



# **LEGISLATIVE COUNCIL**

## **SELECT COMMITTEE ON STATUTES AMENDMENT (REPEAL OF SEX WORK OFFENCES) BILL**

Plaza Room, Parliament House, Adelaide

Thursday, 2 September 2021 at 2:40pm

BY AUTHORITY OF THE LEGISLATIVE COUNCIL

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## MEMBERS:

Hon. T.A. Franks MLC (Chairperson)  
Hon. N.J. Centofanti MLC (via videoconferencing)  
Hon. H.M. Girolamo MLC  
Hon. I. Pnevmatikos MLC  
Hon. C.M. Scriven MLC

## WITNESSES:

QUEK, KAYE, Coalition Against Trafficking in Women Australia

EDWARDS, COURTNEY, Coalition Against Trafficking in Women Australia

*[Via videoconferencing]*

314 The CHAIRPERSON: Welcome to the meeting. The Legislative Council has given the authority for this committee to hold public meetings. A transcript of your evidence today will be forwarded to you for your examination for any clerical corrections. I also advise that the evidence that you give today is being broadcast via the Parliament of South Australia website.

Should you wish at any time to present confidential evidence to the committee please indicate and the committee will consider your request. Parliamentary privilege is accorded all evidence presented to a select committee; however, witnesses should be aware that privilege does not extend to statements made outside of this meeting.

All persons, including members of the media, are reminded that the same rules apply as in the reporting of parliament; and we would like to acknowledge that the land we meet on today is the traditional lands for the Kurna people and that we respect their spiritual relationship with their country. We also acknowledge the Kurna people as the traditional custodians of the Adelaide region and that their cultural and heritage beliefs are still as important to the living Kurna people today.

Good afternoon, my name is Tammy Franks. I am the Chair of this select committee inquiry into the Statutes Amendment (Repeal of Sex Work Offences) Bill 2020. In the online sphere with you we have the Hon. Nicola Centofanti. Here in the room in Adelaide, in Kurna country, we have our newest member of the committee the Hon. Heidi Girolamo, and the Hon. Clare Scriven and the Hon. Irene Pnevmatikos. If you would like to introduce yourselves with your titles and positions and then make any opening statements, after which we will move into questions and answers.

Dr QUEK: Thank you very much. Good afternoon, and thank you for this opportunity to appear before the committee today. My name is Dr Kaye Quek, and I am speaking to you from the unceded lands of the Boon Wurrung language group of the Eastern Kulin nation. I would like to pay my respects to elders and ancestors past, present and emerging. I am a lecturer at RMIT University in Melbourne, and have been a member of the Coalition Against Trafficking in Women Australia—or CATWA, as we are also known—for about 15 years.

In my work as an academic and also as a member of CATWA, I have given evidence to numerous government inquiries on the sex industry and I have published research on this topic and on the sexual exploitation of women more generally. I am joined today by Ms Courtney Edwards.

Ms EDWARDS: Kia ora. My name is Courtney Edwards. I am a proud member of the Ngaitai tribe of New Zealand and I am speaking today from the Gold Coast. I would like to pay my respects to the landowners of where I stand. I am a survivor of the sex trade. I prostituted myself in the sex trade for 10 years. I left the industry in 2012 and have since been exited for the last 10 years.

Since exiting, I have worked in drug and alcohol counselling for 3½ years. I am also the co-founder of a grassroots organisation called Flawless, which goes into brothels and strip clubs

on the Gold Coast, meeting with the women and just connecting them to different social services that they might need. I also am now currently a clinical assistant at Gold Coast University Hospital, in the neuroscience brain injury unit.

Dr QUEK: We are here today to represent CATWA, which is the Australian branch of the Coalition Against Trafficking in Women International, a non-government organisation that has category 2 consultative status with the United Nations Economic and Social Council. Our organisation works locally and internationally to end all forms of sexual exploitation of women.

As you would know from our submission, CATWA is opposed to the amendment being tabled. We agree that the activities of prostitution of persons must be decriminalised as a first and foremost principle. However, we are extremely concerned that the proposed legislation will allow for pimping and coercion into prostitution to be legal and free from state oversight. In our view, the bill amounts to the extreme deregulation of the sex industry, which will greatly exacerbate the harms and exploitation suffered by those who are prostituted in the sex trade.

Evidence from jurisdictions with full decriminalisation, namely, New Zealand and New South Wales, shows that this legislative model does not address the problems that it was designed to solve. Instead, it exacerbates the harms that already exist in the sex industry. Courtney can speak to the specific experience of being prostituted under the New Zealand and New South Wales models of sex industry legislation.

We therefore call on South Australian lawmakers to implement what is known as the Nordic or Equality model of sex industry legislation. This model decriminalises prostituted persons and the selling of sex, but it prohibits pimping and sex buying. This framework of partial decriminalisation or asymmetric decriminalisation is based on the recognition that the sex industry itself is a product of gender inequality and incompatible with the wellbeing, health, dignity and human rights of those it exploits.

The Nordic or Equality model of sex industry legislation has been endorsed now for many years by the European Parliament as best practice for dealing with sexual exploitation in the sex industry. It has been adopted by numerous countries since it was first introduced in Sweden in 1999.

In contrast, no country in the world has followed the failed decriminalisation model of New Zealand, which is what the South Australian proposal here most clearly resembles. We implore the members of this committee to abandon the push for full decriminalisation outlined in the bill and instead to work towards the holistic implementation of the Nordic or Equality model of sex industry legislation in South Australia.

315 The CHAIRPERSON: In terms of the bill as it stands, which of the provisions in the bill allow for pimping and coercion?

Dr QUEK: My understanding is that you are looking to repeal section 25A and that that would allow that to happen.

316 The CHAIRPERSON: How does that flow? Could you explain how that, in practice, flows on? That is a big assumption, so could you just explain how that is enabled?

Dr QUEK: My understanding is that currently section 25A—and I believe it is part 2C; those are the terms that you use to describe it—criminalises, at the moment, where a person approaches another person with a view to persuading the other person to accept appointment or engagement as a prostitute. That sounds a lot to me like procuring someone or prostitution and it is, in fairly plain terms I would have thought, pimping. If you repeal that section and implement a model of decriminalisation, aren't you effectively removing state oversight?

317 The CHAIRPERSON: My question to you is how many times has that particular provision been used in South Australia for what you are talking about, which is coercion as opposed to approaching someone and asking them?

Dr QUEK: I have to say that I'm not familiar with exactly the number of times that it has been used in South Australia. What I would suggest to you is that the model that you are looking to implement encourages that kind of behaviour and it certainly removes all state oversight of it.

318 The Hon. C.M. SCRIVEN: Could I just ask a follow-up question. The Hon. Ms Franks asked about pimping as well. My understanding is that section 26—Living on the earnings of prostitution, which provides:

- (1) A person who knowingly lives, wholly or in part, on the earnings of prostitution of another person is guilty of an offence.

Is it your interpretation, too, that that is what is colloquially referred to as pimping?

Dr QUEK: Absolutely. I'm sure, if you would like us to, Courtney could certainly speak to her experience of that under similar models of legislation where decriminalisation has been implemented.

