

01 October 2019

Dear Economic Policy Scrutiny Committee,

**Re: Sex industry Bill 2019**

The Northern Territory AIDS and Hepatitis Council (NTAHC) is proud to support the recommendations to the Sex Industry Bill 2019 proposed by Scarlet Alliance Australian Sex Workers Association, the Sex Worker Outreach Program (SWOP) NT and the Sex Worker Reference Group (SWRG). NTAHC is the lead community organisation working in the area of blood borne viruses (BBVs) across prevention, education and training, support and referral in the Northern Territory. We are committed to improving the health and wellbeing of all Territorians at risk of and living with BBVs.

Sex workers are industry experts and NTAHC has looked to the community to provide guidance on understanding how the Sex Industry Bill 2019 will impact workers' rights, health and safety.

*Full Decriminalisation – The evidence is in The Lancet series on HIV and sex workers. 1 has showed that decriminalisation of sex work would have the greatest effect on the course of HIV epidemics across all settings, averting 33–46% of HIV infections in the next decade. 12*

*Decriminalisation is in line with Australia's Eighth National HIV Strategy 2018-2022 and Fourth National Sexually Transmissible Infections Strategy 2018–2022. 13 , 14*

*There is ample support for the full decriminalisation of sex work and support is continuing to grow for the evidence affirmed best practice model of sex work regulation.*

*Decriminalisation is supported by United Nations, UNAIDS, 15UNFPA, UNDP, Amnesty International 16, International Labor Office (ILO), World Health Organisation, 17 Lancet Medical Journal, Global Alliance Against Trafficking in Women 18, Global Network of Sex Work Projects, Asia Pacific Network of Sex Workers, Scarlet Alliance, Australian Sex Workers Association, AFAO19 and within Australia's National BBV and STI Strategies,*

*Full decriminalisation of the sex work industry is the only legal framework that upholds sex worker human and labour rights that results in the best health outcomes.*

*Decriminalisation has the largest and most credible evidence base of any model of sex industry law reform. It is the only way to address the discrimination that sex workers experience and to provide improved workplace health and safety conditions.*

*Full decriminalisation ensures that no worker is left behind and will reduce mistreatment of sex workers and increase sex workers access to justice, human rights, and health care.<sup>1</sup>*

NTAHC strongly endorses the submissions to the EPSC by Scarlet Alliance Australian Sex Workers Association and the SWOP NT and SWRG, as referenced in preparing responses to the following 4 items:

a) *Whether the Assembly should pass the Bill*

NTAHC supports the passing of the Sex Industry Bill 2019 with recommended amendments. The Bill will ensure industrial protections and access to justice for sex workers and will ensure sex services businesses and sex workers will be able to legitimately operate and importantly comply with The Sex Industry Act 2019 and with intersectional legislation.

b) *Whether the Assembly should amend the Bill*

NTAHC supports both submissions prepared by Scarlet Alliance and the SWOP NT and SWRG that recommends amendments to sections of the Bill covering advertising restrictions and the requirement for suitability certificates. Notably the area for expungement of spent convictions

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<sup>1</sup> REFORMING REGULATION OF THE SEX INDUSTRY IN THE NORTHERN TERRITORY  
SWOP NT Collective submission – release 29th March 2019, page 18/38, accessed 2<sup>nd</sup> October 2019

requires inclusion in the Bill as does intersection of the Modernisation of the Anti-Discrimination Act to protect NT sex workers against vilification.

Without recommended amendments from sex workers, their association and SWOP NT, the Bill will shift away from full decriminalisation towards a licensing framework which will dissolve the intention of the legislation - to protect all workers. Penalising sex workers and their places of work for transparent advertising is in contradiction to the intention of the Bill. Certification should not be the checking mechanism for business responsibility for workers to obtain rights. The onus on sex premises business to provide award wages for drivers, receptionists, and cleaners and industrial protections for all staff including sex workers for work health and safety, should be the catalyst to facilitate protections for workers. NTAHC notes that any deviation away from the full decriminalisation of sex work will not result in the benefits evidenced where decriminalisation has occurred such as in NSW.

- c) *Whether the Bill has sufficient regards to the rights and liberties of individuals*  
NTAHC supports the conclusion that the Bill is compatible with human rights and provides essential protections for sex workers. The Department of the Attorney-General and Justice's discussion paper *Reforming Regulation of the Sex industry in the Northern Territory (2019)* outlines the evidence underpinning the positive outcomes of full decriminalisation to ensure sex workers have access to justice, human rights and health care.
- d) *Whether the Bill has sufficient regard to the institution of Parliament*  
NTAHC supports the notion that the Bill has sufficient regard for the institute of Parliament by allowing for the transparent operation of the sex industry in line with current laws and regulations. Decriminalisation of the industry ensures effective governance that will benefit the whole NT community.

NTAHC is a member council of the Australian Federation of AIDS Organisations (AFAO)<sup>2</sup> and supports AFAOs declaration that decriminalisation as outlined in the Bill, with the aforementioned areas for amendment will allow sex workers to access to the same rights and protections afforded to all employees, contractors and small business owners operating in the NT. NTAHC welcomes any further discussion regarding this submission. The Council is open to responding to verbal consultation process

SWOP NT is a member of the Scarlet Alliance Australian Sex Workers Association.<sup>3</sup> SWOP NT is a program of NTAHC<sup>4</sup>

We wish to reference NTAHCs' Sex Worker Outreach Program collaborative submission with their reference group the SWRG that recommended key areas to address to support the drafting of the Sex Industry Bill 2019. NTAHC supports in full this submission for the Committees review and as supporting evidence for the Governments Bill to support the full Decriminalisation of sex work in the Northern Territory<sup>5</sup>

Please do not hesitate to contact NTAHC for further information regarding the recommendations to the Sex Industry Bill 2019

Yours Sincerely



Genevieve Dally  
Executive Director

<sup>2</sup> <https://www.afao.org.au/our-work/national-hiv-strategy/>

<sup>3</sup> <http://www.scarletalliance.org.au/laws/nt/>

<sup>4</sup> <https://www.ntahc.org.au/programs/sex-worker-outreach-program-swop-nt>

<sup>5</sup> <https://www.ntahc.org.au/programs/sex-worker-outreach-program-swop-nt/parliamentary-submissions>