

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

Submission No: 121
Submitted by: Anonymous submissions provided to Respect Inc
Publication:
Attachments: See attachment
Submitter Comments:



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Certificate of Incorporation IA37574

8 March 2024

Committee Secretary
Housing, Big Build and Manufacturing Committee
Parliament House
George Street
Brisbane Qld 4000
HBBMC@parliament.qld.gov.au

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

Dear Secretary,

Thank you for accepting these anonymous submissions from Queensland sex workers, in recognition of the importance of sex workers' voices in this important reform, as well as of the risk to sex workers' safety that could be posed if they were obligated to make submissions using their legal names and contact details under the current legal framework.

Under current criminalisation laws, and with the current levels of stigma and discrimination that sex workers in Queensland face, sex workers' safety could have been at risk by making a submission to this process. These important members of our community would have been unable to have their voices heard and views counted.

Yours faithfully,



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For Publication

1 March, 2024

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

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

Thank you for the opportunity to submit to this process.

I strongly support this bill and the recommendations made by sex worker advocate programs and sex workers themselves to make our industry safer.

I'm a sex worker and decriminalisation is important to me because I want to feel safe at work. Currently, there are many aspects of my job that are considered illegal in Queensland that make it unsafe for work. For example, it is illegal for me to text another worker I am friends with about going to a job so I can let them know that I am safe in that environment, or that a client has left on time from my own premises. That is why I am very passionate about Chapter 22A of the Criminal Code being repealed, as well as the Prostitution Act. I want to be able to implement safety strategies so I can feel safe doing my job. I am very lucky in that I am a high-end escort, I am able to screen my clients before bookings and usually they are very good to me, but in the event of any kind of problems I would want access to all these safety strategies. I also want sex workers who are less privileged than me to be able to be safe. I feel very strongly about this, particularly for the sex workers who need protection more than I do.

I also want to be free from criminal charges if I work with another sex worker. I have a Bachelor degree in International Relations and am currently studying a Grad Diploma in Psychology which I will follow with a Masters in Finance, so criminal charges can seriously impact my future career options and ability to travel. To have a criminal record for trying to look after my safety, when it would be legal in NSW for instance is not fair. I contribute to the Queensland economy by paying a usual \$10,000 per quarter in GST, as well as the federal economy by paying a 47% tax rate. For instance I have been told by my financial planner to save \$100k for my tax bills this year. I don't do this job because I am in a bad situation. I come from a good family and I love what I do as I'm a people person and have a goal in mind. These laws will not encourage more workers to join the industry as the stigma will always exist and it takes a certain mindset to do this job. I just want to be free to do my job in peace with the support of the law, and then when I want to move on to another career in international finance when I'm ready, to not have to worry about having a criminal record that would prevent me from doing that role or traveling to the United States or other countries in which having a criminal record would prevent me.

Another important element to this bill to me is the advertising standards. Being able to state my services is important and something that is legal in other states, so Queensland should be following suit in this day and age. I run my business very professionally and being able to say what I do, or do not do is an important part of that. I look unprofessional when I can't do that and then have to explain to a client from out of state that it's a Queensland law, which they all think is ridiculous.

Other elements of the bill I support include a minimum of 4-5 years for the review of the laws as any sooner wouldn't give this enough time, support laws to prevent council banning sex work outright in their local areas, recommend that sex workers are able to work together; and as I have previously stated I support the repeal of the Prostitution Act and Chapter 22A of the Criminal Code.

I would like this submission to be submitted by #DecrimQLD and Respect Inc on my behalf and I am happy for this to be published on the Committee website. Thank you for considering my submission.

Yours sincerely,
Anonymous

Name withheld (for safety)

Housing, Big Build and Manufacturing Committee

Parliament House

Brisbane Q 4000

29 February 2024

Please accept this submission supporting the Criminal Code (Decriminalising Sex Work) Bill 2024. I'm 29 years old and a service provider in a licensed brothel and also work independently and tour. I am in support of decriminalisation and this Bill as sex workers deserve respect and fair treatment by the law, not to be treated as criminals.

Discrimination impacts on my work and private life in a major way under these laws. The message sent is that we are not to be trusted, we are criminals and that sends the wrong message to the community. It gives the impression we can be treated badly and there will be no reproach. It tells police they don't have to take our experiences seriously. We are vilified in the media and people have a warped idea of who we are and why we do our work. While we are effectively criminals under law this will continue.

The current relationship with police is one of no-trust. To report crime is to risk arrest or harassment. Many offences are not reported. It's good that police can no longer trick us or trap sex workers but it needs to go further, so we are no longer under criminal laws.

The licensing laws have pitted people in the sex industry against each other. Brothel owners with licenses hate other businesses, particularly massage parlours and privates because they think everyone is out to get their business. They don't want licensing and the huge license fees but don't want other sex workers or businesses to have the right

to work legally, either. They also don't want us to be in contact with Respect in case we know our rights.

We need stealthing laws and to have no barriers to reporting assault to the police whether we work in a brothel, massage or escort. It shouldn't be up to the manager.

The Prostitution License Authority funds should be used to provide better supports for sex workers when the Prostitution act and Criminal laws end. The new discrimination protections will help put an end to shops and services charging us more because of our work. Very important when the cost of living is so high and the industry is so quiet.

Sex workers should be able to share a place to work to cover costs and have support. Most sex workers prefer to work outside of brothels once they have experience to have greater control over the service we provide and when we work.

Decriminalisation should have happened when the police corruption was identified in the Fitzgerald Enquiry. We have been left without protection and under police control for all these years. This is now URGENT.

The government should be applauded for showing such leadership on this matter and standing up for women often left behind. I ask that you recommend this Bill become law.

Thank-you for reading my submission.

06/03/2024

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

Dear Secretary,

Thank you for the opportunity to submit to this process.

I fully support the Decriminalisation Bill as it would make my work a lot safer and more in line with other industries.

I'm a sex worker and decriminalisation is important to me because it will allow me to be able to have a safe person to contact when I'm in a booking and to check in on me. It would give me more security if I am able to work with another sex worker for safety. It would also allow me to advertise my services without any misunderstandings from clients. I would feel more confident to report any crimes that may be committed against me. I would feel more confident and safe if I knew that there would be no charges or arrests made against me. The bill will reduce much stigma and discrimination towards sex workers, which is long overdue. The bill will give me more workplace options, therefore, I can work within the law more readily.

Workplace Health & Safety is very important to me and I believe this bill will enhance us in this area. We envisage that this bill will pass through Parliament successfully and with urgency as we do depend on these changes to positively affect workplace, health and safety.

I also strongly believe that a lot of the myths around sex work will be dispelled. There seem to be some alarmists who think that decriminalising sex work would greatly increase the number of sex workers. New Zealand is an example that there were no findings in a greater number of sex workers due to decriminalization. This model works very well in other states in Australia and New Zealand. Other myths include that less PPE will be used in sex work which is untrue as we value and look after our health. Another myth is that if we can work in pairs from one property, there will be hundreds of clients coming through our workplace. This is entirely untrue as we like to keep ourselves under the radar, very discreet and not draw attention to ourselves.

I would like this submission to be submitted by #DecrimQLD and Respect Inc. on my behalf and I am happy for this to be published on the Committee website.

Thank you for considering my submission.

Yours sincerely
Gabrielle

1 March 2024

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

RE. Criminal Code (Decriminalising Sex Work) and other Legislation and other Legislation Amendment Bill 2024

I am Blossom Anna. A Queenslander of 23 years. Retired Trans Sex Worker. This is my submission to the process of Decriminalising the Sex Work Bill. Sex Work is Work just like any occupation of choice. It is adamant that for personal security a sex worker is allowed to be in contact with other sex workers, driver, co-worker.

Free from Police threats and agents provocateurs.

Police is meant to protect us, not to entrap by nefarious means.

