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**Submission to Sexual Violence Prevention Consultation**  
**Sexual Violence Team, Department of Child Safety, Youth and Women**  
**[violence\\_prevention\\_team@csyw.qld.gov.au](mailto:violence_prevention_team@csyw.qld.gov.au)**

**30 April 2019**

Thank you for the opportunity to participate in this consultation.

Respect Inc is the Queensland sex worker organisation, established a decade ago in 2009. We are run by and for sex workers and funded by Queensland Health through the HIV Prevention and Communicable Diseases Branch to deliver a comprehensive health promotion and peer education program for sex workers in Queensland. We assist sex workers who have experienced sexual violence. The type of individualised assistance we offer is:

- Crisis response
- Phone support
- Meeting sex workers at their location so they can debrief and be supported soon after an assault
- Transport and liaison with family and significant others
- Referral and transport to sexual assault services
- Hospital visits
- Accompanying sex workers to meet with police
- Court support
- Ongoing access to safer spaces, community development & group workshops
- An internal reporting process for incidents of violence

Respect Inc also does specialised training for police, sexual assault counsellors and others in the field. This training includes:

- Demystifying sex work
- Explanation of the sex work laws in Queensland
- Appropriate language when responding to a sex worker in crisis
- Improving service systems to better support sex workers who have experienced sexual violence

Our submission is informed by the lessons we have learnt over ten years of doing this work, as well as our hopes for the future.

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**Specific recommendations in this submission are:**

- Improved sex education in schools, including curriculum on consent
- Improved processes for name suppression in cases of sexual violence
- Improved and sustained crisis payments for people experiencing sexual violence
- Re-introduction of laws that penalise discrimination against sex workers in accommodation
- Immediate repeal of Chapter 22A of the *Queensland Criminal Code 1899*
- Immediate repeal of the sections of the *The Queensland Police Powers and Responsibilities Act 2000* that legalises police entrapment of sex work
- Referral of the full decriminalisation of sex work in Queensland to the Queensland Law Reform Commission within this term of government
- Any training packages for police and front-line staff around sexual violence issues must include curriculum about sex workers needs. Sensitivity training for all hospital staff, GPs and other health workers that engage with sex workers in relation to sexual violence. Such training should be informed and delivered by people who are current sex workers in Queensland.
- Respect Inc sees a role for media briefings like those on the [OurWatch website](#), that relate to the reporting of sexual violence committed against sex workers. Sex workers should be involved in creating such media briefings.
- Legal, medical and community based services responding to the survivors of sexual violence need to have any restrictions to access based on gender *removed* from their funding agreements. Services unwilling to provide services to all genders need to be addressed with particular attention placed on regional Queensland where service options are limited.

If you have any questions or follow up please feel free to contact me directly.

Yours Sincerely,



Dr Elena Jeffreys

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## 1. Education, Awareness, Cultural Change

### *What do you think causes sexual violence?*

Sex work is an agreed consensual exchange, and is not characterised by sexual violence.<sup>1</sup> In Queensland, punitive policing, unworkable laws and out-dated anti-sex work policies create barriers to the reporting of sexual violence by sex workers. This landscape causes those who commit sexual violence to take advantage of, and target, sex workers.

We are in a society where certain institutions (church, sport, police) systemically protect people who commit sexual violence. At the same time criminalisation marginalises parts of our community which creates further barriers to reporting sexual violence. Systems of oppression and criminalisation marginalise sex workers. Simultaneously 'slut shaming' reinforces stigma and places blame on the victim/survivor and mainstream media portrays sexual violence against sex workers as the norm.

A lack of access to sex education, particularly including the importance of consent and negotiating consensual sexual interactions contributes to sexual violence.

Laws which criminalise aspects of sex work and prevent sex workers from implementing safety strategies in Queensland contribute to making sex workers unnecessarily vulnerable to sexual violence.<sup>2</sup> Laws that criminalise sex work and drug use result in sex workers (and sex workers who use drugs) being fearful of making themselves known to police and unlikely to report crime. Police in Queensland demonstrate an inability to be both the prosecutor and protector and there is evidence of a culture of not taking sex workers reporting crime seriously or contributing to a situation whereby sex workers do not continue with a report.

