

SWLRV

Safety. Equality. Justice.

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(Equality. Safety. Justice)

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Committee Secretary
Joint Standing Committee on Electoral Matters
PO Box 6021
Parliament House
Canberra ACT 2600
By email: em@aph.gov.au

3 March 2020

Dear Committee Secretary,

Sex Work Law Reform Victoria Inc. (SWLRV) is an independent non-partisan volunteer group led by sex workers, lobbying for the legal rights of sex workers in Victoria.

SWLRV advocates for, amongst other things:

- an end to financial discrimination on the part of banks and other financial institutions against sex workers and sex industry businesses.

We appreciate this opportunity to contribute to the Joint Standing Committee on Electoral Matters' review into the Commonwealth Electoral Amendment (Lowering the Donation Disclosure Threshold) Bill 2019 and attach our submission accordingly.

Sincerely,



On behalf of Sex Work Law Reform Victoria Inc.

Sex Work Law Reform Victoria: fighting for the legal rights of Victorian sex workers

Sex Work Law Reform Victoria, founded in 2018, is a registered not-for-profit organisation made up of sex workers advocating for the full decriminalisation of consensual adult sex work in Victoria. We also work to end financial discrimination faced by sex workers and sex industry businesses. We are one of a number of grass roots activist organisations in this arena.

Executive Summary

We support the Commonwealth Electoral Amendment (Lowering the Donation Disclosure Threshold) Bill 2019. Grass roots activist organisations, such as our own, do not have the means to donate to political parties, whereas well-resourced interest groups and entities do. This creates disadvantage for the former. This bill goes some way towards addressing this disadvantage by increasing the degree of transparency around the political donations process. Increased transparency allows grass roots activist organisations to better understand who is making political donations and therefore possibly influencing policy.

Glossary

We refer to the following term:

Financial Discrimination

Discrimination against adult-only businesses and/or sex workers by banks and other financial service providers. This includes limiting the provision of loans or other financial services on the grounds of the applicant's industry or occupation.

Trust in Our Democracy

Trust in our democracy is at an all-time low, particularly amongst disadvantaged social groups like sex workers. This is due partly to low levels of transparency and accountability on the part of political parties. There are numerous examples of political influence being traded and policy favours gained as a result of sizeable donations made by business and other interest groups to both of the major political parties.

Greater transparency as to which individuals or entities are making federal political donations is potentially of interest to sex workers' rights organisations. This is because such donations have the potential to influence the way banks are regulated, which in turn can affect the ability of banks to engage in financial discrimination against the sex industry. It is of benefit to sex workers and their organisations to see the political donation disclosure threshold reduced from \$13,800 to \$1,000, and to remove ongoing indexation of that disclosure threshold.

The passage of this bill will lead to greater democratic accountability, which should begin to improve trust in our political institutions.

Fighting for the Human Rights of Sex Workers in Australia

Across Australia there are many disparate grass roots activist organisations, for instance, sex workers' rights organisations such as Sex Work Law Reform Victoria.

Each state/territory regulates sex work in different ways, with many aspects of sex work remaining illegal in Australia. Separately, each state/territory also has its own anti-discrimination legislation, with the Australian Capital Territory being the only jurisdiction which protects sex workers from discrimination. Australia has a long and proud history of fighting for sex workers' rights, dating back to the late 1970's. Each jurisdiction has at least one organisation seeking to promote the civil and human rights of sex workers. These organisations are all either unfunded or receive modest government funding (ACNC 2018, SWOP 2018).

Financial Discrimination Against the Sex Industry

Financial discrimination against sex workers or sex industry businesses occurs when lawfully-operating individuals/businesses are refused insurance or financial services by banks, insurance companies, or other financial service providers. This practice appears to be widespread.

