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Submission to the Northern Territory Sex Industry Bill 2019

To whom it may concern,

SIN, the Sex Industry Network, is by sex workers for sex workers and offers peer support, education, information, advocacy and referral services for sex workers in and around South Australia. SIN support SWOP NT, SWRG & Sex Workers in the Northern Territory and urge for your Parliament to back this Bill. Furthermore, to ensure it passes in its original form and fully decriminalises sex work.

Sex workers in South Australia are on the precipice of law reform. A Bill which aims to decriminalise sex work has passed the Legislative Council with majority in support and is now in the House of Assembly. This is the 13th time we have tried for law reform around sex work and change is long overdue. Sex workers are tired, and we want to work with afforded safety provisions and rights. The Decriminalisation of sex work is based on evidence.

Sex workers and sex worker organisations both within Australia and globally have fought tirelessly for a model that represents us and protects us in the work we do. The decriminalisation of sex work has the capacity to set a standard in how we treat marginalised members of our community and is based on evidence.

According to the World Health Organisation (WHO), Amnesty International, Human Rights Watch, UNAIDS, the International Labour Organisation (ILO) and the Global Alliance Against Trafficking in Women (GAATW) only the full decriminalisation of sex work can truly achieve true recognition, rights, health and safety for sex workers. We know the current laws in South Australia are unworkable and this cannot be contested. We have an abundance of evidence pointing to the merits of full decriminalisation.

Decriminalisation works because it is based on harm reduction principals. Rather than aiming to curb the industry, which is futile, it seeks to remove barriers for sex workers in order for us to access industrial workplace protections, rights and safety. Furthermore, by taking sex work out of the criminal code, the police are removed as the main regulators of the industry, allowing for sex workers to report crimes committed against them. This Bill treats sex work as real work, allowing for sex work to be regulated like any other industry.

Currently sex work is criminalised in South Australia and apart from some minor changes, most of these laws have remained intact since they were first enacted, some more than 50 years ago. Traditionally brothels have made up the majority of the sex industry in South Australia and the current laws reflect this. The laws are outdated and much of it is now court made law and precedents about the definition of a brothel or the definition of receiving money. The law is not being used as it was once intended and it is impossible to give clear information to sex workers. The landscape is changing and needless to say these laws are not only archaic, but in violation of our human rights and access to safety and protection under law.

Our Bill to Decriminalise sex work proposes a range of amendments to the Criminal Law Consolidation Act (1935), Equal Opportunity Act (1984), Spent Convictions Act (2009), Summary Offences Act (1953) and the Return to Work Act (2014).

Currently, there are a range of offences that aim to prohibit sex work, however it must be noted that sex work itself is not illegal, and rather the activities situated around it are. The majority of the offences pertaining to sex work are contained within the Criminal Law Consolidation Act (1935–1976) and Summary Offences Act 1953. For example, The Criminal Law Consolidation Act (1935–1976), section 270 (1) (b) covers laws against ‘keeping a...common bawdy-

house' and Section 21 (b) of the Summary Offences Act (1953) makes it illegal to be on a premises frequented by 'prostitutes' without a reasonable excuse. Section 28 (b) of the Summary Offences Act (1953) covers the main charge that has been used in relation to sex work itself and states ".....receive money paid in a brothel in respect of prostitution." The current Bill removes these sections among others.

The Bill to decriminalise sex work aims to delete the term 'common prostitute' in the Criminal Law Consolidation Act (1935) and Summary Offences Act (1953). It also removes common law offences relating to prostitution and inserts the definition of 'sex work' into the Equal Opportunity Act (1984) and clauses that make it unlawful to discriminate against a person because they are or were a sex worker. The Bill amends the Spent Convictions Act (2009), deletes a person's criminal record relating to sex work offences and repeals offences relating to brothels. The Bill amends the Return to Work Act (2014) Act to recognise commercial sexual services and employee/employer relationships like other industries. Workers and others will automatically come within the coverage of the Work Health and Safety Act (2012) once decriminalisation occurs, as it covers all forms of legal work and workplaces.

The inclusion of anti-discrimination legislation came about as a result of years of regular meetings, symposiums, lobbying, media, rally's, a failed bill that was not supported by sex workers and a massive amount of back and forth of conversations with politicians. Massive amounts of time and investment came from SIN, Scarlet Alliance, SWAGGERR and individual sex workers.

Criminalisation and legalisation distinguishes sex work, an extremely diverse industry, as distinct from other forms of work and continues to deny sex workers the legal rights and dignity that all other workers enjoy. Sex workers will continue to be vulnerable to stigma-driven violence as long as they are denied the opportunity to work in a decriminalised industry, and the level playing field that such regulation provides to workers.

We need to decriminalise sex work for the health, rights and safety of sex workers.

Yours sincerely,

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