

**ATTORNEY-GENERAL'S STREET  
PROSTITUTION ADVISORY GROUP**

**FINAL REPORT**

**2002**

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## MESSAGE FROM THE CHAIRMAN

In March 2001, the Attorney-General's Street Prostitution Advisory Group was established by the Attorney-General, The Hon. Rob Hulls MP, to examine the issue of street prostitution in the City of Port Phillip. The Advisory Group has brought together diverse local interests including residents, traders, street sex workers, welfare agencies and the City of Port Phillip, in addition to key stakeholder groups such as the State Government and Victoria Police. We have worked hard over the last 12 months to achieve a positive outcome for the whole community.

The Advisory Group has developed and reviewed a range of options to address street prostitution issues in the St Kilda area. In September 2001, it released an Interim Report that outlined a package of measures designed to address the serious social harm caused by street sex work. Since that time, the Advisory Group has consulted extensively with the local community and stakeholder organisations. This report is the culmination of that process. It elaborates on the proposals contained in the Interim Report, and addresses issues raised during consultation. Most importantly, it represents a blueprint for change in the City of Port Phillip.

In the past year, all members of the Advisory Group have learned an enormous amount about the vexed social policy questions that surround this subject. Understanding and respecting the views of other stakeholder groups has been a key to the group's success. The process has brought people together where previously they were poles apart. I would like to sincerely thank the members of the Advisory Group for their commitment and dedication.

On behalf of the Advisory Group, I would like to thank the Government Working Group and the Department of Justice, in particular Dr Philip O'Meara and Ms Rebecca Hiscock, for their professional support and advice.



Richard Wynne MP  
Parliamentary Secretary, Justice  
Chairperson, Attorney-General's Street Prostitution Advisory Group  
April 2002

## EXECUTIVE SUMMARY

The Attorney-General's Street Prostitution Advisory Group (the Advisory Group) believes that the current operation of the street sex industry in the City of Port Phillip is untenable and requires immediate reform.

Street prostitution, as it currently operates, has both visible and tangible impacts on the City of Port Phillip community. In peak times, street sex workers on the footpaths of St Kilda are commonplace, while the roads are crowded with clients looking to pick up. With few viable alternatives, workers and clients often have sex in the parks, lanes and streets of St Kilda and Elwood. Often homeless and/or regular drug users, street sex workers are frequently the victims of abuse, assault or rape. Policing strategies have not curbed street sex activity and, instead, have moved it to other nearby streets. Some residents feel powerless to address the issue of street sex work in their neighbourhood. The current situation is unacceptable to residents, traders and street sex workers alike.

Appointed in March 2001 to examine the issue of street sex work in the City of Port Phillip, the Advisory Group has sought to:

- Increase the safety of the community (including street sex workers).
- Create opportunities for workers to leave the industry.
- Facilitate community management of street prostitution issues.

In September 2001, the Advisory Group released its Interim Report that contained a package of proposals for public consultation. It engaged in extensive public consultation in the ensuing two months. Building on the feedback received during consultation, this report outlines a program of reform to increase community safety in the City of Port Phillip.

The Advisory Group's position has been informed by a thorough review of community and governmental approaches to the issue of street prostitution in jurisdictions throughout the world. Prohibitionist strategies have failed to limit street sex activity or its impacts on the community. Similarly, morality statements have achieved nothing for those most affected: street sex workers and residents. Conversely, international and Australian experiences suggest that street sex work can be reduced and managed if law enforcement strategies are combined with a harm minimisation approach.

The Advisory Group seeks to use law enforcement strategies to manage and, where possible, reduce street sex work in the City of Port Phillip to the greatest extent possible, while providing support and protection for residents, traders and workers. It proposes a harm minimisation approach to create opportunities for street sex workers to leave the industry and establish arrangements under which street sex work can be conducted without workers and residents suffering violence and abuse. The Advisory Group proposes united community action to address a complex local issue. For this reason, it rejects the decriminalisation of street sex work, as it would provide a statewide response to a local community issue. Instead, the Advisory Group recommends the implementation of a comprehensive package of measures to effectively address the harms caused by street prostitution in the City of Port Phillip.

A two-year trial of tolerance areas and the establishment of street worker centres represents the foundation of the package proposed by the Advisory Group. Tolerance areas would provide defined geographic zones in which clients could pick-up street sex workers. The areas would be selected following rigorous scrutiny of appropriate locations by the City of Port Phillip, and a comprehensive process of community consultation. Tolerance areas would be created as a Local Priority Policing initiative and enshrined in an accord. Ongoing monitoring

would be undertaken by the City of Port Phillip Local Safety Committee. Street worker centres would provide safer and more secure facilities in which workers could service clients. The establishment of tolerance areas would address issues relating to the collection of street sex workers. Residential streets are often dark and can be dangerous for street sex workers. The creation of street worker centres would reduce the incidence of public sex and the risk of workers being assaulted. The Advisory Group supports the adoption of a suite of ancillary recommendations that would provide additional resources for police and enhanced welfare, amenity and diversion services for clients.

Street sex workers could pick up clients in tolerance areas. They would also be supported by extra welfare and amenity services, such as increased access to outreach, showers, toilets, water and safe sex resources. Street sex workers wishing to exit the industry would be offered a full range of appropriate support services. Street sex workers operating outside tolerance areas would be subject to the current criminal laws relating to loitering, soliciting and offensive behaviours. In addition, street sex workers may also be referred by police into a diversion program to address related problems such as drug dependency, homelessness, and mental and sexual health.

Street sex work clients found operating outside tolerance areas would be the focus of intense police scrutiny. Police would be able to issue infringement notices (on-the-spot fines) to clients that commit affronting propositioning behaviours outside tolerance areas. Police would also be able to issue infringement notices to sex tourists for annoying and/or nuisance behaviour, both inside and outside tolerance areas.

The Advisory Group advocates a range of measures to ensure the community is engaged and consulted throughout the reform process. In addition to the ongoing monitoring group, residents and traders would have the opportunity to seek feedback via the council ASSIST telephone line and regular community consultation sessions. Moreover, the two-year trial of tolerance areas and street worker centres would be subject to an independent evaluation to assess their effectiveness in increasing community safety. At the end of the two-year period, and in light of the evaluation, consideration would be given to whether or not the operation of tolerance areas and street worker centres should be altered, abandoned or made permanent.

At the community forum held on 24 October 2001, the Advisory Group was told by residents, traders and street sex workers that the current situation is unacceptable and action must be taken to address it. The Advisory Group agrees wholeheartedly. Reform is not just an option. It is a necessity if increased community safety is to be achieved. No single organisation, such as the City of Port Phillip, can address the issue of street prostitution by itself. Street prostitution is a cross-jurisdictional issue. The Advisory Group seeks the commitment of state and local government, Victoria Police, welfare service providers, the sex industry and the community to build a safer community in the City of Port Phillip.

## KEY RECOMMENDATIONS

Listed below are the key recommendations made by the Attorney-General's Street Prostitution Advisory Group. A series of more detailed explanatory recommendations can be found in chapters 6 to 10.

### Key recommendation 1: Establishment of tolerance areas

That geographic areas (tolerance areas) be established in the City of Port Phillip in which police resources would not be targeted at persons loitering and soliciting for the purposes of prostitution (as defined under sections 12 and 13 of the *Prostitution Control Act 1994*). Instead, police resources and strategies should target loitering and soliciting offences in locations outside tolerance areas.

Tolerance areas should be established for a trial period of two years, during which an ongoing independent evaluation should take place.

For further details, please see p. 48.

### Key recommendation 2: Establishment of street worker centres

That safe and secure venues be established in the City of Port Phillip for street sex workers to service clients. These facilities, to be known as street worker centres, should be established under a new definition in the *Prostitution Control Act 1994*.

For further details, please see p. 57.

### Key recommendation 3: Additional resources for enforcement

That the need for an appropriate level of resources – to be assigned to address street prostitution issues and ensure a greater presence in the City of Port Phillip – be brought to the attention of Victoria Police command.

For further details, please see p. 63.

### Key recommendation 4: Sanctions for clients and sex tourists who commit affronting, and/or nuisance behaviours

That the Department of Justice consult with Victoria Police and the City of Port Phillip to further develop:

- An offence that prohibits affronting language and/or behaviour in a public place; and
- An expansion of existing nuisance-type offences that regulate traffic-related behaviour (eg. hooting, noise, cruising, littering from a motor vehicle).

The offences will be punishable by infringement notices, issued by members of Victoria Police.

For further details, please see p.66

**Key recommendation 5: Child prostitution unacceptable**

**That child street sex work is unacceptable and should not be permitted in any circumstances. Child street sex workers would therefore not be allowed to operate in tolerance areas or street worker centres. If this occurs, police should follow established protocols and notify the Department of Human Services Child Protection and Care Unit.**

**For further details, please see p. 67.**

**Key recommendation 6: Diversion options for street sex workers**

**That the Collaboration Care and Innovation diversion model successfully operating in the City of Yarra be expanded to the City of Port Phillip and adapted to meet the specific needs of street sex workers.**

**For further details, please see p. 72.**

**Key recommendation 7: Educative and communications strategy**

**That a comprehensive educative and communications strategy be implemented. This should entail the appointment of a police liaison officer, a peer education program for street sex workers, the establishment of a support services coordination group, and the creation of a mechanism through which the community can provide feedback on local street sex issues.**

**For further details, please see p. 73.**

**Key recommendation 8: Improved amenity and support services**

**That amenity, resource and welfare support services be expanded and enhanced for residents, traders and street sex workers. A comprehensive package of services should offer targeted street cleaning, improved access to public toilets, and a full range of support services (including access to exit and retraining programs) for street sex workers.**

**For further details, please see p. 78.**

**Key recommendation 9: A transparent process**

**That, in order to ensure transparency and continued public confidence, the implementation and operation of the Advisory Group's proposals be subject to ongoing monitoring and community consultation, in addition to an independent evaluation.**

**For further details, please see p. 84.**

## OUTLINE OF THE REPORT

This report presents an analysis of issues in relation to street prostitution in Victoria, and a package of recommendations to improve community safety in the City of Port Phillip.

Chapter 1 outlines the background of the Attorney-General's Street Prostitution Advisory Group, its composition, and the processes through which it has developed its recommendations.

Chapter 2 explores the range of government responses to street prostitution adopted in other jurisdictions, both in Australia and overseas. It discusses the different law enforcement and social strategies employed, and their relative success in addressing street prostitution issues.

Chapter 3 gives a brief history of street prostitution in Victoria and, in particular, St Kilda. It describes government attempts to address the issue, and features an outline of prostitution law today in Victoria.

Chapter 4 provides the social context for understanding street prostitution issues. In particular, it examines research on the key players in street prostitution – workers, clients and pimps – and presents an analysis of the behavioural aspects of the practice.

Chapter 5 draws together the threads of available knowledge about, and strategies addressing, street prostitution. It explains what the Advisory Group has learned about the issues, and the philosophical assumptions it has adopted in developing its recommendations. The group's objectives are also explained in detail.

Chapter 6 explores issues regarding the location of street sex work in the City of Port Phillip. It presents a set of recommendations that aim to remove street prostitution from residential areas and provide alternative locations for collection and servicing to take place.

Chapter 7 outlines current issues in relation to the behaviour of street sex workers, clients, sex tourists and pimps. Its recommendations contain a number of strategies to address the nuisance behaviours that impact on the safety and amenity of the neighbourhood.

Chapter 8 discusses existing problems in communications between key stakeholder groups and proposes a series of measures to ensure better coordination and information exchange.

