

Deputy Chair
Scrutiny of Acts and Regulations Committee
Parliament of Victoria
Parliament House, Spring Street
East Melbourne VIC 3002
By email: sarc@parliament.vic.gov.au

19 October 2021

Dear Deputy Chair,

Re: Sex Work Decriminalisation Bill 2021

Sex Work Law Reform Victoria Inc. (SWLRV) makes the following submission in relation to the Sex Work Decriminalisation Bill 2021.

(SWLRV) is an independent non-partisan volunteer group led by sex workers, lobbying for the legal rights of sex workers in Victoria. SWLRV advocates for, amongst other things; the full decriminalisation of consensual adult sex work in Victoria.

Our submission assesses whether the Bill is compatible with the human rights set out in the *Charter of Human Rights and Responsibilities Act 2006*, in particular clause 28. We appreciate this opportunity to contribute to the Sex Work Decriminalisation Bill 2021 inquiry and attach our submission accordingly.

Sincerely,

Lisa Dallimore

General comments

SWLRV supports the majority of the *Sex Work Decriminalisation Bill 2021*, as it is compatible with the human rights set out in the *Charter of Human Rights and Responsibilities Act 2006*. We support repealing all laws which criminalise the undertaking of sex work as it will allow those who work in the sex work industry to have better access and support to the rights and protections that workers from other industries are afforded.

However, we are concerned about the proposed criminalisation of street-based sex work at or near certain locations at certain times as set out in clause 28 of the Bill. Sex Work Law Reform Victoria opposes any criminalisation of activities associated with consensual adult sex work.

Criminalisation of street sex work solicitation

This submission assesses whether clause 28 of the Bill are compatible with clause 12 of the *Charter of Human Rights and Responsibilities Act 2006* (Vic) which provides that “every person lawfully within Victoria has the right to move freely within Victoria.”¹

We believe that clause 28 of the Bill are incompatible with clause 12 of the Charter, as here the Bill seeks to retain criminal offences for street sex work solicitation in some locations and at certain times of the day, which prevents a person from moving freely within Victoria. The statement of compatibility recognises that “the retention of an offence in relation to street-based sex work at or near places of worship and certain places where children frequent may limit the ability of sex workers to conduct employment activities in areas of their choosing, thereby potentially limiting their right to freedom of movement.”²

However, the statement of compatibility also states that “the limitation would be considered proportionate, reasonable and necessary to promote the protection of children,³ and the right to practice religion.⁴ Retaining the offence will ensure that community standards in relation to the protection of children and preservation of religious spaces is met.”⁵ It also claims that “by including prescribed hours and days to the offence, the right is limited in the least restrictive way.”⁶

SWLRV believes that by prohibiting the solicitation of sex work in certain locations/areas near schools, child services or religious areas, it may force street-based sex workers to relocate to other areas which may be more dangerous. We also believe that the limitation on hours of operation of street-based sex work and the prohibition of solicitation on prescribed religious days is unreasonably restrictive and discriminatory.

¹ *Charter of Human Right and Responsibilities Act 2006* s 12.

² Victoria, *Parliamentary Debates*, Legislative Assembly, 13 October 2021, 4 (Melissa Horne).

³ *Charter of Human Rights and Responsibilities Act 2006* s 17.

⁴ *Charter of Human Rights and Responsibilities Act 2006* s 14.

⁵ Victoria, *Parliamentary Debates*, Legislative Assembly, 13 October 2021, 4 (Melissa Horne).

⁶ Victoria, *Parliamentary Debates*, Legislative Assembly, 13 October 2021, 4 (Melissa Horne).

Ultimately, we believe that criminalising the solicitation of street-based sex work at or near certain places at certain times, further stigmatises street-based sex workers and their legitimate work, and is discriminatory in nature.