



Curtin University

WESTERN AUSTRALIAN LAW AND SEX WORKER HEALTH (LASH) STUDY

AN EXECUTIVE SUMMARY REPORT
TO THE WESTERN AUSTRALIAN LOCAL
GOVERNMENT ASSOCIATION



Law and Sex worker Health (LASH) Study: An executive summary report to the Western Australian Local Government Association

Associate Professor Linda Selvey

School of Public Health
Curtin University

Dr Jonathan Hallett

School of Public Health
Curtin University

Dr Roanna Lobo

School of Public Health
Curtin University

Ms Kahlia McCausland

School of Public Health
Curtin University

Ms Julie Bates

Urban Realists Planning & Health Consultants

Professor Basil Donovan

Kirby Institute
University of New South Wales

Acknowledgements

The research team would like to thank the Sexual Health and Blood-borne Virus Program of the Western Australian Department of Health for funding this project. The views expressed in this report are not necessarily those of the Department of Health.

We acknowledge the Department of the Attorney Generals participation in the study. The data published in this report cannot be considered as either endorsed by, or an expression of the policies or the view of the Department of the Attorney General.

We would also like to thank the Western Australian sex industry for letting us into your businesses and for your cooperation and participation in the study. A special thanks is extended to the LASH peer researchers as without you this study would have not have been possible.

© School of Public Health, Curtin University 2017

Suggested citation

Selvey, L., Hallett, J., Lobo, R., McCausland, K., Bates, J., & Donovan, B. (2017). *Western Australian Law and sex Worker Health (LASH) Study. An executive summary report to the Western Australian Local Government Association*. Perth: School of Public Health, Curtin University.

Front cover

The front cover depicts the red umbrella which is a global symbol for sex worker rights, symbolising protection from bad laws, stigma and discrimination.



“...honestly, the sex workers that I’ve met are the kindest, most hard working, compassionate, loving people, you know? And they need a better – they need to be looked after better.”

Introduction

The Law and Sex worker Health (LASH) Study was first conducted in 2007 by researchers from the Kirby Institute, University of New South Wales. The current study, LASH 2.0, builds on the initial project by focusing on the whole of Western Australia, and spanning the wider sex industry including private and escort workers, men and transgender workers. Ten years on we wanted to explore how the sex industry in Western Australia had changed. In addition there was no significant Western Australian research on male and transgender workers, which makes the current study so important. The project aimed to investigate the impact of the law on Western Australian sex workers; their health and safety; and the intersections between sex workers, health service providers and police, and was funded by the Sexual Health and Blood-borne Virus Program, Communicable Disease Control Directorate, Western Australian Department of Health.

Objectives

1. Describe the size and types of sex worker services in Western Australia including brothels; escort services; private and street-based workers; workers from non-English speaking backgrounds; female, male and transgender workers.
2. Assess the health of sex workers including sexual health, mental health, injuries and violence.
3. Assess the access of sex workers working in a range of settings to health promotion and health and safety resources.
4. Enumerate and describe police and court charges for sex workers, their managers and their support services.
5. Compare the situation in 2016 to what was described in the 2007 LASH Study (Donovan et al., 2010).

Background

Sexually transmissible infection (STI) and human immunodeficiency virus (HIV) prevention among sex workers has been highly successful in Australia and has resulted in low incidence rates and high rates of condom use (Donovan et al., 2010; Donovan et al., 2012; Jeffreys, Fawkes, & Stardust, 2012). Sex workers however remain an Australian priority population because of the ongoing potential for an increase in STI and HIV transmission due to occupational risk (Australian Government Department of Health, 2014a, 2014b). Sex workers experience barriers to health service access, including stigma and discrimination (Immordino & Russo, 2015; Lazarus et al., 2012). They face a range of legal and regulatory issues including criminalisation, licensing, registration and mandatory STI and HIV testing in some jurisdictions (Harcourt et al., 2010; Jeffreys et al., 2012).

Legislation relating to sex work in Australia varies by state and territory, and there are currently three general approaches that are used to regulate the industry across Australia: decriminalisation, criminalisation and implementation of licensing schemes for commercial sex (Harcourt, Egger, & Donovan, 2005). The criminal laws in Western Australia formally prohibit most prostitution related activities including brothel based sex work, however the act of prostitution in itself is not an offence. Living off the earnings of sex work is an offence and applies to a sex worker’s dependents, other brothel employees (such as a receptionist) and those involved in running an escort agency



(Government of Western Australia, 2013). A study of sex industry outcomes in the capital cities of three different Australian jurisdictions found the New South Wales decriminalisation approach to be best practice with regard to public health, human rights, and corruption and crime prevention outcomes (Harcourt et al., 2010). Western Australia's prohibition approach had the worst outcomes in terms of access to health services and health promotion programs. Better health outcomes for sex workers are also typically reported in other decriminalised systems such as in the Netherlands and Germany (Rekart, 2005). The New South Wales decriminalisation model has been commended by international authorities as best practice (Jeffrey & Sullivan, 2009; Rekart, 2005) and was influential in New Zealand law reform (Ministry of Justice, 2008).

