBBONS: They can be paid for it?

Ms FRANCIS: Yes they can.

Ms MELANIE GIBBONS: So how is anything changing?

Ms FRANCIS: The people buying the sex from them, they are the ones that are criminalised.

CHAIR: And that tends to drive the activity underground because the customers could be prosecuted for committing an offence.

Ms FRANCIS: It is just not the case. If you really look at the research of the Nordic model, it is just not the case. Legalising prostitution in States around Australia, the illegal aspects of prostitution have always increased. In Queensland where you have legalisation of prostitution, 90 per cent of prostitution is now seen as acting illegally. It does not make any sense to say that legalising prostitution will reduce the illegal activity.

Mr ALEX GREENWICH: But it does not become illegal anymore, if you decriminalised it, the activity is no longer illegal so I do not understand your statement.

Ms FRANCIS: Why are we having the Inquiry—because there are issues, even though you have—

Mr ALEX GREENWICH: Not of sex work being illegal, but potentially unauthorised use of premises where sex work could occur, the actual sex work is decriminalised in New South Wales.

Ms FRANCIS: Yes.

Mr ALEX GREENWICH: Do you acknowledge that New South Wales, under its current

regime, has one of the lowest rates of STIs amongst sex workers internationally?

Ms FRANCIS: That seems to be the case, yes.

Ms MELANIE GIBBONS: Would you be aware of what the punishment is for paying for sex in the Nordic model?

Ms FRANCIS: In the Swedish model the men are required to have some sort of counselling, so there is a counselling session for them. Often they are addicted to sex, so they have counselling. Sometimes their names are put into newspapers. There have not been any imprisonments as far as I know.

CHAIR: What is the prosecution rate in Sweden? What is the incidence of successful prosecutions?

Ms FRANCIS: It is actually very low. Surprisingly, or maybe not surprisingly, the whole culture is changing. The respect for women is changing. They have a system in Sweden of porn free hotels. They have a sticker system in the same way as we would have the heart smart sticker system, and they have hotels that are porn free and most hotels sign onto porn free. There is a whole new feeling in the place of equality between men and women.

Ms JO HAYLEN: Thanks for your time Ms Francis. Is it correct to characterise the Australian Christian Lobby's desire in this area to see an end to anyone purchasing sex in any way?

Ms FRANCIS: Yes.

Ms JO HAYLEN: Regardless of whatever model you institute, be it decriminalisation in New South Wales, licensing regulations in other States in this country or indeed, the Nordic model overseas, would you not agree that people are always going to seek to pay for sex regardless of whether they are male or female? It is well said that this is the oldest profession in the world. Is your objective not necessarily aligned with the reality of how this industry has and does operate?

Ms FRANCIS: No sorry, I would call it the oldest oppression in the world and I think it would be naive to think that we could completely eradicate prostitution, but I do not think that it is naive to think that in a society such as ours we will finally get to the stage where we realise that there is inequality in the very nature of prostitution and that women will be regarded as equal to men finally.

Ms JO HAYLEN: We have had evidence put to us today from both male and female sex workers who are well informed of their rights and are making choices about their work and their nature of work. Do you think that is not a legitimate way for them to earn a living?

Ms FRANCIS: I do not. I do not think that selling yourself is actually a healthy way of earning a living, no. We make legislation when we believe that something is not healthy for a society or for a person; that is what we do and in this case New South Wales have tried banning, they have tried decriminalisation and we are still here because it still is a problem. What I would say about the Nordic model is that it is another way of looking at legislation of prostitution and to dismiss it when it has been taken up in so many countries around the world I think would be not the right thing to do. We need to look into what is happening in these progressive countries.

Ms JO HAYLEN: I guess I put to you that the issues that you raise align more with the fundamental beliefs that structured your argument rather than the existing issue with the choices that sex workers are making or indeed, their health outcomes. Is it not the case that the current practices mean that the health outcomes for workers are the same as the population but if we were to seek to change the structure; that those health outcomes might be under threat?

Ms FRANCIS: That is not what has happened in the countries that have adopted the Nordic model, because in the countries that have adopted the Nordic model and I have been there and been to the exit programs, we have got women being taken out of prostitution and being given a whole new life.

Ms JO HAYLEN: I do not think that they were the statistics we were referred to earlier, but in fact there is the same number of people engaging as sex workers in Sweden.

Ms FRANCIS: That is a different set of statistics than I have from Sweden.

CHAIR: When did Sweden introduce the Nordic model?

Ms FRANCIS: I think 2001 actually, it has been more than 10 years but I can confirm that.

CHAIR: Let us say Canada, which is perhaps culturally a little bit closer to Australia than the Scandinavians, how long have they had the Nordic model?

Ms FRANCIS: Just last year.

CHAIR: Have there been any reports on the early operation of the Nordic in Canada?

Ms FRANCIS: Canada has had a significant issue in trafficking. The only member of Parliament that I have had contact with is Joy Smith in Canada and they are encouraged by early results in the decrease of trafficking in Canada, because of course, demand increases the need for supply. So supply and demand is certainly one of the issues in trafficking.

Ms ELENI PETINOS: I am just having a look at the conclusion that the report of the Australian Christian Lobby comes to; clearly there is a strong view to the introduction of the Nordic approach. That being said, there is a small paragraph that touches upon prostitution continuing as a legal industry and councils having the final authority to approve or reject brothels.

Ms FRANCIS: Yes.

Ms ELENI PETINOS: Does the Australian Christian Lobby have any other views in line with what might happen in New South Wales if the industry were to continue being legalised as it is and what might have to go along with giving councils tougher control, I suppose, to approve or reject brothels as you have suggested?