This #DecrimQLD will be submitted by Respect Inc. on my behalf. I permit this submission to be publicised on the Committee website.

Thank you.

Yours sincerely,
Blossom Anna (Retired Sex Worker aged 75)

27/02/24

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 submit to this process. I fully support decriminalisation of sex work in QLD.

I'm a sex worker and decriminalisation is important to me because being able to work safely & lawfully is very important to me. I have been doing brothel work because I was scared to do private work in case I did something wrong and got arrested by police or fined. Brothels have an unfair pay split 60/40, 40% going to the worker that's only \$80 for a 30 min booking and you are told by management to stay on shift for the full 8 hours otherwise you might not get anymore shifts, even if its quiet and you aren't making any money or you have done enough bookings and you don't want to do anymore. As we are not employees of the brothel, we aren't paid wages. We only make our cut of each booking, so most of the night we have to be on premises but we aren't actually making any money. As sole traders working on ABNs, we should be able to have more freedom in our work choices.

Being able to use safety strategies (text friends to let them know I'm safe) will also open up more choices for me, because if I felt like I could be safe, I would also be able to do private work.

I have had friends who are sex workers try to report crimes and they have been ignored by police or made to feel bad about why they are reporting a crime. Police don't see sex workers as victims of crime, but as criminals. I hope that when thi Bill is passed, sex work will be seen as work, and not as a crime, especially by police.

Some of the positive outcomes of this law reform for me will be - reduced stigma and discrimination, having greater workplace options, being able to comply with the law, being able to do private bookings and not having to put my safety at risk to work legally, texting friends to tell them where I will be/if I'm safe and being able to advertise what I do in my services so clients know clear boundaries and if they want to book me or not, being able to work together, for safety reasons and sharing costs of accommodation so you don't have to take bookings you don't feel safe doing because there is less money pressure, protection from discrimination -sex work is work and just because I have done sex work does not mean that I should have less opportunities due to stigma and discrimination.

Workplace Health & Safety protections are important to me and I am glad that sex workers will finally have access to WHS protections, including the provision of PPE by employers. Sex workers need to be seen as workers and have the same protections as everyone else, a delay in putting through decriminalisation would be a terrible thing for the sex worker community. Each day this is delayed, sex workers continue to have our safety at risk.

I would like this submission to be submitted by #DecrimQLD and Respect Inc on my behalf and I am happy for this to be published on the Committee website.

Thank you for considering my submission.

Yours Sincerely
anonymous

2nd March, 2024

Committee

Changes to sex work laws

I'm a sex worker, working while studying and a single mum.

I've been following the change of sex work laws and want to ensure that the Committee understand how important this reform is to us, as sex workers. Unfortunately debates about sex work laws are almost always about other people. Policy makers seem fixated on the concern for their comfort over our safety. There is no balance. As if sex workers can only be afforded human rights if other people won't have to see or hear us or won't have to know we exist. It reminds me of some of the debate around marriage equality.

The laws have impacted on my safety and social connectedness. They limit my human rights and reduce my ability to work with other sex workers or even communicate with each other for peer support or to watch out for each other. They create the opposite of social cohesion. The laws tell sex workers you don't have a place in the community and tell the rest of the community that we are connected to crime (as criminals) and need to be controlled by the police force or are spreaders of disease.

Every sex worker I know goes for testing and uses condoms for protection with our clients. We are experts and there are resources online (redbook.com.au) and new worker workshops for those just starting out and wanting tips.

Stigma is created by these laws and this leads to people thinking we are an easy target and knowing that we are unlikely to report crime or be believed.

The removal of sex work from the criminal code and repeal of licensing laws supported by protections under 'sex work activity' will help to reverse these understandings over time. There will need to be work done by Respect to change attitudes and that will need resources.

Decriminalisation will also mean we can go to the police if we experience a crime and police officers will be expected to act on the report.

I work in a brothel and also for myself. The brothel management are worried they will lose business even though there are only 18 of them left. They constantly tell us how our income will drop dramatically after decriminalisation of sex work. While the other women I work with support decriminalisation there is no way you could say that in front of management. You would be likely to fall off the roster. It's another way the current laws have created division in our industry. Licensed brothel owners just want to maintain their profit.

That's understandable but that should not come at the expense of our safety, WH&S and right to industrial protections.

In many ways the licensing laws were aimed at trying to force us all to work in brothels. Escort agencies etc were criminalised when the Act started in the late 1990s. Conditions in brothels are dictated by the owner of the business and 50% of the fee is taken by them. Licensing didn't work and has not worked for the 25 years since it became law. It has benefited some (brothel owners who have a license) but has kept all the rest of us unable to speak out.)

I have worked in Sydney many times and do not want to see councils be able to ban us. They should treat us as home based business and should not require a permit for sex workers to work together from home in a unit or house.

I hope that dancers in clubs, also part of our community, are next in line for law reform and I hope there are efforts made to stop police just changing their focus on them.

Kate

[Name withheld for my privacy and my child's safety]

06 March 2024

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 providing the opportunity to submit to this process.

I would like to very clearly state that I strongly support the Decriminalisation Bill, which seeks to end the treatment of sex work as criminal activity. I think this is a profoundly important step in the right direction, where sex work is treated as work, fairly recognised under more appropriate legislation.

I further request a commencement date of 1 July 2024 for these changes to take effect.

I am a sex worker and decriminalisation is important to me because ultimately, it means safety. It means repeals to antiquated legislation that currently impinges on our [industry workers] wellbeing and ability to conduct business fairly.

I currently work in a licensed brothel. The repeals and amendments to the *Criminal Code*, *Prostitution Act* and *Anti-Discrimination Act*, as set out by the Decriminalisation Bill, means I would have the option to comfortably work independently. Where I could employ appropriate safety strategies with my peers, without the threat of criminal consequences and discrimination. Where I wouldn't have to choose between working safely and working legally, where my chosen industry of work would be treated equally by local councils, and where I might feel safe engaging in the justice system if required, without the anxiety of being left unheard, unsupported, or worse.

I am very much in support of national advertising standards that would make our jobs easier, and I believe the introduction of more appropriate Workplace Health & Safety regulations and continued provision of PPE is important, thus holding the sex work industry to the same standards as other businesses in Queensland. Contrary to popular myth, sex workers are not vehicles for spreading disease, if anything, we are key educators on safer sex practices.

In solidarity with my former peers, I also request that the Queensland Government repeal laws within the current Liquor Act, enabling greater protections for my strip club sisters who have sadly been left behind in the proposed Decriminalisation Bill amendments. They should also be afforded the safety of appropriate Workplace Health & Safety regulations and labour rights, both of which they are currently being denied.

I strongly believe in and hope for continued consultation and partnership with relevant sex worker organisations in the deployment of these reforms (i.e., Respect Inc). Ensuring that appropriate support is provided throughout the entire process and into the future. In the next phase of these legislative changes, I would also like to see the expungement of past criminal charges laid against existing and former sex workers under the current legislation. It would be remiss of our government to leave these workers behind.

Finally, I would like this submission to be submitted by #DecrimQLD and Respect Inc on my behalf and I am happy for this to be publicised on the Committee website.

Thank you for considering my submission.

Yours sincerely,

Anonymous

7th of February 2024

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 submit to this process. I am in complete support of the Decriminalisation Bill for Sex Work. The far reaching effects of this Bill will only have positive outcomes for sex workers and Queensland society as a whole.

