

Media Release - Equality Bill NSW Sex Workers and Sex Work

Sex Work' as a Protected Attribute

We made a statement on 8/9/202 that by protecting sex work as a special category, the bill prioritizes the interests of the sex industry over the safety and dignity of trafficked and exploited women...Also that the bill allows sexual solicitation to occur outside of schools, churches, mosques, and other religious organizations. It also allows ANY to engage in public sex acts INSIDE AND OUTSIDE schools, churches, hospitals, parks and all public places.

EB = Equality Bill

ADA = Anti-Discrimination Act NSW

Anti Discrimination Act Amendments - Schedule 1[39] of the EB - Definitions

- **Sex Worker "a person who provides sexual services on a commercial basis"** (Schedule 1[39] of the EB, section 50AA of the ADA). In his second reading speech, Alex Greenwich provided clarification as to what the definition includes. *He said it includes a wide range of services, such as erotic entertainment, BDSM work, and pornography.*
- **Sex Work:** The Bill covers *any commercial exchange involving sexual services*, ranging from physical sexual services to other forms of commercialised sexual expression.
- **Public Act (relevant for vilification provisions):** A public act is broadly defined to include any communication to the public (e.g., speaking, writing, printing, broadcasting) or any conduct observable by the public (e.g., actions, gestures, display of signs or emblems) that promotes or expresses hatred or contempt toward a person based on their status as a sex worker (Schedule 1[39] of the EB, section 50AA of the ADA).

Anti Discrimination Act Amendments - Schedule 1[39] – Protections Given to Sex Workers under the Proposed amendments

- **Prohibits Discrimination** - It becomes unlawful to discriminate against individuals on the basis of their **current or former engagement in sex work**. (yes, you read that right, even if they were FORMERLY a sex worker.)
- **The prohibition of discrimination applies to contexts such as employment, education, provision of goods and services, accommodation, and membership in organisations (Schedule 1[39] of the EB, proposed sections 50AA-50AM of the ADA).**
- **Vilification Protections** - The Bill makes it illegal to incite hatred, serious contempt, or ridicule against a person or group on the grounds of their status as a sex worker, by a public act (Schedule 1[39] of the EB, section 50AO of the ADA).
- **Apprehended Violence Orders (AVOs)** - Sex workers will be explicitly protected under provisions related to domestic violence, allowing threats to disclose their history as a sex worker to constitute coercive control for the purposes of an AVO (Schedule 8[6] of the EB, Section 35(2)(e1)).

Specific Provisions Related to Sex Workers - Anti Discrimination Act (Schedule 1[39])

a) Discrimination in Employment (Schedule 1[39] of the EB, sections 50AC-50AD of the ADA)

- Employers are prohibited from discriminating against sex workers during hiring, promotion, training, or other workplace opportunities. This includes discrimination in employment terms and conditions, as well as dismissal or other detriments in employment (section 50AC of the ADA).
- These protections extend to commission agents and contract workers (section 50AD of the ADA).

b) Discrimination in Education (Schedule 1[39] of the EB, section 50AJ of the ADA)

- Educational institutions are prohibited from discriminating against applicants or students on the basis of being a sex worker. This includes denial of admission, limiting access to benefits, or expulsion.

c) Provision of Goods and Services (Schedule 1[39] of the EB, section 50AL of the ADA)

- Individuals or entities providing goods or services, whether for payment or not, cannot discriminate against sex workers. *Discrimination includes refusal of services OR differential treatment.*

d) Accommodation (Schedule 1[39] of the EB, section 50AM of the ADA)

- It is unlawful for a person providing accommodation to discriminate against a sex worker by refusing their application or subjecting them to unequal terms. Eviction or denial of benefits based on sex worker status is also prohibited.

e) Vilification (Schedule 1[39] of the EB, section 50AO of the ADA)

- The Bill makes it illegal to publicly incite hatred, contempt, or ridicule against sex workers, which aligns with similar protections afforded to other vulnerable groups.

Schedule 8 – Crimes Act Amendments: Domestic & Personal Violence

- Threats to disclose a person's history as a sex worker are recognised as a form of coercion, making it possible for courts to issue Apprehended Violence Orders (AVOs) to protect the victim from such threats (Schedule 8[6] of the EB).

Alex Greenwich's Second Reading Speech (Additional Explanations)

In his second reading speech to parliament in August 2023, Greenwich said sex workers were particularly vulnerable to discrimination and vilification, noting that these provisions aim to de-stigmatise sex work and protect workers from undue harm. He refers to the significant consultation with advocacy groups like the **Scarlet Alliance** and the **Sex Workers Outreach Project**, who supported the inclusion of sex workers in anti-discrimination protections. Greenwich also acknowledges the historical progression of decriminalising sex work in NSW, noting the “outdated” nature of the Summary Offences Act which he seeks to repeal entirely by virtue of Schedule 18 of the Equality Bill.

