

FIFO Inquiry Submission 2012

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I am writing this submission in response to the current Inquiry by the House of Representatives, into the **'fly-in, fly-out' (FIFO) workforce practices in regional Australia.**

Current sensationalised media articles are wrongly reporting that sex workers who FIFO/DIDO to regional Queensland, are 'unregulated prostitutes who are contributing to the growth of sexually transmitted diseases'. This is inaccurate. Sex work is heavily regulated in almost every state in Australia (except NSW where sex work is decriminalised) and there is no epidemiological evidence that suggests that sex workers contribute to the rise in STI's in any way, shape or form what-so-ever. In fact, there is numerous evidence based research that suggests the opposite.

Sex workers have been in the forefront of the STI best practice for at least the last thirty years and safe sex is the industry standard. Sex workers are

taking “all reasonable steps to ensure a prophylactic sheath (condom) or other appropriate barrier is used” (Prostitution Reform Act 2003 cited in NZPC website). A recently published study also looked into safe sex compliance among sex workers in New South Wales (NSW), and found that safe sex compliance among *all* sex workers exceeds 99% (Donovan Harcourt Egger Fairley, 2010). Sex workers do not need laws to compel them to use condoms and it is insulting that such a law was deemed necessary in 2003 in Australia, given that history and research clearly indicated it was not required (Donovan et al 2010: 74).

Associate Professor John Scott of the University of New England told *Australian Mining* that there was no evidence to suggest that a rise in sex workers translates into a rise in sexually transmitted diseases. Media articles like ‘Freelance Sex Workers Factor in Explosion of Infections’ are unsubstantiated and defamatory and arguably subject to class action law suits by multiple complainants. There are also *no* studies that suggest that rural sex work has increased at all. In fact, New Zealand and NSW are reporting a *decline* in the numbers of street based sex workers since decriminalisation (Mossman, & Mayhew, 2007).

There has also been *no* sudden increase in the numbers of visible sex workers on the streets generally, as claimed would happen post decriminalisation by opposition groups against the New Zealand Prostitution Law Reform Act 2003 (PLA), dispelled by Abel, Fitzgerald and Brunton (2009:526. 528). Quite the contrary. Only 10% of the entire sex worker industry are street based sex workers (Hubbard, 2004; Scrambler, 1997; Weitzer, 2005). Since their numbers on the street are reported to be *declining*, it is more accurate to state that New Zealand and NSW are achieving desirable outcomes because the legislation is consistent and supportive and recognises that people make better choices for themselves when they feel more *empowered* to do so, under decriminalisation.

Consider that street based sex workers only account for about 7-10% of the *entire* estimated sex worker population (Hubbard, 2004; Scrambler, 1997; Weitzer, 2005). This number easily escalates when we have groups of renegade landlords, real estate agents and hoteliers throwing sex workers from their accommodation and out onto the streets, where they invariably think they belong. Often these legal sole traders have paid for their accommodation in advance, are refused a refund and are also refused other accommodation in the area, as word spreads to other providers who also discriminate.

Similarly, we see real estate agents accusing their tenants of running 'escort agencies' from their leased premises, despite sole trading and practising lawful sex work, who are then issued with a 'Notice of Breach' of Body Corporate By-laws and then have their lease cancelled without a reference. Forcing sex workers onto the the street by making it difficult to secure accommodation, *increases* the risk of violence being perpetrated against them in the exact same way it does forcing sex workers to relocate to less visible area's on the street. It *forces* sex workers into vulnerable and dangerous situations and into the arms of Australia's criminal underbelly (Hubbard, 2004).

Laws need to be made in Australia that are consistent and in line with globally recognised Human Rights best practice. It is no good to say that legal sex workers are able to practice 'lawful sexual activity' from their accommodation by the Anti-Discrimination Commission of Queensland (ADCQ) and then have the Queensland Civil and Administrative Tribunal (QCAT) find any weak excuse to undermine this, such as what happened in the recent QCAT decision against the legal sex worker GK, about to be appealed. Blatant inconsistencies like this, highlight just how difficult it is for sex workers (and the community) to work within these heavily regulated and meaningless laws. It should be unlawful and illegal for a sex worker to be evicted from anywhere just because they are a sex worker.

Decriminalisation of the sex industry is the only accepted course of action that the United Nations advocates globally, because it recognises the overall positive impact on human rights, health and safety and addresses issues of harm minimisation in the area of disease prevention, violence and illegal activity. I agree with Faehrmann in her article, Brothel Licensing Not The Answer, who says “...the government should be looking at ways to address the sometimes arbitrary and inconsistent implementation of existing sex industry guidelines across local government, rather than making criminals out of currently law abiding citizens.”

