
Discrimination Law Reform
Justice and Community Safety Directorate
By email: civilconsultation@act.gov.au

26 June 2022

To whom it may concern,

Re: Exposure Draft Discrimination Amendment Bill – a sex industry perspective

Sex Work Law Reform Victoria Inc. (SWLRV) is a not for profit organisation led by sex workers, lobbying for the legal rights of sex workers in Victoria. We support strengthening anti-discrimination laws across Australia to better address discrimination which people working in the sex industry frequently experience.

Clause 7 amends section 28 of the *Discrimination Act 1991* to:

- ensure insurance discrimination is proportionate and justifiable; and
- give consumers, on request, access to actuarial data on which any discrimination is based.

We strongly support the inclusion of clause 7 (insurance and superannuation) and call for the bill to pass with the inclusion of clause 7 unamended. This submission does not comment on clauses other than clause 7.

People who work in the sex industry (sex workers, sex industry managers, sex industry owners, escort agency drivers, strippers, porn performers, adult product retail stores and other staff working in such businesses) routinely experience discrimination in many areas of their lives and businesses, most notably in the provision of financial services. As early as 1999, Australian sex worker charity Scarlet Alliance identified insurance discrimination as an issue for sex workers in Australia.¹

¹ Banach, L., *Unjust and Counter-Productive: The Failure of Governments to Protect Sex Workers from Discrimination* (Report, November 1999) 19

<https://scarletalliance.org.au/library/unjust-counterproductive>

When discrimination occurs against sex workers on the part of insurers, it is rare for reasons or actuarial data to be provided to justify a decision to refuse to provide insurance. Where reasons are provided, they can be based on outdated and inaccurate assumptions about sex workers,

‘Some respondents stated that they were refused health insurance due to an assumption that they are at a greater STI risk.’²

We note that members of the LGBTIQ+ communities also experience insurance discrimination, as identified the Victorian Pride Lobby’s recently published report.³

We believe the required transparency clause 7 imposes on insurers will go some way to addressing insurance discrimination against sex workers living in the ACT.

Sincerely,

Lisa Dallimore

President, Sex Work Law Reform Victoria Inc.

² Ibid

³ Victorian Pride Lobby, *Worth the Risk: LGBTIQ+ Experiences with Insurance Providers* (Report, 2022) <https://www.vicpridelobby.org/download/worth-the-risk-lgbtqa-experiences-with-insurance-providers/>