

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

Submission No: 91
Submitted by: Katrina Swain
Publication: Making the submission and your name public
Attachments: See attachment
Submitter Comments:

7th March 2024

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

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

Thank you for the opportunity to submit to this process.

I am writing to you today to express my support for the *Criminal Code (Decriminalising Sex Work) and Other Legislation Amendment Bill 2024*. The current regulatory model has failed sex workers and Queensland, and it is of utmost importance that Queensland align with other jurisdictions to modernise sex work laws. This legislative reform is essential for sex workers to be able to work both safely and legally, with the same rights as all other workers. Sex work is work.

I am a full service sex worker and decriminalisation is important to me because my peers and I deserve equal rights and access to justice.

Part 1 - I recommend a commencement date of 1 July, 2024.

We have already experienced significant delays in the process of decriminalisation being brought before parliament. Every day that decriminalisation is put off, is a day that sex workers go without fundamental rights.

Part 2 - I support amendments to the Anti-Discrimination Act but recommend the removal of 'adult' from cl6.

I support cl4 replacing attribute 7(l) 'lawful sexual activity' with a new attribute 'sex work activity'. As a sex worker, I have experienced a wide range of discrimination; including, but not limited to, employment, accommodation, and medical sectors. Given that my work was not always "lawful" I was unable to take action against such discrimination. The new attribute will protect both being a sex worker and doing sex work. I also recommend the removal of 'adult' from cl6 so that those who are 16/17 are protected from discrimination when doing sex work.

Part 3 & 7 - I support laws to prevent council banning sex work from their area.

When decriminalisation is put into effect, it is important that it cannot be compromised on by local councils. As recommended in the QLRC review and reflected in Victorian laws, the application of Part 3 & Part 7 to the City of Brisbane and Local Government Acts prevents this from happening. The QLRC review also recommended that sex workers be allowed to work together for safety. Another key aspect of sex worker safety is privacy and confidentiality. A home business permit scheme would necessitate sex workers out themselves in order to work and thus creates a system incompatible with the business model of independent sex workers.

Part 4 - I support the repeal of Ch22A Criminal Code including the laws that criminalise sex worker safety.

Currently, I have to choose between implementing safety strategies, and complying with the law. If a crime is committed against me in the course of my work, I avoid reporting to police for fear of outing or being prosecuted myself. Safety strategies should not be criminalised, and I look forward to a future where I can legally collaborate with my peers to keep each other safe, as well as report to police freely, without the fear of criminal charges or arrest.

Part 6 - I support the Amendment of the Liquor Act.

Strippers are also sex workers but have not been included in the decriminalisation review. As such, further review of the Liquor Act and Adult Entertainment Code are necessary and complete removal of any regulatory role from Police.

Part 9 - I support review of the Work Health and Safety Act in 4 - 5 years.

I support the proposed review and timeframe, however, I recommend that any review should be heavily influenced by consultation with Queensland's peak sex worker organisation, Respect Inc, and Australia's peak sex work organisation, Scarlet Alliance.

Part 10 - I support the repeal of the Prostitution Act

The current licensing model creates a two-tiered industry, split between those that can comply, and the majority (90%) who cannot. I fall into the latter category, as do the bulk of my peers. Decriminalisation would include the repeal of this Prostitution Act, allowing for our safety strategies, such as working together in pairs or co-ops, to be legally undertaken.

The repeal of the Prostitution Act would also include the disbandment of the Prostitution Licensing Authority (PLA), an organisation that operates with no input from sex worker organisations or the sex worker community, which currently serves little to no purpose in its regulation of just 10% of the industry.

Arbitrary advertising regulations that prevent sex workers from listing their services, amongst other things, would also be rescinded as they have been in other decriminalised states.

There is a myth that safer sex practices such as condom use and sexual health testing would reduce after the implementation of decriminalisation, as at present there are laws controlling these. However, it has been proven that peer education is a far more effective tool than criminal charges in encouraging safer sex practices. Workplace Health and Safety would also include the provision of PPE (condoms, dams etc)

Decriminalisation does not mean "no regulation" the same laws and regulations that apply to all other businesses would apply to sex work.

Part 11 - I support but with 'social escort' removed from the Child Employment Act as it has been from other Acts.

'Social escort' has been repealed from other legislation and the amendment to the Child Employment 2006 should also be repealed.

Thank you for considering my submission.

I am happy for this to be publicised on the Committee website.

Yours sincerely
Katrina Swain