

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

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Committee Secretary
Housing, Big Build and Manufacturing Committee
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RE: *Criminal Code (Decriminalising Sex Work) and Other Legislation Amendment Bill 2024*

Dear Committee,

Thank you for the opportunity to submit to this process. I consent to my submission being published on the website. I request my contact phone number

I have submitted a submission during the QLRC consultation process, the anti-discrimination bill review and anti-vilification law review, as well as provided accounts of my experiences as part of the Women's Safety and Justice Taskforce. From a very young age, I've been passionate about human rights and justice, law reform and advocacy. I am an appointed Justice of the Peace (Qual) since I was 24, and began working as a paralegal in 2016 advocating for justice for those who have suffered workplace injuries due to negligence, lack of workplace health and safety, lack of compliance with regulation or just no workplace health and safety standards or protections in the workplace at all. I've also worked on National Redress Scheme claims to achieve closure for those who have experienced harm of institutional abuse, and have witnessed the full spectrum of what happens as the consequence of system practices enabling harmful environments to manifest and maintain them as status quo. I've witnessed what it takes to correct these, how long and extensive of a process that is, and what those who have been harmed by these practices need to achieve safety, peace and closure to continue on with their lives and what it takes to prevent history repeating itself.

In 2016, I also began work in the sex work industry, and as a stripper. I did this along side my white collar job, I still do it now. The only thing that has changed is that I quit my job as a paralegal, became passionate about being the best manager I could be, but felt like I needed to continue to fight for the justice of every stripper I have ever cried with in the change rooms. Every stripper I have sent home on my own best judgement because I cared about their wellbeing more than being reprimanded, against the licensee's demands that I deny requests from workers or allow them to go home sick or without fines, or to go without breaks. For every stripper who I sat with and supported with the psychosocial impacts of being criminalised, being ostracised by family, the impacts of the work, I needed to achieve better for them, they deserved this as a basic right in the workplace. It should not have been

a “luxury”, and a new concept I was introducing. All I was doing was my duty of care to keep them safe at work, I did not think this was anything controversial. This did not go down well with upper management, in fact I started not one but two industrial rise ups and down tools protests in two different clubs in response to underpayment of wages and wage theft. Both occasions I lost my job, a sacrifice which meant they then paid the others out, changed their practices, and eventually did better. I have also empowered many more workers during and since to have a voice and question whether they were being treated fairly, and they are not afraid to challenge the status quo because they’ve seen it done, with varying levels of success. What started single handedly, became a united front. To this day, I am still hearing of the ripple effects of the at-the-time controversial “commotions” I started in these venues with these disputes, that have all lead to changed practices and attitudes of workers and in some cases, venues. It should not take these great lengths to achieve small wins in an uphill battle against regulatory and legislative frameworks that permanently hold us and all sex workers back.

In all of these circumstances, there have been human beings who are circumstantially and systemically made vulnerable, much like sex workers are by having out safety strategies criminalised. By having the way we must conduct our business and ourselves in the world, dictated by an outdated, discriminatory piece of legislation that does not represent the views of the community, and does not protect the people it was set out to protect. It in fact, leaves us more vulnerable than it intended. The criminalised framework is oppressive, and as such I support the *Criminal Code (Decriminalising Sex Work) and Other Legislation Amendment Bill 2024*. My views are that which are informed by not only my own lived experiences as a private sex worker, but also as a stripper, for working as a contract litigation paralegal, in my experiences as an approved manager and controller at licensed Adult Entertainment Venues, and as a Peer Educator supporting sex workers in Queensland under the existing criminalised framework over the past 8 years in varying roles and capacities. I have taken into account research, consultations and surveys collected through my activism and advocacy work as a campaign committee member of DecrimQLD for the past 2 years, as well as my own research conducted by pounding the pavement speaking to workers all over south east Queensland and interstate, as well as internationally to understand a comparative standard for what my communities of strippers are reporting in the industry as common practices, as well as what reforms have been successful and failed in achieving civil and human rights as advocated for by industrial rights movements dedicated to stripper and sex worker rights collectively. This submission represents my independent views, as an individual.

