

# No more fear of police: South Australia is close to fully decriminalising sex work

June 21 2019, by Roxana Diamond

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Supporters standing outside Parliament House during the second reading of the bill, June 5 2019. Author provided

South Australia is a crucial step closer to becoming one of few places in

the world to decriminalize sex work.

After 13 attempts in recent years, [a bill for sex work law reform](#) passed South Australia's upper house—the Legislative Council. Next, the [bill](#) will head to the House of Assembly.

Current South Australian [sex industry](#) laws are outdated and law reform is desperately needed. As a sex worker and [researcher](#) of South Australia's sex industry, I've found decriminalizing sex work will not only allow us to conduct our work with more safety and dignity, it will also free us from the fear of police detection and [heavy-handed](#) police raids.

While an amendment to the bill [was introduced](#), which allows police to enter anywhere commercial sex occurs if they suspect a crime has been, or will be, committed, the new bill still brings [sex workers](#) some relief from general policing.

Policing sex work prohibits sex workers from reporting crimes committed against them. In fact, many sex workers I interviewed for my research said they are more afraid of police detection and being charged or fined, than screening out dangerous clients.

One research participant said:

"You feel like there's a slight concern that someone, a client might hurt you or something like that, there is absolutely no comparison to the fear that I have of the police."

## **What does the bill aim to do?**

This bill aims to delete the term "common prostitute" from the Criminal Law Consolidation Act (1935) and Summary offenses Act (1953). It also

removes common law offenses relating to sex work, inserting the definition of "sex work" into the Equal Opportunity Act and adding clauses that will make it unlawful to discriminate against a person because they are, or were, a sex worker.

The bill amends the [Spent Convictions Act](#) by deleting a person's criminal record relating to sex work offenses. It also repeals offenses relating to brothels, removing barriers for people wanting to leave the industry.

It amends the [Return to Work Act](#) to recognize commercial sexual services and employee/employer relationships like other industries.

And sex workers will also automatically come within the coverage of the Work Health and Safety Act once the bill passes, as it covers all forms of legal work and workplaces.

## **Sex workers fear police charges**

I first conducted interviews in 2015 and, during that year, only 36 sex work related charges were handed down.

Now, four years on, sex workers still have the same concerns about being charged, but fears have grown as law enforcement has become more [heavy handed](#) in how they apply the law.

For example, The Advertiser [last year reported](#) that in the 2017-18 financial year, 211 sex work related charges were laid by police.

One of my interviewees, a private worker, spoke about a raid she experienced in late 2017:

"I was home alone. And it was the middle of the night, and this was

about six months ago. And I had six men in casual clothes that were armed surrounding my house, bursting in and tearing the place apart. And I thought I'm getting robbed."

[...] I'm actually not even sure that they were cops [...] because once they had torn my house apart and [...] made a lot of disparaging remarks about me, and searched my house, and come up with nothing they left me with no report number, no file number, no calling card, no nothing.

They went through my bins, they checked me for track marks. They made remarks to each other whether I was worth my advertised rate in front of me.

## Police corruption

In 1997, the [Wood Royal Commission](#) found evidence corroborating sex worker testimonies regarding police corruption in New South Wales.

And earlier this week, South Australian Police (SAPOL) were questioned during a parliamentary committee, and asked if their policing tactics are lawful.

For instance, SAPOL have been accused of [raiding sex workers'](#) homes without showing warrants.

Greens Legislative Council member Tammy Franks—who first introduced the bill – [told parliament](#):

"When SAPOL did not get their way and found that a decrim bill for sex work had passed the upper house, they actually raided brothels and used uncorrected, off the record Hansard from this parliament, from select committee proceedings, as evidence against those workers in those brothels, contrary to the parliament's processes, contrary to good

policing process."

## Working with 50-year-old laws

[Research](#) has found criminalizing sex work is futile as it fails to offer any solutions for the [structural conditions](#), such as access to legal justice, that put sex workers at a disadvantage.

Criminalisation denies sex workers the [human rights](#) of occupational work, health and safety protections.

When sex work was largely decriminalized in NSW in [1995](#), sex workers [experienced](#) better human rights, no police corruption, and savings for the criminal justice system. Decriminalisation also increased surveillance, health promotion, and safety of the NSW sex industry.

But in South Australia, the majority of laws governing sex work have remained intact since they were enacted more than 50 years ago.

In fact, there are a range of offenses aiming to prohibit sex work, the majority of which are contained in the [Criminal Law Consolidation Act \(1935\)](#) and [Summary offenses Act \(1953\)](#).

Common offenses regarding sex work include: soliciting, procurement, keeping a brothel and "living on the earnings." These laws also allow [police](#) to enter suspected brothels simply based on "[suspicion](#)".

And [public health](#) research clearly demonstrates how criminalization, including regulatory systems, put sex workers at further risk by leaving the majority of the industry working outside the law.

## A growing global movement

[More than 200 sex worker organizations](#) globally advocate for the decriminalization of [sex work](#). And the [Global Network of Sex Work Projects](#) developed a [consensus statement](#) following a consultation with more than 160 sex [worker](#) organizations around the world.

Decriminalisation is also supported by a number of respected international human rights organizations, such as [Amnesty International](#), [Human Rights Watch](#), [the World Health Organisation](#) and [UNAIDS](#).

If this bill passes successfully, South Australia will lead by example, and show legislators that decriminalization can be achieved.

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