Heavy policing of sex work can elevate sex workers' risk of contracting STI and HIV as sex workers relocate to unfamiliar areas to avoid arrest and spend reduced amounts of time screening and negotiating safe sex with clients (Shannon & Csete, 2010; Sherman et al., 2015). Lower STI rates have been reported among sex workers working in decriminalised and regulated environments compared to those working illegally (Seib, Debattista, Fischer, Dunne, & Najman, 2009).

Sex workers have identified stigma as a key contributor to the difficulties they face, making it harder to move out of the industry and to live authentically among family and friends (Bellhouse, Crebbin, Fairley, & Bilardi, 2015). Research by Lazarus et al. (2012) found that the experience of stigma is associated with difficulty accessing health services, and that stigma affects participation in health promotion activities (Murray, Lippman, Donini, & Kerrigan, 2010).

Methods

It was deemed essential to the project's success that sex workers were employed as peer researchers to carry out the fieldwork component of the study, and as such 10 sex workers were employed.

A total of 25 key advisors were interviewed, including providers of health services, sex industry owner/operators, academics, police, local government officials, and sex workers. A selection of 223 and 390 private sex workers contact numbers from across Western Australia were identified through an online and newspaper scan respectively, and were sent a text message inviting them to complete the online survey. Peer researchers conducted three weekend street-based sex worker scans by car and foot on the streets of Perth, and regional visits were conducted in Kalgoorlie, Bunbury and Mandurah. A random sample of brothels were visited by peer-researchers and sex workers at the premises were asked to complete a survey.

A self-administered survey was completed either online or face-to-face with peer researchers by 354 sex workers. When visiting sexual services premises, premises owners, managers and/or receptionists were also asked to complete a short survey. All surveys were translated into Korean, Thai and Chinese, as well as being available in English. A venue audit tool was used to assess occupational health and safety measures at sexual services premises.

Semi-structured in-depth interviews were used to further explore issues for sex workers working in different environments that were identified through the results of the sex worker survey. Seventeen interviews were conducted.

Sexual health testing data were sourced from Magenta; Royal Perth Hospital; and South Terrace Clinic through the ACCESS Project to estimate the prevalence of HIV, hepatitis C, chlamydia and gonorrhoea amongst sex workers in Perth.



Data from the Department of the Attorney General were obtained to assess finalised court proceedings from 2000 to 2015 related to sex work including offences under the *Prostitution Act 2000*, *Criminal Code*, *Health Act 1911*, *Liquor Control Act 1988* and *Police Act 1892*.

Curtin University's Human Research Ethics Committee (HREC) approved this study (HRE2016-0078).

Key findings

Changes in the sex industry

We observed significant changes in the sex industry in Western Australia over the past 10 years, particularly the increase in private sex workers and relative decrease in brothel-based sex work and exclusive street-based sex work, as well as the increasing use of the internet and social media to promote sexual services.

Safety and well-being

The largest proportion of respondents (40%) reported that sex work enhanced their well-being, while only one fifth reported that it hindered their well-being. Sex work can therefore be a positive experience for a large proportion of sex workers. It is concerning that a little more than one fifth of survey respondents reported having been assaulted at least once in the past 12 months. This is higher than was found in the previous LASH study in Western Australia (Donovan et al., 2010), as was the proportion of respondents reporting being threatened by one or more clients. Almost 50% of respondents reported feeling uncomfortable or very uncomfortable with reporting to the police assaults and other crimes against them.

Stigma and discrimination

We found that some sex workers did not reveal their work to family and friends which can lead to social isolation. This was particularly marked for Chinese workers, who expressed a great fear of having their profession revealed to family and friends in China. Those who are also targeted by racism and homophobia or discrimination due to their drug use find that sex work compounds the stigma and discrimination that they already experience. The most commonly reported experiences of stigma and discrimination were with police officers, with 27% of respondents reporting experiencing negative treatment, stigma or discrimination from police officers at least once. Additionally, 18% of respondents reported experiencing negative treatment, stigma or discrimination from general practitioners at least once. This is of concern, as stigma and discrimination can be a significant barrier to accessing services (Lazarus et al., 2012).

