



AUSTRALIAN FEDERATION  
OF AIDS ORGANISATIONS

8 October 2019

Mr Tony Sievers MLA  
Chair  
Economic Policy Scrutiny Committee  
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Dear Mr Sievers

The Australian Federation of AIDS Organisations (AFAO) welcome the opportunity to provide comment to the Economic Policy Scrutiny Committee on the *Sex Industry Bill 2019* (the Bill). We would also like to congratulate the Northern Territory (NT) Government on the intention to fully decriminalise the sex industry in the NT.

AFAO is the national federation for Australia's HIV community response. We provide leadership, coordination and support on national HIV policy, advocacy and health promotion. Internationally we contribute to the development of effective policy and program responses to HIV/AIDS, particularly in Asia and the Pacific. Our member and affiliate network includes more than thirty leading community, clinical workforce, and research organisations. We work closely with our member organisation, Scarlet Alliance, Australian Sex Workers Association on policy issues for sex workers.

It is important to note that a priority area of the eighth *National HIV Strategy 2018-2022* is to 'continue to work towards addressing the legal, regulatory and policy barriers which affect priority populations and influence their health-seeking behaviours'<sup>i</sup> including the decriminalisation of sex work.

We would like to respond to the four items the Economic Policy Scrutiny Committee is inquiring into and reporting on.

**a) whether the Assembly should pass the Bill**

AFAO supports the Assembly passing the Bill. The changes this Bill will allow will be critical to sex workers' ability to access workplace health and safety protections, ensure industrial protections and rights for sex workers, access the justice system in the event of a crime, and protection and redress for exploitative work conditions. Sex workers and sex services businesses will operate within existing employment, occupational health and safety, workers compensation and rehabilitation, planning and taxation.

**b) whether the Assembly should amend the Bill**

First, advertising restrictions in the Bill carry forward those in the existing *Prostitution Regulations Act 1992*. Given the intention of the Bill to fully decriminalise the sex industry in the NT, standard advertising restrictions should apply to sex workers' advertisements.

Second, the requirement for suitability certificates for operators engaging more than two workers be removed from the Bill. In its current form, this requirement is onerous and excessive. The requirement in New Zealand applies to sex services businesses with more than four workers and recent amendments to the South Australian *Decriminalisation of Sex Work Bill 2018* requires this for sex services businesses with more than five workers. Furthermore, clauses relating to suitability certificates should specifically exclude independent sex workers working together who do not have an employment or management relationship.

The Australian Federation of AIDS Organisations (AFAO) is the national federation for the HIV community response in Australia. AFAO works to end HIV transmission and reduce its impact on communities in Australia, Asia and the Pacific. AFAO's members are the AIDS Councils in each state and territory; the National Association of People with HIV Australia (NAPWA); the Australian Injecting & Illicit Drug Users League (AIVL); Anwernekenhe National HIV Alliance (ANA); and Scarlet Alliance, Australian Sex Workers Association. AFAO's affiliate member organisations – spanning community, research and clinical workforce – share AFAO's values and support the work we do.

Finally, to capitalise on the benefits of the decriminalisation of sex work in the NT, a clause relating to the expungement of historical convictions in relation to sex work must be included.

**c) whether the Bill has sufficient regard for the rights and liberties of individuals**

AFAO supports the NT Government's conclusion that the Bill is compatible with the rights and liberties of individuals. The Bill enhances sex workers' ability to decline clients and sex work and seek alternative employment if desired. The Bill recognises an individual's right to choose their occupation and the right to just, favourable and safe work conditions, this is in line with Australia's obligations under the *International Covenant on Economic, Social and Cultural Rights*.<sup>ii</sup>

**d) whether the Bill has sufficient regard to the institution of Parliament**

The Bill does not endorse the sex industry, it enables parliamentarians to govern the sex industry efficiently and effectively within existing regulatory frameworks and laws. This allows for the transparent operation of the sex industry and the Bill to have sufficient regard to the institution of the Parliament

In addition to our response to the four items above, anti-discrimination protections are crucial to provide sex workers with protection against stigma and discrimination and will be essential to the implementation of sex work industry decriminalisation. The Bill presents an opportunity to move forward amendments highlighted by Sex Workers Outreach Project (SWOP) NT and Sex Worker Reference Group (SWRG) in their submission to the *Discussion Paper: Modernisation of the Anti-Discrimination Act*.<sup>iii</sup>

The role of peer education programs will be vital to implementation to ensure sex workers are informed about how the introduction of this Bill impacts on their work. Programs such as SWOP NT are well placed to deliver this peer to peer information and guide sex workers on how they can best take advantage of the legislation should it come into law. SWOP NT are also in the best position to assist with the development of guidelines, in collaboration with the Chief Health Officer and the Minister for Health, on health and hygiene for sex services businesses.

Please do not hesitate to contact me to discuss this letter and the benefits for the Northern Territory of decriminalising sex work.

Yours sincerely



Heath Paynter  
**Deputy Chief Executive Officer**

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<sup>i</sup> Department of Health. National HIV Strategy 2018-2022. Canberra, DoH 2018. Available from:

<https://www1.health.gov.au/internet/main/publishing.nsf/Content/ohp-bbvs-1/>

<sup>ii</sup> Australian Human Rights Commission. International Covenant on Economic, Social and Cultural Rights – Human rights at your fingertips. AHRC, Sydney 2012. Available from: <https://www.humanrights.gov.au/our-work/commission-general/international-covenant-economic-social-and-cultural-rights-human-rights>

<sup>iii</sup> Sex Worker Outreach Project NT and Sex Worker Reference Group. Sex Worker Outreach Project NT (SWOP NT) Sex Worker Reference Group (SWRG) Collective Submission in response to the Northern Territory Government Discussion Paper - release September 2017: Modernisation of the Anti-Discrimination Act. Darwin, SWOP NT & SWRG 2018. Available from:

<http://www.ntahc.org.au/programs/sex-worker-outreach-program-swop-nt/parliamentary-submissions>

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