Ms FRANCIS: Reading through the submissions that have come certainly from just about all of the councils, they have been mentioning that they have got concerns on the wellbeing and safety of community, they have got concerns about ensuring the control of STIs, issues of workplace injury, sexual servitude in crime, that is from Ashfield Council. So a number of the councils have been indicating they have got concerns.

We would really submit that councils need to have more control because they know their own people, they know their demographics, so they need to be able to decide whether or where a brothels should be placed. They should not have to resort to hiring private investigators.

Ms ELENI PETINOS: Do you have any views about the police's role or any other community organisation and how they might need to interrelate with local government?

Ms FRANCIS: There are inherent dangers in the sex industry, in the same way as there are inherent dangers in the building industry, so we understand that there needs to be regulations around the building industry because there are inherent dangers. I would say that there are inherent dangers in

the sex industry and so there needs to be some sort of oversight.

But at all times what we want to do is to actually provide exit strategies for the girls who want to get out of prostitution. They should not feel as though they are second class citizens. There should be no stigma on them. I do not see the stigma as being because they are doing something illegal, because they are not doing something illegal. The stigma is because it is essentially unequal what they are doing, it is not equality and so there is a stigma there. We want to remove the stigma from the girls and the guys who are in prostitution but overwhelmingly it is girls.

Ms ELENI PETINOS: You are talking about the stigma attached to the sex workers. This Committee has taken evidence from various people canvassing their views about having a registration system, not only of the licensees of the brothel or the managers but also potentially the sex workers. How does the Australian Christian Lobby feel about the registration of sex workers?

Ms FRANCIS: I do not have an opinion on the registration because I see different ways of trying to regulate the sex industry and I just see how many times that we do things and they do not work or they place extra burden on councils or on the brothels themselves or on the sex workers. This is a very complicated issue. It is a very sensitive issue and it is very controversial.

I suppose at the very least I would love to see higher penalties for people who are pimps and traffickers doing the wrong thing and I would like to see complete removal of any fines for girls in prostitution or I should say persons in prostitution.

Ms ELENI PETINOS: Following on from the comments about assisting the sex workers to exit the industry, what do you see as the role of government in assisting these women transition out of the industry?

Ms FRANCIS: I think there needs to be really good exit strategies that the girls know about. I keep saying girls because that is typical but please understand I know that there are guys as well. There needs to be really good exit strategies for them to feel safe to go to, so therefore that is why there needs to be no criminalisation of the girls. It is a way of re-entering other occupations, a way of realising that they do not have to sell their bodies to make money.

Ms ELENI PETINOS: My final question for you at this point in time is I notice that you are from Queensland. Queensland obviously has a different system to New South Wales, do you think there are any lessons for this Committee in terms of what happens in Queensland at present?

Ms FRANCIS: In Queensland as I said, 90 per cent of our brothels are operating illegally; that is from a University of Queensland report. The other thing I would say about Queensland is that when Peter Beattie started our current legislation on prostitution, he promised that there would be exit strategies for anybody who was in prostitution and did not want to be there but we have never done it. I think that is a real shame.

Mr ALEX GREENWICH: You do say in the submission that the licensing system in Queensland has failed and you go onto explain for the reasons that you have just referred to. Would you encourage New South Wales to avoid the Queensland model?

Ms FRANCIS: I do not think the Queensland model has been successful in any way, no.

Mr ALEX GREENWICH: What I always try to do is find common ground from the submissions made to us and that is obviously an area of common ground you have with the other groups, particularly health groups, they would agree that the licensing model has failed there.

Ms FRANCIS: I think the common ground also would be that I would understand and I know that we all care for the girls.

Mr ALEX GREENWICH: You talk about exit strategy and we have also heard that people do sex work for a period of three months or it might be a lifetime career choice for someone, but you still do not see why specific anti-discrimination protections for sex workers would be important?

Ms FRANCIS: No, for the same reason that I do not see any other occupation being listed in anti-discrimination laws.

Mr ALEX GREENWICH: At the same time the Australian Christian Lobby does not make submissions to inquiries on other professions but you have made one specifically on sex work because of your concern for this industry and your concern for sex workers, but that concern does not extend to anti-discrimination protections?

Ms FRANCIS: Mainly if there were other inquiries on other occupations, I think I would want to make a submission. I have not seen any other inquiries into other occupations come across my desk anyway.

Mr ALEX GREENWICH: But you do not feel that the stigma and discrimination that sex workers face is strong enough to justify having anti-discrimination protections?

Ms FRANCIS: I do not, no.

Mr ALEX GREENWICH: I would then probably argue that your level of concern is not the same as the level of concern of the people represented today. That would just be my view as a comment.

CHAIR: Can I just ask you a little bit more about the Queensland system, it appears to be a very expensive bureaucratic system without any really, tangible benefits. Is that a fair summary of the Queensland experience?

Ms FRANCIS: I think the University of Queensland study is probably the best study to look at that was done and yes, I would say that that is exactly what the University of Queensland study would ascertain, that quite aside from the amount of illegal activity that still happens, I do not think that the current legislation has really any teeth, it is business as usual. We have constant concerns about some of the street girls who take house calls and the legal brothels are not allowed to do that, so there is always concern about those sorts of issues in Queensland.

CHAIR: You have mentioned exit strategies but I am still a little unclear as to what you are really advocating the support for sex workers to leave the industry should they choose to do so. What exactly are you advocating for in that regard?

Ms FRANCIS: In Sweden their exit strategies are provision of a holistic exit program. They have different retreat situations where prostituted people can go to for a renewal but also education if they need education and other options. These are girls who have chosen to exit the prostitution industry. In Sweden it includes sustainable long term funding for the girls as well.

