

# WA Sex Industry Legislation

The Background of SI laws in WA

The current and proposed SI  
legislation in WA.

Who SWAG & CDSW are

Where we are at now

Refusal of governments in Western Australia to provide realistic and effective legislation surrounding sex work left the sex industry governed by:

- The Containment Policy 1975–1999  
unwritten guide to police practices
- Criminal Code and Police Act (leftover laws from the 1800s)

Historically, there had been brothels in Roe Street and throughout Northbridge and street based sex workers had worked around Russell Square and Hyde Park.

### Gentrification of inner city Perth

- different residents have moved into the inner city areas.
  - not as interested in co-habiting
  - not interested in maintaining diversity in the inner city
  - concerned with the value of their property

Police moved Street based sex workers with promises of protection.

- Sex workers complied
- Soon after Arrests began in the new area
- Workers moved again in order to avoid detection.
- This move resulted in an increase of visibility of street based sex workers to a new set of residents, some of whom have petitioned the local council and generated much media attention.

The Prostitution Act 2000 was introduced by the Liberal Government.

Labor in opposition opposed the legislation. A subsequent sunset clause was included to ensure the Act only serve as the stopgap measure it was intended to be.

August 2002, the Prostitution Act 2000 should have become null and void according to the sunset clause.

**Hon Nick Griffiths:**

“ We are using this Bill as a sledgehammer to crack a nut. The bill is over the top and the penalties it sets out illustrate that. They are out of kilter with what is proposed on other jurisdictions, and in this jurisdiction, to deal with similar behavior.”

“I do not know who was responsible for this legislation. Whoever they are, they have no regard whatever for civil liberties.”

## Prostitution Act 2000 includes:

- Move on notices and restraining orders based on suspicion. (map)
- Stop search Detain without charge
- Cavity searches
- Entrapment
- Prison sentences for underage workers.





Labor Govt gained power early 2001.

The government indicated they intended to take on extensive SI law reform. At this stage they were calling it decriminalisation

SI legislation fell under the portfolio of Police Minister, Michelle Roberts, office.

2002 Labor back-flip = extended the Prostitution Act 2000 for a further 12 months.



## **What do the Proposed laws look like:**

The WA sex industry will be controlled by a registration/licensing system.

### **Prostitution Control Board –**

convened by a Supreme Court barrister or solicitor, including Police Commissioner, Health Commissioner, a medical practitioner, and someone nominated by the local government minister and another minister.

**no sex industry representation.**

### **Zoning – Brothels=light industrial zones**

and more than 300m from schools, hotels, churches or community centres.



Sex workers would have to carry **identification cards** which must be produced on demand. The license number which would link back to the register.

Details (including name & address) will be kept of registered sex workers on a '**secure register**'. It is unclear who will have access to this information, and how long the information will be kept.

Brothel/Massage parlour workers would need to be **licensed to a sex industry premise**, causing problems for workers who wish to change workplaces at short notice, or who only work on an occasional basis.

There will be harsh penalties for sex workers who practice unsafe sex or knowingly have sex while infected with an STI.



**Advertising** would be restricted to include only head and shoulders photographs, and would not be able to mention types of sexual services, race or ethnicity.

Sex industry premises will continue to be unable to advertise for staff, and other activities deemed to promote prostitution (which could include some health promotion) will be illegal.

**License numbers** would need to appear on the bottom of all sex industry advertising.

There will be harsh penalties for those working outside the license/registration system – **terms up to 14 years..**

Overseas sex workers on temporary or student visas **will not** be able to **get a license.**



Phoenix

## How we think WA SI laws will work once the Licensing Board is released

Laws already in place that will continue.

- Prostitution Act 2000
  - move on notices & restraining orders based on suspicion
  - Increased police powers, search, detain without charge, entrapment
  - reversal of onus of proof
- Criminal Code
- Police Act

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Licensing/registration Board Model

- Individual licensing
  - Identification cards would have to be carried
- Zoned-light industrial plus 300m away from schools, churches etc
- Advertising restrictions
- Etc



## Phoenix

**The Police Ministers Office has outlined a licensing model of Sex Industry Legislation for WA. A draft of the laws is being written up.**

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**The draft legislation is called a green bill and will be publicly released for three months during which time anyone in the community including sex workers can comment on it. This three month period is referred to as a Consultation Period!**

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**After approx. three months The Police Ministers office will write a response document and changes may be made..**

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**The legislation will then pass through parliament. *There will be a period of time between when the legislation goes through parliament and when it is proclaimed.* It will then be law.**

## **SWAG - Sex Worker Action Group**

Political action group of sex workers and supporters.

## **CDSW** Coalition for Decriminalisation of Sex Work

Community orgs and interested individuals joining together to publicly support decriminalisation.



## The Campaign so far

- **Meetings with Ministers and politicians - any that would agree to meet with us.**
- **Community Forum at Citiplace**
- **Offered to present the minister with letters outlining how the Prostitution Act 2000 has been disastrous. She refused to come and accept the letters**
- **Rally at Parliament House**

## The Campaign (cont)

- SWAG have collected **anecdotal evidence** outlining the impact of the Prostitution Act 2000 and have identified 14 priority areas from that research. This will be presented as a submission to the govt during the consultation period.
  
- A Decriminalise Sex Work **Petition** with over 1000 signatures has been collected and will also be presented to the Minister.

*Where are we now:*

*Waiting.....*

*We have been told at several points the draft will be released within 6-8weeks.*

*Sex Workers in Western Australia have not been consulted about the proposed legislation.*