Local government enforcement of planning regulations

Although the process of dealing with complaints and investigations of alleged sexual services premises were similar across the Local Governments that participated in our study, they were however different. The general process comprised a received complaint, contact with the complainant to assure it was being actioned, attempted contact with the occupier/s of the premises under investigation, and collection of evidence which may include a site inspection to support/dismiss complaint. Following a site inspection some Local Governments worked in collaboration with Worksafe, the Australian Taxation Office, the Department of Immigration and Police. It was highlighted that there was confusion surrounding the Western Australian legislation and compliance requirements in regards to the sex industry by both Local Government, the community and those working in the sex industry. It was suggested that if all Local Governments had the same compliance requirements all compliance matters would be handled by the same process, and people being



investigated would therefore expect the same process no matter which Local Government area they were working in. Additionally a standard compliance fact sheet could be created to assist the sex industry to understand compliance requirements.

Recommendations

Sex work should be decriminalised in Western Australia

Our study demonstrated a number of ways that the criminalisation of sex work in Western Australia has a negative impact on the health, safety and well-being of sex workers. This includes criminalisation being used as an excuse for abuse by clients of sex workers; a reluctance of sex workers to go to the police as victims of crime; the hidden nature of sex work in the context of private houses and massage parlours impeding access to services and health promotion; and the physical risk of street-based sex work. Decriminalisation also allows a highly visible focus on workplace health and safety in brothels and massage parlours. It is also an important step towards reducing stigma and discrimination experienced by sex workers. There is good evidence that decriminalising sex work does not result in an increase in the number of clients accessing sex work (Rissel et al., 2017), and the normalisation of this work is important in improving the health and well-being of sex workers.

Initiate programs to reduce stigma and discrimination against sex workers in health care settings

There is a need to develop and implement training programs for general practitioners and other health care workers in order to reduce stigma and discrimination experienced by sex workers in this setting.

Work with the police to reduce stigma and discrimination

There is a need to work with police to ensure that sex workers are willing to report crimes against them. The police liaison officer in Northbridge increased the willingness of sex workers to access police in that area. This position should be reinstated. In addition it is necessary to provide specific training for police officers aimed at reducing stigma and discrimination against sex workers and ensuring that police are aware of sex workers' legal rights.

Increase outreach of peer-based services to private sex workers and those from culturally and linguistically diverse backgrounds, particularly in rural areas

Our research showed that Asian sex workers were more likely than non-Asian workers to not receive information about safe sex and sex work from any source. The increasing proportion of sex work in private settings also means that outreach needs to be achieved in different ways. Magenta has already put in place strategies to reach these groups, but there is a need to increase this outreach, including online. These outreach programs need to address sexual health, particularly condom use, and also social isolation, workers' rights and personal safety.

Initiate a peer-based smoking cessation program targeting sex workers

The very high smoking rates amongst sex workers highlights an urgent need for targeted health promotion strategies to reduce smoking rates amongst this population. It is clear that mainstream smoking cessation programs have not been successful at reducing smoking rates amongst sex workers and therefore specific peer-based programs would be necessary.



Develop drug and alcohol programs specifically targeting male sex workers, possibly via programs targeting gay men in general

The high rates of illicit drug and harmful alcohol use among male sex workers demonstrates the need for interventions targeting this group. This may be best delivered in interventions targeting gay men as a group.

Continue funding and support for peer-based services targeting sex workers

Our data consistently highlighted the importance of both Magenta and the M Clinic in providing services to sex workers. We also identified areas for expansion of their work to health needs beyond sexual health, particularly in the areas of drugs and alcohol, smoking and mental health.



