



APPENDIX 1

COMPARISON TABLE



Section 15 of 17 (pp168-173)

from the joint submission responding to the QLRC
'A framework for a decriminalised sex work industry
in Queensland' Consultation Paper WP 80'

Appendix 1 Comparison Table

Comparison table—based on 7.19 from Consultation Paper

QLRC model of decriminalisation	DecrimQLD & Respect Inc model of decriminalisation	Comments
<p>What might this look like in Queensland? 7.19 In Queensland, this would mean:</p>	<p>In Queensland, decriminalisation would mean:</p>	<p>Must repeal ALL sex-work specific legislation to improve health, rights and safety of sex workers, provide diverse work options and reduce opportunities for stigma-driven policy.</p> <p>Adopt a state-wide legislated solution to planning, fund the development of WHS guidelines and plan for a communication campaign.</p>
	<p>Modernise the definition of sex work to be:</p> <p><i>Sex work is the provision by a person of services that involve the person or persons participating in sexual activity with another person in return for payment or reward.</i></p> <p><i>Sex worker means a person who performs sex work.</i></p>	<p>Essential to modernise the definition and reflect the shift to recognising sex work as work, remove stigmatising and outdated terms like ‘prostitution’ and reflect what sex work is in 2022 in Queensland and what it is not.</p> <p>Sex workers do not offer ourselves or our bodies for the ‘use’ of another person. Current definition undermines critical understandings of consent in a sex work setting. The definition does not recognise sex work as work and that sex workers provide a wide variety of services, which are better captured by the definition used in the NT Sex Industry Act 2019.</p>
<p>• repealing the sex work offences in chapter 22A of</p>	<p>- repealing all offences in chapter 22A of the Criminal</p>	<p>A decriminalised framework extends current workplace,</p>

<p>the Criminal Code that are not needed;</p>	<p>Code;</p>	<p>human rights and universal protections to sex workers, importantly replacing all specialised crimes and exceptional police powers currently attached to sex work.</p>
<p>• repealing all or parts of the Prostitution Act and Prostitution Regulation;</p>	<p>- repealing all of the Prostitution Act and Prostitution Regulation; amend other Acts to remove 'exemptions' or 'disqualifications' based on Criminal Code and Prostitution Act offences - this will include public health laws so that there are no criminal laws mandating sexual health testing, use of condoms or criminalising working with an STI - WHS laws will cover provision, use and training on PPE (including condoms).</p>	<p>A successful decriminalised framework is stronger without licensing or certification requirements that divide the industry. The model should be designed to maximise compliance. Barriers to participation should not be included in the new framework.</p>
<p>• keeping the offences in chapter 22A of the Criminal Code or the Prostitution Act that may still be needed, with necessary changes, to protect against commercial sexual exploitation;</p>	<p>- again, repeal all of chapter 22A of the Criminal Code and the Prostitution Act. - no addition to Child Employment Act, repeal of s8B (Social escort).</p>	<p>Sufficient laws, not specific to sex work or the sex industry, exist to address these matters for persons who do not have the capacity to consent. Criminal laws specific to sex work would maintain a role for police in the homes and workplaces of sex workers and as such are incompatible with promoting compliance. For example, S229G 'procurement' was previously used to entrap sex workers and will be used again if maintained. Existing protections against sexual abuse, sexual</p>

