




Speech By
Amy MacMahon

MEMBER FOR SOUTH BRISBANE

Record of Proceedings, 2 May 2024

CRIMINAL CODE (DECRIMINALISING SEX WORK) AND OTHER LEGISLATION AMENDMENT BILL

 **Dr MacMAHON** (South Brisbane—Grn) (3.37 pm): Sex work is work and the Greens are proud to stand with sex workers and their right to be safe, respected and valued for their work. As we celebrate May Day and the contribution of workers across the world, we are reminded that no worker can be left behind and that the collective struggle for workers' rights continues. My sincere thanks go to the many sex workers and advocates who have been pushing for decriminalisation for decades. The Greens are proud to have long supported their advocacy for the decriminalisation of sex work, pushing for the wellbeing and safety of workers.

While it is disappointing that it has taken the government so many years to get to this point, we are pleased to support the bill before the House today. As the Scarlet Alliance pointed out in their submission, the bill will improve rights for sex workers by replacing Queensland's failed licensing system and enacting a better model for sex industry regulation. We urge the government to implement the bill as soon as possible and to support and listen to sex workers when they tell us what they need to be safe, respected and valued in their work.

Queensland has a long and dark history of not just leaving sex workers behind but also abusing them. In the sixties and seventies, corrupt Queensland police officers presided over a system where sex work was illegal but was happening everywhere under a police-run racket. Under Police Commissioner Terry Lewis, each week police extorted thousands of dollars from sex workers in bribes. Inside the Queensland police the system was known by its nickname, the Joke. In 1989, 35 years ago, the Fitzgerald inquiry recommended that sex work should be recognised as work and legalised or decriminalised, but that did not happen. Ten years later, in 1999, the Prostitution Act created a licensing framework which added a new layer of criminal laws for brothels rather than genuine decriminalisation. Researchers Jeffreys, Fawkes and O'Brien write that—

The powers held by police in relation to sex work in Queensland are far greater today than at any time before the Fitzgerald inquiry.

Queensland's licensing system has continued to criminalise sex work and has perpetuated violence and harm against sex workers. Currently Queensland licenses less than 20 brothels and criminalises other sex work business models. Individual sex workers can only operate legally under restricted conditions which prohibits safe strategies, disallows working with others and has forced sex workers into harmful interactions with the police and the justice system. Right now in Queensland independent sex workers are criminalised for working together in the same building or hotel as another sex worker; messaging another sex worker with their location or when a client arrives or leaves; employing a receptionist or someone to answer phones; using a driver that another sex worker uses; or describing what services they do and do not offer. The licensing framework has forced sex workers to choose between being safe and acting legally. As a result, approximately 90 per cent of sex workers choose to work outside of these rules, working privately or at unlicensed businesses, and have felt unable to report abuse or violence.

Respect Inc and DecrimQld set out the case for decriminalisation of sex work in their submission to the inquiry. They write that the benefits of decriminalisation include better public health and social cohesion; the freeing up of resources that are currently tied up with the police, the Prostitution Licensing Authority and other bodies; and better rights and safety for sex workers, whose work will be treated as work. Their submission cites that 94 per cent of sex workers state that decriminalisation is very important to them. The UQ School of Public Health said that the decriminalisation of sex work is public health best practice. They write that this approach overcomes the human rights and public health harms associated with the policing and licensing of sex work. Sisters Inside Inc. wrote that decriminalisation will reduce the number of women in Queensland affected by policing, imprisonment and state violence and will improve women's safety across Queensland by allowing sex workers to self-organise and work safely together.

As the Scarlet Alliance said, this bill presents a long overdue alternative to Queensland's licensing system and enacts an evidence-based model of sex industry regulation that enables better health, safety and access to justice outcomes for all sex workers in Queensland. The Scarlet Alliance and others have urged for this legislation to commence on 1 July 2024 given its urgency. They have recommended that support organisations be resourced to provide culturally appropriate and translated resources to the sex work community, education to government agencies tasked with applying new protections and efforts to build relationships between sex workers and responsible government agencies.

We are pleased that Queensland did not go down the path of adopting the so-called Nordic model of sex work. The Nordic model criminalises clients rather than sex workers, but at its core this model criminalises sex work through alternative means. It perpetuates the tired and harmful myth that all sex workers are victims lacking agency. This model was debated in the South Australian parliament this week but thankfully this morning was voted down.

I support the suggestions from a number of submitters that we need to review sections of the Criminal Code which criminalise sex with someone of impaired mind. As it stands currently, this offence is broad enough to include many people with neurological impairments that affect the power to communicate—such as someone with cerebral palsy—despite that person having the capacity and the ability to consent. This particularly affects sex workers who provide services to people with disability and represents a potential barrier to full decriminalisation of their work. Queensland Advocacy for Inclusion, Queenslanders with Disability Network and WWILD made a joint submission calling for an approach more consistent with other jurisdictions that treat consent as context specific and ongoing, assuming that every person is able to consent if they understand the nature and effect of the decision, can decide freely and can communicate the decision in a way that is feasible to them. This approach is also supported by other submitters, including Respect Inc and the Queensland Law Society.

We are also disappointed that strippers have been overlooked in this bill. As submitters have pointed out, strippers will continue to work under a punitive licensing framework. Women's Health and Equality Queensland recommends that police are removed from a regulatory role and a review of the Liquor Act and the adult entertainment code is undertaken in order to ensure strippers are included in decriminalisation.

This bill needs to be backed up with real-world funding, including funding for sex worker advocacy organisations, funding for training, monitoring and broader support services. As we have seen with the government's moves to expand abortion access in Queensland, legislation can be largely just words if no resources are allocated to implementation. The government also needs to move to expunge previous convictions for sex work. This will be crucial to ensure that people with criminal records related to sex work do not continue to be discriminated against and is crucial to building trust between sex workers and the justice system.

This bill is a vital step towards supporting sex workers and allowing them to work safely and freely. It has been a long road, and we are only here thanks to the advocacy of sex workers and advocates. Decisions made here in the Queensland parliament over the past 164 years have had a grave impact on the lives of sex workers across Queensland and it is time to pass this bill. We then need to get on with the work of implementing it as soon as possible and continuing to listen to sex workers when they tell us what they need to be safe at work.