

LEGISLATIVE ASSEMBLY OF THE NORTHERN TERRITORY

13th Assembly

ECONOMIC POLICY SCRUTINY COMMITTEE

Public Hearing Transcript

8.30 am, Tuesday, 29 October 2019

Litchfield Room

Closed sessions with agreement provided to publish

Members:

Mr Tony Sievers MLA, Chair, Member for Brennan
Mr Jeff Collins MLA, Member for Fong Lim
Mr Lawrence Costa MLA, Member for Arafura
Mr Gary Higgins MLA, Member for Daly (via teleconference)
Mrs Kate Worden MLA, Member for Sanderson

Witnesses:

Sex Worker and Partner (name withheld)

Sienna Charles

Sex Workers Outreach Program Northern Territory and the Sex Workers Reference Group

Leanne Melling, Peer Educator

Polly Raise, Peer Educator

Skye Ozanne, Peer Educator

Addison Wood, Peer Educator

Desirae August, Peer Educator and Chair of the Scarlet Alliance

Aboriginal & Torres Strait Islander Sex Workers Working Group

The closed session convened at 10.12 am.

SEX INDUSTRY BILL 2019

Sex Worker and Partner

Mr CHAIR: I welcome Sienna and [REDACTED]. I will introduce our committee. There is Mr Jeff Collins, Member for Fong Lim; Mrs Kate Worden, Member for Sanderson; Mr Gary Higgins, Member for Daly, who is on the phone; and Mr Lawrence Costa, who is the Deputy Chair. Welcome to our committee.

I will go through the formalities and then we can go on. On behalf of the committee we welcome you to this private hearing in to the Sex Industry Bill 2019. I welcome to the table to give evidence before the committee Ms Sienna Charles and [REDACTED], Sienna's partner.

Sienna and [REDACTED], thank you for coming before the committee today. We do appreciate you taking the time to speak to the committee and we do look forward to hearing from you.

This is a formal proceeding of the committee and the protection of parliamentary privilege and obligation not mislead the committee apply. This a private hearing that is not being webcast, however a transcript will be made for the use of the committee. Standing orders require me to inform you that the committee or the Assembly always has the power to make the transcript public; however, the committee has agreed not to do so without your agreement.

After the transcript has been typed by the committee secretariat, we will give you committee to correct. If you decide that you are happy for what you said to be made public be with any confidential parts removed, the committee may do so. Removing confidential information can include removing your names from the transcript.

Do you have any questions before we commence this process? Okay, great. For the committee, please state your name and the capacity in which you are appearing. We welcome an opening statement from you both.

Ms CHARLES: I am Sienna Charles. I am an active sex worker here in Darwin.

Mr [REDACTED]: I am [REDACTED] and I am Sienna's partner.

Ms CHARLES: I work as an independent worker in the Northern Territory. I have worked in every state in Australia under all the laws that we have here. I really think that this is quite a crucial law reform just because, honestly, this work really needs to be treated just like any other business. If people expect us to pay taxes and be contributing members of the community and include us in anything, then you need to make sure that we also have access to things like Fair Work laws, work compensation, OH&S—all that kind of stuff. It is incredibly offensive, I think, actually, that people have not chosen to include us in that in the past.

Make it easy for anybody who works in any casual capacity in the sex work industry, or anybody who makes a career out of it, if they want to just drop in and out they still have access to fair working laws and good working conditions, just like anybody else. That includes the Right to Work act and all that kind of stuff, which we currently do not have access to.

Separating us from other businesses is not constructive. It does not actually help anyone and treating us like we need some kind of protection separate from everybody else is condescending and infantilises—specifically women, but all the transgender sex worker and all the gay male sex workers. There are not that many straight male sex workers out there, they generally do not face as much stigma anyway. The fact that it is sort of, you know, criminalising sex buyers but not sex sellers, treats those clients as if they are horrible people. But they are in fact just regular members of the community, from all races, all genders, all creeds—when really the problem that we are looking at with violence towards sex workers is a problem of keeping it in the shadows, and general domestic violence—violence towards women, by men. This is not going to be solved by criminalising sex work, in fact it will push it further into the shadows.

We have consulted with the Indigenous community—I am part of the sex worker reference group as well. We actually have a member of our Indigenous community here today. They definitely have been consulted on this and they have agreed, as far as I know.

There is a lot of confusion regarding the definition of decriminalisation within the community. Some people, I think, do not understand what the difference between decriminalisation and legalisation is. That is the big issue, especially when you poll the public on what they want. They do not really know. It is the same when it comes to drug laws as well, they do not know what the difference is. There is a lot of misunderstanding regarding the word 'decriminalisation' and that it means that there are no penalties at all—which obviously is not the case. It just pushes it into a civil rather than a criminal enforcement.

There is also a very strange misconception that my body is up for sale and that is clearly not the case. I am quite attached to my partner. It is my time and my services that are up for sale, just like anyone else who runs a business.