It is my view that it is not necessary for us as workers to have additional laws to regulate our work or licensing systems to do so. It is also unnecessary for police to maintain any sort of regulatory role in sex work, including in strip clubs.

We are recognised as workers, and that sex work is work, and that strippers are sex workers, by the community and by members of parliament. It is high time that the legislative instruments, meant to protect us from harm and discrimination, reflect this. We deserve to be seen as human beings with human rights, in the eyes of the law.

There are sufficient laws, such as the *Workers’ Compensation and Rehabilitation Act 2003*, the *Workers’ Compensation and Rehabilitation Regulation 2014*, the *Work Health and Safety Act 2011* and, since it must be mentioned and I agree with the repeals, the *Criminal Code Act 1995*, which once sex work is decriminalised, will protect us in the workplace. In conjunction

with the formal creation of workplace health and safety guidelines and standards out of the existing workplace health and safety strategies and practices based on harm reduction and risk minimisation that sex workers and strippers already use, by consulted sex workers, this would be sufficient in eliminating barriers in accessing justice. It would also open avenues to industrial appeal rights that other workers have already, such as coverage through WorkCover where applicable, and other WorkSafe Queensland information and services.

I think it would be appropriate for WorkSafe Queensland to be sensitivity trained, and given the appropriate training to handle the necessary escalated workers issues, by Respect Inc. Respect Inc. should be funded to do this, as well as funded to educate workers on decriminalisation and their rights. They are not currently funded to do this, as an organisation. They are a sex worker run and lead organisation, who in Queensland, we can thank for being the glue which holds our sex worker community together. The support they provide to sex workers, is invaluable, and should be given the appropriate funding to continue to do so in the best capacity possible to serve Queensland sex workers into decriminalisation.

I am also once again, compelling you as the parliamentary committee, to commit to a plan to review and reform the *Adult Entertainment Code*, the *Liquor Act*, and the adult entertainment industry, in consultation with industry leaders who are informed on what strippers need in the workplace. This needs to be done, without licensees. In fact, the licensing framework for strippers, should not exist, if the PLA is also to not exist. It would not be conducive to maintain a licence regulatory framework for one portion of sex work, and no other area of sex work. The QLRC excluded us, strippers, from their review, to focus on the bigger picture. The consequence is that we have a bill that is mostly beneficial for everyone, except us. And we do support this, and do not wish to hinder this. However it is not enough to only accept the Police Commissioner being removed from the development of the Code as our only achievement out of decriminalisation. It means, that decriminalisation must only be the start of a bigger plan for reform.

There has already been a review of the regulated system of the live entertainment industry in Queensland in 2004, requested by the then Premier, by the Crime and Misconduct Commission. Although the focus was on crime, the key findings were concerning, and are resonating echos of my own experiences of the current industry practices. Which are not good enough.

One of those findings, was allegations of less than professional conduct on the part of some police and LLD compliance officers. Currently, that is still the case. Practices such as increased body cam usage for spot checks in licensed adult entertainment venues, even in areas where nudity is prescribed, is occurring. Areas such as change rooms and laprooms are being visited, without reason or complaint to found the purpose. It is purely for intimidation of compliance with the licensing requirements, and not for ensuring the safety of the workers. It is not to deter customers from doing the wrong thing, or acting untoward, it is creating a barrier that makes it even harder to report crimes when they do occur. Crimes such as when a customer crosses the agreed consented boundary, the boundary prescribed under licensing, is the liability of the worker. We risk termination of employment for being the victim of assault in the workplace. This is the result of our work being criminalised. The onus of responsibility to act in good faith, should be on the customer and the laws need to reflect that, and the laws need to support us reporting this and protect us from being discriminated against when we try to report.

We are denied access to reporting by QPS officers, because it is “part of the job we signed up for”. This is something I have been told, verbatim, by a member of QPS.

I had spent over 2 years litigating a wage theft claim, self represented, against one strip club, with extortion attempts made against me, attacks against my personal character, threats were made of false reports to licensing to ruin my career if I continued my claim. I was successful in recovering the wages, even with FairWork saying they cannot help. Even without being able to turn to the police for other matters of concern. But there was nothing to protect me from the consequences of this, and being discriminated against for doing this.

