

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

Submission No: 157

Submitted by: ASHM Health (formerly Australasian Society of HIV, Viral Hepatitis and Sexual Health Medicine)

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Attachments: See attachment

Submitter Comments:



8 March 2024

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

Dear Committee Secretary,

RE: Submission to 'CRIMINAL CODE (DECRIMINALISING SEX WORK) AND OTHER LEGISLATION AMENDMENT BILL 2024'

ASHM Health supports 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. We thank the Committee Secretary for the opportunity to provide input to this bill.

Our submission has been supported by consultation with sex worker organisations, as the group most affected by any such changes. ASHM's work is underpinned by a recognition that positive public health outcomes cannot be achieved without the leadership of populations most affected, and this issue is no different. We support sex workers' rights to health, safety, inclusion, justice, and freedom from police and state violence, discriminatory laws and policies.

This submission does not address every amendment included in the Bill in detail. However, as well as the specific amendments and recommendations highlighted here, ASHM Health supports recommendations made in the submissions of Scarlet Alliance and Respect INC. For any questions not answered by this submission, please refer to the submissions of those organisations.

About ASHM

ASHM is a peak organisation of health professionals in Australia and New Zealand who work in HIV, viral hepatitis, other BBVs and sexually transmissible infections. ASHM draws on its experience and expertise to support the health workforce and to contribute to the sector,

ashm.org.au

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domestically and internationally. ASHM is a professional, not-for-profit, member-based organisation. It supports its members, sector partners and collaborators to generate knowledge and action in clinical management and research, education, policy, and advocacy in Australasia and internationally. ASHM supports its members, sector partners and collaborators to generate knowledge and action in clinical management and research, education, policy and advocacy in Australasia and internationally.

Recommendations

Part 1: ASHM Health recommends that this Act commences by 1 July 2024. Delay of commencement means continued sex worker criminalisation and reduced access to health and justice services. From a public health perspective, the criminalisation of sex work will “impede access to evidence-based prevention, testing, treatment, and support services and can result in an increased risk of STIs, loss of livelihood and risk to personal and physical safety”¹. Decriminalising sex work will contribute to improved health outcomes for sex workers and the broader community. Decriminalisation enables sex worker self-determination, reduces stigma and discrimination, and improves access to healthcare services.

Part 2: ASHM Health supports the amendments to the Anti-Discrimination Act but recommends the removal of ‘adult’ from the definition of the new attribute ‘sex work activity’. ASHM Health supports the important amendments to the Anti-Discrimination Act 1991, which ensure that the provision of sex work services as well as the attribute of having been or being a sex worker are protected attributes. All people including sex workers and their families have the right to participate fully in life, including freely choosing their employment, schooling and housing.

ASHM Health holds concerns that the protections afforded to sex workers in the Anti-Discrimination Act within the definition of “sex work activity” only applies to adults, as this leaves vulnerable young people (usually 16 or 17) who participate in sex work without protection against anti-discrimination both at the time of engaging in sex work and later when they are over 18. ASHM Health **does not** endorse decriminalising sex work for minors; however, we do support access to protections and services for those young people who do engage in sex work.

Part 4 and Part 10: ASHM Health supports the Amendment of Criminal Code and the repeal of the Prostitution Act 1999. Sex work should be subject to the industrial and occupational

¹ Australian Government Department of Health. Eighth national HIV strategy 2018–2022.

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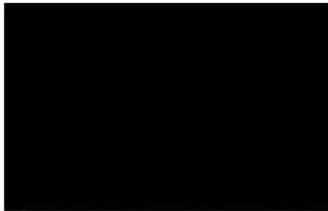


regulatory frameworks that apply to all other forms of legitimate employment in Queensland, including under the Work Health and Safety Act 2011. The use of existing health and safety frameworks is supported by evidence from NSW, a jurisdiction where sex work is decriminalised. For example, NSW does not restrict sex workers with STIs (including HIV) from working and does not mandate the use of condoms. According to a 2016 report on sex work in NSW², condom use by sex workers with clients was almost 100 per cent. Furthermore, rates of STIs among sex workers in the report were comparable to those of non-sex workers.

Thank you again for the opportunity to make a submission in support of the Criminal Code (Decriminalising Sex Work) and Other Legislation Amendment Bill 2024. These reforms will ensure sex workers' health, safety and rights are supported in Queensland.

Please do not hesitate to get in touch if you have any questions.

Regards,



Alexis Apostolellis
ASHM CEO

² Callander D, et al. Sex worker health surveillance: a report to the NSW Ministry of Health. Sydney NSW: Kirby Institute; 2016

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