

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

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Housing, Big Build and Manufacturing Committee
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RE: Criminal Code (Decriminalising Sex Work) and Other Legislation Amendment Bill 2024

Thank you for the opportunity to make this submission to the process of this very important law reform. It's been a long time coming and I have dreamt of the day I would be able to write this letter for many years. I commend the Queensland Government for seeing this process through and keeping your commitment to Queensland sex workers and the wider community to ensure our safety and rights.

I have been a sex worker since 2010. I was starting my second year of a Bachelor of Midwifery, as a single mum to a 2 year old when my car was repossessed. I needed a job that fit my life and sex work was perfect. I worked between 2 days of classes, 3 days of unpaid prac and having 50/50 care of my toddler son. I worked nights every second week and no longer needed Centrelink support. When I graduated at the end of 2011, I was offered a position at Ipswich Hospital, however due to the inflexibility of working arrangements they were unable to accommodate me being a single parent with no support. I was unable to accept the role. Sex work became my career and I have been able to be a present mother, financially independent, own a home and be successful because of it. I am a proud sex worker and I am looking forward to finally having the same industrial rights and Anti Discrimination protections as the rest of the Queensland community, and having my career respected as the work that it is, and not seen as a criminal activity. If sex work had have been decriminalised earlier, I may have been able to report to police when I was sexually assaulted at work and when a 'client' defrauded me. I am comforted knowing that sex workers will have access to justice moving forward, and that the new laws will mean we are no longer easy targets for those searching for a victim.

I very much support the Bill, and the intention of the Government to decriminalise sex work is clear throughout. I do, however, have a few concerns that I'd like to raise. One concern is that there is no stated commencement date. Sex workers have waited long enough. We have provided the evidence which has been taken on board for the last 6 years. This issue was referred to the QLRC back in 2021. It's been long enough. I'm grateful for the commitment and for the Bill, but we need to know when it's going to actually happen. And it needs to be soon. Commencement should be no later than July 1, 2024. That leaves 4 months from when these Committee submissions close and I know the Government can move things along when they think something's important. This should be one of those things. Don't keep us waiting any longer.

My second concern is that while the new Anti Discrimination attribute of 'sex work activity' is an improvement, the inclusion of the sex worker needing to be an adult is troubling. Whether it is liked or not, some young people are doing sex work. These young people are often already marginalised, queer, kicked out of home and doing survival sex work. They deserve

the protection of the law along with the rest of us. If a young sex worker is also working in a different field, their sex work should not be grounds for an employer to sack them. Nor should it be grounds for a landlord to kick them out. It would be abominable to leave young sex workers without Anti Discrimination protections, when they are often the ones who need it most. I recommend removal of 'adult' from clause 6 of the new attribute.

I also support parts 3 and 7 of the Bill, preventing councils from creating further laws and regulations relating to sex work in their areas and from banning sex work, as 200 towns have previously been allowed to do in Queensland. Sex workers should be allowed to continue working in residential areas, as we have always done, in groups of up to 4 as is the case in other jurisdictions where sex work is decriminalised, such as New Zealand. Sex workers are operating this way now and go unnoticed by neighbours and community members, and there's no reason why we should not be able to continue to do so. If this was the case, noncompliance would continue to be an issue. If sex workers were forced to apply for development applications, there would be absolutely zero compliance, as in NSW. This absolutely can not happen. We then would run the risk of council inspectors taking the place of police in our bedrooms, posing as clients to seek out noncompliance.

I support the proposed amendment to the Liquor Act, and the upcoming review of the Adult Entertainment laws. This is also long overdue and we recognise that inclusion of strippers was in the Terms of Reference for the QLRC review, and leaving this section out was a failure of the QLRC. I am pleased that strippers won't continue to be left behind. Police have no place in the workplaces of any sex workers, and should have no role in regulation of sex work or adult entertainment. I support the removal of the Police Commissioner from the development of the Code and I look forward to seeing this change for all of us as an outcome of the review.

A review of the legislation in at least 4 and no more than 5 years is welcome and would provide more solid evidence for jurisdictions considering decriminalisation of sex work in the future. In order for this review to truly hear from workers in the sex industry, consultation must happen through the sex workers organisations that operate in Queensland. Only these organisations have the relationships, communication pathways, rapport, trust and confidence of Queensland sex workers. Because of the stigma, discrimination and criminalisation we have faced, sex workers can be a difficult group to reach and I don't believe it would be possible for any other organisation or department to reach sex workers in any meaningful numbers to make up a comprehensive review.

The inclusion of the section on Social Escorting in the Child Employment Act is confusing to me, since the Government has recognised that social escorting does not exist and has removed it from all other legislation. It seems like another avenue that may be used to target young sex workers.

Many sex workers have criminal records under the current Criminal Code Chapter 22A and the Prostitution Act. It is important that this Bill has included the repeal of both of these areas of law. The licensing framework has never been effective and has criminalised many workplaces leaving sex workers at risk of arrest. When these 2 pieces of legislation are repealed, it would be extremely unfair if these criminal records still existed. Sex workers should not continue to experience the stigma and discrimination that these harmful laws

have caused over the past 25 years, even after their repeal. These records must be expunged in line with the spirit and intent of decriminalisation.

Finally, I would recommend that Respect Inc be resourced properly in accordance with Recommendation 38 of the QLRC report. Respect Inc already does so much work with not only sex workers, but other organisations to provide training on the laws and on how to work with sex workers. These awareness training programs are so important to the elimination of stigma against sex workers and go so far to improve our lives in areas like housing and access to medical services, mental health services, domestic violence services, police and so many others. We receive better care and treatment when interacting with other organisations because of these programs and this is how community attitudes will change.

Thank you for considering my submission to this process, and for giving sex workers this opportunity to speak for ourselves. I consent to my submission being published

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Sex worker