Chapter 9 describes the current amenity and provision of support services in the City of Port Phillip. It features a series of recommendations to improve community facilities and services, for residents, traders and street sex workers.

Chapter 10 outlines the way forward. It explains the need for transparency, ongoing community consultation and the conduct of an independent evaluation to assess the effectiveness of the Advisory Group's reforms.



# **1 THE ATTORNEY-GENERAL'S STREET PROSTITUTION ADVISORY GROUP**

In response to community concern about the unacceptable levels and location of street prostitution in the City of Port Phillip, the Attorney-General, The Hon. Rob Hulls MP, recognised the need for action and established the Attorney-General's Street Prostitution Advisory Group (Advisory Group) in March 2001. The Advisory Group brought together those most affected by street prostitution with those best equipped to address the issue. The Parliamentary Secretary for Justice, Richard Wynne MP, was appointed Chair of the Advisory Group.

The Advisory Group comprises representatives from:

- The Australian Labor Party, the Liberal Party and the National Party.
- City of Port Phillip.
- Victoria Police.
- Residents' groups.
- Traders' groups.
- The sex industry.
- Welfare support agencies.
- Department of Justice.

A full list of Advisory Group members can be found at appendix A.

A Government Working Group, comprising public servants with relevant expertise, was also established to provide detailed briefings and options to the Advisory Group. Working Group members were drawn from:

- The Department of Justice.
- The Department of Premier and Cabinet.
- The Department of Human Services.
- The Department of Infrastructure.
- Victoria Police.
- The City of Port Phillip.

## ***Scope of the Advisory Group's work***

The Advisory Group was asked by the Attorney-General to develop local solutions for a serious local issue. In particular, the Advisory Group was asked to prepare a report that:

- Identifies key concerns about street prostitution.
- Identifies options to address concerns, emphasising community safety and harm reduction.
- Makes recommendations to the government concerning how it should respond to concerns both in the short term and the long term, including any financial implications of the proposals.

The full terms of reference can be found at appendix B.

## ***Interim Report***

The Advisory Group met on 11 occasions between March and September 2001 (further details can be found at appendix C) before delivering its Interim Report to the Attorney-General in September. The Attorney-General welcomed the contribution made by the

Advisory Group and released the Interim Report for public consultation. The Interim Report contained a package of measures that aimed to address the serious social harm caused by street prostitution in the City of Port Phillip. The recommendations made in the Interim Report can be found at appendix D.

## *Consultation*

The consultation period opened on 21 September 2001 and closed on 16 November 2001. During this time, the Advisory Group sought feedback from the community on its proposals. Residents, traders, street sex workers and other stakeholders were given a number of opportunities to contribute to the debate, including:

- A community forum.
- Individual consultation sessions.
- Discussions with street sex workers.
- Confidential written submissions received by mail and email.

The Advisory Group received considerable feedback from residents, street sex workers and stakeholder organisations. At the community forum held at St Kilda Town Hall on 24 October 2001, a number of questions were asked of the Advisory Group. Responses to the key questions asked can be found at appendix E.

Issues arising from verbal and written submissions were considered at length by the Advisory Group in the preparation of this report. This report refers to comments made in submissions received during consultation. Comments, references and quotations have been reproduced only with the express permission of submitters.

The Final Report presents a discussion of the views of the Advisory Group, its recommendations, and an explanation of the assumptions that inform its approach.

## 2 STREET PROSTITUTION: APPROACHES ADOPTED IN OTHER JURISDICTIONS

These women stand in the street and are sexually aggressive to men and abuse women. There are condoms everywhere. They are having sex in cars and even in the entrances to our homes. And this is at 6 p.m. or 7 p.m.

(Resident of Madrid, Spain)<sup>1</sup>

Street prostitution has also been identified as a major nuisance problem ... Residents and businesses have voiced concern over the noise and traffic as well as the associated drug trade and its violence. In residential neighbourhoods, people are offended by street prostitutes who openly solicit customers. Residents and their children may be exposed to litter from both the sex and drug trades and to intrusions onto their property.

(1998 Canadian report)<sup>2</sup>

Residents of St Kilda could be forgiven for thinking that the above quotes describe their own neighbourhood. But they do not. They describe a global social issue. The quotes are, as indicated, drawn from Spain and Canada where the extent and nature of street sex work has presented a range of problems for local communities. Indeed, street prostitution can be found in small to large cities across the globe, irrespective of political systems, religion or moral code. However, despite its ubiquitous presence, governments have sought to address the issue in a number of different ways, with varying success.

The Advisory Group has reviewed the experiences of, and approaches taken by, other jurisdictions. The Advisory Group's view has thus been shaped by the successes and failures of strategies employed by governments around the globe. Below is an overview of these approaches, arranged by continental region. The overview has been developed from available sources and is far from exhaustive.

### *International*

#### **United Kingdom**

Australian approaches to the issue of street prostitution are more closely reflected in the United Kingdom than in other European jurisdictions. Largely unaltered since the nineteenth century, the state response has been the criminalisation and prohibition of all forms of prostitution, including brothels. The focus of law enforcement has been primarily on female workers and, occasionally, pimps. Since 1985, clients have been placed under increasing scrutiny, though rarely to the same extent experienced by street sex workers. Prostitution is not illegal as such, but ways of pursuing the activity are, such as through the pick-up, or assisting, controlling or profiting from prostitution.<sup>3</sup> Loitering and soliciting are illegal and a system operates where workers receive two cautions before being charged with an offence.<sup>4</sup>

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<sup>1</sup> *The Daily Telegraph*, 11 December 2000.

<sup>2</sup> Federal/Provincial/Territorial Working Group on Prostitution 1998, *Report and recommendations in respect of legislation, policy and practices concerning prostitution-related activities*, Canadian Department of Justice.

<sup>3</sup> Edwards, SSM 1993, 'England and Wales', in Davis, NJ (ed), *Prostitution: an international handbook on trends, problems, and policies*, Greenwood Press, London, pp.108–15.

<sup>4</sup> Sharpe K 1998, *Red light, blue light: prostitutes, punters and the police*, Ashgate, Aldershot, p. 151.

Despite these law enforcement tools, prostitution and, in particular, street prostitution, has been an ongoing policing issue. Police prosecutions for streetwalking more than doubled during the 1980s, with estimations that 14,000 women come into direct contact with police for street walking offences each year. Of these, two-thirds receive a caution.<sup>5</sup> The rise of street walking offences occurred as a backdrop to welfare cuts made by the Thatcher government. Pockets of street prostitution activity in north, south and central London have been a concern to local communities and social policy makers in the past 20 years. In addition, large regional cities have also confronted the issue of street sex work.

In Sheffield, the local authority has considered a range of approaches to address the issues presented by its 260 street sex workers. In 1997, it tried to establish a tolerance zone to 'prevent prostitutes and kerb crawlers harassing innocent people'.<sup>6</sup> However, the plan was abandoned after complaints from residents whose homes bordered the area. More recently, Sheffield has developed a comprehensive range of exit strategies including drug treatment, housing assistance, money advice and protection from pimps. Local police noted that 'police operations only bring short-term solutions and we are now working with other agencies to address the roots of the problem'.<sup>7</sup>

The Birmingham City Council is currently considering a proposal to establish a 'safety zone' or 'zone of tolerance' for street sex work. A decision has not yet been announced, and it seems likely that the issue will be referred to a national body for broader consideration by other major cities.<sup>8</sup>

Street prostitution is also an issue of concern in Manchester and Liverpool where police have recently focused attention on the clients. Manchester police have reported decreases in crime following a campaign of naming and shaming kerb crawlers. However, it is unclear whether this has resulted in less street sex activity or displacement to other areas. In addition, the move to prosecute clients has resulted in street sex workers venturing into quieter and more dangerous locations to secure work.<sup>9</sup>

Despite soliciting being illegal, street prostitution in Edinburgh, Scotland has, until recently, successfully operated in a designated tolerance zone for over 20 years. The tolerance zone (in which street workers could loiter and solicit clients) was established by local arrangement to minimise the extent to which residents and traders were affected by street sex work. In recent years, warehouses have given way to residential redevelopment in Coburg Street and residents rallied for the removal of street sex work from the neighbourhood. However, an attempt to move the tolerance area to nearby Salamander Street failed when residents protested against the plan.<sup>10</sup> Consideration is now being given to developing legislation under which local authorities could designate areas within their boundaries inside which it would be legal to solicit.

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<sup>5</sup> Edwards, S in Davis NJ, op. cit.

<sup>6</sup> *Daily Telegraph*, 10 July 1997.

<sup>7</sup> *The Guardian*, 7 March 2001.

<sup>8</sup> Birmingham City Council 2001, *Policy panel discusses paper on prostitution*, media release, 17 May.

<sup>9</sup> *The Guardian*, 29 January 2001.

<sup>10</sup> *The Herald*, 12 October 2001.

## The Netherlands

A more permissive approach has traditionally been employed in the Netherlands. While prostitution itself has always been legal, offences relating to pimping and facilitating prostitution have been enforced.<sup>11</sup> Prostitution has been defined as a legal profession since 1988 and, more recently, brothels have been legalised, making them subject to the same health and safety standards as other workplaces.<sup>12</sup>

In urban areas, prostitutes work as call girls, behind windows in red-light districts, in brothels or sex clubs, or as street prostitutes.<sup>13</sup> As is the case in a number of countries, particularly where prostitution is legal, the number of workers (predominantly women) engaging in prostitution is unknown. However, estimations suggest that there were about 40,000 prostitutes working in the Netherlands in 1993, many of whom are illegal immigrants. This number has increased significantly since the 1970s when heroin entered the Dutch drug market. It was thought that approximately 5 per cent of workers operate on the streets.<sup>14</sup>

In addition to the legal framework outlined above, different regions are also able to create laws in relation to prostitution to address local markets in the most appropriate manner. This means variations in the approach to sex work exist throughout the country. In Utrecht and Amsterdam, the local government has assigned *gedoogzones* (areas where prostitution is tolerated). Prostitutes sometimes take clients to *peeshotels* – cheap hotel rooms – known for prostitution activities.<sup>15</sup>

Where street prostitution impacts on residential neighbourhoods, prostitutes are the focus of police scrutiny and are often charged with disturbing public order.

## Germany

Prostitution has been a recorded feature of German life for many centuries. Like the Netherlands, Germany accepts the existence of prostitution and seeks to control its impacts on the community. Germans consider prostitution to be a social issue first and a police issue second. Policing practices emphasise keeping residential areas free of prostitution and preventing prostitution-related crime. Prostitution is not a crime in itself, but regulations and restrictions apply to virtually all forms of it. It has been technically legal since 1927 and is now subject to public health laws, tax laws, and a variety of business regulations. The operation of a brothel and procurement are, however, illegal.<sup>16</sup>

German law enables individual jurisdictions (of up to 20,000 people) to declare the area a prostitution-free zone. Larger jurisdictions may declare part of the community a prostitution-free zone. Once such a declaration has been made, prostitutes can be prosecuted for disregarding a community zoning ordinance, which attracts penalties of up to six months imprisonment. In practice, most large German cities restrict prostitution to non-residential areas. In Munich, around 48 per cent of the city is completely off limits to any form of prostitution and street prostitution is allowed only in a small section of the remainder. Where street prostitution is permitted, the designated zones consist of streets or parts of streets that are available to prostitutes either throughout the day or during specified times at night.

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<sup>11</sup> Sterk-Elifson, C & Campbell, CA 1993, 'The Netherlands', in Davis, NJ, op. cit., p. 192.

<sup>12</sup> *Daily Telegraph*, 5 November 2000.