CHAIR: That is in the context of a system which de-legitimises prostitution, at least to the extent that the customers are operating illegally, is it not?

Ms FRANCIS: The customers are, yes.

CHAIR: Are there any systems outside of that Nordic model where you would be advocating particular models of exit strategies that we should be considering?

Ms FRANCIS: I think that the exit strategies would be similar to any other type of

addictions. I am not saying that being a sex worker is an addiction but we have other exit strategies for things that we see as being harmful to people and I do see prostitution as being inherently harmful.

Ms ELENI PETINOS: Your submission states that prostituted women are constantly at risk of violence and abuse by the men that use them, does the Australian Christian Lobby as a result of that statement have any views on home-based sex work and any additional risk that the women or men who engage in that level of work are actually exposed to?

Ms FRANCIS: In Queensland some of the illegal operations do home visits and I see this as being really dangerous. There have been a number of cases where girls have been called to go to a particular place and when they get there it is not just one person, but it could be a team of people and they have been dropped off there by their pimp and they walk into a situation that they are not prepared for, that they feel they are trapped. I feel it is inherently dangerous. I cannot think of another occupation where there are panic buttons in rooms.

Ms ELENI PETINOS: We have them.

CHAIR: We have them and as a lawyer I wished I had one.

Thank you very much for appearing before the Select Committee today. The Committee may wish to send you some additional questions in writing, the replies to which will form part of your evidence and be made public. Would you be happy to provide a written reply within five business days to any further questions?

Ms FRANCIS: Yes, very happy.

(The witness withdrew)

MATTHEW YOUNG, Missional Services Manager, BaptistCare, HopeStreet, and

JESSICA DAVIDSON, Women's Services Team Leader, BaptistCare, HopeStreet, sworn and examined:

CHAIR: Thank you for appearing before the Select Committee today to give evidence. Before we proceed, do you have any questions concerning the procedural information sent to you in relation to witnesses and the hearing process?

Ms DAVIDSON: No.

CHAIR: Would either of you like to make an opening statement before we ask you questions?

Ms DAVIDSON: Yes. BaptistCare HopeStreet is a not-for-profit community centre based in Woolloomooloo committed to putting faith into action by providing compassionate care to marginalised inner-city residents.

HopeStreet is part of BaptistCare, a leading not-for-profit Christian based care organisation that has been serving the aged and people living with disadvantage since 1944.

At HopeStreet we operate women's service, a safe support agency that seeks to serve vulnerable women, including women who are involved with street-based sex work, women in domestic violence situations, women in the Woolloomooloo community and from 2016 we will offer specialised services for sex workers from culturally and linguistically diverse backgrounds.

For more than 20 years we have brought life transforming and trusted care to inner-city women involved with street sex work and have focused on the many factors that are strongly linked to women entering and continuing in the street-based sex industry, including homelessness, mental health, domestic violence, trauma and addiction.

Our services to women involved with street work include: a drop-in program where women can access a shower, laundry, meals and a safe place in which social isolation is reduced; outreach services in which women working on the streets are provided with support and resources, casework and counselling; a drop-in health clinic run in partnership with St Vincent's Hospital, service referral and exit pathways, a program being established that provides pathway out of prostitution for those women wishing to exit the industry. This includes employment skills training, self-esteem programs, education and health promotion.

The sex industry in Australia is multi-layered. Eggar and Harcourt provide a typology which consists of brothel sex workers making up 70 per cent of sex workers in New South Wales, escorts making up approximately 12 per cent of sex workers in New South Wales, private workers making up approximately 12 per cent of sex workers in New South Wales and street workers making up to 10 per cent of sex workers in New South Wales.

The circumstance of women involved in sex work varies considerably across these types. Women working in illegal brothels, for example, are much more likely to be trafficked, while women working with the provision of escort services are much more likely to have entered the industry by choice and to experience relatively high levels of safety and remuneration.

It is important that the Select Committee takes these vastly different circumstances into account when making its recommendations.

Our focus is on women involved with street-based sex work, who solicit clients on the street and provide services in cars, alleyways and various other locations. These workers are a minor client

group and yet among some of the most vulnerable in the sex industry. Our concern, and the purpose for this submission, is to ensure that the Select Committee consider this minority group, ensuring no adverse impact is caused upon these individuals in the drafting of changes to the current regulations around brothels.

No two women share exactly the same experience of life but we have found that most of our clients entering the sex industry is due to diminished choice. We have found that the factors influencing their decision to enter and continue in the street-based sex industry often include violence, trauma, homelessness, mental illness, sexual abuse and addiction.

Once working on the streets, the women we work with are extremely vulnerable to ongoing social isolation, stigma, violence and forms of abuse. Research by Prior, Hubbard and Birch in 2013 demonstrated that 75 to 81 per cent of street sex workers experienced significant violence while working, while Roxburgh, Degenardt and Copeland demonstrated that 98 per cent had experienced previous trauma and just under 50 per cent met the requirements for diagnosis of post-traumatic stress disorder.

Sex workers have the right to be treated with dignity, respect and love. As a faith-based service provider in the Christian tradition, we believe that each woman is a unique human being with much to offer their community. As those most likely to be impacted by regulatory changes and those who are most vulnerable to exploitation and abuse, we believe that protection of their interests should be among the primary considerations of the Select Committee.

BaptistCare HopeStreet does not formally argue for or against decriminalisation or have any judgment on this subject matter due to the focus of our work primarily being the safety, health and well-being of the women we work with.