319 The Hon. C.M. SCRIVEN: That would be useful, thank you

320 The Hon. I. PNEVMATIKOS: Just on that point, though, if I could just clarify: how is somebody living off the earnings of somebody else in one setting regarded as pimping and in another regarded as an employer? What is the difference?

Dr QUEK: The difference is that we may not be aware of the coercion that has taken place to enable that person to live off the earnings of someone who is being used in prostitution.

321 The Hon. I. PNEVMATIKOS: Isn't the issue of coercion and control an issue that affects any employment relationship?

Dr QUEK: Absolutely, but this is not any employment relationship. This is not a form of work like any other.

322 The Hon. I. PNEVMATIKOS: It is one form of an employment relationship. If it's decriminalised it is.

Ms EDWARDS: If I may interject, I worked for about four years in New Zealand under a decriminalised industry. I also worked for three years in New South Wales under a decriminalised industry. It was between the ages of 19 and 27. When I was in that industry, I didn't have what you would call your typical work orientation or occupational health and safety briefings that you would get in a normal workplace.

I wasn't educated in practices to help protect my mental health or my physical health, except for STI community health and safety standards, which is promoted within the sex industry, which is safe-sex practices. As far as my safety as a young woman, that was totally disregarded. I wanted to exit the industry numerous times. In doing so, the barriers that I was met with were post-traumatic stress disorder, a lack of industry representatives to help guide me out of the industry after traumatic events.

I want to speak to how I was coerced to stay in the industry. I don't know if you've ever heard of the boyfriend model, which is a very well-known tactic within the sex industry where groups of men all conspire to go into a parlour where a new woman is there, and one will go in to abuse her and then another will follow with drugs to kind of rescue her. In doing that it reinforces drug abuse and drug dependency. It is a normal tactic. When I worked in Wellington, I worked under several criminal organisations that fronted their brothels as legitimate businesses. When I worked in New South Wales I also worked under several organisations—criminal organisations—that fronted their brothels as legitimate businesses. Drugs were rife, and drugs were used to coerce and keep women bound in those industries.

The boyfriend model, more explicitly, is where men will find young women, especially in the drug scene, and they will get them hooked on drugs, and then they will coerce them into the sex industry, where they will take them to these legal organisations and they will coerce them into prostitution for making money for that criminal organisation. Under a decriminalised regime, there is no regulatory bodies to ensure that these businesses are legitimate and not being overseen by criminal organisations.

If it was a regular job, where is the public health safety messages? Where is the public education programs around—

*[Videoconference stream inaudible]*

323 The Hon. I. PNEVMATIKOS: Well, but you can't have those at the moment, because you've got a criminalised model in this state.

Ms EDWARDS: Yes, so—

324 The Hon. I. PNEVMATIKOS: Just hear me out a moment. If you have a decriminalised model, then one would expect that the laws that apply to any employer who employs any people in their business or operation would be subject to all the scrutiny that applies to all other employers. That currently doesn't exist.

Ms EDWARDS: I just—

325 The CHAIRPERSON: Okay, can we just have one voice at a time? Ms Edwards, would you like to respond or Dr Quek?

Ms EDWARDS: Yes, I just wanted to say that that wasn't present when I was working in a decriminalised regime. That wasn't present. Those occupational health and safety—those safety nets weren't present. And that's what I'd like to ask: how would that be funded, or how would that be applied? And in terms of what you're saying, how would it be different to the New South Wales and the New Zealand regime?

Dr QUEK: The other thing to note is that this is not an industry that can actually be made safe. It is not just another job like any other where, yes, there should be supports and responsibilities that employers should have towards employees. It is not possible to make it safe. The reason is because of what is being traded here, which is human beings and, to be blunt, women, and the most marginalised, disadvantaged, disenfranchised women in our society are those who make up the vast majority of women in the sex industry.

To give you an example from the academic literature, which supports the idea that the sex industry should be treated as an industry like any other, with OHS standards and so on, a comparison is often made that it is a service industry like any other. An example that often gets raised is that of hairdressing. A service is provided: there is a client, someone else provides the service and so on.

The risk of rape and sexual assault does not exist in hairdressing in the same way that it exists in the sex industry. In the legalised industry that we have here where I am, in Victoria, we have occupational health and safety recommendations and measures that come from the government and from the sex work lobby, and they include things such as making sure that you don't use too much vaginal anaesthetic, because it may result in a tear of your genitals. These examples just go to show that you cannot make this safe, because what is being traded is human beings. It's not like hairdressing.

Ms EDWARDS: I would just like to add that out of the 10,000 men, approximately, that I would have engaged with—and I have had this conversation with other women who have worked in the prostitution industry—about half of those men were fine; they were polite clients, and that was okay. Half of those men were violent, and then half of those men again were extremely violent.

So I am talking about 2½ thousand violent sexual assaults that I suffered over my 10 years working in a decriminalised and legalised industry. How did that happen? How is it that over 5,000 men thought it okay to rape me, to hold me down by my throat while they spat on me, to hit me, and then when I went to my managers to address these issues, I was told to get back out on the floor because they were busy. Because that's the deal: you just suck it up and you get back into it. This is the attitude that is pervasive within this industry, that violence is a given. I would like to question that assumption.

326 The Hon. C.M. SCRIVEN: Could I just say thank you very much, Ms Edwards, for appearing today and being willing to talk about your experiences, which I can only imagine must be very painful. Thank you for that. We still have more questions of course, but I just wanted to pass on how appreciative we are that you are willing to come and speak in defence of other women, so thank you.

327 The CHAIRPERSON: I wanted to return to the bill and the living on the earnings provision. In terms of the criminality of living on the earnings, you have equated that with pimping.

Would that provision not also include dependants of the person who was the worker? Should children be criminalised for being supported by their mum or their dad or their aunt?

Dr QUEK: Absolutely not. Of course we would not support that. Our concern is foremost for the women who are involved in the industry. A distinction would need to be made to ensure that the women themselves are not criminalised and that any children or dependants they have are protected, of course.

328 The CHAIRPERSON: If that dependant was an adult, would there be any exceptions to that attitude?

Dr QUEK: I would reflect on that, and I could come back to you.

329 The CHAIRPERSON: If you would like to take that on notice.

Dr QUEK: If I can.

330 The Hon. C.M. SCRIVEN: If I could just follow up on that, can I ask whether either are you are aware of, for example, adult sons actually pimping out their mothers or sisters or other relatives? I guess my question is that I haven't seen evidence to suggest that the fact that someone is related necessarily means that they are not pimping, that they are not exploiting, that they are not coercing.

Dr QUEK: Absolutely; without a doubt. It would obviously require further consideration on our part, and we would be happy to take the question on notice. The point that I am really trying to make here is that the potential for exploitation is rife, and it is embedded within the industry, and it is embedded within the relationship that structures the industry. We need to be conscious of that at every single point to make sure that any future legislation is recognising that capacity.

331 The Hon. N.J. CENTOFANTI: I just have a supplementary on that, Dr Quek. Would you suggest that the Nordic model is a model that does do that?

