

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

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**SEX WORKER OUTREACH PROGRAM  
SEX WORKER REFERENCE GROUP**



Sex Worker Outreach Program (SWOP NT)  
Sex Worker Reference Group (SWRG) Northern Territory submission  
in response to the Queensland Criminal Code  
(Decriminalising Sex Work)  
And Other Legislation  
Amendment Bill

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**SWOP NT and SWRG joint submission to the HBBMC  
Queensland Criminal Code (Decriminalising Sex Work)  
And Other Legislation Amendment Bill**

Committee Secretary  
Housing Big Build and Manufacturing Committee (HBBMC)  
Parliament House  
George Street  
Brisbane QLD 4000  
[HBBMC@parliament.qld.gov.au](mailto:HBBMC@parliament.qld.gov.au)

To the attention of the Committee Secretary

Dear Secretary and Queensland Housing Big Build and Manufacturing Committee members,

Please accept this submission from the Sex Worker Outreach Program (SWOP NT) and the Sex Worker Reference Group (SWRG) in response to the Criminal Code (Decriminalising Sex Work) and Other Legislation Amendment Bill 2024.

Thank you to the Queensland Labor Government for facilitating a platform with Queensland Housing Big Build and Manufacturing Committee to provide support and feedback to advance forward to decriminalise sex work in Queensland.

The Sex Worker Outreach Program (SWOP NT) and the Sex Worker Reference Group (SWRG) supports the Criminal Code (Decriminalising Sex Work) and Other Legislation Amendment Bill 2024.

We are very supportive of the Queensland Governments intention to advance the human rights of sex workers through the passing of this Bill to decriminalise sex work.

This work by the Queensland Government has been long term and very thorough, through many consultations. SWOP NT and the SWRG note the extensive work of the QLD Government, the Human Rights Commission, and the Queensland Law Reform Commission.

SWOP NT and The SWRG have contributed submissions, providing evidence to the Queensland Human Rights Commission and the Queensland Law Reform Commission. Our submissions support the government intention to provide sex workers with safety and working rights, to advance industrial protections for sex workers who work in Queensland through the implementation of the decriminalisation of sex work, the development of Work Health and Safety Guidelines and attribute for sex workers protections in QLD Anti-Discrimination law.

## Executive Summary

SWOP NT congratulates the QLD Government for undertaking, comprehensive an extensive consultation processes that has informed the Criminal Code (Decriminalising Sex Work) and Other Legislation Amendment Bill 2024.

SWOP NT and the SWRG believe that the Bill provides a holistic approach to critical law reform for the sex industry and will achieve for sex workers who work in Queensland, safety, providing positive public health outcomes and ensure safer workspaces and conditions for sex workers.

The Queensland Governments intention to replace the current laws of criminalisation and licensing that has failed sex workers in QLD with a decriminalised framework is to be commended.

By protecting sex workers and our work through decriminalising sex work, Labor Governments across Australia in Victoria, the Northern Territory and in Queensland have taken lead to ensure that sex workers are fully provided with opportunity to access industrial protections to advance sex worker health, safety and working rights.

The Queensland Government, with the passing of the Criminal Code (Decriminalising Sex Work) and Other Legislation Amendment Bill 2024, will align with three other states and territories of New South Wales, Victoria, and the Northern Territory that have decriminalised sex work.

**The Sex Worker Outreach Program (SWOP NT) and the Sex Worker Reference Group (SWRG) supports the Criminal Code (Decriminalising Sex Work) and Other Legislation Amendment Bill 2024.**

***The Decriminalising Sex Work Bill will abolish sex work as a criminal activity.*** Sex work is a legitimated form of work, that needs to be regulated through the repeal of all laws that are unsafe, that mandate licencing and or criminalisation. Modernised sex work laws allow for standard business, Work Health & Safety, and other industrial protections to safeguard sex worker's safety and rights. The current QLD Licencing and criminalisation laws do not provide those rights.

**The passing of the Bill will;**

Repeal all sex work specific criminal laws, including the laws that criminalise sex worker safety strategies<sup>1</sup>;

Repeal fully the QLD Prostitution Act 1999, that is a failed licensing framework that criminalises most of Queensland's sex work businesses<sup>2</sup> and many sex workers.<sup>3</sup>

Protect sex workers who work in Queensland equity through consequential amendments to the Anti-Discrimination Act 1991<sup>4</sup>.

Result in sex work being standardised utilising existing systems, regulations, and laws:

Enable equitable treatment by Local Councils;

Provide opportunity for the implementation of Workplace Health & Safety (WHS) guidelines<sup>5</sup>

Provide sex workers with a formal guide to identify workplace risks and hazards to report Work Health and Safety incidences directly to the regulator.<sup>6</sup>

Provide clarity of criminal laws that apply equally to everyone in Queensland and remove criminalisation of sex work barriers for sex workers to be able to report crimes under general criminal laws<sup>7</sup>

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<sup>1</sup> Criminal Code Act 1899, *Criminal Code, Chapter 22A Prostitution*, <https://www.legislation.qld.gov.au/view/pdf/inforce/current/act-1899-009>

<sup>2</sup> The Prostitution Licensing Authority, *17 brothels licenced only*, 6-3-2024 <https://www.pla.qld.gov.au/licensing>

<sup>3</sup> The Prostitution Licensing Authority, advertising guidelines and fines, sex work criminalised additionally *through the prevention of sex workers being able to work together, or communicate for safety, or be able to advertise transparently*. <https://www.pla.qld.gov.au/advertising-guidelines>

<sup>4</sup> Amendments to the QLD Anti-Discrimination Act will ensure equal treatment by accommodation providers and improve the attribute to protect former and current sex workers, sex workers families and those who associate with sex workers from discrimination including vilification.

