



**Australian
Sex Workers
Association**

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Committee Secretary
Legal Affairs and Safety Committee
Parliament House
George Street
Brisbane Qld 4000
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Submission on Criminal Code (Consent and Mistake of Fact) and Other Legislation Amendment Bill 2020

Thank you for the opportunity to provide a submission to the Legal Affairs and Safety Committee on the Criminal Code (Consent and Mistake of Fact) and Other Legislation Amendment Bill 2020.

Scarlet Alliance is the national peak body representing a membership of individual sex workers, and sex worker networks, groups, projects and organisations from around Australia since 1989. Through our objectives, policies and programs, Scarlet Alliance aims to achieve equality, social, legal, political, cultural and economic justice for past and present workers in the sex industry.

Scarlet Alliance is a leader when it comes to advocating for the health, safety and welfare of workers in Australia's sex industry. Through our work and that of our member organisations, we have a high level of contact with sex workers in Australia including very high access to sex industry workplaces in the major cities and many regional areas of Australia. Scarlet Alliance represents sex workers on a number of government and non government committees and advisory mechanisms.

Scarlet Alliance has played a critical role in informing governments and the health sector, both in Australia and internationally, on issues affecting sex workers in Australia.

We write this letter in support of Respect Inc's submission. Scarlet Alliance supports Respect Inc's recommendations as follows.

Recommendations:

- In sex work, a key aspect of consent for sexual services is payment for the services negotiated. If payment is not made or withdrawn, whether or not the sex worker is yet aware, consent is also withdrawn. Section 348(2)(e) 'by false and fraudulent representations about the nature or purpose of the act;' must be amended to include 'or the withdrawal of payment or non-payment of a sex worker';
- The criminalisation of sex worker safety strategies via section 229H of the Criminal Code increases the risk of sex workers in Queensland experiencing sexual violence. The Legal Affairs and Safety Committee should consider recommending the repeal of section 229H of the Criminal Code;

- Sex workers face significant barriers in reporting crimes. An amnesty clause for sex workers coming forward to report crime should be implemented, such as has been introduced in California recently; *and*
- The current policy and legislative environment and policing practices in Queensland increase sex workers vulnerability to crime, including sexual violence. The Legal Affairs and Safety Committee must recommend the decriminalisation of sex work is urgently referred to the Queensland Law Reform Commission.

If you have any questions relating to our submission please do not hesitate to contact, CEO Jules Kim at [REDACTED]. We would welcome the opportunity to address these matters further and answer the Committee's questions at the hearing.

Thank you in advance for your consideration of our submission.

Regards,



Jules Kim
CEO