

ADA review submission

[Discussion ? 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?](#)

Sex workers are human beings, they have lives like any other human in Society, Being discriminated against due to the nature of the work undertaken is not lawful, I can't see any reason why sex workers should be discriminated against, simply because a few people in society think it is a sinful practice and should be stopped at all costs. The attribute 'lawful sexual activity' as a euphemism for sex work in the Act, has always been problematic because not all lawful sexual activity is sex work and not all sex work is lawful.

[Discussion ? 45 Are there reasons why the work with children exemption should not be repealed?](#)

A lot of sex workers are parents who care for the upbringing of their children, they take them to school collect them in the afternoon, a lot of standard jobs does not allow for this type of care, Sex workers may choose to take on sex work due to the flexibility in hours that it provides them. I understand that with obtaining a child clearance precautions need to be adhered to. If the only reason why someone is unable to obtain a working with children clearance is the nature of the work they undertake, this is illegal and discriminatory. If people are unable to obtain a working with children clearance, how are sex workers if they choose to obtain a career requiring a blue card in QLD, this restricts the choice of employment for sex workers if they are looking to change careers.

[Discussion ? 47 Should the sex worker accommodation exemption be retained, changed or repealed?](#)

At this point in time accommodation throughout QLD is hard enough to obtain and getting more expensive all the time, If sex workers are being charged more than the above rate advertised for accommodation, I:E Motel rooms because it is assumed that they are wanting the room to conduct business then this is discriminatory and illegal, as accommodation providers do not know why someone is obtaining accommodation, as in my experience my accommodation providers do not ask the purpose of your stay.

[Discussion ? 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?](#)

When every other industry has a trade union that people can choose to be a part of and have a trade union represent them if things in the industry are deemed unlawful or against the well being of its members, why not sex workers, Sex work is an industry that provides a lot of comfort to a lot of people and is staffed by a very diverse group of people, It fails me to understand why one specific industry that provides services to the community should not have a trade union to help protect them from unsafe work practices and discrimination from other service providers.

[Discussion ? 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?](#)

The anonymity of a sex worker must be protected at every stage of the process, instead of having to be applied for at each stage. This would make the process less intimidating and reduce the risk for sex workers. Protecting sex workers' anonymity throughout the entire process is critical to being able to make a complaint as a sex worker. Sex workers have a life away from sex work and they use strategies like anonymity; to help keep them and their families safe, sex workers like a lot of people in the community prefer to keep their working life separate from their private life, for this reason sex workers lodging a complaint due to a work issue, should be entitled to use their professional name, similar to those who work in the tv and film industry.

The procedures should make it clear that the anonymity of a sex worker will be protected at every stage, up to and including in the Supreme Court. This must occur to allow sex workers to have faith in, and use, these processes available to other citizens.

Discussion ? 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?

In the upcoming review of sex work laws in Queensland, sex workers will be calling for the expungement of criminal records for sex workers who have been entrapped and charged by police. People who have criminal records relating to sex work should not be discriminated against. Some sex workers live with sex work charges issued by corrupt police during the pre-Fitzgerald era and many others with charges issued by police during entrapment since then. Sex workers have been denied appropriate treatment by authorities when presenting as victims of crime. They are also denied approval for taxi driver's licences, Blue Cards, etc. An attribute may be framed as an irrelevant criminal record. This would provide protection from discrimination on the basis of a criminal record, where the sex work criminal record is not of relevance. In interactions with police, sex workers are interrogated on their sex work criminal history in circumstances where it is irrelevant.

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

Most people in society who undertake self employment are required by law to be covered by insurance and the need to pay superannuation, by excluding these processes from people who undertake sex work is not only discriminatory but unsafe for those who not only provide the services but for those who choose to participate in the services if there is no insurance coverage by the provider of the service. Also the state government is missing out on revenue due to funds not being filtered through these legal processes. Also as sex workers age they are less likely to be able to receive a steady income stream, which again will put pressure on the government due to older sex workers not being able to provide for themselves, due to not having adequate superannuation to rely upon, which in turn puts pressure on the Government having to support ageing sex workers.

Discussion ? 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?

Sexual harassment is an important issue for sex workers. Sections 119 through 120 of the Act define the meaning of, and the relevant circumstances which deem eligibility for sexual harassment claims. These sections must include 'sex work' and 'sex workers' and also recognise that sex workers can, and do, experience sexual harassment, including in sex

work workplaces. The examples in the Act and depicted on the QHRC website should include sex work scenarios to illustrate the opportunity to report these experiences.