I am a Transgender woman and a proud sex worker. I believe sex work is real work and that the Bill proposed will give the rights to sex workers that all workers deserve in the workplace. Having transitioned a few years ago and my occupation, the hardest change for me has been the safety revolving around my place of work. I worked as a construction plumber for twenty-five years and enjoyed the rights we deservedly have, as does any other occupation. I had no hesitation in using safety strategies for instance, checking in with other workers, working with others and the ability to notify infringements to the relevant authorities (abusive or non-paying clients). I do not underestimate my obligations to WHS as they are for my benefit and the general public. Observing safe work, being able to report a crime, the fear of criminal charges or arrest, a diversity of workplace options and compliance are citizen rights and obligations. There is a misconception in the broader community that decriminalising sex work will increase the size of the industry and that safe sex (use of condoms) will decrease. This has not been the case in other jurisdictions where sex work has been decriminalised, e.g., NSW, NT and Victoria. It will only remove stigma and discrimination from sex workers that, again, all other occupations enjoy.

I Would like this submission to be submitted by #DecrimQLD and Respect Inc on my behalf and I am happy for this to be published on the Committee website. Thank you for considering my submission, I ask that my name and contact details be withheld.

Yours Sincerely

Deita 

Thursday, 7 March 2024

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

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

Thank you for the opportunity to submit to this process.

I'm a sex worker in Queensland and decriminalisation is important to me because it will allow me to have a safer work environment and to have greater access to support in the workplace.

I work in the Adult Entertainment industry and the lack of legal protection has left me and other peers vulnerable to mistreatment in the workplace. This has impacted my mental health detrimentally.

I support the amendment of the Liquor Act however I also request a review of the Adult Entertainment industry and associated Code and Act. Having police in a regulatory role has proven to be ineffective in protecting sex workers and even harmful and they should not be the regulator of our jobs. In line with decriminalisation, police should have no enforcement role, we must ensure all sex workers are included in decriminalisation including strippers.

The laws currently in place punish strippers when the consented line is crossed rather than the customers. It's also common practice in QLD for strippers to receive cash fines for being late, being sick or leaving the venue before close often due to being unwell up to \$200. We also must pay a house fee to work every shift which the venue takes on top of taking commonly 40-50% of our income as stated in most contracts. Management often takes advantage of our lack of rights and we can be unfairly dismissed due to most anything management decides on. High employee turnover is often a result, due to this.

I support the repeal of Ch22A Criminal Code, including the laws that criminalise sex worker safety strategies such as working in pairs or groups. Working in pairs provides us more safety and more opportunities for workers to offer different services, and can lessen the likelihood of potentially dangerous situations occurring. Being able to contact other workers regarding booking details e.g location and time greatly improves sex workers safety when at work.

The expungement of sex work offences from criminal records is important to include in future legislation to prevent ongoing impacts of the, soon to be former, criminalised framework on sex workers. Including as they endeavour to change industries to pursue other careers.

I recommend a commencement date of July 1st 2024, as any further delay leaves sex workers criminalised, and therefore vulnerable with reduced safety strategies and limited access to justice.

I would like this submission to be submitted by #DecrimQLD and Respect Inc on my behalf and I am happy for this to be published on the Committee website.

Thank you for considering my submission.

Yours sincerely, (Anonymous)

07 March 2024

Committee Secretary,

Housing, Big Build and Manufacturing Committee

Parliament House Brisbane Qld 4000

Thank you for the opportunity to provide a submission to the Criminal Code (Decriminalising Sex Work) and Other Legislation Amendment Bill 2024. I am a sex worker who provides BDSM services, and the proposed changes presented to parliament on 15 February 2024 would have a huge and positive impact on my work and personal life.

BDSM is a specialised area of sex work that requires a lot of specialised training (not just in the use of equipment but in boundary maintenance, boundary enforcement, negotiation, very specific hygiene as well as health and safety practices) and an apprenticeship with a fully trained mistress. It is also a very intense form of sex work, both physically and mentally, and hands-on training is very important to ensure the safety of both the practitioner and the client.

My dungeon is well equipped to provide the services I offer, and each of the pieces I use can be used as a weapon against BDSM practitioners and is easily accessible because it is hanging on the wall for ease of use. BDSM practitioners can attract clients who are sometimes obsessive and lacking in boundaries. My services (and those of other practitioners) require strong boundaries and debriefing after sessions. Debriefing cannot be done adequately when I always have to work alone.

Under the current laws, BDSM practitioners cannot work with others or enter into apprenticeship-type arrangements (because that would necessitate 2 sex workers working together). So full and practice-specific safety practices (physical and mental) cannot be put into place in Queensland without breaching the laws. Unfortunately, this can lead to people who are not fully trained working in BDSM, with a concomitant lack of adequate safeguards for the client or the practitioner. Hygiene is a very large part of what we do.

Because of the stereotypes around BDSM and BDSM practitioners, there is a strong stereotype in society that sex workers are 'in control'. The stigma surrounding sex work in general is compounded for us. There is an attitude from the police that we are 'abusive', and so if something goes wrong in a session, that it is our fault. The client is viewed as the victim even though consent and negotiation is very important and a large part of BDSM practice

I was arrested by the police a few years ago for having more than one sex worker on the premises and I still live in fear that if the police were called, or if I needed to call the police, that it will come up against me.

As BDSM practitioners become more experienced, there is a trend towards taking on apprentices, running workshops or renting out their dungeons to others (a fully equipped dungeon is very expensive to set up and maintain). In Queensland, under

the current laws, I cannot do that. BDSM is hard work on the body and the laws limit my ability to expand my career.

I would like this submission to be submitted by #DecrimQLD and Respect Inc on my behalf and I am happy for this to be publicised on the Committee website. Thank you for considering my submission.

Yours sincerely

Annabelle

7 March, 2024

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 submit to this process.

I'm a sex worker and decriminalisation is important to me because the current licensing system has greatly impacted my mental health and ability to work safely. I feel isolated and alone. I choose to work legally as much as I can, even though it is very difficult for me to comply with the laws. I make this choice because I am more afraid of what might happen if I am charged for a crime related to sex work, than I am of encountering physical harm from a client. Although the risk of working alone is on my mind every day. Having the risk to my physical safety as a constant thing that I need to worry about has been extremely detrimental to my mental health. I believe that when I can work with a friend or friends, and we can look out for each other, socialise in the workplace, share costs and information etc, I will enjoy a much better quality of life and much better mental health.

At the moment, the only place I can go to meet other sex workers and talk about work, give and receive advice, find out what's happening for other sex workers, current trends, bad clients, even this law reform process is Respect Inc. I don't believe there is any way that all the sex workers in Queensland will be able to find out about changes to the law other than through Respect Inc. We trust them to give us the right information and that they have our best interests in mind. It's going to be a very big job for Respect Inc to be able to get the information out to all the sex workers in QLD, therefore I am imploring the Government to please ensure Respect Inc has the resources they are going to need to make sure all Queensland sex workers are taught about and understand the new laws and the new ways we will be able to work and the new benefits and protections that will be open to us.

I am currently afraid to report crimes that have been committed against me. It would be wonderful to feel safe enough to report these crimes. If decriminalisation was brought in I would feel like I would experience less stigma and less discrimination. I would be able to work safely by being able to use simple basic safety strategies and I would also have greater workplace options.

I am happy for this to be published on the committee website.

7 March 2024

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

To Whom It May Concern,

Thank you for the opportunity to submit to this process. I am writing to express my unequivocal support for the Criminal Code (Decriminalising Sex Work) and Other Legislation Amendment Bill 2024 in Queensland. For the benefit of all sex workers in Queensland, I encourage the parliament to work diligently to pass this legislation promptly so that it may come into effect on the first day of the new financial year, 1 July 2024.

I'm a sex worker based in New South Wales, where we have benefited from the decriminalisation of sex work since 1995. Decriminalisation of sex work in Queensland is important to me because the safety and rights of my peers should not depend on whether they live in Tweed Heads or Coolangatta. I have been a sex worker for eight years across several different kinds of in-person and online sex work and regularly toured interstate, including Queensland. The existing laws have not prevented me from working in Queensland, but they have prevented me from working safely.

