

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

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**Submitted by:** Brisbane Rape & Incest Survivors Support Centre  
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8<sup>th</sup> March 2024

Committee Secretary  
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To whom it may concern,

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

Brisbane Rape and Incest Survivor Support Centre welcomes the opportunity to provide a submission on the new laws proposed in the *Criminal Code and Other Legislation (Decriminalising Sex Work) Amendment Bill 2024*.

#### **About Us**

The Brisbane Rape & Incest Survivors Support Centre (BRISSC) are a feminist specialist sexual violence service who works with all women and gender diverse people aged 15+ who have experienced sexual violence at any time during their lives. Our work includes individual counselling, group work, advocacy & support through reporting & justice processes & community education/training. We are based in Woolloongabba and have outreach/partnership services in Nundah and Inala (Brisbane Southwest Support).

We strongly support the proposed reforms to the *Criminal Code and Other Legislation (Decriminalising Sex Work) Amendment Bill 2024*.

As a sexual violence service, we support the decriminalization of sex work as a step forward to reducing stigma and discrimination which results in ongoing violence against sex workers and obstructions to reporting crime and accessing health services and justice options.

Sex workers, like any workers, are human beings who deserve to live free and self-determined lives. Sex workers deserve to be protected by the law from sexual assault and rape. Decriminalising sex work is an essential step in achieving sex worker rights including human rights, labour rights and the right to access justice and safety. Furthermore, decriminalizing sex work will result in a decrease in discrimination and stigma which contributes to additional violence.

#### **Increased experience of violence and fear of reporting crimes**

Sex workers globally are marginalized and experience high levels of discrimination, exploitation and violence. In Australia, between 45-75% of sex workers experience violence perpetrated against



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them<sup>1</sup>. Factors for this violence include but are not limited to stigma around sex work, prejudice and inequality faced by women, LGBTQIA+ communities and migrants, socio-economic issues and the impact of the laws and policies that regulate sex work.

Despite a high level of violence perpetrated against sex workers, 76.5% of sex workers said that they would not make a police report under the current laws<sup>2</sup>. Under the Police Powers and Responsibilities Act 2000 police can pose as clients, requesting and even undertaking illegal activities and entrapping sex workers in this way. A sex worker does not have to undertake the illegal activities to be charged, merely agreeing to activity is enough and in many cases their phones and earnings are seized. This has contributed to a problematic culture in Queensland of policing sex work and targeting sex workers for fines and arrests while majority of crimes against sex workers go unreported<sup>2</sup>. Many sex workers did not report crimes perpetrated against them as they feared being charged for crimes themselves, putting them at risk of future entrapment, stigma and discrimination, crimes not being taken seriously and a police force that is not sensitive to the needs of women, especially not sex workers<sup>2</sup>. In addition, when attempting to report crimes some workers were told that 'there was no crime' because police failed to understand that consent, and lack thereof, still applies in sex work. In some cases where reports were taken to court, the charges were reduced to a lesser charge<sup>2</sup>.

Numerous sex workers expressed that they would more likely report in states where sex work is decriminalized<sup>2</sup>. The decriminalization of sex work is crucial in addressing these structural barriers, ensuring the rights and safety of sex workers, increasing the likelihood of reporting crimes against them and increasing safety within the community through justice outcomes.

BRISSC's position on decriminalisation to support sex workers to access justice aligns with the position of Respect Queensland who state the Bill aligns with the Women's Safety and Justice Taskforce recommendation for the decriminalisation of sex work to improve access to justice and the Queensland Law Reform Commission's 18-month review that made 47 recommendations for a decriminalised sex industry in Queensland.

### **Current laws restrict safety measures and decriminalization increases health and wellbeing**

Currently, section 22A of the Criminal Code makes many safety strategies for sex workers illegal such as letting another worker know where you are, being driven to appointments, hiring staff to screen bookings or working in pairs<sup>3</sup>. Making these safety mechanisms illegal increased the risk of all violence and creates barriers to addressing efforts to preventing sexual violence<sup>4</sup>. The decriminalization of sex work would provide sex workers with access to self-determined, safety measures and contribute to the ongoing efforts to address violence perpetrated against sex workers.

Furthermore, Australian and international research shows that in decriminalized or legalized environments sex workers report greater health conditions, less health risk behaviours and are able to engage in safer sexual practices<sup>1</sup>. The World Health Organisation also states that removing



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punitive approaches to sex work is an essential intervention to address barriers that lead to increased burden of disease<sup>5</sup>.

### **Safeguarding sex workers human rights and a safe workplace health and safety**

Nobody deserves to be raped at work and sex workers deserve access to safe workplaces where their human rights upheld. The decriminalization of sex work would mean that the rights of sex workers are safeguarded<sup>6</sup> giving them access to human rights and workers' rights law. Full decriminalization will give sex workers access to workplace health and safety protections<sup>4</sup>. BRISSC strongly support Queensland Law Reform Commission's (QLRC) recommendation to update discrimination protections in the *Anti-Discrimination Act 1991*<sup>6</sup>.

Furthermore, regulatory acts and bodies such as QLD WorkSafe, Queensland privacy protections, Anti Discrimination law, Industrial Relations Act 2016, Workplace Health & Safety Act, Regulations and Codes of Practice 2011, Town Planning regulations, amenity & aesthetics regulations, Fair Work Act 2009 and Public Health Act 2005 would play a large role in the decriminalisation of sex work. BRISSC supports Respect Queensland and QLRC recommendation that sex work in Queensland be covered by generic industrial safeguards and Workplace Health and Safety guidelines<sup>6</sup>.

BRISSC is very supportive of these reforms and look forward to their implementation supporting a safer community and access to support for sex workers.

If you require any further information, please do not hesitate to contact us.

Yours sincerely,



Amy Della-Torre (on behalf of the BRISSC Collective)

### **References**

1. Marel, C, et al. *Guidelines on the management of co-occurring alcohol and other drug and mental health conditions in alcohol and other drug treatment settings*. 3<sup>rd</sup> ed. Australian Government Department of Health and Aged Care & The University of Sydney. 2022.
2. Respect Inc. Access to Justice Survey Synopsis 2 sex workers in QLD. Nd. Accessed March 01, 2024. Available from: <https://respectqld.org.au/wp-content/uploads/Decrim/Access-to-Justice-Survey-Synopsis-2-sex-workers-in-QLD-1.pdf>



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3. Jeffreys, E., O'Brien E., Fawkes, J. The Case for Decriminalisation: Sex Work and Law in Queensland. *Crime and Justice Briefing Paper*. 2019;(1). Accessed March 01, 2024. Available from: <https://eprints.qut.edu.au/131101/1/Briefing%20Paper%20sex%20work.pdf>
4. Scarlett Alliance Australian Sex Workers Association. Full Decriminalisation of Sex Work in Australia. Nd. Accessed March 01, 2024. Available from: [https://scarlettalliance.org.au/wp-content/uploads/2021/02/briefing\\_paper\\_full\\_decrim.pdf](https://scarlettalliance.org.au/wp-content/uploads/2021/02/briefing_paper_full_decrim.pdf)
5. World Health Organisation. Sex Workers [Internet]. World Health Organisation; [date published unknown] Available from: <https://www.who.int/teams/global-hiv-hepatitis-and-stis-programmes/populations/sex-workers>
6. Queensland Law Reform Commission. A framework for a decriminalized sex work industry in Queensland. Brisbane (AU). QLRC; 2022.