



NSW laws covering Sex Work in NSW

This fact sheet summarises the Ask LOIS webinar on this topic, presented by Kali Kanivale, Policy Officer, Scarlet Alliance

This webinar can be viewed for free at www.asklois.org.au/webinars/past-webinars .

This factsheet looks at:

- The laws regulating sex work in NSW and Australia
- Issues facing sex workers in NSW and Australia
- Best practice strategies for providing services for sex workers

Definitions

Sex work

The sale or exchange of consensual adult sexual services.

Sex worker

A person who engages in the sale or exchange of consensual adult sexual services.

The Laws regulating sex work in Australia

- Complex matrix of laws that govern sex work in Australia
- Predominantly made at State and Territory level
- NSW is the only jurisdiction in Australia that has decriminalised all forms of sex work, with the exception of street based sex work.
- All other States and Territories criminalise at least some aspects of sex work, for example in SA and WA although sex work itself is not criminalised, most activities associated with sex work is criminalised including keeping or managing a brothel and all street-based sex work.
- To find more detailed information about the laws around the country go to:
<http://www.scarletalliance.org.au/laws/>

Following decriminalisation, the government authorities/agencies that regulate sex work in NSW include:

Local Councils

- Responsible for delivering, administering and compliance checking of planning policies for local sex service premises;
- Accepting, advertising and deciding on development applications for sex service premises;
- Administering safety and environmental health policies.

WorkCover NSW

- Health and safety of workers, support staff and clients
- Workers compensation and injury management

FairWork Australia

- Provides information and advice about Australia's workplace rights and rules including award and national employment standards

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NSW Health

- Ensures safe health places
- Pools and spas in the workplace
- Deals with complaints regarding unsafe sex practices and health
- Takes action under the *Public Health Act 2010* (NSW)

Decriminalisation in NSW has:

- delivered exceptional public health outcomes;
- reduced police corruption;
- had no impact on organised crime;
- increased transparency;
- improved work health and safety and
- led to higher levels of compliance than any other model of regulation.

Issues commonly faced by sex workers

Criminalisation

- Forced sex workers to take greater risks to avoid detection, such as working alone, only at night and in poorly lit, isolated areas
- Created barriers to access support essential health, legal and support services
- Charged with criminal offences
- Criminalising associates of sex workers
- Creates barriers to access industrial rights

Discriminatory council practices in NSW

- Make it difficult for sex workers to operate legally
- Some councils require sex workers to register their home-based business on a public register and participate in a DA process and sex workers who choose to opt out of this process to protect their privacy are excluded from working in the regulated sex industry.

Police practices

- Key stakeholders in sex workers access to justice

Stigma and discrimination

- Exacerbated by laws that aim to control

No access to anti-discrimination protections

Demographics of sex workers in Australia

Research in Australia suggests that:

- the majority of sex workers in Australia are well educated.
- the number of male and transgender sex workers is possibly underestimated.
- the majority of sex workers are aged between 20 and 39 years.

How community workers can assist sex workers

- Listen to sex workers
- Meaningfully involve sex workers
- Sex workers need access to peer services

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- Sex workers need access to non-judgemental, non-discriminatory and respectful services.