The bill includes extensive measures that will very tangibly change the lives of sex workers in Queensland, but here are some ways that these changes will address issues that have jeopardised my personal safety while working in the state.

The current legislation forces me to choose between my safety and breaking the law. A crucial part of my safety and screening protocols involves sharing information about what I'm doing, where I'm doing it and who I'm doing it with. Most of the people I trust with this information are also sex workers because they understand the process and why it is essential, are often available at the same times and because most of my friends are sex workers. I reciprocate this support, and together, we keep our community safe. I often tell clients about these check-ins because it shifts the power dynamic in my favour when they know I'm not isolated. This process is at the core of our safety strategies and is illegal in Queensland. When I first worked in Queensland, I followed the law, and while I was lucky that nothing bad happened, it remains the most unsafe I have ever felt in any form of sex work. Out of necessity, I have subsequently chosen my safety over legal compliance when touring, which no one should ever have to do, sex worker or not.

When touring, especially in a new city, I often travel and work with a colleague for company safety and to reduce overheads. Queensland's current legislation means we are breaking the law even if we don't offer bookings together. It is also nonsensical that we can legally work separately and we can legally have a threesome together for free. Still, as soon as we are paid for our time, it's illegal, especially because it is entirely legal to do so when we are at home in NSW. Following current laws would require us to work for a licenced establishment if we want to offer bookings together, forcing us to forfeit a portion of our earnings to a third party, which is not something I am personally interested in or comfortable with doing. Many workers prefer to work in establishments and should be empowered to do so, but the government should not have the right to dictate whether we do so or not.

Working in both Queensland and NSW really highlights the arbitrary nature of the current Queensland legislation. I work from home in NSW, and when sex worker friends from Queensland visit, they often use my space to see clients so they don't have to pay for a hotel, and I can help with safety protocols. Yet they can not return the favour when I visit them without risking criminal charges. Additionally, I can pay my friend in NSW \$20 to drive me to and from a booking. In many cases, I feel safer having my own driver than always relying on a rideshare. However, in Queensland, they have to have a very specific licence and cannot use that licence to drive any other sex workers. If the friend is also a sex worker, it's completely off the table regardless of payment, and we can't even ask. In practice, it is unviable to comply with these laws, especially as a touring worker.

Another issue with the current legislation addressed by this bill is the advertising restrictions that do not allow us to list our services. This causes an unnecessary administrative burden because we have to have multiple versions of our ads and provide the information that would usually be communicated in our ads or websites directly to each person who inquires. More concerning, in my experience, it has resulted in significantly more rude or hostile exchanges with people who would usually have self-selected out of contacting me, which are emotionally taxing and can be distressing. This does not happen to me on a remotely comparable scale when working in NSW, where my advertising simply has to comply with the same national standards as any other business.

Most importantly, the difference between the two jurisdictions is how safe I feel reporting a crime if it were to occur. Reporting crimes as a sex worker is already daunting, but knowing that you could also receive criminal charges in the process is genuinely terrifying. Criminalisation doesn't stop sex work or crime from happening. It just stops sex workers from reporting the crimes that happen to us. Sex workers do not want to break the law to be safe. We deserve the same rights and protections as workers in any other industry.

The success of decriminalisation in other jurisdictions means that the benefits of this bill are not hypothetical. They are proven outcomes of evidence-based best practices. Decriminalisation and anti-discrimination protections will not increase the size of the sex work industry but actively make it easier for people who wish to transition out of the industry to do so. These laws disproportionately affect us as sex workers more than any other stakeholders, and as such, our voices should be centred in this process. The Criminal Code (Decriminalising Sex Work) and Other Legislation Amendment Bill 2024 simply removes the barriers that make sex work dangerous, and it is the best possible way to improve the safety and well-being of sex workers in Queensland.

I would like #DecrimQLD and Respect Inc. to submit this submission on my behalf, and I am happy for it to be publicised on the Committee website.

Thank you for considering my submission.

Yours sincerely,

BW

07/03/2024

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 submit to this process.

I unequivocally support decriminalising sex work because the current laws make it extremely difficult to conduct sex work safely in Queensland.

I've been a sex worker on and off for about 5 years.

Decriminalisation is important to me because I would like to resume sex work to help me pay for the substantial medical costs associated with one of my chronic health condition.

Currently I don't feel safe as a sex worker because I can't utilise simple safety strategies like letting my partner or a friend know where I will be while working.

I also would prefer to work together with other sex workers to further increase my personal safety.

Under current laws, working in pairs is not allowed.

Working with another sex worker is a very simple and effective strategy to minimise potential harm.

In the past, I have arrived at clients' locations, only to find them intoxicated or under the influence of something.

I wish that I had a partner with me to help me feel safer.

I am not comfortable doing this work until I am legally allowed to have someone else with me.

Decriminalisation will not cause the industry to increase in size or for unsafe sex practices to increase. Sex workers are statistically some of the safest people to have sex with, as our livelihoods are dependent on our sexual health.

I would like this submission to be submitted by #DecrimQLD and Respect Inc on my behalf and I am happy for this to be publicised on the Committee website.

Thank you for considering my submission.

Yours sincerely

Sean D

3 March 24

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

Thank you for the opportunity to submit this process. I am writing this submission in support of the 'Criminal Code (Decriminalising Sex Work) and Other Legislation Amendment Bill 2024'.

Decriminalisation is crucial for me as a sex worker because it will allow me access to the same rights as any other person in the workplace in Queensland.

I support the repeal of Ch22A Criminal Code. I should not have to choose between working legally or working safely. The repeal will allow me to report crime such as theft or assault without fear of repercussion.

In the past I have sought assistance from the police only to be warned that if I were to continue with my report or wish to press charges that I may also be in legal trouble due to implementing safety strategies (such as checking in with another sex worker) currently criminalised.

I encourage that this bill commences by 1st of July 2024 to avoid further criminalisation of safety strategies. Sex worker safety remains at risk until this bill is commenced.

It is exceedingly important that the Anti Discrimination Act has been added to the bill and I support the omission of s 106C. I know sex workers who have experienced homelessness due to discrimination and eviction from accomodation providers.

I have also experienced discrimination and have been evicted from hotels upon discovery that I am a sex worker. When visiting Mackay I was approached by hotel reception after midnight and asked to leave upon discovery that I am a sex worker, there was no other accomodation available at this time and I had to beg the staff to let me stay until morning as otherwise I would have had nowhere to go.

I support cl 6 however suggest removal of the word 'Adult' to the clause as this excludes a person of 16/17 years old from protection of discrimination when doing sex work.

I agree with the amendment of the Liquor Act but strongly advise that the Adult Entertainment laws are reviewed to assure that all sex workers (strippers included) benefit from decriminalisation.

In line with decriminalisation police must be removed from enforcement roles if sex work is to truly be decriminalised.

I support the repeal of the Prostitution Act 1999. This will allow sex workers to advertise and communicate without the confusion of trying to navigate the PLA's strict but unclear criteria. It is more reasonable that our advertising is only restricted to the same degree as anyone else. This will also improve sex worker safety by removing definitions that prevent sex workers from working alongside each other.

The licensing system we have now has proven ineffective, eradicating this system will allow sex work to operate as any other business in Queensland.

I would like this submission to be submitted by #DecrimQLD and Respect Inc on my behalf and I am happy for this to be published on the Committee website.

Thank you for taking the time to read and consider my submission.

Yours sincerely

Auden

07 March 2024

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

Dear Committee Secretary,

Thank you for the opportunity to submit to this process. I am a sex worker and strongly support the Criminal Code (Decriminalising Sex Work) and Other Legislation Amendment Bill 2024.

As a sex worker, decriminalisation is important to me for many reasons:

I feel anxiety when a potential new client rings me. Sometimes this affects me to the point that I lose needed income.

