

## Submission Response to Council Compliance Flowchart NSW Brothels Taskforce 2009 18 December 2009

Nothing About Us Without Us is a group of NSW sex workers concerned about recent proposed regulation changes as a result of ICAC recommendations. We thank you for the opportunity to prepare this submission, acknowledging the work of colleagues including Scarlet Alliance, Urban Realists and ISIS CATS.

Having reviewed the draft Department of Planning Council Compliance Flowchart Nothing About Us Without Us provides the following comments:

1. Decriminalisation removed the role of police from our workplaces. The proposed Council Compliance Flowchart increases the role of Council Compliance officers BEYOND the role that police had previously had. This alone increases chances for corruption and is against the spirit of the 1996 legislation.
2. Over regulation and a lack of permissibility will not be improved by further over regulation and/or a heavy handed approach to compliance.
3. Compliance already works well in a number of councils. Those councils use a conciliatory approach to regulation and seek to create solutions that encompass rather than prosecute sex industry businesses.
4. Sex workers have a right to work without harassment or vexatious complaints by brothel owners. Brothel owners have a right to work without anti-competitive behaviour by other brothel owners. Any complaints mechanism must protect these rights.
5. Local councils are not the regulators of competition of other industries – nor should they be expected to regulate competition for the sex industry.
6. Local councils should not send private investigators or others to entrap and/or have sex with sex workers. The law already allows circumstantial evidence to be used – having sex with sex workers or entrapping by making bookings is not necessary.
7. Sex workers must be permitted to work in pairs if Council compliance officers are permitted to do compliance visits in pairs.
8. A complaint mechanism should begin with a compliance officer making contact and informing the person who the complaint is about.
9. Video recording is a breach of an individual's/businesses privacy. It is more productive if photos are taken with the consent of individuals/businesses.
10. A compliance process should not be adversarial. The impact of such a policy could change the culture of the industry, ie leading to escort work, reducing the amount of contact between SWOP and/or compliance officers with sex work premises, leading to individuals/business trying to avoid the Council regulations generally (see Sex Services Premises Planning Guidelines (2004) p. 73). Compliance officers may benefit from contacting local sex worker organisations.