The sex industry in New South Wales is currently decriminalised and not subject to licensing. Consequently, planning measures by local councils are the primary means by which the industry is regulated. We recognise that there are contested arguments around the merits of further regulation of brothels. We have not come to pre-judge any solution or changes that may be made to current legislation. Our concern is that whatever decisions are made in this area, the Select Committee should be aware of the potential ramifications for women involved with street-based sex work.

We recognise the decriminalisation provides important protections for women involved with street-based sex work. Decriminalisation allows them to provide sexual services without fear of prosecution and to seek out protection of the law if they are subject to violence and to other forms of abuse, and gives them much greater propensity to access services such as those provided by BaptistCare HopeStreet.

Any changes to the regulatory regime that effectively criminalises street sex will render women involved with street sex work less safe and less likely to access the support services they rely on.

BaptistCare agree that all people are entitled to the conditions of basic human rights, whilst also facing the reality of our clients' social and emotional circumstances. We are open to exploring new approaches and service delivery impact measurement and best practice care for the most marginalised and vulnerable members of our community.

The Select Committee's focus is upon the regulation of brothels. We recommend that any shift towards licensing or further regulation of brothels:

1. Should not have the effect, either de jure or de facto, of criminalising women involved with street-based sex work, nor of creating barriers that effectively move women outside the law; and

2. Any legislation change should always consider the wellbeing and safety of women involved with street-based sex work; and
3. Any changes to legislation should not further marginalise or further victimise women involved in street-based sex work.

CHAIR: Can I ask whether either immediately or in due course we could perhaps have a copy of the document you have read from because I do not think we have a written submission from you and it would, in particular, be of assistance so that we can properly access some of the literature that you referred to accurately for the purposes of our Committee work. Thank you for handing that up.

Just in respect of that literature that you quoted, have you identified the title to the study?

Ms DAVIDSON: Just on the last page under references.

CHAIR: Thank you for that. Certainly you are giving us a particular perspective from the point of view of street workers, which is very valuable. You encouraged us, effectively, not to do recommend anything through this Inquiry that would be harmful to street workers and speaking for myself, I would be very reluctant to do so.

If you assume for one minute that prostitution in New South Wales remains decriminalised and I know you particularly addressed that and said you did not want there to be a stigma around street work, are there any other actions that this Committee could recommend that you would be particularly fearful of in terms of harming street workers? When I say remains decriminalised, assume that also includes not introducing the Nordic model.

Ms DAVIDSON: As long as anyone is still able to access health care and do their job without discrimination or stigma, then that is what is important. We have not come here necessarily with a solution; we just wanted to make sure that there would not be any further marginalisation of women involved with sex work.

CHAIR: Mrs Pavey referred to a very light regulatory approach to brothels to be introduced around perhaps there being some official records of the location of brothels and for example, a fit and proper test around people who could own and operate brothels, if regulation of that kind was introduced, would you see that as having any detrimental effect on street workers?

Ms DAVIDSON: It is hard for me to speak to that; that is not where my expertise lies around the brothels and regulation of brothels. I think it is important to consider and continue to further look into what those impacts may be.

Mr ALEX GREENWICH: Can I start by thanking you for the work that you do. A lot of it is obviously done within my electorate of Sydney and particularly the very caring and non-judgmental approach which you take to supporting sex workers.

You mentioned that one of the things you do is help people through job interviews, getting back on their feet. Could you give the Committee an understanding of the type of discrimination that potentially sex workers could face in those settings?

Ms DAVIDSON: I think before I start, a point to note is that not every client that we work with does want to exit the industry and that is not the purpose of what we do. But for a lot of the clients that we do work with, they have been involved with the industry for a long time and when they want to make that change, they often lack the ability to have those educational or life skill

opportunities due to other factors that have been involved in their life story. For us, creating a pathway has been really important. Often what we find is, if you then want to go for a job interview, what do you put on your resume for the last 15 years, knowing that there is a lot of stigma and discrimination around that? So one of the things that we are in the process of launching is for women that do want to move out, we do have a few commercial businesses attached with BaptistCare and allowing them a model where it is one trainee to every five professional models. There is a buddy system, but they actually none of the managers get told they come from a sex work background, they just know that have been referred from HopeStreet.

It creates a safe way and a safe avenue for them to start a different employment opportunity if that is what they want to pursue, without having any of the stigma or judgment on that.

Mr ALEX GREENWICH: Because otherwise it is quite difficult.

Ms DAVIDSON: We find it is really difficult. I have had numerous clients who have chosen to move to other industries and they find there is a lot of stigma and discrimination from either clients finding out where they work or even people finding out what they used to do in previous employment; that then changes the expectations of what they should be doing now.

Mr ALEX GREENWICH: I appreciate you may not have a position on this, but do you think that anti-discrimination protections for sex workers would be beneficial to help mitigate some of that stigma and discrimination people face, particularly when seeking employment?

Mr YOUNG: That is a good question.

Mr ALEX GREENWICH: You can take it on notice if you like.

Mr YOUNG: Yes, I think we will take it on notice. I do not think we have a particular position on it; I will have to look at that.

Ms MELANIE GIBBONS: How many sex workers would you have worked with in an average year?

Ms DAVIDSON: We would have between 35 and 40.

Ms MELANIE GIBBONS: How long would you have an involvement with them? How long do they keep coming to your organisation for generally?

Ms DAVIDSON: That is probably a really hard question. For some women it is just a few sessions, but for most of our women it is many years.

Ms ELENI PETINOS: I have noticed in the About Us section of your submission that you have referred to a drop-in health clinic that you run in partnership with St Vincent's Hospital. Do you have any information about the prevalence or absence of STIs in your clients?

Ms DAVIDSON: No we do not and obviously due to confidentiality we would not ask that from St Vincent's. I do know, and I think it has already been stated, that sex workers in New South Wales have one of the lowest rates in STIs.