<sup>5</sup> Work Health and Safety (WHS) Guidelines, will be developed *for all sex work workplaces, allowing for insertion of provision and use of Personal Protective Equipment (PPE) for Persons Conducting business (PCBUs) inclusive of supply of safer sex prophylactics for areas of work, such as condoms, lubricant, gloves, and dams*

<sup>6</sup> Regulation of Work Health and Safety Guidelines, are regulated by WorkSafe QLD <https://www.worksafe.qld.gov.au/>

<sup>7</sup> General Criminal laws will still apply to the sex industry.

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SWOP NT and the SWRG gratefully recognise the work of many Labor governments for their leadership in recognising sex work as a legitimate form of work; one that needs to be regulated through standard business law, Work Health and Safety Guidelines, and Fair Work other industrial and Ant-Discrimination protections in order to safeguard workers' rights and safety, and to protect sex workers from stigma and discrimination.

Yours sincerely,

on behalf of NTAHC, SWOP NT and Northern Territory sex workers from the SWRG



8<sup>th</sup> March 2024

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## Key Stakeholders Relationships

### The Northern Territory Sex Worker Outreach Program (SWOP NT)

SWOP NT is a member organisation of Scarlet Alliance, Australian Sex Workers Association; our peer based and led program is located within the Northern Territory AIDS & Hepatitis Council (NTAHC).

SWOP NT's health promotion service engages sex workers and other sex work industry stakeholders to gain knowledge about the Northern Territory's legal and sex work laws, and work health and safety requirements. SWOP NT's advocacy, health promotion, training/workshops, outreach, and broader programming aims to improve sex workers' lives by holistically addressing issues including our human rights.

SWOP NT advocates to reduce stigma and discrimination against us as workers via advocacy, information resources and education sessions to health and legal sectors to facilitate equitable access to services and to inform policy development for a safer framework for sex workers.

### The Sex Worker Reference Group (SWRG)

The SWRG is comprised of past and current sex workers who work in the NT, inclusive of NT sex workers who fly in and out for work to other jurisdictions, including Queensland.

The SWRG co-represents alongside SWOP NT at roundtables, departmental and political meetings, delivers training to stakeholders, and presents at conferences and forums.

The SWRG documents best practice and case studies to support our submissions, recommendations, and evidence for reforms for sex workers' rights based on the lived experience of workers.

### NT sex workers and QLD peer organisations

Sex workers who are engaged in SWOP NT and the SWRG, who work and/or have worked in Queensland have contributed to Respect Inc and DecrimQLD research into incidences of discrimination via surveys, one-to-one interviews, engaging in Respect Inc peer support services, activities, skill shares and workshops and in the engagement of DecrimQLD meetings.

Through these consultations, some parallels have been noted by sex workers who work in Queensland and NT; particularly regarding the previous licensing system in the NT:

- 95% (194) of sex workers surveyed who work in Queensland said repealing exemptions for accommodation providers to discriminate was very important;
- 57.8% of (118) of sex workers surveyed did not feel comfortable disclosing to healthcare providers that they are sex workers; and
- 72.5% (148) of sex workers surveyed have experienced discrimination, and a further 14.2% were not sure if their experience would count as discrimination.<sup>8</sup>

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<sup>8</sup> Respect Inc and DecrimQLD survey of 204 Queensland sex workers on their experiences with discrimination. Accessible at <<https://respectqld.org.au/wp-content/uploads/Synopsis-1-ADA.pdf>>

## Recommendations

Recommendation 1: SWOP NT recommends that the proclamation date be fixed for **commencement by the 1<sup>st</sup> of July**, Clause 2

Recommendation 2: SWOP NT supports amendments to the Anti-Discrimination Act 1991, **replacing attribute 7(l) 'lawful sexual activity' with a new attribute 'sex work activity'**, Clause 4

Recommendation 3: SWOP NT supports amendments to the Anti-Discrimination Act 1991, **Omission of s 106C – (accommodation for use in connection to sex work)** Clause 5

Recommendation 4: SWOP NT supports amendments to the Anti-Discrimination Act 1991, with the **removal of the word 'adult'** and Amendment of Schedule 1 (Dictionary) to add a definition of the new attribute **'sex work activity'**. Clause 6

Recommendation 5: SWOP NT supports amendments to the City of Brisbane Act 2010 and the Local Government Act 2009, of the Bill, as set out in Part 3 & Part 7

Recommendation 6: SWOP NT supports sex workers **working in small groups and or collectives**, inclusive of without requiring council permission or a Development Application

Recommendation 7: SWOP NT supports the **repeal of Chapter 22A**, of the Criminal Code Act 1899, including the laws that criminalise sex worker safety, Part 4

Recommendation 8: SWOP NT supports and accepts the 12 Amendment of Section 207A—Insert—**commercial sexual service means a service**—and definition, Part 4

Recommendation 9: SWOP NT supports and accepts 13 Insertion of new ss 217A to 217C, Insert -

- 217A Obtaining commercial sexual services from person who is not an adult.
- 217B Allowing person who is not an adult to take part in commercial sexual services.
- 217C Conduct relating to provision of commercial sexual services by a person who is not an adult.

