

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

Youth Justice (Boot Camp
Orders) & Other Legislation
Amendment Bill 2012
Submission 028

Thursday, 8 November 2012

A submission in relation to proposed amendments to the Anti-Discrimination Act 1991, introduced to Parliament in the Youth Justice (Boot Camp Orders) and other Legislation Amendment Bill 2012

Dear Sir/Madam,

I am shocked that the Queensland Attorney-General and Minister for Justice, Hon Jarrod Bleijie MP is attempting to pass this amendment through Parliament without proper consultation and consideration. This amendment will have far reaching consequences to not only sex workers but members of the general public. I feel this has the potential to be abused by the accommodation providers and cause discrimination towards other occupations and persons.

The amendment that concerns me is:

‘106C Accommodation for use in connection with work as a 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.’.

I would like to break this amendment down to its parts and discuss the extreme consequences that could happen.

Accommodation Provider:

All the statements and media interviews have only mentioned hotels/motels but the amendment actually includes all accommodation providers.

According to the Anti-Discrimination act 1991 dictionary as listed here
<http://www.legislation.qld.gov.au/legisln/current/a/antidiscrima91.pdf> page 129

accommodation includes—

- (a) business premises; and
- (b) a house or flat; and
- (c) a hotel or motel; and
- (d) a boarding house or hostel; and
- (e) a caravan or caravan site; and
- (f) a manufactured home, or a site, under the *Manufactured Homes (Residential Parks) Act 2003*; and
- (g) a camping site; and
- (h) a building or construction site.

According to statements made by Mr Bleijie he is only interested in Motels/hotels and yet he has included all accommodation providers in the wording of the amendment

<http://statements.qld.gov.au/Statement/2012/11/1/hotel-and-motel-owners-can-refuse-sex-workers-under-proposed-laws>

The wording of the clause:

(c) treating the other person UNFAVOURABLY IN ANY WAY in connection with accommodation;

Exactly what does that mean? Verbal abuse? Name calling? Searching the accommodation? Removing guest possessions without consent? Not refunding monies? Charging extra?

With no definite definition this is open to subjective treatment.

I have been the victim of an angry overbearing male accommodation provider telling me in a raised voice outside my room, in the middle of the car park, within earshot of at least 7 rooms and reception, that “he didn’t want a prostitute in his motel” and threatening me with police eviction if I had “another man visit me in my room for sex before I left”. Even after I agreed with him he continued on. I felt intimidated, shaking, upset and very embarrassed and just wanted to crawl under the nearest rock, He then watched my room from 3pm until 12pm (3 hours after reception normally closed). I had booked in for 3 nights I had explained that I had a couple of appointments and he asked what I did and I explained that I was doing interviews for a financial planner. I had only seen 2 persons on the first day 4 hours apart (during daylight hours) and 1 on the second morning. I had no further appointments booked during

my stay. I can only imagine what he will do when he doesn't have to answer for his abusive treatment.

The fact that any accommodation provider will ONLY have to REASONABLY BELIEVE that the accommodation will be used for engaging in sex work leaves this open to abuse. The wording of the amendment will leave it open for an accommodation provider to accuse anyone that they don't want staying on their premises of being a sex worker. No Proof is required by the accommodation provider. Discrimination and bigotry will occur under the guise of guests participating in sex work and there will be no recourse for those accused or abused by accommodation providers. Whether true or not it will be perfectly legal and the guest will have no recourse.

What if an accommodation provider believes that all people travelling alone are cheating on their spouses? Or he doesn't like dark skinned people, transsexuals or women that have tattoos? Because they don't fit with his beliefs he says that he thinks they are a sex worker or will hire a sex worker and he refuses accommodation and flags that guest as a sex worker to hide his bigotry? Under the proposed amendment it will be perfectly legal to be treated UNFAVOURABLY in such a manner.

It will not matter if a sex worker is on holiday or working, once a sex worker is known as such they will be tagged as a sex worker and accommodation will be denied based on the details on the list.

It is commonly known that in Toowoomba the accommodation providers have compiled a list of known sex workers operating in Toowoomba and it is circulated among the accommodation venues.

In one case I know of, a sex worker who is local to the Toowoomba area decided to organise a weekend in a local motel with her partner. She was denied accommodation and when she asked why she was told because we know you are a sex worker and we don't want your kind here. She had no intention of working that weekend, so the notion that accommodation providers would only deny sex workers accommodation if they reasonable believed that the sex worker was going to work is a misnomer.

BTW This circulating list has all the details that were given during check in, Real Name, address, license, car rego, credit card details and all of the information contained within that identification as well as the working name and phone number, as they call working ladies and make appointments in order to find out where they are staying. The lists are kept on record and checked against anyone the moteliers REASONABLY BELIEVES is a worker, namely any single guest that is staying more than 1 night ... Will they now be legally able to do this and publish the list in a industry sanctioned and circulated newsletter without recourse under the UNFAVOURABLY treatment label?

The following scenarios may seem extreme, but are very plausible should this bill be passed.

Scenario 1

A women travelling alone on a driving trip has been driving for 10 hours and decides to stay a night or two at Moranbah Qld (a mining town full of single men working as miners) She notices a couple of motels and goes to the first one, it has no vacancies, the second motel says it has no vacancies and the third refuses her a room saying that they think she is a sex worker and they don't want her kind here, the next motel she goes to is the final accommodation venue in town and it also refuses her accommodation because the third motel just rang and told them that a hooker driving a (insert her car) was looking for a room. She says she is not a hooker but isn't believed and is told to get out you are not welcome here. She has no choice but to either sleep in her car or continue on to Mackay for accommodation, whilst driving she has an accident, she is left on the side of the road with no car. What happens if she is attacked? Or was badly hurt?

Scenario 2

A male travelling alone checks in and the accommodation provider sees a female visitor go into his room, the accommodation provider bursts into the guests room and tells them both to get out because she is a sex worker and the male guest is no longer welcome to stay there. They try to explain that she is the guests sister who lives in town, but the accommodation provider will not listen and demands they leave NOW and starts throwing the guests possessions out of the room. The accommodation provider is yelling and everyone in the motel is listening and staring at them both. The guests sister is being accused of being a dirty prostitute. Her reputation is damaged and she has no recourse to save her reputation.

Finally, what recommendation would the committee make if the proposed amendment read?

‘106C Accommodation for use in connection with work as Lawyer

‘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 Lawyer’.

I would appreciate my contact details not being published please.

Thank you for reading and taking this into consideration,

[REDACTED]