I cannot afford to rent separate accommodation for work and cannot take the risk of getting arrested for sharing premises with another worker.

I am barely making ends meet. This is because I cannot share costs with anyone else.

When I (occasionally) do doubles I am always scared that I will be arrested if the client is an undercover police officer. Why should working with another worker be legal in a parlour but not in your OWN home?

I am a grandmother and worry that if I was to be arrested that my family and granddaughters would find out what I do for a living. No one should be ashamed of the work they do.

I really feel that this new legislation will help to reduce the way people feel about sex workers by making it like other work.

I would like this submission to be submitted by #DecrimQLD and Respect Inc on my behalf and I am happy for this to be publicised on the Committee website.

Thank you for considering my submission.

Yours sincerely

Irina

6/3/2024

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 submit to this process

My name is Jade [REDACTED], I was born, raised and still live in Queensland. I am a 27 year old cis woman, living with ADHD, dyslexia and dyscalculia. I am currently working as an independant full service sexworker and adult content creator for three years now. I also have three years experience in licenced Queensland brothels and six months in New South Wales brothels. My personal experience with law on sex work in queensland is that the law negatively impacts sex workers and decreases our safety, therefore a decriminalistion model should be implemented instead. I have prepared an essay to explain how this is so.

I would like this submission to be submitted by #DecrimQLD and Respect Inc on my behalf and I am happy for this to be published on the Committee website. Thank you for considering my submission.

Restrictions to the Topic

Due to the taboo nature of sex work the available research is limited¹ so this essay will examine studies done across different countries to help understand the experiences of sex workers in general. Also, the term 'prostitution' is legally used to describe this type of work, however, the term is typically regarded as a slur among sex workers and, thus, shall only be used when quoting the law.²

Safety Issues for Independent Sex Workers

Message Takers

As they do not have the backup of a brothel manager, many independent sex workers communicate the details of their bookings to a trusted person called a 'message taker'.³ This common safety method is currently restricted under section 229H(5)(c) of the *Criminal Code*⁴ which forbids sex workers from using another sex worker as a message taker. Consequently, women must effectively 'out' themselves as a sex worker to a friend or family member in order to legally use this common safety method. However, if her entire social network has negative cultural, social, political or religious beliefs about sex workers, 'outing'

¹ Minichiello et al, 'Male sex workers in three Australian cities: Socio-demographic and sex work characteristics' (2002) 42(1) *Journal of Homosexuality*, 29-51; Renshaw L et al, 'Migrant sex workers in Australia' (Research and public policy series No. 131. Canberra: Australian Institute of Criminology 2015) 8.

² Scarlett Alliance, *Terminology* (14 May 2007) Scarlett Alliance <<http://www.scarletalliance.org.au/issues/terminology/>>.

³ Crime and Misconduct Commission, *Regulation Prostitution*, Report No 2 (2011) 42-43; Bungay V, Guta A, 'Strategies and Challenges in Preventing Violence Against Canadian Sex Workers' (2018) 108(3) *American Journal of Public Health* 393.

⁴ 1899 (QLD).

themselves could be physically, mentally and financially dangerous.⁵ Thus, the law is forcing sex workers to risk their social standing and stability in order to ensure their safety during bookings. As many sex workers are ostracised from their networks after revealing their profession⁶, the law is also forcing some workers to go without the use of a message taker all together, making their work unnecessarily dangerous.

For sex workers who do not have the support of their social networks, there are no legal alternatives. In fact, s 229H(4)⁷ forbids sex workers from hiring a receptionist or message taker. This means that sex workers are unable to get assistance when negotiating boundaries with clients before a booking. This is particularly burdensome to sex workers who are intimidated easily (due to age or inexperience), have limited English skills or poor education levels.⁸ It is clear from the conviction records that many sex worker's experience that having the support of a paid message taker/receptionist is essential to their safety.⁹ In fact a sex worker was recently convicted of using a receptionist to negotiate her bookings as she had limited English skills and a fourth grade level of education.¹⁰ Thus, while the law is criminalising these safety measures it is consequently putting a disproportionate burden on those who do not have supportive social networks or those who require assistance due to their limited English skills, inexperience, poor education, or disabilities like dyslexia or dysgraphia.¹¹

Onsite Security

For independent workers ss 229H & 229HA of the *Criminal Code*¹² does not allow anyone to be on the premises during a booking other than the sex worker, the client/s and a security guard with a crowd controllers license. However, the cost of hiring a licenced person are out of the financial means of many sex workers. In 2011 a Crime and Misconduct Commission report¹³ noted that while more research into

⁵ Bungay V, Guta A, 'Strategies and Challenges in Preventing Violence Against Canadian Sex Workers' (2018) 108(3) *American Journal of Public Health* 395; Shaver M, Lewis J, Maticka-Tyndale E, 'Rising to the challenge: Addressing the concerns of people working in the sex industry' (2011) 48(1) *The Canadian Review of Sociology* 54.

⁶ Heilemann T, Santhiveeran J, 'How Do Female Adolescents Cope and Survive the Hardships of Prostitution? A Content Analysis of Existing Literature' (2011) 20(1) *Journal of Ethnic & Cultural Diversity in Social Work* 67.

⁷ *Criminal Code 1899* (QLD).

⁸ Shannon K et al, 'Structural and environmental barriers to condom use negotiation with clients among female sex workers: Implications for HIV-prevention strategies and policy' (2009) 99(4) *American Journal of Public Health* 664; Sou J, et al, 'Structural determinants of inconsistent condom use with clients among migrant sex workers: Findings of longitudinal research in an urban Canadian setting' (2015) 42(6) *Sexually Transmitted Diseases* 314; Goldenberg M et al, 'Complexities of short-term mobility for sex work and migration among sex workers: Violence and sexual risks, barriers to care, and enhanced social and economic opportunities' (2014) 91(4) *Journal of Urban Health* 745.

⁹ Crime and Misconduct Commission, *Regulating Outcall Prostitution*, (2006) 66; Respect Inc, *Hiring a receptionist is standard business practice not 'bizarre', but is illegal in QLD* (22 August 2020) Respect Inc <<https://respectqld.org.au/hiring-a-receptionist-is-standard-business-practice-not-bizarre-but-is-illegal-in-qld/>>; Lynch L, *Confessions of a FIFO sex worker: 'How do you regulate what is behind a closed door?'* (2 October 2019) Brisbane Times <<https://www.brisbanetimes.com.au/national/queensland/confessions-of-a-fifo-sex-worker-how-do-you-regulate-what-is-behind-a-closed-door-20190930-p52w5p.html>>; Gympie Times, *Hooker busted after servicing 25 clients in a Gympie motel* (20 November 2013) Gympie Times <<https://www.cqnews.com.au/news/classified-sex/2089378/>>.

¹⁰ Antrobus B, *Sex worker's strange agreement to funnel clients, manage prostitution fees* (19 August 2020) The Courier Mail <<https://www.couriermail.com.au/questnews/sex-workers-strange-agreement-to-funnel-clients-manage-prostitution-fees/news-story/29eb086db870f117aba418762002755>>

¹¹ Meriluoto L et al, 'Safety in the New Zealand sex industry' (2015) 49(3) *New Zealand Economic Papers* 306.

¹² 1899 (QLD).

¹³ *Regulation Prostitution*, Report No 2 (2011) 43.

the use of licensed guards was needed, there was little evidence (anecdotally or otherwise) to suggest that sex workers were capable of or thought it practical to hire a licensed guard. Effectively sections 229H & 229HA places greater burdens on those who are young, migrants or have low levels of education as they have the most risk of violence during an interaction with a client.¹⁴ The sections are also leaving those who have the least available resources in the most vulnerable positions. In 2018 Respect Inc estimated that 80% of sex workers were forced to work illegally in order to stay safe.¹⁵ Consequently, sections 229H & 229HA need to be removed from the *Criminal Code*¹⁶ to allow sex workers to have other people on the premise for their safety, a paid receptionist and to rely upon another sex worker to be their message taker.

