

SUPPORT FOR FULL REPEAL OF PART 3 OF THE SUMMARY OFFENCES ACT 1988 NO 25

To complete the process of sex industry decriminalisation in NSW, honouring the positive intentions of earlier legislative reforms, and allowing for full realisation of the benefits of this globally-recognised best practice approach to sex industry regulation, it is imperative that Part 3 of the Summary Offences Act 1988 is repealed in full- without delay.

The remaining offences in Part 3 of the Summary Offences are superseded by far more appropriate and effective legislation.

SUMMARY OFFENCES ACT	APPROPRIATE MODERN LEGISLATION
<p>15A Causing or inducing prostitution</p>	<p>Sexual servitude of any kind is explicitly prohibited by the <i>Crimes Act</i>, and carries a far greater maximum penalty (15 years) than the <i>Summary Offences Act</i> offence of causing or inducing prostitution on (12 months).</p>
<p>16 Prostitution on or soliciting in massage parlours 17 Allowing premises to be used for prostitution 21 Search warrant</p>	<p>As per the <i>Environmental Planning and Assessment Act 1979</i> No. 203, the provision of sexual services without appropriate development consent amounts to non-compliance, a civil matter, not a criminal offence warranting police involvement.</p>
<p>18 Advertising premises used for prostitution 18A Advertising for prostitutes</p>	<p>The same regulations that apply to all other advertising already apply to the sex industry. This includes oversight by local councils, the Australian Association of National Advertisers, and the Australian Media and Communications Authority.</p>
<p>19 Soliciting clients by prostitutes 19A Soliciting prostitutes by clients 20 Public acts of prostitution</p>	<p>The offence of obscene exposure is found in s5 of the <i>Summary Offences Act 1988 (NSW)</i>. It states that 'a person shall not, in or within view from a public place or a school, wilfully and obscenely expose his or her person'. The maximum penalty for this offence is 10 penalty units (fine) or six months' imprisonment</p>

CONCLUSION

Whilst Part 3 of the *Summary Offences Act 1988* remains in place, police retain powers that contradict the fundamental principles of decriminalisation, creating confusion for all involved, and obstacles to functional relationships between sex workers and authorities that facilitate sex workers to report violence levelled against them. Some of the most vulnerable members of the sex work community are still criminalised and certain clauses make it impossible to lawfully operate otherwise entirely legitimate businesses. Legislative discrepancy positions the abuse of people within a sex industry context as a substantially lesser crime, which is dehumanising at best, and at worst creates an underclass of victim that renders sex workers vulnerable. Repealing these sex work-specific Summary Offences Act clauses, and deferring instead to more generally applied NSW legislation is a far more effective and less stigmatising way to protect sex workers from exploitation.