

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

**Submission No:** 101  
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**Submitter Comments:**

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

Dear Committee Secretary:

Greetings, I am writing today as i wish to express my strong support for the Criminal Code (Decriminalising Sex Work) and Other Legislation Amendment Bill 2024. This bill represents a essential piece of legal reform for the health, safety, and rights of sex workers in Queensland. By decriminalising sex work and treating it as work, this legislation will bring Queensland in line with other jurisdictions that have modernised their sex work laws.

In addition to this however I would like to highlight certain key sections of this bill that i would like to give my opinion on and would ask the committee to consider amending:

Part 1. Preliminary Stage:  
cl 2 Commencement (Page 6)

Firstly, I would strongly call for urgency with regards to this situation as a delayed commencement will result in further sex worker criminalisation and reduced access to justice continues this will reduce the good that this bill can achieve and also reduce that amount of harm that this bill can avoid. This is an particular area of concern when understanding the context as every day sex workers are left to make a decision between working legally or safely. If sex workers choose safety they are at risk of criminal charges. In other jurisdictions a increase in police focus on the sex industry including raids and charges has occurred ahead of law reform. The two stage implementation approach in Victoria created major confusion within industry and regulators and resulted in much extra work as aligning the two was a complex task.

For these reasons I **recommend** for the date of commencement to be no later than 01-07-2024.

Part 2. Amendment of the Anti-Discrimination Act 1991 (Page 6):  
cl 4 Amendment of s 7 (Discrimination on the basis of certain attributes prohibited) (Page 6) & Omission of s 106C (Accommodation for use in connection with work as sex worker) (Page 6)

I **support** the Omission of s 106C and the cl 4 Amendment attribute 7(l) 'lawful sexual activity' with the new 'sex work activity' attribute and the cl 6 Amendment of sch 1 to

add a definition of the new attribute 'sex work activity' wherein it is defined as (a) means the provision by an adult person of the following services for payment or reward— (i) services that involve the person participating in a sexual activity with another person; (ii) services that involve the use or display of the person's body for the sexual arousal or gratification of another person; and (b) includes being or having been a person who provides services mentioned in paragraph (a).

However whilst I support this I would **recommend** the committee to consider removing the term 'adult' from the definitions and this for the following reasons:

- A. The term 'Adult' as a qualifier winds back current protections
- B. Having the term 'Adult' removes protections if a person of 16/17 years old experiences discrimination when doing sex work
- C. Lastly this change ensures the current selective application of the attribute protects both being a sex worker and doing sex work.

Part 3 Amendment of City of Brisbane Act 2010 (page 20) & Part 7 Amendment of Local Government Act 2009:

cl 8 Insertion of new s 40A (Page 7)

**I support both parts 3 and 7** as their inclusion in the City of Brisbane and Local Government Acts makes sure the implementation of decriminalisation is not undermined by councils. This approach was recommended by the QLRC review and brings Queensland into line with Victoria however i would **recommend** that sex workers should be allowed to work together The QLRC review **recommended** against requirements that force sex workers to work alone (Recommendation 1). Sex worker safety in practice means the ability to work together without risking privacy, confidentiality or penalty. Clients of independent sex workers are also seeking privacy. Requiring these home businesses to apply for a permit or a DA is contrary to the business model of independent sex workers. Queensland can avoid making the same errors.

In New South Wales there was a failure to provide direction and education to councils when decriminalisation was implemented. and each council created its own approach, often attempting to ban sex workers from their areas. Independent sex workers are often required to apply for DAs placing their safety and privacy at risk. As a result compliance is extremely low. In this way the planning approach has undermined the implementation of decriminalisation and continues to, decades later. In NSW and Victoria councils have engaged private investigators to undertake entrapment activities with sex workers. These powers have recently been removed from police in Queensland. We hope Queensland will learn from the mistakes in other jurisdictions and avoid decriminalisation being undermined.

