

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

Submission No: 135
Submitted by: Townsville Community Law
Publication:
Attachments:
Submitter Comments:

Friday, 8 March 2024

Committee Secretary
Housing, Big Build and Manufacturing Committee
Parliament House
George Street
Brisbane QLD 4000

By email: HBBMC@parliament.qld.gov.au

Dear Committee,

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

Thank you for the opportunity to provide feedback on the **Criminal Code (Decriminalising Sex Work) and Other Legislation Amendment Bill 2024** (the Bill).

Townsville Community Law is a non-profit community-based legal centre located in the regional city of Townsville and servicing areas around North Queensland.

Townsville Community Law has advised sex workers about their legal issues including their human rights and understands the day-to-day legal issues impacting on them and on their interactions with clients as they work. The legal needs of sex workers are still relatively unknown, and we recommend that the Committee consider how the passage of the Bill might be supported by resourcing improved access to specialist legal information, assistance, and advocacy.

In our experience, many of the legal issues facing sex workers relate to their vulnerability to abuse and exploitation by clients and others, and their interactions with law enforcement both within a compliance and regulatory context but also as victims of crimes. In all cases, sex workers have little recourse to traditional legal and community sources of remedy and redress and often experience discrimination and stigmatisation when they seek assistance.

The result is that sex workers exist outside the law, without its protection when needed, and unnecessarily and punitively subject to it at times.

Townsville Community Law is supportive of the Bill and of decriminalising sex work in Queensland to place the human rights, health, and safety of sex workers at the forefront. We take this opportunity to note the following for the Committee's consideration.

Part 1: Commencement

We recommend that a commencement date be set for 1 July 2024 or earlier, instead of a date to be fixed by proclamation. We endorse the position of Respect Inc that any continued delay for the commencement of a decriminalised sex work industry leaves sex workers existing outside of the law and without the protections enjoyed by other workers.

Part 2: Amendment of the *Anti-Discrimination Act 1991*

We support the amendments of the *Anti-Discrimination Act 1991* as outlined in Clause 4 and Clause 5 of the Bill.

We also support the amendment of s 7 of the *Anti-Discrimination Act 1991* to include the protected attribute of 'sex work activity'.

Part 4: Amendment of the Criminal Code

We support repealing Chapter 22A from the Criminal Code and endorse the position of Respect Inc.; that the repeal of these provisions removes the criminalisation of sex worker safety strategies.

We are concerned that the introduction of new sex work-specific offences detailed in Part 4 will enable continued and increased surveillance of sex workers, despite the aim and objectives of the Bill to decriminalise sex work and reduce stigma and discrimination.

Section 216 – Criminal Code

We take this opportunity to note s 216 of the Criminal Code and recommend a review of this provision.

We note the Public Advocate's discussion paper released in January 2022,¹ highlighting various issues with this provision, including criminalising consensual sexual activity for people with disabilities, despite them having the capacity to consent to such activity.

We note the need for deeper analysis of this issue to ensure people with disabilities' right to freedom from abuse is protected without undermining their personal and bodily autonomy and equality before the law.

As it stands, section 216 is a potential barrier to people with disabilities and their partners enjoying their human rights, including those rights at sections 15, 25 and 37 of the *Human Rights Act 2019*.

Part 6: Amendment of the *Liquor Act 1992*

We support the removal of police as regulators or co-regulators of sex work. This includes the removal of police as regulators under the *Liquor Act 1992*.

We recommend that there be a review of the *Liquor Act* and the *Adult Entertainment Code*.

Part 9: Amendment of the *Work Health and Safety Act 2011*

We support the review of the *Criminal Code (Decriminalising Sex Work) and Other Legislation Amendment Act 2024*.

We recommend that such a review should be undertaken in consultation with Respect Inc. and the Scarlet Alliance to ensure that sex workers are appropriately represented in any review processes. The review should also seek to engage with a diversity of lived experiences.

Additionally, we note recommendation 38 made by the QLRC, being that public education and awareness programs to address stigma and education the community about the sex work industry be developed and implemented. This should be strategic to ensure reach into areas of Queensland with significant levels of sex work industry representation.

We support appropriate funding and resourcing of Respect Inc. to enable community education and appropriate supports to sex workers during the implementation of these changes.

Part 10: Repeal of the *Prostitution Act 1999*

We support repealing the *Prostitution Act 1999* in its entirety, allowing sex work and sex industry businesses to be regulated by existing laws and regulations.

¹ https://www.justice.qld.gov.au/_data/assets/pdf_file/0006/703770/202201-section-216-report-final-22.pdf

Thank you for the opportunity to comment. Please do not hesitate to contact us if you wish to discuss this submission further.

Yours faithfully,

Townsville Community Law Inc.



Angela Carroll

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