

# **LEGISLATIVE COUNCIL**

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

Old Parliament House Chamber, Old Parliament House, Adelaide

Friday, 3 December 2021 at 10:15am

BY AUTHORITY OF THE LEGISLATIVE COUNCIL

**WITNESSES**

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## WITNESSES:

WITNESS B

WITNESS A, Sex Worker

MacGILLIVRAY, JESSIE, Principal Lawyer, Mac and Co Lawyers

*Evidence in camera:*

891 The CHAIRPERSON: The committee has already resolved to move in camera, just to give that heads-up. I will now proceed into the formal parts and I will guide you through that. 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.

As you have advised that you wish to present confidential evidence to the committee, at this point the committee has now resolved to hear your evidence in camera. A separate transcript of your in camera evidence will be forwarded to you for your examination for any clerical corrections. Parliamentary privilege is still accorded to your evidence. The Legislative Council has given the authority for this committee to publish the evidence presented to it as it sees fit. The committee has resolved to treat the in camera transcript as confidential until it otherwise resolves, and as such it shall not be disclosed or published by any person without the permission of the committee.

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 (who are not here), 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 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 morning. My name is Tammy Franks. I am the Chair of this inquiry into the Statutes Amendment (Repeal of Sex Work Offences) Bill. To my right, I have the Hon. Nicola Centofanti, and to her right is the Hon. Heidi Girolamo. To my left are the Hon. Clare Scriven, the Hon. Irene Pnevmatikos and the Hon. John Darley. We in fact have the full complement of committee members here today.

I will note that we have received submissions from all three of you, I believe, and that they are in various states of definitely being received, and in some cases published, but in the case of WITNESS B, your evidence that you have made as a submission has not yet been published. If you would just each like to introduce yourself, particularly for Hansard, we will then move into a discussion. At the end—particularly Ms MacGillivray—you may wish that we move out of camera perhaps to present some of your evidence in a more directly public way.

WITNESS A: Hi. My name is WITNESS A and I am a sex worker.

WITNESS B: My name is WITNESS B and I used to have a brothel in the city.

Ms MacGILLIVRAY: My name is Jessie MacGillivray. I am a solicitor practising in crime in South Australia.

892 The CHAIRPERSON: Thank you. I will just let you know, this room is terrible for acoustics; it's really difficult to hear. We do apologise, but the COVID current restrictions that came back into place in Parliament House yesterday pushed us into this room. I will start with you, WITNESS A, if you would like to speak to your submission, but just know that it is a little hard to hear. If ambulance sirens go past, we might just stop for those moments.

WITNESS A: If you can't hear me, just tell me. If all of this is off camera, I don't have to say when I want to go—

893 The Hon. C.M. SCRIVEN: Sorry, WITNESS A, I can't hear you.

WITNESS A: Can't you? Can you heard me now?

894 The Hon. C.M. SCRIVEN: That's a bit better, yes.

I've been a sex worker for five years and, apart from having a relationship with a police officer, I think I'm a reasonable representation of an average sex worker in South Australia. You won't see many sex workers stand here before you and give evidence. It's not that they don't want to, it's because for so many years my industry has been so over-policed that people are petrified to speak up in case they make themselves the target of the South Australia Police. I, too, am absolutely terrified of speaking and I'm very much an unwilling activist, but the fact that I have seen both the sex work side and the policing side makes me feel compelled to speak to you.

I always believed that the police were here to protect us and that we could go to them if we had a problem. Unfortunately, for sex workers in South Australia this is untrue. We categorically cannot go to the police if we have a problem, because we risk being investigated ourselves. In 2017 to 2018 211 charges were laid against sex workers. Police were literally going through the paper and online ads and just picking people at random on a day to try to bust them. I know lots of people this happened to. A police officer would pose as a client and trap a worker to accept money in exchange for sexual services, and then charges would be laid.

My ex, \_\_\_\_\_, and I are well-versed in reading and interpreting the Summary Offences Act to try to protect me and other workers from this over-policing. One day a case unrelated to sex work that involved the undercover operations act of 2009, and he realised that these covert operations that police routinely use to bust us were highly illegal.

We sought further legal counsel, and I fundraised to get the opinion of Claire O'Connor, Senior Counsel, who you have heard evidence from. I told the police that what they were doing was illegal but, to this day, they don't care. They keep doing it, and until somebody challenges it in court they are going to keep doing it.

When a sex worker receives a charge of 'keep and manage a brothel' or 'receives money paid in a brothel', which are the two most likely charges they get, it is an embarrassing day in court. The police know it is much easier to plead guilty and get a small fine and likely no conviction—although oftentimes convictions are recorded—and then the whole thing goes away.

It may cost \$1,000 in legal fees, but if you want to plead not guilty and fight the charges you have to come up with somewhere in the vicinity of \$5,000 to \$10,000 or more and spend

much more time in court, with the stigma and shame of those charges. Virtually no-one can afford to challenge it, and to this day nobody has. So the police keep using this overarching and illegal tactic.

I think Claire O'Connor has already briefed you as to why this tactic is illegal and how what the police are doing has much more serious legal implications than the summary offences they are trying to prosecute us for so I won't go into that further, but I have submitted her opinion to this committee with my initial submission.

In 2019, I met with the Attorney-General of this state, who was appalled by the stories I told her. I ask the select committee to please follow up and start asking: why are the police still using these illegal methods? You have the opinion of a senior counsel that police are acting unlawfully. Is this committee or the parliament going to do something about it?

I would now like to tell you about the background of how many of these police raids come about. The police will tell you that they have to investigate neighbour complaints. I have told them that often these are not neighbour complaints but disgruntled clients or vindictive ex-boyfriends. They use the police to further harass us. We are very wary of telling clients we don't want to see them anymore or refusing particular services because they know that they can make a police complaint against us.

Paul Mitchell, who is the head of the Licensing Enforcement Branch, will tell you that he can tell if it's a client or ex-boyfriend making a complaint. He will also tell you that we aren't over-policed and that SAPOL are not particularly interested in busting sex workers. He will also tell you, despite evidence I have, that only two or three or maybe four police officers are involved in these undercover stings.

This brings me to the case of Amanda. Amanda broke up with her boyfriend, and he was controlling and abusive. To help her afford to leave him, she went back to sex work and she also had another civilian job. Her ex started harassing her to get back with him. He then sent Amanda's employer a letter outing her as a sex worker, and she lost her job. Then her parents got another similar letter. Then she got a letter in her letterbox saying that she was going to get outed to the police. It was framed as a concerned neighbour complaint, but all the language in these letters indicates that it's the same person: her ex-boyfriend.

Then he started stalking her and sitting outside her house, with a mobile phone recording. She is scared, she has lost her job and her family is being harassed by an abuser who is using tactics of coercive control. A few weeks later, an undercover police officer makes an appointment pretending to be a client. Approximately 10 police officers storm into her house, and she is charged. SAPOL have just become an extension of the coercive control of her abusive ex-boyfriend. SAPOL deny over-policing us, yet here is a woman convicted because of some made up neighbour complaint. I ask the select committee and the people of South Australia: who is the victim here if not Amanda?

Are these police stings a good use of taxpayer money: ten police officers, police prosecutors, all the costs associated with the Magistrates Court—all for what? It's a summary offence that is in the same criminal code as things like loitering in a public place. What other minor offence gets policed in this way? It's state approved sexism and misogyny and it targets women and it protects and enables their abusers.

The narrative from police is that women are trafficked and run by outlaw gangs, or drugs are involved, yet time and time again they find no evidence of this. We have those 211 charges. I think they found two concurrent minor drugs charges when they went in and busted those workers in 2017-18. My police boyfriend at the time made the comment, 'If you went into 211 police officers' houses, you would probably find a few drugs charges there as well.' Why are we getting convicted of summary offences when it is women they are trying to protect?

I would like to ask the select committee to please help us. I believe we need some kind of inquiry into police actions and tactics, because Amanda's case is by no means an uncommon experience for sex workers in this state.

Next I would like to talk about criminal activity related to sex work and how the criminalisation of sex workers is causing our safety to be at risk. First, I would strongly like to iterate that the vast majority of clients of sex workers are not criminals. Many years ago, I ran a home-based

business while I completed my university degree. It was entirely non-sexual and, for the sake of anonymity, let's just say that I was a hairdresser. I ran this business for five years. During this time I was stalked and harassed by a few clients, I was groped by a few, and I was asked to provide sex. Welcome to the world of being a woman.

I declined these advances and even had to call the authorities a few times to report this. It would be ridiculous to say that all clients of hairdressers are criminals, but it would be true to say that a few are. I have been a sex worker for five years, the same amount of time as my hairdressing career, and during that time I have come across approximately the same number of offenders. The vast majority of my clients are not criminals, never will be and do not deserve to be treated as such. But the four or five offenders that I have come across are much more dangerous. They have become so dangerous because we know that we cannot go to the police to report them because then we will open ourselves up to prosecution.

I want to talk to you about one man in particular, who I will call David. David stalks, harasses and is violent towards sex workers. He has had about 25 phone numbers. Once we realise that it is him he will just change his number. This is his licence. David is extremely unhinged and has impersonated a police officer to gain access to a room, used a fake ID to make bookings, severely physically assaulted workers, stolen money and phones, and one worker thought that she was going to die.

Have a guess which branch of SAPOL have put themselves in charge of investigating David: the Licensing Enforcement Branch, the exact same branch that has been over-policing us for years. You cannot make this stuff up. If you want SAPOL to investigate David you are invited to attend the Licensing Enforcement Branch head office, with your photo ID, and give a statement to a Licensing Enforcement Branch officer, the very same police who set up an undercover sting to bust you. I wish I was joking. It is an abhorrent misuse and abuse of police power. The police will not even go and knock on this man's door and tell him to stop, despite at least four years of incidents.

