

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

**Submission No:** 84  
**Submitted by:** Coalition Against Trafficking in Women Australia (CATWA)  
**Publication:** Making the submission and your name public  
**Attachments:** See attachment  
**Submitter Comments:**

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

March 2024



Coalition Against Trafficking in Women Australia  
[www.catwa.org.au](http://www.catwa.org.au)

## **WHO WE ARE**

The Coalition Against Trafficking in Women Australia (CATWA) is the Australian branch of CATW International, a Non Governmental Organization having Category II consultative status with the United Nations Economic and Social Council. We work locally and internationally to end all forms of sexual exploitation of women, especially the violence of prostitution, trafficking and pornography. CATWA was formed in Melbourne in 1994 and is a secular and feminist organisation.

## **ABOUT THIS SUBMISSION**

CATWA has been operational in Australia for 30 years, offering expert insights into the diverse models of prostitution legislation across states and territories. With a comprehensive understanding cultivated through decades of observation, we have monitored the impacts of prostitution legislation in Australia. It is evident that both legalisation (such as in the ACT since 1992, QLD since 1999, and VIC from 1994-2021) and decriminalisation (such as in NSW since 1995, NT since 2019, and VIC since 2021) have failed to achieve many of their objectives. Indeed, the legislative approaches of decriminalisation and legalisation have resulted in additional harm to women in the sex industry and have had broader repercussions on Australian society.

Australia's sex industry is marred by alarming and deeply troubling issues, including rampant charges of sex and drug trafficking, child exploitation, violence, money laundering and connections to organised crime (McKenzie et al. 2019; McPhee 2019; Rep 2018; Thompson 2018). The sex industry is based in large part on the objectification of women<sup>1</sup>, is populated by people driven by financial insecurity, and is a key site of sex trafficking of women from Asian nations to Australia (Tyler et al., 2017). These grave concerns paint a stark picture of the urgent challenges plaguing the industry, all of which persist in Australia under existing models of legislation. This includes the model of decriminalisation outlined in the Amendment Bill 2024, currently under consideration in the Queensland Parliament. It is precisely why we expressed opposition to the Queensland government's decision to implement full decriminalisation in [our submission](#) to the Queensland Law Reform Commission's Sex Work Industry Review in May 2022.

---

<sup>1</sup> The Law Reform Commission's own figures report that 81.6% of people selling sex in the Queensland sex industry are women, while 10.4% identify as trans or gender diverse.

The government's decision to disregard the concerns raised by survivors of prostitution and anti-trafficking organisations opposing the full decriminalisation of the sex industry is deeply regrettable. The alignment with Victoria's path to decriminalisation is particularly disappointing, considering the allegations of improper parliamentary process, conflict of interest resulting from the leading MP's links to sex industry organisations, lack of transparency, exclusion of survivors from participating in consultation sessions, and a failure to meaningfully consult the public during Victoria's decriminalisation process.

The decriminalised framework outlined in the Bill, based on the recommendations of the Queensland Law Reform Commission (QLRC) report, confirm our concerns that blanket deregulation for the interests of sex industry business has taken precedence over considerations for women's health and wellbeing. Indeed, despite the stated aim of providing greater autonomy to women who work in the sex industry, in effect, the Bill removes protections for women while amplifying the power dynamics in favour of business owners. The removal of specific health offences, the licensing system, and safety obligations for brothels exposes women to increased vulnerabilities, compromising their well-being and rights. The repeal of regulations related to working conditions and the introduction of a broad definition of 'commercial sexual services' is particularly concerning as it could lead to increased exploitation and endanger the rights and health of women involved in the sex industry. Overall the proposed changes strengthen the influence of business owners in the industry, increasing opportunity for exploitation and fostering a lack of accountability.

CATWA acknowledges that persons in prostitution must be decriminalised as a matter of urgency. Legislative systems which criminalise prostituted persons victimise those who are already vulnerable and exposed to the harms of the sex industry. Prostituted persons must feel they are able to approach law enforcement and social services without fear of arrest or prosecution. The Bill, however, conflates the decriminalisation of prostituted persons with that of all aspects of the sex industry. While the stated aims of the Bill focus on safety and human rights, CATWA contends that full decriminalisation cannot ensure a safe and respectful sex industry. Indeed, we argue that safety and respect are unachievable in an industry based on the sale of sexual access to people's bodies. Instead, CATWA advocates for partial decriminalisation, aligning with progressive models like the Nordic/Equality approach adopted internationally. CATWA urges the government to abandon the failed approach of full decriminalisation and consider alternative, more nuanced models.

