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The Hon John Rau MP
Attorney General
Deputy Premier
GPO Box 464
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attorney-general@agd.sa.gov.au

11th January 2012

Dear Mr Rau,

Re: Spent Conviction Act 2009 (SA) Review

We are pleased to have the opportunity to provide you with feedback regarding the Spent Conviction Act 2009 (SA). Scarlet Alliance, the Australian Sex Workers Association, is the national peak organisation for Australian sex workers. Our membership consists of eight state based organisational members, four state and national associate organisational members and over one hundred and fifty individual members. Scarlet Alliance's members in South Australia include the Sex Industry Network (SIN), which is the peer based health and community development project for sex workers in South Australia as well as individual sex worker members. We note the SIN submission to the review and fully support its recommendations and offer this submission as complimentary.

Scarlet Alliance and our membership commend the purpose of the Act but are very concerned by the exemption of sex work related convictions from the eligibility criteria. Part 1, Section 5 of the Act under the heading 'Scope of the Act' 2b states that a sex offence cannot be spent under this Act. Section 5 of the Spent Convictions 2011 Regulations give a definition of sex offences to include (a) (iii) commercial sexual offences and related offences. Excluding sex work related convictions from the Act does not support the objective of a spent conviction scheme, which is to remove unnecessary barriers preventing former offenders from re-entering society.

Grouping sex work convictions along with rape and child porn as a sex offence is not warranted and not in line with community standards. Sex work is legal or decriminalised in many states and Territories of Australia and sex workers are protected by anti-discrimination legislation in some jurisdictions. Sex workers are not a danger to the community and there is no evidence to support the exclusion of sex work related offences from being able to be spent.

The rationale behind spent convictions legislation is that convictions become irrelevant in judging the character or predicting the actions of a person after a certain amount of time has passed. There is no reason for this rationale not to apply to old sex work convictions therefore reducing the barriers for former offenders in participating in society. Scarlet Alliance is aware of many former sex workers from South Australia who have old sex work related convictions. The policing which effects mainly women in the Adelaide sex

industry has been very rigorous at different times and it is common for a woman who worked in Adelaide brothels in the 1990's to have upwards of fifty convictions for being on premises of a brothel after only 12 months of working there. Twenty years on many of these women have long since left the sex industry but are still answerable old convictions even if they have lived an otherwise law abiding existence.

This exclusion of sex work related convictions has a disastrous effect on these women's ability to gain employment and has hugely negative impacts on areas such as mental health, finances and study as available options are diminished and people lose confidence. Many people with sex work related convictions retreat from participating in any activity where a criminal history records could be checked for fear being 'outed' due to the intense stigma and discrimination that sex workers face.

With this in mind, Scarlet Alliance strongly recommends the South Australian government to remove the reference to commercial sexual offences in the definition of sex offences in the Spent Convictions Act and its corresponding regulations thus allowing sex work related convictions that comply with other areas of the Act to be spent.

Yours Sincerely

Ari Reid (Vice President
For, Kane Matthews
President, Scarlet Alliance