About three weeks ago, David messaged me for the first time, and because I won't see him he has texted me and told me that he will get through my screening and come and get me. My life may be at risk, yet SAPOL will not do anything unless I make a formal complaint. Contrast this with the anonymous neighbour complaint that anybody can make that will easily result in charges being laid against me. A serious, indictable offence occurs because a minor summary offence has taken precedence in SAPOL. This is scandalous, and I would like someone to come and help me with this.

I am telling you, committee members, that I fear for my life and my friends fear for their lives. Is this committee going to take these concerns seriously? Is somebody going to look at how police handle these complaints, and if the response is adequate? Why is the Licensing Enforcement Branch investigating a matter that should possibly be under the banner of major crime? I am prepared to provide to the committee all of my communications with the Licensing Enforcement Branch and see if they will have the option to do something about this man.

Lastly, I want to briefly touch on what some people in this place and elsewhere are proposing, which is the Nordic criminal model, which criminalises the client. As we see the over-policing of sex workers currently, under the Nordic model not only do sex workers themselves still get targeted and punished but so, too, do their clients. Imagine a scenario with two sex workers where one cannot afford to get a hotel room to see a client, so another worker allows her to use a room at her place. She can then get charged with pimping.

The Magistrates Court will be giving convictions to people who have done nothing more than seek consensual paid intimacy or worked with another worker for safety. Sex workers in South Australia and Australia have worked very hard to find ways to work safely and for many of us, as a safety precaution, we only accept bookings from people who provide us with some form of identification of who they are.

Of course, it's a privilege that not every worker has, but slowly it's becoming more accepted, and more and more clients are willing to provide identification and more and more workers are asking for it. We take the confidentiality of these documents very seriously and we only use them in case of a serious matter, such as with David.

How do you think we have David's legal name, address and photographs of him? Under the Nordic model, no client will provide evidence of their ID or their legal name. We won't be able to ask them for it and we will be forced to work very unsafely. I wouldn't be sitting here telling you who David is, because I wouldn't know. Yet all my respectful and law-abiding clients would be open to punishment. They could be open to having criminal records, which would affect their employment, etc.

I believe this makes an absolute mockery of the law for labelling all clients as abusers and sexual assaulters. It waters down the actual crimes that are perpetuated against us. Two consenting adults engaging in paid sexual encounters should not be criminalised. The law should punish criminals and not everyday citizens. I want to see four or five serial offenders here in Adelaide put behind bars and, while you keep sex work criminalised, they will continue to reoffend.

The current model of criminalisation or the alternative Nordic criminal model do nothing for sex worker safety or for safety of the community. Licensing models are not safe. Full decriminalisation is the only model which addresses the fact that everyday people are not criminals and they don't deserve to be treated as such. I challenge you to name one offence, if sex work is decriminalised such as sexual servitude or coercion, which is associated with sex work which would not be actionable under decriminalisation. Name one. Thank you for listening and I am happy to answer any questions that you might have.

896 The CHAIRPERSON: Thank you, WITNESS A. I will now invite WITNESS B to outline her submission and experience.

WITNESS B: I didn't come prepared because I assumed you had read my submission.

897 The CHAIRPERSON: Not everyone has read your submission, so please do for the committee's information today. Just give us the story.

WITNESS B: I started in the industry about 30 years ago. I was a worker to begin with and then we decided that we didn't really want to be under the control of the males running the industry and we went out on our own, my sister and myself. A few of the workers we knew came with us and we started off small, working for ourselves. That was back in the nineties. At the end of the nineties, police raids were pretty common but they were very low-key, a summary offence, a fine and they would walk out and you would keep working. It was no major issue.

We would have a laugh, like 'Okay, we will see you tomorrow.' Then it went away for about 18 years. We moved into a building in the city. The police still used to police it, but there were no charges as such. They would drop in and say, 'Look, the Grand Prix is on. Have a look for counterfeit notes' or 'Be careful of these people.' They would ask some girls about certain clients who might be paedophiles or whatever; they would ask information if they had seen them.

We had a really good rapport with them, to the point of they said, if it ever became decriminalised or licensed, they would refer us to be the first ones to get that because of everything else we did in our lives—there were no drugs, there were no criminal people involved with us. We were very straight down the line and we always complied with everything they spoke to us about.

Until more recently, we moved from that building because our lease had run out and our landlord wasn't being overly nice to us. We moved just down the street and then we got raided in this most recent raid and I didn't understand what had happened. It hadn't happened in 18 years. We had a really good rapport. They told us they were cleaning up the industry before the last bill went through, which I thought was really odd.

I had nothing really to do with parliament or discussing it and I got arrested and charged with money laundering, for the EFTPOS use in my building, which is a first in the industry completely. No-one had ever heard of that. Had we had the heads-up that that was a law that we could break we would know our limitations. After all that happened I went to see Stephanie Key, who was actually my local MP at the time, and she said they were cleaning it up because it was in parliament. She asked me to come and see the select committee back then and give evidence back then, which I did.

That charge has eventuated all sorts of problems for me. I have lost the ability to get any sort of employment at all. I can't get insurance on my car. I can't get insurance full stop. It just keeps going. The bank kicked me out. Every which way I turned to better my life it just keeps putting that stop on me. Sorry, it still affects me to this day. I'll just pull myself together.

898 The CHAIRPERSON: It's okay, WITNESS B. Just take your time.

WITNESS B: Thank you. I can't even get a job for Uber Eats driving food around that's prepaid to them directly. In the raid I had at least 17 police officers come through my house. I swear my neighbours thought I was a terrorist. My daughter was there.

899 The CHAIRPERSON: Just to clarify, so not the brothel, but your house?

WITNESS B: No, when they came to do me for keep brothel and money laundering they came to my home. It was three days before Christmas and it was three days after I had spoken to the select committee. I had my *Hansard* there. We'd been out for lunch and done what Tammy was talking about where we can redact information, private information, and it was sitting on my handbag. We'd done that that day. We woke up that morning to three police officers trying to jump my fence and another 15 down the street that all came through. You would have thought that I had broken major laws.

They took my daughter's computers, my computer. They took my car. Everything in our house that was computerised, my car and then they put caveats over my house. So by then I had no income. I couldn't sell the house to pay anything, so I got way behind in every bill I had. I had no way to get my daughter and myself around and I had no way to access a computer to try to look for work. They told me that her stuff would be back in three months after they went through it and were assured there was nothing on it they needed. Well, she waited nearly two years and she had saved up for that stuff herself.

I don't even know where to go from here. Nearly every place out there uses an EFTPOS machine and they're not being treated equally. I believe it's just because certain ones have a certain rapport with the police and others don't. I don't know, but there is now somebody in my old building that I was in for 18 years operating 24 hours a day that aren't as clean-cut as we are and they're turning a blind eye.

900 The CHAIRPERSON: To clarify, WITNESS B, just for the sake of the record, you're saying the premises that you had recently moved into that was being operated—

WITNESS B: No, the one that we moved out of because I got charged for both.

901 The CHAIRPERSON: —that you had moved out of that was being operated as a brothel—

WITNESS B: Yes.

902 The CHAIRPERSON: —but then you moved out of is currently and has, for how long now been operated as a brothel?

WITNESS B: About three years.

903 The CHAIRPERSON: What is the address of that place?

WITNESS B:

904 The CHAIRPERSON: Thank you. It's quite well advertised, so it's hardly a secret. Continue, WITNESS B.

WITNESS B: The building got sold and I believe to some people who work for the a Government Department and it is now being leased to some undesirable type of people that we've sort of known the name of for some time. They're the last people I would have said were more desirable than we were.

905 The CHAIRPERSON: With a charge and a conviction of money laundering, what does that mean for your future employment prospects?

WITNESS B: For the last five years I can't get any work. I don't know. I went to Centrelink and they can't even help me. I just think this is it for me. That's it, I'll have to retire and just

be on Centrelink. I've tried everything. I've even tried to set up my own businesses which either haven't gone well because of COVID or just—it's hard to get anything. I can't get a lease. I have tried to lease a house. I can't get a lease. I had to move in with my parents. It's really frustrating when all these others are out there doing exactly the same thing, but they haven't been treated the same way.

906 The CHAIRPERSON: Thank you, WITNESS B. In terms of when you did operate for those 30 years or so, you have provided a submission to this committee that we have received at this stage in confidence. It hasn't yet been published in any part. I noticed that you had an ongoing advertising arrangement with *The Advertiser*, and you have provided some of that correspondence for us.

WITNESS B: Yes.

907 The CHAIRPERSON: You have provided an example of the general classifieds of *The Advertiser* and then particular words that they gave you as guidelines for your advertising. Do you find it extraordinary that nobody has also prosecuted *The Advertiser* for advertising the business that you ran for three decades?

WITNESS B: Absolutely. I don't know that they could go and advertise, like, drug dealers and stuff like that, so I find it odd that it's illegal but, in the same moment, it's allowed to be advertised or certain things are overlooked for those sorts of things. We pay our taxes, but we can't claim our fines. It's a double-edged sword.

908 The CHAIRPERSON: What about the fact that the premises that you ran for this period of time that continues to operate as a brothel with other people, that the landlords have not in any way been prosecuted with regard to this situation?

WITNESS B: I fully agree with that, especially the second one we moved into. That landlord had actually written to the council and said he wanted to change the use because he was thinking we were moving in and that was an option, and the council weren't impressed with that. So we then had a meeting on how we were going to save their face to get him out of that if we moved in, because they were lawyers and didn't want to get done for renting it out, so we had to protect them in that regard.

909 The CHAIRPERSON: So they were lawyers?

WITNESS B: Both of my landlords were lawyers.