Recommendation 10: SWOP NT supports the Amendment of s 218 (Procuring sexual acts by coercion etc.), Clause 14

Recommendation 11: SWOP NT supports amendment of the Queensland Liquor Act 1992

Recommendation 12: SWOP NT recommends an urgent review of the Adult Entertainment laws and the consequential further removal of any regulatory role from police.

Recommendation 13: SWOP NT recommends Review of the Liquor Act 1992 and the Adult Entertainment Code-, Regulation 2022

Recommendation 14: SWOP NT supports the review of the Act; however, we recommend that the review should be undertaken in consultation with Respect Inc and the Scarlet Alliance, Australian Sex Workers Association, Clause 33

Recommendation 15: SWOP NT support the repeal of the Prostitution Act 1999, Clause 34 and 35

Recommendation 16: SWOP NT notes that the term social escort has been repealed from other legislation and therefore the amendment to the Child Employment Act 2006 must also be repealed.

## Other Important Recommendations

*Recommendation 17: SWOP NT strongly recommends the resourcing of Respect Inc to undertake awareness program and training inform sex workers about decriminalisation and address sex work stigma and discrimination.*

*Recommendation 18: SWOP NT strongly recommends the expungement of sex work offences to prevent ongoing impacts on past and current sex workers.*

## Part 1

### Commencement of fixed proclamation date

Clause 2 - Commencement proclamation date be fixed for commencement by 1st July.

**Recommendation 1: SWOP NT recommends that the proclamation date be fixed for commencement by the 1<sup>st</sup> of July, Clause 2**

A set commencement date is an integral component of the law reform process. With the passing of the *Criminal Code (Decriminalising Sex Work) and Other Legislation Amendment Bill 2024*, the repeal of all sex work specific criminal laws, including the laws that criminalised sex worker safety strategies will be abolished. Sex workers and other sex Industry stakeholders, including regulators must be provided clarity of a commencement date.

In The Northern Territory, there were no staggered dates or stages of commencement. The Northern Territory Government provided clarity to ensure sex workers working rights and safety was at the forefront, resulting in the expedient implementation of the Territories decriminalised regulations.

The [Sex Industry Bill 2019](#) was passed late November 2019, a date was set for commencement in the first half of 2020 to provide security to sex workers and other sex industry workers that the government was serious in addressing the appalling impacts of the previous repealed draconian *Prostitution Regulation Act* , replaced by [the Sex Industry Act 2019](#)

Victoria, however, chose to stagger stages of commencement of the Sex Work Decriminalisation Act 2022, that by default fractured the implementation<sup>9</sup>. The process was not only confusing for sex workers and other stakeholders but very stressful, as the full benefits of decriminalisation of sex work was drawn out unnecessarily over 21 months.

This oversight of a non-uniform approach to law reform implementation over a significant period of time, not only resulted in further confusion for compliance, but also extended sex workers experiences of stigma and discrimination. The very intention of key areas in the *Purposes of the Act*<sup>10</sup> , ... “to decriminalise sex work and provide for the reduction of discrimination against, and harm to, sex workers”, was threatened though the two tired and two stages of the implementation process. The variable dates of these two stages resulted in many Victorian sex workers being left with no choice except to continue working in criminalised environments that extended workers barriers for access to industrial protections and safety rights.

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<sup>9</sup> Decriminalising sex work in Victoria, 22<sup>nd</sup> February 2022, the Sex Work Decriminalisation Act 2022 was passed by the Victorian Parliament, stage one commenced, 10<sup>th</sup> 2022, stage two , 1<sup>st</sup> December 2023 <https://www.vic.gov.au/review-make-recommendations-decriminalisation-sex-work>

<sup>10</sup> 1 Purposes, the main purposes of this Act are— (a) to decriminalise sex work and provide for the reduction of discrimination against, and harm to, sex workers; and (b) to initially repeal certain offences in the Sex Work Act 1994; and (c) to repeal the Sex Work Act 1994; .... <https://www.legislation.vic.gov.au/as-made/acts/sex-work-decriminalisation-act-2022>

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The proposed date for commencement by the 1<sup>st</sup> of July, will provide Queensland sex workers with confidence that there will no staggered stages of implantation. Clarity of commencement by the 1<sup>st</sup> of July will ensure there are no further barriers for sex workers to exercise safety strategies at work. Sex workers will be able to access workplace rights; through the removal of criminalisation that will allow for sex workers to report not only crimes to police, but to raise issues regarding work health and safety to the appropriate regulator, institution and/or government department to seek justice.

Expedient implementation of the “Decriminalised Framework” will also provide opportunity for sex workers to provide any [feedback to Respect Inc and Decrim QLD](#) <sup>11</sup> for review of the implementation of industrial protections.