Dr QUEK: Again, I would need to have a closer look, because there are so many different pieces of legislation that are now associated with what we call the Nordic model. The Nordic model is far superior to what we are talking about because of its recognition of gender inequality as the reason we even have a sex industry and as a reason why men go to use the sex industry. Because of its far more holistic approach, I would expect that, were I to cull through the many pieces of legislation, there would be examples there that you could draw on, should South Australia look to implement the Equality model. It has a fundamentally different premise, if I can, at that.

332 The CHAIRPERSON: Returning to the bill, I was interested in, my example of living on the earnings would perhaps, say, be a 30-year-old adult child of a worker who has a significant disability. In that case, they are an adult, they are in the same household, they are being cared for. Sex work actually provides a flexible work arrangement for that parent. Would that be somebody that the Nordic model, under your provision, would criminalise? Under our current laws, it would technically be 'living on the earnings' and criminalised. Do you support the criminalisation of that particular person with a disability?

333 The Hon. C.M. SCRIVEN: Perhaps it might be useful—

334 The CHAIRPERSON: Can I finish my question and have an answer before you break in with yours?

335 The Hon. C.M. SCRIVEN: This is the same question because I think the witnesses have a right to have the piece of legislation that you are referring to, the exact wording—

336 The CHAIRPERSON: Yes.

337 The Hon. C.M. SCRIVEN: —which is, 'A person who knowingly lives, wholly or in part, on the earnings of prostitution of another person is guilty of an offence.' That is the exact wording of 'knowingly living'.

Dr QUEK: I would think that it should be—

338 The CHAIRPERSON: I would hope that they would actually have the bill in front of them because that's what we are working on with this select committee.

339 The Hon. C.M. SCRIVEN: No, this is the Summary Offences Act, Ms Franks.

Ms EDWARDS: I would imagine that the person who is disabled, if they're an adult, would they not be under the person's provision of care? Wouldn't that not disqualify it?

340 The CHAIRPERSON: Currently, our legislation wouldn't differentiate in terms of living on the earnings provisions that currently exist in our laws and hence my question. You have put forward a Nordic model but actually we are looking at a bill that looks at whether the current criminal provisions punish sex workers, largely women, in our state right now. So, I'm after the response to the effectiveness and the effect of our current laws.

Ms EDWARDS: Can I just quickly say that I've worked both in illegal and decriminalised industries and I don't really see much difference—

341 The CHAIRPERSON: We are looking at the South Australian laws as they currently stand and I'm asking you to respond to the current laws as they stand, that this bill is inquiring into.

Dr QUEK: It's a difficult question to answer because of the different circumstances in which this can play out. As I said before, of course we do not want a disabled individual, regardless of their age, to go without food or without the basic necessities of life. However, the capacity for that aspect of the legislation to be exploited is rife. We know that often family members are pimping out women—brothers, uncles—it's not uncommon in the industry, so that is the concern with that aspect of the legislation.

342 The CHAIRPERSON: Well, is not then the area of coercion the area that our criminal laws should be focused upon?

Dr QUEK: I think it should be focused on both and seeking to improve both aspects.

343 The CHAIRPERSON: How do you ensure that a living on the earnings provision does not include those dependents that are not in any way coercing, other than by being alive, that person on which they are dependent upon?

Dr QUEK: There would need to be some kind of identification as to whether there was an element of coercion occurring in that relationship or not.

344 The CHAIRPERSON: Thank you. I have two further questions—

345 The Hon. C.M. SCRIVEN: Can I just follow up on that same theme, Ms Franks?

346 The CHAIRPERSON: Of course, Ms Scriven.

347 The Hon. C.M. SCRIVEN: Thank you. Perhaps for the witnesses' information, it might be useful if you are able to say how many times a person with a disability has been prosecuted in South Australia under our existing act.

348 The CHAIRPERSON: I actually already asked them what knowledge they have in terms of prosecution under the current South Australian laws.

349 The Hon. C.M. SCRIVEN: I don't think your question was in regard to prosecution of persons with a disability who are living off the prostitution earnings of—

350 The CHAIRPERSON: Well, I would love to have that level of detail, and SAPOL may be able to provide it.

351 The Hon. C.M. SCRIVEN: Good, so perhaps we will take that on notice. Secondly—

352 The CHAIRPERSON: Can I have my questions first and then we will go to you? I am a pretty fair Chair generally so—

353 The Hon. C.M. SCRIVEN: Certainly. This is all on the same topic, so that's why I thought we might like to—but no, I am more than happy to defer to you, as always, Ms Franks.

354 The CHAIRPERSON: As always; thank you, Ms Scriven. Ms Edwards, when you worked in both New Zealand and New South Wales, were you able to join a union?



Ms EDWARDS: No.

355 The CHAIRPERSON: Why not?

Ms EDWARDS: When I was in the decriminalised industry, I wasn't aware of any union. There was no education given to me when I entered into prostitution. There were no occupational health and safety standards explained to me.

356 The CHAIRPERSON: Is it your evidence that you were not able to join a union at all or that you were not aware that you were able to join a union?

*[Videoconference stream inaudible]*

Ms EDWARDS: —except for how to put a condom on.

357 The CHAIRPERSON: Sorry, Ms Edwards, we lost you there for a sec so we will start that one again. You froze.

Ms EDWARDS: Yes, no worries. I had no awareness of any union. I had no awareness of any such body being available to me. There was no communication. Nobody came to the brothels to let us know that there was any such organisation.

358 The CHAIRPERSON: Thank you. Would that have been a useful thing?

Ms EDWARDS: Yes, absolutely.

359 The CHAIRPERSON: My other question was with regard to the boyfriend model that you have presented in evidence today. What current provisions under the Criminal Law Consolidation Act and the Summary Offences Act that currently exist in South Australia prevent the use of the boyfriend model?

Ms EDWARDS: I am not aware.

360 The CHAIRPERSON: Thank you. The Hon. Clare Scriven.

361 The Hon. C.M. SCRIVEN: In regard to that last question, my understanding is that you are not necessarily supporting the existing South Australian law that is currently in operation here but your responses were in regard to the proposed bill and also alternative models; is that a fair representation?

Ms EDWARDS: Yes. The boyfriend model is a much better option for prostituted women in Australia and New Zealand, and I am against decriminalisation in ... industry and also legalised industry.

362 The Hon. C.M. SCRIVEN: My question might go to you, Dr Quek, in regard to the Hon. Ms Franks' recent question about joining a union. Given your stated evidence that it is impossible to make this industry safe, do you have a view on either the appropriateness or effectiveness of unions in such a trade?

Dr QUEK: I would refer to what Courtney mentioned before, that she would have found that helpful. There's no doubt that solidarity amongst women is a very powerful thing, particularly in such trying and different circumstances such as these. While I would certainly not, on a personal level, in any way be opposed to unionisation, my concern here again would be that we are treating a highly exploitative industry as a workplace like any other. In that respect, I would see it as problematic.

Ms EDWARDS: Can I just speak to that? I worked for Queensland underneath a legalised industry and there is a group, the Scarlett Alliance, that is part of the prostitution licensing authority. They provide education and resources for women working in the sex industry. Again, it was a very minimal amount of health and safety education given around the occupation. It was concentrated predominantly on the spread of STIs, property maintenance and alcohol and drug use within the industry.

