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8 October, 2019

Economic Policy Scrutiny Committee
Legislative Assembly of the Northern Territory
EPSC@nt.gov.au

RE: Sex Industry Bill 2019

Dear Committee Members

Respect Inc and DecrimQLD write in support of the Sex Industry Bill 2019 and offer the following comments for your consideration.

Respect Inc is the state-wide sex worker organisation in Queensland funded by Queensland Health to provide a comprehensive health promotion and peer education program for sex workers. Respect Inc has offices and sex worker drop-in spaces in Cairns, Brisbane, Townsville and the Gold Coast and provides regional outreach in other locations.

DecrimQLD is a committee of sex workers, who have joined with Respect Inc., to progress the removal of harmful and discriminatory sex work laws and achieve decriminalisation in Queensland.

a) whether the Assembly should pass the Bill

We support the Sex Industry Bill 2019 to be passed by the Assembly. This Bill removes the criminalisation of the sex industry and instead allows existing comprehensive layers of regulation to apply to the sex industry. In doing so, the Bill provides both rights and responsibilities to the sex industry and sex workers of the Northern Territory in line with other industries. The changes will improve sex workers' access to workplace health and safety and industrial rights protections. Importantly, the approach will improve the ability of sex workers to report crime (whether experienced at work or in their private lives) by removing current substantial barriers.

The Bill enables sex workers and sex services businesses to be able to operate within existing laws and regulations, including employment, occupational health and safety, workers compensation and rehabilitation, planning, taxation and anti-discrimination law.

b) whether the Assembly should amend the Bill

We do not support amendments that add additional or sex industry-specific laws or regulation to this Bill, as by doing so the amendments would water down or alter the intention. We particularly warn against layers of regulation that encompass licensing or registration, as both have proven to be failed models of regulation: licensing in Queensland is an example of this failure. We refer you to our extensive submission responding to the *Discussion Paper: Reforming Regulation of the Sex Industry in the Northern Territory* for further information on this.

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There are however, four areas of the Bill where we would like to see minor amendments that would not reduce the important outcomes this Bill will provide. They are in relation to advertising restrictions and suitability certificates, anti-discrimination protections and spent convictions.

- 1) Advertising - advertising is part of the day-to-day operations of any business. There are already protections and regulations in relation to advertising classifications. If advertising is a criminal offence it will result in an opening for police corruption and misuse of powers. In Queensland, minor advertising infringements allow police to access approval for undercover operations where they pose as clients and attempt to entrap sex workers or identify evidence for related or unrelated charges. Effectively, wherever there is a criminal charge applied to the sex industry it will create a role for police, in excess of what would be applied in other industries. Royal Commissions into police corruption in Australia (Wood, NSW) and illegal activity or misuse of police powers (Fitzgerald, QLD) have identified excessive levels of police corruption and misuse of police powers whenever police have additional powers or responsibilities in relation the day-to-day operations of sex industry businesses.
- 2) Suitability certificates - the Bill requires operators engaging more than two workers to obtain a suitability certificate. This is a layer of unnecessary regulation that will create a barrier to compliance and unnecessarily complicate the decriminalisation model. Application of this approach to individual sex workers would reverse many benefits of the legislation.
- 3) Anti-discrimination protection - when this type of change is made to legislation it is critical that sex workers are protected from discrimination. Anti-discrimination supports a cultural change to reduce discrimination against sex workers.
- 4) The expungement of spent convictions should be included in the Bill - failure to do so will leave sex workers impacted by charges relating to their work for many years to come.

We particularly recommend against any amendments that will re-insert a role for police into the workplaces or day-to-day work activities of sex workers.

c) whether the Bill has sufficient regard to the rights and liberties of individuals

The Sex Industry Bill 2019 is compatible with human rights (e.g. freedom of movement, freedom of association and the right to work) and provides improved access to justice and industrial rights for Northern Territory sex workers. The Bill is the basis for providing occupational health and safety for a workforce of sex workers who currently do not have access to these protections. The Bill contributes to safeguarding the human rights of sex workers and protection from exploitation. Research from New Zealand demonstrates that removal of police from a regulatory role has resulted in 70% of sex workers interviewed being more likely to report crimes to police. The NT Bill specifically enhances sex workers ability to refuse clients and to seek alternative employment if desired. The Global Alliance Against Traffic in Women (GAATW) recommends decriminalisation of sex work as it *'would lead to fewer opportunities for exploitative working conditions, including human trafficking'*. Criminalisation and licensing have been recognised as extremely harmful to sex workers and to increase vulnerabilities to exploitation and trafficking. In line with Australia's obligations under the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Bill recognises every individual's right to choose their occupation and the right to just, favourable and safe work conditions. The Bill, through the decriminalisation of sex work, ensures the protection of the rights and liberties of all individuals. In addition, decriminalisation has demonstrated evidence-based beneficial public health outcomes.

In Summary, by lifting the current layers of criminalisation and police registration this Bill has the potential to lift the sex industry out from underground where it is more able to be effectively regulated under the scrutiny of the same regulatory mechanisms that apply to other businesses in the Northern Territory. In this way, the Bill allows for the transparent operation of the sex industry and at the same time affords sex workers basic essential rights. Support for this Bill is support for a well regulated industry, providing the basis for further best-practice approaches including the development of Workplace Health and Safety Guidelines, in consultation with SWOP NT. A well regulated, through

decriminalisation, sex industry will deliver outcomes for sex workers, the NT government (low cost, high compliance model) and the Northern Territory community (social inclusion, public health benefits).

Respect Inc and DecrimQLD also endorse the submissions made by SWOP NT, and Scarlet Alliance, Australian Sex Workers Association, the national peak sex worker organisation of which we are a member.

We refer the committee to our extensive submission responding to the *Discussion Paper: Reforming Regulation of the Sex Industry in the Northern Territory* for further information and should you require further information we could be available to contribute to your hearing process. For further information please contact Janelle Fawkes on janelle@respectqld.org.au or 0491 228 509.

Sincerely,

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