<sup>13</sup> Sterk-Elifson, C & Campbell, CA, op. cit.

<sup>14</sup> *ibid.*

<sup>15</sup> *ibid.*

<sup>16</sup> Jolin, A 1993, 'Germany', in Davis, NJ, op. cit., pp. 129–45.

In addition, some German cities provide locations for workers to service their clients. For instance, the Eros Centre in Hamburg opened in 1967 and operates as a place for street workers to take their clients. However, it is reportedly expensive, and costs the worker about one-fifth of a day's earnings. As a consequence, not all workers use it. These centres are being set up throughout the former East Germany and are increasingly makeshift and feature rows of camper-trailers.

Throughout Germany, a number of welfare support and exit programs exist, colloquially known as 'resocialisation' programs. In Hamburg, different welfare agencies provide emergency shelters, support referrals and counselling and, in Berlin, there is an assistance program for juvenile sex workers.

## Hungary

Hungary has a significant population of sex workers, numbering some 16,000, half of whom are located in Budapest. Local authorities have recently been given the power to designate tolerance zones in which street sex work is permitted. However, as no tolerance zones have yet been designated, and police are currently prosecuting all workers for operating outside the (yet to be established) permitted areas.<sup>17</sup> The only exception to this was the creation of a five-day tolerance zone at the location of the Hungarian Formula 1 Grand Prix.<sup>18</sup>

## The United States of America

Unlike many European countries, the USA has traditionally adopted a strong law enforcement approach to prostitution, especially its most visible form, street sex work. Though laws varied from state to state, prostitutes were, until relatively recently, prosecuted for vagrancy. Very few states had laws to, or did in fact, prosecute clients. Most states implemented specific anti-prostitution laws during the 1920s and 1930s. By the early 1970s, prostitution and related crimes were totally illegal in the USA, with the exception of a handful of Nevada counties where brothels are permitted. Pimping, pandering and procuring are illegal.<sup>19</sup>

It is not known how many prostitutes are working in the USA, but some estimates have suggested a figure of several hundreds of thousands.<sup>20</sup> Throughout the USA, street workers are the principal focus of police attention, and few sanctions are applied to clients and operators of illegal brothels. While street workers make up only about 10–20 per cent of all prostitutes, they account for an estimated 85–90 per cent of all prostitute arrests.<sup>21</sup>

Across the USA in the last 20 years, a number of inner city areas have been undergoing urban renewal. As a consequence, street prostitution has been displaced into neighbouring areas. This has caused changes in the way in which street prostitution occurs in larger cities:

When prostitutes were able to live in and use single-room occupancy or cheap hotels for sexual encounters, there was some privacy, a place to lie down, and a bit of time. All these things conditioned the sexual act. Sex as it occurs in the fringe areas is more likely to take place in alleys, doorways, and cars.<sup>22</sup>

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<sup>17</sup> *The Washington Post*, 3 April 2000.

<sup>18</sup> BBC News World Service, 12 August 2000.

<sup>19</sup> Miller, EM, Romensko, K & Wondolkowski, L 1993, 'The United States', in Davis NJ, op. cit., pp. 300–26.

<sup>20</sup> *ibid.*

<sup>21</sup> *ibid.*

<sup>22</sup> *ibid.*

This is reminiscent of contemporary St Kilda where the collection points for street sex work have moved, and the number of private rooms available for servicing have decreased.

Approaches to street prostitution have varied significantly from one city to the next. Zones of tolerance have operated with some success in Boston, New York and Phoenix.<sup>23</sup> However, the majority of states have, in the past 20 years, sought to increase control over street prostitutes, particularly through the enactment of local ordinances relating to loitering. Authorities can then arrest any person of a particular category (for example, prostitute) if they repeatedly attempt to engage passersby in conversation or beckon them.<sup>24</sup>

Portland, Oregon introduced prostitution-free zones in 1995. In areas which the city council nominate as prostitution-free zones, people taken into custody for prostitution-related activity within these zones are excluded for 90 days. If they are convicted, they are excluded for an additional year. If police find them in the area during that time, they can be arrested for trespassing.<sup>25</sup>

Similarly, Buffalo has sought to tackle the issue of street prostitution. In response to community concern, the Prostitution Task Force was formed in 1995 to examine the issues and recommend action. The adoption of a strategy that emphasised law enforcement, including the referral of prostitutes with drug-use issues to the Magdalene Program and clients to John Schools (diversion programs), reduced activity for a short time before it increased again. This law enforcement focus on clients was found to achieve some immediate improvement.<sup>26</sup> However, these punitive measures and a range of shaming strategies employed across American and Canadian jurisdictions (such as billboards warning off clients, sentences requiring convicted clients to pick up discarded syringes and condoms, and television programs featuring the names, photographs and addresses of convicted clients), have not been proven to decrease recidivism rates among clients as they are already very low.

San Francisco has, in contrast, attempted to take a more liberal approach to the issue in the last decade. A task force was appointed in 1994 and asked to consider all options for prostitution law reform. Reporting in 1996, the task force suggested that law enforcement approaches to street prostitution make it difficult for workers to leave the industry, and difficult for those who want to remain in it to claim their civil and human rights. It recommended that city departments stop enforcing and prosecuting prostitution crimes and, instead, focus on quality of life infractions (noise, littering and trespassing). Further, it recommended that funds be redirected from prosecution, public defence and court time to support services for the needy.<sup>27</sup> An increased focus on the clients (as opposed to sex workers) has reportedly been effective in managing street sex activity in recent years.<sup>28</sup>

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<sup>23</sup> Buffalo Prostitution Task Force 1999, *Report from the Workable Solutions Committee*.

<sup>24</sup> Miller, EM, Romensko, K & Wondolkowski, L, op. cit.

<sup>25</sup> Buffalo Prostitution Task Force, op. cit.

<sup>26</sup> *ibid.*

<sup>27</sup> San Francisco Task Force on Prostitution 1996, *Final report*, submitted to the Board of Supervisors of the City and County of San Francisco, California, summary of recommendations.

<sup>28</sup> Buffalo Prostitution Task Force, op. cit.

## Canada

Canadian approaches to the issue of prostitution have been similar to those south of the border. Prostitution has been prominent in Canada since the nineteenth century. In the early twentieth century, the prostitution trade was located in 'restricted' or 'segregated' districts. For the most part, police efforts have been designed to contain prostitution in certain areas and keep its visibility to a minimum.<sup>29</sup>

Prostitution is technically legal in Canada, although laws prohibit almost all related activities. Offences traditionally related to procuring and living off the avails of prostitution, bawdy houses (brothels), and the purchase of sexual services from youths and children. Police and public alarm at street prostitution grew in the late 1970s and early 1980s as the laws pertaining to street sex work were, at the time, in disuse in most of Canada. Since then, government-appointed committees have regularly revisited the subject. In 1985, the Canadian Government introduced the 'communicating law' that made it an offence for persons to communicate in public for the purpose of buying and selling sexual services.

After the introduction of the communicating law, charges increased from a few hundred in the early 1980s to over 9000 by the end of the decade.<sup>30</sup> Clients were then more liable to be charged although, in practice, only between a third and a half as many clients were charged as prostitutes. In contrast, Vancouver police decided to stop prosecuting workers in 1997 and focus on the clients.<sup>31</sup> However, street sex activity soon returned to its pre-existing levels, and cast doubts on the effectiveness of the new communicating law and a strict law enforcement approach:

There is general consensus that the communicating law, despite its initial promise, has done little to reduce the levels of street prostitution in most cities across Canada. Head counts of street prostitutes in Vancouver from November 1982 to September 1991 provide a graphic demonstration of this point.<sup>32</sup>

Other jurisdictions have focused law enforcement increasingly on the clients in the belief that they are more effectively deterred from re-offending by prosecution than workers. Toronto and Edmonton have run John Schools to inform clients about the wrongs of prostitution. Statistics show very low levels of re-offending;<sup>33</sup> however, it should be noted that levels of re-offending are very low among clients regardless.

A Federal/Provincial/Territorial Working Group on Prostitution reported in 1998 and recommended strategies to reduce community harm and increase the safety of street sex workers. The recommendations of the working group focused on community approaches such as appropriate exit programs for street sex workers, including safe accommodation, crisis intervention and counselling. In addition, the report noted mixed responses to John Schools and shaming strategies and recommended that their success be evaluated, and that individual municipalities determine whether or not such programs could assist their efforts to address street prostitution.<sup>34</sup>

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<sup>29</sup> Lowman, J 1993, 'Canada', in Davis NJ, op. cit., pp. 66–69.

<sup>30</sup> *ibid.*

<sup>31</sup> Buffalo Prostitution Task Force, op. cit.

<sup>32</sup> Lowman, J, op. cit.

<sup>33</sup> Buffalo Prostitution Task Force, op. cit.

<sup>34</sup> Federal/Provincial/Territorial Working Group on Prostitution, op. cit.



## Japan

Prostitution has been traced back to sixth century Japan. A 1985 study found that 15 per cent of prostitutes were streetwalkers, while the majority were call girls. The following are offences under Japanese law: the act of prostitution, paying a prostitute for a sexual act, loitering and soliciting, pimping, running a brothel, and trafficking in persons for prostitution. Street walking has slowly declined over recent decades.<sup>35</sup>

## Singapore

Prostitution is not illegal for workers, but it is for clients and pimps. However, there are some legal constraints on workers that relate to soliciting, brothels, and the location of activity. In practice, there are informal agreements about activity within and without six established designated red-light areas (DRAs). Brothels are only permitted in the DRAs. Workers are not permitted to solicit in the street but must do so in well-publicised bars and lounges.

Welfare support is focused on underage workers and, to a lesser extent, workers aged 18–21. Underage workers can be sent to girls' homes for up to 36 months, although home leave commences early in the treatment. Anecdotal evidence suggests that most women do return to prostitution nonetheless.<sup>36</sup>

## Taiwan

Prostitution is legalised for registered workers in brothels, however pimping is criminalised. Prostitutes cannot apply for a licence themselves and must rely on brothel owners. There are significant legal inconsistencies in this system, especially since it is technically illegal to operate a brothel. Some brothels are in an unofficial regulated zone; others are not. The number of licences is declining as the government decreed in 1974 that no new brothel licences could be awarded.

Streetwalking occurs in Taiwan, but more women are found in brothels, bars, hotels, clubs and dance halls. Streetwalkers are unlicensed and risk detention or a fine.

There is a range of intervention and welfare programs addressing prostitution issues, and many are similar to those operating in Singapore.<sup>37</sup>

## Vietnam

Prostitutes are considered victims of society and no laws exist to punish workers and clients. The focus of the law is on organised prostitution. There are estimated to be 200,000 prostitutes in Vietnam. Streetwalkers congregate in nearly 100 places in Ho Chi Min City, particularly in parks. Prostitution has become increasingly prominent with the recent adoption of harsh economic and social policies.<sup>38</sup>

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<sup>35</sup> Tomita, N 1993, 'Japan', in Davis, NJ, op. cit., pp. 177–90.

<sup>36</sup> Ong, JH 1993, 'Singapore', in Davis, NJ, op. cit., pp. 243–72.

<sup>37</sup> McCaghy, CH & Hou, C 1993, 'Taiwan', in Davis, NJ, op. cit., pp. 273–99.

<sup>38</sup> Long, NV 1993, 'Vietnam', in Davis, NJ, op. cit., pp. 327–50.

