

26 February 2025

SUBMISSION TO THE REVIEW OF PART 3 OF THE NSW SUMMARY OFFENCES ACT 1988

Summary

Australian Feminists for Women's Rights (AF4WR) welcomes the opportunity to provide input into the NSW Government's Review of Part 3 of the Summary Offences Act 1988 (hereinafter SOA). We are a left-wing feminist group whose object is research-based advocacy on women's sex-based rights.

In this submission we discuss the criminal offences still included in Part 3 of the SOA, being the provisions of "sex work" (prostitution) in certain settings. We apply a feminist lens to the need to either retain or delete all or some of the sections in Part 3. In the discussion that follows, we retain the language of the SOA: prostitution. Although we understand the desire, which we share, to destigmatise women working in the prostitution industry, we believe that the term "sex work" has been deployed to cast a sanitising and legitimising veneer over what remains an extremely exploitative and dangerous industry for women.

AF4WR does not believe there is any need to make changes or delete any of the sections, as these deletions and/or changes would be seen as a move to legitimise the prostitution industry. **We thus recommend that all provisions of Part 3 be retained.**

Whilst the decriminalisation of prostitution has provided better oversight and protections for women working in the prostitution industry, further generalisation of legal prostitution legitimises **all** forms of prostitution, legal and illegal, and normalises trafficking for prostitution.

In this submission, AF4WR considers each of the sections of the SOA and how their removal could influence societal attitudes to prostitution, including the potential harmful impact on how men and boys view women and girls.

Prostitution is a dangerous occupation for women, [with long-term impacts](#) on their mental and physical health and a risk of being murdered that is significantly higher than that run by other women. This is the case whether prostitution is legal or not. Many women are trafficked into the industry and suffer horrendous abuse and loss of freedom. AF4WR opposes any move to normalise and indeed encourage "sex work" as a viable career choice for women. The removal of Part 3 of the SOA would encourage the sexual exploitation of women with no regard for the consequences.

We believe the NSW Government should give serious consideration to the introduction of the [Nordic model](#) of legislation, which protects the welfare of women working in the prostitution industry, while discouraging the buying and selling of women's bodies.

Section 15A – Causing or inducing prostitution or the surrender of proceeds of sex work

Whilst it is argued by some that this section of the SOA can be removed as the Crimes Act covers this crime with a higher penalty, AF4WR believes this would also remove the specific protections for women working in prostitution who are coerced into sex acts against their will and/or forced to forego payment. This has become a greyer area with the decriminalisation of prostitution resulting in the legitimisation of “sex work” venues.

We thus argue Section 15A of the SOA needs to be retained to provide specific protection to women working in the industry to prevent prostitution from being solely regulated under the Crimes Act.

Section 16 - Prostitution or soliciting in massage parlours etc

Section 17 - Allowing premises to be used for prostitution

These two sections of the SOA provide clear and specific limitations on certain types of businesses providing prostitution services and in addition, they target the owner or manager of such establishments.

AF4WR believes Sections 16 and 17 should remain in the SOA as they provide extra protection from businesses that may try to use an innocent-looking shopfront as a guise for providing prostitution. Removal of these Sections could result in brothels appearing in areas where they have not formerly been allowed and could be near schools, residential areas and churches.

We thus believe these sections should remain in the SOA as they focus on the types of businesses that may fall outside the definitions provided in the Environmental Planning and Assessment Act (EPAA).

Section 18 - Advertising premises used for prostitution

Section 18A - Advertising for prostitutes

AF4WR believes these two sections of the SOA should be retained as they clearly outline the types of advertising that are prohibited for premises providing prostitution services and by the prostitutes themselves.

Such advertising can often be seen as demeaning to women and girls as they can be shown in various stages of undress and in lurid poses that can give unrealistic expectations of what young boys and men can expect from women in general.

These sections provide an extra level of protection against these sorts of ads appearing on street signs, in newspapers or on the TV, outside the Australian Association of National Advertisers (AANA) Code of Ethics and the guidelines of individual councils. We believe this extra protection to be important to protect impressionable young and women and girls from being exploited.

Section 19 - Soliciting clients by prostitutes

Section 19A - Soliciting prostitutes by clients

AF4WR submits that these sections should be retained as they clearly state the criminal offences of soliciting by both prostitutes and their potential clients.

As AF4WR is strongly in favour of soliciting remaining a criminal offence in NSW, it is important these sections remain to prohibit sex-based work in the locations outlined. Preventing prostitutes and their clients from soliciting on the streets near schools, churches and hospitals protects the general public, and in particular, those most impressionable from these criminal offences.

Allowing soliciting in any area and/or decriminalising this type of sex-based work would further add to the normalisation of prostitution which would result in the further debasing of women and girls.

Section 20 - Public acts of prostitution

AF4WR believes this section should be retained. Whilst this offence may be covered by other laws, Section 20 is specific to prostitution which we see as an important distinction due to its focus on the potential debasing of women and the clear guidance as to the public areas that are to be avoided.

Conclusion

Prostitution is a multi-million-dollar industry that trades on the debasing and objectifying of women and places them in vulnerable and sometimes dangerous situations. Moves to normalise prostitution by further removing protections and boundaries will only result in further legitimising the industry, placing more women at risk.

This can also result in young males seeing women in an unrealistic and subservient role that can lead to an increase in violence against women and girls.

All the Sections in Part 3 of the SOA offer an extra layer of protection specifically aimed at prostitution to keep the industry away from areas where the impressionable young may gather. They also restrict the ability of businesses to engage in these practices outside the guidelines and regulations imposed by local authorities and keep soliciting and advertising out of sight.

It is important to note that any legislative change to further encourage the prostitution industry would place NSW in breach of Article 6 of the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW):

Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.

AF4WR strongly recommends that all sections of Part 3 of the Summary Offences Act 1988 be retained.