## RECOMMENDATIONS

This submission reiterates seven recommendations CATWA expressed in our 2022 submission to the Queensland Law Reform Commission’s Sex Work Industry Review. These are as follows:

<a href="#">1. CATWA recommends against the full decriminalisation of the sex industry, due to the known failures of decriminalisation and legalisation.....</a>	<a href="#">3</a>
<a href="#">2. CATWA recommends the Nordic/Equality Model be introduced in Queensland, instead of full decriminalisation.....</a>	<a href="#">5</a>
<a href="#">3. CATWA recommends that funding be made available for exit programs (and other forms of comprehensive and appropriate social and economic support) for all trafficked women and women wanting to leave the sex industry.....</a>	<a href="#">7</a>
<a href="#">4. CATWA recommends that the government recognise the disjunctures between a fully decriminalised sex industry, and the pursuit of greater gender equality and an end to violence against women.....</a>	<a href="#">7</a>
<a href="#">5. CATWA recommends the Queensland government acknowledge that decriminalisation of the sex industry is incompatible with gender equality and women’s safety.....</a>	<a href="#">9</a>
<a href="#">6. CATWA recommends that demand for sexual services be recognised as in contravention of Australia’s obligations under CEDAW and as fuelling sex trafficking and, as such, be discouraged in line with both the Palermo Protocol, and the US State Department’s Trafficking in Persons Report.....</a>	<a href="#">10</a>
<a href="#">7. CATWA recommends the government listens to survivors of prostitution.....</a>	<a href="#">12</a>

### **1. CATWA recommends against the full decriminalisation of the sex industry, due to the known failures of decriminalisation and legalisation**

Rather than achieving greater equality and safety for prostituted persons, as claimed by sex industry advocates, full decriminalisation – in removing certain provisions – will do the opposite. The decriminalisation and legalisation of prostitution elsewhere in the world has been shown to grow the industry overall, leading to greater exploitation and increased trafficking inflows (Cho et al., 2013). Decriminalising prostitution and treating it as sex work has not made it safe in any of the four jurisdictions (NSW, NT, VIC and New Zealand) where it has been implemented.

### *Legalisation*

Australia has often been at the forefront of changes in prostitution policy, with Victoria's longstanding legalised model of brothel prostitution<sup>2</sup> forming the basis for legalisation strategies subsequently adopted in Germany and the Netherlands (Jeffreys, 2009). In the last decade, however, there has been increasing criticism of legalisation – and now decriminalisation – as failed social experiments (e.g. Sullivan, 2007; Tyler et al., 2017). Research on the US State of Nevada (Farley, 2007), for example, shows that legalisation has led to serious social harms and that legalisation does not alleviate the problems it was set up to counter, such as violence against women in the sex industry and the involvement of organised crime. These conclusions are supported by government reports from Germany (Federal Ministry of Family Affairs, 2007) and the Netherlands (Daalder, 2007) that also detail the failure of legalised approaches.

### *Decriminalisation*

Closer to home, government inquiries into the regulation of brothels in New South Wales have also highlighted the failures of decriminalisation. In 2015, the Australian Federal Police (AFP) and the NSW police both sent representatives to the NSW Senate Inquiry to testify as to the abuses occurring in the sex industry there. Then New South Wales Deputy Police Commissioner Nick Kaldas stated that the existence of 'next to no regulation' in NSW allowed criminal activity in the industry, including sexual servitude and forced drug-taking (Raper, 2015). At the same time, the AFP's Commander Glen McEwan noted that trafficking, in particular of Asian women into Sydney brothels, was an on-going problem of which the police have only been able to track a 'fraction' (Duff, 2015).

The decriminalisation of the sex industry has also caused problems in New Zealand (NZ). Despite some sex industry supporters suggesting that the NZ model should be emulated, the reality is that street prostitution dramatically increased, especially in Auckland, following decriminalisation (Berg, 2014). The NZ government's own report (NZMoJ, 2008) shows that the outcome of the legislation has been mostly ineffective or detrimental. The report shows that the majority of prostituted persons 'felt that the law could do little about violence that occurred' (p. 46) and that decriminalisation made no difference in terms of the on-going

---

<sup>2</sup> Victoria has recently instituted a fully decriminalised system. However, the Victorian model introduced in the 1980s was for many years the blueprint for legalised models globally.

threat of violence perpetrated by sex buyers (p. 57). The report also notes that very few prostituted persons report any incidents of violence against them to authorities (p. 122).