The New Zealand Prostitution Reform Act 2003 (PRA) is achieving such success in its positive health outcomes because it was designed in consultation with the public, sex workers and sex worker organisations during a three year parliamentary debate. It reflects the nature and scope of sex work. It balances the need's of the community with the human Rights of sex workers. The Act is designed to (a) safeguard the human rights of sex workers and protect them from exploitation; (b) promote the welfare and occupational health and safety of sex workers; (c) be conducive to public health; (d) prohibit the use in prostitution of persons under 18 years of age; and (e) implement certain other related reforms (cited in NZPC:Law).

Proven harm-minimisation models are being applied by sex worker organisations and healthcare providers throughout Australia and New Zealand (and the rest of the world) with a great deal of success, all-be-it limited under current legislation in heavily regulated/criminalised states in Australia. These same service providers are *funded* by Government. The overall objective is to reduce the impact of the harm caused to self or other by educating those directly affected in order to raise their awareness of the alternatives that may (or may not) be available to them. Harm-minimisation stems from the belief that people are at various stages of development and as such need to be approached and met at *their* level of awareness, while being given the tools, support and resources to facilitate a

process whereby individuals feel empowered to make better choices for themselves and ultimately the community.

There seems to be an entirely false set of mores circulating within Australia that attempts to wrongly link sex workers with violence, drug addiction and paedophilia. Rape is violence and is perpetrated throughout society against women (and men) in every area of society. Only 7% to 17% of brothel and escort sex workers in Australia report ever injecting drugs (Harcourt et al., 2001; Perkins & Lovejoy, 2007; Pyett et al., 1996). The WA report shows a table 3.27 that suggests that drug use in Perth brothels is around the same as rates in the general population (with the exception of much higher rates of tobacco use).

Furthermore, there is absolutely *no* evidence to link sex workers and paedophilia. Paedophiles do not discriminate between boys and girls and are more often than not, someone we know, who is trusted and has complete access to our children. They do not walk around with a sign around their neck nor do they belong to any one sub-section of society. Sex workers are not a homogeneous group and therefore there are no more issues that are more important to certain sectors of society than others (O'Connor et al., 1996; Plumridge and Abel, 2001).

In conclusion, there appears to be widespread discrimination against sex workers in general throughout regional Australia. Discrimination, that also violates the basic Human Rights of sex workers. Lyon asserts that health outcomes of sex workers are directly affected by stigmatisation and marginalisation and that “It is described as the single biggest issue facing sex workers – even those who operate legally” (Lyon, 2011: 2.3.1, 45).

This is currently being reflected in the stories media are publishing that appear more like a frenzied attacks between FIFO/DIDO sex workers trying to practice lawful sex work and citizens behaving unlawfully *as if* they are justified, despite laws to the contrary. Media are fuelling this unhelpful

debate by not reporting accurately and relying on misinformed comments from an uneducated public, with the sole purpose of selling newspapers. They are pandering to assumed popular belief and taking no responsibility for their professional code of ethics.

There is also a misrepresentation of the nature and scope of sex work and sex workers both collectively and individually. The media appear to only be reporting one side of the story, completely ignoring the *facts*. There appears to be a push to make new laws in an attempt to over-ride existing ones that are flawed, replacing them with even more Draconian versions designed to control rather than empower. Over-regulation, as opposed to decriminalisation, makes illegal operations *more* attractive because the legal sector is often kept smaller than the number of sex workers available to work (Lyon, 2011:10).

There has to be a shift away from the pre-existing moralistic viewpoint, to one that supports a public health and human rights approach such as New Zealand's. It is apparent that there needs to be more constructive discussion and debate between sex workers, the government, lawmakers and public opinion in Australia.

I would like to remind the House of Representatives, that the Attorney-General, Honourable Nicola Roxon, released a media statement on the 4th of January, 2012, reminding us that the Human Rights (Parliamentary Scrutiny) Act 2011 is now in effect. Human Rights will be "...brought into sharper focus in Parliament this year with all new laws to be checked to see if they stack up against human rights obligations". New laws *must* consider "... protection and promotion of human rights".

The principles of freedom, respect, equality, dignity and a fair go, apply to everyone *including* sex workers. In Queensland, it was found that sex workers who were working legally (i.e. service providers in licensed brothels, legal sole traders) had better mental health than those in illegal

settings (Seib et al 2009). Harcourt et al (2005) suggested that decriminalization seemed to provide the best outcomes for sex workers health and welfare and that this is a *desirable* outcome that affects the community as a whole.

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