I really think these law reforms are really important to help me work safely. At the moment I can work reasonably safely but I know that if I work from my apartment that if somebody does assault me or something goes wrong, that if I go to the police there is a very good chance that they could prosecute me for doing the wrong thing as well. It means that many workers do not feel safe going to the police, especially the more vulnerable members of the community who do street work. They do not feel safe going to the police. That should not be thing with anyone, that you do not feel talking to the cops when something has happened to you.

This law will also help people to work in a collectively, which again makes it safer. You can have someone who is your driver and your security in the next room, someone to check in with—that is really important, as well as having access to all the regular laws.

For me I think it will really encourage me to ask my—I do not feel responsible for my friends' safety if they want to come up here and work, because they have asked me what the laws are I go, 'They are this', and they go, 'I will work anyway'—and then something happens to them, I would feel responsible. But under decriminalisation that is not the case. You do not need to warn them about anything, they just come up and work, which I think is really good.

There were some amendments that we were interested in making to this bill. They were not big ones; you guys have done an excellent job. It is really just the discrimination on advertising, the fact that we are not allowed—specifically brothels and other establishments—to advertise for workers. That is a bit of a discriminatory practice. I understand that obviously they cannot use really graphic terms to describe what you are expected to do—you have got to keep it PG if you are going to advertising for a job, but if dildo companies can manage it then I think brothels can as well. If you are going to treat them like any other business and you expect them to pay tax, then you need to give them the same rights as any other business.

The other one was the fact that there was no wording about expunging spent convictions. I do think we have that many here in the Northern Territory, I think there is two, but it needs to be word of law. At the moment there are people in New South Wales who, prior to decriminalisation, were arrested and have a criminal records, and that was not expunged, and they are continuing to experience the effects of that stigma on their everyday lives. If they want to do a different job then that criminal conviction is still there, for something that is no longer illegal.

Mrs WORDEN: Some of the material that we got and some of the reluctance around the spent convictions is that it would not just apply to people who are working in the industry—like yourself—it would also apply to people that might have been running illegal brothels, pimps, those sorts of people who might have conducted themselves in the industry in a bad way. The spent convictions around the sex industry would apply more broadly than just the workers.

Ms CHARLES: Yes, I understand that. Half the issue with that is that those people, if they were doing the wrong thing, should have been charged for trafficking, rather than—running an illegal brothel is not necessarily a bad thing. If decriminalisation goes through it means that brothels become legal. Running a brothel would not be illegal. If you are going to charge them with doing the wrong thing, you need to charge them with the things—I do not know the exact wording, but obviously if there is trafficking, violence, or keeping people against their will, then those need to be the charges that are laid, rather than a specific 'you were working in the sex industry while it was illegal' charge. Those are really the only convictions.

Again, pimping is also a very loaded word. There are plenty of people who manage others and that could be considered pimping, when all they do is answer their phones for them, or act as a personal assistant. I have a lot of friends who have that, because they have other things to do than dealing with needy clients all day.

Mrs WORDEN: Advertising. Because of the experience you have brought to us, having worked elsewhere, other jurisdictions where advertising—I am very tangible. I like to see what that might look like. Often legislation—well, not often, but occasionally—will throw up unintended consequences.

When they are talking about allowing business advertising for the sex trade, could you explain what that might look like? We were just saying does that mean that we suddenly get a two-page glossy? Your Sunday paper becomes more of a brothel advertising ...

Ms CHARLES: We can already advertise as individuals in the classifieds, we are allowed to do that in the Northern Territory. There are a couple of restrictions on it which are—I have not come across them because I have not advertised in the paper in the Northern Territory. But I know some others have come across restrictions where you are not allowed to state your race, which is not acceptable. That is also the rules of the individual newspaper. Whether or not you legislate it, it does not mean that the newspapers or websites are going to let us advertise. It does not mean that they will not have any rules surrounding what you can and cannot put up there. There are plenty of websites that also tell me that for my personal advertising as a private sex worker you cannot have graphic pictures with visible genitalia or nudity; that is their policy, they are allowed to make that rule.

In different states they say you cannot advertise your exact services—Queensland and Victoria are the two where you cannot do that. It is extraordinarily frustrating because they enforce it. We will not go into their laws, because it is awful, but ...

Mrs WORDEN: Do you think that, if it goes down the business lines, which we had some advocacy regarding, people could actually then describe the services they are going to provide?

Ms CHARLES: Not in a graphic sense, but again, like I said, it comes down to the newspapers and websites. If they do not allow that kind of wording, that is up to them. I highly doubt your Sunday morning newspaper is going to have a one-page spread of my professional photo saying, 'Come visit me'. I do not think they would allow that. I do not think they would allow that for a brothel either. I am pretty sure it would just be—I do not know if you have met many brothel managers, but they are cheap people. They would be getting a very small section of the classifieds that just says, 'We are looking for girls to work at our establishment. These are the rates that you could earn.'

