

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

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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 contribute a submission to this process. I would like to voice my support for the Criminal Code (Decriminalising Sex Work) and Other Legislation Amendment Bill 2024 as essential legislative reform for sex worker health, safety and rights, to align Queensland with other jurisdictions that have modernised their sex work laws and to replace the current regulatory model that has failed sex worker and QLD. I recommend a commencement date of 1 July, 2024, as any further delay leaves sex workers criminalised, with safety strategies criminalised and reduced access to justice.

I am a Queensland sex worker and a member of the DecrimQLD committee. I have been doing sex work for 9 years and have experience working both privately as an independent worker, as well as in licensed Queensland brothels. This means that I know firsthand how restrictive the laws are in this state, and how difficult and risky it makes it for me to do my work. I also have previous experience as the Secretary of Scarlet Alliance, which gave me insight into the national situation for sex workers in Australia and an understanding of the challenges we face. In Queensland, the challenges that we experience stem directly from criminalising legislation that interferes with our ability to work and to work safely. What my experience made obvious is that the best legal framework for sex work, which is supported by a lot of evidence, is full decriminalisation, because that is the only one that reduces barriers to safety and enables our rights.

Right now, sex workers' rights are being recognised more and more across the country, and I believe that it is time to change the laws in Queensland. We have almost 30 years of the success of decriminalisation in New South Wales to draw from, and more recently the Northern Territory and Victoria passed Acts which decriminalised the industry in those states. Now Queensland has the opportunity to re-think its outdated laws and approach to the sex industry and sex worker safety.

Sex work in Queensland is currently heavily regulated and over-policed, with a licensing system controlling the brothels and aspects relating to independent workers still criminalised and in the Criminal Code. This is despite the original vision of the Fitzgerald Inquiry 30 years ago that recommended minimising police involvement in the industry. Things that are criminalised are: sharing accommodation, texting each other to check in before and after bookings, having a

receptionist, and sharing a driver with another worker. All of these laws criminalise our ability to work safely and effectively. They do this by requiring us to work alone, and forcing us to be isolated from each other, thereby increasing our vulnerability.

Making it illegal for sex workers to share accommodation means that we are unable to work together and keep each other safe. It also makes working privately expensive, as we are unable to share overheads. Currently, it is even illegal for workers to rent the same premises and be there on alternate days. The result is that many aspects of freedom of association and freedom of movement, which are basic human rights, are criminalised. Time and again when workers are asked what is the worst part of their job, the answer is the stigma and the isolation that it creates. This is perpetuated by the current regulation model, to the detriment of our mental health and wellbeing, as well as our safety.

Furthermore, in 2013 the then State Government amended the Anti-Discrimination Act to enable landlords, hotel and motel owners to refuse us accommodation or evict us if they suspect that we might intend to do sex work. This is despite it being legal to work as a sole operator from any premises. This impacts housing stability for sex workers by making us reluctant to disclose our profession for fear of being evicted. It also creates an additional barrier for workers wanting to report robbery, harassment or violent crimes to the police, for the same reason. What if the Police show up and I get 'outed' and evicted from my accommodation or worse, my home? We know that in general sex workers in Queensland do not report crime to the police because making themselves known can result in further surveillance, targeting or in some cases deportation. And when we do, sex workers often have negative experiences. We are laughed at and told "what do we expect?" given our line of work, as if we are to blame even when we are the victim. We are repeatedly shown that sex workers don't have the same rights to protection or justice as other people.

Another aspect of our work that is criminalised is texting another worker before and after a booking to let them know that we are safe. This is a common safety strategy used by sex workers around the world. The reason we have to rely on each other is because of the intense stigma that we face for our profession. Many workers aren't "out" to anyone else in their lives. This is because of the prejudice and misinformation about our job. Often the only other person you can trust to take your calls and texts in the middle of the night and know what to do if you don't respond is another sex worker. By making such a simple safety strategy illegal, sex workers are repeatedly forced to choose between working safely or working legally. And if we choose to work safely we risk fines or arrest.

It is also illegal to advertise your services as a sex worker in Queensland. Which makes it awfully time-consuming to make any money. The law makes it illegal for workers to describe the services offered in our advertising. Let me clarify that workers are only allowed to advertise in particular places, such as escorting websites and sections of the newspaper, where clients look. These are specific advertising sites where clients go to find workers and we are prohibited from telling them what we do, even if we use the coded language of the sex industry or discreet acronyms. I think it is very difficult to advertise in a way that would allow you to make an income

in Queensland as a sex worker and stay within the laws. Instead of being able to operate your business efficiently, the laws create an additional stress and burden. And if your ad breaks the law you receive a texted fine, but this doesn't explain what was wrong with your ad, just that it went against the guidelines, making it hard to correct your content.

