



EXPRESSION OF INTEREST

PRO BONO LAW FIRM INTERESTED IN ASSISTING THE ACT IN DECRIMINALISING SEX WORK

Meridian and *Sex Worker Outreach Program (SWOP ACT)* seek advice from a legal firm in the ACT interested in, and willing to take on, a significant piece of pro bono advice in relation to the full decriminalisation of sex work in the ACT. Advice needs to be finalised by September 2021.

Expressions of Interest are being sought from suitably qualified and interested legal practices who can provide pro bono advice to a not-for-profit organisation.

The request for advice

Sex work in the ACT is currently governed under the [Sex Work Act 1992](#) (revised September 2018), and we are seeking for the removal of all legislation and implement full decriminalisation in the ACT.

Full decriminalisation of sex work is the removal of all sex work-specific criminal and licensing laws that apply only to sex workers, sex industry workplaces, clients, and third parties. Criminal laws that apply to everyone are still enforced by police. Civil laws are implemented by government agencies and regulators, not the police. Civil laws protect people's health, safety, privacy, autonomy, human and industrial rights, and are meant to apply to everyone. Full decriminalisation of sex work means removing sex work-specific criminal penalties for all sex workers.

The current framework that the Sex Work Act delivers is licensing. Licensing creates a two-tiered sex industry. The majority of sex workers and businesses are excluded or unable to comply with licensing laws. These workers and businesses are forced to work outside the law where they are criminalised and targeted by police. Sex work licensing laws are enforced by police and government agencies with special powers. This means police also target sex workers and sex industry workplaces that are attempting to obey licensing laws. Police use surveillance and covert policing and target the marginalised of our sex industry community. Police enforcement is central to licensing. Licensing laws and rules are excessive, unnecessary and very expensive to administer. Criminal penalties apply to routine and essential sex work business activities. They are difficult and can be expensive to comply with. Compliance can mean legal disadvantage and discrimination, loss of privacy, safety and income, and police targeting. Licensing does not support sex worker rights, privacy, or workplace health and safety. It is not decriminalisation. Licensing is sometimes incorrectly referred to as 'legalisation' in the ACT too regularly.

Meridian and SWOP ACT will be advocating with the ACT Government to remove sex work from the criminal legislative basis that underpins the Sex Work Act, so that this profession is solely regulated and governed in the same manner as other types of work (e.g. the Fair Work Act, WHS, zoning regulations and all other compliance and regulatory instruments which are used for every other business operation whether a team or individual workers in the ACT).

Meridian and SWOP ACT seek pro bono legal advice to inform the policy and advocacy with government on this issue. We seek a firm interested in the legal and regulatory issues, and able to provide advice on a range of matters including:

- Planning and zoning issues
- The regulation of businesses in the ACT
- WHS issues relevant to the industry
- The regulation of employment relationships and independent contractor relationships
- How sex work could be regulated outside of the existing Sex Work Act (e.g., assuming the legislation was repealed and other existing regulatory mechanisms were relied on)

A further briefing will be provided on engagement and we are happy to meet with you to discuss and refine the issues.

About Meridian and SWOP ACT

Meridian was formed as the AIDS Action Council in 1983 and incorporated in 1986 as part of the community response to the impact of HIV/AIDS in Australia. Today we are Canberra's leading community-based organisation for people living with HIV/AIDS, and sex and gender diverse people. Meridian also hosts the Sex Worker Outreach Program ACT (SWOP) which is a sex worker-led peer based community organisation whose primary purpose is the prevention of HIV and other sexually transmitted infections, through education, referral and sex workers' empowerment for their rights. As part of this Program, Meridian works to ensure that sex workers are treated respectfully in and outside of their safe workplaces and aspire for sex workers to live free of stigma, discrimination and criminalisation.

References

[Scarlet Alliance's Briefing Paper: Full Decriminalisation of Sex Work in Australia](#)

For more information or to express an interest in this pro bono work please contact Philippa Moss CEO Meridian Philippa.moss@meridianact.org.au or (02) 6257 2855.