Mrs WORDEN: It is not the advertising for vacant positions that I would be more concerned about, it would be the advertising of services. But your market regulation—you make a good point that market regulation. They are not going to want to get rid of 80% of their readership for a small section by allowing ...

Ms CHARLES: It is big money, because they do charge us through the absolute nose to advertise. I do not even want to talk about how much I pay for one website, it is about \$500-and-something a month. That is obviously across a spectrum, you do not have to choose to advertise that much. Advertising your services will be specific to escort-centred websites. If it is something more broad, like classifieds in the paper, if you want to advertise on the side of a bus, they will have their own rules. I think that means that you do not really have to legislate it because it will end up being self-governing.

Mrs WORDEN: I understand that you have connections across the Northern Territory sex industry?

Ms CHARLES: Yes.

Mrs WORDEN: Even as an independent worker? One of the concerns that I have and have had brought to me is that the change to the legislation actually will not change the landscape as it is. I asked this of the Scarlett Alliance earlier. Essentially, we know that massage parlours—a lot of them, we are not saying all of them because there is a legitimate side of that business—are frustrated by what has happened in Darwin, and particularly Darwin. Do you think this legislation will change that? Is there enough of an incentive in the bill for it to change the current landscape?

Ms CHARLES: Yes. The thing is, you are underestimating how frustrated the regular workers in those brothels are as well, in the massage parlours. It is very frustrating to have someone come in and you have to talk in code as to whether or not they want a happy ending or they want something else. If they are really excited to be able to say, 'We also do full service' on their signs—because it attracts more clients.

There is no, 'I do not know if this is that kind of massage parlour,' or is it actually a massage parlour. There is a whole lot less confusion. It is also for regular clients walking off the street if they just want a regular massage it is a lot less humiliating for them as well. They do not get turned over and the girl goes, 'All right,

do you want anything extra?’ and they go, ‘What do you mean?’ It makes everything a lot clearer for everybody. I think it will change the landscape a lot.

Mrs WORDEN: You think it provides the incentives for the industry to become ...

Ms CHARLES: It makes things a lot safer. If you have to play the dance back and forth, that opens women up for people to get angry at that, not pay them because they do not think they are getting what they paid for—some men do get violent when they do not get what they want. It is not very good for their mental health either, to have to do this secret back and forth. The people who own those massage parlours will be extremely pleased to be able to say, ‘We also do full service. We also do happy endings’ because that will bring clients in. they will not have to act all dodgy about it anymore.

Mr CHAIR: I have a few questions. I am interested to hear how [REDACTED] feels about the bill as well.

Mr [REDACTED]: The reason I came today is to give an average Joe Citizen point of view. I met Sienna a couple of years ago and I had no idea about the industry, how it worked or anything like that. Since being with her I have managed to develop an understanding, with doing a little bit of research myself. I do not have strong opinions for or against, more what I have come up with myself.

Of course I want what is best for Sienna, because I love her and I want her to be looked after. With me I believe, as you would understand sir, being the drug campaigner—the more you push this underground the more it is going to attract those sort of people who are bad for the industry. They talk about people being forced into prostitution and all that. If you had a legal means of being able to do something without persecution or being affected, they would feel more comfortable in approaching police about these individuals.

If you were forced into a situation, what does the average citizen usually do? We go to the police. But it is the fear of that stigma, that if I go to the police I will be in just as much trouble as the people who are forcing me into this situation. If we legalise it they will not have that fear anymore and they will have the ability to report those people, which in turn should help the police prosecute them and get them away from the industry and off the streets.

Another reason behind it is that every time Sienna goes to see a client, stuff like that, it is one of the things in the back of my head: is something going to happen because she does not have the ability to go to the police. It is one of those big things for me that I think about a lot.

Apart from that, if there are any other questions you would like to ...

Mr CHAIR: Under the legislation we are looking at the, work health safety stuff you are concerned about—you think that is a great thing?

Mr [REDACTED]: Yes, I believe it is good. As I said, I had no understanding of it. Now I see it as just any other job. Through Sienna I have met a lot of people who work in the industry and they all feel pretty much (inaudible) in that sort of sense. It is like any sort of service. When you are a plumber you are selling your services—that is what you provide, a plumbing service, or whatever it is. They are selling a service. In no way, shape or form does it interfere with what they do or are, it is something they provide.

Yes, I understand that there are some people out there who would be termed as ‘survival sex workers’. They need to do it because of paying rent, feeding their children—at the end of the day it is their choice that they make. If they are pushed into a situation where they have to go—because of the laws—underground, it is going to attract those people who will then take advantage. Like that woman was saying before, that sort of stuff—they are the people it is going to happen no matter. There will be vultures out there who are attracted and try to take advantage of those people in a bad situation. But, if we can at least look after those people who are not in a bad situation and give them the power and the ability to be able to look after themselves, then at least they are a percentage who we have taken care of. Then we can start working on the more unfortunate as well.