Ms ELENI PETINOS: You have referred to service referral as a distinct point from the exit pathways program. What exactly do you mean by service referral?

Ms DAVIDSON: Sometimes that is referring to other services that may also be of benefit, so whether that was something like SWOP, whether that is something like doing some external psychiatric help for any of our clients that needed that, whether it was a housing provider, whether it is

legal aid, it is those kinds of service referrals.

Ms ELENI PETINOS: Do you often deal with women or men within the sex industry who come to you and are in violent situations or have been in violent situations?

Ms DAVIDSON: We only work with women and transgender women, so I cannot speak into men involved in the street-based sex industry. I think what the statistics indicate is that there are larger issues at play, that we live in a society where violence against women is okay. I think changing the law does not necessarily mean that that violence goes away. It has not happened in Queensland or Victoria and the important thing that we do need to address is the larger issues of gender violence in our society.

Ms ELENI PETINOS: Do you have any information about clients who may be engaged in home-based sex work and how they feel about their safety when engaging in that particular element of the sex industry?

Ms DAVIDSON: I understand the purpose of the regulation of brothels and I think what needs to be defined is what defines a brothel worker and what defines a street-based sex worker. I guess any changes that would have a detrimental effect on our client's ability to work from home but it will be dependent on what the definitions will be.

Ms ELENI PETINOS: What about their safety; have any of your clients raised concerns about their safety in that environment? We received evidence in Victoria which suggested that certain individuals that we had spoken to actually felt more comfortable operating in New South Wales' environment where they could operate out of their homes than Victoria where it was not permissible. Have you had any similar discussions with clients in the past or evidence to the contrary?

Ms DAVIDSON: I think it is safer for women to work in their homes than to work on the streets and I think that that is an important consideration to take into account.

Ms ELENI PETINOS: Is there a reason you can give to substantiate that?

Ms DAVIDSON: I think one of the biggest issues with street-based sex work, while it is legal it cannot happen within 500 metres of a school, church or hospital and there is one other that I cannot quite remember, but what that in effect does is that moves that work into alleyways where there is not strong lighting or it moves it into the back streets and things like that, where that is not as safe an environment.

Ms MELANIE GIBBONS: Is there a HopeStreet or something like HopeStreet in other States?

Mr YOUNG: BaptistCare as a community service provider does operate community centres in Newcastle, Wollongong and Campbelltown and we are about to grow into the greater west as well. BaptistCare New South Wales and Australian Capital Territory is all we can represent today.

Ms MELANIE GIBBONS: Are there other ones that operate similarly in Victoria or in Queensland?

Ms DAVIDSON: Probably the most similar service for street-based sex work to us would be St Kilda Gatehouse in Victoria. We have recently engaged in some research with them, particularly in finding out what the best practice and impact measurements need to be for working with street-based street workers.

Ms MELANIE GIBBONS: If you happen to find anything of relevance to the Committee, I would appreciate it if you pass it through, although we are on a time limit.

Ms DAVIDSON: We hope to have it by the end of the month.

CHAIR: I am going to ask some questions which will completely expose my ignorance. In terms of the street-based sex workers, I assume that they work potentially in a number of different ways, is that correct? Sometimes they may be providing their services in a darkened alley, they could go to the client's residence or they could go to their own residence or maybe there are other possibilities on top of that. Can you just give me a bit of an idea of where they are providing their services?

Ms DAVIDSON: Yes, sure. It is a large variety of those situations. I think the key things are most of our clients that I work with would work around the Kings Cross/Darlinghurst and Woolloomooloo areas, which are known areas and face relatively safer options as it is a known area, so there is probably a bit less stigma and discrimination than other areas of Sydney but a lot of our clients would also work on the highways and travel between the two locations in western Sydney.

CHAIR: Will they take their clients back to their place?

Ms DAVIDSON: Most of my clients would not.

CHAIR: In the street or in the client's place?

Ms DAVIDSON: It would be in the client's place, in cars, in different areas. I probably cannot speak as to the exact location; it is probably not a key thing that we look at when we are working with our clients.

CHAIR: I am just trying to get an idea in terms of the safety issues and following Ms Petinos' question. In terms of the City of Sydney Council, home-based work is legal in terms of the planning laws?

Ms DAVIDSON: Yes.

CHAIR: But you said that most of your clients would not do that, is that right?

Ms DAVIDSON: Some would, some of my clients do not reside in the City of Sydney Council area but travel to access our service and so therefore in their locations where they reside it is not legal and that is a concern for their safety and making that less safe for them.

Ms JO HAYLEN: Thanks for your time today. I guess following on from that, looking at the difference between the requirements in some council areas of home-based sex workers to have a development application and in some areas of course that is not a legal option; you cannot become an approved home-based sex worker, compared to the City of Sydney Council area.

Given that some of your clients come from those other areas, do you think it would be a provision that would increase the safety of workers if they were able to legally work from home in an approved manner?

Ms DAVIDSON: Yes I do.

Ms JO HAYLEN: In terms of the clients that you deal with that are facing violence or have faced violence in the past, what are their reflections on dealing with police, is that a regular referral or do you have to encourage them to refer those things to police? How does that normally play out?

Ms DAVIDSON: I think from the experience that I have had, some do and are happy to. Some have had previous negative experiences with law enforcement and so that may affect their

motivation to want to do that.

Ms JO HAYLEN: In their role as a sex worker?

Ms DAVIDSON: Yes. I think as well for anyone that has been a trauma experience, to make that report is never an easy thing and so to add that, whether it is perceived or real, that there is stigma and discrimination still around sex workers; that can add to that.