910 The CHAIRPERSON: Interesting. So we have had a police prosecutor and lawyers involved, and yet they have not been charged or convicted of money laundering or indeed any of the Summary Offences Act provisions.

WITNESS B: No, and they took a lot of money from me for bonds.

911 The CHAIRPERSON: Ms MacGillivray, we might move to you as we move out of camera perhaps, unless you want to add something at this point.

Ms MacGILLIVRAY: No, it's fine.

912 The CHAIRPERSON: I am thinking of just dealing with the in camera part of this first and then we will move out. Just while we are here, WITNESS A, would you be prepared to provide those documents of the phone numbers and other details around the man you say has been stalking and committing violent acts against sex workers? Would you like to provide those documents to the committee to be received at this point?

WITNESS A: Yes.

913 The CHAIRPERSON: If I could have a motion from somebody to receive those documents.

Moved by Hon. H.M. Girolamo.

Carried.

914 The CHAIRPERSON: We will be happy to receive those documents today.

WITNESS B: Can I say one more thing?

915 The CHAIRPERSON: Yes.

WITNESS B: It's something I forgot. When I was arrested and taken to Sturt, on the way back the police told me that there were a couple of officers who wanted to drive me home or have a chat with me on the way. They stopped at a cafe and bought me a coffee. They wanted to know what I knew on the other places in the industry.

To this day, I keep racking my brain, wondering whether they were police chasing police that were doing wrong, or they were the ones who were doing right. But they wanted to know what I knew about everything. They told me that when I got home I wasn't allowed to speak to my friends, my family, my lawyer or parliament about that conversation. I wasn't even involved with parliament at that stage, and I thought that was a really odd thing to say, but afterwards I heard that there was a bill going on.

To this day, I am still, like, why was that conversation had, and why was I told I wasn't allowed to tell anybody at all? It really freaked me out. They told me, if I did right, then my charges may be lessened in the court. I didn't know that they didn't have that say to do that at the time. It's up to the judge. And they didn't lessen them; they went at me full bore. So I just thought that was important.

916 The Hon. C.M. SCRIVEN: Thank you, WITNESS B, for your evidence today. At the beginning of your evidence, I'm sorry, I couldn't quite catch what you said about going out to work to set up your own brothel, what the reason you said that was.

WITNESS B: Because we had been working for males who didn't really do up the place and they were getting a bit tired and they just did not look after the workers as well. My sister and myself, we are both really fussy people and we could decided we could do a better job and make all nice and work for ourselves in our own hours in our environment. And that's what we did.

One of the gentlemen who we worked for wasn't even in the state, so as girls we just decided to do our own thing and we would make it all nice. Some of our friends followed with us and we just wanted to work by ourselves.

917 The Hon. C.M. SCRIVEN: Okay, thank you. In terms of the money laundering charge, did you defend that charge?

WITNESS B: They left me with nothing. They put a freeze on everything. My lawyer wanted to go it, for the same reason that with the—

WITNESS A: The undercover operations.

WITNESS B: —the undercover operations, he's always thought that, but no-one's had the money to defend it. They left me with everything tied up, so I couldn't afford it. I had already borrowed money to defend what I had defended.

918 The Hon. C.M. SCRIVEN: So how did you plead to that charge?

WITNESS B: I think we had to plead guilty.

919 The Hon. C.M. SCRIVEN: If I could move to you, WITNESS A, thank you for your evidence today as well. You talked about Amanda losing her civilian job and you said that that was not uncommon among sex workers. What is your evidence for that?

WITNESS A: What I meant wasn't uncommon was the way that police bust us, the undercover operations that they use. But what is common is that disgruntled clients and ex-boyfriends will try to do as much damage as they can. If we say we don't want to see them, or we don't want to provide a service, or they might get a bit infatuated and you say, 'I don't want to see you anymore,' it's really common that they will try and find out who you are and out you to people like your family or your workplace and the police, especially people with abusive tendencies, like Amanda's partner.

WITNESS B: My child's father helped prosecution prosecute me. He works for the courts.

920 The Hon. C.M. SCRIVEN: So WITNESS A, the issue that you're relating there, if the shoe was on the other foot, where if the worker was able to simply report to the police if the client was unpleasant or inappropriate, that would give you far more power, then?

WITNESS A: You actually need a fully decriminalised system to be able to do that effectively, because, as I have pointed out, if you want to make a report against a client you need to know who they are to start with. So under a Nordic model, the client is not going to tell you who they are and that just creates barriers.

921 The Hon. C.M. SCRIVEN: Have you spoken with women in those countries that have versions of the Nordic model?

WITNESS A: Yes. The good thing about being a sex worker these days is that there are a lot of online groups. I have access to hundreds of sex workers around the world and it's very informal. We just keep in touch with each other.

People working in Sweden hate it. They've got so many barriers. Just because the Nordic model says that they're targeting the client, it isn't true. It targets sex workers as well. They can lose their lease if they're found to be working from there, so they're losing their homes.

922 The Hon. C.M. SCRIVEN: Sorry, if I could just interrupt there. There are a number of versions of the Nordic model. Which ones are you referring to there? Which country and which version of the Nordic model?

WITNESS A: That's in Sweden.

923 The Hon. C.M. SCRIVEN: That one's in Sweden.

924 The CHAIRPERSON: Just at this point, the Hon. John Darley has indicated he has a question and he has to go soon, so I'm just going to move to the Hon. John Darley and then we'll return to you, the Hon. Clare Scriven.

925 The Hon. J.A. DARLEY: Thank you, Chair. Can you ladies tell us: have you ever experienced any situation where any police officer has offered you protection?

WITNESS B: I've heard of it, but that's hearsay. Not personally. The back of my mind tends to think maybe that's why we're not operating anymore and they are. That's my opinion, not fact. I have heard people tell me and I'm like 'No, not in Adelaide, surely.' But I have never been offered it and I believe that's why I'm closed.

WITNESS A: I've heard anecdotal evidence, I don't have hard evidence—and this needs to be confidential—of the Asian Liaison Officer for SIN. A few years ago, Thai workers came in and said, 'The police are taking paper bags full of money.' First SIN thought, 'Oh, no, no,' and then the second person came and told them and they thought, 'Hang on,' and the third person told them and they thought, 'There's probably something in this.'

One comment I would like to make on the Licensing Enforcement Branch—so it is public knowledge. There is a man called Robert Beattie who's in the Licensing Enforcement Branch. He was the head of Major Crime at Holden Hill and he got demoted because he slept with a bikie informant and they put him in the Licensing Enforcement Branch to police sex workers. I don't know if you find a conflict of interest in that. I do.

926 The Hon. C.M. SCRIVEN: When you referred to Nordic, you mentioned sex workers were still being targeted and that where there were two at one place, they could be charged with pimping. Which country was that in?

WITNESS A: That was in Ireland.

927 The Hon. C.M. SCRIVEN: Have you got evidence of that? The reason I ask, if I may just explain, is we have had other witnesses who have said—I think there were some media reports back in about 2017—that actually that's an urban myth and it didn't occur.

WITNESS A: I can find that information for you, if you like.

928 The Hon. C.M. SCRIVEN: Thank you. In any case, obviously that's the Irish model, which is quite different from some of the other models, including that in Sweden.

WITNESS A: I have forgotten which country, but very recently the partner of a woman running a massage parlour got charged as well. I will find whatever I can and provide the committee with that.

929 The CHAIRPERSON: What I'm proposing to do at this stage is potentially move out of in camera, unless there are any questions.

930 The Hon. N.J. CENTOFANTI: I just have one question. Thank you for coming in and presenting evidence this morning. I guess your submission focuses more on SAPOL and the current enforcement practices. I want to ask you what emphasis you place on other issues like protection from clients, exit strategies and support services for sex workers. Do you have any suggestions on these matters for the committee?

WITNESS A: The really common feeling among sex workers is we need rights, not rescue. It's so over inflated, this myth that we are being trafficked, coerced, that we're prostituted women, that we're working against our wants and desires. Yes, I'm sure there are very small instances of trafficking and it's abhorrent and that needs to be stamped out.

I have been working for five years and I don't know anyone who wants an exit strategy. I don't know anyone who feels like they're a prostituted woman. I don't know any pimps. It doesn't exist, and if it does, it's minor.

931 The Hon. H.M. GIROLAMO: I have a supplementary question in regard to that. There are often concerns within migrant sex work communities as well. My concern is that sometimes people are brought over with the idea of working in a massage parlour or something and then end up being coerced into sex work. Do you have exposure to people within migrant communities as well?

WITNESS A: Yes, I do. If you look through all the notes from this committee, the narrative around Asian sex workers is actually extremely racist and quite offensive. When you are looking at a migrant population, and I'm not Asian so I can't speak for an Asian worker, but I definitely hear a lot of stories.

When you're a migrant and you've got limited options, you can go and work in My Nail Salon for \$5 an hour and get there at seven o'clock in the morning and leave at six o'clock at night and live in a cramped condition with a bunch of people. You've got limited options. Sex work is an option that you might have. This myth of trafficked women is not the narrative we hear from migrant sex workers.

WITNESS B: We had a couple at our business and most of them were coming over to make money to go back and have money at home because they were broke. I remember one of them saying, 'It was so good. I shouted my brothers and sisters McDonald's and they had never had it before in their life.' That was why she had come over here and work, but she was very empowered herself, you know.

When we closed I had a lot of workers actually devastated, because we were like a family, and they didn't want to work on their own, because they were nervous. They felt comfortable. Some people might only want to work one day a week, but they don't want to rent something for just one day a week or just a couple of nights part-time.

So it was like a family. We had people there for 15, 16 years. They're still friends of mine, and they're devastated that we're gone, because they went to some other places they weren't as keen on and it's just like, 'I feel lost.'

