

Dear Ms Carles

Thank you for your considered response to our email.

Can we first address your concern as to sex work as it impacts “on many of the most vulnerable and marginalised women in our State” and primarily as to “women who are exploited in this industry”.

First, contrary to media reports and general perceptions the vast majority of sex workers are neither vulnerable nor exploited and where we are marginalised it is by the stigma that many see as being attached to our profession, a stigma that is reinforced by legislation such as the current and proposed WA legislation which makes our vocation illegal.

Are there marginalised, vulnerable and exploited persons working in the sex industry? Yes there are as in any industry a number of persons are there marginalised, vulnerable and exploited and due to some the nature of sex work they may be disproportionately represented in our industry¹. However we would argue that criminalisation of the industry will provide negative outcomes for the whole industry and will make the position of any workers who are marginalised and exploited worse.

Support for the marginalised, vulnerable and exploited should come from positive tailored support programs and not from punitive legislation.

If we can take the most frequent media representation of a sex worker as a person who does sex work to support a drug addiction as an example.² Are we going to improve the lot of this person by making their job illegal and thus stopping their income? Are they suddenly going to say “well now that I can’t do sex work because it is illegal I will give up drugs?” It is not sex work that is impacting on this person’s life, in fact sex work is probably supporting their lives. Make sex work illegal and you further marginalise them and force them underground where the chances of help and supports services reaching them is greatly diminished.

We believe that decriminalisation is the best framework for sex work and is also the best framework for addressing your concerns. Decriminalised frameworks currently exist in NSW and New Zealand and I would refer you the New Zealand Government 5 Year Report³ to illustrate the success of this approach.

Decriminalisation is not the same as legalisation. Decriminalisation removes all legal strictures from sex work and treats it the same as any occupation. Thus matters to do with exploitation become matters for industrial relations and can be dealt with effectively within already existing frameworks and matters of marginalisation and vulnerability are addressed by tailored support programs.

¹ For example single mothers are attracted to sex work because the hours are flexible and the hourly rate of pay relatively high meaning that they can often earn enough to support their families during the hours that their children are at school. People with mental illness such as depression and bi-polar find sex work attractive as the hours are extremely flexible and allow you to work on your “good” days and not on your “bad” something that would be almost impossible in a normal 9-5 employment. We do not include persons with substance abuse problems here as research (LASH) has shown substance abuse by sex workers (except for tobacco) to be the same or lower than rates in the general population.

² We use this only as a frequently quoted media example.

³ Report of the Prostitution Law Review Committee on the Operation of the Prostitution Reform Act 2003
<http://www.justice.govt.nz/policy/commercial-property-and-regulatory/prostitution/prostitution-law-review-committee/publications/plrc-report/report-of-the-prostitution-law-review-committee-on-the-operation-of-the-prostitution-reform-act-2003>

Governments are in the legislation business and thus often see laws as the solution to perceived problems and with sex work the legalisation approach is often favoured ie to put sex work into a legalised but regulated framework. The problem with this approach is that it invariably creates a two tiered system within the industry with a small number of people complying with the legislation and a large part of the industry going “underground” and being non-compliant. Example of this approach can be found in Victoria and Queensland [compliance rates here]

Not only are compliance rates low in legalised regimes but it can be argued that the marginalised and vulnerable are the very people who end up in the non-compliant part of the industry where they are more marginalised and more vulnerable to exploitation (and harder for outreach services to reach) than they were originally.

We would therefore urge you to oppose the current WA Bill as it is probably the most draconian piece of anti sex work legislation that we have so far seen. As argued in our previous email it will have disastrous outcomes for WA sex workers with its worst impacts falling upon those who are already vulnerable.

The Swedish model is an abolitionist criminalisation model. It masquerades behind the hypocrisy of protecting “prostituted” women whilst at the same time depriving them of their incomes which either forces them out of sex work or if they continue in sex work makes them more vulnerable as they are forced to meet clients and do business in “underground” situations.

The devil is in the details with the Swedish Model and we would urge you to examine it carefully paying particular attention to the voices of Swedish sex workers themselves who have borne the brunt of this approach. We would suggest you contact Rose Alliance the Swedish sex worker association <https://www.facebook.com/RoseAlliance> and most especially Pye Jakobsson. Ms Jakobsson has a number of videos on YouTube that give information on the Swedish model from a local sex workers perspective eg <http://www.youtube.com/watch?v=7D7nOh57-I8> and from Australian sex worker Rachel Wotton <http://www.youtube.com/watch?v=JTXh8NQYK7k> Rachel is also the founder of www.touchingbase.org a charitable institution that has developed out of the need to assist people with disability and sex workers to connect with each other.

Other useful critiques of the Swedish model are “The Swedish Sex Purchase Act: Claimed Success and Documented Effects” www.chezstella.org/docs/etude-suede-2011

and from the Office of the Queensland Prostitution Licensing Authority <http://www.pla.qld.gov.au/Resources/PLA/reportsPublications/documents/THE%20BAN%20ON%20PURCHASING%20SEX%20IN%20SWEDEN%20-%20THE%20SWEDISH%20MODEL.pdf>

Thank you for your time and the effort that you are putting in to looking at all aspects of this matter. If we can be of further assistance or provide any other background information please do not hesitate to contact us.

Thank you

Yours sincerely,

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