## **2. CATWA recommends the Nordic/Equality Model be introduced in Queensland, instead of full decriminalisation**

The Nordic/Equality Model offers an alternative to full decriminalisation; it is an innovative approach to prostitution policy where the buying of sexual services is penalised, but those providing sexual services are decriminalised. The fundamental innovation of the Nordic/Equality Model is that it targets the demand for sexual services. This focus on demand is an important departure from much existing research and policy which has focused on the 'supply side' of the sex industry. As there is now an 'emerging consensus' that policies addressing only the supply side of the industry are 'insufficient and ultimately ineffective' (Yen, 2008: 655), there has been growing international interest in ensuring that sex buyers do not avoid accountability. CATWA finds the Queensland Law Reform Commission's exclusion of the Nordic/Equality Model from its Consultation Paper unacceptable, especially given its successful implementation in numerous European, Nordic, Asian, and North American countries.

### *The concept*

The concept of decriminalising prostituted persons, but criminalising sex buying and pimping, originated in Sweden. This was formalised in 1998 with the introduction of the Law that Prohibits the Purchase of Sexual Services, which was part of a raft of other measures and legislative provisions (the Kvinnofrid, or Women's Sanctuary) to 'counteract violence against women' (SMoL, 2013: n.p.). This legislation came into effect in Sweden on the 1st of January 1999 and also included a range of measures to assist women still in prostitution. These include comprehensive exit programs and access to NGOs providing assistance in terms of health, housing, job seeking and re-training (SMoIGE, 2009). There are also preventative measures in place to help identify and assist those at risk of entering prostitution (Ekberg & Wahlberg, 2011). In addition, the official review of the law recommended that those who are used in prostitution should be allowed to receive compensation through the Crime Victim Compensation and Support Authority (Ekberg & Wahlberg, 2011).

### *The outcomes*

It has now been more than twenty years since Sweden introduced the Law that Prohibits the Purchase of Sexual Services. A wide range of evidence, including government reviews, police reports and surveys of sex buyers, suggests the law has been very effective in reducing the markets for prostitution and sex trafficking. According to a variety of Swedish NGOs and government agencies, street prostitution 'virtually disappeared' in major cities after the introduction of the ban on the purchase of 'sexual services' (Waltman, 2011: 459). Other forms of prostitution are also thought to have declined. In the mid-1990s, for example, the Swedish Prostitution Inquiry estimated that there were around 2500-3000 women in prostitution in Sweden. A study undertaken by researchers at the Nordic/Equality Institute for Women's Studies and Gender (NIKK) suggests this number had fallen to around 650 people by 2008 (Swedish Institute, 2010; Waltman, 2011).

Claims that the law has reduced the market for prostitution are strengthened by research carried out in neighbouring Nordic countries. For instance, the number of people in prostitution in Sweden in 2008 was estimated at around 650, while in neighbouring Denmark, where prostitution is legalised, the number was put at around 5500 (Holmström & Skilbrei, cited in Waltman, 2011). This means the prostitution population is approximately 15 times larger, per capita, in Denmark than in Sweden. Furthermore, when prostitution was still legal in nearby Norway, it had a prostitution population about eight times greater, per capita, than that in Sweden (Waltman, 2011).

The success of the laws introduced in Sweden has resulted in a number of neighbouring countries—Norway, Iceland and Finland—creating similar legislation (Tyler et al., 2017). It is this spread that has led to the original Swedish legislation being referred to as the Nordic Model. Although more recently, as the law has increasingly been adopted internationally, it has come to be known as the Equality Model, due to its focus on tackling social inequality and violence against women. The Model has since been adopted in various countries around the world, including Norway, Israel, Canada, Iceland, Northern Ireland, Ireland and France (Murphy, 2014; Tyler et al., 2017), as well as variations of the law in the United Kingdom and South Korea. The Nordic/Equality Model is recognised by international and multilateral bodies, such as the European Parliament, as the best way forward for prostitution policy (European Parliament, 2014).

Given the well-documented failures of legalisation and full decriminalisation elsewhere, it is time for Australian states and territories to consider the benefits of the Nordic/Equality Model as an alternative to the traditional policy approaches. Only the Nordic/Equality Model has been found to help limit the size of the sex industry and reduce exploitation while still protecting the human rights of prostituted persons and addressing issues of violence against women and gender equality.

