

Senate Standing Committee on Legal and Constitutional Affairs

Inquiry into the Consolidation of Commonwealth Anti-Discrimination Laws: Exposure Draft
Legislation of the Human Rights and Anti-Discrimination Bill 2012.

Dear Committee Members,

I am writing to you to lodge a submission in relation to the Exposure Draft of the Human Rights and Anti-Discrimination Bill 2012.

Part 2-1—The protected attributes under **Chapter 2—Unlawful conduct and equality before the law**, lists attributes which are protected under the proposed legislation. I request that the Committee consider recommending an additional attribute to offer protection from discrimination on the basis of occupation/employment. For the purpose of this submission, I will be discussing sex workers as an example.

In most states and territories of Australia, sex work is recognised as a legal activity (when conducted within the parameters defined in the legislative framework of each state and territory).

However:

- In Queensland, a recent amendment¹ to the Anti-Discrimination Act 1991 now makes it legal for an accommodation provider to refuse accommodation to, or evict a sex worker if it is believed that they are using the premises for sex work. This is the result of a sex worker successfully bringing an anti-discrimination action² against an accommodation provider who had refused to provide accommodation to the worker. Ironically, the Anti-Discrimination legislation was tested and found to work, so the legislation was amended so that similar situations could not be actioned in the future. It should also be noted that this amendment was expedited by the Queensland Government, with a period of just seven days provided for public consideration and submissions.
- Anecdotal evidence indicates that hotel and motel operators in Queensland collect information about sex workers, including, but not limited to their real names, driver's licence numbers, car registration numbers and share this information with other hotel/motel operators to prevent a worker from accessing accommodation. Further anecdotal evidence indicates that this information has been used to refuse "known" sex workers accommodation even when they are not working and simply want accommodation for personal use (eg. holidays).
- Sex workers are charged considerably higher rates for advertising in print media, compared to advertising used by other occupations.
- Sex workers are often reluctant to report acts of violence against them to police because they are not taken seriously, often being told that "it comes with the territory" and that

¹ **S.106C** <http://www.legislation.qld.gov.au/Bills/54PDF/2012/YouthJBootAB12.pdf>

² **GK v Dovedeen Pty Ltd and Anor [2012]** <http://archive.sclqld.org.au/qjudgment/2012/QCATA12-128.pdf>

“they should expect it if they choose to work in this industry”. Clearly this sort of attitude and response is unacceptable, but it is pervasive across the country and exists at many levels.

The points I have described are but a small subset of a wide range of discriminatory actions which are frequently applied to sex workers. These behaviours would not be acceptable to persons engaged in other occupations and there is no reason why they should be acceptable to sex workers simply because of their choice of occupation. The only way to overcome this is to make a person’s choice of occupation a protected attribute, just as a person’s religion, marital status, sex, age or sexual orientation is.