



1st March 2022

## Submission on the Queensland Anti-Discrimination Act (ADA) Review

### **Touching Base Inc Contact Details**

**Post:** PO Box 523,  
Newtown, NSW, 2042

**Email:** [REDACTED]

**Web:** [www.touchingbase.org](http://www.touchingbase.org)

Dear Queensland Human Rights Commission Team,

Touching Base Inc is an Australian organisation developed out of the need to assist people with disability and sex workers to connect with each other, focusing on access, discrimination, human rights and legal issues and the attitudinal barriers that these two marginalised communities can face.

We are grateful to see sex worker voices included in the Review of Queensland's Anti-Discrimination Act.

High numbers of people with disability still live below the poverty line in Australia and many are not eligible for the National Disability Insurance Scheme. We are aware of numerous sex workers with disability, in Queensland and across Australia, who work in the sex industry because the flexible nature of the work can accommodate their variable capacity to work due to their disability/ies. So when Governments and society enact discrimination against sex workers, they also negatively impact already marginalised people with disability.

Research has shown that sex workers disproportionately experience discrimination in many areas of life. This discriminatory treatment is consistent throughout society, affecting sex workers access to finance, insurance, superannuation, accommodation, alternative employment as well as access to justice and health care. We are actually aware any of these discriminatory practices can have a significant negative effect on the mental health of former and current sex workers.

With lived experience of the flawed implementation of sex work decriminalisation in NSW, Touching Base is acutely aware it is vital to lay down robust anti-discrimination protections for sex workers prior to the implementation of sex work decriminalisation.

To ensure all former and current sex workers are protected from discrimination, the Anti-Discrimination Act needs to specifically use the wording of "sex worker" and "sex work", as over time the protected attribute "lawful sexual activity" has been proven to be unsuccessful in protecting the human rights of sex workers in other Australian jurisdictions.

This protection must be expanded to 'someone assumed to be a sex worker', and 'associates, past, present and assumed' to cover all relevant circumstances. Touching Base also calls for any other laws that allows for discrimination against sex workers to be repealed.

The sex worker accommodation exemption must be repealed. This exemption is known to directly harm sex workers in Queensland in regards to housing, which is a basic human right.

The working with children exemption must also be repealed. The current Act allows discrimination against sex workers (or intersex or transgender people) in ‘work involving the care or instruction of minors’. The Blue Card system is already used to screen people who work with minors. We wholeheartedly agree with Respect Inc that this exemption is unnecessary, discriminatory and needlessly fuels inaccurate stereotypes.

In regards to covering discrimination on the grounds of “*irrelevant criminal record, spent criminal record, or expunged homosexual conviction*”, we believe these could all be collectively framed under a protected attribute of *irrelevant criminal record*.

Our membership includes people with disability and sex workers (including sex workers with disability) who have lived experience of trauma through discrimination. The process of pursuing complaints itself can be highly re-traumatising. The likelihood of being ‘outed’ as a sex worker is a significant barrier to a former or current sex worker lodging a complaint when experiencing discrimination. So sex workers need to be able to reach out to their peer community organisations for support and to make a complaint on their behalf.

Due to the huge societal stigma that has been entrenched and enforced through harmful legislation in Queensland up until now, it is essential to protect sex workers identities and privacy during the complaints process. Allowing organizational advocacy in both conciliation and tribunal proceedings will give complainants the opportunity to be supported as they speak up about their experiences and protect them from the numerous harms that can arise from being “outed”.

Finally, we believe that Respect Inc should be provided with additional funding to increase their capacity to offer this level of support for sex workers experiencing discrimination in Queensland.

Yours sincerely

Touching Base Committee of Management