Vulnerability and isolation contribute to sexual violence against sex workers. Currently the laws in Queensland force sex workers to work in isolation.<sup>3</sup> The laws mean that sex workers are either trying to gain shifts at the few legal brothels, or are meant to be working exclusively alone and without another person present. The exemptions are that a sex worker can have a driver, but they must be a person that is not also a driver for another sex worker, and it cannot be another sex worker. The other exemption is that sex workers are

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<sup>1</sup> Dr Antonia Quadara (2008) *Sex Workers and Sexual Assault in Australia: Prevalence, Risk and Safety*, Australian Institute of Family Studies, Australian Centre for the Study of Sexual Assault, Commonwealth of Australia. [http://www.scarletalliance.org.au/library/quadara08/file\\_view](http://www.scarletalliance.org.au/library/quadara08/file_view)

<sup>2</sup> Ben Smee (2019) *Sex workers in Queensland must choose: be safe or be legal* The Guardian Australia. <https://www.theguardian.com/society/2019/mar/07/sex-workers-in-queensland-must-choose-be-safe-or-be-legal>

<sup>3</sup> Legal Aid Queensland *Prostitution and Sex Workers* <http://www.legalaid.qld.gov.au/Find-legal-information/Relationships-and-children/Relationships/Having-sex/P-rostitution-and-sex-workers>

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able to hire people with security or crowd-control licenses, but this person cannot hold a sex workers phone or money.

[For a short video about how sex workers are prevented from implimenting standard occupational health and safety measures you can link here, titled “Why is safety for sex workers illegal in Queensland?”](#)

Sex workers face substantial privacy and disclosure issues. Sex workers often work in secrecy, with only their clients and other sex workers knowing about their work. On measure, this means that sex workers are a relatively isolated community. The privacy and disclosure issues we face creates barriers to reporting crime. Perpetrators know this and it creates opportunities for sexual violence. Repealing the 1899 Criminal Code would resolve this.

Sex workers are criminalised in many ways in Queensland, and thus fear of reporting crime, for fear of prosecution. Police play a prosecutorial role in relation to sex workers, and as such struggle to also be our protectors in relation to sexual violence. The role of police as prosecutors creates vulnerability to sexual violence. Criminalisation contributes to a culture of sexual violence against sex workers. Decriminalisation addresses this.

In Queensland, the lack of prosecution of people who commit sexual violence against sex workers means that offenders feel protected and more likely to attack again. Most perpetrators we hear about are not offending for the first time. Lack of action by police and the justice system creates a climate of confidence among perpetrators.

Respect Inc would like to assert again that sex work does not cause sexual violence. Sex work happens in a situation between two consenting parties.

### ***Why do some people perpetrate sexual violence while others do not?***

There are many thousands of clients of sex workers in Queensland that do not perpetrate any kind of sexual violence, and would abhor the thought of another person doing so.

Clients are people who willingly pay for sex workers time and consensual services. Those committing sexual violence against us are not our clients.

It is important for us that the Sexual Violence Prevention Team take our submission in context. Sex work is not inherently violent, and does not involve acts of violence. Violence is not normal for sex workers. The below examples may give the impression that violence is common. What we are reporting to you are real de-identified examples of preventable sexual violence that is uncommon and a crime.

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Some people commit sexual violence against sex workers in an unplanned manner, and appear to act in the moment by taking advantage of particular types of opportunities when presented. In some cases this is by forcing services that are not agreed to. The person feels protected because they doubt the sex worker will report the violence.

In other situations the violence happens due to vulnerability and isolation. For example visiting a sex worker at their home, noticing from the furniture or surrounds that the person has children or a partner, and then using that as a threat against the worker if they report the sexual violence in any way.

Another example is a person making a booking with a sex worker and then observing that the house is quite, isolated and identifiable from street level, taking photos of the home and using it to threaten the sex worker for money.

The above examples are in workplace settings. However it is also the case that sexual violence can occur outside of the workplace but because someone is *known* as a sex worker. For example when the sex worker refuses a sexual advance or when they are targetted in their private life.

Other offenders are more premeditated, will target sex workers and plan their attack against sex workers who appear vulnerable, and offend in ways they know reduces the chance of the sexual violence being reported.

For example there have been cases of offenders who will invite sex workers to a certain location, and with a promise of a lift home after the booking. The location chosen is far away from anything else and means that the sex worker is completely isolated and hasn't planned for how to get home.

Some perpetrators have had an incident-free booking with a sex worker, but planned to take non-consensual photos of the worker and did so in an underhanded and pre-meditated way during or after the booking, for example while the worker is in the shower or otherwise distracted.