## New Zealand

Major New Zealand cities such as Wellington have significant street sex work activity in spite of laws that currently seek to suppress it.<sup>39</sup> Under New Zealand law, workers can be prosecuted for their involvement in prostitution, while clients are offered legal protection. This approach has traditionally made street sex workers vulnerable to violence, exploitation and abuse. As a consequence, workers will rarely report such offences to the police.

In 2001, a Private Members Bill was brought before the New Zealand House of Representatives for consideration. The Prostitution Reform Bill seeks to decriminalise prostitution, and include the industry within the scope of existing legislation regarding health and safety, employee relations and resource management.<sup>40</sup> The Bill has been referred to the Justice and Electoral Committee that is expected to report back to the Parliament early in 2002.

## Treaty obligations

Under International Law, a treaty is a binding agreement between countries (referred to as states or nation states) that obliges states to act in certain ways, subject to internationally agreed goals, standards and rules.<sup>41</sup> The *Vienna Convention on the Law of Treaties* defines a treaty as:

An international agreement concluded between States in written form and governed by international law, whether embodied in a single instrument or in two or more related instruments and whatever its designation.<sup>42</sup>

A treaty only becomes binding when it has been signed or ratified by the official representative of a nation state. Treaties are usually implemented in Australia through legislation introduced into state or federal parliaments, or through official government policies.<sup>43</sup>

## United Nations

Australia is a signatory to a number of treaties that have application to prostitution issues, most notably the United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). Article 6 of this Convention states that:

Parties shall take all appropriate measures, including legislation to suppress all forms of traffic in women and exploitation of prostitution in women.

Within this context, the terms 'traffic' and 'exploitation' are not defined. Federal parliament is currently considering accession to the United Nations *Protocol to prevent, suppress and punish trafficking in persons, especially women and children, supplementing the United*

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<sup>39</sup> South Sydney Council 2001, *Street sex work initiatives at work*, media release, 27 September.

<sup>40</sup> Prostitution Reform Bill 2000, Under Authority of the House of Representatives, Wellington

<sup>41</sup> Parliament of Victoria 1997, *Federal-State Relations Committee first report on the inquiry into overlap and duplication*, October 1997, Victorian Government Printer, Melbourne

<sup>42</sup> United Nations 1969, *Vienna Convention on the Law of Treaties*.

<sup>43</sup> Parliament of the Commonwealth of Australia 1995, *Trick of treaty? Commonwealth power to make and implement treaties. Report by the Senate Legal and Constitutional References Committee*, Senate Printing Unit, Parliament House, Canberra.

*Nations Convention Against Transnational Organized Crime*, which obliges nation states to establish policies, programs and measures to prevent and combat people trafficking, and to protect victims of trafficking from revictimization. The measures to be adopted include research, information, media campaigns and social and economic initiatives. This protocol defines ‘trafficking in persons’ as:

The recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.<sup>44</sup>

The federal government is also currently considering accession to the United Nations *Optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography*. This protocol obliges nation states to, among other things, ‘adopt or strengthen, implement and disseminate laws, administrative measures, social policies and programmes’<sup>45</sup> that criminalise the sale and sexual exploitation of children, including ‘offering, obtaining, procuring or providing a child for child prostitution’.<sup>46</sup>

CEDAW does not oblige nation states to prohibit prostitution in and of itself, only when it occurs in circumstances of exploitation, such as forced prostitution.

The Advisory Group believes that forced prostitution, child prostitution and pimping are unacceptable in any circumstances, and supports the goals of the treaties detailed above.

## **AUSTRALIA**

The Advisory Group’s view has also been informed by the approaches adopted by other Australian jurisdictions. Below is a brief outline of the legal frameworks established by other Australian state and territory governments, and their success in addressing the issue of street prostitution.

### **Queensland**

Queensland law has, until recently, criminalised almost all forms of prostitution. Prior to 1999, brothels, escort agencies and street prostitution (for both workers and clients) were illegal in Queensland. Pimping and procuring were also punishable by law. Only a private sex worker operating from their own premises could do so legally in Queensland.

Despite this strong law enforcement focus, similar to the approach adopted by many North American governments, an illegal sex industry flourished throughout the 1970s and 1980s that included a sizeable population of street prostitutes in Brisbane’s inner suburbs. The Fitzgerald Report, released in 1989, found connections between the sex industry, organised crime and police corruption, and recommended the establishment of a regulated system of prostitution. This view was supported by a 1991 Criminal Justice Commission report into the

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<sup>44</sup> United Nations 2000b, *Protocol to prevent, suppress and punish trafficking in persons, especially women and children, supplementing the United Nations Convention Against Transnational Organized Crime*.

<sup>45</sup> United Nations 2000a, *Optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography*.

<sup>46</sup> *ibid.*

subject. However, in rejecting the recommendation relating to the sex industry, the Goss government passed legislation in 1992 toughening penalties for procuring and street prostitution.<sup>47</sup>

The introduction of these laws failed to adequately address the large illegal sex industry in Queensland. Consequently, the Beattie government passed the *Prostitution Act 1999* that broke with Queensland traditions in relation to prostitution and established a system for regulated brothels. While escort agencies and street prostitution remained illegal, small brothels were able to be set up in non-residential areas under a planning and licensing scheme similar to that operating in Victoria.<sup>48</sup> More recently, legislative changes enabled police to use 'move-on' powers in areas where street prostitution takes place.<sup>49</sup>

## Western Australia

Until recently, the legislative approaches employed in Western Australia and Queensland shared many similarities. Prior to the passage of legislation in 2000, the majority of activities associated with prostitution were illegal in Western Australia. These included keeping a brothel, working in a brothel or on the street, pimping and procuring. It was not illegal for clients to loiter or solicit for the purpose of prostitution. Like Queensland, it was legal for sex workers to operate from their own home.<sup>50</sup>

Despite the existence of long-standing sanctions to combat its presence, prostitution has been common in Western Australia since the time of the gold rush in the late nineteenth century. Brothels have operated widely in the state and have, in recent times, been subject to an unofficial policy of containment. This involves sex workers registering with police and undergoing regular health checks. While nine brothels are allowed to operate under the containment policy, it is believed that up to 60 more continue to operate illegally.<sup>51</sup> In addition, street prostitution has, in recent years, been a significant problem for residents of inner Perth suburbs. Residents have sought action to stop an estimated 40 street prostitutes working in their streets.<sup>52</sup>

Recently, the Western Australian government passed the *Prostitution Act 2000* that gives new powers to police to combat child prostitution, street sex workers and clients. There are now offences for loitering and seeking prostitution in view of, or within hearing of, a public place. This applies equally to workers and clients and makes the latter subject to prosecution for the first time. Penalties for procuring were increased, especially in relation to children. Police have also been given additional powers to restrain street sex workers from occupying familiar street collection points. If a worker is found in a particular location after previously being asked to move on, police can apply for a restraining order to limit the places the worker may go and the type of behaviour they may engage in. The penalty for breaching a restraining order is \$5000.<sup>53</sup>

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<sup>47</sup> Sullivan, B 1997, *The politics of sex: prostitution and pornography in Australia since 1945*, Cambridge University Press, pp. 208–11. See also: Gorjanicyn, K 1998, 'Sexuality and work: contrasting prostitution policies in Victoria and Queensland', in T Carver & V Mottier (eds), *Politics of sexuality: identity, gender and citizenship*, Routledge, London, pp. 180–89.

<sup>48</sup> *Prostitution Act 1999*.

<sup>49</sup> *Police Powers and Responsibilities Act 2000*.

<sup>50</sup> *Police Act 1892; Criminal Code*.

<sup>51</sup> ABC News Online 1999, *WA prostitution laws under fire*, 23 November.

<sup>52</sup> ABC News Online 2000, *WA trials new tactics to beat prostitution*, 23 March.

<sup>53</sup> *Prostitution Act 2000*.

## New South Wales

New South Wales has had the most liberal prostitution laws in Australia since the 1970s. Street sex work was decriminalised completely in 1979, which meant New South Wales was the only Australian state in which sex workers could loiter and solicit for the purpose of prostitution without fear of prosecution. This law was tightened significantly by amendments passed in 1988 that made street sex work illegal where it occurs within view of a dwelling, school, church or hospital.<sup>54</sup> With the passage of the *Disorderly Houses Amendment Act 1995*, sex industry premises such as brothels became legal. Under the new system, brothels, escort agencies and safe houses must gain planning approval from the local council, and the majority of planning approvals are granted for industrial locations. Unlike Victoria and Queensland, the operators of sex industry premises are not required to meet any licensing requirements.<sup>55</sup> Procuring remains an offence in New South Wales.

Sydney's sex industry has always been significantly larger than Melbourne's and remains so today. New South Wales' relaxed laws in relation to street soliciting have enabled local authorities to establish designated street sex collection areas through administrative agreement. Designated areas have been established in Kings Cross, Bankstown, Wollongong and Campbelltown. In particular, the designated area along Darlinghurst Road and William Street was set up in the early 1990s by agreement between the South Sydney City Council, the police and other relevant stakeholders. Street sex workers operate primarily out of business hours in defined areas outside commercial properties such as car dealers. The issue of the location of street sex work is currently being reviewed by a Working Group established by the South Sydney Council.

New South Wales's legislation enables safe houses to be established by individuals by application to the local planning authority; safe house operators are not required to be licensed. Two safe houses have operated in South Sydney in recent years. These are terrace houses with four to five rooms that are rented for around \$13–15 per half hour. A significant number of sex workers and clients seek the relative safety of a private room. Figures from New South Wales suggest that between 800 and 1000 clients are serviced every week in these safe houses. These sexual acts may otherwise occur in public places.<sup>56</sup>

Although far from an ideal model, the New South Wales scheme has reduced the impact of street sex work on nearby residential areas. However, police have recently begun trialling a new strategy to ensure street sex activity is confined purely to designated areas. This involves the police moving on workers and associates who are operating outside the zones, and this is effective for a period of up to 12 hours. Those found to have breached the move-on notice can be fined up to \$550. According to local police, the new approach is working well.<sup>57</sup>

## South Australia

South Australia's prostitution laws have remained unchanged for many years. As in many other Australian states, prostitution itself is not illegal but many of the associated activities or enabling actions are. Offences prohibit pimping, procuring and the operation of brothels. There are no laws specifically targeting escort agencies.

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<sup>54</sup> *Summary Offences Act 1988*.

<sup>55</sup> *Disorderly Houses Act 1995*.

<sup>56</sup> A small group of Advisory Group members visited Sydney in 2001 to observe the operation of designated areas and safe houses. The information detailed in this section was drawn from discussions with relevant stakeholders.

<sup>57</sup> South Sydney Council, op.cit.

Street sex work is criminalised for workers by offences for accosting and soliciting for the purpose of prostitution. Like Victoria, higher penalties apply where soliciting takes place in, or near, a place of worship, hospital, school, kindergarten or public place which children frequent. There is no specific offence for clients, although clients could be charged for consorting with a prostitute.

## Tasmania

Current Tasmanian law shares many similarities with South Australia. Laws prohibit pimping, procuring and keeping a brothel, although there is no offence for working in a brothel. The operation of escort agencies is not criminalised, nor are sole operators.<sup>58</sup> Street prostitution is illegal for workers under the *Police Offences Act 1935*; however, it is not an offence for clients.<sup>59</sup>

Tasmania's prostitution laws have been the subject of recent examination and consideration is being given to implementing significant changes. In response to stakeholder pressure, the Attorney-General established an inquiry to be undertaken by the Community Development Committee of the Parliament. This commenced in March 1999. The committee reported in late 1999 and recommended the legalisation of brothels under a strict planning and licensing scheme. It also recommended that street prostitution remain illegal, but that clients should also be prosecuted for such offences.<sup>60</sup> The report was initially referred to an inter-departmental committee and reform is now being considered by government.