Ms JO HAYLEN: Is there anything in your experience that would assist with relations to the police or indeed removing some of those perceptions or biases?

Ms DAVIDSON: That is a good question.

Ms JO HAYLEN: I am happy for you to come back to us if there is something that comes to mind later.

Ms DAVIDSON: Yes, that is a good question.

CHAIR: Just following up on that, I understand that the police force do have liaison officers who are supposed to facilitate and be receptive to complaints of violence or other problems faced by sex workers. Do they have any engagement with you in terms of asking whether you are able to provide them with any anecdotal feedback on how that is operating?

Ms DAVIDSON: We have not been asked to provide any feedback but I think it is a great move to have that person. It is just one person though, when you are talking about a large area.

Ms ELENI PETINOS: I am referring to your submission again, given that we got it only just now; I am still playing catch up. There is a reference to human trafficking in your submission. Do you have any evidence or experiences you can actually share with the Committee?

Ms DAVIDSON: Yes, I think we said women working in illegal brothels are more likely to be trafficked, taking into account that in the sex industry there are many voices and the experiences within that. I personally have had no experience with any of the clients that I work with being trafficked and I think it's fair to say that most sex workers in New South Wales are not involved in trafficking.

CHAIR: You possibly do not have this shared personal experience but your organisation has obviously been in existence since 1944 and as such it has seen the transition from illegal industry to a legalised industry. Are there any anecdotal observations that you are aware of in terms of how the industry has operated differently under legalisation? If you are not in a position to answer that, just say so.

Ms DAVIDSON: Again, if we are talking about women wanting to make different choices, not having a criminal record is actually a really big thing and so that is why I think decriminalisation is really important, because whatever areas of life you are involved with, that is not restricting you to fulfil them.

Ms ELENI PETINOS: I know that you have already told us that you do not have a solution as to what this Committee should actually implement but I wanted to touch on the comments you have made about working with the extremely vulnerable women who are socially isolated and face stigma, violence and other forms of abuse. Given what you see each day, is there anything you could share with this Committee about how you feel we might be best to try and tackle those specific issues, even if you are not talking about the regulation or de-regulation of the entire industry. Do you have any thoughts at all?

Ms DAVIDSON: Are you talking about how to reduce stigma and isolation?

Ms ELENI PETINOS: Yes, do you have any comments around the violence or the discrimination type elements, even if it is not about the structure of the industry?

Ms DAVIDSON: Yes, I think that it is important that the laws that are enacted are structured around the way that it is not a crime, because I think that does bring stigma and discrimination. I think having services that create holistic care and come from a non-judgmental perspective and having them involved is really important and continuing to have services that are targeted and tailored towards the needs of sex workers is important.

CHAIR: Thank you very much for appearing before the Select Committee today. The Committee may wish to send you some additional questions in writing, the replies to which will form part of your evidence and be made public. Would you be happy to provide a written reply within five business days to any further questions?

Ms DAVIDSON: Yes.

(The witnesses withdrew)

(Short adjournment)

GRAHAM STUART LONG AM, Pastor and Chief Executive Officer, Wayside Chapel, sworn and examined:

TIM STERN, Government Relations Manager, Wayside Chapel, before the Committee:

CHAIR: Thank you for appearing before the Select Committee today to give evidence. Before we proceed, do you have any questions concerning the procedural information sent to you in relation to witnesses and the hearing process?

Rev LONG: No, I do not think so, thanks. I am not entirely sure why I am before the Committee today. Perhaps I know more people in the sex industry than your average clergyman is willing to admit to.

CHAIR: I think that is probably the reason you have been asked along. Reverend Long, would you like to make an opening statement before we ask you questions?

Rev LONG: I do not think so; I think I am happy to just respond to questions.

CHAIR: Reverend Long, how long have you been Wayside Chapel?

Rev LONG: Eleven years.

CHAIR: In that capacity as chief executive of the Wayside Chapel you come into contact with many different groups in the community, including sex workers?

Rev LONG: Yes, that is true.

CHAIR: Could you give us an idea of the context in which you interact with sex workers?

Rev LONG: Most of the sex workers that we meet are people at the bottom of the tree. There is a very wide variety of people grouped together in sex work. I have met a few people who are very high priced people who just work from their computer really and target a particular industry, but most of the people we meet are street workers. I think they are exposed to the greatest dangers and probably the greatest health risks as well. That is the bulk of my friends in that industry.

CHAIR: In terms of the street workers, do you have first-hand experience of how they have been assaulted or otherwise taken advantage of?

Rev LONG: Yes.

CHAIR: Could you just describe that?

Rev LONG: I think the most dangerous category are probably the men and women who jump into cars, some of whom have mates who will take down number plates to track them but some of them do not. So they lose control really of their situation. We have known a number of assaults that have happened that way, fairly serious.

There is another category of people who are employed to make appearances in movies and that can be very abusive. I once spoke to a woman who had lost all the skin off her knees and her shins. I do not know exactly how that happened but she said that happened as a result of being in a movie, so that is really brutal kind of treatment.

CHAIR: So that is a sex movie?

Rev LONG: Yes; a reasonably older woman too. It is hard to imagine anybody would watch

such a movie but that is what happened. That is rare, but it happens. The vast majority of people that I know who work in the sex industry do not actually do it regularly, they do it when there is a need to. So they work to get through a financial scrape and then they do not. We know in Kings Cross there are a whole lot of people who do not normally work in Kings Cross who suddenly appear in peak times, when a ship comes in or when it is Christmas time; there is a whole bunch of new faces appear and nobody much knows who they are; they come and they go.