Over the last ten years since Respect Inc commenced operating, we have observed perpetrators pretending to be police in an effort to threaten sex workers and carry out sexual violence. These people have planned their actions and are premeditated in their efforts to perpetrate sexual violence.

***What do you think needs to change so sexual violence doesn't occur in our communities?***

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There must be long term cultural change in Queensland so that sex workers are not seen as vulnerable to sexual violence, and so that sexual violence against sex workers is not normalised. There needs to be a better understanding among the general community that sex work is work. Current laws in Queensland are in opposition to this aim. Decriminalisation is an essential step to addressing the myth that sex workers cannot be raped.

Laws regarding sex work currently make sex workers more vulnerable. Our work is not inherently dangerous, but the conditions within which we work can make us a target of sexual violence. Laws currently prevent sex workers from implementing safety strategies that would be standard for any other workers. These laws, including those in Chapter 22A of the *Queensland Criminal Code 1899*, must be repealed so that sex workers have more scope to implement safety strategies without fearing arrest.

### ***How can we make those changes happen?***

The *Fitzgerald Inquiry* concluded in 1989 that Queensland needs to urgently remove police as prosecutors of sex work, and recognise sex work as work, through civil laws and regulation via civil authorities.<sup>4</sup> Only the full decriminalisation of sex work will achieve this.

Anti-discrimination protections need to be re-extended to sex workers. In 2012 the Campbell Newman government rolled back anti-discrimination protections for sex workers, permitting sex workers to be discriminated against in relation to accommodation, if there is reasonable suspicion that the sex worker will be working from the premises.<sup>5</sup> The legalisation of this discrimination means that if a sex worker is the victim of sexual violence they are not likely to call out for help from hotel or motel staff, or to report to police for fear of being made homeless.

Respect Inc does not currently engage in public campaigns around sexual violence. We don't run targeted campaigns to reach clients of sex workers, but if resourced this is something that could contribute to preventing sexual violence against sex workers.

## **2. Supporting Victims, holding perpetrators to account**

### ***What can we do to better support people who have experienced sexual violence:***

#### ***- as individuals?***

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<sup>4</sup> Elena Jeffreys (2019) *30 Years Since the Fitzgerald Inquiry, It's time to make Queensland sex workers safe* Crikey.com <https://www.crikey.com.au/2019/02/04/queensland-sex-work/>

<sup>5</sup> Stephanie Small (2012) *Hoteliers given power to show sex workers the door* ABC News. <https://www.abc.net.au/news/2012-11-02/hoteliers-given-power-to-evict-sex-workers/4350560>

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There needs to be better understanding and a community consensus that sexual violence is not a normal day at work for sex workers. This would make it easier for sex workers to seek support when they experience sexual violence.

There needs to be more broad scale de-stigmatisation of sex work so that sex workers who have experienced sexual violence don't fear they will not be believed.

There should be training for judiciary so that sex workers receive a fairer hearing when incidents make it to court. This would also assist police who often tell us "It won't be taken seriously in court, so there is no point in trying to prosecute."

Respect Inc believe the availability of crisis payments for sex workers who have experienced sexual violence would be very helpful.

**- as governments and services?**

The Queensland government needs to fully decriminalise sex work, remove all criminal offences relating to sex work, allow sex workers to use safety strategies without fear of prosecution, and end the role of police in prosecuting sex workers. Amnesty International calls on all governments to implement the full decriminalisation of sex work.<sup>6</sup>

Entrapment, or the practice of police posing as clients of sex workers and acting with immunity to request illegal activities or services must not continue. The *Queensland Police Powers and Responsibilities Act 2000* legalises police entrapment of sex work. This must be repealed.

There needs to be better policies and training for police and front-line staff to understand sex workers needs. These services could be more accommodating of individuals' needs for privacy and confidentiality, thus making it less traumatising when a sex worker reports sexually violent crime. These services need to better understand that it is an assault even if it happened at work. These services need to better understand that sex workers can be assaulted outside of work, and it is just as distressing as it would be for any other person.

Being a sex worker does not mean that we are familiar with or should endure sexual violence any more than any other person. This fact could be better acknowledged in the policy of government and related services. Such policy would have to be developed in partnership with sex workers.

