

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

Submission No: 49
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Publication: Making the submission and your name public
Attachments: See attachment
Submitter Comments:

Submission to Inquiry into
Criminal Code (Decriminalising Sex Work) and
Other Legislation Amendment Bill 2024

Housing, Big Build and Manufacturing Committee
Queensland Parliament

5th March, 2024

Summary

Decriminalisation, as proposed by the QLRC, is not in the best interests of the state. It is scraping the bottom of the values barrel. We can have a better solution.

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1. Aspects of the proposal

1.1 This proposal will mean the removal of many Qld government resources used to manage prostitution, the setting of a few town planning policies, and then the passing of them to local councils to manage. This is something similar to the actions of Pontius Pilot, 2000 years ago when faced with the choice of doing the right thing or thinking only of himself.

1.2 While home business rules remain unchanged, “sex work services”, which replaces “brothels”, will have room restrictions removed, employees number restrictions removed, and distance restrictions to schools, churches, etc, will be removed. So, prostitutes, because it is less safe to work from home, can rent out houses anywhere in the suburbs, with primary management of that being councils.

1.3 Workplace Health and Safety Queensland will now be responsible for regulating and managing health and safety of the businesses. How are they

going to take on the whole of the sex industry when the can't stop people dying on construction sites?

1.4 The QLRC want to correct “stigma and discrimination against the sex-work industry.” (report section 5.43). However, human society has known what prostitution is for thousands of years; changing the language doesn't suddenly make prostitution a job like any other job. How many in parliament are willing to be a prostitute for a day? Who is willing to be exposed and used in whatever manner the client wishes?

- Sex buyers want what they can get for their money. This is self gratification that looks at the woman as a piece of meat. Some become violent, some rob the girl. The QLRC report verifies the fears of the women.
- Prostitutes, in turn, see the men as animals, just after one thing.
- Buyers take their views home and demand the same from their partners, sometimes aggressively.
- The partner at home has her relationship with her man betrayed.
- The message it gives to people is that relationships are submissive arousal experiences, rather than opportunities for deep commitment to each other.

1.5 The following link, from 2018 in Ireland, highlights what sex buyers are thinking when they call prostitutes. Over 80% ignored the lady's plea for help and still asked her about her services. **Please watch the video in the link.**

<http://www.ruhama.ie/campaigns/what-irish-sex-buyers-are-really-thinking/>

1.6 What is really sad is when people lose a sense of dignity for women, such as with workplace behaviour in the W.A. mining industry. Their actions expose what is in their hearts. Is this the way we want to encourage our people to live?

<https://www.mining-technology.com/features/why-australian-mining-industry-address-workplace-culture/>

2. The primary beneficiaries are those in the prostitution business.

Decriminalisation does not stop sex trafficking and has no benefit for Queenslanders at large.

2.1 Germany is reconsidering decriminalisation of prostitution. With 40,000 registered prostitutes and an estimated **400,000** total prostitutes, some without legal residency, that's 90%, are not registered. They are now considering the Nordic model.

<https://www.firstpost.com/explainers/germany-mulls-ban-on-prostitution-is-the-country-turning-into-the-brothel-of-europe-13417752.html>

<https://www.dw.com/en/sex-workers-speak-out-against-german-prostitution-law/a-59539574>

2.2 Current estimates for Qld prostitutes is that 90% are operating illegally (QLRC report 1.24). So, despite the law, and the stated risks of violence, women are still determined to sell their bodies for money. Why?

2.3 A New Zealand reality of decriminalisation.

“They were looking to sexually harass, rape, abuse, violate, and degrade attractive young women, and they paid to get away with it.”

<https://wahinetoarising.nz/survivor-stories/new-zealands-reality/>

2.4 Border Force Australia is very busy detecting and dealing with worker exploitation.

<https://www.abf.gov.au/newsroom-subsite/Pages/Women-stopped-from-entering-Australia-after-sex-work-admission.aspx>

Border Force crackdown on migrant worker exploitation

<https://www.abf.gov.au/newsroom-subsite/Pages/abf-crackdown-on-migrant-worker-exploitation-04-07-2023.aspx>

ABC - 2018 - raids on brothels - illegal workers from Thailand and those working on tourist visa. Note that one woman was working to pay off a \$50,000 loan.

<https://www.abc.net.au/news/2018-07-24/canberra-brothels-raided-over-allegations-of-sex-trafficking/10029874>

The Age, in 2022, reported on organised crime in the sex trafficking in Australia

He said these Asian women endured abysmal conditions, commonly working in debt bondage.

“They were here to work off a debt and their families could potentially be harmed if they caused any angst amongst the syndicate.”

Phelps said the national and international problem required multi-agency investigations into worker exploitation, dirty money trail and corrupting of the migration system.

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“We need to target the wealth and the profit being stimulated and generated and to really curb this activity,” he said, warning the vast sums earned by

Asian sex syndicates were laundered offshore only to “find [their] way into [Australian] real estate and the Australian economy”.

<https://www.theage.com.au/politics/federal/trafficked-women-shunted-like-cattle-around-australia-for-sex-work-20221018-p5bqnd.html>

2.5 Cashed up Aussies. Despite the cost of living, the housing costs, etc., we have thousands of people who can enjoy holidays in Europe, travel to Melbourne for a Taylor Swift concert, and/or travel to Las Vegas to watch an NRL footy match. We have miners earning the big bucks in FIFO camps.