932 The Hon. C.M. SCRIVEN: Just a supplementary on that WITNESS B. How many Asian women were in your business?

WITNESS B: As many as applied. Sometimes we had two or three at a time, and that is out of probably 25 people. Other times you might have one, none, more. It just depends.

933 The Hon. C.M. SCRIVEN: And what country or countries were they from?

WITNESS B: They were Australian. Most of them lived here. We had a couple from Thailand. One came over from the Philippines, but we also had people that came over from Europe as well, just travelling. So they were just independent people; we didn't see them as a culture. We

saw them as a person, and they came to us, so it's like, 'Yes, sure. It doesn't matter what nationality you are.'

934 The Hon. C.M. SCRIVEN: The question you had from Ms Girolamo had been around sex workers from Asia, therefore my question. So in total you had—

935 The CHAIRPERSON: Actually, the question from the Hon. Heidi Girolamo was about 'migrant', and then we quickly slipped into 'Asian' somehow.

936 The Hon. C.M. SCRIVEN: My apologies.

WITNESS B: It wasn't so much that they were brought here. They came here of their own accord and then found us.

937 The Hon. C.M. SCRIVEN: And that was two, you said, from Thailand?

WITNESS B: At a time, I'm saying. We didn't have predominantly—

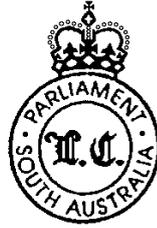
938 The Hon. C.M. SCRIVEN: Sorry, but then when you said, 'They're Australian,' I'm just trying to establish, were they—

WITNESS B: Some people lived here and had Australian citizenship. Others were travelling. Some were from interstate. It was just a whole variety. There's a complete mix of all sorts of people from all walks of life.

939 The CHAIRPERSON: Thank you. Shall we now move out of being in camera?

Moved by Hon. I. Pnevmatikos.

Carried.



# **LEGISLATIVE COUNCIL**

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

Old Parliament House Chamber, Old Parliament House, Adelaide

Friday, 3 December 2021 at 10:15am

BY AUTHORITY OF THE LEGISLATIVE COUNCIL

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## MEMBERS:

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

## WITNESSES:

MacGILLIVRAY, JESSIE, Principal Lawyer, Mac and Co Lawyers

WITNESS A

WITNESS B

*Evidence resumed on the public record*

940 The CHAIRPERSON: Ms MacGillivray, would you like to add any comments at this point, noting I'm not sure that you've been provided with the evidence previously presented by Ms Polson with regard to the Law Society? I feel that perhaps you might want to respond to that as well as some of the evidence of people you've worked with in this sector and the criminal charges that they have either faced or been convicted of. If you'd like to outline who you are again for the sake of the public record?

Ms MacGILLIVRAY: My name is Jessie MacGillivray, and I am a criminal solicitor in South Australia. I have been practising for 13 years, and I have in the last three years also become involved with this push to decriminalise sex work in South Australia, so I come to have a reasonable knowledge of the laws as they are operating at the moment.

I do adopt my submission, which is dated 3 May 2021, to the committee, and I would invite any members of the committee to ask me any questions that arise from that. But I would like the opportunity to make a comment about some of the other evidence that has been given in this committee, and I'm not sure if that is appropriate or if that is allowed.

941 The CHAIRPERSON: I actually was inviting you to, because I think it is appropriate, and I would appreciate that as a member of this committee for my deliberations.

Ms MacGILLIVRAY: Thank you. It is pertinent to the previous evidence that was immediately before me in terms of this question about the experiences of migrant Asian sex workers. I note that Dr Howe, in her evidence to this committee, did refer to a case of Police and Bridges. I was not familiar with that case, so I did look it up. If it is the same case that Dr Howe was referring to, it is a 1998 matter where the defendant, Ms Anissa Bridges, was charged with receiving money in a brothel.

What I would like to point out is that in that matter Ms Bridges pleaded guilty to the offence of receive money in a brothel, and she was dealt with in the Magistrates Court without having a conviction recorded against her. The reason that this matter has been published is that the police appealed that decision of the magistrate—so it was a sentence appeal. Specifically, the police argued that there ought to have been a conviction recorded in that case, even though Ms Bridges did not come before the court with any prior convictions related to sex work.

In my view, Dr Howe casts this defendant as a young woman who was here as a student in Adelaide. She referred to if we look at Ms Bridges' files, you will find a lot more information

about her. I don't know what that is referring to because, as far as I know, there are no personal files of Ms Bridges that are publicly available.

However, in the judgement from the Supreme Court it is noted in submissions that Ms Bridges was actually a 30-year-old woman at the time of the appeal, she had a Bachelor of Arts from the University of South Australia, which she had obtained in her twenties, and, further, she had arrived in Australia as a three year old, presumably with her family—but I'm not exactly sure on that. I think that that is an important distinction because, from what I understand, this was not a matter of a young person coming to Australia and being vulnerable in that they were inexperienced, etc. This was a person who was living in Australia, had lived almost all their life in Australia and had a tertiary qualification.

942 The Hon. C.M. SCRIVEN: If I may just make a clarification on that. I didn't quite hear what you said at the beginning: you are sure this is the case that was referred to by Dr Howe, or you are not sure?

Ms MacGILLIVRAY: No. I only believe it is, because it was the only matter that I could find with a defendant named Bridges who had been charged with a sex work offence. I cannot say conclusively that it was the same matter that Dr Howe referred to.

943 The Hon. C.M. SCRIVEN: Thank you.

Ms MacGILLIVRAY: I would also like to make it clear that I am not a sex worker and I have never been a sex worker, and I commend the committee to give primacy to the evidence of workers who have come before this committee. It is, in my view, of the utmost importance that the views of people who work in the industry are taken into consideration. It is their lives that are most affected by this legislation as it currently exists and what is proposed in the future.

944 The CHAIRPERSON: Ms McGillivray, are you prepared for questions?

Ms MacGILLIVRAY: I would also like to address that evidence about the Women Lawyers Committee of the Law Society of South Australia.

945 The CHAIRPERSON: That was going to be my question, so that would be very useful, thank you.

Ms MacGILLIVRAY: I did have the opportunity to review the transcript of Ms Loretta Polson's evidence to this committee. I did read that she made disparaging comments, in my view, about the worth and—

946 The CHAIRPERSON: Age.

Ms MacGILLIVRAY: —age particularly of the members of the Women Lawyers Committee of the Law Society of South Australia. I want to make it clear that I am not a member of that committee and I never have been; however, I have been a committee member of the Women Lawyers Association of South Australia, which is a completely separate and independent body, and many of the members of that organisation are also members of the Women Lawyers Committee of the Law Society of South Australia.

I know that people on the Women Lawyers Committee of the Law Society have experience that ranges from being a junior lawyer of, say, two years' experience right up until 20, 30 years of experience, so I do take exception to what Ms Polson was inferring about the experience and value of the members of that committee.

I would also mention that my experience working in criminal law in South Australia and my interactions with the police in terms of sex work offences was able to give me what I believe is valuable input to the Women Lawyers Association of South Australia's work in addressing the various bills that have come before the parliament to decriminalise sex work, and by extension that work has fed into the Women Lawyers Committee of the Law Society of South Australia.

It's not just me; it has been other legal practitioners who have had a good, deep understanding of the laws as they relate to sex work in South Australia who have also informed the work of the Women Lawyers Committee of the Law Society of South Australia. That's, I think, all I would like to say at the moment.

947 The CHAIRPERSON: Ms MacGillivray, in your work in the criminal law and in areas around the various sex work offences, both under the Summary Offences Act and also under the Criminal Law Consolidation Act—and I note that they go to the keeping of a bawdy house, the solicitation laws as well—have you ever represented a client of a sex worker being charged with one of these offences?

Ms MacGILLIVRAY: Yes, I have.

948 The CHAIRPERSON: Is that common for a client to be charged with offences under the Summary Offences Act and the CLCA as they currently operate?

Ms MacGILLIVRAY: I beg your pardon. I have had clients who have been charged with sex work offences.

949 The CHAIRPERSON: Not your clients.

Ms MacGILLIVRAY: But, no, I have never acted for a client of a sex worker.

950 The CHAIRPERSON: Are you familiar with whether or not the practice is to pursue, for example, somebody who offers somebody money for sex in the street? Have you seen that in your experience in the courts be prosecuted?

At this stage, I am just going to say, given we have moved out of in camera, I will refer to the other witnesses at this point as witness A and witness B just as we move forward, and if other members could too until we do the necessary retrofitting. Sorry, Ms MacGillivray, I thought I would do that first.

Ms MacGILLIVRAY: I have never known a person to be charged with procuring sex work in South Australia.

951 The CHAIRPERSON: I think we have an answer from witness A and then we will move to the Hon. Clare Scriven.

WITNESS A: From the information I gave you before, I have some knowledge of this and, no, I have never heard of a client of a sex worker being charged.

WITNESS B: I have known of them getting a warning when they have been in the building when they have come in, and told them if they see them again.

952 The CHAIRPERSON: In the building of a brothel, do you mean? So they get a warning, but the actual workers, of course, get pursued through the courts and charges and convictions.

953 The Hon. H.M. GIROLAMO: May I ask a supplementary?

954 The CHAIRPERSON: Absolutely.

955 The Hon. H.M. GIROLAMO: In regard to that, it is still a crime for both the purchaser and the sex worker, but generally only the sex worker gets charged. Is that right?

WITNESS B: The landlords don't get anything.

956 The Hon. H.M. GIROLAMO: The landlords and other parties.

957 The CHAIRPERSON: The landlords, the advertising, the solicitation.

958 The Hon. C.M. SCRIVEN: My question is for Ms MacGillivray. How many people have you represented who have been charged with offences in relation to prostitution or bawdy house or brothel?

Ms MacGILLIVRAY: Only one in respect of proceedings which have commenced.

