

To whom it may concern,

I am writing to your internet consultation to oppose the draft bill on the regulation of sex work (WRS). My name is Sienna Charles; I am an independent sex worker in Australia. I have worked under a variety of legal models, from full decriminalisation to full criminalisation, including models that necessitated licensing. I currently live and work in the Northern Territory, a state which just passed the [Sex Industry Bill 2019](#) to fully decriminalise sex work. It has been acknowledged by many organisations and charters (including [Amnesty International](#), [UNAIDS](#), the [United Nations](#), [UNFPA](#), [ILO](#), the [World Health Organisation](#), [UNDP](#), the [Lancet Medical Journal](#), and [Human Rights Watch](#)) that full decriminalisation is the best legal model for harm reduction and community benefit; and I know that the Netherlands do pride themselves on their progressive harm reduction policies in other areas. I implore you to scrap this bill and instead move to implement full decriminalisation of sex work.

Forcing sex workers to register does several negative things:

1. If the registration comes with a price tag, this will make it untenable for those who are turning to sex work due to their financial position. When I worked in the ACT, the (now amended) Prostitution Act mandated licensing, which cost \$330 (€204) and required a police check (also something with an attached cost). This meant that during the life of this particular regulation, only *fourteen* workers registered; due to a lack of policing, it was very rarely enforced. Mandating a police check also meant that those with a criminal record would be prohibited in working in an area that has no stigma for those who have done their time. For an industry that has a deliberately low barrier of entry to allow for people to turn to it at any stage of their lives, this is unacceptable.
2. If the registration comes with a substantial waiting period, this will make it unworkable for those who require money quickly. One of the huge drawcards for this industry is the ability to make money almost immediately, and not have to wait for a month to get your pay so you can make rent or keep the electricity on. Bureaucracy is notoriously slow, and I don't have faith that this process will be any different.
3. There are documented cases of these records being used against sex workers, even after they have left the industry. The Northern Territory in Australia used to require agency-based sex workers to register for life, including their legal names in the information. This information was not public, but it was brought up in a few Family Court proceedings, despite sex work being a legal profession. I believe it has also hurt some workers who moved on to a different career with required security checks. It can also limit our ability to travel overseas, and it infringes upon our right to privacy. Despite it being legal work, sex work is still a highly stigmatised industry, and there are no anti-discrimination protections for us. Your plan is to have this register made public (likely aside from the legal names of workers), which is absolutely going to result in all the most negative outcomes noted in this paragraph.
4. Registration has poor outcomes for health. The Kirby Institute's 2012 Report to the NSW Ministry of Health states that licensing is a "threat to public health" and should not be regarded as a viable legislative model. [The Kirby Institute](#) is an internationally recognised organisation for the prevention and treatment of infectious diseases, specialising in HIV; their opinion on this matter should not be ignored. For what it's worth, they also support fully decriminalising sex work.
5. This model results in an extremely high level of non-compliance, as shown with even cursory research into how many unlicensed workers and brothels operate in areas with licensing.
6. It replaces Consumer Affairs enforcement with police enforcement, further pushing sex work into the shadows, and allowing actual criminals to take advantage of vulnerable people. In states in Australia with licensing, 69% of complaints about non-compliant establishments were referred to the police, who have historically not had excellent relations with sex workers or LGBT+ individuals (they make up a sizeable percentage of sex workers).
7. Enforcing compliance costs the government a lot of money, with absolutely no benefit to vulnerable sex workers or to the community at large. Around 50% of the running costs of the Prostitution Licensing Authority (PLA) in Queensland, Australia, was covered by government grants in 2017. The costs ran in excess of \$10M (€6.2M) – this is for just one state, and was nowhere near reimbursed by licensing fees.

8. Registration seriously affects sex worker safety, as sex workers cannot approach the police if they are unregistered (and as discussed above, non-compliance is extremely high), and therefore cannot report abuse, assault, exploitation, or theft. This is unacceptable for an industry the Netherlands claims to embrace, especially when you enjoy the profits that tourism related to the industry brings. All over the world, there are constant and consistent complaints from sex workers about their treatment by law enforcement. The only solution to this is to remove the requirement for police to regulate the industry at all, and regulate it like any other business.

