

From: [REDACTED]
To: [EPSC EPSC](#)
Subject: Submission to Sex Industry Bill 2019
Date: Tuesday, 8 October 2019 5:07:15 PM

Hello,

I am writing to submit to the NT inquiry on the Sex Industry Bill 2019. I am writing as an individual current sex worker based in NSW, and have worked in every state and territory in Australia other than Western Australia. This includes the NT, where I have been a FIFO sex worker multiple times over the last 5 years. I have been a sex worker for 15 years, most of which I have worked independently. I also have experience in brothels and working in the adult film industry.

I am pleased that the NT has been considering introducing decriminalisation as its legislative model, but unfortunately the current bill does not fully decriminalise sex work. I'd love to raise some of my issues with the current legislation and the bill itself.

The currently legislation makes it quite difficult for me as a sex worker to work safely, and to make autonomous choices about how and where I work. As I am currently unable to work from an establishment such as a brothel, club or massage parlour, I must work independently. If I do so, however, I must also register with the police. I am unwilling to offer my personal details to a police register of sex workers in any jurisdiction, and note that this registration offers me no concrete protection, violates my right to privacy and anonymity, and creates unnecessary contact between me and the police. I note that no member of any other industry is required to register individually with police in the NT. The police are not suitable regulators of the sex industry, and I trust that your inquiry will include a review of the literature that says so.

The ONLY time I should have contact with the police in the context of my sex work is when I have had a crime committed against me at work, or am in danger at work. I should not have to register my work status with the police to seek their services, nor should I fear seeking it if I have not registered. This is absolutely a safety issue for me at work, and is one reason why working in the NT creates a sense of fear for me.

If I want to work more safely by working with another sex worker or sex workers, or hire security, I am unable to do so legally. This means that I must choose between working safely and working legally. This should not be the case, and is again a violation of my human right to seek safe and legal work.

The location of my work is also highly restricted, and I am unable to work from my own home, where I would be able to be familiar with the environment and set it up so that I am safe and comfortable when I see clients. If I choose to work as a street-based sex worker, which is safer for me than working alone in a place I'm not familiar with, I am also criminalised. I also note that there are many NT sex workers who are not able to afford to sex work in a legal indoor environment. I am privileged enough to be able to rent a location from which to work, but this is not the case for many NT sex workers. They should not be criminalised for their socioeconomic status, or the simple choice to work in the way that best suits them.

As you can see, this is not a workable environment for me or for my colleagues. The personal impact for me is that I live in fear of encounters with police and with clients. If a police officer poses as a client and discovers that I am working outside of the law, I risk prosecution. If a client doesn't pay me, hurts me or otherwise violates my consent, I risk outing myself to a police officer as a non-compliant sex worker, which cuts off my access to justice for crimes committed against me. This means that I take extra care in what bookings I take, which is detrimental to my income, and I also experience a great deal of anxiety during my working times, which impacts my health, makes me feel isolated from the 'normal' labour force, and creates a profound sense of injustice around my choice of profession.

The proposed changes to the current legislation are (mostly) welcome, and whilst it misses the mark of full decriminalisation currently, it is easily amended to present what is evidenced globally to be best practice for sex worker health, labour rights, and human rights outcomes. I was pleased, for example, to see that the NT is considering a clause to make sex work contracts legal, allowing sex workers to pursue clients for non-payment, failure to attend appointments, and failure to pay the appropriate cancellation fee (or other unforeseen issues with a booking). This would absolutely benefit me and

my colleagues, and I think it's a progressive step for the NT government.

I was also glad to read the proposal that a sex worker can legally withdraw consent during an interaction with a client at any point. This is consistent with consent law generally, which should be no different for sex workers. It also protects those workers whose bookings are arranged by an agency, as a precaution against the exploitative labour conditions often imposed by managers in both legal and criminalised agencies. I also commend the proposal of the destruction of records on the current police registry upon the passage of the bill. This, and any convictions made under the current legislation, must be wiped from the records of those who held them. Sex work is not a crime.

I am, however, quite concerned by several other proposals outlined in the last reading of the bill. There are a number of clauses that begin to approach licensing models, which are currently in place in Victoria and Queensland, and which are incredibly damaging for sex workers. Licensing creates a two-tiered system in which some sex work is criminalised, and sex workers who work in these environments are often unaware that they are working illegally because licensing systems are often incredibly complex and conditional. Sex work can be regulated by standard workplace health and safety and labour law. It does not require unique criminal code. The licensing environments I have worked in have made my work feel more precarious. When I was a Victorian sex worker and forced to work illegally in order to prevent half of my income going to brothel owners, an abusive partner used my illegal sex work status as a threat to me, which is what finally forced me to move to a decriminalised state in order to feel free of fear of clients, stalkers, and abusers being able to hold this over me.

The use of 'suitability certificates', for example, is one way in which the bill currently fails to present decriminalisation, and instead slips back into a licensing model, which is what is currently in place.

The restrictions on advertising, similarly, are inconsistent with the stated aims of the bill. Being able to freely advertise our services is absolutely essential, and is a way that we safely negotiate our services with clients, manage expectations, establish consent, and run our businesses on our terms. These restrictions have no place in the bill and are costly to enforce. Advertising restrictions are commonly used as a way to criminalise sex work without criminalising the sex worker *per se* - instead criminalising the other things that are adjacent to our work. This still, effectively, criminalises us.

I urge the NT government to reconsider all elements of the Sex Industry Bill 2019 that are not in line with the full decriminalisation of sex work. Sex workers are the key stakeholders in legislation about sex work, and should be positioned in this inquiry as such. The NT government has access to advice from sex workers and sex worker organisations, who are best-placed to represent our desires. I advocate for the NT to continue to seek out and listen to their advice, first and foremost, and to fully decriminalise sex work.

Please don't hesitate to contact me if you'd like to discuss my experiences and knowledge further.

Thanks and all the best,
Gala

Writer, Educator & Advocate



I acknowledge the Gadigal people of the Eora nation as the traditional owners of the land on which I live and work, and pay my respects to Aboriginal and Torres Strait Islander Elders past, present, and emerging.