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*“I work across Australia as an independent sex worker. As I am primarily a touring sex worker, I frequently work intercity/state and therefore have acute awareness of the differing laws for sex work across the country.*

*I was very hopeful & excited when the laws were changed in Victoria a couple of years ago, but the different dates provided by the Government enabled only some sex workers to be able to work & not others at different stages, as well as a lot of disparity between sex workers’ understanding of the Government implementation. I feel that the process was not only very frustrating, but also it became very confusing.*

*I am looking forward to Queensland becoming a safer environment for me to work in after the Decriminalising Sex Work bill passes. I have reviewed the content of the Criminal Code (Decriminalising Sex Work) and Other Legislation Amendment Bill 2024, and I have confidence that the new laws will improve my work health and safety conditions. I wish to stress that I feel I must be provided with clarity of a commencement date and that date must apply equitably as the commencement date for all sex workers.*

*It is important to emphasize the need for Government to provide me with a clear understanding of laws that relate to my work and that any delay in commencement of a decriminalised framework when working in Queensland will continue to criminalise me & many of the ways I need to work to be safe.*

*I will continue to worry if I am being spied on through my advertising, if where I am working from allows for someone to discriminate against me, whether I’ll be fined for working, or, even if I am communicating with another worker for my safety. Furthermore, if I have the misfortune of someone committing a crime against me; I know that I must worry about & will likely refrain from reporting it in Queensland, as I will still be working in a criminalised framework.” <sup>12</sup>*

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<sup>11</sup> Respect Inc with the group Decrim-QLD has the highest direct engagement of sex workers who work in the state, Respect Inc is the peak QLD sex worker association <https://respectqld.org.au/>

<sup>12</sup> Billie C, SWOP NT Delegate, SWOP NT -SWRG member, Touring FIFO worker across Australia

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Sex workers who work in Queensland must be provided with clarity of a commencement date and that date must apply as the equitable commencement date for all workers.

SWOP NT wishes to provide context to the passing of the Northern Territory decriminalisation of sex work laws, and the impact politically for the government. The 2020 Northern Territory general election was held on 22 August 2020.

The NT Sex Industry under the now repealed licencing and criminalisation model, was unsafe for sex workers and like Queensland's licencing and criminalisation model also had low compliance as the laws were unsafe to work within.

From the passing of the Sex Industry Bill, 26<sup>th</sup> November 2019 to the Implementation of the Sex Industry Act 2019, 31<sup>st</sup> July 2020, the Northern Territory Labor government during that period was balancing a re-election campaign. The government actively promoted their extensive work of passing 105 pieces of legislation that predominantly benefited women's safety, reforming the NT Sex Industry was one area that was highlighted as a major achievement by the NT government.<sup>13</sup>

Territorians were overwhelmingly in support of the Northern Territory Governments reforms to decriminalise sex work, to support the safety and rights of sex workers in recognising that sex work is a legitimate form of work.

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<sup>13</sup> Links to related to the NT sex Industry laws implementation -Inquiry, laws passed and related. Reforming the Regulation of the Sex Industry in the NT: Discussion Paper Complete **30 March 2019**, Media Release Hon Natasha Fyles <https://territorystories.nt.gov.au/10070/346113>  
Inquiry into the Sex Industry Bill 2019 **November 2019**,  
[https://parliament.nt.gov.au/\\_data/assets/pdf\\_file/0005/758975/105-19-Report-for-the-Inquiry-into-the-Sex-Industry-Bill-2019.pdf](https://parliament.nt.gov.au/_data/assets/pdf_file/0005/758975/105-19-Report-for-the-Inquiry-into-the-Sex-Industry-Bill-2019.pdf),  
Sex Industry Bill, Debates/Questions, **18 September 2019**  
<https://territorystories.nt.gov.au/10070/788866/0/0>  
Historic Legislation Passed: Northern Territory Sex Industry Bill 2019, Office of the Chief Minister, **26 November 2019**, 8pm <https://newsroom.nt.gov.au/dev/news-archives-list/article?id=31794>

## Part 2

### Amendments to the Queensland Antidiscrimination Act 1991

Clause 4- Support amendments to the Anti-Discrimination Act, replacing attribute 7(l) 'lawful sexual activity' with a new attribute 'sex work activity'.

**Recommendation 2: SWOP NT supports amendments to the Anti-Discrimination Act 1991, replacing attribute 7(l) 'lawful sexual activity' with a new attribute 'sex work activity', Clause 4**

The modernisation of the Queensland Anti-Discrimination Act 1991, to holistically protect all sex workers requires the addition of a new attribute as **“sex work activity”** that will replace the current attribute of 'lawful sexual activity'.

The Queensland Anti-Discrimination Acts' existing protections covers associates and people presumed to hold the attribute/s.<sup>14</sup> The new attribute will protect both the activity of the provision of sex work and past and current sex workers, as being (or having been) a person who provides sex work services.

The term “lawful sexual activity” is outdated and does not adequately protect sex workers against discrimination/vilification. In 2013 a court decision determined that the 'lawful sexual activity' attribute covered being a sex worker but not undertaking the work, significantly limiting the value of the attribute.<sup>15</sup>

The new attribute **“sex work activity”** will protect both the activity of sex work and a person who in the past has / or currently provides sex work services.