		assault, and exploitation in the workplace will be extended to sex workers in the new framework.
<ul style="list-style-type: none"> • considering the role of police and changing sections of the Police Powers and Responsibilities Act 2000 that are not needed; 	<ul style="list-style-type: none"> - repeal all police powers in relation to sex work including move-on powers s46, powers related to consorting for offences 229H,229HC 229I, 229K - police maintain the same powers they have over all people in the community - existing laws which apply to everyone remain in place. 	There should be no role for police in regulating sex work workplaces or sex workers. The only role police should have is as protectors of sex workers.
<ul style="list-style-type: none"> • making any consequential changes to general laws that apply to workers and businesses, such as the Work Health and Safety Act 2011, Public Health Act 2005 and Planning Act 2016, so they apply in a suitable way to sex work; and 	<p>Amend other Acts to remove 'exemptions' or 'disqualifications' based on Criminal Code and Prostitution Act offences.</p> <p>WHS Act 2011 and Regulations do not need legislative change.</p> <p>PCBUs include sex work businesses and operators are covered as PCBUs</p> <p>PCBUs required to:</p> <ul style="list-style-type: none"> - ensure provision, use and training on use and storage of PPEs (including condoms). - Allow for sex workers to refuse a client where the work would cause psychological or other harm. However reference to Operations Standards Manual removed - Planning Act reference to brothels repealed - State implemented planning protections needed 	There will be no need to make changes to the Work Health and Safety Act and Regulations.

	<p>to replace (and not replicate) current discretionary powers of local councils.</p> <p>Amend the ADA (Qld) 'lawful sexual activity' attribute to be 'sex work' and 'sex worker'.</p> <p>Repeal exemptions s.28 and s.106C of AD Act.</p> <p>Vilifications grounds amended to incorporate 'sex worker' and 'sex work' under sections 124A and 131A.</p> <p>Amendment to Criminal Consent laws in the Criminal Code (Qld) 1899 Section 348(2) should be amended to include the provision 'by an intentional misrepresentation by another person about the use of a condom'.</p> <p>Section 348(2)(e) 'by false and fraudulent representations about the nature or purpose of the act;' should be amended to include 'or the withdrawal of payment or non-payment of a sex worker'.</p>	<p>The ADA (Qld) does not currently provide discrimination or vilification protection for Queensland sex workers:</p> <ul style="list-style-type: none"> - when the person is a sex worker without the status of a 'lawfully employed' sex worker; and / or, - the alleged discrimination is based on the activity of engaging in sex work, as opposed to their status as a sex worker. <p>Exemptions to the Act allow law discrimination against sex workers in relation to accomodation and employment and should be repealed.</p> <p>Queensland's criminal laws are not adequate to deal with stealthing or circumstances where there is a fraudulent promise by a person to pay money to a sex worker in exchange for a sexual act.</p>
<p>• including any new laws or other measures that might be needed to address particular issues and make</p>	<p>Expungement of all historic sex work offences.</p>	<p>Expungement of historic sex work charges are necessary for sex workers to avoid ongoing repercussions that</p>

<p>sure rules and protections apply in the best way.</p>	<p>Amendments to other Acts that describe exemptions and disqualifications for sex workers under the "prevent consorting offences" (Police Powers and Responsibilities Act 2000 (Qld) 53BAC, 53BAD, 53BAE) and Prostitution Act:</p> <ul style="list-style-type: none"> - Public Health Act 2005 (Qld) Section 88 (3), a - Disability Services Act 2006 (Qld) Sch 2, 4 - Introduction Agents Act 2001 (Qld) s21 Sch 1 - Liquor Act 1992 (Qld) 107E, Adult entertainment licence, Liquor (Approval of Adult Entertainment Code) Regulations 2002 (Qld) - Working with Children (Risk Management and Screening) Act 2000 (Qld) Sch 2,4,6 - Transport Operations (Passenger Transport) Act 1994 (Qld) Sch 1A (1,2). 	<p>impact their lives.</p> <p>Amendment of relevant Acts that mention sex work offences (including consorting laws) as exemptions from rights to privacy, or as disqualifying offences preventing eligibility to hold licences and permits in Disability employment, Introduction Agencies, Adult Entertainment, Transport and Child care (Blue card) industries.</p>
	<p>Decriminalisation Bill aligns with the HRA (Qld).</p>	<p>Sex workers should have access to Human Rights equivalent to other Queenslanders. The decriminalisation Bill should not include provisions or sections that limit the Human Rights of sex workers.</p>