

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

**Submission No:** 82  
**Submitted by:** Health Equity Matters  
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7 March 2024

Committee Secretary  
Housing, Big Build and Manufacturing Committee  
Parliament House  
George Street  
Brisbane Qld 4000

Sent via email: [HBBMC@parliament.qld.gov.au](mailto:HBBMC@parliament.qld.gov.au)

Dear Committee Secretary,

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

Thank you for the opportunity to provide a submission on the Criminal Code (Decriminalising Sex Work) and Other Legislation Amendment Bill 2024. The health outcomes of decriminalisation are well known. The Bill brings a best practice approach to sex work regulation to Queensland by repealing harmful laws and abolishing the failed licensing system. Health Equity Matters support the Bill.

Health Equity Matters is the national federation for the HIV community response in Australia. Health Equity Matters works to end HIV transmission and reduce its impact on communities in Australia, Asia and the Pacific. Our members include the Scarlet Alliance, the Australian Sex Workers Association, the national peak body for sex workers and sex worker organisations.

Since the onset of the HIV epidemic, impacted communities such as people with HIV, gay men, sex workers, and individuals who inject drugs have successfully spearheaded peer-driven initiatives to combat HIV/AIDS. Through these collective endeavours, Australia has managed to avert a broader epidemic witnessed in other nations, resulting in one of the swiftest rates of decline in HIV notifications globally. Although sex workers exhibit some of the lowest HIV and STI rates among all demographics in Australia, the legislation criminalising sex work also adds to the stigma surrounding HIV. The stigmatisation of sex work hampers health promotion efforts. The Bill removes these barriers.

Health Equity Matters supports the Criminal Code (Decriminalising Sex Work) and Other Legislation Amendment Bill 2024 as an essential measure for the enhancement of sex worker work, health and safety within Queensland. This legislative reform will align Queensland with changes observed in other jurisdictions, thereby supplanting an outdated regulatory framework that has proven deficient in its protection of sex workers and the interests of the community as a whole.

Health Equity Matters supports and recommends the following changes:

**The laws are urgently needed in 2024**

- Recommend a commencement date of 1 July 2024. Any additional postponement prolongs the criminalisation of sex workers and their safety measures and diminishes access to justice. (Pt 1 Preliminary).

**Amend the Anti-Discrimination Act 1991**

- Support amendments to the Anti-Discrimination Act to add a definition of the new attribute 'sex work activity' but recommend the removal of 'adult' from cl 6.

#### **Amend City of Brisbane Act 2010, Local Government Act 2009**

- Support changes that prevent councils from taking actions to limit or prohibit sex work businesses unfairly (Pt 3 and 7)
- Support safeguards to ensure councils do not undermine the implementation of decriminalisation.
- Recommend sex workers working in small groups and collectives can do so without permits or DA and without risking privacy, confidentiality or penalty. This is necessary to meet the intention of Queensland Law Reform Commission (QLRC) Report Recommendation 1.

#### **Amend the Criminal Code**

- Support the repeal of the entire chapter of sex work criminal offence (ch 22A) in the Criminal Code, including the laws that criminalise sex worker safety strategies. (Pt 4)

#### **Amend the Liquor Act 1992**

- Support amendment of the Liquor Act and recommend removing police from any enforcement role.
- The exclusion of strippers (sex workers) from the decriminalisation review, despite initial intentions for their inclusion, has effectively left them marginalised, depriving them of the advantages of decriminalisation. Recommend a review of the Liquor Act and Adult Entertainment Code to address this oversight and ensure equitable treatment.

#### **Amend the Work Health and Safety Act 2011**

- Support a review of the Act in 4-5 years, per the QLRC Report Recommendation 35, no sooner.
- Recommend that a review should be undertaken in consultation with sex worker organisations, including Respect Inc and Scarlet Alliance.

#### **Repeal the licensing system and Prostitution Act 1999**

- Support repealing the Prostitution Act 1999, including the licensing system, licensing body, public health penalties, and advertising laws as outlined in Part 10 of the Bill.

#### **Other**

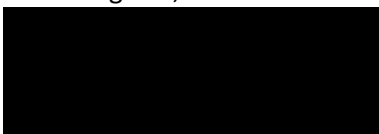
- Recommend that 'social escort' be repealed from the Child Employment Act 2006 as it has been from other legislation.

#### **Additional matters**

- As per the QLRC Report Recommendation 38, Respect Inc should be resourced to develop and implement awareness and education programs to address sex work stigma and inform sex workers about decriminalisation.
- Recommend incorporating provisions for expungement of sex work offences in future legislation to mitigate ongoing adverse effects on sex workers.

Please do not hesitate to get in contact with Dash-Heath Paynter on [REDACTED] or at [REDACTED] if you require any more information.

Kind regards,



Dash Heath-Paynter  
**Acting Chief Executive Officer**