There was no resources or education given on PTSD and rape recovery programs. They didn't promote anti-violence campaigns for men. We have a lot of anti-drink driving campaigns and we have a lot of anti-drug campaigns that are publicly shown in our community. Unfortunately, there is a lot of violence and rape in the sex industry. I wonder where those anti-violence and

anti-rape pilot education programs are in the legalised system up here, because these are the things that, if I was in a union, I would be promoting.

363 The CHAIRPERSON: Thank you. Do other members of the committee have further questions?

364 The Hon. H.M. GIROLAMO: Thank you, Chair. You mentioned your concerns around full decriminalisation and have obviously seen it firsthand in New South Wales and New Zealand. What sort of lessons learned or challenges faced would you think the committee should know about from what you have seen firsthand, Ms Edwards? It would be great just to get some insight there.

Ms EDWARDS: Sorry, could you repeat the question?

365 The Hon. H.M. GIROLAMO: Sure. You have raised concerns around full decriminalisation and you have seen it firsthand in both New Zealand and in New South Wales. I was just keen to understand your key areas of concern and if there are any other lessons learnt that can be taken into consideration here.

Ms EDWARDS: Yes, certainly. The level of violence in a decriminalised industry is a major concern of mine. As I said, about a quarter of the 10,000 patrons I saw inflicted harm such as bleeding from my vagina, bruising around my throat and many musculoskeletal injuries.

My other concern is that under a decriminalised industry I witnessed the trafficking of Chinese Nationals through a reputable and very public brothel that was run in the middle of Wellington. These women were kept upstairs in the brothel and they had a guard who sat outside their room. One girl approached me one evening and begged me to help her to get out. I don't know what's happened to those women; I can only assume the worst.

That was under a decriminalised industry where I firsthand witnessed trafficking of sexual slavery in New Zealand. This was allowed to happen under a decriminalised industry. Just because it becomes decriminalised does not mean that this exploitation is going to be somehow mitigated through legislation. If anything, it allows for it to be openly done without any concern or consequence. As I said before, these industries go hand-in-hand with drug and criminal networks and so, under a decriminalised industry, I believe that it allows full licence for those persons to act without hindrance.

366 The CHAIRPERSON: Ms Edwards, are you aware that it's not lawful for a Chinese National to work in the sex industry in New Zealand?

Ms EDWARDS: I realise that it is unlawful for a person to be used for the use of sex without their willing consent. These women were housed against their will—

367 The CHAIRPERSON: That is trafficking.

Ms EDWARDS: Yes, it was trafficking in Wellington under a decriminalised regime and I witnessed it firsthand.

368 The CHAIRPERSON: But the decriminalisation laws in New Zealand don't allow for non-New Zealand citizens to work in the industry, so for a Chinese National to be working in the sex industry is actually unlawful, not just for the trafficking purposes but even if they were a willing worker it is unlawful.

Ms EDWARDS: Yes.

369 The CHAIRPERSON: So they were facing criminal penalties themselves in that situation rather than those who you would call the pimps or the traffickers.

Ms EDWARDS: Sorry, could you repeat that last statement?

370 The CHAIRPERSON: The women there in that situation you have described would face criminal penalties in New Zealand because they are not protected by being in a decriminalised industry. They are not able to lawfully work in the sex industry at all, so there is a double penalty there, if you like.

They may well have been trafficked, they may well have been coerced and that, of course, would attract trafficking and other criminal provisions, and those provisions would continue

in South Australia, as they are federal provisions. But in New Zealand, when the legislation there changed to decriminalisation, there was actually a provision in that law that made it unlawful for anyone who wasn't a New Zealand citizen to participate in the industry. So I am asking you if you are aware that in fact in that situation those women were further criminalised.

Ms EDWARDS: Yes, sure. My question is where was the accountability from the government in regard to those women? Because there was no accountability. That particular brothel that I am talking about heavily penalised the women who were legally working there. If we were late for shift we would be docked about \$200 from our pay. Again, we had no say in this.

If we decided that we wanted to leave our shift early due to injury or maybe having been raped, we again would be docked about \$150 or \$200 from our pay. They had the full right to do this under the contracts that they made us sign when we worked with this organisation. So, again, under a decriminalised industry, where are the industry standards in regard to protecting the women who work in this industry?

Dr QUEK: If I may add to what Courtney has been speaking about in regard to trafficking. The international literature, the academic literature, certainly illustrates that when you remove barriers around the sex industry, trafficking increases. I can think of several studies, one of which involved looking at 150 countries, those with decriminalisation and legalisation.

The study found—and this was a study done by economists who are not engaged significantly in the feminist academic debate about the sex industry and its merits or otherwise. These economists told us that, where we have less barriers around the sex industry, trafficking in persons increases. They argue that there are larger inflows of trafficked persons. Certainly, the 2019 Trafficking in Persons Report published by the US Department of State identified New Zealand with its system of full decriminalisation as a hotspot for trafficking.

371 The Hon. N.J. CENTOFANTI: Just a supplementary on that, Chair, if I may: has human trafficking for the purpose of the sex industry decreased in countries with the Nordic model? Do you have any evidence to suggest that?

Dr QUEK: The international literature suggests that that's the case. There is even some research where traffickers have been spoken to, and they have said they have no interest in trafficking into countries like Sweden, and so on, because there's no market. The Nordic model legislation works to change society's attitudes about women and the value of women in society and the ways in which it is acceptable to treat women. There is research to show that it has had a positive, educative approach in shifting those attitudes such that the Swedish market doesn't appeal to traffickers.

372 The Hon. N.J. CENTOFANTI: Just finally, is there an estimated number of people who are trafficked to the sex industry in Australia?

Dr QUEK: I don't have numbers. If anyone does, we should be sceptical because, despite good attempts, it is so difficult to measure because of the illegal nature of the industry. But we do have reports from a range of different authorities which suggest that it is significant and up to about five times larger—I am talking here about the illegal industry—than the legal industry.

For instance, in Victoria, and I know it's a slightly different model to what you're looking at with full decriminalisation as opposed to what we have here, which is legalisation, it is estimated that for every one legal brothel there are five illegal brothels. Certainly, evidence given to New South Wales parliamentary hearings on their model from the Australian Federal Police, from New South Wales Police, indicates that it is occurring—that trafficking for sexual exploitation in that state is occurring—but police believe that they are only able to address a fraction of the problem.

373 The Hon. N.J. CENTOFANTI: Are these illegal brothels then otherwise known as massage parlours? Is that what you are referring to?

Dr QUEK: Yes, that is one aspect of where a business front is a front for the illegal sex industry.

374 The Hon. N.J. CENTOFANTI: Are there other businesses that are a front? I know about the massage parlours, but are there other businesses?

Dr QUEK: The massage parlours are the main example that come up in the academic literature. Certainly, there seems to be an indication from police that sometimes legal brothels are the front, and then there is an illegal brothel operating as well. Courtney might be able to speak to her experience of that connection.

Ms EDWARDS: Yes, as I said, I gave the example of the Wellington brothel. They have since turned into quite a large business organisation with several brothels standing in the entire country. Their operations in that particular brothel in Wellington, there was an illegal casino operating at the top floor and then the middle floor was where the women were held against their will. I know this because I also used to sleep on that level when I stayed over at the parlour, and I witnessed the so-called cleaner who sat out the front of their doors guarding them. Also, I had them beg me to help them escape on one occasion.