959 The Hon. C.M. SCRIVEN: One?

Ms MacGILLIVRAY: One.

960 The CHAIRPERSON: And how many clients have you had approach you about these matters, or potential clients?

Ms MacGILLIVRAY: In informal and more formal ways, I would say a handful.

961 The CHAIRPERSON: So five or so?

Ms MacGILLIVRAY: Yes.

962 The Hon. C.M. SCRIVEN: Sorry, just a supplementary: what do you mean by 'informal ways'?

Ms MacGILLIVRAY: At a public event multiple people have come up to me and wanted to talk about the laws in South Australia and how they are affected by them.

963 The Hon. C.M. SCRIVEN: They haven't been sounding you out for you to represent them in those informal ways?

Ms MacGILLIVRAY: I wouldn't put it that highly, no.

964 The Hon. C.M. SCRIVEN: And what about in the formal ways? How many?

Ms MacGILLIVRAY: In formal ways?

965 The Hon. C.M. SCRIVEN: Not in informal but in formal ways.

Ms MacGILLIVRAY: Two.

966 The Hon. I. PNEVMATIKOS: I was going to ask a similar question as well. Have you been approached to provide legal advice to sex workers, even though you might not have proceeded any further in their cases?

Ms MacGILLIVRAY: Yes.

967 The Hon. I. PNEVMATIKOS: How often would that occur?

Ms MacGILLIVRAY: Two to three times, I think.

968 The Hon. I. PNEVMATIKOS: Can I ask witness A and B also if they know of sex workers who have sought legal advice and then pursued representation, or if they haven't pursued representation, why?

WITNESS A: I think I mentioned before that people can't afford it, but there is also the stigma of going through. You are going to create media attention if you fight a charge. So you have the cost, you don't want your name in the paper and because of the way that the police gain evidence you are just told, 'Just plead guilty. It's going to be easier for you to plead guilty.'

WITNESS B: There's also the fact that it's a follow-on effect. If they plead guilty then the next person gets done for keep brothel and everybody on the premises can be done for being on premises, and so that first person feels they need to fight it but generally it's not worth the fight. It's a lot of money, and it's a summary offence and they end up with a \$150 fine. It depends on whether it's going to affect their working future or not, with that sort of charge. Most people just plead guilty and just deal with it.

969 The CHAIRPERSON: Witness A, you commissioned Claire O'Connor QC for some legal advice because you believed that currently the practices of SAPOL officers to police summary offences are in fact being undertaken in a way that creates a greater offence that is being committed. How much would it cost for a worker who was raided in the way that the advice from Ms O'Connor QC says is potentially illegal or unlawful? How much would it cost a worker charged in that way—and they would need to be charged, would they not?—to then take that case through the courts to set and determine in fact whether that advice will be borne out by the court's findings?

WITNESS A: If you go in and plead guilty, it's \$1,000 to \$2,000 to a solicitor. If you want to use Claire O'Connor's opinion, you need your solicitor and you need to employ her as a Senior Counsel. I believe a Senior Counsel costs upwards of \$5,000 a day in court and then you have your lawyer's costs as well. That might be \$7,000 for one day and these trials could go on for days.

We are talking an exorbitant expense and the police know this. The fact that they use these illegal tactics still because they know that no-one can afford to do it and you are going to

be on the front page of *The Advertiser* if you do it as well, with your full legal name, outing you as a sex worker—the barriers to fighting it are huge.

WITNESS B: Mine cost me over \$30,000 and I was still guilty. That was just to reduce the damage. Then I had a \$50,000 fine to the Crown.

970 The CHAIRPERSON: So \$80,000 for the full extent of your particular costs?

WITNESS B: Yes, and I still got the charge.

971 The CHAIRPERSON: To continue that question, though—and I correct myself: it wasn't QC, it was SC, of course—you undertook some crowd funding, I believe, to ensure that sex workers were able to have that advice from Claire O'Connor SC? Do you think that a worker charged might be able to crowd fund to mount this case?

WITNESS A: It's possible, but Claire O'Connor's opinion cost us a few thousand dollars. Trying to crowd fund \$80,000 or \$30,000, everyone would have to throw in \$2,000 or \$3,000 each, not a few hundred. No-one can afford that.

WITNESS B: My lawyer is of the same belief that it's a crime but he is just waiting for somebody who can challenge it because the police said until that's challenged, they don't care.

WITNESS A: The partner that I had said that for the police to knowingly be doing this—

972 The CHAIRPERSON: The partner that you had who was a police officer?

WITNESS A: Yes.

973 The CHAIRPERSON: Yes, thank you.

WITNESS A: He was of the firm belief that for the police to be doing this, even when they know it's illegal, is highly dubious and immoral, and what purpose does it serve?

WITNESS B: They don't answer to anybody.

974 The Hon. C.M. SCRIVEN: Just a question, and it may need to be a rhetorical question, given the nature of it. If that is the situation, such a matter could be referred to the Independent Commissioner Against Corruption, or another integrity body. I am not at liberty to ask you whether that has occurred or not because of the ICAC legislation, but I just perhaps put that on the record.

WITNESS A: I took it to the Attorney-General and she was going to follow up, but obviously now that might have some barriers to it.

975 The Hon. C.M. SCRIVEN: Indeed.

976 The CHAIRPERSON: The former Attorney-General, I believe.

977 The Hon. C.M. SCRIVEN: She says she is still the Attorney-General.

978 The CHAIRPERSON: I am not actually sure. Is it the former Attorney-General?

WITNESS B: They just seem to interpret the laws as they want and everyone is too fearful to do anything about it because it's their word against ours and it's too hard.

WITNESS A: To be breaking the undercover operations act of 2009 is one thing, but then to be filming that footage because they have bodycam on, they are breaking the Surveillance Devices Act as well. It's a serious indictable crime. The police are committing serious indictable crimes for over-policing a minor offence. In what other instance apart from prostitution-related offences is this occurring?

WITNESS B: They wiped all my footage from my house. They wiped it clean because I had a camera system. They just wiped it clean and were left in my building by themselves. There was no supervision in my house and there were 15-odd police there while I was arrested, which to me just seems sus that they have wiped the cameras as well. I don't feel comfortable with that. That was the day they took my *Hansard* as well off my bag. I don't know what else they took. It was just such a mess at that time. It's listed as 'boxes of paper', not what paperwork is in there, so if

I go look for my passport or my renewal for something, I didn't know if it was in that box or not in that box.

979 The CHAIRPERSON: Witness B, was that *Hansard* ever returned?

WITNESS B: No. I got a phone call to apologise after it had been made aware here.

980 The CHAIRPERSON: And that *Hansard* was uncorrected *Hansard*, still the property of the parliament, was it not?

WITNESS B: Yes, on top of my handbag next to my bed.

981 The CHAIRPERSON: Indeed, it was in camera evidence given in a previous committee. Perhaps the Clerk might furnish us with some information about what happened with that *Hansard* at a later date.

WITNESS B: We had it all ready to come back. We had just been to lunch and edited it, between the four of us that were in the—

982 The CHAIRPERSON: As a member of that previous committee I am reasonably well aware of this particular situation, and I will perhaps indicate that I might see if the committee is willing to ask the Clerk for an update on what happened back then.

If there are no further questions, thank you for your evidence today. As I noted, the transcript will be provided to you for any clerical corrections. We certainly appreciate that those documents that the committee has sought from you will be provided. Thank you.

THE WITNESSES WITHDREW

## WITNESSES:

KULATEA, ALI, Women Ending Exploitation by Prostitution

BROHIER, AMANDA, Women Ending Exploitation by Prostitution

983 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 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 of 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 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 morning. My name is Tammy Franks. I am the Chair of this Select Committee on Statutes Amendment (Repeal of Sex Work Offences) Bill. To my left are the Hon. Clare Scriven and the Hon. Irene Pnevmatikos. To my right are the Hon. Nicola Centofanti and the Hon. Heidi Girolamo. If you would like to introduce yourselves and outline your positions, particularly for the sake of Hansard, and make any opening statements, we will then move into questions.

Ms KULATEA: I am here to support Amanda Brohier in her evidence. My name is Ali Kulatea. I am member of WEEP and I am here as a survivor of prostitution. I am here to testify that prostitution, from my personal experience, is personally destructive. Thanks.

Ms BROHIER: My name is Amanda Brohier, and I am the president of WEEP, Women Ending Exploitation by Prostitution. Thank you very much for the opportunity to speak to this committee. WEEP is a coalition of women. We are dedicated to supporting women who have been oppressed by prostitution. Some of our members are survivors of prostitution.

Our objectives are, firstly, to support survivors of prostitution and to advocate for services to meet their specific needs. We want to advocate for strong laws to protect women from exploitation by prostitution. Thirdly, we also want to educate and equip the wider community to speak against exploitation of women through the sex industry. We are opposed to the present bill, which seeks to decriminalise prostitution.

In our submission, we state that the bill being considered doesn't achieve its objective of protecting women in prostitution from harm. Instead, decriminalisation will lead to commercialisation of the industry and therefore place vulnerable women at more risk. Today, I intend to present three stories that have personally been related to me. The reason I have chosen these stories is that they illustrate three aspects in which prostitution is unsafe for women.

Firstly, prostitution increases the incidence of mental health issues, particularly post-traumatic stress disorder. It increases drug use and it increases the risk of physical injury for women. Firstly, to the aspect of mental health. This is Dee's story. None of these are their real names. Dee says:

Today, four years after leaving prostitution, I live with the diagnosis of PTSD and severe anxiety. I continue to suffer from frequent nightmares about hotel rooms, violence and losing my belongings. I get random flashbacks of bad memories, bookings that went wrong. Sometimes I spot a random man in the city or in public and I see the image of my average client in him, and then it all comes back again. All the girls that I knew came from difficult backgrounds. Almost all of them struggled with addiction. One lady started working after becoming a single mum on Centrelink, after her marriage broke down, because she didn't see any other option. Another girl came from a domestic

violence relationship and, like me, through sex work she sought revenge on men. Behind every seductive smile, there is a heartbroken woman who feels that probably that's the only thing that she deserves.

