




Speech By
Hon. Shannon Fentiman

MEMBER FOR WATERFORD

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

 **Hon. SM FENTIMAN** (Waterford—ALP) (Minister for Health, Mental Health and Ambulance Services and Minister for Women) (3.13 pm): I am proud to rise in support of the Criminal Code (Decriminalising Sex Work) and Other Legislation Amendment Bill because no Queenslanders should have to choose between working legally and working safely, including our sex workers. Under the current framework the vast majority of sex work in Queensland happens illegally but under these laws it will be treated like any other industry because sex workers should be able to access the same rights and protections as any other worker in this state.

In August 2021, when I was then attorney-general, I asked the Law Reform Commission to review and investigate decriminalising the sex work industry in Queensland. In April last year I announced the government's commitment to implementing these historic reforms. But, of course, these reforms did not come about in the last two years and they did not come from just one law reform review. Sex workers and their allies have been campaigning for these changes for many years. I acknowledge Lulu and Janelle, the team at Respect Inc and DecrimQld for their tireless advocacy.

During my time as attorney-general I met with many sex workers to hear about why these reforms are so important. What they told me time and again was that these reforms are fundamentally about safety. The current laws around sex work criminalise common safety measures like texting someone to say where they are going, having someone drop them off, or hiring a receptionist to help screen clients. This legal environment makes sex work less safe and it makes it less likely that sex workers will report any violence to police when they experience it. As the Queensland Law Reform Commission noted in its report—

The offences isolate sex workers and drive them underground in efforts to avoid the attention of authorities. This can be detrimental to their safety and it increases the risks of violence and exploitation.

The Women's Safety and Justice Taskforce found that sex workers are consistently forced to choose between working legally and working safely. By removing these barriers to safety, sex workers will be able to go to the police without the fear of being prosecuted themselves. Of course we acknowledge this bill alone will not be able to address the systematic and cultural tensions that have historically existed between sex workers and police. The Law Reform Commission noted in its report that police will need to work collaboratively with sex worker organisations to build positive relationships and, importantly, to build trust. We have seen this happen in other jurisdictions which have decriminalised sex work, such as New Zealand, and I am very hopeful that we will see the same here. This important work will build on the changes we have already made to make it clear that non-payment of a sex worker counts as rape and to remove police powers to entrap sex workers.

These laws will not only improve safety for sex workers but also improve public and sexual health. The current laws mandate the use of protection and regular testing and prohibit working with an STI. This punitive approach contributes to the marginalisation and stigmatisation of sex workers. It treats

them as vectors of disease and leads to worse public health outcomes. We know that generally sex workers have higher rates of voluntary sexual health testing and high levels of knowledge about safe sex practices which they share with their clients and peers. In fact, research shows that sex workers in Australia have amongst the lowest rates of STIs in the world. By removing sexual health offences, our framework will improve human rights, increase access to health services and boost public health outcomes. In line with international evidence-based best practice, these reforms make it clear that sexual health is a health issue, not a criminal issue. I am committed to continuing to work with our sex workers and their allies to ensure all Queenslanders can reliably access testing and high-quality information and support.

These reforms have been a long time coming and they are the result of the tireless advocacy of many of the sex workers who are present in the gallery. Today, finally, this House will recognise that sex work is real work. Decriminalisation is about making sure that no worker in Queensland has to choose between working legally and working safely. These laws will mean that sex workers, many of whom are women, are treated like any other worker with access to the same workplace health and safety protections as everybody else. Decriminalisation does not mean deregulation but it does mean safety, health and fairness. I am so proud to be part of the government that is delivering this reform. I commend the bill to the House.