

**SUBMISSION TO THE INQUIRY OF THE EXPOSURE DRAFT OF THE
HUMAN RIGHTS AND
ANTI-DISCRIMINATION BILL 2012
BY THE SENATE LEGAL AND CONSTITUTIONAL AFFAIRS COMMITTEE**

Submitted by
Tristan Pyke, Sex Worker
(Address withheld)

Committee Secretary
Senate Legal and Constitutional Affairs Committee
PO Box 6100
Parliament House
Canberra ACT 2600
Australia

Tuesday, 4 December 2012

Dear Committee Secretary, Committee Members,

RE: anti-discrimination provisions for sex workers in the forthcoming consolidated Human Rights & Anti-Discrimination Bill 2012

I am writing to you regarding my concerns for sex workers inclusion and protection under any proposed Federal Human Rights or Anti-Discrimination legislation. By way of introduction, let me assert that I am a 23-year-old queer Australian sex worker who lives in Victoria, but who regularly travels nationally in pursuit of work. Let me also assert that *sex work is work*. Upon crossing state/territory borders in Australia I am subject to differing legislation regarding sex work, ranging from decriminalisation in New South Wales, to criminalisation in South Australia. These jurisdictional laws provide too few (if any) anti-discrimination protections, and countless discriminations against me as a sex worker. Whilst I recognise that it is not the Federal Government's place to amend State/Territory law, the Federal Government could attempt to establish an example by which States/Territories may follow, and in doing so also provide sex workers with Federal protections.

As you may be aware, sex workers face extremely high levels of stigma and discrimination in daily life. Women, migrant sex workers, people of colour (POC), and those that identify as queer, trans*, sex and/or gender diverse (SGD), and intersex face complex intersectional stigma and discrimination as sex workers, for which there is currently a haphazard patchwork of Federal protections that ignore their status as *workers* who contribute to the Australian community and economy.

Over recent months I have felt and watched the growing concern that sex workers have about the few rights they are afforded in Australia. In particular, Queensland's Attorney General Jarrod Bleijie has made extremely offensive and damaging comments to media regarding sex workers rights to work free of harassment, and to be recognised as small business owners and consenting individuals with their own agency¹. Bleijie's comments refer to the Queensland Anti-Discrimination Act's provision to allow accommodation providers the right to refuse entry or eject sex workers from premises (including homes which sex workers lease for the purpose of shelter), even though sex work is recognised as 'legal'² in Queensland. This push by the Queensland Government to strip sex workers of their rights has alarmed sex workers nationally, and there are real fears that this may become a trend.

To my knowledge there are currently no Federal anti-discrimination protections for sex workers, or anti-discrimination protections around occupation which could be applied to sex workers. Sex work remains unrecognised as a form of domestic work by the Australian Government. I believe this is a gargantuan (perhaps intentional) oversight, and one that has led to countless acts of discrimination against sex workers by our Government, its elected representatives, its civil servants and by those in positions of authority, especially the Federal Police and the Department of Immigration.

By way of example, the Federal Government currently collects tax from sex workers in Australia (to the point of penalising those that fail to declare their earnings) yet does not recognise sex work as legitimate employment. The Federal Government fails to recognise sex work as a means by which to enter Australia on a working visa³, it fails to recognise that a parent who is a sex worker is just as capable a parent as the next⁴, and it fails to recognise sex work as a legitimate employment avenue whilst simultaneously penalising sex workers who are found to be claiming Centrelink unemployment benefits⁵.

¹ <http://www.abc.net.au/pm/content/2012/s3624629.htm> ABC NEWS PM, 'Qld laws ban sex workers from hotels, motels', 2 November 2012.

² Legal, though heavily regulated to the detriment of sex workers and their rights, and with laws which often force sex workers to work illegally.

³ <http://www.abc.net.au/news/2011-11-18/industry-calls-for-migrant-sex-worker-visas/3680954> ABC NEWS, 'Industry calls for migrant sex worker visas', 18 November 2011.

⁴ <http://bitly.com/UpDKK2> PerthNow, 'Prostitution Bill passed in Parliament expected to regulate the industry', 3 November 2011.

⁵ <http://bit.ly/SFsbQp>, The Australian, 'Centrelink targets sex workers', 28 November 2006.

Given the current move to amalgamate Australia's *Age Discrimination Act 2004*, the *Disability Discrimination Act 1992*, the *Racial Discrimination Act 1975*, the *Sex Discrimination Act 1984* and the *Australian Human Rights Commission Act 1986* into the proposed Human Rights and Anti-Discrimination Bill 2012, **I request that the committee recommend the Australian Government implement additional protections for sex workers, or more broadly, anti-discrimination protections in relation to employment, so as to enshrine the rights of sex workers.** I request that the committee recommend the Australian Government create protections for sex workers *in consultation* with individual sex workers and Scarlet Alliance, Australian Sex Workers Association.

Should you require any further information, or wish to request that I give evidence at any public hearings or inquiries regarding this matter, I am only too happy to help.

Sincerely,

Tristan Pyke
Sex Worker