I spent another 18 months on an unfair dismissal and employment discrimination complaint against another, which was accepted and deemed unlawful discrimination by the Australian Human Rights Commission. Yet, they chose not to exercise their powers to compel the respondent to participate in conciliation. I was not prepared to risk bankruptcy in a self-represented Federal Court case, which was my only other option because of their failure. I was not able to secure legal aid, as they did not respond. Who would want to represent an unprecedented matter, aside from me anyway involving a criminalised form of work. It should not be the case that a workplace dispute needs to be escalated to this level, but it does when it is a criminalised form of work.

I want you to know, I put my entire political career and studies on hold to dedicate myself to advocating for decriminalisation and workplace health and safety rights. Once I achieve what I need to for my fellow sex workers and strippers in the community, no matter how long and what it takes, I will be returning to finish my law degree to become the barrister they need.

This is the status quo you will be maintaining, if you do not act on giving strippers a review. You will be leaving us behind.

For the past 3 years, I have been advocating for much needed policy change for sex workers, including decriminalisation of sex work. As a result I support the Bill. I have also been advocating for strippers to be recognised as workers, and as sex workers. I have also advocated relentlessly for the review of the Adult Entertainment Code, the regulatory framework that encompasses the workplaces of strippers and for basic access to the benefits of decriminalisation. The current criminalised framework creates a two tiered system, and segregates the industry. It also criminalises the safety strategies we implement to do our jobs safely and reinforces the systemic discrimination we face from law enforcement, health care professionals, accommodation providers, education providers and even employment. This is an essential legislative reform that is a step towards bringing Queensland into alignment with other jurisdictions that have modernised their sex work laws already. I note that we are inventing the wheel, and it is important to see where other states have succeeded and failed sex workers in their decriminalised framework.

It is necessary for sex work to be regulated under standardised workplace health and safety regulations like every other industry, and I propose that sex workers be the ones to prepare those. We have seen the consequences of what happens when framework and legislation, created to keep workers protected and safe, is drafted by people who are not industry experienced. This cannot happen again. Sex workers are sufficiently prepared, skilled and

educated in workplace health and safety, to be the most appropriate people to make the industry standards.

In any regards, I would like to discuss further the current proposed Bill, as I do support proceeding with the full decriminalisation of sex work without delay. There is no reason why these two cannot be achieved concurrently.

The key points that are necessary for a successful decriminalised framework for sex workers are:

1. No further delays in commencement dates: It is recommended that a commencement date of no later than 1 July 2024, delaying decriminalisation further considering it would mean the maintaining of offences under the Criminal Code, puts us at risk of being criminalised while in waiting. It reduces our access to justice.
2. I propose a commencement date of the review of the Adult Entertainment Code, its associated regulatory framework, including its licensing system as of the same date.
3. In regards to Part 6 I recommend the removal of sections of the Liquor Act that mention or prescribe the nature of the work performed by Adult Entertainers or strippers, and that it no longer be an operative piece of legislation criminalising the work of sex workers. I support Liquor Licensing maintaining a role in regulating liquor licensed venues, and where strip clubs hold a liquor licence to be held to the same standard as other hospitality venues with similar risk profiles as per workplace health and safety guidelines. Police should not maintain a role in regulating any sex work, whatsoever.
4. I disagree with the maintaining of the “status quo” and inserting into the Introduction Agent Act 2001 the definition of sex work “(b) does not include adult entertainment under the *Liquor Act 1992*, section 4”. People who perform adult entertainment are sex workers, and this definition is perpetuating exclusion. It is not good enough. It is also not consistent with the proposed amendments in the *Anti-Discrimination Act* or in S207A of the *Criminal Code*.
5. I support the Police Commissioner being removed from the development of the code. They should also be removed from any regulatory role in Adult Entertainment venues.
6. I support the repeal of Prostitution Licensing Authority, and as such, believe the same treatment should be afforded to those working in strip clubs by the repeal of the role of the licensing regulator.
7. In regards to Part 2 of the Explanatory Notes, Amendments to the Anti-Discrimination Act: Broad support for the amendments, I believe they support inclusivity however the definition of sex work activity needs to have the removal of the word “adult”. This is quite a minor amendment that is necessary to maintain the status quo, which includes all people who perform sex work. This would offer some protections for strippers while the review of the entire Adult Entertainment Code is conducted also. There is no harm to be caused by this, however there is great harm that may be caused if the framework does not offer at least anti-discrimination protections for all sex workers. It is a basic human right.
8. In regards to Part 4, I support the full repeal of Chapter 22A of the *Criminal Code*, including all laws that criminalise sex worker safety. In addition, I believe it is necessary that all pending criminal proceedings under C22A be set aside immediately and stayed, and those with charges and convictions under C22A of the *Criminal Code* be eligible for full expungement. This is a necessary corrective justice for sex workers, as it was a deprivation of our human rights to have our work