Housing Issues

Two or more sex workers are forbidden from residing together if one of them is using that premises for the purposes of prostitution under s229K of the *Criminal Code*.¹⁷ This law affects both independent and brothel workers as only one of the sex workers need to be using the home for the purpose of prostitution to activate the prohibition on cohabitation. Testimonials from sex workers show that the prohibition has caused emotional distress, safety concerns and financial problems as sex workers cannot work at home or a shared workspace if the other inhabitants are sexworker.¹⁸ The law is also an issue because sex workers may find it difficult to locate suitable housemates outside of the sex worker community, as the workers are commonly ostracised from their social networks due to their profession.¹⁹ As per section 229K of the *Criminal Code*²⁰ police may also scrutinise any housemates of sex workers, in an attempt to discover whether that housemate is also a sex worker and consequently breaching the law. This scrutiny could be invasive and turn away otherwise potentially suitable housemates that are not from the sex worker community.²¹ Therefore, section 229K is disproportionately burdening sex workers who do not have the means to live alone, whether that be due to mental health, disability or financial reasons. Section 229K is also adding even more housing pressure to a population that already has significant barriers in finding suitable accommodation due to the taboo nature of their work.

Moreover, a premise is defined by the *Criminal Code* as a building or complex and can comprise of multiple units or apartments.²² So, if a sex worker knowingly leases a unit for the purpose of prostitution in a complex that another sex worker also has a unit in, she could be charged under s 229K. It does not matter if the sex workers are separated by thirty floors and do not communicate or work with each other. If

¹⁴ Meriluoto L et al, 'Safety in the New Zealand sex industry' (2015) 49(3) *New Zealand Economic Papers* 306.

¹⁵ Scarlet Alliance and Respect Inc, *Sex work laws and workplace health and safety symposium report*, Discussion Paper (February 2019) 10.

¹⁶ 1899 (QLD).

¹⁷ Ibid.

¹⁸ Crime and Misconduct Commission, *Regulating Outcall Prostitution*, (2006) 66.

¹⁹ Bungay V, Guta A, 'Strategies and Challenges in Preventing Violence Against Canadian Sex Workers' (2018) 108(3) *American Journal of Public Health* 393.

²⁰ 1899 (QLD).

²¹ See generally Crime and Misconduct Commission, *Regulating Outcall Prostitution*, (2006) 66.

²² *Criminal Code* 1899 (QLD) s 229C.

the worker knowingly rents within the same complex they will be in breach of the law and liable to receive a maximum of three years imprisonment. This provision is disproportionately burdensome on those who do not have the financial means to terminate their lease and move to a new house if they become aware of another sex worker in the building mid-way through their tenancy. Consequently, section 229K has driven sex workers away from their community and personal relationships, the section has also increased barriers in finding suitable housing. Therefore, section 229K of the *Criminal Code*²³ needs to be repealed in order to protect sex workers particularly those who do not have the financial ability to live alone.

Sexual Assault

Robbery

The current laws are also not meeting sex workers expectations of protection when they are robbed. In other areas, such as Canberra, it is common for the theft of a sex workers booking fee or non-payment of said fee to be construed as rape as the sexual act occurred under false pretences.²⁴ However, a conviction of rape has never been made in Queensland under these circumstances, most commonly the clients are just charged for theft.²⁵ Respect Inc argue that theft should be considered rape, as it clear that the sex worker is only engaging in sexual activity to be paid.²⁶ Thus the current legal and police practices are not upholding sex worker's expectations of justice.

In addition, it is difficult for sex workers to even get a charge of theft. It is well documented that sex workers' experiences with Queensland police has resulted in their complaints being ignored.²⁷ Respect Inc has struggled to find Queensland police officers that take violent crime against sex workers seriously.²⁸ In fact the national, sex worker led, organisation Scarlett Alliance said they "consistently" receive complaints regarding police.²⁹ This lack of trust in police and the legal system has been noted by Respect Inc to be stronger in migrant sex workers who are routinely treated as criminals when trying to seek help.³⁰ It has also been well studied that trans sex workers are frequently ignored when requesting

²³ 1899 (QLD).

²⁴ See generally Stewart S, *Former Canberra actor Kristian Mynott jailed for raping male escorts after refusing to pay for services* (24 August 2020) ABC News <<https://www.abc.net.au/news/2020-08-24/former-canberra-actor-jailed-for-raping-male-escorts/12589284>>.

²⁵ See generally McGowan M, Knaus C, *It absolutely should be seen as rape: when sex workers are conned* (13 October 2018) The Guardian

<<https://www.theguardian.com/australia-news/2018/oct/13/it-absolutely-should-be-seen-as-when-sex-workers-are-conned>>;

Ardwick P, *Men went to rob prostitute due to poor services: police* (10 May 2016) CQNews

<<https://www.cqnews.com.au/news/two-cousins-charged-with-assaulting-a-prostitute-i/2253708/>>; *R v Winchester* [2011] QCA 374.

²⁶ Respect Inc, *Sexual Assault* (22 October 2018) Respectqld.org <<https://respectqld.org.au/sexual-assault/>>

²⁷ Office of Police Integrity Victoria, *Risk mitigation in high-risk environments – street sex workers*, Discussion Paper No 1, 2008, 17; Scarlett Alliance, Submission No 010 to Legal Affairs and Community Safety Committee, *Police Powers and Responsibilities and Other Legislation Amendment Bill 2019* (8 October 2019) 5.

²⁸ Respect Inc, Submission No 020 to Legal Affairs, Police, Corrective Services and Emergency Services Committee, *Police Powers and Responsibilities and Other Legislation Amendment Bill 2011*, 2011, 6.

²⁹ Scarlett Alliance, Submission No 1 to Crime and Misconduct Commission, *Regulating prostitution Submission Scarlett Alliance*, 2010, 4.

³⁰ Respect Inc, Submission No 020 to Legal Affairs, Police, Corrective Services and Emergency Services Committee, *Police Powers and Responsibilities and Other Legislation Amendment Bill 2011*, 2011, 8.

help from police.³¹ Therefore, the current legal system and police practices are failing to uphold sex workers expectations of justice. Police are also ignoring complaints and downplaying the seriousness of assault committed against sex workers particularly migrants and trans people.

Entrapment

Lastly the police deliberately entrap sex workers by pretending to be clients and requesting illegal services, such as sexual services without a prophylactic.³² In 2006 section 77A of the *Prostitution Act 1999 (QLD)* was changed to prohibit clients from asking for an illegal service. Prior to this it was only illegal for a sex worker to offer said service. Respect Inc argues that the change was not to convict clients who intimidate sex workers into providing services that are dangerous, it was to entrap the sex workers who agree to provide illegal services.³³

The police are not allowed to go so far in their request to induce the sex worker into something she would not have already done, however they can encourage sex workers into agreeing by providing large sums of money in exchange for the illegal service.³⁴ Scarlett Alliance and Respect Inc have both stated that inexperienced sex workers and migrants are targeted for entrapment.³⁵ Respect Inc has reported that Queensland police admitted that they deliberately target those who have limited English skills.³⁶ Migrants also face more serious consequences than a fine and criminal record, they may have their visas withdrawn and be deported back to their home country where they may be jailed for prostitution.³⁷ In addition to this, Respect Inc and sex workers have reported that the practice of entrapment has caused immeasurable trauma in the sex worker community and a general distrust of the police.³⁸ Therefore the current laws are not meeting sex worker's expectations of justice when they are stealthed or robbed. Sex workers already have little trust in the police and legal system which is compounded by Queensland Police's entrapment practices which deliberately target those who are the most vulnerable. Thus, it is once again those who are already at risk, being disproportionately harmed by the current laws.