Part 4 Amendment of Criminal Code (Page 8):

15 Omission of ch 22A (Prostitution)

cl. 14 Amendment of s 218 (Procuring sexual acts by coercion etc.)

**I support** the part 4 amendment of criminal code (Page 8) and **support** the 15 Omission of ch 22A (Prostitution) as this is a repeal of the entire chapter of sex work criminal offences in the Criminal Code including the sections that have criminalised sex worker safety strategies (letting another sex worker know where you are when you are on a booking, texting another sex worker to let them know you are okay at the end of a booking, driving another sex worker to a booking, hiring a receptionist to screen your calls. Most sex workers who have been charged, have been charged with offences in Ch22A.

Additionally i **support** - cl. 14 Amendment of s 218 (Procuring sexual acts by coercion etc.)

Part 6 Amendment of Liquor Act 1992 (Page 17):

Clause 23 importantly removes the role of the Police Commissioner in the development of the Adult Entertainment Code. However, the intention to remove police as a regulator or co-regulator of sex work will not have been met without further changes. Police currently review compliance and where a person is operating outside of the Act it is police that respond. as such I **recommend** to remove police from a regulatory role.

Additionally strippers (sex workers) have not been included in the decriminalisation review even though it was the intention it would be covered. By leaving this sector out, they have effectively been left behind, without the benefits of decriminalisation. as such I **recommend** a review of the Liquor Act and Adult Entertainment Code.

Part 9 Amendment of Work Health and Safety Act 2011 (Page 23):

CI 33 Insertion of new pt 14, div 2A After part 14, division 2— Insert— (Page 23) Division 2A Review of Criminal Code (Decriminalising Sex Work) and Other Legislation Amendment Act 2024 275A Review

I **support** part 9, additionally I **support** CI 33 review of the act in a 4-5 year time frame however I strongly **recommend** any review should be undertaken in consultation with Respect Inc and Scarlet Alliance.

Part 10 Repeal of legislation (Page 35) :

CI 35 Repeals (Page 35)

I **support** the repeal of the Prostitution Act 1999 The Prostitution Act laws as it creates a licensing system that has resulted in a two tiered industry, with only a small percentage of the industry able to comply (only 17 licensed brothels at time of writing). It also criminalises all other business models and makes police responsible for the non-compliant sector (90% of the industry), it also criminalises sex workers working together and created the Prostitution Licensing Authority (PLA) who have no representation from the sex worker org or sex work community and costs the Government approximately \$1M per year to regulate 10% of the sex work industry. It also applies criminal charges to condom use and sexual health testing laws when the recognised successful approach is peer education not criminal charges. Provision of PPE (including condoms) will be covered by WHS guidelines. Note when this system is repealed sex industry businesses will be regulated by existing laws and regulations that apply to all businesses.

Part 11 Other amendments (Page 35):

Child Employment Act 2006 (Page 36)

Unrelated to Sex Work but related to the 'Other Legislation' aspect of the Criminal Code Amendments 2024, Social escort has been repealed from other legislation and the amendment to the Child Employment 2006 should also be repealed.

Other matters:

1. Furthermore, I believe that expungement of sex work offences is important and should be included in future legislation to prevent ongoing impacts on sex workers.

2. QLRC R38 The Queensland Government should develop and implement public education and awareness programs to address sex-work stigma and educate the community about the sex-work industry and the aims of decriminalisation. This could be integrated into existing and future education campaigns and activities of relevant regulators and government agencies.

Respect Inc is resourced to undertake a awareness program to address sex work stigma and inform sex workers about decriminalisation and i would recommend including them as part of any public education or awareness program.

In conclusion, I urge you to support the Criminal Code (Decriminalising Sex Work) and Other Legislation Amendment Bill 2024 as the recommendations outlined above. This bill is essential for the health, safety, and rights of sex workers in Queensland and will replace the current regulatory model that has failed sex workers and the state.

Thank you for your time as well as your consideration on my views on this important matter.