
SUBMISSION TO THE QUEENSLAND ANTI-DISCRIMINATION ACT REVIEW

Queensland Human Rights Commission

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To the Commission,

I am writing to applaud the Queensland government on a much needed review of the Anti-Discrimination Act 1991 and to strongly encourage the adoption of a number of reforms to the way the Act affects sex workers and our families.

I am an independent sex worker based in New South Wales. I have worked in every state & territory of Australia, including Queensland. I have been a sex worker for over a decade, having worked mostly privately as a full service sex worker, but also in brothels, massage parlours, and online. I would like to address a number of discussion questions posed by the Review of Queensland's Anti-Discrimination Act: Discussion Paper:

Discussion question 16: Should a representative body or a trade union be able to make a complaint on behalf of an affected person about discrimination? Why or why not? Should representative complaints be confined to the conciliation process, or should they be able to proceed to the tribunal?

Yes. It is crucial for sex workers to be able to have a peer organisation like Respect Inc speak on their behalf, both in the conciliation process and through to the tribunal. There is significant stigma around being a sex worker which can affect us, our partners, our children, and our friends in really negative and damaging ways. The vast majority of sex workers are not able to be "out" about the work and the risks of being outed can be violent and life-altering. Without this ability to be represented by a peer organisation, most sex workers would simply not be able to access any anti-discrimination protection available to them.

Discussion question 18: Are there any aspects of the complaint (dispute resolution) process that should be considered by the Review? If so, what are the issues and your suggestions for reform?

As above, the ability to remain anonymous is essential for sex workers to be able to access the process.

Discussion question 28: Should there be a new definition of lawful sexual activity, and if so, what definition should be included in the Act? Should the name of the attribute be changed, and if so, what should it be?

The name of the attribute should be changed from "lawful sexual activity" to "sex work" and "sex worker" and should be extended to cover those who have engaged in sex work previously, and also the associates

of sex workers. The conflation of lawful sexual activity and sex work is inaccurate and problematic. There is a wide range of lawful sexual activities that are NOT sex work and not all sex work is lawful. This is particularly true in Queensland because under the Criminal Code Act 1899, many basic sex worker safety strategies, such as hiring a receptionist, and even things that a sex worker would have absolutely no control over, such as hiring a room in a hotel that another, unknown, sex worker has also hired a room in, are classified as unlawful. This means that "lawful sexual activity" does not cover the vast majority of sex workers in Queensland.

Discussion question 30: Is there a need to cover discrimination on the grounds of irrelevant criminal record, spent criminal record, or expunged homosexual conviction? How should any further attributes be framed?

Yes, sex workers need protection from discrimination on the basis of their sex work criminal records. The attribute should be framed as "irrelevant criminal record", and would include records that have been spent or expunged.

Discussion question 45: Are there reasons why the work with children exemption should not be repealed?

No, the work with children exemption must be repealed. It is discriminatory and not based in moral panic rather than evidence.

Discussion question 47: Should the sex worker accommodation exemption be retained, changed or repealed?

The sex worker accommodation exemption must be repealed. Sex workers experience a significant amount of housing discrimination. This includes being unable to rent homes to live in, being unable to hire hotels and apartments for family holidays, or being charged a higher rate if we are able to secure a location. Having a roof over your head is a basic human right and it is unacceptable to leave sex workers out of this.

Discussion question 50: Should the insurance and superannuation exemptions be retained or changed?

These exemptions should be repealed. Sex workers need to be able to access insurance and superannuation, and need protection from financial discrimination, which is currently something experienced in high levels by our community. I have lost count of how many peers have been denied banking accounts, had their bank accounts suddenly closed, and been refused merchant facilities. This extends to the families of sex workers too and is unacceptable. There are a lot of misconceptions around sex industry businesses not being run like "legitimate businesses". I struggle to understand how we are expected to do so when we are either unable to access basic business requirements like insurance, superannuation, and payment processors, or our access comes at a cost that is not reasonably afforded by sole traders.

Discussion question 55: Are any additional areas of activity required? Should any be repealed? Should the scope of any of the areas of activity be further refined?

The scope of sexual harassment should have "sex work" and "sex workers" included, and should demonstrate that sex workers can and do experience sexual harassment, including while at work.

Sincerely yours,

Jenna Love