

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
George Street
Brisbane QLD 4000

Email only: HBBMC@parliament.qld.gov.au

To the Proper Officer,

RE: UWU Submission on the Criminal Code (Decriminalising Sex Work) and Other Legislation Amendment Bill 2024

Acknowledgement of Country

We acknowledge and respect the continuing spirit, culture, and contribution of Traditional Custodians on the lands where we work, and pay respects to elders, past and present. We extend our respects to Traditional Custodians of all the places that United Workers Union members live and work around the country.

About United Workers Union

United Workers Union (UWU) is a powerful union with 150,000 workers across the country from more than 45 industries and all walks of life, standing together to make a difference. Our work reaches millions of people every single day of their lives. We feed you, educate you, provide care for you, keep your communities safe and get you the goods you need. Without us, everything stops. We are proud of the work we do – our paramedic members work around the clock to save lives; early childhood educators are shaping the future of the nation one child at a time; supermarket logistics members pack food for your local supermarket and farms workers put food on Australian dinner tables; hospitality members serve you a drink on your night off; aged care members provide quality care for our elderly and cleaning and security members ensure the spaces you work, travel and educate yourself in are safe and clean.

UWU supports the hard work and long efforts of DecrimQLD and Respect Inc and supports the decriminalisation of sex work in Queensland. We also want to highlight the frontline workers who have submitted comments on their own experience of the industry. Sex workers are organised, collectively have a well-articulated position on this legislation, and have been proactive in submitting their own perspectives on what these changes would mean for them and their work.

UWU is glad to take this opportunity to write in broad support of the Criminal Code (Decriminalising Sex Work) and Other Legislation Amendment Bill 2024, as the trade union with industrial coverage of sex workers.

Sex work is work. As such, all workers must be able to collectivise, work safely, and be empowered to speak out about the issues that arise in their workplaces. Sex workers have been clear about the need for decriminalisation, and what it would mean for their work, but also as community members who experience discrimination and stigma.

Molly (stage name) works part-time in the industry. She sees decriminalisation as “the first step to reducing stigma”. And so, she says, “it should be done correctly, otherwise it can further entrench the stigma. The Discrimination Act and the definitions within that are very important so as not to further exclude or marginalise sex workers.” Protections under the Discrimination Act will also allow for safer entry and exit of the sex work workforce, and for those workers who have multiple jobs in and out of the industry. “Discrimination can be a real issue for people wanting to disclose [their work in the industry], or who are otherwise worried about having their sex work outed.” Decriminalisation will also mean women can put in place safety measures that reduce the risks of their work “and [reducing stigma] provides a level of social safety to engage in the workforce, and reduces the risk of coercion”. Access to workplace health and safety laws will better support the mental and physical health of workers and provide access to various supports that workers have had to provide themselves within the industry. Yet, the work for government and Queensland communities doesn’t stop with decriminalisation: “The legislation needs to be followed by education by all levels of community, and by the people enforcing these changes.” There is also the opportunity with decriminalisation for “workers that want to form connections and want to have a sense of community out in the open about their work to do so.”

UWU supports the repeal of the Prostitution Act, whereby workers would subsequently be protected under Workplace Health and Safety laws. Sex workers would be entitled to consultation, the provision of PPE, and be protected by laws that support workers collectively having a voice to create best practice guidelines, and controls in their workplaces as any other group of workers would. UWU also supports the repeal of advertising laws that in effect allow targeted, proactive policing, and that have negative outcomes on sex workers going about their job.

UWU supports the inclusion of laws that prevent local councils from circumventing the decriminalisation of sex work. There are safety and vilification risks to sex workers should local councils impose laws with the intention of undermining decriminalisation

All sex workers should be entitled to seek justice under anti-discrimination laws, and as such, UWU notes that the word ‘adult’ included in the insertion in Part 2 of the Bill, Amendment of Anti-Discrimination Act 1991, Clause 6, Schedule 1 defining *sex work activity* would lead to the perverse outcome of workers under the age of 18 being unable to access justice through those laws. This is a cohort that must have access to legal recourse for anti-discrimination.

In addition, we would make the following recommendations.

1. UWU supports a review of the legislation in 4-5 years to ensure there has been sufficient time to assess the impact on sex workers, collect data, and therefore make changes only where they are needed.
2. The commencement date of the Bill should be 1 July 2024. Sex workers have waited for too long for meaningful reform, and this is ample time for governments, the Workplace Health and Safety regulator, and communities to be ready for decriminalisation. Any further delay would be unnecessary.
3. No sex worker left behind. The adult entertainment industry was left out of the Queensland Law Reform Commission's review, meaning there are still sex workers in Queensland that are waiting for crucial reform in their sector. Therefore,
 - a. There must be a review of the adult entertainment industry, for the purpose of decriminalisation. The QLRC's report highlighted the harm done by creating or perpetuating legal/illegal dichotomies within the sex work industry.
 - b. There should be the removal of any further regulatory role by police.

For further information on this submission, please contact Kim Chibnall, Research Analyst at [REDACTED], or contact UWU by mail at:

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Kind regards,

Gary Bullock
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