Ms MELANIE GIBBONS: Reverend Long, do you have an opinion on or any insight as to why some sex workers would choose to work on the street rather than in a brothel?

Rev LONG: It usually means they are more desperate than anybody else. I would say nearly all the time they are funding a drug habit; nearly all the time.

CHAIR: Does that mean that they may well be homeless themselves?

Rev LONG: Yes. They will get showered and dressed up—they get the clothes from our op shop and get showered in our showers and then go to work. There is quite a transformation that takes place in the late afternoon—when you apply a lot of alcohol, they can make a living. It is tough though. It is very unromantic.

Ms MELANIE GIBBONS: Reverend Long, if we were to have a system similar to the Victorian system of getting the sex workers to register, even on a private register, not a public register, would these sex workers go through that process or do you think they would then just operate under the radar, in your opinion?

Rev LONG: I do not know the answer to your question, I am really guessing but I think a lot of them would operate under the radar, because they do not really care. That is the people at the bottom of the barrel. I think they are just meeting the needs of today and rarely think about tomorrow. So you would have to enforce it somehow. I am no expert, but the logistics of getting that done, I think, would be very complex.

CHAIR: In terms of the street work, is there a competitive market in the sense that whoever wishes to work on the streets can work on the street or are there any standover people that are dissuading people from work or subjecting street workers to violence?

Rev LONG: There is often conflict amongst the women themselves; it is mostly women who work in Kings Cross and there can be fights over territory. Not that there is a lot of work, they all tell me there is not a lot of work going. Some people can stand for three or four days and not turn a trick. So there has been strong rivalry amongst the women themselves and that heightens around Christmas time when all these new faces appear; so who owns what little piece of the footpath becomes an issue. That is sharp but I would not say that leads to violence necessarily.

Ms ELANI PETINOS: Reverend, how many sex workers would the Wayside Chapel assist every year?

Rev LONG: I cannot give you numbers because a lot of them would not admit to working sex work but when you see this transformation in the afternoon it is fairly obvious where they are going. I would say most people who work the footpath or the front of the shops in the main drag of Kings Cross would put in an appearance at Wayside Chapel one way or another. Certainly any of them who are hustling have definitely come to Wayside Chapel because we would be where they get clothes and where they have a shower and mostly eat.

It is hard to put a number on it, but if a hundred or so people come through a day, I think it is fairly safe to say 10 of those people are in the sex industry.

Ms ELENi PETINOS: You mentioned just now that a lot of the workers in your experience would not actually identify as being sex workers. This Committee has received other evidence that would suggest that we have a really low rate of STIs in the State of New South Wales and we have previously queried people appearing before the Committee as to whether or not the samples are accurate in terms of whether all women or men would be willing to identify that they are in the sex industry for the purpose of engaging in these surveys or health surveys. Do you have any information about whether people who come through your chapel actually would identify on any of these surveys or have in the past?

Rev LONG: Even with some people when it is quite obvious that they are working the street, even when they are fully done up some of them would not admit they are sex workers. Often a partner will put a partner out to work, if you know what I mean, they are short of money and so there will be pressure for a woman put on her by her male partner to work and raise some money. I do not think those people would say they are sex workers, I really do not. I think they would just say they are in an unfortunate phase of their life.

Ms ELENi PETINOS: Do you think that potentially the low rate of STIs in the industry that this Committee has been told about may actually be over-represented?

Rev LONG: Sorry, could you repeat that?

Ms ELENi PETINOS: This Committee has been told that there is a low rate of STIs in the industry. If women are not reporting that they are engaged in the industry, do you think that there is some potential error for margin in that statistic that we keep being referred to?

Rev LONG: There is bound to be a hidden something or other, but I do not know. My understanding is New South Wales has a balance between over-legislating and under-legislating fairly well and it is probably considered to be in a fairly good spot. That is my understanding. If you over-legislate you create a black market and if you under-legislate you risk health. It is a middle line you have to walk and I would have thought New South Wales was doing okay.

Ms ELENi PETINOS: Following on from that, this Committee is obviously looking into the regulation of the industry. Does your organisation have any suggestions about areas we might like to take up or further investigate?

Rev LONG: Actually that is a tough call. I never worry about what legislators have to do. I am glad I am not doing your job. At a very high level I think we need enough legislation that will guard against obvious health risks and we do not need so much that we are just building an empire for the health department. I think we need to treat the people themselves who are caught in this industry or choose to be in it with dignity. You can legislate in a way that takes dignity away or you can legislate in a way that preserves dignity and I would be keen that we do that.

Ms ELENi PETINOS: By that you would be referring to something such as making sex workers subscribe onto a registration system effectively?

Rev LONG: That sounds to me not that many steps away from branding.

CHAIR: Could I just ask a follow up question from a few questions before that last one. You have told us about some of the people who will get dressed up in the afternoon and then it would seem as though they are going out and working. I assume that some of these people had drug and other issues that they are dealing with, is that fair to say?

Rev LONG: Yes.

CHAIR: Do you have any feel for the likelihood or the unlikelihood that those people are

engaging in safe sex practices when they go out to work?

Rev LONG: I cannot say with certainty. Some of our frontline workers could say with more certainty. My guess is most people, at least in conversations at my level, are concerned about their own health. They are interested in preserving their own health and there are medical services available to them which they generally use. There are agencies that even will hand out to them condoms or whatever and there are health checks at Kirketon Road and so on and they generally speaking, use those services. In other words, I do not think they are monsters out of control trying to spread disease, I think they are just people interested in their own health, like us all.

CHAIR: I was not trying to be pejorative, I was just interested because of the way in which you described them, I just was not quite sure whether they would have access to or inclination to obtain condoms, but you have said that they are freely available.