I would like to warn all the girls considering working in this industry, please don't go down that path. Even if you think you have a thick skin, this work will tear your very being apart. To the members of parliament, please don't decriminalise prostitution in South Australia. Please don't make it any easier for girls to fall into this dangerous trap; it's easy already as it is. It's not just another job.

To then back up what she has said, in the report of the New South Wales Legislative Assembly Select Committee into the Regulation of Brothels in November 2015, at paragraph 4.72, the Chief Health Officer, Dr Kerry Chant, provided evidence referencing a 2006 study in which 72 female sex workers in Sydney were interviewed. They found that just under half met the criteria for PTSD, and that injecting drug use was highly prevalent in the sample. This is consistent with another international study which found that among the 854 sex workers who were examined in nine countries, 68 per cent were found to have PTSD.

The study also found that prostitution was multi-traumatic: 71 per cent were physically assaulted in prostitution, 63 per cent were raped, and 89 per cent of those responding wanted to escape prostitution but didn't have any other options for survival. They summarised their findings by stating that most of those in prostitution are not there by choice but more by obligation, in terms of needing some financial support, that most people in prostitution are experiencing drug addiction, and that legalising or decriminalising prostitution would not decrease its harm. That is from the *Journal of Trauma Practice 2004*.

Secondly, I have a story about Violet, and she demonstrates the increased drug use. She entered the work working in a strip club, but she was under pressure to do more and more. She found that she was manhandled and that persistent mauling went with the territory of the job. Her co-workers, associates and boss encouraged her to take cocaine at the start of her shifts because they said, 'It helps you to relax.' She then became entrapped in a vicious cycle of bar work and substance abuse to assist her to keep up with the expectations of her role. She succumbed to whatever was required of her for the shift, with no choices of her own. Weeks went by and Violet's fatigued body was racked with pain, bruised in strange places, and her mind tormented by images and memories that she would prefer to forget. She was fast becoming a shell of the person that she was.

This incidence of drug use in prostitution is, again, well documented. To quote one study from Sydney in 2005, just over a quarter of the sample reported that they started sex work prior to injecting drug use, and approximately three-quarters reported that their drug use had increased since they started sex work. That's from the National Drug and Alcohol Research Centre.

Thirdly, physical damage: this is Fran's story. She says that at the end of her first night of work she had seen 20 men in 10 hours. She was bleeding from her vagina and from her anus. She curled up in the foetal position and cried herself to sleep. There is a significant danger of genital and anal injury, and this is further illustrated by a report from a woman who has been engaged in prostitution for many years involving anal intercourse. She found she was suffering from constant faecal incontinence due to damage to nerve endings around her anus. That has necessitated surgery which, in her case, has not been completely successful. A study published in 2016 in *The American Journal of Gastroenterology* supports this link between anal intercourse and faecal incontinence.

We would submit that prostitution is not good for women's health and wellbeing. Decriminalisation will increase the abuse of women, as described by these three examples—and I could quote many more—and they are representative of many women out there. We should be advocating for the implementation of the Nordic model which has been shown to be successful in decreasing prostitution and so decreasing the incidence of mental and physical harm for women.

984 The CHAIRPERSON: Thank you. Do any members have any questions?

985 The Hon. I. PNEVMATIKOS: How many people are involved in your organisation?

Ms BROHIER: Our numbers vary, according to need. Some women will come to us and then we will refer them on to services. Other women find that they can be involved for a time and if they have PTSD or whatever, they may not be able to, so our numbers fluctuate.

986 The Hon. I. PNEVMATIKOS: So do you have a membership base? Are you incorporated as a body?

Ms BROHIER: Yes, we are an incorporated body.

987 The Hon. I. PNEVMATIKOS: So do you have a membership base?

Ms BROHIER: We do have a membership base.

988 The Hon. I. PNEVMATIKOS: What is your membership base?

Ms BROHIER: Again, it depends. From time to time women are able to be involved and then, as I said, it will fluctuate.

989 The Hon. I. PNEVMATIKOS: Is it less than 10 members, or more?

Ms BROHIER: More.

990 The Hon. I. PNEVMATIKOS: Is this the only area that your organisation is involved in, in terms of sex work and the issues surrounding sex work?

Ms BROHIER: What other areas, sorry?

991 The Hon. I. PNEVMATIKOS: You seem to have concerns about sexual exploitation and how women are treated, so are you involved in terms of rape law and creating better rape laws? Are you involved in domestic violence and assisting in supporting in domestic violence? Are you involved in human trafficking issues and the work that is being done in that area? Are you involved in drug rehabilitation and the work that has been done in that area?

Ms BROHIER: No.

992 The Hon. I. PNEVMATIKOS: So your sole focus is sex work?

Ms BROHIER: Yes.

993 The Hon. I. PNEVMATIKOS: Okay, thanks.

Ms BROHIER: And supporting workers who have come out, survivors.

994 The Hon. C.M. SCRIVEN: That actually segues very well into my next question, in terms of what services are currently available for women, for survivors who want to exit the trade, and if I can also refer back to our previous evidence. Various previous witnesses that we have had have raised the issue that they say that sex workers don't want rescuing, so I am interested in your views on that from the women that you engage with and also, as I said, what services are available or should be available.

Ms BROHIER: Thank you. From women who I have spoken to, exiting prostitution is extremely difficult. Maybe if I just relate, again, a story. I think it's relevant because it just gives an example of what, perhaps, women have to go through. To leave, this particular woman, she had no money, she paid off her last rental for her apartment, so was basically homeless. She was drug addicted. She went to Housing SA who weren't able to help her.

They then referred her to Streets to Life, I think it was, who weren't able to help her. She then went to the Hutt St Centre. Because she was in pain they sent her to the Royal Adelaide Hospital. She was there for a couple of days. When they found out that she was addicted to drugs, she was sent back to the Hutt St Centre. I am doing this from memory. She was then helped by the Salvation Army, I think rehabilitation, and then she was shunted from one place to another in rental accommodation.

Most of her Centrelink had to go towards her rent so she had very little money for food. She was helped out by the Hutt St Centre. She then went to Catherine House. She said going to Catherine House was very traumatic, because many of the women were traumatised through domestic violence. She was there for three months. Then, finally, she went to the Salvation Army rehabilitation centre and that was where she started to get help for her PTSD through counselling. So she said it took her seven months, really, to find the help that was specifically needed.

So that probably, then, relates to your first question of what services are available. Most women, if they find themselves homeless, would attempt to get into somewhere like Catherine

House but, my understanding is, that it takes about three months. The waiting list is about three months. Then there is the Hutt St Centre for those who find themselves homeless.

As I have already outlined, women who leave prostitution are often suffering from mental health issues and often from drug and/or alcohol addiction, so there is a definite need here and that's what our group is advocating for, for a place of refuge which meets not just a physical need for housing but also somewhere that their mental health issues can be addressed. Their issues are specific. They are not the same as women from domestic violence and other abuse situations.

As I said, often women find themselves actually shunted from rehabilitation centre to rehabilitation centre and it can take months for them to find assistance, so there is a need, certainly in our community, for a dedicated women's refuge that will meet specific needs to deal with the medical and psychological issues that I have outlined.

995 The Hon. N.J. CENTOFANTI: Just a supplementary on that. How do you think we can help by way of legislative reforms to assist those who want to exit the industry?

Ms BROHIER: I think, as I have just outlined, we need to supplement the existing services. The services that exist like Catherine House and Hutt St Centre specifically relate to homelessness, but what we need is a refuge that will look at a broad outline of both psychological and physical. How that works in the legislative area, I'm not across how it works, but certainly we are trying to work through it by visiting our local MPs to see what avenues we can pursue. We have a plan ready to go. We have a project that we have been working on for many months now which is specifically targeted for women. All we need is the support.

996 The Hon. H.M. GIROLAMO: Sorry, just on that, are you able to outline what that project is and what you think the benefits would be?

Ms BROHIER: Yes, certainly. We have called the project the Coming Home project and it just outlines a model for a refuge which is run by trained psychologists and social workers. Often, women who come out of this industry need help with activities of basically daily living. Some women have been living on the other side of the clock so just in terms of activities of daily life, getting up and having a routine, being able to cook their own meals. Then psychological help to help with their PTSD. Once recovery has occurred to a sufficient level, then the model is for training, so to be trained in some profession, be it having a cafe attached to the refuge where women can be trained as baristas, to work in some meaningful work. So there is the training aspect. I'm not sure if I'm answering your question to a—

997 The Hon. H.M. GIROLAMO: That's very good, thank you.

Ms BROHIER: So it's an extensive program and we would want women to be able to have access to this refuge for a period of six months or 12 months, depending on the level of recovery, until they are able to function outside and be self-sufficient, really.

998 The CHAIRPERSON: Thank you. I'm just interested in Streets to Life that you mentioned earlier. I'm not familiar with that organisation. Could you—

Ms BROHIER: I do apologise because I don't have the information here. I can give it to you. I'm just trying to get it from the top of my head. It was a group that—so this woman went to Housing SA and then was referred to—again the name I'm getting off the top of my head, but I can provide you with that if you would like me to?

999 The CHAIRPERSON: Okay, if you could that on notice that would be useful.

Ms BROHIER: Sure.

1000 The CHAIRPERSON: It wasn't Street Connect?

Ms BROHIER: No, it wasn't Street Connect.

1001 The CHAIRPERSON: So Streets to Life is what you said?

Ms BROHIER: Yes.