The brothels that I have worked in in New South Wales, the majority have been affiliated with motor-cycle criminal gangs. The women who are associated with those criminal networks usually have quite severe drug addition and are coerced and held under fear for their safety and for the safety of their families to make money for that criminal organisation.

It is the same in New Zealand. I was held in a motorcycle gang pad for three months as a sex slave. I spent the majority of that time sleeping naked on the floor while I was being abused by that gang. I wasn't paid at all for it. I was used as a guinea pig for their methamphetamine cooks, and then after about three months I managed to escape and they moved me to an apartment in town. This is the norm in decriminalised industries. It's as if there's a free-for-all when it comes to criminal networks. They know how to front a legitimate business, but the reality is it's there behind the scenes. It is incredibly exploitative and coercive.

375 The Hon. N.J. CENTOFANTI: I just want to echo the Hon. Clare Scriven's comments to you, Ms Edwards, and to thank you very much for coming today to share your story. I know it is extremely difficult, so we do appreciate it.

376 The Hon. I. PNEVMATIKOS: Ms Edwards, could I just clarify, what years were you working as a sex worker in New Zealand and what years were you working as a sex worker in New South Wales?

Ms EDWARDS: I started off working in the sex industry in 2001, when it was illegal in New Zealand. I was underage. In the brothel that I started off in, the manageress collected a lot of my money for savings and then when I asked for my savings I got given it back in bags of methamphetamine. At the age of 18, I watched the industry turn into a legalised industry, and there was a considerable drop-off of business from the established brothel. We lost a lot of business when it became decriminalised, and that was because a lot of it just went further underground. A lot of the workers, a lot of the criminal networks started operating deeper underground, and that's where a lot of the money went.

Between the years of 2001 and 2011 or 2012, I worked off and on between New Zealand, New South Wales, Queensland, Western Australia and Victoria. I couldn't give you exact dates, because I was back and forth between those states and countries quite often. It served me to go to a brothel, say, in another state and work for about six to 12 months and then move off to another place. When I was quite young, whenever I went to a new brothel I was promoted to a lot of the paedophiles and there would be a major influx of all the paedophiles in that area to me because of my youth. All up, I was probably close to six years in both New South Wales and New Zealand, four to six years across those times.

377 The Hon. I. PNEVMATIKOS: It would appear from what you are saying that for a proportion of that time, if not a significant proportion, you were working during a time under a criminalised model as a sex worker?

Ms EDWARDS: Yes, I worked under a decriminalised model. The majority of the time was under a decriminalised model.

378 The Hon. I. PNEVMATIKOS: No, under a criminalised model is what I said.

Ms EDWARDS: In New Zealand, it came into decriminalisation, I think, in 2002.

Dr QUEK: In 2003.

Ms EDWARDS: In 2003, sorry. Yes, when I was 19. So I would have worked in that industry for about four to five years, and then in New South Wales it was decriminalised when I was working there also. I am not too sure of the dates that it was decriminalised.

379 The CHAIRPERSON: Whereabouts did you work in WA?

Ms EDWARDS: I worked in Kalgoorlie and then I worked in Perth.

380 The CHAIRPERSON: So in Perth as well?

Ms EDWARDS: Yes.

381 The CHAIRPERSON: So that was a criminalised model.

Ms EDWARDS: Yes, I was there for about 12 months.

382 The CHAIRPERSON: My final question, Ms Edwards, was: have you ever suffered a criminal conviction or a criminal penalty that goes on your record for your involvement in the sex industry, and has that impacted on your ability, for example, to pass a working with children check or a parent background check to volunteer with your child at school or anything like that? Have you had any criminality experience in your time having worked in this industry?

Ms EDWARDS: No. I have never been criminalised.

383 The Hon. C.M. SCRIVEN: Just looking at a couple of things that you have said there, and I don't want to put words into your mouth, which is why I'm asking specifically if this is a correct understanding that I have gleaned. Essentially, largely because in New Zealand it was decriminalised and therefore the sex trade was able to flourish, that enabled the trafficking to occur, because clients coming in and out the front door of a business that is legal couldn't then really be differentiated in terms of whether they were seeing someone who was there legally, under the decriminalised model, or whether they were seeing someone who was trafficked. Is that a reasonable—

Ms EDWARDS: That's correct.

384 The Hon. C.M. SCRIVEN: You mentioned that you yourself were under-age when you commenced. Did you see other women or girls who were under-age in any of the brothels that you worked in in the decriminalised environments?

Ms EDWARDS: Not often, but on occasion, yes. But it would have been like myself; I had a fake ID. So it wasn't a case of the brothel being completely aware of my under-age status.

385 The Hon. C.M. SCRIVEN: Dr Quek, do you have any evidence in regard to under-age girls and boys in brothels in regard to the research you have done?

Dr QUEK: I don't, I have to say, but I wouldn't assume that it's not happening, because, as Courtney has explained, often the workers in the brothels will have fake IDs and so on. So it's incredibly hard to police, full stop, and that aspect of it would be difficult to account for as well.

386 The Hon. C.M. SCRIVEN: So because the industry is legal, the police have to have quite strong grounds to enter a brothel. We have heard from the police commissioner here that he is concerned that a decriminalised model would limit the police's ability to identify organised crime, and I think he also mentioned under-age prostitution—

387 The CHAIRPERSON: Both of which are cause for not needing that warrant that they currently have, because both of those are criminal elements that would facilitate that warrant to enter the premises.

388 The Hon. C.M. SCRIVEN: Thank you. But your experience is that all of those things occur under the decriminalised environments, despite the promises of what decriminalisation was expected to deliver?

Ms EDWARDS: Yes.

389 The CHAIRPERSON: Thank you for your evidence today. As I noted at the start, a transcript will be forwarded to you for any clerical corrections—not substantive but clerical corrections. We thank you for your time and participation in this committee today.

Ms EDWARDS: Thank you.

Dr QUEK: Thank you.

THE WITNESSES WITHDREW

## **Responses to Questions on Notice**

### **Select Committee, Statutes Amendment (Repeal of Sex Work Offences) Bill 2020**

Submitted by the Coalition Against Trafficking in Women Australia (CATWA)

#### **Question 1.**

*In terms of the criminality of living on the earnings, you have equated that with pimping. Would that provision not also include dependants of the person who was the worker? Should children be criminalised for being supported by their mum or their dad or their aunt? If that dependant was an adult, would there be any exceptions to that attitude?*

*How do you ensure that a living on the earnings provision does not include those dependents that are not in any way coercing, other than by being alive, that person on which they are dependent upon?*

Our organisation certainly does not propose that children or adult dependents of a prostituted person should be criminalised for living on the earnings of a person in prostitution. We recommend that the standard for ensuring dependents are not included in criminal provisions should emerge from a definition of ‘dependents’ which recognises the inability of individuals in this group to meet their basic or subsistence needs (e.g. food, housing, clothing, and so on) on their own.

We would also suggest that it is the responsibility of the state to ensure that a disabled adult child of a prostituted person (for instance) is able to live independently, so that he or she is not dependent on the earnings of the person in prostitution.

