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Youth Justice (Boot Camp
Orders) & Other Legislation
Amendment Bill 2012
Submission 022

Daytime telephone number: 0415034204

For the attention of the Legal Affairs and Community Safety Committee.

We are writing on behalf of the executive committee of the Somatic Sex Educators' Association of Australasia (SSEAA) to express the Association's concern with the proposed Amendment of the Anti-Discrimination Act 1991, by the inclusion of the following clause:

'106C Accommodation for use in connection with work as sex worker

'It is not unlawful for a person (an *accommodation provider*) to discriminate against another person (the *other person*) by—

(a) refusing to supply accommodation to the other person;

or

(b) evicting the other person from accommodation; or

(c) treating the other person unfavourably in any way in connection with accommodation;

if the accommodation provider reasonably believes the other person is using, or intends to use, the accommodation in connection with that person's, or another person's, work as a sex worker.'

The SSEAA believes that being able to safely and healthily access touch and intimacy, both sexual and non-sexual, within clear consensual agreements, is essential to the health and well being of adult Australians.

Adult Queenslanders need to retain their rights to access consensual sexual touch within the privacy of their bedrooms, whether those bedrooms are in hotels, rented accommodation, or properties that they have purchased.

The government has a responsibility to the overall health and wellbeing of its citizens to not convey messages that our sexuality, an integral part of our existence as human beings, is somehow unacceptable.

By legislating to allow discrimination against sex workers, the Queensland government would be furthering unhealthy attitudes about sex.

There is nothing immoral about sex between consenting adults, and therefore there is nothing immoral about sex work. That sex work has a valid place in Australian society is supported by the decriminalisation of sex work across the nation.

The proposed amendment would encourage a climate of shame amongst sex workers and their clients, by conveying a message that they are engaging in behaviour worthy of discrimination.

Furthermore, by legislating to allow discrimination against sex workers, the Queensland government is supporting a situation where abuse of sex workers is tolerated. The World Health Organization (2005) found that:

"In most countries, sex work is either illegal or has an ambiguous legal status (e.g. prostitution is not illegal, but procurement of sex workers and soliciting in public is illegal). Sex workers are therefore, frequently regarded as easy targets for harassment and violence for several reasons. They are considered immoral and deserving of punishment. Criminalization of sex work contributes to an environment in which, violence against sex workers is tolerated, leaving them less likely to be protected from it (Rekart 2005). Many sex workers consider violence "normal" or "part of the job" and do not have information about their rights. As a result, they are often reluctant to report incidences of rapes, attempted (or actual) murders, beatings, molestation or sexual assault to the authorities. Even when they do report, their claims are often dismissed. For example, studies among street-based sex workers in Vancouver, Canada and in New York City show that a majority of incidences of harassment, assault, rape, kidnapping, and murder are not reported to the police. Where they are reported, the police do not register the complaints and in the few instances where they are registered, many of the perpetrators are not convicted. (Cler-Cunningham L and Christerson C (2001); Thukral J and Ditmore M (2003)).

By preventing sex workers from a legal right to work from premises, sex work will be forced back onto the streets, a situation that increases the dangers faced by sex workers.

The proposed amendment would further impact on the healthy sexual lives of Queenslanders in that the accommodation provider only has to reasonably believe that "the other person is using, or intends to use, the accommodation in connection with that person's, or another person's, work as a sex worker.". This level of ambiguity in legislation provides an opportunity for accommodation providers at their discretion, to discriminate against anyone, especially anyone involved in sexual activities.

While we agree that if any guest in an accommodation complex of any description disturbs other people, it is important that the management of the accommodation has legal recourse to resolve the situation, we note that this recourse is clearly provided by the Liquor Act.

The proposed amendment of the Anti-discrimination Act encourages a climate of fear and prejudice unacceptable in a democratic developed state.

We ask the committee to take seriously the dangers of the proposed amendment, and to advise the government against the amendment.

Faithfully



D Juventin
President SSEAA



A Furman
Vice President SSEAA

References

Rekart M. L (2005) Sex-work harm reduction. The Lancet. 366 (December):2123-2134

Cler-Cunningham L and Christerson C (2001). Studying violence to stop it. Research for Sex Work. 4:25-26.

Thukral J and Ditmore M (2003). Revolving door: An analysis of street-based prostitution in New York City, USA, Urban Justice Center.

World Health Organization (2005) Department of Gender, Women and Health (GWH)
Family and Community Health (FCH) at <http://www.who.int/gender/documents/sexworkers.pdf>