Federal Parliament and Political Donations

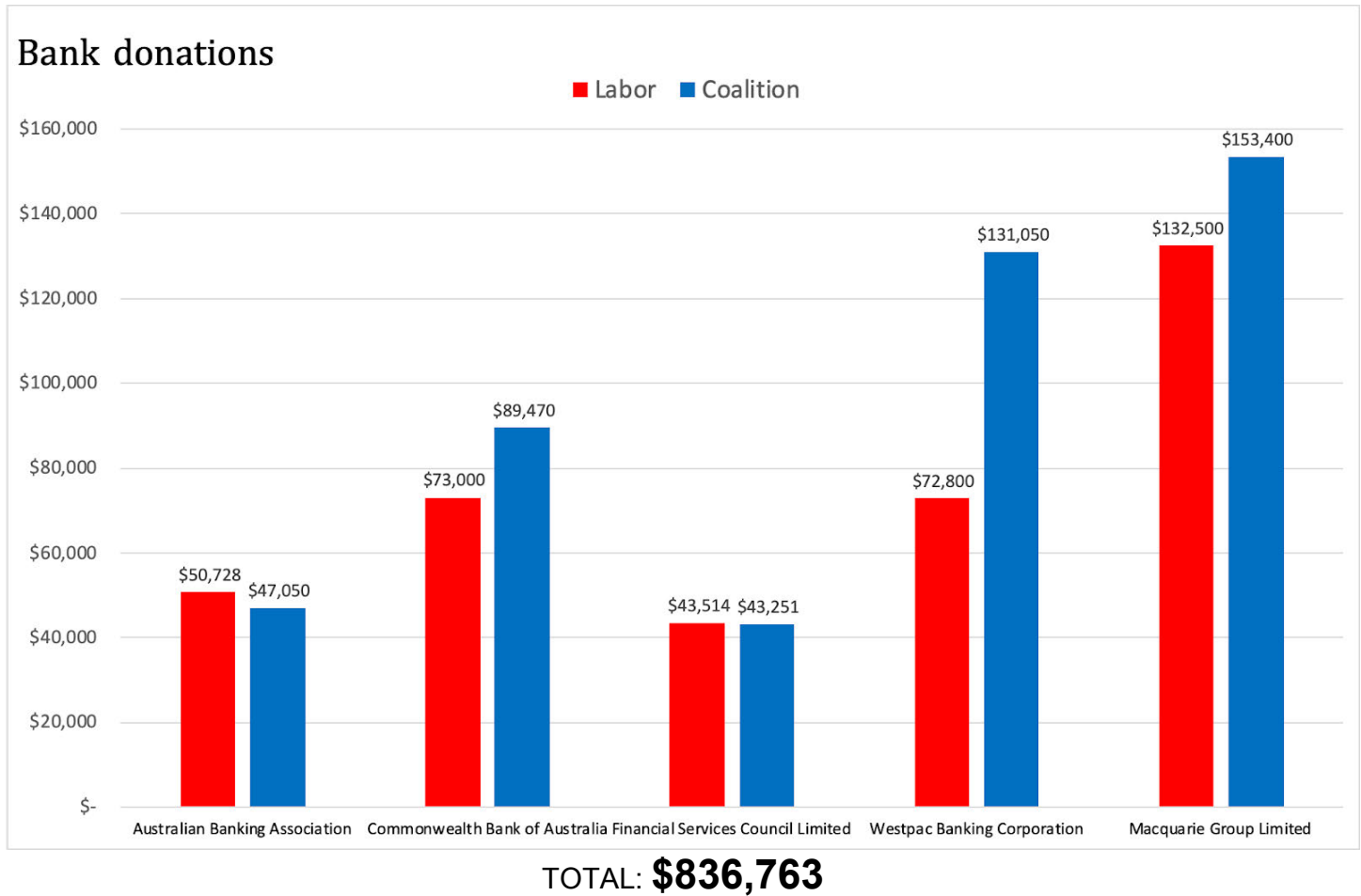
The financial services industry is largely regulated by Commonwealth laws. Therefore, political donations at the federal level from banks and their representative organisations have the potential to influence the way the federal parliament seeks to change regulation of the financial services industry.

Federal bills/royal commissions which impact the way the financial services sector is regulated have the potential to reduce the financial discrimination experienced by sex workers. So, although sex workers are predominantly affected by local government and state/territory laws, activities on the part of the federal parliament can have an impact on sex workers when it comes to their interaction with businesses providing financial services.

Uneven Playing Field

While it is unlikely that any sex workers' rights organisation has the means to make sizeable political donations, other groups with an interest in regulation of the financial services sector do. In the 2018/2019 financial year, banks and their representative organisations (such as the Australian Banking Association), made \$836, 763 in disclosable donations to political parties. No sex workers' rights organisation made reportable donations to federal political parties in this financial year.

Banks appear to engage in widespread discrimination against the sex industry, an issue that could be addressed by modifying regulation of banks. The federal parliament plays a major role in modifying such regulation. Thus, we support this bill because donations to political parties by financial institutions have the power to influence changes to the way such institutions are regulated by the federal parliament. Banks with the means to make considerable financial donations to political parties are the same organisations discriminating against sex workers and sex industry businesses (Carnell 2019).



Figures for 2018-2019 disclosable donations to political parties. Source: Australian Electoral Commission, AEC Transparency Register, Annual Donor Returns, Donations Made Details

Recommendation

Sex Work Law Reform Victoria supports the passage of the Commonwealth Electoral Amendment (Lowering the Donation Disclosure Threshold) Bill 2019, without amendments.

References

ACNC (Australian Charities and Not for Profits Commission), *Scarlet Alliance-Australian Sex Workers Association Incorporated Financials and Documents* (31 January 2018) Australian Charities and Not for Profits Commission

<https://acncpubfilesprodstorage.blob.core.windows.net/public/864bb332-38af-e811-a960-000d3ad24282-7e57a49e-fb50-4c8c-893b-5e10372f0252-Annual%20Report-030f7a62-3ebo-e811-a95e-000d3ad24c60-FINAL_ANNUAL_REPORT.pdf>

Australian Electoral Commission, *AEC Transparency Register* (2019) Australian Electoral Commission

<<https://transparency.aec.gov.au/AnnualDonor#>>

Carnell, K., *Banks assume role of moral compass for legitimate businesses* (11 September 2019) Australian Small Business and Family Enterprise Ombudsman

><https://www.asbfeo.gov.au/news/news-articles/banks-assume-role-moral-compass-legitimate-businesses>>

SWOP (Sex Work Outreach Project), *Financial Reports - SWOP Financial Report 2017 - 2018* (30 June 2018) Sex Work Outreach Project

<<https://swop.org.au/association-documents/financial-reports>>

NB Two of Australia's largest funded sex worker organisations are the national representative association, Scarlet Alliance and Sex Worker Outreach Project (SWOP NSW). In the financial year ending 30 June 2017, Scarlet Alliance had revenue of \$1,206,238. In the financial year ending 30 June 2018, SWOP NSW had income of \$1,329,063.