#### **Question 2.**

*Would you suggest that the Nordic model is a model that does do that?*

The Nordic or Equality Model of sex industry legislation is based on recognising the gendered structural inequalities that result in women’s involvement in the sex industry, including women’s caring responsibilities.

The policy framework is therefore entirely capable of recognising that the dependents of prostituted persons should not be subject to criminal provisions should the Model be implemented.

## WITNESSES:

JARLDORN, MICHELE, Chair, Seeds of Affinity

FISK, LINDA, Coordinator, Seeds of Affinity

DANN, SANDRA, Seeds of Affinity

390 The CHAIRPERSON: Welcome to the meeting. The Legislative Council has given the authority for this committee to hold public meetings. A transcript of your evidence today will be forwarded to you for your examination for any clerical corrections. I also advise that your evidence today is being broadcast via the Parliament of South Australia website.

Should you wish at any time to present confidential evidence to the committee, please indicate and the committee will consider your request. Parliamentary privilege is accorded to all evidence presented to a select committee; however, witnesses should be aware that privilege does not extend to statements made outside this meeting. All persons, including members of the media, are reminded that the same rules apply as in the reporting of parliament.

We would like to acknowledge that the land we meet on today is the traditional lands for the Kaurna people and that we respect their spiritual relationship with their country. We also acknowledge the Kaurna people as the traditional custodians of the Adelaide region and that their cultural and heritage beliefs are still as important to the living Kaurna people today.

Good afternoon, my name is Tammy Franks and I am the Chair of this Select Committee on Statutes Amendment (Repeal of Sex Work Offences) Bill 2020. To my right is the Hon. Heidi Girolamo. Joining us on the screen is the Hon. Nicola Centofanti. To my left are the Hon. Clare Scriven and the Hon. Irene Pnevmatikos. If you would like to introduce yourselves and outline your role in your organisation and make any opening statement you might have, we will then move into questions.

Ms DANN: Thank you, Chair, for the invitation. My name is Sandra Dann. I'm a board member of Seeds of Affinity. Michele will make the opening statement and will have more to say about our organisation in a minute.

Ms FISK: Hi, everyone. Thank you for having us today. My name is Linda Fisk and I'm a community coordinator and founding member of Seeds of Affinity.

Dr JARLDORN: Hi, thanks for having us. My name is Michele Jarldorn. I'm currently the chair of the board of management of Seeds of Affinity and have been a volunteer with them since about 2015. I thought I might start by letting you know about what our organisation does and the position we are taking on this. We were formed in 2006 because our co-founder Linda and Anna Kemp saw a real gap in service provision for women who get out of prison in South Australia, so that's where the organisation formed. We have hung in there a really long time, mostly running on the goodwill of the community, a few odd grants here and there and a lot of fundraising, which is what we do.

Our role is to help women who have been through the criminal justice system to return to the community post-release, although Linda also does do work with women before they go into prison and also during prison when we can get in there, so that's what we do. We do that in ways that are different to other organisations. Our perspective is that judgement has been carried out by other people. We are not there to judge. We are there to support and we support every woman as an individual. Our organisation motto is, 'Leave no woman behind', so often we do support women who other organisations have washed their hands of. It makes our work harder than what it could be, but it's the work that needs to be done, so that's what we do.

Our position is that the criminal justice system further traumatises and hurts women who have already been through systems that have failed them. It tends to be the last institution that's left to deal with people who are having significant social problems that can't be resolved.

391 The CHAIRPERSON: In terms of Seeds of Affinity, how much do the criminal penalties that currently apply in South Australia around sex work affect those you work with?



Dr JARLDORN: We can't talk about specifics. We don't often see women who have been through the sex work industry, but we certainly are aware of them. We are aware of the damage that happens. We supported one woman who I can think of who had been through the sex industry, but our position is actually more about the damage that prisons do to all women. By criminalising sex work, we understand that as being something that then carries with them a long time past any sentences that they serve.

Ms FISK: Unfortunately, even if they are not sentenced to a prison sentence, fined or have any criminalisation, what I see every day on the ground are women who are disadvantaged by that criminalisation. They can no longer get insurance. They can no longer get a working with children or police clearance. They can't volunteer at any organisation probably but us, so it makes life really, really difficult. It also introduces them to a club that nobody wants to be a part of. Once you are a criminalised woman, you are 'another' as far as society is concerned. My concern is that women working in the sex industry are going to be further disadvantaged by being put into that category.

392 The CHAIRPERSON: In terms of the policing currently of the provisions that seek to be repealed in the bill, are any of those provisions serving a useful purpose?

Dr JARLDORN: I don't believe so.

Ms DANN: We don't believe so. I have appeared before similar committees over many years in my former role as Director of the Working Women's Centre. This repeal of sex work offences bill probably doesn't go as far as what many of us long-term supporters of decriminalisation would like, but we believe it sets a model that allows all the other laws that operate in South Australia governing workers' rights and criminal activity to be enforced and policed, so taking away the criminalising of a sex work activity, when we believe sex work for many women is a legitimate and only avenue they have for raising money to pay their rent and feed their families.

393 The Hon. N.J. CENTOFANTI: I have a supplementary on that: in this committee, we have heard evidence of large amounts of criminal gang involvement and that it still exists under a decriminalised model—drugs, etc. What are your thoughts on this sort of an environment still existing? Do you think this is a positive place for women coming out of prison, particularly when they are trying to keep out of the incarceration system?

Ms DANN: It may be the only place for women. If you are familiar with the way women are released from incarceration, they often have had no access—and it has been particularly difficult under COVID conditions—to vocational programs that would set them up for decent economic security after they leave prison. They are often coming out totally unprepared for reconnecting. Often they have lost families, they have lost their homes, they have lost their networks, they have lost their communities and they have little to no belongings. In that environment and with a criminal record, how are women supposed to earn money to make a new life?

394 The Hon. N.J. CENTOFANTI: That is a really difficult question. Certainly, we could do with some more labourers up in the Riverland.

Dr JARLDORN: That's a little bit off the cuff and flippant there, because when women are let out onto Grand Junction Road late on a Friday afternoon with a clear plastic bag full of the few clothes they have that fitted them when they went into prison, and which often don't fit when they come out, they can't even get to Centrelink or anything, so I don't see how they are going to get to the Riverland to get a job. You are missing a great big step there, I think. If you are desperate on a Friday afternoon, there are no Centrelink offices open until 9 o'clock on Monday.

Ms FISK: When you have been separated from your family and you have had your children put into the care of the state, I am sure most women are more interested in reconnecting with family and working towards getting their children back. Going off to the Riverland and getting a job in the Riverland is not going to assist them in that role.

395 The Hon. N.J. CENTOFANTI: Apologies; I certainly didn't mean to be flippant. Certainly, there is a gaping hole in terms of support services for these people. I guess my point was that I don't think it is the only job out there. I would hate to think it was the only job out there for these women.

Ms DANN: It might be worth canvassing local employers in the Riverland to see who will employ people with a criminal record.

Dr JARLDORN: And if there is accommodation there for them. How do they get from Grand Junction Road to the Riverland?

