

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

**Submission No:** 35  
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## **RE: Criminal Code (Decriminalising Sex Work) and Other Legislation Amendment Bill 2024**

Committee Members,

I write to support Support the *Criminal Code (Decriminalising Sex Work) and Other Legislation Amendment Bill 2024* as essential legislative reform for sex workers and their clients health, safety and rights. This reform will align Queensland with other jurisdictions that have modernised their sex work laws and to replace the current regulatory model that has failed sex workers.

I have been researching sex industry policy for over two decades and have published extensively on the topic, including books and numerous papers in peer reviewed publications. I reside in Nundah, in the state electorate of Nudgee.

Current legislation in Queensland is severely dated and was mostly formulated without consideration of the technological innovations that have changed the structure and organisation of sex work in the twenty-first century. This has included the impacts of telecommunication technologies, such as the internet and mobile phones. These changes have seen a reduction in street and brothel based sex work and increase in escorting services in Queensland and other jurisdictions (see Scott et al. 2014). Queensland requires legislative change that will better account for the changes to the structure and organisation of sex work. These changes have included an increasing number of male and transgender sex workers catering to male and female clients. Accounting for such change, I support repeal of the *Prostitution Act* including the licensing system, licensing body, public health and advertising laws. Furthermore, a decriminalised framework is established in line with the recommendations of the independent Queensland Law Reform Commission (QLRC) eighteen month review and will implement the QLRC's recommendation to update discrimination protections in the *Anti-Discrimination Act 1991*. As I note below, such a framework is evidence-based.

A major benefit of reform is that it draws government away from policing the activities of rational, consenting adults and allows for limited resources to be engaged in more urgent



activities of crime control and prevention, such as the policing of violent crime. Decriminalisation is supported by over two hundred sex workers organisation globally. In 2015 Amnesty International also declared its support of decriminalisation, citing state obligations to respect, protect and fulfill the human rights of sex workers. The global beacons of this policy are New South Wales and New Zealand. That decriminalisation 'works' is evidence-based and can be regarded as fact given the vast number of studies to support it. The situation can be compared to climate science: the research speaks loudly, but denial, drawing on a mix of morality and misconceived ideology, persists and the 'science' has not immediately translated into much needed reforms.

Researchers and sex worker advocate groups have widely promoted the benefits of decriminalisation with regard to the health and safety of sex workers and their clients. As was demonstrated through Australia's pioneering response during the HIV/AIDS epidemic, communities and peers are well-placed, in conjunction with professionals, to provide support and care to marginalised groups. As such, and in-line with other jurisdictions where decriminalisation has been successfully implemented with the support of sex worker advocacy groups, I recommend Respect Inc. is resourced to undertake an awareness program to address sex work stigma and inform sex workers about decriminalisation in line with Queensland Law Reform Commission Recommendation 38.

Research indicates that decriminalisation delivers better public health outcomes, improved working conditions, safety and well-being, while not increasing the volume of the sex industry (Harcourt et al. 2010; Economist 2015; Rissel et al. 2014). Amnesty International (2015) states "The primary and secondary evidence gathered by Amnesty International demonstrates that criminalisation and penalisation of sex work have a foreseeably negative impact on a range of human rights." In contrast, where sex work is criminalised, sex workers and clients have been shown to be at increased risk of harm and violence. What's more, stigma and corrupt law enforcement means that abuses to sex workers and clients are often not prevented or acted upon in places where sex work is criminalised. Expungement of sex work offences is important to include in future legislation to prevent ongoing impacts on sex workers.

Decriminalisation is best conceptualised in terms of a 'harm reduction' approach. It will mean that sex work is regulated using existing systems and laws, meaning that gender laws that apply to everyone will still apply to the sex industry. In a special issue of *The Lancet* that published articles focused exclusively on HIV and sex work, Shannon et al. (2014), showed that 33% to 46% of HIV infections could be reduced by the decriminalization of sex work, a significant public health outcome. Other reasons cited in favour of decriminalization include: increased ability to screen clients, work in safe environments with better access to security services, and the possibility of referring cases of violence to police without fear of criminal prosecution (Abel, 2014; Armstrong, 2014); increased access to and use of condoms and better adoption of occupational health guidelines (Harcourt et al., 2010); and creating more effective control on human trafficking (United States Department of State, 2014). To ensure that the benefits of decriminalisation



are met I recommend a commencement date of 1 July, 2024. Any further delay leaves sex workers criminalised, with safety strategies criminalised and reduced access to justice.

With respect to Parts 3 & 7 of the Bill, I support laws to prevent council banning sex work from their areas and recommend sex workers working in small groups and collectives be able to do so without council permission or DA. This is a particularly important amendment, especially in a highly regionalised state such as Queensland. My research into the impacts of decriminalisation in New South Wales found that there was much resistance to the establishment of brothels in regional communities, despite most large regional centres having brothels regardless. Furthermore, as noted above, technological change has allowed for a growing number of escorts to provide diverse services to regional communities. These workers typically operate discretely and solely or in small groups, but have been forced to operate underground (Scott 2003).

Finally, with reference to Part 6 of the Bill, I support amendment of the Liquor Act however recommend a review of the Adult Entertainment laws and further removal of any regulatory role from Police. With reference, to Part 11, I support but with social escort removed from the Child Employment Act as it has been from other Acts.

I am happy to have this submission published on the Committee website.

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Thank you for considering my submission.

Sincerely

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