This is in line with the modernisation of the Northern Territory Anti-Discrimination Act 1992<sup>16</sup>, that removed “lawful sexual activity” through the NT Anti-Discrimination Amendment Bill 2022<sup>17</sup>, passed in November 2022

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<sup>14</sup> Queensland Antidiscrimination Act 1991, Section 8, d) an **attribute** that **a person had, even if** the **person** did not **have** it at the **time**, 7, (p) **association** with, or **relation** to, a **person identified** on the **basis of any** of the **above attributes**. (<https://www.legislation.qld.gov.au/view/pdf/2017-06-05/act-1991-085>)

<sup>15</sup> (Dovedeen Pty Ltd v GK [2013] QCA 116) <https://www.queenslandjudgments.com.au/caselaw/qca/2013/116>

<sup>16</sup> Fact sheet - Modernising the Anti-Discrimination Act 1992  
<https://justice.nt.gov.au/law-reform-reviews/published-reports-outcomes-and-historical-consultations/historical/2022/exposure-draft-anti-discrimination-amendment-bill-2022/fact-sheet-modernising-the-anti-discrimination-act-1992>

<sup>17</sup> To address the increasingly topical issue of discrimination in modern society, the NT Government amended several key sections of the Anti-Discrimination Act 1992 (NT) (Act) in November 2022, [with the main focus being to modernise the legislation to bring it in line with current societal standards.](#)

## Clause 5 – Support amendments to the Anti-Discrimination Act - Omission of s106C (Accommodation for use in connection with work as a sex worker)

**Recommendation 3: SWOP NT supports amendments to the Anti-Discrimination Act 1991, Clause 5, Omission of s 106C – (accommodation for use in connection to sex work)**

It is not unlawful for a person (an accommodation provider) to discriminate against another person. (the other person) by—

- (a) refusing to supply accommodation to the other person; or
- (b) evicting the other person from accommodation;

Or (c) treating the other person unfavourably in any way in connection with accommodation; if the accommodation provider reasonably believes the other person is using, or intends to use, the accommodation in connection with that person's, or another person's, work as a sex worker.]

## Clause 6 – Support amendments to the Anti-Discrimination Act, inclusive of the removal of the word 'adult' and, Amendment of Schedule 1 (Dictionary) to add a definition of the new attribute 'sex work activity'.

**Recommendation 4: SWOP NT supports amendments to the Anti-Discrimination Act 1991, with the removal of the word 'adult' and Amendment of Schedule 1 (Dictionary) to add a definition of the new attribute 'sex work activity'. Clause 6**

**"sex work activity" —**

- (a) means the provision by a ( **adult**) person of the following services for payment or reward—
  - (i) services that involve the person participating in a sexual activity with another person;
  - (ii) services that involve the use or display of the person's body for the sexual arousal or gratification of another person; and
- (b) includes being or having been a person who provides services mentioned in paragraph (a) <sup>18</sup>

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<sup>18</sup> Remove (n **adult**), not used in the modernized Antidiscrimination Act 1992, Part1, Preliminary, page 9, definition, Sex Work, <https://legislation.nt.gov.au/Legislation/ANTIDISCRIMINATION-ACT-1992>



## Part 3 and 7

### Part 3 Amendment of City of Brisbane Act 2010 and Part 7 Amendment of Local Government Act 2009

Support amendment of *City of Brisbane Act 2010* and amendment of *Local Government Act 2009*

***Recommendation 5: SWOP NT supports amendments to the City of Brisbane Act 2010 and the Local Government Act 2009, as set out in - Part 3 & Part 7 of the Bill***

***Recommendation 6: SWOP NT supports sex workers working in small groups and or collectives, inclusive of without requiring council permission or a Development Application***

SWOP NT notes that this amends two Acts by inserting matching sections, the only wording difference being ('the council' or 'the local government') but the outcome is consistent in both. The insertion of Part 3 & Part 7 in the City of Brisbane and Local Government Acts ensures that the implementation of decriminalisation of sex work is not destabilised by local councils.<sup>19</sup>

*Clause 8 Insertion of new s 40A , After section 40—insert—*

40A Regulation of sex work

- (1) The council must not make a local law that prohibits or regulates sex work or the conduct of a sex work business.
- (2) A local law has no effect to the extent that it is contrary to this section.
- (3) In this section— sex work means the provision by a person of the following services for payment or reward—
  - (a) services involving the person participating in a sexual activity with another person;
  - (b) services involving the use or display of the person's body for the sexual arousal or gratification of another person. sex work business means a business that provides services that include sex work and includes, for example—
    - (a) an escort agency providing services that include sex work; or
    - (b) a home-based sex work business

<sup>19</sup> In line with Queensland Law Reform Commission, review, A decriminalised sex-work industry for Queensland Report summary, the recommendation for Queensland will align with Victoria.