396 The CHAIRPERSON: I am going to draw it back to the bill at hand that we are inquiring into.

397 The Hon. C.M. SCRIVEN: Thank you, Chair, but my question is in relation to what was just being discussed then. Surely the issue there that we need to be addressing is that there is no access to Centrelink on a Friday afternoon when you exit. That would actually solve, to a degree, the problem that you are talking about.

For those of us who are feminists and who consider that the sex work industry exists because of the subjugation of women and the lack of respect for women's status in society, enabling a greater demand for prostitution isn't in the long-term interests of any of those women, particularly when you say that part of the issue is that Centrelink is not available. Surely that's where we should be addressing our focus and getting those things changed.

Ms DANN: I don't think the opening of a Centrelink office after hours is going to fix the subjugation of women, with all due respect.

398 The Hon. C.M. SCRIVEN: No, but it surely is one part. You would support, for example, Centrelink being available at 5 o'clock on a Friday when someone is released from gaol, yes?

Ms FISK: I would support the state looking into when a woman is admitted into prison why are we not looking then at what's going to happen when she is released? Every woman in this country that is admitted into our prisons is going to be released no matter how long she is going to be there, so why do they sit there month after month, year after year and no preparation is put into that release date until the day she is being kicked out of the gate?

399 The Hon. C.M. SCRIVEN: Yes, absolutely, and I totally agree with you there. I would like to thank you, too, for the work you do with women who are in or exiting the prison system. In one of my previous jobs I worked with OARS, particularly helping ex-offenders who were trying to get into the workforce, so I am certainly aware of some of the excellent work that's done and how many huge gaps there are.

Given that this bill is very similar to the New Zealand decriminalisation, can I ask whether you are aware of how many women have been murdered in prostitution in New Zealand since decriminalisation, and particularly how that compares with countries that have what is known as the equality model or sometimes referred to as the Nordic model?

Dr JARLDORN: No, we are not privy to those numbers. I would be thinking that I would be worrying about the men who think it's okay to murder people, and I don't know that they are going to be looking up legislation before they decide to do it.

400 The CHAIRPERSON: Except maybe the murder legislation and the manslaughter legislation.

401 The Hon. C.M. SCRIVEN: Just for your reference, in Sweden, which has had the Nordic model since 1999, there have been no murders of women in prostitution, whereas in other jurisdictions, including New Zealand, there have been murders of women in prostitution. The Netherlands has had 127 murders in a legalised environment, Spain has had 48 murders in eight years and Germany had 91 murders and 48 attempted murders between 2002 and 2018. That leads into the sort of evidence that we have from a number of other witnesses and that is that prostitution can never be made safe, that it is always dangerous and that it is therefore not something that can be managed and instead we need to address the attitudes and demand from men who think it's okay to buy and sell women.

Our earlier witness today said that she had interacted with 10,000 men during the time that she was in prostitution and half of those had been violent and half of those violent had been

seriously violent. She was working under a decriminalised model in both New Zealand and in New South Wales.

Ms DANN: Not for all of the time. We were here for some of her evidence, though.

402 The Hon. C.M. SCRIVEN: So are you questioning her evidence?

Ms DANN: No, not at all. She wasn't working—

403 The Hon. I. PNEVMATIKOS: No, questioning your analysis of her evidence.

404 The Hon. C.M. SCRIVEN: In what way?

405 The Hon. I. PNEVMATIKOS: Because she was working in a criminalised and a decriminalised model. It was not simply a decriminalised model that she was working under.

406 The Hon. C.M. SCRIVEN: No, but she did say that the majority was in a decriminalised—

407 The Hon. I. PNEVMATIKOS: No, she didn't say the majority.

408 The Hon. C.M. SCRIVEN: Yes, she did.

409 The Hon. I. PNEVMATIKOS: She said part of her time she was working—well, she was in New Zealand in 2001. It was a criminalised system.

410 The Hon. C.M. SCRIVEN: She has said in her over seven years she worked—

411 The Hon. I. PNEVMATIKOS: She worked in Western Australia. It was a criminalised system.

412 The Hon. C.M. SCRIVEN: Are we having one voice at a time?

413 The Hon. I. PNEVMATIKOS: She worked in Victoria in a criminalised system.

414 The Hon. C.M. SCRIVEN: And she said—

415 The CHAIRPERSON: I think what we will do is stick to the bill that we have before us that this select committee is inquiring into. If we can keep the questions not to reprisals of other people's evidence but perhaps just the evidence that these witnesses are here to present to us, with their lived experience and also their good work in supporting those who have been criminalised in South Australia in the contemporary field. The Hon. Clare Scriven, would you like to redirect your question to Seeds of Affinity?

416 The Hon. C.M. SCRIVEN: Certainly I would, but I would point out that the majority of her time was in decriminalised environments and she said that very clearly on a number of occasions. Are you aware of the rates of post-traumatic stress disorder in people who have been in prostitution?

Dr JARLDORN: Yes, and I am also very well aware of the post-traumatic stress disorder that is experienced by women who have been through the prison system. They are strip searched when they enter and they are strip searched continuously throughout their prison sentence, often for very spurious reasons. That's sexual assault by the state. I don't think you can just delineate that that is happening in one set and not with another. So we are here to support the decriminalisation of women going through—and we do not want them going into prison because that's what happens.

417 The Hon. C.M. SCRIVEN: I would certainly agree with you that that kind of abuse in prison should not be acceptable.

Dr JARLDORN: But it happens.

418 The Hon. C.M. SCRIVEN: I'm sure it does.

Dr JARLDORN: It happens as a rule of prison management.

The Hon. C.M. SCRIVEN: And that is absolutely wrong. How would this bill address that? Are you thinking that it would reduce the number of women going into prison?

Dr JARLDORN: Absolutely.

419 The Hon. C.M. SCRIVEN: Are you aware that the current legislation that we have in place at the moment doesn't criminalise the selling of sex? It does criminalise soliciting—so those who are on the street, yes, and I think that is a problem that needs to be changed—but it criminalises the pimps and the brothel owners, and that would be removed under this proposed bill.

420 The CHAIRPERSON: The provision of keeping a boarding house—I look forward to receiving statistics on how many times that has been applied—but the others, in terms of those applied to those workers in the industry, seem to be the most common criminal penalties applied.

Ms DANN: I don't see that it's relevant to what we have to offer today. Apart from saying that in this state various people with good knowledge of the criminal justice system have been invited to provide statistics on arrests and so on, and consistently are not able to come up with good evidence-based data on what's happening in South Australia. We don't have a Nordic model here. I don't want one. There is plenty of evidence around the world, good evidence, that suggests that a Nordic model, in fact any regulated model or a higher level of surveillance, actually puts women at more risk. So that's our view, that's our position today.

421 The Hon. C.M. SCRIVEN: I certainly would encourage you to look at some of the other evidence. More and more countries are adopting the Nordic model because it is showing—

422 The CHAIRPERSON: I think we're just going to stick to the bill that we have before us.

423 The Hon. C.M. SCRIVEN: Well, I think we're looking at the issue of reform and therefore it's reasonable to—

424 The CHAIRPERSON: Well then, if you want to favour the Nordic model, bring a Nordic model to the parliament and we will debate it.

