




Speech By
Peter Russo
MEMBER FOR TOOHEY

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

 **Mr RUSSO** (Toohey—ALP) (4.17 pm): Before proceeding with my contribution I would like to acknowledge the advocacy of Janelle Fawkes from Respect Inc who has worked for years to bring about this change in the industry. I rise to speak to the Criminal Code (Decriminalising Sex Work) and Other Legislation Amendment Bill. In its report No. 4 of the 57th Parliament titled *Criminal Code (Decriminalising Sex Work) and Other Legislation Amendment Bill*, tabled in this Assembly on 12 April, the Housing, Big Build and Manufacturing Committee recommended to the Assembly that the bill be passed. The objective of the Criminal Code (Decriminalising Sex Work) and Other Legislation Amendment Bill is to establish a legal framework that will enact a safe, decriminalised sex work industry in Queensland while improving health, safety, rights and legal protections for sex workers. The bill establishes a decriminalised framework for the sex work industry based on the recommendations of the Queensland Law Reform Commission report titled *A decriminalised sex-work industry for Queensland*.

The bill repeals sex work specific offences such as those relating to working alone or with others, public solicitation and sex work advertising as located in the Criminal Code, the Prostitution Act and the Prosecution Regulation; removing the current licensing system and specific obligations on brothel licensees relating to alarms, lighting and signs; repealing sex work specific health offences that are located in the Prostitution Act and the Prostitution Regulation; implementing the Queensland Law Reform Commission's recommendations to update discrimination protections in the Anti-Discrimination Act; ensuring that the power to make local laws, which resides with the local government authorities, should be restricted so that a local law must not be made which prohibits or regulates sex work or the conduct of sex work business; repealing sex work specific offences in the Criminal Code and introducing a definition of 'commercial sexual services' in addition to new offences that address coercion and the exploitation of children in commercial sexual services; introducing a legislated review requirement to assess the operation and effectiveness of the new regulatory framework of the bill and the decriminalised sex work industry in Queensland; and implementing consequential amendments to reflect the decriminalisation of the sex work industry and removal of the brothel licensing system.

As has been stated, the committee received 176 submissions for its consideration during the examination of the bill. It also held two public hearings and two public briefings and the submissions provided represented a diverse range of views on the proposed decriminalised framework. Inquiry participants discussed the enhanced protection and safety for workers, reduced stigma and discrimination, and increased access to justice and improved industrial relations should the sex work framework be decriminalised. Some participants held alternative views, raising concerns about the potential repercussions of decriminalisation.

In August 2021 the matter was referred to the Queensland Law Reform Commission to conduct an independent review and it recommended a framework for a decriminalised sex work industry in Queensland, delivering its report on 31 March 2023 which made 47 recommendations. Currently in Queensland there are two legal forms of sex work—sex work that occurs in a licensed brothel and sex work performed by a private sex worker who works alone. All other forms of sex work are illegal.

The Queensland Law Reform Commission found that only a very small portion of the sex work industry has adopted the brothel licensing system, with the majority of sex work occurring outside the licensed sector. The Law Reform Commission determined that sex workers should not have to choose between working lawfully and working safely. To this effect, it concluded that decriminalisation would treat sex work as work rather than as a crime. It is important to note that the Law Reform Commission emphasised that decriminalisation does not mean no regulation at all. I commend the bill to the House.