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14 March 2023

Ms Adele Bogard,
Acting Director,
Strategic Policy and Legal Services,
Department of Justice and Attorney-General,
adele.bogard@justice.qld.gov.au,

**RE: Criminal Code (Serious Vilification and Hate Crimes) and Other Legislation Amendment Bill
2023 (the Consultation Draft)**

Dear Ms Bogard,

Please accept this submission outlining a significant gap in the Consultation Draft and the urgent need for vilification and hate crimes protections for sex workers in Queensland to be included.

Sex workers in Queensland experience excessive levels of serious vilification, are not currently covered by s124A and s131A and therefore have no recourse to justice. Our organisations' joint submission in August 2021¹ outlines examples of the wide variety of types of vilification sex workers experience and details the urgent need for protections to be extended to cover sex workers:

Entrenched stigma and discrimination, historic criminalisation and a lack of consistent and comprehensive anti-discrimination and anti-vilification protections for sex workers has meant that sex workers are treated as an 'easy target' for vilification as individuals and as a collective in Queensland. Due to the absence of sex worker-specific vilification protections in Queensland, as well as the barriers to reporting vilification based on race, religion, gender or sexuality experienced by sex workers created by the current sex work laws which criminalise sex work, vilification and hate crimes enacted against sex workers go undocumented and unreported.²

¹ Respect Inc and Scarlet Alliance, Australian Sex Workers Association submission to the Legal Affairs and Safety Committee *Inquiry into serious vilification and hate crimes*.

https://respectqld.org.au/wp-content/uploads/Documents/sub_250821.pdf

² Ibid.

Not including changes to ensure sex workers are covered by these amendments to vilification and hate crime protections is a major oversight that means sex workers will continue to be targeted both as individuals and as a group, causing harm and extreme safety impacts.

Vilification and discrimination protections are essential alongside the decriminalisation of sex work in Queensland. One without the other will significantly undermine the intention of decriminalisation. Leaving sex workers unprotected is not consistent with the Queensland Government's stated intent to decriminalise sex work in Queensland.

We note that since the Queensland Parliament Legal Affairs and Safety Committee tabled its Report No. 22, *Inquiry into serious vilification and hate crimes* on 31 January 2022, the Northern Territory has passed amendments to its Anti-Discrimination Act 1992 and clause 10 of the amendments has the effect of providing sex workers with vilification protections.

We also note that the Government Response to the Legal Affairs and Safety Committee Report indicates 'in principle' support for additional attributes and this was to be considered based on the recommendations in the QHRC Report on the Anti-Discrimination Act review:

Recommendation 4 - Supported in-principle. The Government is committed to exploring additional attributes protected under these provisions. It is noted that the QHRC, as part of its review of the AD Act, is considering whether there is a need for any reform regarding the current attributes of discrimination in section 7 of the AD Act. The recommended expansion of sections 124A and 131A to capture additional attributes will be considered in the context of any broader reforms relevant to attributes recommended by the QHRC.³

The Queensland Human Rights Commission Anti-Discrimination Act review does recommend an attribute to specifically protect sex workers, stating at R24.1: "The Act should include 'sex worker' as an attribute and the attribute should be defined to mean 'being a sex worker or engaging in sex work'".⁴

³ Queensland Government response to the Legal Affairs and Safety Committee Report No. 22, 57th Parliament - *Inquiry into serious vilification and hate crimes* tabled on 31 January 2022.

<https://documents.parliament.qld.gov.au/tp/2022/5722T717-4755.pdf>

⁴ Queensland Human Rights Commission review of the Anti-Discrimination Act Report: Building belonging: Review of Queensland's Anti-Discrimination Act 1991, July 2022.

https://www.qhrc.qld.gov.au/_data/assets/pdf_file/0012/40224/QHRC-Building-Belonging.WCAG.pdf

It is therefore Respect Inc and Scarlet Alliance’s strong recommendation that ‘sex work’ and ‘sex worker’ should be included as a recognised ‘ground’ for unlawful and criminal vilification.

Signed,



Carly Nichol,
Relief State Coordinator
Respect Inc



Mish Pony,
Chief Executive Officer
Scarlet Alliance, Australian Sex Workers Association

About our organisations:

Respect Inc is the state-wide sex worker organisation in Queensland, run by and for sex workers. Our organisation provides a comprehensive health promotion, peer education and community engagement program with offices and sex worker drop-in spaces in Gold Coast, Brisbane and Cairns, and regional outreach to other locations.

Scarlet Alliance, Australian Sex Workers Association is the national peak sex worker organisation. Our membership includes state and territory-based and national sex worker organisations, and individual sex workers throughout unceded Australia. 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, in order for sex workers to be self-determining agents, build their own alliances and choose where and how they work. Scarlet Alliance represents sex workers on a number of government and non-government committees and advisory mechanisms.

Respect Inc and Scarlet Alliance are leaders when it comes to advocating for the health, safety and welfare of workers in the sex industry in Queensland and across Australia. Our organisations and projects have the highest level of contact with sex workers in their respective jurisdictions of any government or non-government agency.