**- as a community?**

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<sup>6</sup> Amnesty International (2016) *Amnesty International policy on state obligations to respect, protect and fulfil the human rights of sex workers* (No. 30/4062/2016). <https://www.amnesty.org/en/documents/pol30/4062/2016/en/>

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Respect Inc sees a role for media briefings like those on the [OurWatch website](#), that relate to the reporting of sexual violence committed against sex workers.

Unfortunately there are many examples of media coverage that have been discriminatory and tacitly endorse sexual violence against sex workers. The Press Council complaint mechanisms does not extend to online reporting, which means that there are no formal avenues for justice when online reporting sensationalises sexual violence against sex workers. A clearer policy from Queensland government about reporting of sexual violence for journalists, including sexual violence experienced by sex workers, would be helpful. This would have to be developed in partnership with sex workers.

- ***If you have experienced sexual violence or supported someone who has, did you seek help and support?***

Sometimes the only place a sex worker will go for support is to our organisation or to other sex worker spaces that are confidential. This is due to fear of privacy breaches that would disclose our sex work status to another person or publicly if/when we take our experience into wider circles such as a sexual assault crisis centre or police.

Respect Inc has an internal reporting process for sex workers who have experienced sexual violence. We hear many stories about sex workers trying to report sexual violence and turned away by police at the first approach to a police station, or threatened with arrest. This has happened to sex workers who are cis-women, cis-male, non-binary, and trans-gender. As such this kind of situation is not informed specifically by gender.

- If so, what did you find helpful and what (if anything) could have been done better?***

There are individual police who are trying to do the right thing by sex workers who have experienced sexual violence. But its literally a roulette game, because sex workers are told to go to their local command, and it will depend who is on that day. Even supportive police express doubt that sexual violence against sex workers will be taken seriously in court.

If it was easier to obtain name suppression for victims of sexual violence it is more likely that sex workers would choose to give evidence in court.

### **3. Meeting the need of Queenslanders**

- What do you think are specific issues relating to sexual violence in your community?***

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The way sex workers are portrayed in the media definitely contributes to normalising sexual violence against sex workers. This is apparent in media coverage of incidents, and also in the fictional portrayal of sexual violence against sex workers in pop culture, TV shows, computer games and more.

General community attitudes that are derisive or belittling of sex workers and our issues play a role in normalising sexual violence against sex workers. We are the punch-line in jokes. Often people think its ok to tell such jokes because they don't think there are any sex workers in their immediate community. They are wrong. Everyone has sex workers in their life, it's just that the sex workers have chosen not to disclose. Sex workers hear these jokes and innuendo and receive a clear message that if they were in trouble, no one would believe them. It also prevents sex workers from disclosing to those that are close to them. This means when we experience sexual violence at work, or outside of work, we are unable to talk about it to the people who are in our family and community.

There is definitely an aspect of gendered violence that plays out in sexual violence against sex workers. Most sex workers experiencing sexual violence are women and most people committing sexual violence are men.

Violence against transgender people and men who have sex with men is also a form of gendered violence that has a huge impact on the sex worker community. Trans and non-binary sex workers, and male sex workers, are made vulnerable by sex worker laws and then further discriminated against due to societal transphobia and homophobia.

Respect Inc also observe that young people are not being believed when they come forward about sexual violence. There is a degree of ageism in this situation, as if a young person would make up stories for attention.

We observe that young people when coming forward about sexual violence are blamed when the situation involved non-conforming behaviour such as drug use, sex work, being street present, being out late at night. These behaviours among young people are not uncommon, but are seen as 'inviting trouble' and as such contribute to young people choosing not to report sexual violence.

***How can government and non-government services make sure our responses are inclusive of all Queenslanders and meet the needs of different groups and individuals?***

There should be training for front line staff about how to better understand and accommodate sex workers needs when reporting sexual violence, or getting support after a sexual assault.

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Queensland needs better laws and policies that recognise sex work as work. The barrier to this at the moment is that we still have a criminalisation and licensing regime for sex work, and our work is not clearly recognised as work. Rather we are treated as recalcitrant, non-conforming, 'naughty', a slut, lazy, and as if we don't have a job. Changing the sex work laws in Queensland would be a clear message to the community that sex work is real work.