## Australian Capital Territory

The Australian Capital Territory passed legislation in 1992 to legalise brothels and escort agencies. The *Prostitution Act 1992* formalised arrangements that had been operating unofficially for many years. ACT law only specifically prohibits procuring and street prostitution.<sup>61</sup> The latter applies to workers and clients. It is legal for brothels to be established in defined industrial areas such as Fyshwick and Mitchell, and escort agencies can be established anywhere.

Owners and managers are required to register business operations with the registrar of brothels and escort agencies within seven days of commencing business or risk fines of up to \$50,000. Single workers are able to operate from their own premises but are required to register with the registrar. This legal framework reportedly works well and is subject to ongoing review by a consultative committee comprising sex workers, brothel owners, the AIDS Council, the Health Department and the Australian Federal Police.<sup>62</sup>

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<sup>58</sup> *Criminal Code*.

<sup>59</sup> *Police Offences Act 1935*.

<sup>60</sup> Johnson, R & Sullivan, E 2000, 'Tasmania prepares to move from criminalisation to regulation of its sex work industry', *Australian Health Law Bulletin*, vol. 8, no. 8, pp. 97–102.

<sup>61</sup> *Prostitution Act 1992*.

<sup>62</sup> Sullivan, B, op. cit.

## Northern Territory

Prostitution laws in the Northern Territory mirror, to a degree, ACT laws. It is an offence to procure a child for prostitution, street prostitution is prohibited for workers and clients and, unlike the ACT, brothel keeping and brothel work are illegal. Only escort agency sex work is legal and agencies are required to be licensed and workers registered and certified with police.<sup>63</sup>

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<sup>63</sup> *Prostitution Regulation Act 1992.*

### 3 STREET PROSTITUTION IN VICTORIA

#### *The history of street prostitution in St Kilda*

Prostitution first arrived in Australia with the First Fleet in 1788. Colonial prostitution was common and initially confined to the penal settlements, as a relatively small number of women lived in the predominantly male convict and free settler population.

The nineteenth century saw dramatic changes to prostitution in Australia, and the gold rush and economic hardships attracted prostitutes to Victoria and the goldfields.<sup>64</sup> Throughout the nineteenth century, prostitution in Victoria was concentrated in the city. Street prostitution was conducted openly in Swanston, Collins and Bourke Streets, and Little Lonsdale Street was the site of numerous brothels and opium dens. Melbourne's brothel district extended from Lonsdale Street to Latrobe Street, and from Spring Street to Exhibition Street.<sup>65</sup>

During the 1870s and 1880s, Melbourne's first tolerance areas were created, and brothels in certain city streets were subject to selective law enforcement and allowed 'to operate freely'.<sup>66</sup> The brothels in the north-east corner of the city were tolerated because they were outwardly well conducted and orderly, and caused little disturbance to nearby residences and businesses.<sup>67</sup> While the more respectable brothels were tolerated, street prostitution in Collins Street was of particular concern. It was subject to a vehement public campaign that resulted in a targeted police effort against street prostitutes and the remaining inner-city brothels. However, it was successful only in moving prostitutes to other streets and back laneways.<sup>68</sup>

The development of Melbourne, the impact of the First and Second World Wars, economic depression and legislative change saw prostitution in the city decline and spread to the inner city suburbs such as St Kilda, Fitzroy and South Melbourne. A loophole in the criminal law allowed a sole prostitute to operate out of a house. This resulted in a number of terrace houses in Fitzroy and St Kilda becoming sole-operator brothels and prostitutes openly solicited clients from doorways.<sup>69</sup> Reports exist of prostitution in St Kilda occurring as early as the late nineteenth century, and a prostitute was arrested in Acland Street in 1886 for soliciting in public.<sup>70</sup> However, street prostitution in St Kilda was not common until the Second World War and the establishment of the army barracks at Albert Park.<sup>71</sup> As a consequence of the

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<sup>64</sup> Frances, R 1994, 'The history of female prostitution in Australia', in R Perkins, G Prestage, R Sharp & F Lovejoy (eds) *Sex work and sex workers in Australia*, University of New South Wales Press, Sydney; Perkins, R 1991, *Working girls: prostitutes, their life and social control*, Australian Institute of Criminology, Canberra.

<sup>65</sup> Winter, M 1976, *Prostitution in Australia*, Purtaboi Publications, Balgowlah NSW.

<sup>66</sup> McConville, C 1980, 'The location of Melbourne's prostitutes 1870-1920', *Historical Studies*, vol. 19, no. 74, pp. 86-98.

<sup>67</sup> 'Report re: contagious diseases 1878', cited in Arnot, M 1985, *The law and prostitution in Victoria 1834-1980: historical background paper for the Victorian Inquiry into Prostitution*, State of Victoria.

<sup>68</sup> Arnot, M 1988, 'The oldest profession in New Britannia', in V Burgmann, & J Lee (eds), *Constructing a culture: a people's identity of Australia*, McPhee Gribble, Melbourne; Mayne, A & Lawrence, S 1998, 'An ethnography of place: imagining "Little Lon"', *Journal of Australian Studies*, vol. 57; Perkins, R, op. cit.

<sup>69</sup> Arnot, M 1988, op. cit.

<sup>70</sup> McConville, C, op. cit.

<sup>71</sup> Bennett, G 1992, 'Prostitution in Victoria: the role of local government - an inner city perspective', in SA Gerull & B Halstead (eds), *Sex industry and public policy: conference proceedings May 1991*, Australian Institute of Criminology, Canberra.



Second World War and the large number of servicemen visiting and stationed in Melbourne, street prostitution increased in St Kilda. Particular public concern was expressed over the presence of street prostitutes in St Kilda Road and Fitzroy Street, and the encroachment of prostitution into the residential areas of St Kilda and Albert Park.<sup>72</sup>

In the late 1940s and early 1950s, overall prostitution levels declined as part of an Australia-wide post-war economic boom, and a reduction in the demand for prostitutes as servicemen returned home. However, while the post-war prostitution markets decreased, street prostitution levels increased as many prostitutes solicited publicly and more visibly to attract clients. Throughout the post-war period, there was considerable concern expressed about street prostitution, and male prostitution was subject to greater attention.<sup>73</sup>

The late 1950s and 1960s saw further changes to street prostitution in St Kilda. There were increased levels of street prostitution, guttercrawling and complaints of local St Kilda women regularly solicited in particular streets by men in cars.<sup>74</sup> This resulted in police blitzes and campaigns, and eventually legislative change. While in the late 1950s street prostitution still occurred in Fitzroy and South Melbourne, the number of workers in these suburbs was small. By the 1960s, street prostitution was concentrated solely in St Kilda.

Prostitution was further transformed in the 1970s and 1980s through the emergence of massage parlours. Public debates about prostitution also began to change, as the feminist movement and shifting community attitudes created an environment that permitted public debate about sex issues. During the 1970s, prostitution in St Kilda was subject to intense public scrutiny and debate. The Westaction residents group, St Kilda Residents Action Group and the Prostitutes' Action Group all campaigned for various reforms to prostitution law, or new approaches to law enforcement.<sup>75</sup> These Australia-wide social changes and public debates resulted in the decriminalisation of prostitution in New South Wales, and the introduction of a decriminalised but heavily regulated brothel system in Victoria.

### *Government approaches to street prostitution in Victoria*

Prostitution in all its forms has been governed, regulated and controlled in Australia since British settlement. The methods used and the reasons for controlling prostitution have changed over the years; however, consistent among all approaches has been the ultimate objective of eradicating or reducing the prevalence and influence of prostitution. While the majority of these approaches have failed in many respects, the history of the control of prostitution in Victoria provides important insights into the development of the current situation and the failure of many government policies.

#### **Early government approaches**

Historically, the principal response to street prostitution has been one of control and reduction by utilising the criminal law through a variety of methods and sanctions including fines and imprisonment. In the past, prostitution prohibition and control often occurred through various Vagrancy and Contagious Diseases Acts. In 1835, the New South Wales Government passed

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<sup>72</sup> Victoria, Legislative Assembly 1940, *Debates* vol. 210, pp.1585.

<sup>73</sup> Sullivan, B, op. cit.

<sup>74</sup> Victoria, Legislative Assembly 1967, *Debates* vol. 288, pp.1699.

<sup>75</sup> Johnston, D 1984, 'St Kilda voices: prostitution, one experience', in K Daniels, (ed.), *So much hard work: women and prostitution in Australian history*, Fontana Books, Sydney.

the first Australian legislation relating to prostitution.<sup>76</sup> This Act was primarily a vagrancy act, and placed within the jurisdiction of the criminal law those defined as ‘idle and disorderly’. Under this Act, a prostitute in a public place behaving ‘in a riotous or indecent manner’ was liable for up to three months imprisonment with hard labour.<sup>77</sup> In 1852, the Victorian Parliament passed similar legislation with harsher penalties of up to one year’s imprisonment for a first vagrancy offence.<sup>78</sup> Prostitutes were often charged under vagrancy offences, which carried harsher penalties than prostitution offences.<sup>79</sup>

Throughout the nineteenth century, the control of prostitution in Australia and internationally was based on health concerns and the perceived threat of venereal disease. In response to this growing concern, the Victorian Government introduced the *Public Health Conservation Act 1878*. It was based on the English *Contagious Diseases Act 1866*, and allowed police to compel a prostitute to undertake a medical examination to ascertain if they were infected with a venereal disease. Child prostitution was also of particular concern in this period. *The Neglected Children’s Act 1887* repealed the *Neglected and Criminal Children’s Act 1864* and provided that a child under the age of 16 associating or living with a prostitute could be classified as a neglected child and committed to a reformatory school. This Act was intended to be a method of preventing child prostitution; however, it was also used to separate the children of prostitutes from their mothers.

In 1891, in response to police and public pressure, the Victorian Government proclaimed two Acts with provisions for prostitution. The first was the *Police Offences Amendment Act 1891*, which broadened police powers to arrest, detain and control people behaving anti-socially in a public place. This Act also created the first prostitution solicitation offence in Victoria and prohibited a prostitute to importune ‘any person passing in any public street thoroughfare or place or within the view or hearing of any person passing therein’.<sup>80</sup> The Act also allowed magistrates to sentence a prostitute convicted of this offence to a private reform institution rather than imprisonment, but only with the consent of the prostitute. The *Crimes Act 1891* also dealt extensively with prostitution offences, and had the express purpose of the ‘Suppression of Prostitution’.<sup>81</sup> The Act created an offence for the procurement of a woman under the age of 21 to become a prostitute or to engage in ‘unlawful carnal connexion’. It was also illegal to threaten, intimidate, use false pretences, misrepresent or administer drugs to enable a person to commit unlawful carnal knowledge.<sup>82</sup> The Crimes Act also included offences for detaining a person under the age of 18 in a brothel, and created new police powers of search if it were suspected that a woman was detained for the purpose of unlawful carnal knowledge.

## Early twentieth century

In the early twentieth century, the predominant government response to prostitution focused on the protection of women and children, and the prevention of child prostitution. The *Police Offence Act 1907* legislated offences for living on the earnings of a prostitute and brothel-keeping. This Act was also part of a more general social and political effort to rid Melbourne of street and brothel prostitution. It was believed that if police arrested a prostitute’s pimp,

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<sup>76</sup> *An Act for the Prevention of Vagrancy and for the Punishment of Idle and Disorderly Persons, Rogues and Vagabonds and Incurable Rogues in the Colony of New South Wales 1835* (NSW).