Mr CHAIR: Good point.

Mr COLLINS: I have a question about the exploited workers, getting them to come forward, and that whole decriminalisation issues. We heard today about the majority of workers who do not want to be in the industry. What is your experience of that?

Ms CHARLES: That is a flat lie. I was not aware that you were allowed to come up here and lie. That woman does not have the evidence to back that up because it is frankly completely untrue.

I know many women, specifically women—I mean, there are not very many transgender sex workers and there is not a lot of crossover between the gay male sex workers and the female sex workers. We face different risks. We talk occasionally but generally when you hear of incidents as a female sex worker it is from other female sex workers.

I know many, many female sex workers who got into the industry for \$50 blow jobs on back page. It was not awfully safe, it was not awfully clever. They would accept anything because they needed to pay their rent. I do not find that any different to anybody who has to work at McDonalds to pay their rent, to be quite honest with you. I also think that the fact saying that the majority are exploited is tone deaf at best.

Mr COLLINS: It has been my experience that statistics get thrown around in these committee meetings.

Ms CHARLES: Yes, I cannot give you any statistics because I simply do not know them. I am not going to go and memorise numbers to make people take me more seriously.

Mr COLLINS: But the underlying thing of that—and I think, if I speak to some of the other members as well—is we do have a concern for exploited women. There are women exploited in the industry. Simply by implementing this change, while I accept that it is a good change, positive, and a lot of women in the industry will understand what it means for them—what about those ones who do not?

Ms CHARLES: I think we need to draw a distinction between sex work and sex trafficking. That is a really important distinction to make. It is the same as people who are trafficked or exploited in the agricultural, construction or textiles industries. You get plenty of—actually, up here is a good example—backpackers who work for cash under the table and they do not get paid award wages. Those people could be considered, in a lot of cases, almost trafficked or at least exploited.

That is definitely true. There are people who are sex trafficked. There are people who do sex work by choice. There needs to be a distinction made and this decriminalisation bill will bring those who are doing it by choice into the light, which means—we do not want people exploited either.

Mr COLLINS: Is there a position for regulation to ensure that everybody does know their rights? Ultimately ...

Ms CHARLES: In what sense do you mean regulation?

Mr COLLINS: I am not sure.

Mr [REDACTED]: If they believe they have a safe place to go to—if they have been sex trafficked and that is the only thing they know, if they know there is the line. If you have the illegal stuff, the people who are being sex trafficked; and then you have the people that work comfortably in the industry. If they know they can go across that line into the light, that the police are looking after them, that they have laws, everything is on their side—if word of mouth gets out then they can be like, 'you know what, I do not have to put up with this. I can go over there.' I believe it will have an impact on those people who are being sex trafficked because it gives them an option to be able to break away.

The woman before was talking about the exit strategy. If you are working for someone and they treat you badly, and you know there is another job where they treat you good, of course you are going to go to that other job. But if they are two bad options then you might as well stay with the devil you know.

Ms CHARLES: The other thing is—the military has an exit strategy. There is plenty of work where they have pathways for you to leave that work and adjust to something different.

I think what is quite interesting—I come from a very privileged perspective. I have two degrees and this is work I chose purely because of my own personal chronic illness. It is very difficult for me to work a 9 to 5. But I do have friends who were effectively trafficked. They worked in brothels when they were underage. There are not very many of them, but they do definitely exist. They were exploited by people who you could consider pimps and then, after that, they chose to continue to do legal sex work.

Mr [REDACTED]: It gives them the power to do what they want.

Ms CHARLES: To make it natural. To make that choice.

Mr [REDACTED]: That is what I feel this is all about. It is about giving individuals the power to be able to do what they want—whether they want to be in industry or not. If they choose to be in industry they still have the power to work their hours, and do what they want, how they want it. At the end of the day, that is what we are all about. Everyone wants to do what they want, how they feel comfortable about trying to do it.

Mr CHAIR: Sienna and [REDACTED], thank you for coming today. Thank you for sharing that information with us, it is helpful—another view to look at.

Ms CHARLES: It is very humbling to be the only individuals, rather than coming as part of an organisation that was chosen for this.

Mrs WORDEN: You do not belong to one of the peaks?

Ms CHARLES: I work with SWOP NT and the Sex Worker Reference Group, but I came here as an individual representing my own views. I put in my own submission.

Mr CHAIR: Thank you.

The committee suspended.

The closed session convened at 11.06 am.

Sex Worker Outreach Program NT and Sex Worker Reference Group

Mr CHAIR: Welcome everyone. On behalf of the committee we welcome you to this private hearing into the Sex Industry Bill 2019. I will introduce our panel today: Mr Jeff Collins, Member for Fong Lim; Mrs Kate Worden, Member for Sanderson; Mr Gary Higgins, Member for Daly, on the phone; and Mr Lawrence Costa, Deputy Chair of the committee.

