

Tamara Cashin



Submission to Parliamentary Committee

**Reference: Youth Justice (Boot Camp Orders) and Other Legislation Amendment Bill 2012 (page 1 of 2)**

I would like to make a submission regarding the Bill being put before parliament that allows an individual to make a discriminatory act against another individual, being accommodation used in connection with work as a sex worker.

First and foremost, what right does an individual have to determine the occupation of another individual based on the persons that enter and leave a hotel room? Who is responsible for making the judgement that someone is indeed a sex worker and what are the repercussions for the individual making the discriminatory claim, if they are wrong. Surely then the discriminated individual would then have the right to sue for libel?

My husband sometimes has the opportunity to work away intrastate. He is required to stay offsite in motel type accommodation. Does this mean that if I were to visit him, that I would be labelled as a sex worker and he as soliciting a sex worker, thus resulting in our personal details being passed around the state to various moteliors, preventing him from gaining accommodation and potentially affecting his ability to work and provide for our family? Would that also result in either of us being unable to take holidays as we would be unable to then obtain accommodation for family holidays? Who is then responsible for the suffering that was caused to our family from a direct result of being myself being named as a sex worker and the potential irreparable damage to my reputation? Would we be able to sue the motel for libel, damages, lost income and the costs associated with finding new accommodation? What would happen to myself or my husband if after being forcibly removed from said accommodation, if it were perhaps 2.00am? Where would we go? Most of the towns that support intrastate workers often "close down" after 9.00pm. Would we be forced to sleep on the street, where we could potentially come to physical harm? Perhaps one of us could be assaulted to a point resulting in death as a direct result of sleeping on the street? Who would be responsible for this? I suggest it would be the manager of the motel that would be personally responsible for the ensuing legal matters and the resultant court hearings that would occur.

I have a parent who is a sex worker. She has never failed in her role as a mother or a grandmother. She is dutiful and caring and considerate. She is also discrete. I would not like to receive a phone call in the middle of the night telling me that she has been thrown out of accommodation onto the street as a result of her occupation. Would anyone like to hear that has happened to their mother? If something were to happen to her, owing to her not having anywhere to go in the middle of a strange town during the night, the motelier in my personal opinion would be personally responsible and I would drag them before the courts for their failure in their duty of care to a patron.

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Nobody has the right to discriminate against another individual based on their occupation. The other issue with this law is it places too much power into the hands of an individual. Who is to say they then won't discriminate against people that they simply don't like the appearance of? Will they start refusing accommodation to individuals of Aboriginal and Torres Strait Islander appearance, labelling them as sex workers? Will they label people with dark skin or tattoos or even those who aren't dressed well as sex workers, or as soliciting sex workers, to prevent them from using their motel. These people will be black listed amongst hotels and motels, forever preventing them from obtaining accommodation in certain places.

Who is a sex worker? Is it someone who has loud sex with another person? Is it someone who dresses distastefully? Is it a person who wears expensive clothes? Is it someone who leaves their room late at night? Is it someone who receives visitors to their room? Perhaps anyone who is a consultant, who might be having clients to their room for business purposes? Or is it a travelling sales representative with friends and relatives of the same and opposite sex who has guests at their room? Perhaps a sex worker is someone who has returned for a high school reunion who has a brother visit and then an old high school boyfriend who stops by to pick them up, but has a drink in the room first? Maybe the sex worker is a young attractive woman, dressed very well and staying in a motel in town, has a male friend visit her for an hour or so and then has her male partner come from onsite mining accommodation to visit for the night? God help her if she has loud sex with him, for if the new legislation is passed, she will be thrown onto the street and branded a hooker.

This is a huge backward leap in the anti-discrimination laws.

Sincerely,

Tamara Cashin