

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

**Submission No:** 48  
**Submitted by:** Stonewall Medical Centre  
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**Submission to Queensland Law Reform Commission in regard to the Sex Work Industry Review –** written on 22<sup>nd</sup> February 2024 by Dr Wendell Rosevear and Dr Neil Simmons on behalf of Stonewall Medical Centre, 52 Newmarket Rd, Windsor 4030.

Stonewall Medical Centre supports the Criminal Code (Decriminalising Sex Work) and Other Legislation Amendment Bill 2024.

Stonewall Medical Centre supports the decriminalisation of the sex work industry in Queensland in order to remove barriers to workplace health and safety, and improve legal protections for sex workers. For several years, staff at Stonewall Medical Centre have been involved with campaigning for decriminalisation of sex work. We are encouraged that the Miles Government has introduced a Decriminalisation Bill into Queensland Parliament and the Parliamentary Committee is seeking advice on the Bill.

We have responded to the needs of marginalized people since 1990, especially as we started before there were any treatments for HIV and while it was still illegal to be Gay in Queensland. We have responded to the needs of people with HIV/AIDS, of the LGBTIQ+ Communities plus people who seek relief from Alcohol and Drugs, Re-integration from Prison and Domestic Violence.

At present there are two forms of regulated sex work in Queensland; work provided in a licensed brothel and sole operators. However, there are a limited number of licensed brothels in Queensland, and many aspects of sex work are illegal forcing people to work and businesses to operate outside that framework.

Subsequently, there is a lack of legal protection for other types of sex work such as escort agencies, two or more sex workers providing sex work from a single premises, massage parlors or street work. These practices are regulated by the police. Hence, it is unlikely that a sex worker who is working in such a situation would seek the assistance from the police if they were threatened or attacked. Also, making police the regulators of the sex work industry results in them being vulnerable to corrupt practice. I know this as I cared for many people in Prison after the Fitzgerald Enquiry.

For those who are sole operators, laws that force people to work alone make the work dangerous. As does Section 22A of the Criminal Code that criminalises the safety strategies that sole operators might use to protect themselves such as working with another sex worker or letting a sex work buddy know their location. They are not allowed to provide each other with support as security, drivers or receptionists. They are not allowed to communicate about what services they offer.

Some may seek to moralise about sex work but our grass roots exposure to the issues of sex workers informs us that sole operators can be in real, grave danger under these laws. We have seen sex workers raped, bashed and strangled, including a male sex worker who was raped with a broom. It is not possible to sustain such moralizing as a caring approach when it endangers sex workers lives and safety, This is especially when it is in fact, a negotiated, consenting interaction between free adults. Any policies that increase and don't prevent risk can't be seen as moral.

It was very promising as a first step to see the repeal of the Police Powers and Responsibilities Act 2000 sections on sex work that allowed police to entrap sex workers while posing as clients and provided immunity if they requested (and undertook) illegal activities.

We are pleased to see that this Bill repeals the Ch22A section of the Criminal Code and the Prostitution Act. We are also supportive of the new Anti-Discrimination protection although we don't believe that should be limited. The repeal of laws criminalising sex work is timely.

The current system, Laws and Policing acting to exacerbate people's vulnerability. How can this be justified in a caring, respectful society?

For 31 years we have operated a Drug and Alcohol recovery group (GLADS) and also for 29 years we have operated MARS: Men Affected by Rape and Sexual-abuse here at Stonewall Medical Centre. Many of the people accessing these groups have experienced trauma and are locked in a Survival Existence that may include doing sex work. We are proactive to assisting these people to know that they are valuable people and we want them to feel respected and free to be honest and make the choices that optimally meet their needs.

This respectful approach is most efficient in fostering self-care, self-respect and mutual respect. These are the essential ingredients in people being empowered to prevent the spread of Sexually transmitted diseases. Knowledge alone and the fear of the law are not enough to prevent unsafe or risk-taking behavior. Feeling valuable is the key link to using the knowledge: "the horse that leads the cart". No amount of telling people what they should do or inducing fear of punishment results in sustained safe behavior. Fear doesn't meet any real needs and our approach says "You deserve to get your needs met, especially your need to be safe and enjoy your value". It works exceptionally well.

We also operate a drop in Sexual Health Testing Service called "FAST : Fast Access Sexual Testing " which is well utilized by sex workers and others in need as well as our General Practice and LGBTIQ Health Service. We are aware that most sex workers are proactive in using safe sexual practice to prevent disease transmission. We are also aware that mandatory testing every three months really is seeking "false safety". A test 3 months ago with a certificate doesn't reflect what could have been contracted last night or last week. Mandatory testing doesn't empower individuals to implement self or mutual care.

Our core beliefs are in the value of each person and respect for honesty on every facet of life, whether it be your identity, your gender, your sexuality, your beliefs, your occupation and your free choice. We find these are the elements that really produce a safe and respectful society and we want to support a move to these approaches instead of fear of punishment, denial, hypocrisy, rejection or stigma.

For the reasons listed above, we strongly support the Bill and appreciate that has been drafted in close alignment to the QLRC recommendations to decriminalise the sex work industry in Queensland. Stonewall Medical Centre believes that sex workers should be given the same protections under Queensland law as workers in other industries. We also submit that there should be no further delay in the commencement of these laws.

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"...make Love infectious"

Dr. Neil Simmons M.B. B Chir., FRACGP. FACNEM.

On behalf of the Stonewall Team of Six Doctors, One Nurse, One Counselor, One Nutritionist and a great Support team of Manager and Receptionists .