

8 November 2012

Research Director
Legal Affairs and Community Safety Committee
Parliamentary House
George Street
Brisbane Qld 4000

Ref: Submission regarding the Youth Justice (Boot Camp Orders) and Other Legislation
Amendment Bill 2012

TO WHOM IT MAY CONCERN

I am writing in opposition to the introduction of the new exemption in relation to:
2. Anti-Discrimination Act 1991 – accommodation used in connection with work as a sex worker

Introduction and brief personal history

I am a private sex worker who has worked from private residences and utilised accommodation service providers throughout the past 15 years that I have worked in the sex industry both here in Australia and New Zealand. I am also currently employed as a Sex Worker Peer Educator where I actively advocate for sex workers rights.

Throughout my entire sex working career I have never been asked to leave a rented room or premise in my personal life and during sex work.

I don't believe that the majority of motel accommodation service providers share the view that sex workers should not be allowed to work from accommodation providers such as motels and hotels. I have received feedback from moteliers in the Queensland region who have advised that they do not have any issues with sex workers utilising accommodation services from their establishments and that sex workers are welcome. The only issues they have are being harassed by authorities who threaten to charge moteliers if they believe they are aware there is more than one sex worker working from the premise.

Sex workers increase the accommodation service provider's economy and contribute to the livelihood of moteliers and hoteliers. Sex workers produce thousands of dollars in revenue to the accommodation service industry every year.

Sex workers prefer to work discretely. We try not to bring attention to ourselves by working inconspicuously, being respectful of neighbours, taking our own linen, removing our own rubbish – which is why I believe I have never been refused accommodation as a sex worker. And in the case of GK she had rented the premise on several occasions without any issues. It was only when GK was identified as a sex worker that the managers decided they no longer wanted her patronage.

Accommodation issues

I recently had a conversation with a motel owner from a Motor Inn who evicted a sex worker. He advised that they had been watching this particular worker and had noticed that men were coming to visit her. They approached her and asked her to leave as they do not allow female guests to have male visitors.

I further questioned the motel owner and asked "what if my dad came to visit me or my uncle, are you saying that I can't have male visitors". His response was they do not allow male visitors to visit their guests.

Surely this is an invasion of your basic human rights!

This is the type of behaviour that we will have to expect from motel owners who will feel justified in monitoring the movements of females who book into motel rooms on their own and it scares me that they will have legislation on their side to allow them to monitor guests.

This action is clearly discriminatory and I am offended that this Government would entertain the idea of introducing legislative changes that discredit the ADCQ. It is even more concerning that the calls for submissions are hidden under the Youth Justice (Boot Camp Orders). It feels like an intentional diversion.

Sex in rented accommodation is not isolated to sex workers. Alleged incidences of causing a raucous are not isolated to sex workers and there are nuisance provisions of the laws that are in place to address these types of incidences. Allegedly leaving rooms in a bit of a mess is not isolated to sex workers. So why are sex workers the only "group or community" of people who are being targeted. And why is it necessary to introduce legislative changes that affect only sex workers?

Reports from motel owners

I have had motel owners inform me of practices of other motel owners such as:

- I. *taking a booking from an identified worker, accepting their payments, evicting them on the basis of being a sex worker and then refusing to provide a refund knowing that a large percentage of sex workers feel powerless to obtain refunds*
- II. *identifying sex workers, taking the registration numbers of sex workers along with their personal details and their visitors and emailing out to other motel and hotel service providers*
- III. *managers following girls around and monitoring their movements*

- I. As a private sex worker I am outraged that the practice of sharing my confidential private information could be supported by the changes to legislation and my details passed around town and emailed to other moteliers outing me as a sex worker and breaching my privacy.
- II. As a private worker motel owners should not be allowed to accept payments, evict and refuse to refund on the basis that someone is a sex worker.
- III. As a female patron to any facility I do not want any person following me around or monitoring my movements, my visitors, my visitor's cars etc. We are entitled to our privacy and in all honesty if male managers were monitoring my movements I would be highly concerned and so should the rest of the community.

Accepting this legislative change will allow accommodation service providers to selectively discriminate against sex workers as they currently do and refusing accommodation on the basis of being a sex worker.

Decisions will be based on perceptions and this is already evident from the case where "a woman was questioned on her occupation and wrongly labelled a prostitute when she went to book a room" excerpt from the Morning Bulletin Wednesday June 29

2011 <http://www.themorningbulletin.com.au/story/2011/06/21/hooker-slur-outrages-visiting-mum-clash/>

This "screening practice" as such, will not be isolated to sex workers therefore potentially indirectly making every female patron a vulnerable target disempowering women.