Your particular policies on having workers interview with a government official strike me as extremely open to corruption and exploitation due to personal belief. Assessing someone for “self-reliance” is extraordinarily subjective, not to mention very time inefficient (reference point 2 above; this will lead to non-compliance). By what metrics do you determine that they are self-reliant? What training do these officials undertake to understand the delicate nuances of the sex industry instead of relying upon their own biases and the societal paternalistic belief that sex workers need to be “managed”, as they cannot decide anything for themselves? What benefit does raising the age limit of workers to 21 give, except for denying thousands of people a means to make an income after they have reached the normal age of majority? If you can join the military at 18 to undertake training to kill other humans, why can you not become a sex worker?

The penalties for individuals seem particularly draconian and unnecessary – €20,750 and two years in prison, potentially for not updating your phone number in the national registration system? This seems excessive and cruel to even propose, especially when you intend to include a list associated with the register of every time a worker broke the rules. This also encourages non-compliance with the registration system, as the idea of the shame and lost business associated with having your registration number listed as a rule breaker or not “self-reliant” enough, is truly awful.

These policies are also concerning, as they incorporate aspects of the Nordic Model of sex work regulation, which inherently makes sex workers less safe. Criminalising sex buyers in any way means that clients resort to less safe methods of contacting and employing workers, so as to stay under the radar. Putting the onus on them to check that their worker is registered is something that will end with extreme non-compliance; most clients don’t even manage to read the entire advertisement before contacting a sex worker, let alone cross reference their registration and phone number with a database separate from the advertising website. This makes the entire scheme look like a ham-fisted money-making scam, and as if you’re deliberately trying to disincentivise sex work by making it functionally difficult to become one or employ one – an underhanded strategy that states in the USA use to make abortion inaccessible without outright making it illegal. This, frankly, will not stop sex trafficking; putting unfair regulation on consensual sex work conflates it with trafficking, a strange idea that isn’t applied to other industries with human trafficking issues, like agriculture, textiles, and construction.

I would like to instead put forward the model I mentioned above: full decriminalisation. I have previously discussed the benefits to this model in the submission I wrote for the NT government during the consultation phase of our Sex Industry Bill, and it can be found [here](#). I have also mentioned above the reputable international organisations who endorse this model – most notably, the Lancet Medical Journal [published a series](#) on HIV and sex workers, showing that decriminalisation would have the largest impact on the course of HIV epidemics of all potential legal models, averting 33-46% of infection in the next decade. Scarlet Alliance, the Australian National sex worker outreach organisation, states: “In their 2005 comparative study of brothels in Perth, Melbourne and Sydney, Harcourt et al. found that of three Australian approaches to sex work legislation (criminalisation, licensing and decriminalisation), decriminalisation (in NSW where there is no registration/licensing) led to the best health outcomes.”

As a sex worker myself of several years, I have personally worked under each model. Models with extensive regulation that is extraneous to normal industrial/OHS/fair work laws make working a very stressful exercise, with the need to constantly wonder if I will be able to screen clients to an acceptable level, report any assaults to law enforcement, and find a roundabout way to pay tax on my income. I refused to register whilst I worked in the ACT; not just because of the cost, but because they keep your records, and I expect to leave the industry someday to do something different – something that could very well be affected by the stigma of the sex industry. I feel decidedly unsafe working in

states without decriminalisation, and I am sick of being denied the privileges and protections afforded to every other industry except mine.

The passing of the Sex Industry Bill 2019 in the NT Legislative Assembly last month lifted a huge weight off my shoulders. It felt so humanising to hear our politicians make speeches acknowledging our rights, our personhood, and the fact that it would be immoral not to treat us with fairness afforded to other workers; it had an actual emotional impact to hear someone else finally fighting for us, instead of sex workers yet again having to do all the pushing for basic rights. I urge you to scrap this unworkable, draconian bill and instead look into full decriminalisation, for the safety and welfare of your sex workers and buyers.