The current laws also mean that carers, family and friends of people with disability can be charged for assisting them in accessing a sex worker in Queensland. People with a disability who want to access sex workers don't need additional barriers to convincing their family or carers that their right to sexual expression is important to their health and wellbeing.

The laws criminalising sex work have been driven by public health fears and moral hysteria. Importantly, they are rarely about addressing the very real concerns that sex workers have. Rather than being based on evidence, best practice, and prioritising sex workers' safety and right to work, Queensland's position on sex work has been that it is a necessary evil, but one that should be tightly controlled, heavily regulated and vigilantly policed. This is despite the fact that: sex workers have lower STI rates than the general community, research repeatedly demonstrates high levels of condom use, and there is no evidence of organised crime involvement or exploitation of workers.

Sex workers in Queensland have had enough. We have had more than 23 years of a flawed model and have suffered its devastating effects. We have waited thirty years since the Fitzgerald Report was tabled in Parliament and police are still the regulators of our work and workplaces with a specialised police unit targeting us. We have seen the harmful impacts that the laws have on our community. It's time that the laws regulating our work prioritised our safety and labour rights through a regulatory model proven to work in other locations. Queensland sex workers, with the support of a broad cross section of organisations, are demanding the full decriminalisation of our industry and the evidence is on our side. Decriminalisation is now widely recognised as the only legal framework that upholds human rights, labour rights, sex worker health and wellbeing. The World Health Organisation, UNAIDS, the UNDP, Human Rights Watch, The World Bank, The Lancet, The Global Alliance Against Trafficking Women and Amnesty International all advocate for the full decriminalisation of sex work as the only way to address the discrimination and harms that sex workers experience.

Australia was the first place in the world to decriminalise sex work, in NSW in 1995. Several reviews have continued to support decriminalisation as the best legal framework for ensuring the human rights and labour rights of sex workers and resulting in the best health outcomes. The push for decriminalisation is being led by sex workers all over the world because we know that governments can no longer deny the evidence.

This government recently made history by recognising and changing outdated legislation, and in doing so improved the lives, health and safety of Queenslanders with the Termination of Pregnancy Act 2018, and more recently, the introduction of a Human Rights Bill. Now there is another opportunity for brave action. Queensland has demonstrated that it is not behind the

times, it has taken steps to become a leader in progressive legislation. We are currently way behind the times on sex work laws. Now is the time to extend this to the labour rights of Queensland sex workers. The first step to realising our industrial rights is full decriminalisation of our profession. Because our rights as workers cannot be recognised while our work is criminalised.

Regarding the proposed Bill, I have the following recommendations to suggest:

- I support the amendments to the Anti-Discrimination Act but recommend the removal of 'adult' from cl6.
- I support the laws to prevent councils from banning sex work in their area, and recommend that sex workers working in small groups and collectives should be able to do so without council permission or DA
- I support the repeal of Ch22A of the Criminal Code, including the laws that criminalise sex worker safety
- I support the amendment of the Liquor Act, however recommend a review of the Adult Entertainment laws and further removal of any regulatory role from Police
- I support a review of the Act in 4-5 years in consultation with sex worker organisations
- I support the repeal of the Prostitution Act including the licensing system and licensing body
- I support the removal of social escort from the Child Employment Act as it has been from other Acts
- I recommend the expungement of sex work offences as important to include in future legislation to prevent any ongoing impacts on sex workers
- I recommend that Respect Inc is resourced to undertake an awareness program to address sex work stigma and inform sex workers about decriminalisation in line with QLRC Recommendation 38

Criminalising sex work punishes sex workers by making them more vulnerable to exploitation, abuse and violence. Furthermore, criminalisation of the sex industry inhibits worker's ability to access the criminal justice system making them less likely to report these abuses. Decriminalisation would enable sex workers to work safely, have fair and equitable labour conditions, and access to industrial and legal protection. It is high time we extended these rights to sex workers in Queensland. For these reasons, I strongly support the implementation of the Criminal Code (Decriminalising Sex Work) and Other Legislation Amendment Bill 2024.