1002 The CHAIRPERSON: I'm not familiar with it. What were the services sought from the Hutt St Centre?

Ms BROHIER: Services?

1003 The CHAIRPERSON: What were the services that they sought from the Hutt St Centre?

Ms BROHIER: Housing mainly.

1004 The CHAIRPERSON: You said that they were there for about three months, I think, but I will check the record. Then they were off to the RAH, then they were back to the Hutt St Centre, then they were at Catherine House and then they ended up with the Salvos.

Ms BROHIER: I do apologise that I don't have her information in front of me. I am doing this from memory. From Hutt St Centre—basically home, basically accommodation, somewhere to live.

1005 The CHAIRPERSON: From the Hutt St Centre?

Ms BROHIER: Hutt St Centre, yes. I am sure it was the Hutt St Centre.

1006 The CHAIRPERSON: Which is a day centre.

Ms BROHIER: Right.

1007 The CHAIRPERSON: So they provide meals, they provide some of the things that you have talked about—for example, art therapy and the like.

Ms BROHIER: If you would like me to, I can actually submit her story to you with an outline of the names.

1008 The CHAIRPERSON: Certainly.

Ms BROHIER: But my understanding was—now this is four years ago, so whether things have changed—maybe I am getting mixed up with Housing SA.

1009 The CHAIRPERSON: Little Sisters of Mercy, who also were associated with the Hutt St Centre, do have some housing, but I wouldn't think that that was what you meant, though.

Ms BROHIER: Maybe it was Housing SA. What happened was that they were able to find her a motel. She had to use all of her Centrelink payments to pay for the hotel. Maybe that's where I'm getting mixed up with Hutt St Centre. So she had to use all of her Centrelink to pay for the motel, and she said she didn't have any money for food, so she was relying on food packages from Hutt St Centre, so maybe that's where the Hutt St Centre came in. She said she was largely eating noodles and food packages which came from Hutt St Centre. So she lived in that motel for a while until she could find her own cheap accommodation. She said she found that then the landlord overcharged her, she could no longer afford it and then she flipped back to Housing SA, I think.

1010 The CHAIRPERSON: But this had her going from the Hutt St Centre to the RAH.

Ms BROHIER: Initially, she went to the Hutt St Centre. Because she was suffering from pain, they took her in an ambulance to the Royal Adelaide. She was treated there for a couple of days, but she said, once they found out that she was addicted to drugs, their attitude toward her completely changed and became quite negative and so they sent her back to the Hutt St Centre.

1011 The CHAIRPERSON: So the RAH didn't treat her because she had an addiction.

Ms BROHIER: The RAH didn't treat her drug addiction but sent her to the Hutt Street rehabilitation centre. Again, I am doing this from memory.

1012 The Hon. C.M. SCRIVEN: Certainly, you are welcome to take on notice to get the chronology and the organisations correct.

1013 The CHAIRPERSON: The Hutt Street rehabilitation centre—

1014 The Hon. C.M. SCRIVEN: We don't expect you to be able to remember all of that.

1015 The CHAIRPERSON: Thank you, the Hon. Clare Scriven. I am still in the middle of my questions, because I am trying to actually track. This is a serious concern. If the RAH didn't treat somebody because of a drug addiction, I would have some very serious questions to be following up with SA Health. What date was this?

Ms BROHIER: This is four years ago that she is telling me. Again, because it's—

1016 The CHAIRPERSON: What month?

Ms BROHIER: Again, I don't know the month.

1017 The CHAIRPERSON: If you could take that on notice. The new RAH or the old RAH?

Ms BROHIER: I can get as much information for you as I can. It's pretty much a blur for her because she was drug addicted, but certainly her comment was that the care at the Royal Adelaide changed. Once they found out that she was a drug addict, their attitude toward her changed, and she was then discharged. Again, I can find the information for you. I do apologise; I don't have it in front of me.

1018 The CHAIRPERSON: If you can take that on notice. I am very concerned that a person in pain seeking treatment would be treated differently by our medical professionals—

Ms BROHIER: Yes, absolutely.

1019 The CHAIRPERSON: —if they had an addiction to drugs. That would certainly be something that I would imagine should be followed up.

1020 The Hon. C.M. SCRIVEN: If I can just refer back to—and I know I asked a twofold question previously, which is perhaps not ideal—the statement that we have heard from some witnesses that women in the trade don't want rescuing, what has been the experience of the women you have been in contact with, or indeed Ms Kulatea, if you wish, from your own experience as a survivor?

Ms KULATEA: I have actually been out of the industry for over 25 years. It's strange that, even today, you still hear the same stories as it is way back then. I would say a majority of these women don't want to do this, but like myself, I was broken and I was hurt from past things, and this man out of the blue I met one night talked to me. We got to know each other, and that's how he reeled me in and said the things I hear commonly, which I thought it was just me. But over this last three or four years, I have heard the same stories: 'You have sex. Do you want to make money off it? This could be making heaps of money and you can buy what you want and you can buy a house, a car.' It's not. I'm sorry, but that's just to reel you in.

It is drugs, it is alcohol, it is everything that you become addicted to or you rely on to get you through every night. This still upsets me today—I am 53 years old and it wasn't until I was one of the lucky ones who could run out of the brothel one night, and I got locked up. I got treated like I was a criminal while the men walked free, and this is not right. This is not right: where the pimps get away with it, the brothel owners get away with it. All they care about is their money at the end of the day. I'm sorry, but this is the truth. I'm standing before you today, and I'm standing on all these other women who can't speak up right now because they are so hurt, they are so broken from doing this.

Yes, there are a few, a minority, who may enjoy this, but I can tell you one thing: I bet you they have been abused or in a violent situation in their homes they have run away from, and they think that this is going to help. It doesn't. I don't know if it helps or whatever, but their mindset is, 'This is just my self-worth. This is just what I'll do.' I had to find that, and that's why I'm standing here today: to fight for these women who are really struggling to come to terms with their self-worth and know that they are worth more than this.

That's why we want to stop the legalisation of prostitution, because it will just cause so much damage. We're seeing that now, even when I go into places and I talk to other women on the streets—they just find me and we have conversations. It's just trying to help them break free from this. They're scared. I was scared. I thought if I just said, 'Okay, do you mind if I go now?' I could never do that, because it was always, 'We don't have enough women.'

You weren't allowed to stop it. If you said, 'I've had enough,' after three men: 'No, no, there's a heap of men out in the bar in the waiting area, waiting. You must keep going.' So I did have up to 10,12 men a night, and you walked out really sore, and then if you said that you are working the next night, you were expected to come back that next night.

1021 The Hon. C.M. SCRIVEN: Even if you were injured?

Ms KULATEA: Yes. I had an abortion and I was expected to come back to work. I was told to have six weeks off; my brothel owner said, 'No, we'll see you next week.' I was ordered to come back the following week to start again.

Even when I got locked up and the copper said to me, 'You know if you go back on to that premises, we will lock you up and it will be a lot longer than you have just been,' so I didn't, but then I had the brothel owner ring me: 'We need you. You need to come in.' I said, 'No.' The next night I went in and I got smacked in the mouth and had a blood nose because he didn't think it was good enough that I had a day off because I was scared to come back because I was going to get locked up.

1022 The Hon. C.M. SCRIVEN: So you were assaulted by the brothel owner?

Ms KULATEA: Yes, I was, yes, and I was raped many times. You think you go into those rooms with men and they're kind and they're loving? Come on. What world do we live in? They're abusive. They have the control because they have the money. They're paying for your services. And if people say they're not having sex behind closed doors: that's a lie. If they're only doing happy endings: that's a lie, because there's more to it than that.

They expect anal sex, they expect sex and it's not loving sex. It is hardcore sex. It is abusive. I'm sorry, but I am standing here because I have experienced it, I have witnessed it with other women. Some women were called out to bikies clubs. You didn't see them for weeks after because they were so badly bruised because they were given drugs: 'You do as you're told there.' They were having sex in front of men, other men. There was no privacy.

This is what other women told me. I thank God I wasn't one of those. I was asked a few times and I said, 'No, I don't want to go.' Someone was watching over me because I never had that opportunity, but my friends in that place did and they came back so emotionally dead. You go, 'What's wrong?' and then they would tell you about it and it hurt.

I was in it for I don't even know how long, it's just gone now. I stand on the truth here. I'm not just saying it to be a person just sitting here. It is what it is and you know what? It's still happening today. I tell you, I would not want to enter this industry the way men are today—no way.

1023 The Hon. C.M. SCRIVEN: What do you see as the difference now for women you have spoken to compared with when you were in the industry?

Ms KULATEA: Sorry?

1024 The Hon. C.M. SCRIVEN: I was querying why you are saying you wouldn't want to enter now the way men are. How is it different?

Ms KULATEA: There's a lot of different men. A lot more Indian men who are coming through who are very arrogant and self-entitled, that you are my 'B'—I won't say it—and 'I've paid for you and I'm going to do—'. There's a lot of arrogance in men, men who think they can treat women abusively and that's the way they feel: that they can pay for it, that that's what they can do.

1025 The Hon. C.M. SCRIVEN: Do you consider there's any difference between levels of violence or levels of expectation compared with then?

Ms KULATEA: Absolutely. From way back then to now, they would say if you're in danger use the phone and whatever, but you can't because you're in that situation where you're entrapped and some used to say, 'Don't you dare touch that phone or ring the bell or anything because I will kill you.' So I had that a couple of times. I told the brothel owner after and they said, 'Well, you're okay, aren't you?' Sure.

1026 The Hon. C.M. SCRIVEN: We've heard from other witnesses statements such as, 'Pimps don't exist' and that organised crime is not involved in the trade. Does either of you have a view on those two statements?