Rev LONG: Yes, very much so and most people at least acknowledge the need to practice safety. There are exceptions to everything that can be said. There are some people who are so desperate that they perhaps would not care. There are some people selling themselves for \$20 and for \$20, they are not caring much about much. There are people who are committed to this as a long term way to make a living. I had a cup of coffee with a lady who was 70 years old who has worked in the sex industry all her life and she is a very good looking lady actually. I said to her, stupidly, "So what age did you decide to give up?" and we had this awkward moment. I said, "You're still working, aren't you?" She said, "There's a market for older ladies."

CHAIR: Reverend, you have already told us that you consider that it is important that anything that Parliament was to legislate in this area should take into account the preservation of the dignity of the people involved. Are there any other pieces of advice that you can give us that would not be hurting the people that you deal with rather than helping them?

Rev LONG: I would not want to preach to you but Jesus was once having dinner with a Pharisee who was a banker and just like prostitutes, bankers have been with us for a long time. There was a woman of very bad repute who was being very intimate with him and everybody was whispering, "Doesn't Jesus know what kind of woman this is?" Eventually the story ends by what I thought was the silliest question in the world, Jesus says, "Do you see this woman?" I always thought that was the dumbest thing in the world because all the bloke who threw the party could see was the woman. But quite clearly what he was saying was, "Do you see the woman or do you see a problem?" I think that is a good principle, to remember that these are people with dignity, to be treated as such. To me that guiding principle is more important than the lower level discussions about how far does regulation go, because I am not that wise.

Ms ELENI PETINOS: Evidence given to us earlier today touched on the ability of women to sell themselves. Do you have any views on the ability of woman to sell themselves and any gender equality issues or any other issues that may result from that?

Rev LONG: There is a lesser number of young men also selling themselves and they would not say selling themselves, mostly they would say selling their time. I do have a view that I mostly keep private because I think most people who are more directly involved in it insist that this is a job like any other and there is no discussion much beyond that.

I think it is true to a point, there is something incredibly honest about I want sex and I want money and both swap. There is something incredibly brave and honest about that. But I also have a private reservation that I think most of these people change their makeup, change their name and operate as somebody different. I think to divide yourself in that way is not good for you in the longer run.

Ms JO HAYLEN: Thank you Reverend for all the incredibly important work you do in the

city of Sydney in our neck of the woods here. I am interested to talk about these people that you are assisting who have a number of complex problems, particularly drug use. If we were to imagine for a moment that you had some additional resources and instead of focusing on the regulation of brothels or things like that, how do you think we could best assist these people to make other choices or particularly affect their health outcomes?

Rev LONG: I think homelessness and mental health are not separate issues, they are all part of the same issue and I think we would be well advised to pour a whole pile of resources into housing people and getting mental health issues attended to. We would help make people less desperate. We are a bit inclined to punish people instead of help them. My sense is that it would be cheaper to help them.

At Wayside Chapel we do not have any magic tricks; we do not have any special knowledge. In fact, at our best we say we know nothing because the people we meet are not things and when we know them, we know things. In other words, once people do not feel like they are the only ones in the world that have ever been through what they are going through, once they realise there are others with them and for them, most people just naturally move towards a more healthy spot. That is how it works. That is our whole modus operandi.

Ms JO HAYLEN: May I ask you just on one other issue in relation to your interaction with the NSW Police, do the people you are assisting, do you think, feel free and able to raise issues with the police? Do you have a relationship with them through a particular officer or officers and if those people do not feel willing, how do you think we might be able to improve that?

Rev LONG: We can always improve that actually, although I think the police, especially Kings Cross police station, are mostly fantastic, mostly patient human beings. Every now and then there is an exception with some young cop who has seen too many movies, but mostly they are really good.

But it is a never ending tussle because their agenda is about finding wrongdoers. If you are not wearing a blue shirt, you must be a wrongdoer and our agenda is you belong to the community, no matter who you are.

There will always be a certain amount of friction but I would say by and large we are very well served by police. Even so, if I was king of the world or king of New South Wales I would put more resources into helping people than policing them. I think that might be cheaper and I certainly think there would be longer term benefits.

CHAIR: You have mentioned homelessness and mental health as some of the causative issues complementary to prostitution. In your 11 years at the Wayside Chapel, what has been your observation of the incidence of homelessness and mental health issues?

Rev LONG: We think about 80 per cent of homelessness is often undiagnosed, but often diagnosed, mental illness. I think there is a fantastic proportion that is attributable to mental illness. We also think that a lot of mental illness is, in a sense, constructed by a community that schools people into loneliness. We have forgotten how to be a community, we are so competitive. We are so in love with the power of one that we have forgotten that we are hard wired as social beings.

There are a lot of people who think they are the only ones who have ever gone through whatever it is they are going through and that is a mental illness on the way. It will show one way or another if you think you are on your own. In my view to overcome that is probably a whole lot more beneficial and effective than providing hospital beds, which are very expensive things to provide. When I say mental health, I do not mean hospitals, I mean creating community. We can do things that help create community.

CHAIR: Thank you very much for coming and giving evidence today. The Committee may wish to send you some additional questions in writing, the replies to which will form part of your evidence and be made public. Would you be happy to provide a written reply within five business days to any further questions?

Rev LONG: Yes, that would be fine.

CHAIR: That concludes our public hearing today. I would like to place on record my thanks to all the witnesses who appeared today. Thanks also to the Committee members and the Parliamentary staff who make these hearings possible.

We will now stand adjourned until Friday when we will be taking some views around Sydney.

(The witnesses withdrew)

The Committee adjourned at 3.30 p.m.