We welcome you to the table to give evidence to the committee: Ms Leanne Melling, Peer Educator; Ms Polly Raise, Peer Educator; Skye Ozanne, Peer Educator, who will be calling in shortly on the teleconference; Ms Addison Wood, who is a Peer Educator as well; and Ms Desirae August, Peer Educator and Chair of the Scarlet Alliance Aboriginal & Torres Strait Islander Sex Workers Working Group.

Thank you for coming before the committee today, we appreciate the time you are taking and look forward to hearing from you today.

This is a formal proceeding of the committee and the protection of parliamentary privilege and the obligation not to mislead the committee do apply. This is a private hearing and is not being webcast, however a transcript will be made for use by the committee. Standing orders require me to inform you that the committee or the Assembly always has the power to make the transcript public; however, the committee has agreed not to do this without your agreement.

After the transcript has been typed up, the committee will give you a copy for you to correct. If you then decide that you are happy for what you said to be made public with any confidential parts removed, the committee may do so. Removing confidential information can include removing your names from the transcript.

Do you have any questions about the process before we start today? Great. For the record, please state your name and the capacity in which you are appearing. Then Ms Melling will make an opening statement to the committee.

Ms Ozanne has joined us. I will quickly introduce you to the panel. We have just gone through the formalities and are getting everyone to introduce themselves, starting with Ms Addison.

Ms MELLING: I would like to defer for Desirae to make the first statement, please.

Ms AUGUST: Firstly, I would like to acknowledge the traditional owners of the Larrakia Nation, past, present and emerging. My name is Desirae. I am from the NT. I am a proud Aboriginal sex worker, the Chair of the Scarlet Alliance Aboriginal & Torres Strait Islander Sex Workers Working Group, and a member of the Executive Committee and representative from the SWOP NT Sex Workers Reference Group.

Thank you for this opportunity to address the Sex Industry Bill 2019. The bill provides important changes to the NT sex work laws that will be beneficial to all sex workers, including Aboriginal sex workers, whether they identify as a sex worker or not.

It seems there are many assumptions about us and who we are, and what we need, they separate us out from other workers and assume that we need protection or that society needs protection from us. We are members of the community. We are people and we are sex workers. Attempts to create laws targeting us that criminalise and surveil us only make things more difficult and does not provide us with any rights or actual protection.

Aboriginal and Torres Strait Islander sex workers are overrepresented in street-based sex work and opportunistic sex work. Sometimes people mistakenly view this as the only type of sex work we do in the NT. Aboriginal and Torres Strait Islander sex workers work in a range of workplace types. Sometimes at the same time.

Targeting by police is a persistent problem faced by Aboriginal and Torres Strait Islander sex workers, especially for street-based and opportunistic sex workers. This targeting, alongside the current illegality of street-based sex work creates a range of issues for us and significant barriers to us being able to access police or justice if we are a victim of crime. Currently, because our work is illegal, we have to prioritise police evasion over the safety strategies we use in our work and when we are negotiating with clients.

When we try to bring our cases to the attention of the police or courts, we are not taken seriously or are at times treated as if we are the criminals. Like other workers, Aboriginal and Torres Strait Islander sex workers need access to occupational rights, health and safety. The only way to achieve this is by decriminalising sex work. The Sex Industry Bill does this.

People who claim to speak out against the bill on our behalf have not consulted with us. They have not asked us what we think or what would actually help us. A perfect example of that is Dr Caroline Norma, who spoke today, and the Australian Christian Lobby.

Aboriginal sex workers also need anti-discrimination protection against the racism, prejudice and discriminations we face as sex workers and Aboriginal people. We need to access the appropriate peer support and services. We need to be able to access the same protections as other workers, regardless of how we work and how we identify. We need the full decriminalisation of sex work for all of us. Thank you.

Ms WOOD: My name is Addison Wood. I started my sex work career five years ago in Darwin. I started work at that time with an agency and, as a condition of being able to work legally, I had to register with the police as a known prostitute. It was never explained to me as something that is a life-long registration, who would have access, how that information is handled and where it would show up on searches or databases. It was simply a condition to work legally in the NT.

It was an uneasy feeling from the start and one that turned to long term stress and anxiety of being outed as a sex worker. Yes later when I would go through the family court system it was abject terror that this registration would be discoverable and used against me unjustly in that process.

That is the reality of unnecessary legislation regarding sex work. It adds to and compounds the stigma which will ultimately be weaponised against you.

I continued my career in the NT as a private independent sex worker, working hard to stay within the PRA legal framework. I had an ABN, I worked out of hotels—despite fearing constant eviction—I jumped through all the confusing and unnecessary advertising hoops. I still faced discrimination and was still made to feel like a criminal.