### **3. CATWA recommends that funding be made available for exit programs (and other forms of comprehensive and appropriate social and economic support) for all trafficked women and women wanting to leave the sex industry**

There are many valid reasons why people wish to exit the sex industry. Aside from the violence and exploitation that occurs, other reasons for exiting include health problems, discrimination, age and financial hardship. For example, according to the Scarlet Alliance, “[s]ex workers don’t get sick pay and holiday pay, and many have no superannuation or savings” (Scarlet Alliance 2020: n.p.). Disruptions to work during the COVID-19 pandemic “directly impacted on sex workers’ ability to maintain housing, buy food and basic items, support their dependents, and access healthcare and prescriptions” (Scarlet Alliance 2020: n.p.). However, there are many barriers to exiting the industry, such as homelessness, drug and alcohol addiction, and violence and discrimination, which mean leaving the sex industry is not like other ‘career change’ experiences.

Those wishing to transition out of the industry require specialist and robust support services that meet their unique needs. Exit services are an essential part of any model of prostitution legislation or regulation, and are a key pillar of the Nordic/Equality Model. Funding should be made available for exit programs and other forms of comprehensive and appropriate social and economic support for all trafficked women, as well as any women who wish to leave the sex industry. This support should include integrated case management and service access, should be strengths-based and promote meaningful activity and alternative employment options. Indeed, this reflects the QLRC’s own statement that ‘no one should have to rely on sex work to survive’ (QLRC 2022, p. 30).

#### **4. CATWA recommends that the government recognise the disjunctures between a fully decriminalised sex industry, and the pursuit of greater gender equality and an end to violence against women**

In 2021, Australia began a serious reckoning with questions of gender equality and violence against women, particularly addressing concerns related to objectification and sexual violence in the workplace. The sex industry is rife with objectifying and degrading attitudes towards women, and is also a significant site of violence against women, including sexual violence. Research, backed by accounts from frontline and outreach services, shows that prostitution causes grave physical and psychological harm to women involved (Farley et al. 2003). Women in the industry experience repeated sexual and physical violence. Indeed, evidence demonstrates that male buyers actively seek harmful sexual practices in the sex industry, with men actively seeking to violate and enact violence on women in prostitution (Project Respect 2017; Tyler and Jovanovski 2018). Women who have been trafficked into prostitution face additional forms of violence and exploitation.

The efficacy of the proposed decriminalisation model in enhancing worker protections against male violence remains unclear. To date, no legislation, including decriminalisation, has proven successful in adequately preventing violence against women in the sex industry in Australia. For example, after the tragic murder of a woman in Sydney's decriminalised sex industry in 2019, a fellow worker commented, saying 'violence and murder is part of our job' (Graham 2019: n.p.). Clearly, decriminalisation has failed to promote workplace safety and wellbeing if people are being murdered at work and this is seen as 'part of the job'. In her powerful speech to the "March for Justice" rally in Canberra in March, anti violence advocate and rape victim/survivor Brittany Higgins called out victim blaming rhetoric. She decried the proliferation of "advice" on how to avoid sexual violence that is 'aimed solely at modifying the behaviour of victims and does nothing to address the actions of perpetrators' (ABC News 2021: n.p.). Yet health and safety advice to those working in the sex industry frequently demonstrates that the onus is on prostituted persons, not buyers, to ensure their own safety.

The risk still inherent in the decriminalised sex trade is underscored by advice offered in the New Zealand Prostitutes Collective document *Stepping Forward*. When 'dealing with violent clients', the document advises: 'make as much noise as possible to attract attention. Try calling FIRE, a passerby will probably pay more attention. If you wear a whistle around your neck, blow it in his ear'. Similarly, health advice to women in the industry across various

jurisdictions often warns against, for example, over-using numbing agents on the genital region, as this may mask more serious injury (Get Escorts 2017; RhED n.d.). Advice such as that in the examples above demonstrates that sexual violence is an expectation within the legalised and decriminalised sex industry in various Australian jurisdictions and New Zealand. When the sector itself advocates that the way to address sexual violence is by ‘modify[ing] the behaviour of victims’, it is patently clear that the sex industry is incompatible with broader moves toward gender equality. Decriminalisation promotes women and girls as objects to be purchased, fuels men’s entitlement and contributes to societal misogyny. A society that enables this is not “safe” for any woman.

#### **5. CATWA recommends the Queensland government acknowledge that decriminalisation of the sex industry is incompatible with gender equality and women’s safety**

Introducing a fully decriminalised system of prostitution is at odds with several public health and health promotion measures that are currently being adopted both in Australia and internationally. A gender-transformative approach to addressing health inequities is increasingly being seen as best practice in the area of women’s health. This growing movement within health promotion aims to look at the way that norms, stereotypes and relations between men and women impact the health and wellbeing of women (Greaves and Poole 2017). Norms cultivated in the sex industry that position women as being required to be sexually available to men would be widely discouraged under this model. Rather, a gender-transformative approach understands the normalisation of the sex industry as a conducive context to violence against women and various women’s health issues, rather than accepting the industry as inevitable (Hein et al. 2016).