#### **4. Strengthening and integrating service systems**

***How can we improve the system of services (e.g. sexual assault services, police, health) to support people who have experienced sexual violence and hold perpetrators accountable?***

There could be community based training for front line staff and all police, not just police who opt-in to such training programs. Respect Inc currently do training for the QPS, the "Investigating Sexual Assault, Corroborating and Understanding Relationship Evidence Course". This training is for police officers who opt-in. When a sex worker presents to a police station to report a sexually violent crime they are not guaranteed to engage with an officer who has been trained. We exchange contact details with the officers who have been trained, but there is no way to ensure that officer is going to handle a case when we refer it through.

There could be sensitivity training for all hospital staff, GPs and other health workers that engage with sex workers in relation to sexual violence. Respect Inc currently do training with health workers who specialise in working with sex workers. However sex workers access general public services too, and those health workers should be better equipped to cater for sex workers' confidentiality and privacy needs.

Currently, many of the community based and therapeutic responses to survivors of sexual violence are within women's services and are not available to cis-men, transwomen and for many transmen and non binary are also ineligible. The women's services that are operating within a radical feminist value system are also not accepting of sex work as work and will often victim blame.

Within regional communities there is a reduced amount of services and often under resourced services for meeting the needs of all survivors of sexual violence. This leads to gaps within the responses to the immediate and ongoing needs of individuals. In our experience, male and gender diverse people are often limited to medical responses which are not appropriate nor structured to provide for the ongoing needs of survivors.

Many sex workers report that they suffer with not only the effects of the sexual violence but then the effects of the discrimination they have experienced when attempting to access not

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only the police but also the sexual violence support services. This often extends to the domestic and family violence community, medical and legal services also.

The decriminalisation of sex work is essential to supporting the system of services to better accommodate sex workers' needs. Current criminalisation and licensing means that it is unclear how the system of support services are meant to treat sex workers. Treating us as 'inviting assault,' or as criminals is too common within current systems of support.<sup>7</sup>

Removing police as prosecutors of sex workers is essential to preventing sexual violence against sex workers. This cannot be achieved without full decriminalisation of sex work. This particularly includes the decriminalisation of sex workers who are marginalised in society due to stigma, racism and homophobia: sex workers living with HIV, migrant and non-English speaking background sex workers, and street based sex workers specifically must be decriminalised.

Respect Inc has observed, though has no evidence to prove, that police are involved in protecting police informants who are perpetrators. There is little other explanation for us as to why some perpetrators are seemingly able to continue to be free in the community even when there is evidence of taking part in sexual violence against sex workers. We hear excuses such as "the case isn't strong enough," or "no one will believe a sex worker." However this is not very convincing when we are there to back that person up. Surely any individual with the full support of a state-wide funded community organisation should be believed and taken seriously? It's very frustrating for us to observe the many and varied excuses police come up with as to why certain individuals appear untouchable.

***Do you know of any approaches that are already working well in Queensland, or in other states or countries?***

One of the strategies that has been successful for Respect Inc in Queensland is working alongside police and supporting individuals through court for sexual violence incidents.

Respect Inc has also engaged in informal, one-on-one sensitivity guidance for journalists. We have had some success with this, and it has improved media reporting of sex work issues.

Decriminalisation of sex work in New South Wales and New Zealand has assisted sex workers who are covered by the laws. Research has shown that decriminalisation improves conditions for sex workers, with 70% more likely to report crimes to the police<sup>8</sup>, and that

<sup>7</sup> Michael McGowan and Christopher Knaus (2018) 'It absolutely should be seen as rape;' when sex workers are conned The Guardian Australia.

<https://www.theguardian.com/australia-news/2018/oct/13/it-absolutely-should-be-seen-as-when-sex-workers-are-conned>

<sup>8</sup> New Zealand Government (2008) *Report of the Prostitution Law Review Committee on the Operation of the Prostitution Reform Act 2003* Ministry of Justice, Wellington, p. 57.

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police and the justice system respond more effectively and more fairly when crimes are reported.<sup>9</sup>

However there are gaps. In New South Wales street based sex workers are still able to be entrapped and arrested by the police. In New Zealand migrant sex workers, even those on a valid work visa, are by law criminalised. These groups are thus not in a good situation to be able to report sexual violence because their work is still criminalised.

For this reason, law reform in Queensland must include the decriminalisation of all sex workers in order to prevent sexual violence against vulnerable and marginalised populations.

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<sup>9</sup> Abel, G. M. (2014) "A decade of decriminalization: Sex work 'down under' but not underground" *Criminology & Criminal Justice* 14 (5): 580–92. <https://doi.org/10.1177/1748895814523024>.

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