References

- Australian Government Department of Health. (2014a). *Seventh National HIV Strategy 2014-2017*. Commonwealth of Australia Retrieved from [http://www.health.gov.au/internet/main/publishing.nsf/Content/8E87E65EEF535B02CA25BF0001A4EB6/\\$File/HIV-Strategy2014-v3.pdf](http://www.health.gov.au/internet/main/publishing.nsf/Content/8E87E65EEF535B02CA25BF0001A4EB6/$File/HIV-Strategy2014-v3.pdf).
- Australian Government Department of Health. (2014b). *Third National Sexually Transmissible Infections Strategy 2014–2017*. Commonwealth of Australia Retrieved from [http://www.health.gov.au/internet/main/publishing.nsf/content/8DB875B386DC5672CA257BF0001E377D/\\$File/STI-Strategy2014-v3.pdf](http://www.health.gov.au/internet/main/publishing.nsf/content/8DB875B386DC5672CA257BF0001E377D/$File/STI-Strategy2014-v3.pdf).
- Bellhouse, C., Crebbin, S., Fairley, C., & Bilardi, J. (2015). The impact of sex work on women’s personal romantic relationships and the mental separation of their work and personal lives: a mixed-methods study. *PLOS ONE*, *10*(10), e0141575. doi:10.1371/journal.pone.0141575
- Donovan, B., Harcourt, C., Egger, S., Schneider, K., O’Connor, J., Marshall, L., . . . Fairley, C. (2010). *The sex industry in Western Australia: a report to the Western Australian Government*. Retrieved from Sydney: <https://kirby.unsw.edu.au/sites/default/files/hiv/attachment/WASexReport.pdf>
- Donovan, B., Harcourt, C., Egger, S., Watchirs Smith, L., Schneider, K., Kaldor, J., . . . Tabrizi, S. (2012). *The sex industry in New South Wales: a report to the NSW Ministry of Health*. Retrieved from Sydney: <http://www.acon.org.au/wp-content/uploads/2015/04/NSW-Sex-Industry-Report-CSRH-2012.pdf>
- Government of Western Australia. (2013). *Prostitution Act 2000*. Perth, Australia: Government of Western Australia, Department of the Premier and Cabinet Retrieved from [https://www.slp.wa.gov.au/pco/prod/FileStore.nsf/Documents/MRDocument:25227P/\\$FILE/Prostitution%20Act%202000%20-%20\[02-00-03\].pdf?OpenElement](https://www.slp.wa.gov.au/pco/prod/FileStore.nsf/Documents/MRDocument:25227P/$FILE/Prostitution%20Act%202000%20-%20[02-00-03].pdf?OpenElement).
- Harcourt, C., Egger, S., & Donovan, B. (2005). Sex work and the law. *Sexual Health*, *2*(3), 121-128.
- Harcourt, C., O’Connor, J., Egger, S., Fairley, C., Wand, H., Chen, M., . . . Donovan, B. (2010). The decriminalisation of prostitution is associated with better coverage of health promotion programs for sex workers. *Australian and New Zealand Journal of Public Health*, *34*(5), 482-486. doi:10.1111/j.1753-6405.2010.00594.x
- Immordino, G., & Russo, F. (2015). Laws and stigma: the case of prostitution. *European Journal of Law and Economics*, *40*(2), 209-223. doi:10.1007/s10657-015-9491-2
- Jeffrey, L., & Sullivan, B. (2009). Canadian sex work policy for the 21st century: enhancing rights and safety, lessons from Australia. *Canadian Political Science Review*, *3*(1), 57-76.
- Jeffreys, E., Fawkes, J., & Stardust, Z. (2012). Mandatory testing for HIV and sexually transmissible infections among sex workers in Australia: a barrier to HIV and STI prevention. *Scientific Research* *2*(3), 203. doi:10.4236/wja.2012.23026
- Lazarus, L., Deering, K., Nabess, R., Gibson, K., Tyndall, M., & Shannon, K. (2012). Occupational stigma as a primary barrier to health care for street-based sex workers in Canada. *Culture, Health & Sexuality*, *14*(2), 139-150. doi:10.1080/13691058.2011.628411
- Ministry of Justice. (2008). *Report of the Prostitution Law Review Committee on the Operation of the Prostitution Reform Act 2003*. Retrieved from Wellington, New Zealand:
- Murray, L., Lippman, S., Donini, A., & Kerrigan, D. (2010). ‘She’s a professional like anyone else’: social identity among Brazilian sex workers. *Culture, Health & Sexuality*, *12*(3), 293-306. doi:10.1080/13691050903450122
- Rekart, M. (2005). Sex-work harm reduction. *The Lancet*, *366*(9503), 2123-2134. doi:10.1016/S0140-6736(05)67732-X
- Rissel, C., Donovan, B., Yeung, A., de Visser, R., Grulich, A., Simpson, J., & Richters, J. (2017). Decriminalization of sex work is not associated with more men paying for sex: results from the Second Australian Study of Health and Relationships. *Sexuality Research and Social Policy*, *14*(1), 81-86. doi:10.1007/s13178-016-0225-1



- Seib, C., Debattista, J., Fischer, J., Dunne, M., & Najman, J. (2009). Sexually transmissible infections among sex workers and their clients: variation in prevalence between sectors of the industry. *Sexual Health, 6*(1), 45-50. doi:10.1071/SH08038
- Shannon, K., & Csete, J. (2010). Violence, condom negotiation, and HIV/STI risk among sex workers. *Journal of the American Medical Association, 304*(5), 573-574. doi:10.1001/jama.2010.1090
- Sherman, S., Footer, K., Illangasekare, S., Clark, E., Pearson, E., & Decker, M. (2015). "What makes you think you have special privileges because you are a police officer?" A qualitative exploration of police's role in the risk environment of female sex workers. *AIDS Care, 27*(4), 473-480. doi:10.1080/09540121.2014.970504