As I submitted to the modernisation of the *Anti-Discrimination Act*, I found it difficult to access banking and insurance services as a sex worker. In 2016 I opened a business account with one of the major banks in Darwin. I was open with them about my work in order to receive the appropriate advice and products. I was told that sex work was considered a high risk enterprise and therefore would be subject to higher fees, I would be ineligible for insurance and the use of EFTPOS machines. I was told that I was lucky my accounts

were not instead closed, as has happened with other workers. It all depends on the day and particular manager at the time. There was no industry standard and no protections. I was made to feel a sense of shame for simply going about my business as any other operator would.

When sex work is viewed as anything other than valid work, the shame and stigma is able to flourish and will be seen and felt in all areas of your life. When you are accessing financial services. When you are raising your family. When you are seeking health services. It is a constant tide which you are left to struggle against for respect, rights, and work health and safety—all things that sex work should in no way preclude you from.

With decriminalisation and having sex work recognised as any other profession, all these issues faced can start to be dismantled and tackled head on. Sex work is real work. Thank you for letting me have this opportunity.

Ms MELLING: Through the Chair, we have also provided a copy of our original submission, Modernisation of the *Anti-Discrimination Act*, which has extensive case studies of systemic discrimination, Addison's case in section 13.

Ms OZANNE: Hi I'm Skye, I have been working as a sex worker for over 20 years. I have worked in all Australian states and territories, in legalised and decriminalised settings. There are only two places in the world where you have to be a registered sex worker: Victoria and the NT. I am registered in both.

I have always tried to remain within compliance of the law, but that is not always possible when trying to maintain your own safety.

I first started working in Darwin in 2002 at an escort agency, where I was made to register with the police as a known prostitute. At the time I did not know how it would haunt me in later years as I moved into mainstream work, family life and other life milestones.

The one good thing that came out of my police registration was that it made me initiate contact with SWOP NT and led to me becoming a long term and active member of the Sex Worker Reference Group. I volunteer with SWOP NT and have also been employed as a coordinator. I am currently the secretary of the Scarlet Alliance executive committee.

With this entrenchment in sex worker spaces and my long history of being part of the sex work community, I am well versed in the concerns of local sex workers. The ever present concern amongst those workers is how we can work as safely as possible. These long standing concerns led to NT WorkSafe conducting a sex worker informed workshop in 2008. This valuable information and practices have since been shared amongst peers in the Territory, which will help form the basis of our own peer-led work, health and safety framework. With this framework in place we can move forward with the same working rights and protections that every other worker in Australia is entitled to.

But in saying that, I do not understand why the current advertising laws will be kept in place. How can you advertise a business or service if you cannot describe what you are selling? As far as the full-face photos go, you know that is going to be great for a very small group of workers but most workers want to maintain their privacy. That is to protect not only themselves, but their children, families and other people in their lives, so they are not affected by the same discrimination and stigma we face every day.

Ms MELLING: Can I also make reference to our submission, which I am sure you are all very aware of what we included. Just picking up about resources, NT WorkSafe, pathways for sex workers to be engaged in SWOP NT, the Sex Worker Reference Group, and collaborations with other stakeholders in the Northern Territory. We supplied a number of resources and they show a progression of pathways into Scarlet Alliance. As you have heard here today there is a distinct crossover. Quite a number of individual sex workers in the Northern Territory are members of The Scarlet Alliance as well.

I will provide an end statement to the committee, just a brief one to thank you for providing a space for us. It is extremely important. In saying that, I would like for Polly to speak now.

Ms RAISE: My name is Polly and I am an Asian sex worker from the NT. I am a peer outreach worker with SWOP NT. Thank you for the chance to share my story with the committee. English is my second language.

Currently I work as a private sex worker. I have worked in many different workplace types, including in a massage parlour. What I see is that many people have the wrong ideas about Asian migrant sex workers. They think we are all illegal and have no choice, or we are forced into sex work.

My friend in the NT has a traditional massage shop—no sex services, only traditional massages. It does not matter anyway. The police have come and searched her shop and harassed her staff. This is common for Asian massage parlours. Whether we provide sexual services or not, we feel like we are targeted, no matter what we are doing or how we work.

In my case, I have an ABN. I am my own boss. I work for myself and I pay tax. But people do not see me this way. They get surprised. Many people ask me why I do this when you have no protections and no rights? But from my opinion I see my work as genuine work and I hope that this bill will pass. That I will get access to the same protections as every other worker in the NT.

This bill respects my rights to choose my work, to choose my clients, and to refuse any services, and supports protections for my rights. The best way to support Asian sex workers is by decriminalising sex work. By passing this bill we are not the victims, we are not the criminals. We deserve access to workplace health and safety and rights.

Ms MELLING: In support of Polly's statement—I have accompanied Polly on outreach to the parlours. We are quite aware of the impact of police raids. In the Info-kit we've provided a press release which SWOP NT and the Sex Worker Reference Group put out in response to raids and the impacts from those raids.

Police were previously, but fortunately now, police are no longer doing those raids. At the time raids in 2015 and 2016 and up until the beginning of 2017 were conducted, police were confiscating items and taking pictures of sex workers with condoms in front of them, also with passports, and then taking those condoms as evidence. Tipping the contents of the bin out on the floor in front of them. This press release has extensive information about the impacts of those raids.