The Queensland Law Reform Commission review recommended against requirements that force sex workers to work alone.<sup>20</sup> SWOP NT and the SWRG support laws that prevent councils discriminating against sex work activity through prohibiting sex work in the jurisdiction of the council's area. It is of the utmost importance that sex workers be afforded safety at work, this includes sex workers being able to work together, inclusive of in small groups/collectives. Sex workers who work together need to be able to do so without council permission or Development Applications. Councils must apply the same rules, laws and regulation equitably to sex work as they already do to other types of work activity.

### **Planning and entrapment**

Councils' engagement of private investigators must not be permitted, as spying on sex workers, breaches privacy, creates fear through authorised stalking and seriously will undermine the purpose of the decriminalisation of sex work.

Where there are not clear directives and education provided to support councils for the implementation of the decriminalisation of sex work. Councils will seek, as police have also demonstrated, to add additional and damaging interpretations of the application of laws.

Historically, councils in NSW and Victoria have employed private investigators to undertake entrapment activities with sex workers. These powers have recently been removed from police in Queensland.<sup>21</sup>

The New South Wales example of the implementation of decriminalisation has been directly risked through a learnt culture of councils following suit to employ private investigators, resulting in not only privacy and confidentiality breaches, but also low compliance that remains twenty years on.

Low compliance barriers are heightened not only by invasive council actions with private investigators, but also due to New South Whales requirement by "many councils" for independent sex workers in residential locations to apply for Home Occupation Development Applications.

**For privacy reasons and because sex workers experience such high levels of stigma and discrimination it is not possible for sex workers to comply with a process that requires a person to submit their legal name and address to local councils.**

"Councils must apply the same rules, laws and regulation equitably to sex work as they already do to other types of work activity",

**Councils must also consider the impact of stigma and vilification that sex workers experience when their address becomes known.**

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<sup>20</sup> (Recommendation 1). Sex worker safety in practice means the ability to work in small groups or collectives in residential locations without risking privacy, confidentiality, or penalty. Clients of independent sex workers are also seeking privacy. Requiring these home businesses to apply for a permit or a DA is contrary to the business model of independent sex workers. In NSW after almost three decades no independent sex workers have ever complied with requirements for permits or a DA. Queensland can avoid making the same errors [https://www qlrc.qld.gov.au/ data/assets/pdf\\_file/0003/763383/qlrc-report-80-a-decriminalised-sex-work-industry-for-queensland-vol-1-.pdf](https://www qlrc.qld.gov.au/ data/assets/pdf_file/0003/763383/qlrc-report-80-a-decriminalised-sex-work-industry-for-queensland-vol-1-.pdf)

<sup>21</sup> DecrimQLD & Respect Inc Submission to Women's Safety Justice Taskforce, 26 Apr 2022 | Articles, Research, Submission, "Entrapment makes sex workers fear and actively avoid contact with police whom are not trusted as protectors." <https://respectqld.org.au/wsjt-april-2022/>

## Part 4

### Amendment of Criminal Code

Repeal of Chapter 22A Criminal Code including the laws that criminalise sex worker safety.

***Recommendation 7: SWOP NT supports the repeal of Chapter 22A of the Criminal Code Act 1899, including the laws that criminalise sex worker safety.***

***Recommendation 8: SWOP NT supports and accepts the 12 Amendment of Section 207A—Insert— commercial sexual service means a service—and definition.***

***Recommendation 9: SWOP NT supports and accepts 13 Insertion of new ss 217A to 217C***

- ***217A Obtaining commercial sexual services from person who is not an adult.***
- ***217B Allowing person who is not an adult to take part in commercial sexual services.***
- ***217C Conduct relating to provision of commercial sexual services by a person who is not an adult.***

***Recommendation 10: SWOP NT supports the Amendment of s 218 (Procuring sexual acts by coercion etc.), Clause 14***

The repeal of the entire chapter of sex work criminal offences in the Criminal Code Act 1899, is integral for the Queensland Government to be able to implement a decriminalised framework, This part of the Criminal Code and related sections has criminalised sex workers who work in Queensland inclusive of sex workers safety strategies.

The three new offences as amendments to the Criminal Code Act 1899, are accepted for inclusion based on comparable laws that are in place in other states and the territory, that have implemented a decriminalisation of sex work framework.

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12 Amendment of Section 207A—Insert— (Page 9)

commercial sexual service means a service—

(a) provided by a person, involving—

(i) a sexual act as described in section

218(2) and (3) engaged in by the

person; or

(ii) the use or display of the person's body for the sexual arousal or gratification of another person;  
and

(b) that is—

(i) provided for payment or reward, whether the payment or reward accrues or is given to the person providing the service or someone else; and

(ii) provided under an arrangement of a commercial character.

Insertion of new ss 217A to 217C (Page 9)

After section 217—

insert—

217A Obtaining commercial sexual services from person who is not an adult.

217B Allowing person who is not an adult to take part in commercial sexual services.

217C Conduct relating to provision of commercial sexual services by a person who is not an adult.

