

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

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Submitted by: Queensland Council for LGBTI Health
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Housing, Big Build And Manufacturing Committee
Queensland Parliament
Via email: HBBMC@parliament.qld.gov.au



Dear Committee

**CRIMINAL CODE (DECRIMINALISING SEX WORK) AND OTHER LEGISLATION AMENDMENT BILL
2024**

Please accept this submission on behalf of the Queensland Council for LGBTI Health (QC) in response to the Criminal Code (Decriminalising Sex Work) And Other Legislation Amendment Bill 2024.

As part of being a voice for our communities, this submission joins with our community partners, such as Respect Inc., in supporting the Criminal Code (Decriminalising Sex Work) and Other Legislation Amendment Bill 2024 as essential legislative reform for sex worker health, safety and rights, to align Queensland with other jurisdictions that have modernised their sex work laws and to replace the current regulatory model that has failed sex workers and Queensland.

In response alongside our community partners, specifically:

- We recommend a commencement date of 1 July 2024. Any further delay leaves sex workers criminalised, with safety strategies criminalised and reduced access to justice.
- We support amendments to the Anti-Discrimination Act but recommend the removal of 'adult' from cl6.
- We support laws to prevent local government bodies from banning sex work outright from their area.
- We recommend that sex workers are able to work together.
- We support the repeal of Ch22A Criminal Code, including the laws that criminalise sex worker safety.
- We support the amendment of the Liquor Act; however, we recommend a review of the Adult Entertainment laws and further removal of any regulatory role for the Police.
- We support a review of the Act in 4-5 years in consultation with sex worker organisations.
- We support the repeal of the Prostitution Act, including the licensing system, licensing body, and public health advertising.
- We support the amendment to other Acts but with social escort removed from the Child Employment Act as it has been from other Acts.
- We support the expungement of sex work offences as important to include in future legislation to prevent ongoing impacts on sex workers.

- We recommend that Respect Inc. is resourced to undertake an awareness program to address sex work stigma and inform sex workers about decriminalisation in line with QLRC Recommendation 38.

About QC

The Queensland Council for LGBTI Health (QC), has been a home for Lesbian, Gay, Bisexual, Transgender, Intersex, Queer, Sistergirl and Brotherboy people and communities in Queensland for over 40 years. We are proud to be a community-led and community-owned health and wellbeing service, representing the diversity of our communities. Walking with our people to find the support they need. Changing to meet our diverse communities needs.

What is LGBTIQ+ Sistergirl and Brotherboy

Our Lesbian, Gay, Bisexual, Transgender, Intersex, Queer (LGBTIQ) Sistergirl and Brotherboy people and communities have a long history across these lands now known as Queensland, with their own distinct identities, including in our Aboriginal and Torres Strait Islander communities.

Historical advocacy

Our communities have historically come together in the face of criminalisation, discrimination, and human rights advocacy as groups who were/are not considered part of an acceptable society. Our communities today celebrate their visibility, support one another to achieve better outcomes for health and wellbeing and form their communities as a result, exploring ways of belonging and exploring knowledge of diverse sexualities, genders and variations of sex characteristics, diverse bodies.

Discrimination

We know our communities have a long history of facing discrimination, as do our communities who are sex workers, and the evidence shows the wide range of this.

In 2022, QC submitted knowledge and feedback from our communities to the Anti-Discrimination Commission as part of the Anti-Discrimination Act review process. Our communities have spoken to us about a number of different settings that affect them, their safety, their rights and their overall wellbeing. QC is concerned about the rights of sex workers and their safety, rights, health and wellbeing, in particular, those who are transgender, gender diverse, non-binary and people who identify as women. Some of these settings make it possible to discriminate and remove safety, such as accommodation. From a survey conducted by Respect Inc., it found that 72.5% of sex workers experienced discrimination and a further 14.2% were not sure if their experience would count as discrimination (ref. Respect Inc survey 2022).

From the Respect Inc. Discrimination survey, 95% of people surveyed agreed that the repeal of accommodation discrimination was very important. For this reason, QC supports Respect and our communities in the repeal of the exemption for sex worker accommodation.



QC supports Respect Inc. in their submission for the protected attribute to change from 'lawful sexual activity' to both 'sex worker' and 'sex work' in order to protect sex workers in status and in practice. Please find enclosed a copy of the QC Submission to the Anti-Discrimination Act Review 2022.

Recommendations

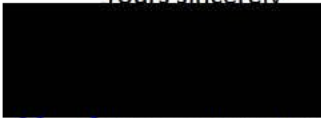
As outlined above, we join with our community partner organisations in supporting the Bill because of the demonstrated benefits for sex workers of the decriminalisation of sex work.

Supporting these changes and treating sex work as work and not as a criminal act will have large flow on effects addressing changes in our society, instances of discrimination and acceptance, leading to better health outcomes for our communities.

QC supports the shift away from treating sex work as a criminal act and instead the recognition of sex work as work and the development of Work Health and Safety (WHS) guidelines appropriate to that shift.

Thank you for the opportunity to submit on behalf of the Queensland Council for LGBTI Health (QC) in response to the Criminal Code (Decriminalising Sex Work) And Other Legislation Amendment Bill 2024.

Yours sincerely



Rebecca Reynolds
CEO
Queensland Council for LGBTI Health

Enc. QC Submission 2022 on reform of the Anti-Discrimination Act 1991.

08 March 2024