It is important to understand that a lot of migrant Asian sex workers then went underneath. The work of Polly with SWOP is paid but a lot of it is voluntary, Polly has engaged trust again with those workers after those raids. The workers were too scared to even come in to SWOP because they thought we were going to report them because we are funded by the government.

The resources are from SWOP NT, the Sex Worker Reference Group and the Scarlet Alliance, for multilingual language groups.

Mr CHAIR: We will make sure all the committee members get one of those, Leanne. We are running out of time, but we have a few questions from your submission and from today.

Mrs WORDEN: Can I ask about spent convictions? You have given some additional stuff in the folder that I have not quite got my head around yet. But some of the pushback regarding the spent convictions is that it would be outside of—it would not just be solicitation and those things associated with sex work.

In some ways you might have confirmed that there are people who have been convicted of things outside of—the expungement. One of them, in case my colleagues here have not—allow infant to partake in prostitution, receive payment from infant prostitution. The expunging of spent convictions would possibly include that, I am thinking. No? I am seeing some shaking of heads but in fact I think the advice from the department is that because of the sections of the act et cetera, the act of expunging would include that.

Ms MELLING: We did recommend expungement of spent convictions, after getting these stats as well, just to confirm it. I wanted to be careful about the dissemination of this information, which is why I did not provide it in our submission.

Mrs WORDEN: It is in a closed session, so it is good for the discussion.

Ms MELLING: In our formal submission we did not provide it for that reason and said we would present it today.

Some of the areas in the PRA, like the definition of 'infant' under the *Prostitution Regulation Act* is anyone under the age of 18.

There is also within the stats some of the areas we feel may crossover are private sex workers being charged with operating from home, which means you are deemed as operating a brothel.

All of those old terms and stats would warrant more investigation ...

Mrs WORDEN: Unpacking of the actual conviction rather than just titling.

Ms MELLING: If there was, trafficable offences it would not be under this act anyway. The penal code would pick up other offences. It would be interesting to look at how many of these convictions that have been spent relate to private independent workers.

Mrs WORDEN: The evidence you have given does convince me that there needs to be more work on that. On the face of it, I would have to agree with your position. When you start unpacking it and you see words like 'infant', you have to say, 'We need to be more careful, do a bit more work in that area.' I do not know is necessarily a problem.

Ms MELLING: If we are looking at spent convictions they are different to charges. The spent convictions are not as high as the charges. I would also like to resubmit and reaffirm the evidence regarding New South Wales, which is just about fully decriminalised. Unfortunately spent convictions were not abolished. Now sex workers are juggling that with entering into university and going into professions where it is blocking them. People are having to disclose sex work when they do not want to. I ask the committee to think about putting that through.

I do not want to hold this bill up, I think it is a fantastic bill.

Mrs WORDEN: Maybe a bit more work, but that could be done outside of it.

Mr CHAIR: You had some issues regarding the suitability certificates. What are your objections to that requirement?

Ms MELLING: We know that not all industries across the NT have that requirement in place. We are asking that suitability certificates not be the main focus for sex workers' rights because we know the way businesses operate here, for instance, if there is registration in place, the businesses that employ sex workers as sub-contractors, agencies or parlours, will say, 'We are registered, so that is enough.' We do not want that same approach of, 'We are complying and we have certification, that's enough. Work for us.'

We want the focus to be more on the intersection of regulations—work health and safety regulations, the *Return to Work Act*, worker's compensation, and superannuation. That also intersects into advertising as well, as transparency. We want the whole ability for people to be fully informed upon entering the industry and fully informed about their rights in different positions. We want receptionists to be paid the award wage for a receptionist. We want drivers to be paid the award wage for drivers. We want sex workers to work together independently and collectively and support each other without having a certification over the top.

Although it is workable with it in, it would be less workable in reality, —I think people are not going to comply with it. It will set up a two-tiered system again where anybody who does comply will say, 'What about those workers down the road? They do not have certification.' Then what happens is that the general population thinks that someone is working illegally, when it is just about certification and there are no penalties.

To remove the level of stigma and discrimination we need to look at removing the certification process. Sex workers will come forward and report on issues at work that are inappropriate that do not align to the rights that we will obtain. It is what will ensure that workers know their rights.

Mr COLLINS: On the suitability certificate, given that they are there for a body corporate—we had this discussion earlier that a group of individuals working together as a cooperative does not need a certificate. Would having the certificate provide the opportunity for someone like you, or your group, to identify where you can go and meet with workers? I still have this background concern about exploited workers. Ultimately if there is a body corporate that is working as a brothel, then it is a way of identifying them so that you can get out and talk to them and make sure that their workers are informed. Whereas if they are individuals working and they do not have a suitability certificate, they probably are going to be fairly well informed. I would suspect that those type of workers are the ones more likely to come to you. Or am I wrong?

