

## **Criminal Code (Decriminalising Sex Work) and Other Legislation Amendment Bill 2024**

**Submission No:** 30

**Submitted by:** SWEAR WA (Sex Work; Education, Advocacy & Rights Western Austr

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**Submitter Comments:**



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### **Submission in support of the *Criminal Code (Decriminalising Sex Work) and Other Legislation Amendment Bill 2024***

I am writing to you on behalf of SWEAR WA in support of the *Criminal Code (Decriminalising Sex Work) and Other Legislation Amendment Bill 2024* as essential legislative reform for the health, safety, and rights of Queensland sex workers.

SWEAR WA is Western Australia's peer sex worker organisation, providing peer support & education, advocacy, referrals, and outreach services to WA sex workers. We also work to reduce stigma & discrimination against sex workers by guest speaking at community events and educational institutions, and lobby for the full decriminalisation of sex work in Western Australia. SWEAR WA is a member organisation of Scarlet Alliance, Australia's peak sex worker organisation.

### **We support the full decriminalisation of sex work in Queensland**

The current regulatory model in Queensland has dismally failed sex workers. We believe that the full decriminalisation of sex work is the only way to ensure the rights, safety and well-being of sex workers and the wider community.

Decriminalisation is the evidence-based best practice model for sex work legislation and is recommended by leading international organisations such as the *United Nations*, the *UN AIDS Council*, *Amnesty International*, the *World Health Organisation*, and countless peer sex worker organisations worldwide. The decriminalisation of sex work is also a recommendation of the most recent *Australian HIV/STI Strategy*.

### **We recommend 1<sup>st</sup> July 2024 as the commencement day of the Act**

We recommend that once passed, the *Act's* commencement date be set as 1<sup>st</sup> July 2024. Further delaying the *Act's* commencement means sex workers must continue to choose between working legally and working safely, risking their health, safety and wellbeing.

## **We support the repeal the *Prostitution Act 1999* and associated legislation**

The *Prostitution Act 1999* and associated legislation have failed sex workers and Queensland and must be repealed. This includes Chapter 22A of the *Criminal Code*, which criminalises sex worker safety strategies.

*The Prostitution Act 1999* has created a licensing system that has resulted in a two-tiered industry, with only a small percentage of the industry being able to comply and criminalising the rest. The *Act* criminalises sex workers working together, decreasing their safety, and criminalises street-based sex workers. The Prostitution Licensing Authority has cost the Queensland Government over \$1 million per year to regulate around 10% of the industry.

We also recommend the expungement of sex work convictions handed down to sex workers under these laws, to prevent ongoing impacts on sex workers moving forward.

## **We support the amendments to the *Anti-Discrimination Act***

Overall, we support the amendments to the *Anti-Discrimination Act*, including Clause 4 which replaces attribute 7(l) '*lawful sexual activity*' with the new attribute '*sex work activity*', and the addition of the definition of the new attribute to Schedule 1 of the *Bill*. These amendments will help to ensure sex workers are protected from unlawful harassment and discrimination.

However, we recommend the removal of the word '*adult*' from the attribute's definition, as the current definition removes protections for persons aged 16-17 years old who experience discrimination for doing sex work or having done sex work.

## **We support amendments to the *City of Brisbane Act 2010* and the *Local Government Act 2009* that prevent local councils from banning sex work in their areas**

Historically, other decriminalised states in Australia have had their legislation undermined by local councils, including the implementation of new council by-laws and zoning regulations that treat sex work differently to other types of land use. This has resulted in rules such as requiring sex workers to work alone rather than in pairs or co-ops, requiring sex workers to seek council permission or apply for permits before being able to do sex work, and the restriction or prohibition of sex work in some areas entirely.

These rules and regulations only seek to further ostracise and discriminate against sex workers and decrease their safety.

Therefore, we support the amendments to the *City of Brisbane Act 2010* and the *Local Government Act 2009* (Part 3 and Part 7 respectively,) that will ensure local councils apply the same rules, laws and regulations to sex work as they already do to other types of activity.

**We support amendments to the *Liquor Act's Adult Entertainment Code*, however we recommend further removal of the police from any regulatory role within this Code**

We welcome the amendment to the *Act* that will remove the role of the Police Commissioner in the development of the *Adult Entertainment Code*. However, until police are removed as co-regulators of the *Code* (specifically as compliance reviewers and enforcers) sex workers will still be impacted by the police's regulation powers.

**We recommend a review of Queensland's Adult Entertainment laws to ensure the rights and protections of all sex workers**

We are disappointed that strippers have not been included in the *Bill* despite previous indications this area of sex work would be covered. By leaving this sector out, Queensland strippers have effectively been left behind and will not benefit from the decriminalisation of sex work.

We recommend the Government undertake a review of Queensland's Adult Entertainment laws in consultation with peer sex worker organisations, with a view to improving rights and protections for strippers and other sex workers not covered by the *Bill*.

**We support a review of the *Act* in 4 to 5 years' time, in consultation with peer sex worker organisations**

We support the amendment of the *Work Health and Safety Act 2011* that calls for an independently led review of the operation and efficacy of the *Act* within 4 years, but no longer than 5 years, after its implementation. This amendment will bring the *Act* into line with Recommendation 35 of the Queensland Law Reform Commission's *A decriminalised sex work industry for Queensland* report. This review should be undertaken in consultation with peer sex worker organisations, namely Respect Inc. and Scarlet Alliance.

We also recommend Respect Inc. is funded and resourced to undertake an awareness program to address sex work stigma and to inform sex workers about decriminalisation, in line with Recommendation 38 of the Queensland Law Reform Commission's report.

We thank you for taking the time to read our submission, and we eagerly look forward to seeing the timely implementation of sex work decriminalisation in Queensland.

Yours Sincerely,



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