14 Amendment of s 218 (Procuring sexual acts by coercion etc.)

(1) Section 218(1)—

omit, insert—

(1) A person who—

(a) by coercion, procures another person to—

(i) engage in a sexual act, either in Queensland or elsewhere; or

(ii) provide, or continue to provide, commercial sexual services; or

(b) by coercion, causes another person to provide, or continue to provide, payment derived directly or indirectly from the provision of commercial sexual services; or

(c) administers to another person, or causes the other person to take, a drug or other thing with intent to stupefy or overpower the person to enable a sexual act to be engaged in with the person; commits a crime. Maximum penalty—14 years imprisonment

## Part 6

### Amendment of Liquor Act 1992

***Recommendation 11: SWOP NT supports amendment of the Queensland Liquor Act 1992***

***Recommendation 12: SWOP NT recommends an urgent review of the Adult Entertainment laws and the consequential further removal of any regulatory role from police.***

***Recommendation 13: SWOP NT recommends Review of the Liquor Act 1992 and the Adult Entertainment Code-, Regulation 2022***

SWOP NT supports the amendment of the Liquor Act 1992 with a clause to ensure a review of the Adult Entertainment laws<sup>22</sup>, to remove police as regulators.

Clause 23 importantly removes the role of the Police Commissioner in the development of the Queensland Liquor Act 1992, Adult Entertainment Code, Regulation 2022. Police currently review compliance and where a person is operating outside of *the Act*, it is police that respond.

The intention to remove police as a regulator or co-regulator of sex work will not have been met without the review of the Adult Entertainment laws.

Sex workers who work as strippers have not been included in the decriminalisation review, even though it was the intention of the review to ensure that all sex workers would be covered for protections in the Queensland decriminalisation of sex work framework. By leaving this sector out, they have effectively been left behind, without the benefits of decriminalisation. To rectify this area for reform a review of the **R** Liquor Act 1992 and the Adult Entertainment Code-, Regulation 2022 is required.

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<sup>22</sup> Queensland Liquor Act 1992, Liquor (Approval of Adult Entertainment Code) Regulation 2002  
<https://www.legislation.qld.gov.au/view/pdf/2013-01-01/sl-2002-0229>

## Part 9

### Amendment of Work Health and Safety Act 2011

#### Review of the Decriminalisation of Sex Work under the Work Health and Safety Act 2011

***Recommendation 14: SWOP NT supports the review of the Act; Clause 33, however, the review should be undertaken in consultation with Respect Inc and the Scarlet Alliance, Australian Sex Workers Association***

The proposed timeline of 4-5 years for a review of the decriminalising sex work laws under the Work Health and Safety Act 2011 (Qld), is supported as this is in line with the recommendations of the Queensland Law Reform Commission review of recommendations<sup>23</sup>

SWOP NT also supports the Queensland Law Reform Commission recommendations for sex worker organisations to be consulted for the review process. SWOP NT recommends the active engagement of Respect Inc and The Scarlet Alliance, Australian Sex Workers Association.

Clause 33 Insertion of new pt 14, div 2A

After part 14, division 2—

Insert—

Division 2A Review of Criminal Code (Decriminalising Sex Work) and Other Legislation Amendment Act 2024 275A Review

- (1) The Minister must ensure the operation of the amendments and repeal effected by the Criminal Code (Decriminalising Sex Work) and Other Legislation Amendment Act 2024 is reviewed at least 4 years, but not more than 5 years, after the commencement of this section.
- (2) The review must be carried out by an independent and appropriately qualified entity.
- (3) As soon as practicable after the review is completed, the Minister must table a report about its outcome in the Legislative Assembly

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<sup>23</sup> Queensland Law Reform Commission review of recommendations to review of the Act in 4-5 years in consultation with sex worker organisations.

## Part 10

### Repeal of legislation

#### Repeal of the Prostitution Act 1999

**Recommendation 15: SWOP NT support the repeal of the Prostitution Act 1999, Clause 34 and Clause 35**

SWOP NT supports the repeal of the Prostitution Act 1999, inclusive of licensing system, licensing body, areas in public health, and advertising.

The Prostitution Act has created unsafe laws implemented via a licensing system that has resulted in an unworkable two-tiered industry, with only a small percentage of the sex workers and sex industry operators able to comply.

The Queensland Law Reform Commission recommendations to mitigate risk, provide safety at work and compliance in legitimising sex work as work includes;

**QLD Law Reform Commission recommends:**

- ✓ Licensing framework, regulations & laws **REPEAL**
- ✓ Criminalisation of safety strategies **REPEAL**
- ✓ Police powers to entrap sex workers **REPEAL**
- ✓ 'Prostitution Licensing Authority' **CLOSE**
- ✓ Lawful discrimination against sex workers **END**
- ✓ Sex work recognised as work **FINALLY!!!**
- ✓ All criminal laws against sex workers **REPEAL**

24

<sup>24</sup> The QLRC Review Report was released in March 2023. The Queensland Government announced its support for the recommendations and its intention to decriminalise sex work!  
<https://respectqld.org.au/decriminalise-sex-work/review/>

## Part 11

### Other amendments

#### Child Employment Act 2006

***Recommendation 16: SWOP NT notes that the term social escort has been repealed from other legislation and therefore the amendment to the Child Employment Act 2006 must also be repealed, Part 11***

*To ensure clarity and consistency in law reform amendments, SWOP NT supports social escort being removed from the Child Employment Act as it has been from other Queensland Acts.*

Child Employment Act 2006 (Page 36)

1 Section 8B(2)—

omit, insert—

(2) In this section—

social escort—

(a) means a person who, under an arrangement of a commercial character, is held out to the public for hire to—

(i) accompany another person to social affairs or to places of entertainment or amusement; or

(ii) consort with another person in any place, whether public or private; but

(b) does not include a person who provides the services mentioned in paragraph (a) as part of health services for the other person.

