

Hon John Quigley MLA  
Attorney-General  
via [minister.quigley@dpc.wa.gov.au](mailto:minister.quigley@dpc.wa.gov.au)

5 October 2022

Dear Attorney,

### **Review of the *Equal Opportunity Act 1984 (WA)***

The Eros Association is Australia's industry association for adults-only retail, wholesale, media and entertainment. We have eight members in Western Australia who operate twenty or more bricks and mortar retail shops and online retailers.

Sex Work Law Reform Victoria is a not-for-profit sex workers' rights organisation led by Victorian sex workers.

We write in relation to the Law Reform Commission of Western Australia's Review of the *Equal Opportunity Act 1984 (WA)*.

We welcome the Commission's recommendations for new protected attributes of "lawful sexual activity" (Recommendation 39), "personal association" (Recommendation 50) and "employment status" (Recommendation 23). We recommend that the Government implement these recommendations.

In addition, we recommend that the Government introduce a new protected attribute of "profession, trade or occupation" similar to that in Victoria<sup>1</sup> and the Australian Capital Territory,<sup>2</sup> which has been held to include sex workers.<sup>3</sup>

As many in our industry work across state and territory borders, we believe in harmonisation of laws in this area; that is, the law should reflect other provisions in interstate equal opportunity laws, such as that in the Australian Capital Territory and Victoria (which also prohibit discrimination based on employment status<sup>4</sup> or employment activity<sup>5</sup>).

As the Victorian Equal Opportunity and Human Rights Commission has noted, this attribute would provide protection to sex workers and those in the sex industry, as

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<sup>1</sup> *Equal Opportunity Act 2010 (Vic)* s 6(la).

<sup>2</sup> *Discrimination Act 1991 (ACT)* s 7(p).

<sup>3</sup> *Edgley v Federal Capital Press of Australia* [1999] ACTSC 95 (1 October 1999). See also ACT Human Rights Commission, 'Profession, trade, occupation or calling' <<https://hrc.act.gov.au/discrimination/profession-trade-occupation-calling/>>.

<sup>4</sup> *Discrimination Act 1991 (ACT)* s 7(1)(f).

<sup>5</sup> *Equal Opportunity Act 2010 (Vic)* s 6(c).

well as workers in other industries.<sup>6</sup> This would protect workers and business-owners from financial discrimination, including from banks, insurers, landlords and suppliers, on the basis of their profession, trade or occupation.

We would like the opportunity to meet with you to discuss further our views on these issues. Please let us know when would be a suitable time to meet.



**Graeme Dunne**  
General Manager  
Eros Association



**Gabrielle Skelsey**  
Secretary  
Sex Work Law Reform Victoria

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<sup>6</sup> Victorian Equal Opportunity and Human Rights Commission, Submission to Review into the Decriminalisation of Sex Work (July 2020) 3-4 <[https://www.humanrights.vic.gov.au/static/2aaf9da86629d99172feb50ac58d79fd/Submission-Review into the Decriminalisation of Sex Work-Jul20.pdf](https://www.humanrights.vic.gov.au/static/2aaf9da86629d99172feb50ac58d79fd/Submission-Review%20into%20the%20Decriminalisation%20of%20Sex%20Work-Jul20.pdf)>.