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Review of the Anti-Discrimination Act

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## **ANTI-DISCRIMINATION ACT QLD**

### *Introduction*

Magenta is Western Australia’s sex worker support project operating since 2003, providing health, advocacy and education services to people working in the sex industry. The project’s background includes sexual health, human and civil rights, and face to face contact with sex workers. This submission is informed by the lived experience of Magenta’s stakeholders who live and work within many iterations of the adult industry, many of whom have travelled for work between Western Australia and South Australia, and by the experiences of Magenta’s staff.

Magenta is a peer delivered outreach and sexual health service. The project employs sex worker peers, utilising the unique credibility and insider knowledge only available to people who work in the sex industry to effectively support West Australian sex workers. Funded sex worker projects such as Magenta have existed in Australia for 30 years, and our models of peer lead service delivery have proved incredibly successful in enabling better outcomes for sex workers health and wellbeing.

This submission will provide support for anti-discrimination protections for sex workers in Queensland, by responding to a selection of questions from the discussion paper that relate to sex work and sex workers.

The primary author of this document is [REDACTED], Manager of Magenta. If any representative of the commission wishes to discuss this submission, I can be contacted by email at

[REDACTED].

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### 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?*

As discussed in the discussion paper, the current attribute of Lawful Sexual Activity excludes most Queensland sex workers as most of the industry cannot choose to operate within the law. Magenta would contest the claim raised in the discussion paper, the attribute of “lawful sexual activity” does not appear to have worked any better in either Victoria or Tasmania. Both jurisdictions allow a very low number of complaints from sex workers, suggesting that it has not worked well in these jurisdictions even with a less restrictive definition.

Magenta would agree with the submission however that the lack of protection for sex worker *status* in the current act is problematic. This creates a loophole which validates the discrimination sex workers experience in society.

Magenta recommends changing the protected attribute from “lawful sexual activity” to “sex worker” and “sex work” to address these issues.

### 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?*

Magenta recommends that “irrelevant criminal record” be considered as an attribute to be protected against discrimination under the Act.

### Discussion Question 45

*Are there reasons why the work with children exemption should not be repealed?*

Magenta supports repealing this exemption in the Act. Queensland’s existing mechanisms to screen people who work with minors should be more than adequate without singling out sex workers in the act.

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### **Discussion Question 47**

*Should the sex worker accommodation exemption be retained, changed, or repealed?*

Magenta supports repealing this exemption in the Act. Discrimination by accommodation providers is incredibly dangerous for sex workers who experience it, resulting in unstable housing, huge costs, and significant safety concerns for some workers who experience this.

### **Discussion Question 50**

*Should the insurance and superannuation exemptions be retained or changed?*

Sex workers should be protected from financial discrimination under the act.

### **Closing statements**

Magenta also wishes to register its support for a submission already made to the commission by one of our sister organisations, Respect Inc. As the experts working most closely with sex workers in Queensland of any organisation, they are the most attuned to the types of discrimination experienced by sex workers in QLD.