The Hon. C.M. SCRIVEN: Certainly, but I am sure that the women who are here today as witnesses are 100 per cent and sincerely interested in what's the best outcomes for women. So I think it's reasonable that we have a brief discussion on some of those other models. All I was suggesting is that it's really worth looking at those. A number of organisations that have vested interests in the prostitution industry, and who purport to represent sex workers, are actually pimps who have got that monetary vested interest and they do bring up fallacious issues about the Nordic model. So, I really do encourage you to have—

425 The CHAIRPERSON: To paraphrase Tony Jones, I will take that as a comment and not a question. Do we have any questions of Seeds of Affinity on the topic that the select committee is inquiring to? The Hon. Heidi Girolamo.

426 The Hon. H.M. GIROLAMO: Just following on, we were talking about industries for sex workers who have left prison to go into. Now, in your submission, sex work for some women provides a stepping stone to more meaningful employment such as child care, disability work, human services, things like that. I guess, realistically, when people leave prison where are they most likely going to end up? So, we're saying sex work is obviously a key industry. What measures is your organisation putting in place—or other organisations—to try and support women into different industries outside of sex work?

Ms DANN: You are probably the best one to speak to that, Linda.

Ms FISK: It's a difficult question really. Upon release from prison, they're not women who are ready to work anywhere, to be honest with you. They have a whole life that has been destroyed by the state putting them in prison. I know that some of our women are able to get work doing traffic management, so that's been pretty successful with some of the women that have been able to do that work. Those organisations are willing to take the women with criminal records. Child care and things like that that you mentioned before are just not going to happen.

427 The Hon. H.M. GIROLAMO: That is what I was interested in with your submission, obviously, with a criminal record, and some sex workers would have other convictions, no doubt, outside of prostitution that would limit that as well.

Ms FISK: That's another point of the whole criminalisation of sex workers. Women will not have a record at all and then end up with fines that they can't pay and end up in prison. To

be honest with you, prison is the best place to go to learn how to be a bigger and better criminal. Then what we will see is bigger drug problems and bigger offences that are committed by those women after they have been released from prison for the first time.

The women who we see on the ground at Seeds of Affinity each week are more likely to have been working in aged-care homes, doing a lot of menial labour, things that they can no longer do upon release. You can't go back into an aged-care role once you have a criminal record. The main industry that I see them having the most success with is the traffic management industry.

Ms DANN: Having said that, there is no one size fits all with Seeds women. Linda herself went on to further study when she exited prison, as did a number of other of our regular Seeds women. One is completing a Masters—she has completed her Masters?

Dr JARLDORN: An honours degree. The problem with that—I am an educator in a university that has placement-based degrees—in the helping professions, people with lived experience have so much to give to other people who are coming up behind them and yet that criminal record, they would do two years of study and it comes to doing a placement and all hell breaks loose because all of a sudden we can't find placements, everyone is worried about risk.

Often the women will go straight into a catastrophising thinking framework, where, 'I might as well just give this up because, look, no-one wants me, even though I have done well doing all of these assignments and things like that.' I see this over and over again and I have worked at two of the three universities in South Australia—of the big ones, anyway.

Ms DANN: The other avenue for women exiting prison is often to enrol in women's education courses through TAFE. That allows women time to work out their lives and also to think about a career path. But the positive part that Seeds plays with those women is to support them, encourage them, to be there every week. I have seen Linda and Michele helping women with assignments. There is a lot of community and organisational support to keep women out of prison, to keep them on a path of study and, hopefully, future employment.

428 The Hon. C.M. SCRIVEN: In your submission you talked about prostitution potentially being—

Ms DANN: I don't think we would ever use the word 'prostitution' in our submission.

Dr JARLDORN: Absolutely not.

Ms FISK: 'Sex work' I think it is.

429 The Hon. C.M. SCRIVEN: Yes, however, there are women who have been involved with prostitution who consider it as paid rape and are very offended by the term 'sex work' and very offended by the term that that their trauma is considered to be just a job. That's why I use the neutral term of 'prostitution'. I don't use the term 'prostitute', by the way, because a person is not their occupation.

Ms DANN: With all due respect, we don't use that language in our organisation and we never would.

430 The CHAIRPERSON: Given you prefaced it with 'In your submission you said', I think you should say what they said in their submission.

431 The Hon. C.M. SCRIVEN: I shall find the exact wording. You said that, 'This can provide security of income for socially and economically vulnerable women.' Again, I am 100 per cent sure that you are trying to be sure that women do have that. I would refer, though, to women who have worked under the decriminalised model in New Zealand, and this is one such woman, who said:

We didn't have the legal protections we expected. We sat in between employee and independent contractor. Unlike every other independent contractor, we were denied the right to work at multiple businesses. Pay rates decreased. Fees and fines increased. Shift hours were up to 17 per night. Shifts had three times as many women as were feasible to make a decent income. Competition grew fierce and safe sex practises became a thing of the past. The myth of health being better was proved false in less than six months of the law reform.

And then it goes on to talk about what women needed to do to be able to make their living. My question would be: why do you think, for this bill, for decriminalisation, which also decriminalises the pimps and the brothel owners who, we have heard from many people's evidence, are coercing, are

keeping women essentially prisoners in many situations, and given the sorts of experiences that women who have been in New Zealand have had, that this would provide that security of income that you are seeking for the women exiting prison?

Ms DANN: Being a New Zealander, I am very familiar with the process of decriminalising sex work in New Zealand and also the follow-up studies that were done to look at the state of play in the industry and how it was impacting on the community. There are many, many more examples from that research, that documentation, that we could sit here and cite all afternoon. You keep drawing back to the experience of one person or an individual woman. I am not disparaging any woman's story—I accept that they are valid—but the story of one woman, or two women, does not make good government policy.

The repeal of this bill is based on much more than one or two stories of people who have worked for bad employers. There are plenty of laws that exist in South Australia at the moment to deal with bad employers. We need a lot more support for women to do that. We need a lot more advocates for women to ensure they've got a decent job and a career that they can look to. I don't have any comment on that.

432 The Hon. C.M. SCRIVEN: Do you see prostitution or sex work, as you prefer to call it, as a decent career for women?

Ms DANN: For many women it is. I have been working on the issue of decriminalisation of sex work for about 20 years in my previous role, and I haven't stepped away from that. I am a member of SIDAC and meet regularly with women at SIN, so I've got a fairly good knowledge of the sex workers who currently work and contribute to SIN. They have chosen a career. They see it as valid work. They are the best proponents I know for other women's safety, and men's safety, in the industry. I am an absolute supporter of the Sex Industry Network and the work that they do. I think we need more of them, if anything.

433 The Hon. C.M. SCRIVEN: Do you see the term 'sex worker' as incorporating those who, in colloquial language, would be called pimps?

Ms DANN: I don't use the term 'pimps'. I see them in either model—a criminal model or a decriminalised model—as business owners.

434 The CHAIRPERSON: Are there any further questions? Thank you for your evidence today and your submission to the committee and your ongoing fine work to support women who absolutely deserve the best support we can give them. The transcript will be forwarded to you for any clerical corrections. We look forward to receiving those. Thank you.

THE WITNESSES WITHDREW