Ms KULATEA: Yes, there is. There's drugs. Every night you go in there, they supply drugs for you. I do know that the bikie gangs have a lot to do with the brothels. It's there. We just have to open our eyes a bit wider, but it is there. The drug suppliers are coming in all the time and

expect theirs for free because they're giving the place drugs. Yes, of course it is. It's rife. It absolutely is.

1027 The Hon. C.M. SCRIVEN: From your perspective or the women that you engage with, is there more fear in regard to police or in regard to clients or is it something similar?

Ms KULATEA: Do you know what? With the police, they weren't ever bad to me. They were actually looking out for me and trying to get me to wake up and say, 'Hey, Ali.' It was when I was locked up and this policeman was writing out the form and he looked me in the eye and he said, 'Is this what you want to do for the rest of your life? You're better than this.'

When I sat in gaol for, I don't know, 24 hours we had to, of course I started thinking. If you don't get upset or—what's the word? I can't even think.

1028 The Hon. C.M. SCRIVEN: Agitated, were you saying?

Ms KULATEA: Yes. If you don't upset the police, they will treat you well. Just don't smart mouth them and stuff. But the fact is, why do the women get locked up and not the men? The men get a slap on the wrist and they go, 'See you later.' But we are the ones who get the fines. We used to get the fines and I was working to pay off the fines because I had thousands and thousands of dollars, or I would go and do community service.

It has to change, and that's why the Nordic model is great, because it actually sees the men being responsible for their actions. So I would love to see the Nordic model come in, because I think that would be the best in all this—is just to see the men actually get charged and to pay fines and to be accountable for what they're doing.

1029 The CHAIRPERSON: Thank you, Ms Kulatea. You've given us evidence that you worked in this industry about 25 years ago. What year was that?

Ms KULATEA: That would have been in 1992-95—I'm just trying to think when I went away overseas. It was 1995.

1030 The CHAIRPERSON: The years 1992-95? How old were you when you worked in this industry?

Ms KULATEA: I was a bit older than most of these girls. I was probably 20—God, what am I now? God, Tammy, I'm not good with maths. So what's that? I'm 53 now.

1031 The CHAIRPERSON: I'm 53 as well, actually, so I'm pretty aware of what age you might have been. But I'll ask you to give the evidence.

Ms BROHIER: Are you taking 20 years off?

Ms KULATEA: No, no, it would be more than that. Twenty-five, twenty-six. I was 23, 24, 25.

1032 The CHAIRPERSON: Twenty-three, twenty-four, twenty-five.

Ms KULATEA: Yes. Then I went away for a year to Africa.

1033 The CHAIRPERSON: That would have been the late 1980s, early 1990s. I remember these years well.

Ms KULATEA: Oh, well. Maybe less. I don't know. So I went away to Africa; then I came back and worked another couple of years and then left. So, yes, that's fuzzy to me, Tammy, sorry.

1034 The CHAIRPERSON: That's okay. I'm just interested, because you've said that you were arrested and held, I assume, waiting the processing and to attend before the courts for a period of 24 hours.

Ms KULATEA: Yes.

1035 The CHAIRPERSON: Why were you, on a minor offence, held for 24 hours?

Ms KULATEA: I don't know. That's what they just did back then. I don't know what the laws back then were—

1036 The CHAIRPERSON: The same as they are now.

Ms KULATEA: Oh, okay. Well, I just remember sitting in that gaol cell for—we got locked up about 1 o'clock in the morning, and I didn't come out until the afternoon or the next day is what I remember.

1037 The CHAIRPERSON: What were the order of the fines? You've noted you had to do community service to work them off, so how much would the fines be each time?

Ms KULATEA: They were quite—they were probably about \$500 or even more. This is a long time ago. I can't really—I'm sure it's still on my; and that's the other thing is that—

1038 The CHAIRPERSON: You would have convictions, would you not? Or did you not get convictions?

Ms KULATEA: Yes, I would have. And that is the other thing: it never goes off my record. That is where it needs to get off, because I am not that criminal anymore; do you know what I mean?

1039 The CHAIRPERSON: I absolutely do know what you mean.

Ms KULATEA: That is what I would love to see as well—is that the criminal record gets taken off these girls as they exit the industry: within 12 months or whatever, taken off, because they want to get out and have a normal, everyday job and to be able to do that. And when people see that on your record, like, it scares me that I'm working in schools now, and we've got to have deep checks—that these principals can go back and see my record. I actually had one of the principals joke; he said, 'I heard a story that an 80-year-old woman, they'd found on her record that she was a prostitute.' And they still had it, and she was 80 years old. How does that happen? I don't understand.

1040 The CHAIRPERSON: It certainly seems unfair. And then in the account you gave you noted that the brothel owner was never taken to task by the police officers or the force of the law.

Ms KULATEA: Not that I saw of, anyway.

1041 The CHAIRPERSON: And yet you talked of incidents of violence on those premises.

Ms KULATEA: Yes.

1042 The CHAIRPERSON: Do you believe there is a place for coercive laws to be implemented—in the way that, should somebody be coercing somebody else to do something against their will, that perhaps there is a role for those sorts of laws?

Ms BROHIER: I guess what we are looking for is the Nordic model so that with incidences like Ali's she would not be criminalised, but that the brothel owners would be. So it's not going to become commercialised where brothel owners and pimps can take advantage of women and be scot-free. Those who are taking advantage of women need to be the ones who are prosecuted, and that's what the Nordic model would do.

1043 The CHAIRPERSON: So you support coercive control laws then?

Ms BROHIER: I'm not really clear; could you just repeat that?

1044 The CHAIRPERSON: Would you support coercive control laws? We heard evidence from Reverend Peter Sandeman recently about his interest in this committee investigating coercive control laws around this area.

Ms BROHIER: I'm not every sure how that would work out in the workplace. I mean, who is reporting the coercive—is that the woman? Is she going to report her brothel owner? Is she going to report her employer? I think not.

1045 The CHAIRPERSON: Why would she not report them?

Ms BROHIER: Because then she's out of a job. This is what we are hearing from Ali. This is what we are hearing is the control over women, the power. That's what I'm hearing from women. We can't imagine that there is going to be an avenue for women to report abuse. What I

hear, and this is from a woman who has spoken to me, is that you are entrapped in the industry, you become powerless. You are in a room with a man twice your size who has bought your services. Where is the power play in that? You do not have the capacity to go and report because you are there; he has paid for you.

That is where we are looking for the Nordic model to decriminalise the woman and criminalise the man. The men have to be held as accountable, and we need to change the whole thinking in our society that women are commodities that can be bought and sold and abuse such as Ali has just spoken about is acceptable. It is not acceptable. Men need to be educated, not by laws that say it's okay for you to do whatever you like but by laws that say this is not okay. You use a woman, you buy a woman for your own use and you will be criminalised. That is how we need to completely flip the changing in our society.

In federal parliament, we are talking about abuse of women. How can we see that we are working in that front, but then over here we are doing the same thing. We have to change society's view.

1046 The Hon. I. PNEVMATIKOS: Yet your organisation is not involved in any issues relating to abuse of women.

Ms BROHIER: Irene, I would love to be; I just don't have time.

1047 The Hon. I. PNEVMATIKOS: Fair enough.

Ms BROHIER: I am doing what I can, Irene. I am doing what I can to help women who come to me, and I am here on behalf of women who have a lived experience and their voices need to be heard. Please hear the women who are not able to come here and speak for themselves because their lives have been destroyed by this industry. That is why I am here, to speak on their behalf. And, yes, Irene, I would love to be involved in the trafficking, and all the rest.

Ms KULATEA: We are helping these women because we do send them out to wherever we need to, like the services that are helping them. As Amanda said, that Coming Home house is what our aim is: to take these women in and to help them. We are wanting to get this up and running as possible because we have women crying out for their help.

1048 The Hon. I. PNEVMATIKOS: How long has your organisation been in operation?

Ms BROHIER: On an informal basis, we have been associated for a number of years, probably three or four years, and just this year we decided we should formalise our association. That's why we became an incorporated body.

1049 The CHAIRPERSON: I was going to thank you for your evidence. If there are any questions that members wish to put on notice very quickly, we will do that.

1050 The Hon. C.M. SCRIVEN: I think it's a fairly quick one. Just coming back to the—

1051 The CHAIRPERSON: I'm just aware of members' time considerations; I don't want to lose quorum.

1052 The Hon. C.M. SCRIVEN: Sure. Just coming back to the question about having a criminal record removed, you said that that should occur for women—and, personally, I totally agree. Do you think that the criminal record for those who have been convicted of keeping a brothel should also be removed from their record—so brothel owners?

Ms KULATEA: No, because they are continuing to do it. It is when the women leave and they look for a job—a career—then yes, it should be taken off.

1053 The CHAIRPERSON: Very quickly on that, though, some women are charged for keeping a brothel which is their own house where they are working alone.

Ms KULATEA: Are you talking about escorts?

1054 The CHAIRPERSON: There is a range of situations where they end up being charged with keeping a brothel, but it's actually just them as a sole worker in their own premises.

Ms KULATEA: I think there has to be a bit of leeway. I think if someone is wanting to exit an actual brothel in-house, and they get another job like a career they wanted to do, study or

whatever, yes, I do. If they are still continuing in-house, in their home, maybe five years, six years, if they have then gone onto another job and a career, if that's what they have chosen to do.

1055 The CHAIRPERSON: Thank you for your evidence today. The transcript will be forwarded to you for any clerical corrections and I also note that we took a few questions on notice, so the secretary will be in contact with you to seek those out.

Ms KULATEA: Thank you for listening.

Ms BROHIER: So, Tammy, the information that you requested about my friend's transition out, would you like me to supply that information to you?

1056 The CHAIRPERSON: Absolutely, yes, and the secretary will facilitate that. Thank you.

THE WITNESSES WITHDREW