



SWEAR WA
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Dr Jennifer Buckley
Committee Secretary
GPO Box 3721
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Submission – Feedback on the NT Sex Industry Bill 2019

I am writing on behalf of SWEAR WA, responding to the request by the NT Government's Economic Policy Scrutiny Committee, for submissions of feedback regarding the NT Sex Industry Bill 2019.

SWEAR is Western Australia's only completely peer sex worker organisation; we provide peer support & peer education, provide sex worker advocacy & referrals to sex worker friendly health professionals, provide online safe spaces for sex workers, aim to reduce stigma & discrimination against sex workers by guest speaking at community events, workshops, and educational institutions, and lobby for the full decriminalisation of sex work in WA, and Australia-wide.

SWEAR believes full decriminalisation of sex work in WA, and Australia wide, is the only way to ensure the rights, safety and well-being of sex workers. It is the best practice model for sex work legislation worldwide, as recommended by many leading international organisations; including the United Nations, the World AIDS Council, Amnesty International, the World Health Organisation, as well as by Scarlet Alliance; Australia's peak sex worker organisation.

The decriminalisation of sex work is also recognised as the best practice model in the current Australian HIV/STI Strategy.

Due to the relative geographical proximity, expanding economic growth and diverse opportunities of both the Northern Territory and Western Australia, many sex workers choose to travel back and forth between our respective states for work. Therefore; acknowledging that sex workers are the key stakeholders in this discussion, SWEAR WA has a vested interest in the NT Sex Industry Bill 2019.

Overall, the Bill presents a model of full sex work decriminalisation, which SWEAR WA is strongly supportive of. However, we would like to give your Committee the following recommendations for amendments to the Bill:

1. Advertising non-compliance:

The advertising regulations outlined in Part 3 (Section 15) of the Bill are inconsistent with the intentions of a full decriminalisation model of sex work; the restrictions are illogical and unworkable. Sex work advertising should be governed by the same general advertising

restrictions as all other businesses; with safety and transparency: sex workers should be able to describe themselves in advertising, their photos not be restricted to head shots only, and should have no industry specific advertisement size restrictions. Similarly, under a decriminalisation model, sex industry businesses should be able to advertise for employees, just like other legal businesses.

2. Suitability Certificates:

Part 4 (Sections 17-22) of the Bill outlines the requirement of suitability certificates to be provided by sex industry businesses with 2 or more sex workers. We believe this requirement is excessive, and in practice, this requirement does not meet its intention, and instead results in high levels of non-compliance. Sex workers often work in pairs for safety, and to reduce overheads. Independent sex workers working together, or an independent sex worker with support staff such as a security person, are not employing nor managing each other, therefore should not fall under the criteria for requiring suitability certificates. New Zealand's sex work decriminalisation laws only require similar certification for sex industry businesses employing 4 or more sex workers, and in recent amendments to the proposed SA Sex Work Decriminalisation Bill 2018, certification requirements are only necessary for businesses employing 5 or more workers respectively – these are far more appropriate figures.

The passing of this Bill will enable sex workers and sex services businesses in the NT to operate within existing laws and regulations, and will help ensure sex workers rights, protections against sex work based discrimination, and support sex workers occupational health & safety. This Bill also supports sex workers ability to access justice, protection and redress in the event of a crime or exploitative work conditions, and removes the violations of sex workers rights experienced under the current sex work legislation in the NT. The Bill allows for the transparent operation of the sex industry. The Bill does not endorse sex work – instead it allows for the best practice model for governing sex work that will assure the best outcomes for the entire NT community.

With the inclusion of the above-mentioned recommended amendments to the Bill; SWEAR WA, along with Scarlet Alliance, SWOPNT (Sex Worker Outreach Project NT) and its Sex Workers Reference Group; are in full support of the NT Government's intentions to decriminalise sex work via the NT Sex Industry Bill 2019.

Regards,



Signed on behalf of SWEAR WA
Emma Softly (President)