Decriminalising sex buyers and managers fails to address systemic violence against women and the sexual objectification and harassment of women both in and out of the workplace (SPACE International 2020; Norma and Tankard Reist 2016). If anything, based on some studies looking at the perspectives of sex buyers, what we see in decriminalised systems is a flagrant disregard of women’s health and wellbeing through attempts, for example, to make women perform sex acts without a condom (Tyler and Jovanovski 2018). Studies have shown the repeated objectification of women in the sex industry and the denial of their personhood, including references to women working in the industry as ‘holes’ to be penetrated (Tyler and Jovanovski 2018). These sentiments have been found in systems where full decriminalisation of the industry has been implemented. Male behaviours such as

these do nothing to decrease the stigma against women in the sex industry, or challenge the unsafe practices that women are pressured to acquiesce to in their “jobs”. The burden of maintaining their physical and mental safety under these conditions should not be placed on individual women.

Examining the Australian Human Rights Commission’s (2020) materials on sexual harassment, it remains unclear how a system of full decriminalisation is compatible with fostering a workplace free from sexual harassment. Sexual objectification is a prerequisite to employment in the sex industry, which inherently establishes an unequal footing (Norma and Tankard Reist 2016). To adequately address the public health challenges related to the sex industry, as well as the violence and discrimination experienced by women in the industry, it is important to look beyond the rhetoric of service and consider the women behind that service, while applying a gender-transformative perspective.

More specifically, the review that led to this Bill asked respondents to consider circumstances ‘where there has been a promise by a person of payment of money in exchange for a sexual act performed by a sex worker where that payment is not forthcoming’. CATWA notes that this scenario constitutes sexual assault, or even rape. If consent to a sex act is contingent on payment and payment is not made, this is sex without consent. We strongly encourage the Queensland government to consider that any legislative amendment to deal with such circumstances take into account the public health concerns – including trauma – that may arise from situations of assault and rape and legislate accordingly. CATWA also notes that an industry where failure to pay results in sexual assault or rape is not an industry that is safe for women. Given the commitment of the QLRC’s review framework to human rights and equality, we encourage the government to consider these facts in their assessment of whether the full decriminalisation of the sex industry is compatible with gender equality and women’s safety.

**6. CATWA recommends that demand for sexual services be recognised as in contravention of Australia’s obligations under CEDAW and as fuelling sex trafficking and, as such, be discouraged in line with both the Palermo Protocol, and the US State Department’s Trafficking in Persons Report**

While trafficking is regulated at the federal level, the effectiveness of Commonwealth legislation and policy regarding trafficking is consistently undermined by state laws that

foster the demand for prostitution. It is not surprising that the US State Department's Trafficking in Persons (TIP) Report for 2022 finds that Australia is doing little to address this issue. In particular, the report notes that the Australian government 'did not make efforts to reduce the demand for commercial sex acts within Australia' (United States Department of State 2022: 77). It is unclear how fully decriminalising the sex industry in Queensland in order to treat prostitution as "a job like any other" will assist in reducing demand.

The TIP Report also notes that in Australia, trafficking for sexual exploitation is highly gendered, with traffickers 'primarily exploit[ing] women and girls in sex trafficking' (United States Department of State 2019: 77). This exploitation includes 'a small number of children, primarily teenage Australian and foreign girls, in sex trafficking within the country', and some women and girls trafficked from overseas are held 'in captivity, subject[ed] ... to physical and sexual violence and intimidation, manipulate[d] ... through illegal drugs, and force[d] ... to pay off unexpected or inflated debts' (United States Department of State 2019: 77). Given international evidence demonstrated higher rates of trafficking inflows into countries with decriminalised or legalised systems (Cho et al. 2013), it is likely that the full decriminalisation of the sex industry in Queensland will only intensify the forms of exploitation identified in the TIP Report. It is also notable—and concerning—that the QLRC's Consultation Paper seems to suggest that trafficking for sexual exploitation into Australia is not of concern, despite sound international evidence to the contrary.

Australia's failure to address the demand for commercial sex has long been identified in the periodic reports on Australia's progress towards meeting the goals of the Convention for the Elimination of all forms of Discrimination Against Women (CEDAW). In 2018, the UN CEDAW committee was concerned with the Australian government's failure to address demand in both practice and in its periodic report, stating its concern that 'the lack of harmonisation of state and territory legislation on women in prostitution impedes their access to healthcare, support and legal services, and employment' and that Australia 'has not taken measures to address the demand for prostitution, to prevent women and girls from entering prostitution and support those who wish to exit prostitution' (Committee on the Elimination of Discrimination Against Women 2018: 10). These failures contradict Australia's purported support for CEDAW.

