



Australian Sex Workers Association

LAPCSESC
Police Powers
Submission 025

Phone – 02 9690 0551
Fax – 02 9690 1013
Post – P. O. Box 2167,
STRAWBERRY HILLS NSW 2012
Street – Suite 9
245 Chalmers Street, REDFERN
Email – info@scarletalliance.org.au
Web – www.scarletalliance.org.au

Legal Affairs, Police, Corrective Services and Emergency Services Committee
Parliament House
George Street
Brisbane QLD 4000
lapcsesc@parliament.qld.gov.au

23 September 2011

Dear Legal Affairs,

Submission regarding *Police Powers and Responsibilities and Other Legislation Amendment Bill 2011*

Scarlet Alliance, Australian Sex Workers Association formed in 1989. Scarlet Alliance is Australia's national peak body representing a membership of individual sex workers, and sex worker networks, groups and community-based projects and organisations from around Australia. Scarlet Alliance is a leader when it comes to advocating for the health, safety and welfare of workers in Australia's sex industry. Scarlet Alliance member organisations and projects have the highest level of contact with sex workers in Australia of any agency, government or non-government. Through Scarlet Alliance projects and the work of our membership we have close to 100% access to sex industry workplaces in the major cities and many regional areas. Some of our sex worker organisations and projects within Australia also have multicultural or CALD (Culturally and Linguistically Diverse) project workers and Scarlet Alliance has a migration project employing multilingual project staff.

We appreciate the opportunity to inform the proposed changes to the *Police Powers and Responsibilities and Other Legislation Amendment Bill 2011*. Our organisation and membership are deeply concerned about amendments that provide immunity for police officers when requesting sexual services without prophylactics from sex workers. The potential for negative impacts on Health Promotion work, public health outcomes and on the OH&S of sex workers in Queensland outweighs any perceived benefit. We strongly recommend that Clause 101 of the Police Powers and Responsibilities Bill not be passed.

As you are aware, there is clear evidence that education, particularly peer education, is the effective approach to supporting sex workers' uptake of safe sex practices and that there is no evidence to indicate punitive or policing approaches are successful in promoting safe sex practices.

Research clearly and consistently illustrates that sex workers enjoy lower rates of STIs than the general population, and have very high rates of prophylactic use.¹ No cases of HIV transmission to or from a sex worker in Australia

¹ Roberta Perkins and Francis Lovejoy, *Call Girls*, University of Western Australia Press, 2007; Basil Donovan, C Harcourt, S Egger, L Watchirs Smith, K Schneider, JM Kaldor, MY Chen, CK Fairley, S Tabrizi, *The Sex Industry in New South Wales: A Report to the NSW Government*, Kirby Institute, University of New South Wales, Sydney, 2011, vii, Preliminary findings presented at the Sex Workers Outreach Project Policy Meeting, Australian Society for HIV Medicine, 9 September 2011; Christine J Sturrock et al., 'Community-Based Sexual Health Care Works: A Review of the ACT Outreach Program', *Sexual Health*, 2007, 4, 201–204 at Table 1 and Table 3; Francis J Bowden et al., 'Screening for *Chlamydia Trachomatis* at the Time of Routine Pap Smear in General Practice: A Cluster Randomised Controlled Trial' *MJA* Volume 188 Number 2, 21 January 2008 at Table 6; Basil Donovan et al., 'Improving the Health of Sex Workers in NSW: Maintaining Success', (2010) *Public Health Bulletin*, Vol 21 (3-4), 74; Basil Donovan, C Harcourt, S Egger, K Schneider, J O'Connor, L Marshall, MY Chen, CK Fairley, (2010). *The Sex Industry in Western Australia: a Report to the Western Australian Government*. Sydney: National Centre in HIV Epidemiology and Clinical Research,

have ever been reported. Both the *Sixth National HIV Strategy 2010-2013* and the *Second National STI Strategy 2010-2013* note that 'the incidence of HIV/STIs in sex workers in Australia is among the lowest in the world. This is largely because of the establishment of safe-sex as a norm, the availability of safe-sex equipment, and community-driven health promotion and peer-based interventions.'²

It is also our concern that police are not well qualified to undertake a role as the 'safe sex police' and that current epidemiology does not support the need for this approach. Furthermore, we believe that policing of this issue is an unnecessary use of police resources and again that current epidemiology does not necessitate expenditure or use of resources in this way.

The National Strategies, to which Queensland is a signatory, recognise that some policing practices create barriers to health promotion and safe sex practice. It is our organisation's belief that this is one of those areas, particularly the use of entrapment by police in relation to safe sex practices. Sex workers have reported police harassment in a number of jurisdictions throughout Australia.³ One of the major drivers for decriminalisation in New South Wales was the findings of the Wood Royal Commission showing 'a clear nexus between police corruption and the operation of brothels.'⁴ Punitive approaches act to push sex workers underground and limit our access to outreach, support services and occupational health and safety.

It is also a concern to our organisation that this type of policing practice may have longer term impacts on safe sex practices. It is not unlikely that sex workers receiving calls/visits from police posing as clients requesting unsafe services may interpret these encounters (particularly to new workers or CALD workers) to mean that it is necessary to provide unprotected services in order to get clients to book, even though this is not the case.

Australia currently enjoys good public health outcomes contributed to by high rates of condom use amongst sex workers. As an organisation we are keen to ensure policing practices do not have a negative impact in this area.

Finally, we would like to add our endorsement to the submission and recommendations written by Respect Inc, our member sex worker organisation in Queensland.

If further information is required through either formal consultation or a hearing process please do not hesitate to contact us.

Kind regards,



Janelle Fawkes
Chief Executive Officer

University of New South Wales, vii; D Wilson, K Heymer, J Anderson, J O'Connor, C Harcourt and D Donovan (2009), 'Sex workers can be screened too often: a cost-effective analysis in Victoria, Australia', *Sexually Transmitted Infections*, October 2009

² Australian Government Department of Health and Ageing, *Sixth National HIV Strategy 2010-2013*, Commonwealth of Australia, Canberra, 2010, 16; Australian Government Department of Health and Ageing, *Second National STI Strategy 2010-2013*, Commonwealth of Australia, Canberra, 2010, 16.

³ Scarlet Alliance and the Australian Federation of AIDS Organisations, *Unjust and Counter-Productive: The Failure of Governments to Protect Sex Workers From Discrimination*, Sydney, 1999, 19, accessed at <http://www.scarletalliance.org.au/library/unjust-counterproductive-on-19-May-2011>; Testimonial, Centre for Refugee Research, Australian National Committee on Refugee Women, and Human Rights and Equal Opportunity Commission, *Women's Human Rights Workshop*, University of New South Wales, Sydney, 17-19 June 2004.

⁴ New South Wales Government (1997), Royal Commission into the NSW Police Service: Final Report – Corruption, 13.