## Other matters

*Resourcing of Respect Inc to undertake awareness program.*

***Recommendation 17: SWOP NT strongly recommends the resourcing of Respect Inc to undertake awareness program and training inform sex workers about decriminalisation and address sex work stigma and discrimination.***



It is imperative that Respect Inc is adequately resourced to undertake an awareness program to address sex work stigma and discrimination and in line with Queensland Law Reform Commission recommendation<sup>25</sup> to inform sex workers about decriminalisation.

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*“The Queensland Government should develop and implement public education and awareness programs to address sex-work stigma and educate the community about the sex-work industry and the aims of decriminalisation. This could be integrated into existing and future education campaigns and activities of relevant regulators and government agencies”. QLRC R38*

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## Expungement of sex work offences

The expungement of sex-work offences and or spent convictions.

***Recommendation 18: SWOP NT strongly recommends the expungement of sex work offences to prevent ongoing impacts on past and current sex workers.***

It is integral that provisions for the expungement of sex-work offences and or spent convictions be actioned to prevent ongoing impacts of the scars of licencing on past and current sex workers to strengthens the protection of sex workers from unfair discrimination.

Many submissions from sex workers and sex worker organisations and associations to Queensland Human Rights Commission review recommended the expungement of previous sex-work charges and spent convictions, particularly for sex workers who have been ‘entrapped’ by police. Additionally, sex workers submissions also noted that some sex workers have criminal charges that were issued, ‘during the pre-Fitzgerald era’.<sup>26</sup>

SWOP NT and the SWRG note that; “Sex workers are calling for the expungement of criminal records for sex workers who have been entrapped and charged by police. People who have criminal records relating to sex work should not be discriminated against. Some sex workers live with sex work charges issued by corrupt police during the pre-Fitzgerald era and many others with charges issued by police during entrapment since then. Sex workers have been denied appropriate treatment by authorities when presenting as victims of crime.

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<sup>25</sup> Queensland Law Reform Commission, , A decriminalised sex-work industry for Queensland Report Volume 1, Recommendation number 38, QLRC R38 and;

<sup>26</sup> Queensland Law Reform Commission, A decriminalised sex-work industry for Queensland Report Volume 1, pg 192, Expungement of convictions, 8.48 Some submissions to our review said previous sex-work charges and convictions should be removed (expunged) from a person’s criminal record.<sup>43</sup> **Respect Inc and #DecrimQLD** said expungement should be part of the shift to a decriminalised sex-work industry, particularly for sex workers who have been ‘entrapped’ by police. They also noted that some sex workers have criminal charges that were issued ‘during the pre-Fitzgerald era’.  
<https://www qlrc.qld.gov.au/ data/assets/pdf file/0003/763383/qlrc-report-80-a-decriminalised-sex-work-industry-for-queensland-vol-1-.pdf>

**SWOP NT and SWRG joint submission to the HBBMC  
Queensland Criminal Code (Decriminalising Sex Work)  
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Respect Inc and Decrim QLD note that; “People who have criminal records relating to sex work should not be discriminated against. Some sex workers live with sex work charges issued by corrupt police during the pre-Fitzgerald era, and many others with charges issued by police during entrapment since then.

Sex workers have been denied appropriate treatment by authorities when presenting as victims of crime. They are also denied approval for taxi drivers’ licences, Blue Cards, etc. An attribute may be framed as an ‘irrelevant criminal record’.

This would provide protection from discrimination on the basis of a criminal record, where the sex work criminal record is not of relevance. In interactions with police, sex workers are interrogated on their sex work criminal history in circumstances where it is irrelevant, such as routine traffic stops.<sup>27</sup>

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*“The proposed legislation will help move the industry into regulatory environments which apply to other businesses operating in Queensland. The Criminal Code and Other Legislation (Decriminalising Sex Work) Amendment Bill 2024 will:*

*Decriminalise the sex work industry in Queensland and **repeal existing criminal offences relating to sex work.***

*Create new offences **for the protection of sex workers.***

*Strengthens the **protection of sex workers from unfair discrimination.***

*The Bill will repeal offences that currently apply specifically to sex workers and allow workers to use safety strategies which are currently criminalised”.*

*<sup>28</sup> Media Statement*

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<sup>27</sup> DecrimQLD & Respect Inc Submission Responding to Queensland Anti-Discrimination Act Review Discussion Paper, March 2022, 9 Mar 2022 | Articles, Research, Submission  
<https://respectqld.org.au/decrimqld-respect-inc-ada0322/>

<sup>28</sup> Sex work industry to be decriminalised, Media Statement, Attorney-General and Minister for Justice and Minister for the Prevention of Domestic and Family Violence, The Honourable Yvette D’Ath, Published Thursday, 15 February 2024  
<https://statements.qld.gov.au/statements/99715#:~:text=The%20Criminal%20Code%20and%20Other,of fences%20relating%20to%20sex%20work>