

## Seventeen Reasons Why Licensing Brothels Doesn't Work

*Licensing (referred to in some states incorrectly as legalisation) is a model of sex industry regulation that includes the development of a registration system for brothel owners, management, and in some cases, individual sex workers. A external body, either purpose developed (PLA, Qld) or an existing Government body (BLA, VIC) takes up the role of implementing an extensive collection of laws to control who can operate a brothel and the conditions under which a brothel can operate. The costly model is resourced through hefty licensing fees, heavily supplemented by Government funds.*

1. Licensing creates illegal brothels. Probity checks and barriers to participation in a licensing system create the very 'outlaws' it intends to avoid, because people don't stop opening brothels just because a licensing law tells them to.
2. Licensing is in opposition to the human rights of sex workers. Requiring individual workers to have licenses undermines privacy, opens individuals up to having their personal details misused by corrupt individuals or inappropriate people depending on the security of data. A recorded sex work history may have effects later in life in a state or territory where sex workers have no legal protection against discrimination (such as NSW).
3. Licensing is not based on evidence. Brothels are discreet, well run businesses that do not cause amenity impacts. Over the 14 years of decriminalisation there has been only one premises of sufficient negative amenity impact for a Court to deem the removal of the operator as an appropriate course of action. Mathematically, with over 800 brothels decriminalised for 14 years, which makes 11,200 brothel years during which only one manager has been removed. The evidence is in: brothels currently are well tolerated in NSW, and the existing system of regulation based on amenity impacts is highly effective. Licensing is not.
4. Licensing is bad for public health. Licensing (Vic) is more unhealthy than decriminalisation (NSW) & criminalisation (WA).
5. Licensing doesn't prevent crime. Fair laws and social justice prevent crime, licensing costs and paperwork do not.
6. Licensing is impossible to implement. Non-compliance is inevitable because it's always possible to get around a licensing system. For centuries sex work has found ways to operate outside the law, regardless of the penalties.
7. Licensing perpetuates crime. Sex workers outside a licensing system fear calling police, and will forgo protections and justice in order to avoid prosecution.
8. Licensing doesn't stop people from having sex. Sex workers and clients will continue to do business regardless of licensing laws.
9. Licensing is illogical. Criminal justice trends (such as vilifying motor bike club members or people from non-English speaking backgrounds) are illogically crammed into licensing laws at the whim of short term political interests.
10. Licensing prevents experienced sex workers from opening legal brothels. Sex workers who have criminal records are excluded from becoming licensed brothel owners.
11. Licensing pushes experienced sex workers into illegal sex work. Sex workers with a criminal record are ineligible to work at a licensed escort agency.
12. Licensing is out of fashion across the globe. Countries with licensing are abandoning it. "From a political and administrative viewpoint such systems are problematic because they involve government in matters of personal morality".
13. Licensing is confusing. Private workers are exempt from licensing; creating the impression they are working illegally.

14. Licensing is unnecessary. Brothels are not unregulated now. Brothels are subject to the same laws as any other business and can be visited by regulators. For example planning laws are regulated by Council Officers, and taxation, immigration, and Occupational Health and Safety have their inspectors.

15. Licensing prevents people from leaving sex work. A lifelong record of participation in licensing is a barrier if/when an individual wishes to work in other industries.

16. Licensing introduces potential for corruption. Licensing creates a two-tiered sex industry, where one sector remains unable to be licensed, and is therefore vulnerable to corruption.

17. Licensing breaches people's privacy. Overregulation of lawful, consensual adult sex work simply creates opportunities for breaches of confidentiality.

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[1] Research by Roberta Perkins and Francis Lovejoy, through the 1990's

[2] Donovan et al, ibid