We recommend that demand for sexual services be recognised as in contravention of Australia's obligations under CEDAW and as fuelling sex trafficking and, as such, be discouraged in line with both the Palermo Protocol, and the US State Department's Trafficking in Persons Report 2019. Demand for sexual services must therefore be explicitly addressed in all policy attempts to combat trafficking and state laws regarding prostitution must be consistent with these attempts. The legislative approach that best fits these needs is the Nordic/Equality Model (as described in Section 4, above), which decriminalises all prostituted persons and provides support to them to transition out of the industry, but discourages demand for sexual exploitation by prohibiting pimping and sex buying.

## **7. CATWA recommends the government listens to survivors of prostitution**

Survivors of prostitution are increasingly speaking out against decriminalisation. Survivor voices should be prioritised in this discussion because survivors have unique lived experience of systems of prostitution. Below is the testimony of a survivor of prostitution who worked in New Zealand where full decriminalisation was implemented in 2003:

*I read some literature produced by the NZPC, that's the New Zealand Prostitutes' Collective, who are supposedly our "workers union." The first impression they gave me was that if we could convince the men that we were professionals providing a service like any other job, they would treat us better, there would no longer be 'stigma' and stigma is what caused the harms we experienced. This does not work. Being polite, professional, and getting the job done efficiently, means the men complain that you are 'clinical' and want their money back. 'Clinical' is apparently unacceptable because this is not a clinic, I was not a health professional, and these people were not looking to buy a service like any other job.*

*They were looking to sexually harass, rape, abuse, violate, and degrade attractive young women, and they paid to get away with it. Even that they often did begrudgingly. I was to be dominated by men and they were going to do whatever they wanted to me, while I struggled to uphold a modicum of health and safety, protect myself from injury, and hold onto my dignity. During this constant battle, I was to humour and lie to these men that were there to use us that they were somehow interesting, and that we weren't completely disgusted by them. Especially when they would say things purposely to upset us. I just had to not let them see that it got to me even if it did.*

*They are on some power trip, that's what they come in for. And with all these "complaints" I was still the No. 1 rated lady on Femme Fatale's website for many years. On a busy shift I might have seven or eight bookings, making my genitals red, raw, and swollen. No-one was earning \$2,000 a shift. And even at the end of the shift when we are paid out, there was no guarantee they'd hand over our money. They might write on an envelope that they owe us X amount of dollars, so we have to come in and work another shift to get it. Sometimes it built up for a long time and I worried if I'd be paid at all.*

*Ugly, smelly, fat, drug-addled men pounded away on top of me, dripping cold sweat onto my skin and in my eyes. I got ear infections because I would turn my head so they couldn't try and kiss me, and they would pant moisture into my eardrum instead. All you can do is continue to firmly state your boundaries, while trying not to make them angry.*

*In New Zealand brothels, under decriminalization, women are told they are independent contractors and responsible for paying their own tax. But they won't be given any independent contractor freedoms, you don't get to choose the rate charged for you, you don't get to choose when or where you will work or who you will see. If you are thought to be working on your own without the brothel taking a cut, they will fire you or steal money from your pay. When I was at another brothel called One33, the management deducted hundreds of dollars from my pay for smoking a cigarette in a car in the carpark. Even though the car belonged to another girl from the club and she and I were just sitting in it because it was raining.*

*These businesses lie. They lure you in; they trick you; and trap you. Women in brothels will be treated like employees – except they won't get any employee rights, no ACC – that's our accident and injury compensation scheme – no reliable wage, no sick leave. Nothing.*

*In New Zealand brothels, under decriminalization, police can't help anyone. The men can do absolutely anything short of killing someone and nothing will be done. The boss's apparent No.1 rule is "no police ever". The mark of any truly legitimate*

*businessman, right? - Testimony of [Chelsea Geddes](#), prostitution survivor from New Zealand*

Survivors consistently speak about their experience of legalisation and decriminalisation making their situation worse. Decriminalisation empowers sex buyers, pimps and brothel owners/managers but not the worker. An example of this can be found in the Northern Territory, which passed decriminalisation legislation in 2019 that allows sex buyers to sue for “breach of contract” if a woman retracts consent for a sex act (Stevens 2019).

