

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

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Ms. Ori Diskett



06 March 2024

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

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

To the committee,

I am writing to you to express my support for the Criminal Code (Decriminalising Sex Work) and Other Legislation Amendment Bill 2024.

I have worked as a sex worker in Queensland since 2019, and have felt the impacts of the unfair and unreasonable legislation in the Criminal Code Act 1899, the Prostitution Act 1999, and the many other acts and regulations addressed in this repeal bill.

Transgender workers like me are disproportionately disadvantaged by the criminalisation of sex work, especially when we face harsh discrimination and stigma in almost every workplace. Like me, many trans workers choose sex work because it is flexible, because we can choose our own clients, and because it gives us an avenue to make a living when we are excluded from more conservative forms of employment.

I broadly support the recommendations of the QLRC, especially the repeal of laws that criminalise and punish us for using safety strategies, that restrict how we can work, that dictate how we can advertise, and that protect people who discriminate against us.

It is the position of the Queensland Government, the QLRC, Amnesty International, the Australasian Society for HIV Viral Hepatitis and Sexual Health Medicine (ASHM), Scarlet Alliance, Respect Inc, and many other organisations around the world that sex

work is work and that legislation must reflect that. Decriminalisation is a low-cost, high-compliance model that has been successful in jurisdictions in Australia and overseas including Aotearoa New Zealand, Victoria, and Northern Territory; notably New South Wales was the first jurisdiction in the world to adopt this model in 1995. Evidence demonstrates that decriminalisation is an evidence-based harm reduction approach.

When this important and life-saving legislation is passed, it must be with a commencement date no later than 1 July 2024. Sex workers have been criminalised and stigmatised throughout recorded history, and this law reform is happening 35 years after The Fitzgerald Report (Commission of Inquiry into Possible Illegal Activities and Associated Police Misconduct 1987-1989) initially recommended decriminalisation in Queensland. Every year, month, and day that this legislation is delayed keeps us at financial, social, and physical risk.

I broadly support the proposed amendment to the Anti-Discrimination Act 1991, which removes the unjust and prejudiced protections for accommodation providers to discriminate against sex workers. We must have the same rights to housing as every other Queenslanders, especially as we are currently seeing the worst housing crisis in history. Permitting landlords, real estate agents, hotels, motels and other accommodation providers to treat us unfairly is not a reasonable exception to our human rights to be protected from discrimination. Sex workers and sex work do not pose any elevated risk of physical or financial damage to accommodation. Most sex workers, like myself, are dedicated to keeping properties in good condition and performing our work discreetly so as to provide the best service for our clients.

It is also vitally important that Local Government Authorities be restricted from introducing or enforcing their own local laws regulating sex workers and our businesses. Allowing councils to regulate, register, or otherwise control sex work businesses would be discriminatory and contradicts the premise that sex work is real work. Allowing LGAs to dictate how we work would also undermine the Queensland Government's authority as the legislator of sex work and public confidence in this bill.

I support the repeal of Chapter 22A of the Criminal Code Act 1899 in its entirety. This act does little to support sex workers, but overwhelmingly criminalises sex worker safety strategies, isolates us from each other and from supports, and creates animosity with police in a culture of fear where crimes against us are not reported. This act emboldens dangerous clients and gives them implicit permission to defraud and hurt us. The repeal of this part of the Criminal Code helps modernise Queensland's laws and demonstrates our state's desire to be a safe place for women, transgender people, Indigenous Australians, immigrants, and every other worker.

I support the repeal of the Prostitution Act 1999 in its entirety. This act has demonstrably failed to either regulate the sex industry or protect sex workers. The PLA has cost Queensland taxpayers (which include sex workers!) millions of dollars to regulate a paltry 17 licensed brothels. It has been estimated that only 10% of the sex industry works in brothels, and that number has surely dwindled in recent months as the number of licensees falls. This act also establishes advertising restrictions for independent sex workers. Everyone knows that in marketing, 'sex sells', and every business is beholden to the national Ad Standards on the appropriateness of advertising materials. Singling out sex workers' ads for greater restrictions is discriminatory, stigmatising, and implies that our ads are somehow less acceptable than the other sexualised content present in modern advertising.

Once sex work is decriminalised in Queensland, a review of the new legislation must take place no sooner than 4 years after commencement. A shorter timeframe would put blinders on the review as sex workers and the community at large would not have time for business practices to update, for social attitudes to shift, and for useful statistics and data to become available. A review period of 4-5 years would also give Queensland Police Service time to work on repairing relations with the sex worker community. Any review must be undertaken in collaboration with the sex worker organisations Respect Inc and Scarlet Alliance.

I highly recommend that Respect Inc be afforded additional funding to address sex work stigma and inform sex workers about decriminalisation (in line with QLRC Recommendation 38). Sex work education must be done by sex workers and

sex-worker-only organisations. Respect Inc has a track record of providing high-quality education, for both sex workers and the non-sex-worker community.

I encourage parliament to reassess the Adult Entertainment laws in Queensland as a first priority following the passing of this bill – strippers must not be left without the same protections as other sex workers.

I thank the committee for their time and due care with delivering this important and overdue law reform for our state.

I ask that my contact details be withheld from public record, but I consent for my name and this submission to be published.

With regards,

Ori Diskett
(she/her)