

Ms Madelon Rosenberg  
A/g Senior Director Criminal Law Team  
Legislation, Policy and Programs  
ACT Justice and Community Safety Directorate  
Emailed to: [jacslppcriminal@act.gov.au](mailto:jacslppcriminal@act.gov.au)

Dear Ms Rosenberg,

**Re: Consultation request – amendments to the Crimes Act – stealing**

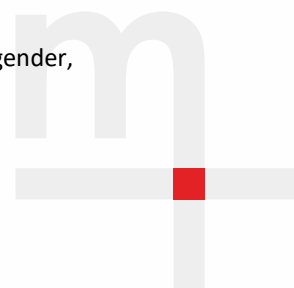
Thank you for the opportunity to provide feedback on vital legislative change to be part of bringing forth much needed positive consent laws in the ACT.

Meridian was formed as the AIDS Action Council in 1983 and incorporated in 1986 as part of the community response to the impact of HIV/AIDS in Australia. Today we are Canberra's leading community-based organisation for people living with HIV/AIDS, and sex and gender diverse people<sup>1</sup>. We provide a range of services to our communities, including counselling, support, information, emergency accommodation and advocacy. Meridian also hosts the Sex Worker Outreach Program ACT (SWOP) which is a sex worker-led peer based community organization whose primary purpose is the prevention of HIV and other sexually transmitted infections, through education, referral and empowerment. As part of this Program, Meridian works to ensure that sex workers are treated respectfully in and outside of their safe workplaces.

Unfortunately, our local sex worker community has faced, and continues to face, regular stealing events that are overwhelmingly underreported to authorities. To SWOP ACT's knowledge, to date, there has not been enough evidence to lay charges due to the type of stealing techniques involved, and the hesitation in some cases to come forward in a timely manner. **Any tightening or clarification of the current wording of the legislation needs to ensure it is ironclad for a criminal charge to be laid against the perpetrators of this type of sexual assault. This process would also assist the local sex worker community to believe that coming forward and reporting could result in justice being upheld.**

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<sup>1</sup> This includes but is not limited to people who self-identify as lesbian, gay, bicurious/bisexual, transgender, queer, questioning, intersex, asexual and/or ally and more (LGBTIQA+).



SWOP ACT delivers peer education that stealthing perpetrated by a client is a breach of a 'contract of service' by a non-consensual act, which constitutes rape. During the negotiation of a contract of service, the client and sex worker have agreed to sex with a condom. Stealthing occurs to sex workers when a client removes the condom, pushes the condom off inside of the sex worker, and by far the most common - removes the condom when a sex worker moves into a different position or faces away from the client and does not see or hear the removal of the condom. The most devious stealthing technique encountered by sex workers is the slicing of the tip or head of the condom with a sharp nail - leaving the base of the condom remaining. This technique has tricked many sex workers who would only check the condom base only to ensure the condom is on, not realising that the integrity of the rest of the condom has been compromised. Other techniques that are important to flag are: biting through the condom when the condom wrapper is being torn open by the teeth, and the client using excessive lubricant under the condom to ensure that it slips off during penetration.

Meridian strongly supports the ACT JACS Directorate's advocacy to the ACT Attorney-General for greater legislative certainty that removal of a condom without consent during sex is a crime. Meridian endorses explicit wording that covers the multitude of techniques that are involved in the act of stealthing and unequivocally advocates that the **removal of a condom, or intentionally compromising the integrity of a condom, is a crime.**

We thank you for your consideration of this submission and we welcome the opportunity to provide further information, if requested.

Yours Sincerely,



Philippa Moss  
**Chief Executive Officer**  
Tuesday 11 May 2021

CC – Office of Elizabeth Lee - [Liam.Develin@parliament.act.gov.au](mailto:Liam.Develin@parliament.act.gov.au)

