

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

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Housing, Big Build and Manufacturing Committee  
Parliament House  
George Street  
Brisbane Qld 4000  
7 March 2024

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Dear Committee Secretary,

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

I am a Lecturer and Postdoctoral Research Fellow in the Digital Media Research Centre in the Faculty of Creative Industries, Education & Social Justice at Queensland University of Technology, Australia.

Between 2016-2019 I was a Partner Investigator on a national research project examining sex work stigma in Australia conducted by Scarlet Alliance, Australian Sex Workers Association, and the Centre for Social Research in Health at the University of New South Wales. We conducted qualitative focus groups and interviews with sex workers across Australia about their experiences of stigma and discrimination.

As part of that project, we documented the ongoing and severe impacts of sex work stigma upon sex workers' access to health services, housing and accommodation, financial infrastructure and justice.

Some of our findings from this project have been published in the following journal articles:

- Stardust, Zahra, Treloar, Carla, Cama, Elena, & Kim, Jules (2021) ['I Wouldn't Call the Cops if I was Being Bashed to Death': Sex Work, Whore Stigma and the Criminal Legal System.](#) *International Journal for Crime, Justice and Social Democracy*, 10(2).

In this paper, we examine how stigma manifests in sex workers' experiences of Australian policing, which act to disincentivise sex workers from accessing criminal legal mechanisms. Second, we illustrate how sex workers are denied victim status as they are seen by law as 'irresponsible citizens' and blamed for their experiences of crime. Third, we argue that these factors create conditions in which sex workers must constantly assess risks to access safety and legal redress while structural sex work stigma persists unabated. We conclude that 'whore stigma' is entrenched in the criminal legal system and requires a systematic response that necessitates but goes beyond the decriminalisation of sex work.

- Treloar, Carla, Stardust, Zahra, & Kim, Jules (2021) [Rethinking the relationship between sex work, mental health and stigma: A qualitative study of sex workers in Australia.](#) *Social Science and Medicine*, 268, Article number: 113468.



In this paper, we find that the threat of stigma is pervasive and has mental health implications for sex workers. Our findings point to the need for increased training and capacity development for mental health practitioners, funding for peer support services to ameliorate internalised stigma, and action from governments to introduce enabling legal environments, stigma reduction programs and structural protections from sex work stigma.

We are currently working on a further journal article based on this research that explores the role of stigma in sex worker media representations. These findings call for strong anti-discrimination and anti-vilification protections for sex workers in Australia.

I support the *Criminal Code (Decriminalising Sex Work) and Other Legislation Amendment Bill 2024* as a necessary step to end the criminalisation of sex work in Queensland and protect sex workers from discrimination.

This Bill is essential legislative reform for sex worker health, safety and rights and it is long overdue.

This Bill will bring Queensland into alignment with other jurisdictions such as the Northern Territory, Victoria and NSW, which have all modernised their sex work laws.

I make the following qualifying points about the Bill:

- This reform is a matter of urgency for sex workers in Queensland, whose safety strategies are put in serious jeopardy by the current laws. Because of this, I recommend a commencement date of 1 July 2024.
- In Part 2, I support the amendments to the Anti-Discrimination Act to introduce a new attribute of 'sex work activity' and to remove current exemptions for accommodation provision. This is a more appropriate form of protection than the current version 'lawful sexual activity' which creates significant gaps in coverage. However, in clause 6(a) the word 'adult' should be removed so that the protections also cover people who may be 16/17 engaging in sex work from the impact of discrimination.
- In Parts 3 and 7, I support laws to prevent councils from being able to ban sex work in their areas. Councils should not be able to undermine the effects of decriminalisation through discriminatory policies. However, the Bill should stipulate that sex workers working in small groups and collectives should be able to do so without council permission or a development application. This is essential for sex worker safety and privacy.
- In Part 4, I support the repeal of Ch22A of the Criminal Code, including the laws that criminalise sex worker safety strategies, such as letting other sex workers know where we are, texting other sex workers from a booking, and hiring drivers and receptionists.
- In Part 6, I support the amendment of the Liquor Act, however I note that strippers have been left out of the decriminalisation review. I therefore recommend a review of the Adult Entertainment Laws to ensure that police are not in any regulatory role in the adult entertainment industry.
- In Part 9, I support review of the Act in 4-5 years, and recommend that this must be done in consultation with peer sex worker organisations Respect Inc. and Scarlet Alliance.



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- In Part 10, I support repeal of the Prostitution Act. The Licensing system has created decades of problems, including a two-tiered industry whereby only a small percentage of sex workers are able to comply. I support the repeal of the entire licensing system and licensing body.
- In Part 11, I recommend that the term social escort should be removed from the Child Employment Act 2006 as it has been from other Acts.
- Expungement of sex work offences is important to include in future legislation to prevent ongoing discrimination against sex workers.
- In line with recommendation 38 of the Queensland Law Reform Commission, Respect Inc ought to be resourced to undertake an awareness program to inform sex workers about decriminalisation and support organisations to reduce sex work stigma.

I congratulate the government on introducing this long-awaited and timely Bill to parliament.

I consent to this submission being published.

Kind regards,



Dr Zahra Stardust

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