

Research Director
Legal Affairs and Community Safety Committee
Parliament House
George Street
BRISBANE QLD 4000

The following is my submission in relation to proposed amendment to the Anti-Discrimination Act 1991, introduced to Parliament in the Youth Justice [Boot Camp Orders] and Other Legislation Amendment Bill 2012.

'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.'

My name is Nikki and I am a legal sole operator sex worker in the state of Queensland and have worked on and off for the past 16 years as a sex worker along with being a current licensed brothel manager for the last 8 years. I am not a solicitor or a person who is well versed in legal jargon so my submission is going to come from my personal experiences as a sex worker.

I object to this amendment in its entirety.

I am passionate about the sex industry. I care deeply for its wellbeing and for its future. The sex industry is messy and complicated and is weakened by inequality. We can work together towards a better future for the sex industry and for the people who choose to work within this industry through education, understanding and tolerance.

We are not criminals – we are your wife, your girlfriend, your sister, your mother, your daughter, your niece, your aunt, your neighbour, your kids teacher, your nurse at the hospital and we are many other people in your day to day life that you have no idea that are sex workers and I know this as fact as these are the types of Women that work in the brothel that I manage as well as my fellow sole operator peers. They keep their second life a secret from their family and friends so that they are not judged.

The diversity is broad. We are Women (and Men) who are doing what we need to do in this economy to make sure that we take care of our families without looking for a handout and stressing an already over-stretched Government budget.

In 1999 – the Prostitution Act was introduced which made it legal for a single person to work alone in the sex industry – these people are called sole operators. How legal sole operators work is simple: they work from either an apartment or house which is either owned or rented or they work from temporary rental accommodations such as motels and hotels.

This was a move forward for the Government and the Industry to help stamp out pimping and other forms of intimidation that induced and coerced Women to be sex workers. By the introduction of the Prostitution Act Women were able to make a choice. We were able to choose to be a sex worker of our own free will under state laws that protected our health, safety and legal rights.

How this proposed amendment will affect legal sole operator sex workers if it goes ahead is: it will give not only motel/ hotel owners and operators the right to refuse a room to or remove sex workers from their premises but it appears it is written to extend to people who own rental properties under the title of "other accommodation providers" who will be given the right to remove people who are suspected sex workers from their rented homes where they work and where some live with their partners and children. This is of serious concern to sex workers with families.

Also under this proposed amendment - by giving motel/hotel owners and other accommodation providers the right to "treat the other person unfavourably in any way in connection with accommodation" opens the door to the re-introduction of extortion to the industry.

This will allow these accommodation providers to once again charge excessively inflated rates for sex workers to rent a motel/hotel room or rental property as well as the possible reintroduction of the standover tactic of saying "yes I will rent to you but you will need to pay me an extra \$500 a month in compensation for having you here or a percentage of your daily takings" – both of which are an offence under the Criminal Code.

The sins of the past coming back to repeat themselves in the present – surely not? In the words of George Santayana: Those who do not learn from the past are doomed to repeat it. We are all well aware of the corruption and the history of prostitution in Queensland.

The part (c) of this proposed legislation amendment is open to so many interpretations and some rights must be able to be held by the sex worker to protect themselves from extortion – to be able to say NO and to be able to take action against any person who attempts extortion through discrimination.

Another major concern from sex workers is that we worry that everyday Women – especially travelling business Women and everyday people's female family members will be potentially denied accommodation on the assumption that they are sex workers due to the fact they are travelling alone and an accommodation provider will, one day, negligently mistake one or more for sex workers as was the case with a Rockhampton motel in June 2011 who asked a mother if she was a prostitute and she told the motel staff member she was a Nurse, did they think she was a prostitute? The motel staff member responded "yes". Link for reference:

<http://www.themorningbulletin.com.au/news/hooker-slur-outrages-visiting-mum-clash/883388/>

If these Women who are mistaken as sex workers decide to take some sort of action against an accommodation provider, they will actually have no recourse to take thru anti-discrimination as that door will be closed to them because of this proposed amendment – so those Women will have to live with the fact that an accommodation provider mistook them for a sex worker and not only denied them accommodation at the time but branded them a sex worker in that particular town by that motel. Because what these accommodation providers do in these small North Queensland towns is: they keep a Woman's details such as name, address, phone number, credit card number

and at times – car rego numbers and pass them onto other local motels and hotels so that those places deny them accommodation as well. This breaches privacy by passing on such information and they do it without reservation or care.

This sort of collusion to discriminate against sex workers is not acceptable.

A room would not be denied to a travelling Sales Consultant or a Politician on the campaign trail who run their business from a motel/hotel room nor a famous actor or singer who generally do interviews with media from rented hotel rooms as a part of their business, employment agencies who conduct employment interviews in motel rooms or photographers who use rooms for professional photos shoots, television shows and movie production units who rent rooms for scenes to be shot in or pornographers who film or photograph professional pornography or any other type of business person for that matter – none of these people would be denied a room to rent or be evicted from a premises and have their personal details passed around town – only sex workers.

By selecting a minority group such as sex workers and by saying it is ok to discriminate against us and to treat us “unfavourably” in the process is just not the Australian way.

Dignity, respect and tolerance seems to be missing from this proposed amendment and this is a roadblock in the road of progress in moving forward together to a less bigoted and misogynistic Government attitude towards sex workers.

I truly believe that this legislation amendment is fuelled by the personal moral opinion of its composer than from a distanced professional approach for the best interests of all parties involved. There must be alternative options to this amendment than to endorse legal discrimination.

I am ever still an optimist that believes sex workers can work with the Government instead of being against each other to come to mutually beneficial legislation. I believe it needs to be made clear one way or another in the legislation that either all business people cannot work from rented accommodations such as hotel and motel rooms or all business people can. I would like to see that in writing in the legislation and my preference is, of course, that all business people should be able to continue to go about their business when away from their usual place of business.

Legal sole operator sex workers have been recognized as a person before the law and in doing this in 1999 it afforded us with more equal protection in regards to human and civil rights. This is a step backward for sex workers and for human rights.

Beyond eliminating discriminatory criminal laws and by enforcing appropriate ones, it is time the law did something for Women and Men in prostitution.

Protecting the minority from the majority is usually the way it works, not the other way around.

Thank you
Nikki