Advertising Issues

Advertising Services

³¹ Lyons T et al, 'Negotiating violence in the context of transphobia and criminalization: The experiences of trans sex workers in Vancouver, Canada' (2017) 27(2) *Qualitative Health Research* 186; Network Sex Worker Projects (NSWP), *The Needs and Rights of Trans Sex Workers*, Briefing Paper No 9 (2014) 4.

³² See *Police Powers and Responsibilities Act 2000* (QLD) Schedule 5.

³³ Respect Inc, Submission No 020 to Legal Affairs, Police, Corrective Services and Emergency Services Committee, *Police Powers and Responsibilities and Other Legislation Amendment Bill 2011*, 2011, 4.

³⁴ Respect Inc, Submission No 020 to Legal Affairs, Police, Corrective Services and Emergency Services Committee, *Police Powers and Responsibilities and Other Legislation Amendment Bill 2011*, 2011, 6.

³⁵ Scarlett Alliance, Submission No 1 to Crime and Misconduct Commission, *Regulating prostitution Submission Scarlett Alliance*, 2010, 4; Respect Inc, Submission No 020 to Legal Affairs, Police, Corrective Services and Emergency Services Committee, *Police Powers and Responsibilities and Other Legislation Amendment Bill 2011*, 2011, 6.

³⁶ Scarlet Alliance and Respect Inc, *Sex work laws and workplace health and safety symposium report*, Discussion Paper (February 2019) 19.

³⁷ Jung, Kyungja; Jang, Haeyoung; Dalton, Bronwen, 'Broken global explorations: The lived experience of Korean women working in the entertainment and sex industries in Sydney' (2016) 22(3) *Asian Journal of Women's Studies*; Seoul 2.

³⁸ Respect Inc, Submission No 020 to Legal Affairs, Police, Corrective Services and Emergency Services Committee, *Police Powers and Responsibilities and Other Legislation Amendment Bill 2011*, 2011, 4.

Section 139A of the *Prostitution Act*³⁹ prohibits advertisements that are not in the approved form. To comply with the approved form sex workers and brothels are prohibited from advertising what their services actually include.⁴⁰ Though the legislation does allow sex workers and brothels to advertise what they do not include in their service, however, a 2017 UK study found that, of the 40 adverts looked at,⁴¹ no sex workers utilised this.⁴² This could be because sex workers tailor their adverts to target their clientele;⁴³ female sex workers, in particular, emphasised their 'willingness' and 'desire' to be intimate with their clients.⁴⁴ By contrast, sex workers and brothels may feel that by listing the sexual services they do not offer, they risk representing themselves as prudish or entitled and could lose income from this. The current laws are just not practical for sex workers.

Another UK study found that female sex workers deliberately used humor and sexual banter by describing what services they do offer to avoid confrontation and control their clients.⁴⁵ The current advertising laws do not allow sex workers to use this safety technique, rather, the law forces female sex workers to use aggressive language which may result in confrontation by their clients. The advertising restrictions also put sex workers and receptionists (in the case of brothels) in uncomfortable and potentially traumatic situations.⁴⁶ Clients have no idea what type of services the sex worker provides so they may send graphic messages to detail the type of service they want. There is little research done on sex worker's advertisements however a Canadian study of 75 adverts found that female sex workers, compared to men and trans persons, prefer to use less graphic language when describing their services and put an emphasis on safety and etiquette in their adverts.⁴⁷ The graphic nature of the message may be distressing if the sexual acts being requested by the sex worker are not something they provide⁴⁸ or are fetishizing the sex worker's ethnicity.⁴⁹ Therefore, the current advertising laws are not only impracticable, they prohibit common safety methods and effectively remove sex workers ability to consent to what types of messages they receive.

³⁹ 1999 (QLD).

⁴⁰ *Prostitution Act 1999* (QLD) s 93(1).

⁴¹ Burghart 'What's on sale? A discourse analysis of four distinctive online escort advertisement websites' (2018) 22(1) *Sexuality & Culture* 322.

⁴² Burghart 'What's on sale? A discourse analysis of four distinctive online escort advertisement websites' (2018) 22(1) *Sexuality & Culture* 324-325.

⁴³ Burghart 'What's on sale? A discourse analysis of four distinctive online escort advertisement websites' (2018) 22(1) *Sexuality & Culture* 322; Sanders, T 'Male sexual scripts: Intimacy, sexuality and pleasure in the purchase of commercial sex' (2008) 42(3) *Sociology (Oxford)* 402.

⁴⁴ Burghart 'What's on sale? A discourse analysis of four distinctive online escort advertisement websites' (2018) 22(1) *Sexuality & Culture* 325-327.

⁴⁵ Sanders, T 'It's just acting': Sex workers' strategies for capitalizing on sexuality' (2005) 12(4) *Gender, Work, and Organization* 336.

⁴⁶ Scarlett Alliance, Submission No 010 to Legal Affairs and Community Safety Committee, *Police Powers and Responsibilities and Other Legislation Amendment Bill 2019* (8 October 2019) 5.

⁴⁷ Kille J et al, 'A content analysis of health and safety communications among internet-based sex work advertisements: Important information for public health' (2017) 19(4) *Journal of Medical Internet Research* 7, 11.

⁴⁸ Pitcher J, 'Intimate Labour and the State: Contrasting Policy Discourses with the Working Experiences of Indoor Sex Workers' (2018) 16 *Sexuality Research and Social Policy* 145; Campbell R et al, 'Risking safety and rights: Online sex work, crimes and 'blended safety repertoires'' (2019) 70(4) *The British Journal of Sociology* 1552; Scarlett Alliance, Submission No 010 to Legal Affairs and Community Safety Committee, *Police Powers and Responsibilities and Other Legislation Amendment Bill 2019* (8 October 2019) 5.

⁴⁹ Zheng R 'Why yellow fever isn't flattering: A case against racial fetishes' (2016) 2(3) *Journal of the American Philosophical Association* 407.

Complying with the approved form

In addition, it is very easy to accidentally breach the 'approved form' of advertisements because they are so complex. For instance, advertising that a sex worker is a licensed massage therapist is prohibited, but advertising that they provide 'erotic relaxation' or 'sensual touch' is allowed.⁵⁰ Some words are prohibited even though they do not describe services offered, such as 'juicy' or 'tasty' or 'student'.⁵¹ Some images are also prohibited, for example; motor vehicles and alcohol are not allowed in any advertising images.⁵² Therefore, seemingly harmless photos such as posting a picture of a new car to the sex worker's professional twitter account or a picture of their dinner containing a glass of wine is illegal. As a result many sex workers have inadvertently breached the law - every year police convict more sex workers for advertising breaches.⁵³ The complexity of these laws place a greater burden on those who have limited English skills or have a learning disability.⁵⁴ There is also little help available for non-English speaking sex workers as the Prostitution Licensing Authority (PLA) who are responsible for approving adverts and helping sex workers self-assess their adverts do not have translation services available.⁵⁵

In addition, it is illegal to advertise in film or on the radio according to section 93(3) of the *Prostitution Act*.⁵⁶ As a consequence, sex workers and brothels are not allowed to make educational videos on topics such as the appropriate ways to treat a sex worker or how to contact them. They cannot make videos on safe sex practices or safety when engaging in kinks or fetishes which would benefit everyone. The ability to advertise through film and audio would also make education easier for clients who struggle with written English. The law also hinders sex workers ability to use their platforms and social media audience to advocate for themselves and engage in political discussion. Simple acts such as retweeting a video clip of a political debate on sex work could result in a criminal conviction. In today's multimedia world where video gets more 'clicks' and 'likes' than photos⁵⁷, the law is unintentionally restricting political speech and harming Australian sex worker's long history of activism through performances.⁵⁸ Therefore, the current advertising laws are, firstly, reducing sex workers ability to educate their clients and giving them less agency over their communications and negotiations with clients. Secondly the law is unintentionally prohibiting sex workers from using their platforms to speak about injustices in a format that is likely to

⁵⁰ See *Prostitution Act 1999* (QLD), s 95; Prostitution Licensing Authority, *Guidelines About The Approved Form For Advertisements For Prostitution*, Version 13, 3 August 2018, 3[5].