Decriminalisation leaves women more exposed to a laissez-faire prostitution market that does not protect the worker and means women can be prosecuted for refusing sex acts. This forces women in the industry to choose between running the risk of being sued, or “consenting” to unwanted sex (or what is in effect, rape). This set of circumstances demonstrates that prostitution is not a “job like any other”. In an Australia where we are striving towards gender inequality and the abolition of sexual violence, a fully decriminalised sex industry has no place.

## REFERENCES

- ABC News (2021) 'Read what Brittany Higgins had to say when she spoke at the women's march'. ABC News, 15 March. Available from: <https://www.abc.net.au/news/2021-03-15/brittany-higgins-speech-womens-march-parliament-house-canberra/13248908>
- Australian Human Rights Commission (2020) 'Sexual harassment'. Australian Human Rights Commission. Available from: <https://humanrights.gov.au/quick-guide/12096>
- Berg, S. (2014) 'From Norway to New Zealand, pro-prostitution research is its own worst enemy'. Feminist Current, 24th November. Available from: <http://www.feministcurrent.com/2014/11/24/from-norway-to-new-zealand-prostitution-research-is-its-own-worst-enemy/>
- Cho, S., Dreher, A. and Neumayer, E. (2013) 'Does legalized prostitution increase human trafficking?' *World Development*, v41(1): 67–82. Available from: [http://www.lse.ac.uk/GeographyAndEnvironment/whosWho/profiles/neumayer/pdf/Article-for-World-Development\\_-\\_prostitution\\_-\\_anonymous-REVISED.pdf](http://www.lse.ac.uk/GeographyAndEnvironment/whosWho/profiles/neumayer/pdf/Article-for-World-Development_-_prostitution_-_anonymous-REVISED.pdf)
- Committee on the Elimination of Discrimination Against Women (2018) 'Concluding observations on the eighth periodic report of Australia'. United Nations. Available from: <https://digitallibrary.un.org/record/1641944?ln=en#record-files-collapse-header>
- Daalder, A.L. (2007) 'Prostitution in the Netherlands since the lifting of the brothel ban'. Weenschappelijk Onderzoek en Documentatiecentrum (WODC). Boom Juridische uitgevers, WODC: Den Haag, Netherlands.
- Duff, E. (2015) 'AFP reveals sex trafficking based in Sydney brothels'. The Sydney Morning Herald, 13th September. Available from: <http://www.smh.com.au/nsw/afp-reveals-sex-trafficking-based-in-sydney-brothels-20150912-gjkwzt.html>
- Ekberg, G. and Wahlberg, K. (2011) 'The Swedish approach: A European country fights sex trafficking'. *Solutions Journal*, v2(2): n.p. Available from: <http://www.thesolutionsjournal.com/node/895>
- European Parliament News (2014) 'Punish the client, not the prostitute'. European Parliament News, 26th February. Available from: <http://www.europarl.europa.eu/news/en/news-room/content/20140221IPR36644/html/Punishthe-client-not-the-prostitute>
- Farley, M., Cotton, A., Lynne, J., Zumbek, S., Spiwak, F., Reyes, M., Alvarez, D., and Sezgin, U. (2003). 'Prostitution & trafficking in nine countries: An update on violence and post-traumatic stress disorder'. *Journal of Trauma Practice*, v2(3/4): 33–74.
- Farley, M. (2007) 'Prostitution and trafficking in Nevada: Making the Connections'. San Francisco: Prostitution Research and Education.
- Federal Ministry for Family Affairs (2007) 'Report by the Federal Government on the impact of the Act regulating the legal situation of prostitutes'. Berlin: Federal Ministry for Family Affairs, Senior Citizens, Women and Youth.
- Get Escorts. (2017). 'Screening and Safety Tips!' Available from: [http://getescorts.co.uk/t/www.escorttown.com/forum/view\\_topic/25082/index.html](http://getescorts.co.uk/t/www.escorttown.com/forum/view_topic/25082/index.html)
- Graham, B. (2019). "'Murder is part of our job": Sex worker calls for protections after Sydney stabbing'. News.com, 15<sup>th</sup> August. Available at:

<https://www.news.com.au/lifestyle/real-life/news/life/murder-is-part-of-our-job-sex-worker-calls-for-protections-after-sydney-stabbing/news-story/8ccb05130f6a84c20ab04543068ba3b9>

Greaves, L., and Poole, N. (2017) *Gender unchained: Notes from the equity frontier*. Victoria, B.C.: Friesen Press.

Hein, W., Steinfield, L., Ourahmoune, N., Coleman, C. A., Zayer, L. T., and Littlefield, J. (2016) 'Gender justice and the market: a transformative consumer research perspective'. *Journal of Public Policy & Marketing*, v35(2): 223–236.

