

Full enjoyment of the 1995 reforms decriminalising sex work in NSW!

In 1995 criminal laws relating to adult sex work in NSW were repealed, meaning that the sex industry could be regulated in the same way as any other industry.

Decriminalisation is recognised by sex workers, sexual health experts and international leaders as the best model of sex industry regulation, a situation that has been proved in NSW over the past 14 years.

Ten Reasons Why Decriminalisation Works

1. Decriminalisation provides the best health outcomes for sex workers and sex worker clients.
2. Decriminalisation reduces opportunities for corruption - authorities have less power to demand bribes from sex workers, and sex workers can report corruption.
3. Decriminalisation means better occupational health and safety for sex workers, who can access existing OH&S legislation to ensure the highest standard working conditions.
4. Decriminalisation means more privacy for workers and clients.
5. Decriminalisation allows sex workers to report violence without fear of arrest & expect a rightful prosecution.
6. In a decriminalised setting sex workers are more empowered to negotiate with clients.
7. Decriminalisation reduces stigma and discrimination - sex workers (our sisters, brothers, mothers, fathers) can feel part of the community and can access services and events more equitably.
8. The most marginalised sex workers (migrant sex workers, street-based sex workers, transgender sex workers, male sex workers, sex workers using drugs, underage sex workers, sex workers living with HIV, aboriginal sex workers) will benefit most from decriminalisation, which gives full access to rights, support, and services.
9. Decriminalisation means that sex workers who choose to work in other industries are not hindered by criminal records.
10. Creating new laws to regulate the sex industry is time-consuming and costly, placing undue strain on the legal system, police forces and social services.

Existing laws are sufficient to regulate the sex industry

Existing legislation covers a broad range of issues including sexual and labour exploitation, in both commercial & private contexts:

Industrial legislation has labour and employment laws for businesses that can be applied to sex work businesses.

Child Protection legislation exists to enable prosecution of any abuse of children's rights, without legislation that criminalises sex workers.

Sexual Assault legislation exists to enable prosecution of sexual assault and sexual exploitation of adults or children.

OH & S Legislation exists to regulate safe working environments and protect workers from unhealthy working conditions.

Anti-trafficking and anti-slavery laws seek to prosecute trafficking in all industries, including sex work.

Where to from here?

Sex workers in NSW are not currently protected by anti-discrimination laws.

These are an essential component of decriminalisation to reduce stigma and discrimination, and have been enacted on the basis of “lawful sexual activity” in Tasmania and Queensland, and “occupation, vocation, calling or trade” in the ACT[1].

Anti-discrimination protections would ensure that NSW continues to be a model for national laws regarding the sex industry, and that the positive health, safety and human rights outcomes resulting from decriminalisation are fully realised.

[1] Adapted from: Isbister, Saul (2009), ‘Decriminalisation in NSW & New Zealand and Anti-Discrimination laws’, Scarlet Alliance National Symposium, Canberra