I have also heard reports where Gay men have been targeted and accused of operating sexual services on the basis of just being Gay. Moteliers will then become the "motel nazi's".

What defines "operating a business"?

As a business operator you have a business mailing address, business phone numbers, accountants, Australian Business Numbers, Australian Taxation Numbers, a workstation and various other administrative tasks associated with your business. Tax file number addresses where not registered to accommodation service providers.

During my time renting accommodation to perform an aspect of my business I have never utilised the accommodation service providers business mailing address for my business records, business phone numbers for my business records, their accountants or receptionists or any of their staff to perform an aspect of my business. So technically "a business" is not operating.

As an employment consultant I utilised an accommodation service provider to conduct out of town interviews from my rented room. I have utilised conference and work facilities throughout various times. I have met salesmen who sell their merchandise from rented rooms. I have used vending machines placed in motels and hotels.

In all these circumstances businesses were not being operated from motel or hotel accommodation. A function of our business may be performed from a motel or hotel room similar to those who utilise motel or hotel accommodation to interview potential employees, to organise conference meetings, to run staff training events, to sit in the restaurant and discuss work over a business dinner etc. An aspect of a business is being performed and facilities utilised by people from various professional backgrounds conducting various aspects of their business from the accommodation. This does not constitute "operating a business".

Sex workers are not running a business from a motel or hotel room. We do not use the accommodation service provider's telephones lines, postal address, business forms – therefore we are not operating a business from the premise. Sex workers are performing sexual acts – those same sexual acts are being performed by patrons who rent motel rooms for honeymoons, to meet their lovers for extra marital affairs, for secret rendezvous or for some person who's met someone in a bar and wants a "quick shag".

It is ludicrous to think that sex does not take place at motels, hotels or other rented accommodation.

References

The following is a statement taken from the article: Qld laws ban sex workers from hotels, motels – Stephanie Small reported this story on Friday, November 2, 2012 18:21:00:

Jarrod Bleijie "I just think Government have to act when we see business people being attacked and having to compensate people because they're trying to run their business". "And they have the right to run their business how they want to run their business and if that

means kicking out sex workers that are operating in these particular motels because they don't want that type of business in their motel, then I think that should be their right to do so". This is such a dangerous and irresponsible statement to make. Take out the "Sex Worker" and replace with "black person", "single female", "Asian", "unkempt". Sex Workers are business people too but it is clear that Jarrod Bleijie has discriminatory views with regards to the sex work industry.

"Nothing in the Anti-Discrimination Act 1991 provides an exclusion from the operation of its provisions because it is perceived to suit the business interests of the discriminator.

It is not difficult to understand why it does not do so, because it would provide a broad discretion for persons who might be inclined to discriminate against persons on any basis, including for example their race, on the basis that they perceived other clientele might look unfavourably upon them if persons of certain race were permitted to stay at those premises.

This is the very mischief that the Act directed itself to in the first place."

Jarrod supports motel owners having the right to run their business how they want to run their business. I would like to ask Jarrod if he believes this should apply to all people running businesses or only accommodation service providers. We sex workers have been pushing for years to "have the right to run our business how we want" but it appears that only the voices of motel owners have been heard and Jarrod Bleijie is supporting this concept.

Absence of a consultation process

The clear absence of a consultation process with expertise specialising in the area of human rights and civil liberties is outrageous. I am shocked that a one-man show "Jarrod Bleijie" can enact changes to legislation in the middle of a high profile case before QCAT in direct relation to this.

Jarrod Bleijie obviously ignored the Anti Discrimination Act when introducing the new legislation and has made an absolute mockery of the Act that was put into place to protect us from these types of attitudes.

Terry O'Gorman quoted **"often when legislation is the product of non-consultation, it turns out to have significant unintended consequences"** (Qld laws ban sex workers from hotels, motels). Terry O'Gorman is a learned man with several years experience and expertise.

In Jarrod Bleijie's attempt to discredit sex workers the changes to the law will remove safeguards against broader discrimination. There is clearly a conflict of interest and I am shocked that a legislative change can be implemented by someone who clearly opposes sex work with a decision being based on personal perceptions.