<sup>77</sup> *ibid.*

<sup>78</sup> *An Act for the Better Prevention of Vagrancy and Other Offences 1852* (Vic.).

<sup>79</sup> Arnot, M 1985, op. cit.

<sup>80</sup> *Police Offences (Amendment) Act 1891* (Vic.).

<sup>81</sup> *Crimes Act 1891* (Vic.).

<sup>82</sup> Arnot, M 1985, op. cit.

then she could be saved or freed from prostitution. The Act deemed a man to be living on the earnings of a prostitute if he was 'living with or habitually in company with' a prostitute and had 'no lawful means of support'.<sup>83</sup> Children were also the target of this reform movement, and the *Children's Welfare Act 1933* amended the earlier *The Neglected Children's Act 1887* in response to a reported increase in child prostitution as a result of the Depression. This Act allowed a magistrate to remove a child from the custody of its parents if the child were found to be 'soliciting men for prostitution, or otherwise behaving in an indecent manner'.<sup>84</sup> The intention of this offence was to protect children and prevent them from entering into prostitution. It was created because it was 'in the interest of adolescent girls, and will enable action to be taken for the proper training and care of girls who may be in danger of lapsing into a life of immorality'.<sup>85</sup>

The Police Offence Act was amended in 1928 and again in 1940. The *Police Offence Act 1940* was passed in response to increasing public concern over the numbers of sole-operator brothels in Fitzroy, and the increase of street prostitution in St Kilda and Albert Park resulting from the Second World War. This Act was intended to 'provide the police with the necessary means of tackling the problem and of making residential districts in the metropolitan area safe for women and children'.<sup>86</sup> This Police Offences Act also closed the earlier loophole that allowed the single-operator brothels in Fitzroy to operate, and re-defined the offence for soliciting for the purposes of prostitution in a public place.

## Post-war initiatives

A number of reforms in the 1950s and 1960s significantly altered prostitution law. The *Police Offences (Female Offenders) Act 1954* amended the consent provision in the *Police Offences Amendment Act 1891* to enable magistrates to sentence prostitutes to reform institutions without their consent. The *Police Offences (Prostitution) Act 1957* redefined and expanded the offence for living on the earnings of prostitution to include a person exercising control over a prostitute, or 'aiding abetting procuring or compelling her prostitution'.<sup>87</sup> It also, for the first time, included the offence of loitering for the purposes of prostitution; however, this offence only applied to prostitutes, and already existed under 'the by-laws of the cities of Melbourne, South Melbourne, Fitzroy and St Kilda'.<sup>88</sup> The *Venereal Diseases Act 1958* also significantly affected prostitution law, as it compelled the general public to seek professional medical treatment for a venereal disease, and authorised the detention of prisoners with venereal disease until cured, a period that potentially could have been longer than their term of imprisonment.<sup>89</sup> This Act also contained offences preventing a person to allow a prostitute infected with a venereal disease to work on their premises.

The *Prostitution Act 1961* made several significant changes to prostitution law in Victoria, most notably including the offence of male prostitution for the first time. Previously, male prostitution was a taboo subject, rarely publicly discussed and not specifically a criminal offence. Before 1961, male prostitution was enforced through laws relating to homosexuality, sodomy and buggery. This new provision was not intended to eradicate male prostitution itself, but to increase police powers to police homosexual men, as a conviction under this section would have been easier to prove than would a conviction for sodomy or buggery.<sup>90</sup>

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<sup>83</sup> *Police Offences Act 1907* (Vic.).

<sup>84</sup> *Children's Welfare Act 1933* (Vic.).

<sup>85</sup> Victoria, Legislative Council 1933, *Debates*, vol. 192, pp. 1054.

<sup>86</sup> Victoria, Legislative Assembly 1940, *Debates*, vol. 210, pp. 1585.

<sup>87</sup> *Police Offences (Prostitution) Act 1957* (Vic.).

<sup>88</sup> Victoria, Legislative Assembly 1957, *Debates*, vol. 253, pp. 2074.

<sup>89</sup> Arnot, M, 1985, op. cit.

<sup>90</sup> *ibid.*

This Act also expanded the offence of solicitation and increased the maximum penalties and fines for a number of prostitution offences. The *Summary Offences Act 1966* included offences for prostitutes, such as loitering for the purpose of prostitution and soliciting in a public place. In 1967, an amendment to the Summary Offences Act for the first time created criminal offences for the client of a prostitute by extending the loitering provisions of the *Police Offences (Prostitution) Act 1957*. The 1967 amendments were intended to prohibit ‘guttercrawling’, and to ‘prevent young men, in the main, from seeking the gross favours of females’, which was of particular concern in the suburb of St Kilda.<sup>91</sup> The *Liquor Control Act 1968* also prevented prostitutes from congregating on licensed premises.

The next reforms to prostitution law occurred in the late 1970s and early 1980s through the *Summary Offences (Amendment) Act 1978* and the *Crimes (Sexual Offences) Act 1980*. The Summary Offences (Amendment) Act significantly increased the penalties for soliciting and loitering for both clients and prostitutes. The Crimes (Sexual Offences) Act made substantial changes to prostitution law and amended a number of other acts including the *Crimes Act 1958* and the *Summary Offences Act 1966*. It also repealed the offences relating to homosexuality and male prostitution. The offence of male prostitution was covered by a more general prostitution offence and it became a criminal offence to procure or attempt to procure a person to become a prostitute, an inmate of a brothel, or take part in sexual penetration outside marriage with a person under the age of 18 ‘in any part of the world’.<sup>92</sup> This Act also expanded the definition of rape to include rape in marriage.

## The Neave report

In 1984, after complaints to the Cain Government from community groups, residents and local councils about the proliferation of massage parlours, the Government Working Party on the Location of Brothels was established<sup>93</sup>. The working party recommended the enactment of legislation to control the brothel industry. The Cain Government responded by introducing the *Planning (Brothels) Act 1984*, which was ‘designed to control the location and operations of these premises, and to enable them to have the opportunity of obtaining proper planning permits as brothels’.<sup>94</sup> The government also undertook to conduct an inquiry into the ‘legal, health and social aspects of prostitution’.<sup>95</sup>

Marcia Neave was appointed to conduct the prostitution inquiry and was requested to report on the social, economic, legal and health aspects of prostitution in all its forms. She was also requested to make recommendations to the Victorian Government as to whether existing laws and town planning practices required amendment. The Neave report comprised a range of recommendations for the sex industry, including street prostitution, brothels and escort agencies. It made a total of 91 recommendations, including the following two general recommendations:

- That prostitution-related activities should be criminal offences only to the extent necessary to prevent harm to prostitutes and those at risk of becoming prostitutes, and to protect the community from demonstrable nuisance caused by prostitution-related activities.
- That the criminal law provisions designated to protect prostitutes should be confined to preventing the sexual exploitation of people under the age of 18 and protecting all adult prostitutes from violence, intimidation or fraud.

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<sup>91</sup> Victoria, Legislative Assembly 1967, *Debates*, vol. 288, pp. 1697.

<sup>92</sup> *Crimes (Sexual Offences) Act 1980*.

<sup>93</sup> State of Victoria 1985, *Inquiry into prostitution: final report*, Victorian Government Printer, Melbourne.

<sup>94</sup> Victoria, Legislative Council 1984, *Debates*, vol. 374, pp. 4415.

<sup>95</sup> Victoria, Legislative Council 1984, *Debates*, vol. 374, pp. 4416.

Some of the legal and policing recommendations made in the report included:

- That a provision be inserted in the *Local Government Act 1958* to enable by-laws to be made permitting street prostitution in defined areas.
- That policing practices in St Kilda should place greater emphasis on apprehension of clients of prostitutes committing offences.
- That the offence of living on earnings of prostitution be repealed, remaining an offence only when the prostitute is under 18 or is coerced by violence, intimidation and/or supply of drugs.
- That the offence of procuring for the purposes of prostitution be repealed, to remain an offence only where a person is under 18 or is coerced by violence, intimidation, supply of drugs and/or deception.
- That the offences of keeping, managing, using, or permitting premises to be used for the purposes of prostitution be repealed, and ownership and occupancy of a brothel without a permit be an offence under town planning laws.<sup>96</sup>

A number of recommendations addressed the social, economic or health concerns of prostitutes, including:

- That the Department of Health should evaluate current programs for female drug users, with a view to establishing or funding further programs.
- That the government expand public housing for young people across the state.
- That a Community Volunteer Support Scheme be established to assist prostitutes who wish to leave the profession.<sup>97</sup>

## **Prostitution Reform Act 1986**

In 1986, the Prostitution Regulation Bill was introduced into Parliament and it implemented all the legislative reform recommendations of the Neave report, except the proposal for a limited decriminalisation of street prostitution in specific defined areas. Among many measures proposed, the Bill sought to:

- Repeal criminal offences for prostitution-related activities.
- Improve town planning laws so the location of brothels could be controlled by local government.
- Propose a system for licensing operators and managers of brothels.

The Prostitution Regulation Bill was substantially amended in the Legislative Council, and the Victorian Government did not proclaim the entire Act. As a result, when it was enacted as the *Prostitution Regulation Act 1986*:

- Criminal offences for prostitutes working in brothels with permits were removed.
- Criminal offences for a person working as a prostitute either in a brothel without a permit or on other unlicensed premises (for example, a prostitute working alone would require a permit) were retained.
- The criminal offence of living on the earnings of prostitution continued to apply, with a lower penalty, and with the exception of brothels operating with a permit.
- No mechanism was established to regulate the management of large brothels.

The Prostitution Regulation Act substantially reformed prostitution in Victoria, but had no impact on street prostitution, which remained illegal and continued to occur in and throughout St Kilda.

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<sup>96</sup> State of Victoria 1985, op. cit.

<sup>97</sup> *ibid.*

## Prostitution Control Act 1994

In December 1992, the Attorney-General, Jan Wade, established a working party to review the law in relation to prostitution. The resultant *Prostitution Control Act 1994* made a number of changes to the regulation of street prostitution and prostitution in brothels. In particular, it established a Prostitution Control Board (which later became the Business Licensing Authority) to regulate the prostitution industry in Victoria. The Act provided:

- A seven-member board containing representatives with expertise in prostitution law, policing, health and community issues.
- The board with licensing authority over brothels and the increasingly prevalent escort services.
- The power to impose conditions on licences.
- Police with the right to automatic entry into any licensed operation.

The new Act also introduced different penalties for offences by street prostitutes and clients. It made prostitutes liable to maximum penalties varying between one month's imprisonment and a \$500 fine for a first offence, to six months imprisonment and a fine of up to \$6000 for repeated offences near schools, places of worship, hospitals or public places regularly frequented by children. Clients (who loiter for the purpose of being solicited by a prostitute) were also liable to maximum penalties varying between one month's imprisonment and a \$1000 fine for a first offence, to nine months imprisonment and a \$9000 fine for repeated offences near schools, places of worship, hospitals or places regularly frequented by children.

In addition, the Act contained a number of other offences connected with prostitution:

- Causing or inducing a child to take part in prostitution, obtaining payment for sexual services provided by a child, and making an agreement for provision of sexual services by a child.
- Forcing a person into or to remain in prostitution, or forcing a person to provide financial support out of prostitution.
- Living on the earnings of a prostitute (with exemptions for licensed brothel or escort prostitution).<sup>98</sup>

In 1997, the *Prostitution Control (Amendment) Act 1997* was enacted. The aims of the Act were to improve the efficiency and effectiveness of the Prostitution Control Board, the brothel and escort agency licensing system, and the operation of the Act. These amendments increased and tightened the disciplinary power of the Prostitution Control Board in relation to brothel and escort agency management and, as such, had no impact on street prostitution.