Jeffreys, S. (2009) *The industrial vagina: The political economy of the global sex trade*. Routledge: London.

Murphy, M. (2104) 'Northern Ireland bans buying sex'. *Feminist Current*, 21st October. Available from: <http://www.feministcurrent.com/2014/10/21/northern-ireland-bans-buying-sex/>

New Zealand Ministry of Justice – NZMoJ (2008) 'Report of the Prostitution Law Review Committee on the operation of the Prostitution Reform Act 2003'. Wellington, NZ: Ministry of Justice.

Norma, C. & Tankard-Reist, M. (2016). *Prostitution narratives: Stories of survival in the sex trade*. Spinifex: Melbourne, Australia.

Project Respect (2017) 'Project Respect's submission: "The Justice Project" to the Law Council of Australia'. Project Respect. Available from: [https://d3n8a8pro7vhmx.cloudfront.net/projectrespect/pages/15/attachments/original/1524187551/Project\\_Respect\\_submission\\_The\\_Justice\\_Project\\_.pdf?1524187551](https://d3n8a8pro7vhmx.cloudfront.net/projectrespect/pages/15/attachments/original/1524187551/Project_Respect_submission_The_Justice_Project_.pdf?1524187551)

QLRC (2022) 'A framework for a decriminalised sex work industry in Queensland'. Queensland Law Reform Commission: Brisbane. Available from: [https://www qlrc.qld.gov.au/\\_data/assets/pdf\\_file/0006/714390/QLRC-WP80.pdf](https://www qlrc.qld.gov.au/_data/assets/pdf_file/0006/714390/QLRC-WP80.pdf)

Raper, A. (2015) 'Sexual slavery, forced drug-taking in NSW brothels on the rise: police'. ABC News, 1st September. Available from: <http://www.abc.net.au/news/2015-09-01/sexual-slavery-on-the-rise-in-nsw-brothels/6741012>

Resourcing Health & Education in the Sex Industry (RhED) (n.d) 'Safety Tips for Escort Workers', St Kilda, VIC: RhED.

SPACE International (2022) 'Testimonials'. SPACE International. Available from: <https://www.spaceintl.org/about/testimonials/>

Stevens, K. 2019. 'How you will soon be able to sue prostitutes for poor performance and why brothels could be built in "every suburb" under dramatic changes to sex laws'. *Daily Mail*, 27 November. Available from: <https://www.dailymail.co.uk/news/article-7729203/Prostitutes-sex-workers-soon-sued-poor-performance-clients-NT.htm>

Sullivan, M. (2007) *Making Sex Work: The failed experiment of legalised prostitution in Australia*. Melbourne: Spinifex.

Swedish Institute (2010) 'The ban against the purchase of sexual services: An evaluation 1999-2008'. Selected English extracts version. Swedish Institute: Stockholm. Available from: [http://www.government.se/download/0e51eb7f.pdf?major=1&minor=151488&cn=attachmentDuplicate\\_or\\_1\\_attachment](http://www.government.se/download/0e51eb7f.pdf?major=1&minor=151488&cn=attachmentDuplicate_or_1_attachment)

Swedish Ministry of Integration and Gender Equality – SMoIGE (2009) 'Against prostitution and human trafficking for sexual purposes'. Government Offices of Sweden: Stockholm. Available from: <http://www.government.se/sb/d/11503/a/133671>

Swedish Ministry of Labour – SMoL (1999) 'Fact sheet on violence against women'. Government Offices of Sweden: Stockholm. English translation available from: <http://www.innovations.harvard.edu/showdoc.html?id=131021>

Tyler, M., et al. (2017) 'Demand change: Understanding the Nordic approach to prostitution'. Melbourne, Australia: The Coalition Against Trafficking in Women Australia. Available from: <https://www.catwa.org.au/wp-content/uploads/2017/03/NORDIC-MODEL-2017-booklet-FINAL-single-page.pdf>

Tyler, M., and Jovanovski, N. (2018) 'The limits of ethical consumption in the sex industry: An analysis of online brothel reviews'. *Women's Studies International Forum*, v66: 9–16.

United States Department of State (2022) 'Trafficking in persons report'. Washington, D.C.: United States Department of State.

Waltman, M. (2011) 'Sweden's prohibition of purchase of sex: The law's reasons, impact, and potential'. *Women's Studies International Forum*, v34(5): 449–474.

Yen, I. (2008) 'Of vice and men: A new approach to eradicating sex trafficking by reducing male demand through educational programs and abolitionist legislation'. *Journal of Criminal Law and Criminology*, v98(2): 653–686.