⁵¹ Prostitution Licensing Authority, *Guidelines About The Approved Form For Advertisements For Prostitution*, Version 13, 3 August 2018, 3[3.1.(2)].

⁵² Prostitution Licensing Authority, *Guidelines About The Approved Form For Advertisements For Prostitution*, Version 13, 3 August 2018, 2[2.1(2)].

⁵³ Explanatory Memorandum, Police Powers and Responsibilities Act 2000, 53; Alison Brown, 'Sex workers 'have to choose between working legally, or working safely' Brisbane Times (Online) 23 November 2018 <<https://www.brisbanetimes.com.au/politics/queensland/sex-workers-have-to-choose-between-working-legally-or-working-safely-20181120-p50h42.html>>; QPS, 'Annual Statistical Review 2017-2018' (Report, QPS, 2018) 14.

⁵⁴ Scarlet Alliance and Respect Inc, *Sex work laws and workplace health and safety symposium report*, Discussion Paper (February 2019) 9.

⁵⁵ Prostitution Licensing Authority (PLA), *Advertising* (23 August 2018) PLA < <http://www.pla.qld.gov.au/advertising/>>

⁵⁶ Prostitution Act

⁵⁷ Kite J et al, 'Please like me: Facebook and public health communication' (2016) 11(9) PloS One 8.

⁵⁸ Jefferys E 'Contemporary Sex Worker Cultural Practice in Australia: Sex Worker's Use of Sex Industry Skills in Public Protest and Performance' (2006) 30(89) *Journal of Australian Studies* 123.

achieve the most engagement. Not only does this mean that Queensland will be lacking in sex worker voices, the State will not hear from migrant, trans or disabled sex workers who often struggle to get visibility in the political sphere.

Prohibition on street work

Currently street sex work is completely prohibited in Queensland under s 73 of the *Prostitution Act*.⁵⁹ This puts a large burden on those who are arguably the most disadvantaged in the sex industry.⁶⁰ Sex workers who are homeless and may not have enough money to set up hotels or to advertise online and may be forced into street work to make an income. If convicted, sex workers will have a permanent record of being a sex worker which will ban them from traveling to most countries and affect future employability. The arrest may also 'out' them as a sex worker to friends and family which could be dangerous. Studies have also indicated that making street work illegal increases violence against sex workers as they have to work in more secluded areas and have less time to negotiate with their clients for fear of getting caught by police.⁶¹ Trans female sex workers are the most at risk. A Canadian study found that trans female sex workers often faced violence and verbal abuse when they had to rush their negotiation and reveal they were born in a male body.⁶² Some trans sex workers have also reported a client failing to hear or understand them when they reveal their original biological sex, the client will then demand a refund after the service was completed.⁶³ Consequently the ban on street sex work has made sex workers less safe, particularly those who are already at risk of being exploited.

Recommendations

It is clear those who are most disadvantaged (youth, migrants, the poor, disabled and transgender) are the most at risk of being hurt by the laws that should be there to support and protect them. Sex workers are a diverse group and the law impacts them differently.⁶⁴ It is important to note that a trans-female-migrant sex worker would likely have a very different experience regarding the law compared to that of a trans person or a migrant person. It is for this reason that decriminalisation of the sex industry is recommended. A model similar to New South Wales or New Zealand would be preferred as consenting adults can buy, sell and advertise sexual services without licensing or regulatory requirements. A 2018 study of 33 countries found that when decriminalisation occurred, positive relationships between police and sex workers increased and violent assaults against sex workers

⁵⁹ 1999 (QLD).

⁶⁰ Jesse Jones et al, 'Factors Influencing Transgender and Male sex Worker Access to Health Care, HIV Testing and Support Study (TaMS) Report' (Research Report, Respect Inc and University of Queensland, 30 June 2018) 4.

⁶¹ Platt, et al. 'Associations between sex work laws and sex workers' health: A systematic review and meta-analysis of quantitative and qualitative studies' (2018) 15(12) *PLOS Med*, 43; Charlotte Seib, Jane Fischer, Jakob Najman, 'The health of female sex workers from three industry sectors in Queensland, Australia' (2009) 68(3) *Social Science & Medicine*, 475-6.

⁶² Lyons T et al, 'Negotiating violence in the context of transphobia and criminalization: The experiences of trans sex workers in Vancouver, Canada' (2017) 27(2) *Qualitative Health Research* 185.

⁶³ *Ibid*.

⁶⁴ See generally Kristine Riley, 'Empowering Justice: An Intersectional Feminist Perspective on Restorative Justice in the Sex Trade' 76(5) *American Journal of Economics and Sociology*.

decreased.⁶⁵ Sex workers were at less likely to contract HIV and other sexual infections in a decriminalised country and more likely to sustain positive relationships within their social networks.⁶⁶ Therefore it is imperative for the safety and wellbeing of sex workers that sex work is decriminalised in Queensland.

Conclusion

The current laws in Queensland are not designed to protect sex workers. They forbid sex workers from using each other as message takers or hiring anyone to do the job, which leaves many workers without a safety net. Security is restricted to licensed guards, who are unaffordable or unsuitable for most workers. By stopping sex workers from residing together the law is also splitting up families and placing greater barriers to housing on sex workers who cannot afford to live alone. This law in particular poses great burdens on sex workers to know if other sex workers reside in their building complex. Moreover, when it comes to assault sex workers are left without assistance, the current laws do not meet their expectations on robbery. In addition, Queensland police are causing the lack of trust between them and sex workers by ignoring sex workers complaints of assault, particularly those who are trans women. Police also practice entrapment by deliberately encouraging inexperienced or migrant sex workers to agree to illegal service on the promise of desperately needed money, which creates further distrust.

Without the police to protect them, sex workers are still forbidden from using their adverts in a way that optimises their safety and reduces their chances of receiving explicit or racially motivated messages. They also cannot use video to negotiate or educate their clients which is burdensome for sex workers and clients who have little English skills. In amongst all of this, sex workers cannot use the most engaging tool at their disposal (video) to advocate for better protections. Plus, street sex workers who are in the most vulnerable positions, are criminalised and therefore at greater risk of harm from clients and police. Queensland needs to decriminalise like New South Wales and New Zealand to protect sex workers.

Thank you,
Jade

⁶⁵ Platt L et al, 'Associations between sex work laws and sex workers' health: A systematic review and meta-analysis of quantitative and qualitative studies' (2018) 15(12) PLOS Medicine 37.

⁶⁶ Ibid 38, 43.

8 March

Parliament Committee

Thank you for the opportunity to submit to this process. I wholeheartedly support the Sex Work Decrim Bill.

I'm a gay male sex worker, and decriminalisation is important to me because the increase in anti-discrimination protections would shield me from unfair treatment based on my profession.

This would help combat the harsh social stigma attached to sex work, especially for LGBTQ+ individuals like myself who already face discrimination and marginalisation from the broader community.

I deserve the same legal rights and protections as anyone else, and these laws ensure I have recourse if I face discrimination.

I request the committee remove the word "adult" from the new attribute. Having started sex work at 16, I have an intimate understanding of the needs of younger gay men.

At this young age, gay men are often working to survive and should not be targeted for discrimination, especially since we are more at risk of prejudice in the first place.

I support this bill's new anti-discrimination attribute in the broader fight for a more inclusive society that values the rights of all individuals, regardless of their profession or sexual orientation.