The Prostitution Control Act Advisory Committee conducted a study in 1997 into table top dancing venues, street prostitution, brothels and escort agencies. The terms of reference for the committee's investigation into street prostitution were to monitor police enforcement of street prostitution offences committed by clients and prostitutes. The committee was also to evaluate trends in street prostitution, and indicate any applicable education, health or training programs for street prostitutes to assist them to leave the industry. The committee interviewed male, female and transgender street sex workers, and representatives from welfare agencies, police, community groups and government. The report found that approximately 97 per cent of street prostitution occurs in the St Kilda area. The committee's key recommendation was that an integrated package of assistance for female street sex workers should be developed and provided by the government to assist them to leave the industry. The package included:

- Treatment and drug prevention programs providing long-term support and assisting street sex workers to exit the industry.
- Assistance to improve access to crisis and long-term housing options.

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<sup>98</sup> *Prostitution Control Act 1994* (Vic.).

- Access to employment skills, vocational training, self-esteem and life skills short courses.
- Access to dental treatment while attending drug treatment programs.
- Locally based broad health care and support services.

The committee also recommended that the Department of Human Services consider funding an exit and retraining program, and that further investigation be undertaken to examine the needs of transgender and male street prostitutes.

In 1999, following the concerns about the proliferation of illegal brothels and live sexually explicit entertainment venues in Melbourne, the government passed the *Prostitution Control (Amendment) Act 1999*, which incorporated many of the recommendations made by the Prostitution Control Act Advisory Committee's 1997 report. The Act was designed to:

- Increase the effectiveness of prosecutions against unlicensed operators of brothels.
- Ensure criminals were not involved in the prostitution industry.
- Expand the definition of 'sexual services' to include some acts occurring at sexually explicit entertainment venues.
- Regulate the advertising of live sexually explicit entertainment.

The amending Act did not adopt any of the committee's street prostitution recommendations, and made no change to laws governing street prostitution.

## **Current Victorian prostitution law**

The *Prostitution Control Act 1994* replaced the *Prostitution Regulation Act 1986*. It is worth noting that not all forms of prostitution are unlawful in Victoria. A comprehensive system of brothel and escort agency regulation is provided for under the Act and administered by the Business Licensing Authority. Part 3 of the Act sets out the licensing system for service providers. Part 4 provides the planning controls on legal brothels. In particular, under sections 73 and 74 of the Act,<sup>99</sup> rigorous criteria apply to obtain a permit and restrict the location of brothels.

Street prostitution, however, remains illegal. The following are the key provisions under the Prostitution Control Act regarding street prostitution:

- Section 10 provides a general prohibition against deriving a material benefit from the earnings of prostitution. A statutory defence is available where a person accused derives an income as a service provider of a duly licensed brothel or escort service with a permit.
- Sections 12 and 13 provide general prohibitions against soliciting and loitering for the purposes of prostitution. The provisions create street prostitution offences for both clients and workers.
- Sections 5–7 and 11 and 11A are general provisions aimed at prohibiting the involvement of children in prostitution-related activities. (Section 5 prohibits a person from causing or inducing a child to take part in prostitution. Section 6 prohibits a person from receiving payment for sexual services provided by a child. Section 7 prohibits a person from entering into any kind of agreement under which a child provides sexual services in return for payment.) Section 11 prohibits operators of premises from allowing a child to enter or remain on the premises for the purposes of taking part in prostitution. A general statutory defence is available where the accused believes on reasonable grounds that the child was aged 18 years or more.
- Sections 8 and 9 are general provisions aimed at preventing the exploitation of adult sex workers. (Section 8 prohibits a person from forcing another into or to remain in prostitution. Section 9 extends the application of section 8 to a prohibition against forcing someone to remain in prostitution to provide financial support.)

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<sup>99</sup> And Part 4 of the *Planning and Environment Act 1987*.

- Section 16 provides a prohibition against offensive behaviour toward sex workers in or near a public place.



## 4 SEX WORKERS, CLIENTS AND PIMPS

Prostitution, like sex in general, is surrounded by myths, one of which is the belief that it always involves someone else; the woman who sells sex is never our mother, our daughter, or our sister but some anonymous other who is infinitely more desperate than those we love. Similarly the man who buys sex is never our father, brother, husband or boyfriend, but another whom we do not know and may not even wish to know.<sup>100</sup>

In examining the complexities of street prostitution in the City of Port Phillip, it is important to understand the key groups around which street prostitution revolves: clients, sex workers and pimps. The illegal nature of street prostitution, the preference for quick transactions between the client and sex worker, and the desire for anonymity create difficulties in understanding street prostitution.

### *Street sex workers*

Popular images presented on the big screens often portray prostitution as a temporary course of action, where in the end the heroine finds love and happiness and suffers few, if any, enduring scars from her brief stint on the streets. Reality rarely mimics the movies; Prince Charming does not materialize and save the pretty woman working the streets. For the majority of streetwalking prostitutes, the movie reel continues, days turn into months and months turn into years; there are few, if any, ways out.<sup>101</sup>

Sex workers come from all walks of life. There is no one general profile of a sex worker: marital status, education, socioeconomic status, religion, ethnicity and personal history vary from worker to worker. The majority of street sex workers are women, and male and transgender workers form distinct and separate sub-groups. Street prostitution is the most visible of all prostitution markets, and yet it is also the market that the least is known about due to the difficulties in contacting street sex workers and the illicit nature of the industry.

A number of studies have been conducted that elucidate the lives and personal characteristics of sex workers. A demographic profile of brothel, escort, private and street sex workers in Melbourne discovered that:

- Approximately half were aged 25 years or less.
- Seventy-nine per cent were born in Australia.
- Thirty-two per cent were married or in de facto relationships.
- Thirty per cent reported injecting drug use.
- Fifty-nine per cent reported childhood abuse.<sup>102</sup>

In her research on street sex workers in Sydney, Perkins indicated that sex workers came from diverse social backgrounds, and there were approximately equal numbers of street sex workers raised in middle to high socioeconomic background as in a low socioeconomic background. However, the education level of street sex workers was lower than the education

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<sup>100</sup> McKeganey, N & Barnard, M 1996, *Sex work on the streets: prostitutes and their clients*, Open University Press, Buckingham.

<sup>101</sup> Dalla, RL 2000, 'Exposing the "pretty woman" myth: a qualitative examination of the lives of female streetwalking prostitutes', *Journal of Sex Research*, Nov vol. 37, no. 4.

<sup>102</sup> Pyett, P, Haste, B & Snow J 1994, *Profile of workers in the sex industry, Melbourne*, Centre for the Study of Sexually Transmittable Diseases with the Prostitutes Collective of Victoria

levels of private escort and brothel workers. Other Victorian studies have revealed that street sex workers, compared to brothel workers:

- Started in prostitution at a younger age.
- Remained in the industry longer.
- Were more likely to have lost custody of their children.
- Were more likely to have drug and housing issues.
- Experienced higher levels of childhood abuse than brothel workers.<sup>103</sup>

A small study conducted for the Sacred Heart Mission in St Kilda also discovered that of the women the mission came in contact with in one month, 64 per cent had experienced past or current homelessness, and at least 40 per cent had had contact with the child protection system in their childhood.<sup>104</sup>

## Personal histories

A number of studies have explored the personal histories of female street sex workers, with disturbing results. The studies conclude that sex workers suffer from high levels of drug abuse and sexual abuse. A number of American studies have highlighted the litany of violence and abuse suffered by street sex workers in their private lives. Estimates are that between 63 per cent and 77 per cent of street sex workers experienced childhood physical or sexual abuse prior to prostitution, and regular injecting drug use is reportedly as high as 72 per cent. It has also been estimated that up to 76 per cent of sex workers have had children in the child protection system.<sup>105</sup> Street sex workers also experience alarmingly high levels of victimisation while working. Studies from America and the United Kingdom report that between 61 per cent and 81 per cent of street sex workers had experienced physical assault while working, including rape.<sup>106</sup>

## Why street sex work?

The reasons why people enter into street sex work are as varied as sex workers themselves. In Perkins 1991 New South Wales study, the most common reasons given for entering the profession were to earn more money (44.5 per cent) and because they were unemployed (36.7 per cent).<sup>107</sup> A Victorian study of brothel and escort workers found similar responses, with financial necessity (79.1 per cent), flexible working hours (27.7 per cent) and unemployment (16.4 per cent) most commonly cited as reasons for entering sex work. Only 8 per cent of

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<sup>103</sup> Pyett, P & Warr, D 1999, 'Women at risk in sex work: strategies for survival', *Journal of Sociology*, August, vol. 35, no. 2.

<sup>104</sup> Mitchell, G 2000, *From exclusion to community and connectedness: a difficult, tenuous but possible path. a report on the work of the Women's Team of Sacred Heart Mission St Kilda*, Sacred Heart Mission St Kilda. Note: Not all participants in the study were sex workers.

<sup>105</sup> Nadon, S, Koverola, C & Schludermann, E 1998, 'Antecedents to prostitution: childhood victimisation', *Journal of Interpersonal Violence*, April, vol. 13, no. 2; Dalla, RL, op. cit.; Vanwesenbeeck, I et al. 1995, 'Professional HIV risk taking, levels of victimisation and well-being in female prostitutes in the Netherlands', *Archives of Sexual Behaviour*, October, vol 24 no. 5.

<sup>106</sup> Valera, R, Sawyer, R & Schiraldi, G 2000, 'Violence and post traumatic stress disorder in a sample of inner city prostitutes', *American Journal of Health Studies*, Summer, vol. 16, no. 3; Church, S et al. 2001, 'Violence by clients towards female prostitutes in different work settings: questionnaire survey', *British Medical Journal*, vol. 322, no. 7285.

<sup>107</sup> Perkins, R, op. cit.

brothel, private, escort and massage sex workers had worked on the streets. This highlights the separate nature of the street sex work scene from other sectors of the sex industry.<sup>108</sup>

Sex workers who regularly use illegal drugs often have difficulties finding work in the legal sex industry; brothels and escort agencies are reluctant to employ them as they are perceived to be unreliable, and can leave brothel and escort agency licensees open to criminal liability. Additionally, brothel and escort agencies often require sex workers to work an eight- or 12-hour shift, which can be difficult for those who regularly use drugs or have childcare commitments. The flexible working hours of street prostitution allow sex workers to work as often as necessary to support themselves. Street sex work also allows sex workers to earn more money more quickly, as clients pay for a particular service and not for an hour or half-hourly rate. Street sex workers also do not have to share their profits with a brothel or escort agency operator.

### *Victorian context*

Sections 13(1) and 13(2) of the Prostitution Control Act specifically prohibit a person from intentionally or recklessly soliciting, accosting or loitering in a public place for the purpose of prostitution. Street prostitution is predominantly conducted by women, and the majority of sex workers with charges finalised under sections 13(1) and 13(2) of the Prostitution Control Act are under 35 years of age. In total, between the years 1996–97 and 2000–01, 1359 charges have been finalised for sex workers under sections 13(1) and 13(2).<sup>109</sup>

Very little is known about male and transgender sex workers, although a recent study conducted on the male sex industry in Melbourne, Sydney and Brisbane suggests there is less drug use among male sex workers than female sex workers, and that safe sex practices are more common.<sup>110</sup> Statistics also demonstrate that the numbers of male street sex workers are significantly lower than female street sex workers. Less is known about male street sex work because of the smaller numbers of people involved. In addition, there is a greater desire for anonymity as the majority of the clients of male sex workers are men, many of whom may wish to conceal their sexual orientation.

