




Speech By
Christopher Whiting

MEMBER FOR BANCROFT

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

 **Mr WHITING** (Bancroft—ALP) (12.48 pm): I rise to support the Criminal Code (Decriminalising Sex Work) and Other Legislation Amendment Bill. As honourable members would know, I was chair of the committee that conducted the very thorough examination of this bill. With this bill we will follow the New South Wales, Victorian, Northern Territory and New Zealand examples in fully decriminalising sex work.

The member for Clayfield talked about the need for a licensing body. No other jurisdiction in Australia is going down that path. None have that. The member talked about the Nordic model. We had only a few submissions that talked about how good the Nordic model would be. Among those advocating for that model was the Australian Christian Lobby. It is their preferred model. We did not see any overwhelming evidence in the submissions about the preferability of that model. I commend the good work of the Law Reform Commission and all the sex work practitioners who, for many years, have worked to present a very strong and, I believe, unanswerable case for why we need to change the laws in this state. The committee explored very carefully and considered deliberately all aspects of the submissions and evidence.

The central tenet of these changes is to protect workers and increase worker safety, which reflects what the Attorney-General has already talked about today. It is very clear that the current regime is not safe for workers. Under current laws, people are forced to work alone. The current laws say that you can only work as a single operator or in one of the 17 licensed sex work establishments. Respect Inc said that currently it is an offence if two sex workers are working in a pair—for example, contacting each other for safety, checking with each other at the end of a booking, driving another sex worker to a call-out or even hiring a receptionist to screen calls. I do not think disallowing such practices is an acceptable way to run a workplace in modern Queensland.

Sex workers want workplace health and safety protections to apply to them as they do to other workers. If this bill is passed, workplace health and safety guidelines will apply to sex workers and they will be able to report unsafe incidents to Worksafe Queensland, just like all other Queensland workers. I congratulate the workers for organising and for making us take notice of what they endure. For example, if they do not conform to the rules of an establishment then their wages can be withheld, for up to a month in some cases. One witness, Candi Forrest, said that they want to look after themselves, to empower themselves and to stop those unfair practices. I think that is quite laudable.

Secondly, and we have heard a bit about this, criminalisation or the current regulatory system is outdated and not fit for purpose. Because most sex workers work outside the legal structure, they are unprotected and forced to remain silent. A 2022 survey showed that three-quarters of sex workers would not report a crime to police. They are easily subjected to intimidation and coercion. As we have already heard, section 106C of the Anti-Discrimination Act says that an accommodation provider can discriminate against someone if they are using the accommodation for sex work. No other jurisdiction in Australia has that provision in their anti-discrimination act—only Queensland. If that sort of

discrimination is allowed, as we heard, sex workers could be approached for free services or threatened with losing their accommodation. That is an example of criminalisation leaving people vulnerable to coercion. As the Attorney-General said, the rules around a hotel proprietor prohibiting people from conducting a commercial activity on their premises also apply to, for example, hairdressers or physiotherapists.

The committee discovered that, outside the licensed sector, health practices remain almost unknown as sex workers will not engage with their peers if they are working in an illegal establishment. What we did find is that the health practices of sex workers are very effective and they do not need extra regulation. The research, and there is a lot of it, shows that there is a lesser rate of infection amongst sex workers than the general public. Research presented to the committee, including by Professor Basil Donovan AO, showed that sex workers and their organisations are well organised when it comes to managing their health and there are very low rates of infection. Rachael Brennan, from the School of Public Health at the University of Queensland, said that all the research shows that the decriminalisation of sex work is the most effective way to reduce HIV in sex workers alongside partnerships between sex worker organisations and public health.

The member for Clayfield talked about his concerns that if we get rid of the regulatory system we will open up the industry to criminalisation. I make it very clear that the committee saw no evidence of that. The Prostitution Licensing Authority stated it but presented no evidence to back up that claim. Janelle Fawkes from the industry stated that broadscale criminal backing is not a feature of sex work in Australia. It was said that the select committee in New South Wales was told that gangs were involved in sex work but we were informed that that was refuted by other members of that select committee and, once again, those claims were never substantiated. I point out that, in a criminalised industry where most people are working illegally, those people are more open to coercion and intimidation. I have heard it said that gangs are not interested in owning or running such establishments because that is too much hard work with paperwork, tax et cetera. The gangs are more interested in standing over illegal operations to extract money. If you decriminalise the industry then you give unsavoury elements less opportunity to extort or stand over establishments. Therefore, I reject the claim that going down the path we are proposing will open up the industry to criminality. I say the opposite: it will decrease it and give much less opportunity.

Thirdly, I point out that the planning regime that will flow from this bill will include a role for local government. Local government will not be emasculated, as the member for Clayfield said. If you read the transcripts carefully, that is what you will find out. The committee stated that, in a decriminalised environment, planning regimes surrounding sex work would reflect this principle: it should be regulated no more and no less than any other business. Like other businesses, it will be regulated according to its impact, whether that is noise impact, traffic impact, parking impact or amenity impact. Professor Donovan said that the amenity impact is virtually nil in those establishments.

The issue of separation distances and proximity has come up again. The problem with that argument is that these establishments are already there. They are already operating in our local shops and I have seen them since we were referred this bill. If you ask a massage service what their HICAPS rebate is I suspect you will not get the answer that you are expecting. These businesses are in our communities now. People argue for proximity and separation distances but they need to look at different ways of saying that.

It is very clear that local governments will regulate sex worker land use according to their own planning instruments, set within the state's new legal framework. They will not be able to prohibit sex work businesses but they will reflect the state's requirements. They can make amendments to their planning schemes to make sure everything aligns with the community's expectations, including where and how these businesses operate, what sort of uses are appropriate to the zoning of that land and what buffers are appropriate. Whether they regulate land use through instruments such as neighbourhood plans, a sub-precinct in a zone category or a home-based business code, that is up to the local government and it is applicable to all businesses. Members do not need to take my word for that; that is in the evidence from the departmental staff.

It is very apt that we have brought this bill before the House. I am disappointed that the LNP will not be supporting it for confected or contrived reasons. I appeal to members of the House to think about worker safety. The overwhelming evidence that we have from the committee inquiry is that those workers are calling out for a safer work environment and they should have it, like every other Queensland worker. I commend the bill to the House.