



New South Wales

Anti-Discrimination Amendment (Sex Workers) Bill 2020

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to amend the *Anti-Discrimination Act 1977* (the *Principal Act*) to make it unlawful to discriminate against persons on the ground the persons are, or have been, sex workers.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on the date of assent to the proposed Act.

Schedule 1 Amendment of Anti-Discrimination Act 1977 No 48

Schedule 1[2] inserts Part 4H (proposed sections 50AA–50AO) into the Principal Act.

Proposed section 50AA defines *public act* and *sex worker* for Part 4H. **Schedule 1[1]** is a consequential amendment.

Proposed section 50AB sets out what constitutes discrimination against a person on the ground the person is, or has been, a sex worker.

Proposed section 50AC makes it unlawful for an employer to discriminate against an employee or an applicant for employment on the ground the employee or applicant is, or has been, a sex

worker. The proposed section does not apply to employment for the purposes of a private household.

Proposed section 50AD makes it unlawful for a principal to discriminate against a commission agent or a prospective commission agent on the ground the commission agent or prospective commission agent is, or has been, a sex worker.

Proposed section 50AE makes it unlawful for a principal to discriminate against a contract worker on the ground the contract worker is, or has been, a sex worker.

Proposed section 50AF makes it unlawful for a firm consisting of 6 or more partners, or persons proposing to form a firm consisting of 6 or more partners, to discriminate against a partner or a prospective partner on the ground the partner or prospective partner is, or has been, a sex worker.

Proposed section 50AG makes it unlawful for local government councillors to discriminate against another councillor on the ground the councillor is, or has been, a sex worker.

Proposed section 50AH makes it unlawful for an industrial organisation to discriminate against a member of the organisation or an applicant for membership of the organisation on the ground the member or applicant is, or has been, a sex worker.

Proposed section 50AI makes it unlawful for an authority or body which is empowered to confer, renew or extend a professional, trade or occupational qualification to discriminate against a person who holds or seeks the qualification on the ground the person is, or has been, a sex worker.

Proposed section 50AJ makes it unlawful for an employment agency to discriminate against a person seeking the services of the agency on the ground the person is, or has been, a sex worker.

Proposed section 50AK makes it unlawful for an educational authority to discriminate against a student or an applicant for admission as a student on the ground the student or applicant is, or has been, a sex worker. The proposed section does not apply in relation to a private educational authority.

Proposed section 50AL makes it unlawful for a person who provides goods or services to discriminate against another person seeking the goods or services on the ground the person is, or has been, a sex worker.

Proposed section 50AM makes it unlawful in certain circumstances for an agent or principal to discriminate against a person who has accommodation or seeks accommodation on the ground the person is, or has been, a sex worker.

Proposed section 50AN makes it unlawful for a registered club to discriminate against a member of the club or an applicant for membership on the ground the member or applicant is, or has been, a sex worker.

Proposed section 50AO makes it unlawful in certain circumstances for a person, by public act, to vilify other persons on the ground the persons are, or have been, sex workers.