He said that decriminalisation of sex work enhances safety for both sex workers and the broader community, helping prevent STI transmission and fostering positive relationships between sex workers and law enforcement.

Amendments to the Crimes Act 1900 (Schedule 6 of the EB)

The Bill introduces further changes to the **Crimes Act 1900** to further “protect” sex workers from threats and violence. These amendments criminalise certain acts of vilification and violence against sex workers, as well as clarify protections around threats related to sex work.

a) Threats or Incitement of Violence (Public Acts) Crimes Act (Schedule 6[3] of the EB)

The Bill amends **section 93Z of the Crimes Act 1900** to make it an offence to threaten or incite violence towards another person or group on the grounds that the person or group are sex workers. These changes broaden the previous protections that applied to people living with HIV/AIDS and intersex individuals.

- **Amended section- Section 93Z** now includes "sex work" alongside HIV/AIDS and intersex status as grounds for protection.
- **New provision** -"A person is guilty of an offence if, by a public act, they threaten or incite violence towards another person or group on the grounds that the person or group are, or have been, sex workers" (Schedule 6[3] of the EB).

Schedule 8 of the EB - Provisions for Apprehended Violence Orders (AVOs)

The Bill also amends the **Crimes (Domestic and Personal Violence) Act 2007** to include provisions that offer protections to sex workers by acknowledging threats to disclose someone's history of sex work as a form of coercive control. This allows courts to issue AVOs when such threats are made.

- **Amended sections:** Section 16 and Section 19 are amended to add "threatening to out the person as a sex worker" as grounds for an apprehended domestic or personal violence order.
- **New provision:** It is now recognised that threatening to disclose that someone is, or has been, a sex worker is an example of coercive behaviour (Schedule 8[2] and [3] of the EB).

b) Harassment Protections in AVOs (Schedule 8[6] of the EB)

The Bill strengthens protections by ensuring that courts can prohibit defendants from outing protected persons (including sex workers) as part of AVOs. This provision ensures that sex workers are protected from being harassed or outed in a harmful or threatening way.

- **Amended section:** Section 35 of the **Crimes (Domestic and Personal Violence) Act 2007** adds a provision that allows courts to prohibit the defendant from outing a protected person's sex work history as part of an AVO (Schedule 8[6] of the EB).

PROBLEMS AND RED FLAGS

1. Elevated Rights for a Non-Immutable Characteristic

Sex work is not an immutable characteristic like race or gender. The bill elevates protections for sex workers, yet similar protections are not extended to other professions (e.g., plumbers, hairdressers). This is not Equality. It's extra rights.

Discrepancy with the Anti-Discrimination Act NSW

- The **Anti-Discrimination Act 1977** protects inherent characteristics (e.g., race, sex, disability), not "work". Expanding the Act to include sex workers undermines its original purpose.
- Why are sex workers given special protections that other professions are not, creating preferential treatment?
- Where is the evidence base to justify the alleged "discrimination" sex workers apparently endure? Greenwich has provided NO evidence to justify these heavy-handed incursions on the liberty of others who now will have to include sex workers in almost every facet of private life. A childcare worker can be a sex worker, and the employer can do nothing about it. A teacher can engage in pornography or sex work openly, and even advertise their "services" according to the proposed amendments, and the school will have no recourse to fire them on the basis of sex work.

Massive Hypocrisy in Removing Protections from the Summary Offences Act (Schedule 18)

- The bill removes key protections for prostitutes in Schedule 18 as Greenwich proposes to repeal ALL remaining protections in the **Summary Offences Act NSW** (e.g., protections against trafficking and coercion) while claiming to protect sex workers.
- Contradiction!!! He wants to REMOVE all the protections in the Summary Offences Act, demonstrating he doesn't care about them, but then posits that sex workers are in need of protection and must be protected under the ADA and the Crimes Act. Disingenuous and hypocritical.
- Without the protections in the Summary Offences Act, prostitutes are more vulnerable to exploitation, trafficking, and coercion.
- **Flawed!** Decriminalising sex work while removing safety provisions undermines the bill's stated purpose.

Problems with Vilification and Public Act Protections (Schedule 1[39] of the EB)

- **Broad** - The protection against vilification of sex workers for public acts could suppress legitimate discussions about the harms of the sex industry.
- **Freedom of Speech** - Limits public discourse and criticism of the sex industry, impacting anyone who criticises it
- **Imbalance** - Protecting sex work from criticism stifles debate on a very well-known and well recognised societal harm.

It might be worth noting that “sex worker” in the Equality Bill is unlikely to mean “female” prostitute. Alex Greenwich isn’t seeking to protect women here. These amendments seek to protect MEN from being penalised for depravity, coercion, trafficking, destruction of families, to protect men who suddenly decide in middle age he’s now a “woman” AND decides to start whoring himself around for \$\$\$. HETEROSEXUAL women make up the vast majority of prostitutes and yet these protections are not designed to protect them at all.

Thank you to our research & Legal team – in particular ‘Minerva’.

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