

To the Department of Justice and Community Safety,

I am writing to applaud the commitment made by the Victorian government to repeal the *Sex Work Act* and decriminalise sex work in Victoria, to insist that the full decriminalisation of all sex work be implemented, and that local planning laws, advertising laws, and public health laws not be introduced in such a way as to undermine this action.

I am an independent sex worker based in New South Wales. I have worked in every state & territory of Australia, including often in Victoria. I have been a sex worker for 9 years, and have worked mostly privately as a full service sex worker, but also have experience working in a number of brothels and selling adult content online.

### **Partial criminalisation of street-based sex work**

Of particular note when reading through the Discussion Paper provided is the notion of decriminalising street-based sex work in “most locations”. This is not full decriminalisation but rather is akin to the current “two-tier” system in Victoria which allows some sex workers to work legally, and criminalises others. Any ruling that street-based sex workers must be relegated to areas without a school or place of worship nearby effectively puts some of the most marginalised members of our community in industrial and isolated areas - alone, without sufficient lighting, public transport, or amenities. Why such legislation would be necessary escapes me. Street-based sex workers are not “loitering” outside of churches and schools waiting to pounce on and “solicit” members of the general public leaving the venue because, frankly, that would be an illogical business decision and would put them at risk of personal injury. If two members of the public are allowed to discuss their plans to undertake sexual activity together while they happen to be within view of a school, there is no reason why a sex worker should not be able to do the same.

### **Public health and infection control framework**

I am also concerned by the suggestion of a “*new public health and infection control framework for the sex work industry*” in the Discussion Paper. The current rules around mandatory testing need to be removed, but replacing them with similarly stigma-driven legislation is not the answer. Sex workers in Australia have consistently lower rates of STI transmission (including blood-borne viruses) than the general public so the idea that a specific framework would be required for the sex industry is discriminatory and harmful to sex workers, and based in stigma rather than evidence. In order to prioritise the health and wellbeing of sex workers an appropriate framework would involve funding peer-only sex worker organisations. If this framework were to allow for penalties to be applied and police enforcement to take place it would be in direct conflict of full decriminalisation.

### **Funded peer-only sex worker organisation**

We do not currently have access to a funded peer-only sex worker organisation in Victoria. Vixen Collective works incredibly hard to support our community but, without funding, there are crucial gaps they are unable to fill. Regularly being able to reach members of our community who live in regional areas or who do not speak fluent English is nearly impossible to achieve on a volunteer basis. Peer-run services, peer education, and peer sex worker organisations are essential to the wellbeing of sex workers. There is enormous distrust amongst the sex working community of non-peers due to many years of discriminatory laws and practises by those in medical, judicial, policing, and social work roles. In order to ensure sex workers feel safe accessing outreach services there must be a guarantee that those involved have lived experience of sex work.

### **Anti-discrimination protections**

The proposed amendment to the *Equal Opportunity Act 2010* is insufficient in protecting sex workers from discrimination, as a similar inclusion of “*profession, trade, occupation or calling*” is in place in the ACT and sex workers have not been able to access justice using it. Specific wording around “*sex work*”, “*sex worker*”, and “*family members and associates of sex workers*” is required in order for the *Act* to protect sex workers against discrimination. Decriminalisation alone does not do this.

### **Current and historical registration records**

Lastly, all current and historical registration records of sex workers held by the Business Licensing Authority must be destroyed in order to ensure sex workers’ privacy and freedom from discrimination.

Please listen to the voices of sex workers and fully decriminalise the adult industry in Victoria, for ALL sex workers; including but not limited to street based workers, migrant workers, and those living with HIV. A process of decriminalisation must not leave ANY sex workers criminalised.

Thank you for the opportunity to submit,  
Jenna Love