Surely the recommendations of Terry O'Gorman with his excellent reputation, extensive knowledge, logical statements and experience specialising in human rights and civil liberties would have some credibility in comparison to Jarrod Bleijie's knee jerk reaction to push for changes to legislation that were implemented by ADCQ through thorough consultation, because of his personal vendetta and obvious opposition to the sex work industry.

I do not believe that this legislative change was implemented in a constitutionally acceptable manner. It almost appears to be a personal crusade for Jarrod Bleijie towards sex workers and active selective discrimination targeted at sex workers and their lawful sexual activity.

"Jarrod Bleijie argues if prostitutes are worried about where they can work, they should change their profession"; "if a sex worker has particular concerns of where they're going or where they want to work, then I would encourage them not to do it. I'd encourage them out of the industry" (Qld laws ban sex workers from hotels, motels). It is clear from these statements that Jarrod Bleijie's personal opinions on the sex work industry conflicts with why the ADCQ introduced the legislation in the first place. Jarrod Bleijie has clearly discriminated against sex workers and wants the legislation changed so that it enables him to discriminate against our community lawfully.

Jarrod Bleijie's personal opinions of the sex work industry have obviously influenced his decision to target a campaign against sex workers basic human rights and encouraging separatism and segregation, vulnerability, disempowerment and homelessness.

Sex work is legal in Queensland. Sex workers have the right to work. Sex workers have the right to be protected against discriminatory action.

I believe Jarrod Bleijie's judgement was based on his personal discriminatory attitude towards sex workers. Having legislation which gives you the power to refuse accommodation or evict from accommodation on the belief that you are a sex worker is the same as targeting a "particular class of people" and legally removing from your premises based on the "belief" that you fall into a particular class of people.

Terry O'Gorman:

"The whole history of why anti-discrimination legislation has been brought in around the country, but particularly in Queensland, is because you had, particularly in country areas in the past, in the 70's and the 80's, hotel and motel owners refusing accommodation, particularly to Aboriginal people, because they thought they lowered the tone of the place. That's why you had anti-discrimination legislation brought in"
(Qld laws ban sex workers from hotels, motels).

Why the legislative changes won't work

- the absence of a consultation process with expert opinions
- single females securing accommodation will be automatically categorised
- every female will potentially be discriminated against
- every single female patron could be potentially monitored and followed and watched to see if they have male visitors
- women will be evicted into forced homelessness and exposed to potential violence, abuse and leading to vulnerability

There have been reports where women have been evicted and left homeless. Sex workers will often organise working holidays to mining areas where they have secured scarce accommodation. Evicting a worker with no alternative accommodation, being refused a refund and left homeless on the streets is absolutely outrageous and should be classed as criminal.

Negative Consequences of allowing the changes to remain

- women, mothers, sisters, aunties, daughters will all be potentially assessed as possible sex workers
- women, mothers, sisters, aunties, daughters will be monitored, watched and followed by managers and staff
- women, mothers, sisters, aunties, daughters could be evicted and left on the streets homeless leaving them vulnerable and open to abuse
- women, mothers, sisters, aunties, daughters will be screened and humiliated like the nurse from Emerald
- women, mothers, sisters, aunties, daughters will be actively discriminated
- discrimination already occurs on the basis of your ethnicity – this legislation will only exacerbate and encourage discriminatory behaviour and refusal to offer services on the basis of ethnicity but under the guise of the "sex worker eviction" pass
- moteliers and hoteliers will become motel and hotel nazi's
- moteliers and hoteliers will be screening male visitors who visit female guests
- the changes will support these horrible practices

Recommendations

- repeal the recent legislative changes introduced by Joe Blijie
- adhere to the policies and legislation implemented by the ADCQ who went through a thorough process
- dismiss the allegation of sex workers "operating a business" from the premises in relation to the liquor act as it clear that "a business" is not being operated but an "aspect" of a business – vending machines, sales people, conference meetings etc all aspects not the actual running of a business
- listen to expert opinions such as Terry O'Gorman and other learned members of society
- dismiss "knee jerk" reactions and "personal crusades" and work within the guidelines of the ADCQ to prevent continued discrimination and potential violation of civil human rights
- investigate all the moteliers and hoteliers opinions
- research programs such as channel 10's "a can of worms" where it was ascertained that the majority didn't have issues with sex workers and accommodation

Stop the madness and don't allow this legislative change to be enacted.
Especially not without thorough consultation!

Laurell Sands
Mother/wife/sister/daughter/private sex worker/sex worker advocate
8 November 2012