Ms MELLING: A good example is if that the majority of workers are working in a criminalised environment then they should be safe. When I started working in the Northern Territory, coming from the environment of a brothel down south, and refusing to register with the police for life, I needed to work safely. I worked independently alongside another sex worker.

As an example, most workers, and you heard this evidence today, have to juggle that environment. We do not need certification for SWOP and for sex workers to join the Sex Workers Reference Group and be engaged. You heard evidence from Polly, Desirae, Skye and Addison to give you a small snapshot of work. We could fill this room and the next with the reference group. It has been going since early 2000. We try to represent everyone in the space, but it is hard.

We are privileged to represent and bring voices forward. One of the things we know as past and current workers is our work. We know the battles we have endured here for many years. We know what it is like for a worker just starting in the industry who says, 'I have an ABN, what do I do?' We will say, 'Please come to us and talk to us, and see if this is suitable for you. You need to go through the boundaries, you need to set.'

That is our workplace health and safety. That is the guidelines we can put in place and adapt from other places in Australia. That is what we can produce with NT WorkSafe and Unions NT support, intersecting with the Public and Environmental Health Act.

I want to look forward to the day when SWOP can go in with our peer education team, be well resourced, and say, 'These are your rights. This is what you can have.' And go into operators' spaces and say, 'Right!!! laws have changed. This is what you have to do. If you are not going to do it, get out.' That is what we want. The certification is going to hold us back.

Mrs WORDEN: That does lead me to that question that I have asked everybody. Do you really think that the legislation will change the landscape? We have talked about this landscape and we all know what it is. I am surprised it has taken until 2019 to try and fix it. There have been a number of factors across the Northern Territory for a long time. Our circumstances are a bit unique, possibly expanded because of INPEX. All that aside, we have a strange landscape.

You honestly think that this will change the landscape? What is the incentive for the massage parlour down here to recognise that they are no longer in the right place for their business? Move somewhere else, so they can advertise et cetera. I think that is probably coming, there will be some changes to the *Planning Act* regarding this. We all know that, it is the reality of that.

Where is the incentive? I am struggling to find where the incentive is. Worker safety—absolutely. But incentivising the current landscape to change, which is what people who complain about it want—how do you think that will work, Leanne?

Ms MELLING: When Polly and I conduct outreach we go to ■ parlours, mostly Asian migrant sex worker parlours. Not all of those parlours, as Polly explained, provide sexual services. We go to all of them because they are all raided. We collect evidence and stories from all those businesses.

The businesses that are much more hidden who need to transparently advertise what they are doing, at the moment they are unable to. This bill will provide transparency for a sex worker to say, 'This is what I am offering'. If it is an erotic massage parlour, as an example, and the parlour provides massage and erotic services, and particularly just erotic massage, then workers need to state exactly what are those boundaries. To say, 'Actually, we do not provide full service but we do provide erotic massage.' There is a difference. Most of the parlours will do that and refer people out to private workers.

The important thing that I would like to express is that they are eager to comply. They have approached us and they have said that they really want decriminalisation, just like New South Wales. It has taken a while because they are scared—well, not scared, but because of the level of stigma and discrimination that the raids built up they are wary about agreeing to appear in this space. There are people who wanted to but we just could not get it to happen.

Did you want to talk about that, Polly? The parlours that we know are asking about their rights now.

Ms RAISE: They have already been provided with this.

Mrs WORDEN: The *Planning Act* will come over the top and some of those parlours will not be in places they are legally allowed to be.

Ms MELLING: We will be submitting to the *Planning Act*. That is another area and another discussion ■■■■■. We will see what everyone recommends. We need to be part of society as well.

Mrs WORDEN: I totally agree with lots of aspects.

Ms WOOD: The incentive will definitely be there, even for the massage parlours. Even as a private worker, the constant fear or stress of thinking that you are not doing the right thing—and that is just one worker. Having a whole business based on not totally complying is quite stressful. I think if people can go about their daily lives and practice business without that hanging over their heads they would more than jump at the chance.

Ms MELLING: Leanne Melling, [REDACTED] Sex Worker Reference Group member, Peer Educator and now the coordinator of SWOP NT, sex worker outreach program. We collectively acknowledge, with appreciation, the sensitivity shown by this committee and all NT parliamentarians in honouring our request as local sex workers to appear at the hearing anonymously.

This is due to systemic and daily occurrences of stigma and discrimination and the current criminal status for us in the way we work as sex workers to ensure our safety in the NT. We have long been campaigning for the full decriminalisation of sex work in the NT to enable access to our rights, health and safety at work, and for the right to live free of lifelong police registration. We look forward to further consultation to ensure this bill passes, to provide the full decriminalisation of sex work.

We recognise the positive example set by the Attorney-General, the Honourable Natasha Fyles, in maintaining a strong partnership approach through active consultation and engagement with sex workers, our organisations and associations throughout the process.

The closed session concluded.