With the removal of limits on “sex work services” (**1.2** above), a keenness of advocacy groups to make migrant sex work easier, the example of the German scene, and recent history of overseas organisations to bring sex workers illegally into Australia, the conditions will be ripe for significant expansion in criminal prostitution activity in Australia.

2.6 The Scarlet Alliance view is to increase migrant sex workers rights in Australia. After raids to brothels by Border Force, their response is,

“Scarlet Alliance calls on the Australian Government to properly fund peer migrant sex worker projects.”

<https://scarletalliance.org.au/asian-migrant-sex-workers-respond-to-recent-brothel-raids/>

2.7 The Australian Government passed changes to laws affecting migrant workers. There are some positive measures for minimising exploitation of migrant workers, especially the improved visa portability; employees can now change jobs within the same industry. However, sex workers are not mentioned and work types are decided by industry, union, and government cooperation.

I’m not sure how effective it would be if the workers are kept from going out of the building, have their visas taken from them, are told they will get into serious trouble for working illegally, or their family back home is threatened.

Why do groups like Scarlet Alliance think it will benefit prostitutes? Perhaps, in a world where all the states have decriminalised prostitution, how could the Dept of Home Affairs refuse to legalise migrant sex workers if requested by unions and the sex industry?

There seems, also, to be a call from various sectors for more education of migrant workers.

<https://www.homeaffairs.gov.au/reports-and-pubs/files/review-migration-system-final-report.pdf>

I would suggest more advertising of the rules, etc., even direct 20 min online interviews or phone calls, be done before people come to Australia. The media is rich with the stories of visitors bringing illegal food into Australia and trying to work on tourist visas. In other words, be active instead of passive.

2.8 Stopping sex trafficking requires effort from both state and commonwealth governments. Sex trafficking needs a market, a transport, and an absence of filters. The Commonwealth can deal with transport and some filters, including education. The Qld government can reduce the market, reach out to the workers with exit pathways, and add to the education efforts.

2.9 Surely, rather than being the cash cow for the overseas criminals, or a lucrative tourist destination for the morally deprived, or even the SDI capital of the world, Queensland could be seen as a place where people learn to live wholesome lives. It would be a great showcase for the 2032 Olympics.

3. Some perspectives and impacts.

3.1 QLRC states in section 2.18,

Evidence suggests the main reasons for engaging in sex work are financial.

3.2 The experience from New Zealand in **2.3** above points to drug dependency and the money received from sex worker businesses to be poor.

3.3 As with section **2** above, Border Force raids in 2023 identified illegal sex workers who were arranged to work as a prostitute to pay off large loans in their home country.

3.4 The sad thing about the QLRC statement in **3.1** above is that they seem to have little desire, or care, to address the causes of the financial problems experienced by the prostitutes. It is superficial at best and misses opportunities to address sex work in our state.

3.5 I have heard someone state the government line that the government is not the moral guardian (or similar) for the state. Yet, we have laws against immoral things like murder. We also have a government intentions of not allowing Christian schools and other organisations to operate with a Christian ethos. The statement is more like a government choosing, for convenience, to step back from its duty to contribute to dealing with domestic violence and family breakdowns or encouraging the integrity of our men.

3.5 WEEP posted Dee's story on their web site. These are brave women, willing to document the way the sex industry has affected their lives:

<https://weep.org.au/dees-story/>

3.6 Impact on housing. Housing availability for ownership or rental is currently very low, driving up prices. An expansion in the use of houses for prostitution businesses will have a negative impact on residential availability.

4. Better is possible

4.1 The alternate model, the Equality model, targets the sex buyer and leaves the prostitute safe. It sends a message that buying sex does not meet the expectations of the people.

4.2 While no policy to deal with prostitution is perfect, the Equality model includes provision for exit strategies for women in the industry. Governments and other groups can provide safe pathways out of the industry and can provide services to help deal with the financial and drug problems that hold women in the industry.

4.3 One recent book, “Rewriting the Victim: Dramatization as Research in Thailand's Anti-Trafficking Movement” by Erin M. Kamler, (c) 2019, lists in its chapter 5 summary,

“Rather than pressuring sex workers to enter “rehabilitation” programs, these groups operate in solidarity with female migrants, fostering participatory, rather than top-down approaches to combating trafficking”

<https://academic.oup.com/book/25960/chapter-abstract/193758067?redirectedFrom=fulltext>

4.4 Support for groups from churches and other faith based groups may be able to play a role here. **Rather than pulling back, the Queensland government will get better value by supporting:**

a. agencies that help women exit the sex industry and have some measure of restored lives.

b. provision of encouraging information to our young school students on community groups and government services where they can deal with problems and where they can know real values (not a sex technical manual)

c. Scripture Union’s School Chaplains. They have had a long quality relationship with Qld schools.

b. advertising for alternative lifestyles to using prostitutes.

4.5 In contrast, the Decriminalisation model contains no specific plan to stand beside the girls. It is scraping the bottom of the values barrel. Any benefit is wishful thinking and the potential for significant expansion in prostitution is very real.