

## ***SUBMISSION TO THE REVIEW***

This is a submission for publication and inclusion in the review of the Anti-Discrimination Act, without a name attached to it (anonymous).

I am a 47 year old white queer sex worker, injecting drug using cis-woman living and working in urban Queensland, and working in North Queensland as a FIFO sex worker. I have been following the review of the Anti-Discrimination Act with interest, as I feel that sex workers and drug users are not sufficiently protected from discrimination in Queensland under the current Anti-Discrimination Act.

As well as authoring this submission myself, I also endorse the submissions being prepared by DecrimQLD and Respect Inc. I have taken the most relevant questions from the Anti-Discrimination Act Review Discussion Paper and addressed in relation to my life experiences below.

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***Discussion question 28 (p 98):*** 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?

I feel strongly that the only way to protect and provide recourse to justice for sex workers being discriminated against in Queensland is for the attribute of 'lawful sexual activity' should change to 'sex work' **AND** 'sex worker'.

During my time working privately in Queensland, I usually use safety strategies such as sharing a hotel room with a colleague, and SMS'ing each other when bookings arrive and leave. This means that technically I am breaking the current Queensland laws, and would not qualify as a 'lawful' sex worker. So if a bank or child care centre or any institution or individual were to discriminate against me, I may not have access to protection.

I understand that 'lawful sexual activity' attribute at different times in Queensland was the attribute by which homosexual people could challenge discrimination. As a queer woman myself I appreciate what that wording intended. However now that it is the language that is mostly covering sex work, it is insufficient.

The wording intended to protect sex workers needs to clearly encompass myself as a sex worker (lawful or not) **AND** the activity of myself doing sex work (lawful or not). Only explicit language outlining the attributes will plug the current gaps.

By removing the words 'lawful' and making the attribute 'sex work' **AND** 'sex worker', this review could cement anti-discrimination protections for people like myself.

**Discussion question 45 (p 119):** Are there reasons why the 'work with children' exemption should not be repealed?

In order for the Anti-discrimination Act to be workable and accessible to all who require these protections, the 'work with children' exemption must be repealed. There is no coherent reason why the 'work with children' exemption should not be repealed.

The exemption is moralistic and outdated because it presumes that cis-ness or lack of sex work experience makes people better at looking after children. The exemption ignores the material reality that the gendered and class-based nature of the caring professions, including working with children, mean that there is a massive cross over between sex workers, intersex and trans people, and qualified staff of child care centres.

Any person who is able to demonstrate competency, qualification and pre-requisite skills in working with children should be able to work with children and not be discriminated against. Gender identity or sex work background should not be taken into consideration.

I have had personal friends who have been turned down for jobs in schools and childcare, health centres and even admin-roles in the caring professions, just because they have sex work charges on their police record. I have personal friends who are trans, intersex or gender queer who have been prevented from working with children even though they have the relevant qualifications. This exemption deprives child care and youth workers with sex work backgrounds or diverse gender identity from being protected from discrimination in the workplace, and it must be repealed.

**Discussion question 47 (p 121):** Should the sex worker accommodation exemption be retained, changed or repealed?

I support the repeal of the sex worker accommodation exemption.

As a FIFO sex worker myself, I have seen friends and colleagues thrown out of accommodation just because a hotel receptionist took a dislike to them and used sex work as a reason for eviction. I have been at risk of being thrown out, I knew I was not protected, so I basically lost the option of my preferred locations to stay at when touring. Hotels that I had chosen for their safety features became off-limits to me because they were known for discriminating against sex workers.

It is completely unfair that I could be singled out for discrimination just because of the type of job I do in the room I have hired or rented while touring for work.

At my residential home in Brisbane city, vindictive landlords have threatened me with eviction due to me doing sex work from home. They have refused to extend my lease on the basis of discrimination. Even though all my rent and bills were up to date, I was forced to move home rather than be considered to stay. This type of housing insecurity is unfair. When I compare my situation to friends in the exact same bracket of the rental market I can see that I have been put out, required to move, threatened unfairly and generally experienced less housing security simply because I am doing sex work from home.

**Discussion question 16 (p 63):** 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 I fully agree that a representative body must be able to make a complaint on behalf of an affected person both in conciliation and the tribunal process. Its only through this kind of broad representation that some of the most systemic forms of discrimination are going to be challenged and addressed. Typically people who are discriminated against are already more marginalised – as such it is core to a good Anti-Discrimination Act that individuals should be able to have complaints progressed by advocacy and community organisations, unions and other groups as appropriate.

**Discussion question 18 (p 65):** 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?

I think there should be a register of conciliation payments and agreements, which describes the type of outcomes settlement has to offer, and the broad region/location/business-sector details. I realise that often the details of conciliation are confidential. There should be a way for entities to be able to see what kinds of alleged discrimination are prompting conciliation in their sector. Without transparency the conciliation process feels a deliberate method institution can choose so that they just 'settle' with masses of complainants and not have to address systemic change.

**Discussion question 30 (p 101):** 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. This would impact me and many of my friends and people in my community.

**Discussion question 50 (p 124):** Should the insurance and superannuation exemptions be retained or changed?

There should be no exemptions in relation to sex workers accessing insurance and superannuation and sex workers should be protected from financial discrimination. Financial institutions are some of the worst when it comes to discrimination.

**Discussion question 55 (p 128):** Are any additional areas of activity required? Should any be repealed? Should the scope of any of the areas of activity be further refined?

Sex workers, strippers, topless waitresses and adult entertainers should be explicitly protected from sexual harassment in workplace settings, for example when perpetrated by brothel managers, agents, pub owners, brothel receptionists, and auxiliary staff. Just because the work involves nudity does not mean that co-workers and employers also are permitted to sexualise their staff or sub-contractors.