criminalised to begin with, and many of these charges are for victimless offences that were simply safety strategies we implement, like working with others, or having someone else answer our phone, or were as the result of gross inhuman practices like raids. The consequences of these criminal charges are significantly detrimental to the lives of those who have fallen victim to the criminalised framework. It is important to set this right. I agree with proceeding with the particular offences against former C22A, as these are necessary to protect victim survivors and criminalise the correct party in these circumstances.

9. Alternatively, if expungement is not achievable, these charges under the former C22A should be sealed and protected from disclosure.
10. I support the insertion of amendment to S218 (Procuring sexual acts by coercion etc.) I believe that this is a necessary amendment that has the potential to provide protection to sex workers by criminalising dangerous conduct by customers that we currently are not able to report without facing judgement. It is a step towards providing us with the correct protections in the workplace. I believe the remainder of the protections required, can be achieved through regular workplace health and safety regulations.
11. In regards to the amendment of the *Work Health and Safety Act 2011*, and the insertion of 275A(2), I recommend that this be done in consultation with Respect Inc.

Decriminalisation is important to me for a number of reasons, on a personal level. But the review of the adult entertainment industry is also extremely important to me. They go hand in hand, and as someone who operates in both sectors, I deserve to feel safe and have access to basic human rights and safety no matter what type of sex work I do.

As someone who has become an industry leader for many other workers as a stripper, and at times the only trusted person they can turn to for information on their rights and what they can do when things go wrong, I have not only experienced gross miscarriages of justice but also heard countless accounts of others who have been given the raw end of the deal by unfair workplace practices. 6 years later, I am hearing accounts of the same conduct at the same venues by the same licensees. I have to see the industry I love and care about get access to the same benefits of decriminalisation. Strippers deserve better, all sex workers do. We have seen what happens when you only have monthly meetings with licensees. A broken system.

Like all sex workers, strippers are told it's not a real job by government departments. We cannot go to FairWork, because are not adequately sensitivity trained on handling matters in our workplace, or given policy procedures. There is no award wage standard, even for staff working in these venues. Even as a bartender working in a stripclub, you will struggle to seek industrial rights or appeal avenue for lost wages. In many circumstances, I have unfortunately been the one to set the precedents in some of these situations here in Brisbane. Self advocated, self represented.

We as strippers, are facing workplaces rife with sham-contracting arrangements, employers whose focus is on adhering to the licensing requirements to avoid fines from the regulator, instead of the WH&S and wellbeing of the workers. They will tax our earnings when paying us out each night from the register, which is at times only a 50% cut of the earnings we made, and then we must pay tax on that again, ourselves. There is nothing we can currently do about this. On top of this, we are deducted fees for the "privilege to work there", as well as fines for being as little as 1 minute late, being sick, calling in sick without 24hrs notice, not

submitting rosters, not submitting "enough days" in a roster, and misconduct which is judged by the length of a piece of string. Fines of up to \$500. What starts as a \$500 pay day, can end up being only \$200 very fast. If you speak up about these things, you are ostracised, reprimanded, or otherwise blackballed in the industry.

I confirm this submission and my undersigned name can be published, and request my contact details be suppressed. I am available to discuss any of these matters further.

I would also like to make it known that I support and endorse the submissions of DecrimQld and Respect Inc, and also endorse the submission made by Scarlet Alliance, Australian Sex Workers Association.

Signed

Raven Inferno

Industrial and Civil Rights Activist