

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

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

Dear Committee Secretary,

Please accept this submission in support of the Criminal Code (Decriminalising Sex Work) and Other Legislation Amendment Bill 2024.

My name is Elle Coles, I am a Transgender woman and a sex worker.

It is not possible to overstate the vast improvements, enormity and critical importance of the positive outcomes that decriminalisation of the sex industry will have on my own life and my peers. There are significant improvements in this Bill for the lives of all transgender women in Queensland who are negatively profiled by law enforcement and assumed to be sex workers or assumed to be sex working regardless of their personal situation.

There are few parts of our lives that will not be improved by the process of decriminalising sex work. We will no longer be isolated in our homes or workplaces while paying 100% of our living expenses, or trapped in a never-ending cycle of living in expensive short-term accommodation. Instead, we will be able to share long-term secure and affordable homes, company and surround ourselves with our treasured personal effects.

This Bill will finally repeal sex work from the Criminal Code, where there has been an entire chapter criminalising many aspects of sex work, including our basic safety strategies, many of which are commonly used by working people in other industries.

This Bill, following the QLRC recommendations, will provide more options in regard to how we work. The option to work with another worker, share expenses and share resources is important. It will also be good to see that those of us that choose to work for an employer will have existing WHS regulations apply to our workplaces, and employers will have to comply. This will include being required to provide PPE (condoms, etc.) and should include paying superannuation and other entitlements that are currently denied to us. These choices and obligations are at the core of Fair Work obligations and decriminalisation.

In Queensland, we have endured discriminatory and stigmatising law enforcement that has been levelled at over 90% of the sex industry. The licensed legal sector makes up less than 10%, but very few trans or male sex workers can get work in the legal sector. The licensed brothel sector has demonstrably failed. There are currently only 17 in Queensland, and they

are of such a small size (maximum of five rooms and eight workers) that only the most stereotypical sex workers can work there. Workers in licensed brothels are young (usually under 35) and stereotypically petite, cis-gendered women.

In 1990, the Qld Prostitution Act became law, creating a brothel licensing system. At the same time all other sex work workplaces were criminalised (other than working alone). The Prostitution Licencing Authority (PLA) only regulates a small number of licensed boutique brothels, but Qld police remain responsible for all sex work outside of licensed brothels.

Under decriminalisation we will be able to develop and grow relationships with public, private and governmental agencies, including banking, superannuation, healthcare providers and numerous other essential services and institutions used by other working people without fear of discrimination, judgement and the often blatant refusal to engage with us.

Community building will be possible in ways that are currently not possible due to the risk of being considered as an illegal brothel, which under the Prostitution Act is anywhere with two or more sex workers. This treatment, that we are not criminals, is what will enhance our health, safety, housing and financial stability, wellbeing, health and safety as well as personal and professional growth.

We will be able to develop safety strategies relative to the location and service requirements of ourselves and our clients. We will be able to report crimes committed against us and share information with other workers of the particulars. This is a big issue in the Transgender, and Transgender sex working community, as we are routinely subject to police harassment, discrimination and the inability to access justice for crimes perpetrated against us.

We will also be able to be clear about the services we offer and set boundaries around services we do not wish to offer. As the law stands at the moment, Transgender sex workers face additional safety risks compared with other sex workers. As sex workers cannot describe their services, and clients who seek our services are often dealing with internalised homophobia, violence against us as a sector of the sex worker community is particularly high.

Protection against discrimination, vilification, transphobia and whorephobia are core human rights. I am pleased to see a new attribute added to the Anti-Discrimination Act but note that there is also a need for vilification protections.

Inclusion and protection under WHS laws and regulations developed in meaningful consultation with sex workers to ensure that they are workable and fit for purpose will be a great improvement for our industry, especially for Transgender workers who cannot advertise 'top', 'bottom' or 'versatile' services, language commonly used in the queer community to inform potential clients of what is on offer.

Statistically, Transwomen are a distinctly poorer and more marginalised community than other sectors of society. One of the reasons for this is blatant discrimination and transphobia,

which severely limits employment opportunities outside of sex work. Another reason is that sex reassignment and feminising surgeries are expensive. Decriminalisation will enable all sex workers better access to move through the industry to pay for higher education, surgery (if we choose) and provide better opportunities for their children, thus reducing intergenerational poverty.

We have waited a very long time for decriminalisation. Please don't allow this process to stall at this late stage when sex workers can finally see the possibility of living with basic human rights, respect and dignity as members of the Queensland community.

I am happy for this to be published on the Committee website although I would like my contact details withheld.

Thank you for considering my submission.

Yours Sincerely

Elle Coles

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