### *Clients*

One set of beliefs, with its origins possibly located in war-time experiences, portrays clients as either single, sleazy or sailors, while another depicts the ‘typical’ client as a married man furtively seeking his ‘bit on the side’.<sup>111</sup>

Both in Australia and internationally, very little research exists on the clients of street sex workers. What is known about the clients of sex workers – also referred to in other parts of

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<sup>108</sup> Snow, J 1999, ‘Female sex workers in Victoria’, MA thesis, University of Melbourne.

<sup>109</sup> Where court statistics are cited in this report, the following counting rules apply:

- Data are a charge-based count, not a defendant-based count.
- Data relate to charges that have been finalised in the Magistrates’ Court of Victoria. A case is not finalised until all charges relating to that case have been disposed of (for example, the charge is found proven, struck out, dismissed or referred to a higher court). A charge is not finalised if it is adjourned sine die.
- Data may differ to information contained in other reports regarding the Magistrates’ Court of Victoria due to the use of different counting rules.

<sup>110</sup> Minichiello, V et al. 2000, ‘Commercial sex between men: a prospective diary-based study’, *Journal of Sex Research*, May, vol. 37, no. 2.

<sup>111</sup> Jordan, J 1997, ‘User pays: why men buy sex’, *Australian and New Zealand Journal of Criminology*, vol. 30.

the world as ‘johns’, ‘tricks’ or ‘mugs’ – is that clients are predominantly male and do not represent one specific homogenous group. Age, marital status, ethnicity, socioeconomic status and personal history vary from client to client. These factors create difficulties in law enforcement and the education of clients. The client’s anonymity is reinforced through the illegal nature of street prostitution.

Research suggests that sex worker clients are similar to the general population. They are predominantly male, young to middle-aged and often married. The available research also suggests the clients of street sex workers are distinct from the clients of brothel and escort workers, and form a discrete market. The majority of clients of prostitution access services through brothels and escort agencies, and only a minority seek street prostitution services. Even fewer clients access services from both brothel and escort agencies and street sex workers. A 1998 study administered by the MacFarlane Burnet Centre for Medical Research found that 85 per cent of sex worker clients used brothel services, whereas only 12 per cent had accessed street prostitution services.

American studies have categorised sex work clients into nine distinct types and identified that the most common type was younger men seeking sexual experimentation. Studies in the United Kingdom have also confirmed that the majority of street sex work clients are aged between 26 and 40, and are more prone to violence than brothel and escort clients.<sup>112</sup> This profile has been confirmed by recent Australian studies that have emphasised that street clients are generally younger and often from working class backgrounds, and are less likely to be ‘regulars’ than brothel or escort clients.<sup>113</sup>

A recent study of the clients of male sex workers in Brisbane, Sydney and Melbourne, acknowledged that the male sex industry is divided. Street workers primarily service men who want quick, cheap transactions, while escort agency and independent workers cater for clients who can pay higher fees or have special requirements. This presents a profile of male street sex workers’ clients as different to other clients as ‘street clients appeared to be younger, more than half were under 40 years of age, while the majority of clients (more than 50 per cent) from other sources were in their 40s or older’. There were further associations between a client’s socioeconomic status and sex worker source preference. Street clients were more likely to be of a low socioeconomic status, whereas other clients were of middle or high socioeconomic status, and more likely than other types of client to perpetrate violence.<sup>114</sup>

Section 12 of the Prostitution Control Act contains a general prohibition against loitering and soliciting in a public place by clients. Magistrates’ Court statistics of the number of charges finalised under this offence illustrate the ages of street sex work clients. The majority of the street sex work clients are between 17 and 44 years of age. In total, 973 charges have been finalised for persons charged under sections 12 (1a-d) and (2) of the Prostitution Control Act from 1996–97 to 2000–01 inclusive.

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<sup>112</sup> Stein, M 1974, *Lovers, friends, slaves – the nine male sexual types: their psycho-sexual transactions with call girls*, Berkley Publishing, New York; Vanwesenbeeck, I, et al. 1993, ‘Protection styles of prostitutes’ clients: intentions, behaviour and considerations in relation to AIDS’, *Journal of Sex Education and Therapy*, vol. 19; Matthews, R 1993, *Kerb-crawling, prostitution and multi-agency policing*, Police Research Group Crime Prevention Unit: Series Paper No. 43, Home Office Police Department, London.

<sup>113</sup> Xantidis, L & McCabe, M 2000, ‘Personality characteristics of female commercial sex workers in Australia’, *Archives of Sexual Behaviour*, April, vol. 29, no. 2; Wade, A 1992, ‘From the inside’, in SA Gerull & B Halstead, *Sex industry and public policy: conference proceedings May 1991*, Australian Institute of Criminology, Canberra; Perkins, R, op. cit.

<sup>114</sup> Minichiello, V et al. 1999, ‘A profile of the clients of male sex workers in three Australian cities’, *Australian and New Zealand Journal of Public Health*, Oct.

## Why visit sex workers?

Studies from the USA and the United Kingdom indicate the reasons why clients of sex workers purchase sex vary. They include a desire to experience emotional intimacy, the power to request specific sexual acts, the thrill of sex with a variety of women, the ability to have sex with specific types of women, unconditional sex, and the thrill or danger of illicit sex.<sup>115</sup> An Australian study also suggested clients visit street sex workers 'to fulfil certain psychological needs, such as the need for intimacy and excitement'.<sup>116</sup>

The clients of street sex workers, while not a homogenous group and representing all sectors of the male population, appear to be predominantly younger to middle-aged men. It would also appear that the clients of street sex workers have a slightly greater tendency toward violence than brothel or escort clients, and are also unlikely to use brothel or escort services. Therefore, street sex worker clients differ from the general population of sex work clients, and create a street market distinct and separate from brothel and escort markets.

The Advisory Group believes further research should be undertaken to examine the motivations of clients to visit street sex workers. This would assist the development of effective strategies to address street sex issues.

## *Pimps*

My brother lived in the area known as the 'beat' which was where the prostitutes hung out and hustled. It was around that time I first got to learn what a prostitute was and what prostitution meant ... Prostitution started to become a big topic, especially when it came to trying to emulate the older and more successful guys at pimping. At 16 I tried to get help from an experienced pimp I was close to – I wanted to get my teenage sweetheart to hustle for me. I wanted to progress and gain experience in the field of pimping and prostituting.<sup>117</sup>

Cedric (pimp)

The role, proliferation and characteristics of pimps in street prostitution are perhaps more difficult to establish than those of clients. Pimping is the practice of providing protection for or managing sex workers, in return for a large percentage of the sex workers' fees. Pimps – also known as 'spotters', 'minders' or 'ponces' – are usually male and predominantly found in the female street sex markets. Spotters, who are sometimes the boyfriend or partner of a sex worker, often provide security for sex workers. Pimps employ violence, coercion and intimidation to obtain payment from a sex worker. In Victoria, a range of offences in the Prostitution Control Act addresses pimping behaviour. These include forcing a person into or to remain in prostitution, forcing a person to provide financial support out of prostitution, and deriving a material benefit from the earnings of prostitution.

The available research and arrest statistics indicate that pimping in Australia occurs significantly less often than in other areas of the world, such as in the USA, Canada and the United Kingdom.<sup>118</sup> Pimping occurred throughout the world to a greater extent in the 1970s

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<sup>115</sup> Monto, MA 2000, 'Why men seek out prostitutes', in R Weitzer (ed.), *Sex for sale: prostitution, pornography and the sex industry*, Routledge, New York.; McKeganey & Barnard, op. cit.

<sup>116</sup> Xanditis, L & McCabe, M, op. cit.

<sup>117</sup> 'Cedric' in May, T, Harocopos, A & Hough, M 2000, *For love or money: pimps and the management of sex work*, Policing and Reducing Crime Unit: Series Paper No. 134, Home Office, London.

<sup>118</sup> Hatty, SE in Davis, NJ, op. cit.

and 1980s, when it was estimated that in cities such as San Francisco approximately 65 per cent of street sex workers were pimped. Currently, it is estimated that just under 40 per cent of female street sex workers have a pimp.<sup>119</sup> This is supported by the fact that only 23 charges have been finalised in the Magistrates' Court of Victoria between 1996–97 and 2000–01 under section 10(1) of the Prostitution Control Act.

While not common to street prostitution in Australia, the practice of pimping is still of particular concern. A study conducted in the United Kingdom for the Home Office reported that street sex workers who are pimped are 'significantly at risk of physical and emotional abuse from their pimp'.<sup>120</sup> Many sex workers are also introduced into sex work by a pimp. While pimps do not provide the only path into sex work, they do play a large role in locking people into the profession. Pimps are also often involved in other criminal activities, including burglary, violent crimes and drug dealing.

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<sup>119</sup> Silbert, M, & Pines, A in Perkins, R, op.cit.; Dalla, RL, op. cit.

<sup>120</sup> May, T, Harocopos, A & Hough, M, op. cit.

## 5 THE CHALLENGE

### *The current situation in the City of Port Phillip*

Research demonstrates that the market for street prostitution is quite different from the market for the regulated brothel and escort industry. Street sex workers are unlikely to work in a brothel or escort agency, and the clients of street sex workers rarely use brothel or escort services. Additionally, many street sex workers work on the street to support a drug dependency, while others do so because of the flexible working hours or because they are able to earn more money, more quickly. Similarly, some clients visit street sex workers to protect their anonymity and for the thrill of undertaking an illegal act.<sup>121</sup>

Members of the Advisory Group conducted two consultations with street sex workers in July and November 2001. Information was obtained from street sex workers in the consultation exercises organised by Inner South Community Health Service. The profile and activity of street sex workers was consistent with previous research.<sup>122</sup> Attending the consultations were members of all three of the different groups of street sex workers (female, male and transgender). Female sex workers represent the largest group in St Kilda and were well represented at the consultations. A number of the smaller groups of male and transsexual workers were also in attendance. Estimates by police, welfare agencies and the available statistics indicate that the women are typically aged under 35. St Kilda police estimate that there are a relatively small number of under-age sex workers on the streets.

While street prostitution has been a feature of St Kilda life since the Second World War, it has become significantly more prevalent in the past 15 years. The number of male and transgender street sex workers has remained relatively stable; however, the number of female workers has increased in recent years. In her 1985 report, Professor Marcia Neave estimated that there were, at the time, a group of around 100 female street prostitutes, and around 30 on the streets in peak periods.<sup>123</sup> St Kilda police estimate the figure today to be between 300–350 over a 12-month period, and about 50 female sex workers on the street in peak periods. From arrest statistics, the most commonly arrested women are those aged under 25, followed by women aged 25–34. A large number of street sex workers are working to support a drug dependency, and research suggests a large number are also homeless. Sex workers also suffer from difficulties in accessing assistance and services, mental health issues and poor dental health.

Prostitutes are currently working on the streets of St Kilda 24 hours a day, seven days a week. There are now established early morning and afternoon markets for street sex with clients, principally businessmen, tradesmen and taxi drivers travelling to or from work, or during their lunchbreaks. Sex workers service clients in cars, laneways, front and backyards and parks, and clients often drive their cars through residential streets and openly solicit women on the street in order to pick up a sex worker. While the levels of pimping in Australia are significantly lower than in overseas jurisdictions, the increasing number of pimps sighted on St Kilda streets is of particular concern, and there are reports of pimps intimidating street sex workers and local residents.

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<sup>121</sup> Pyett, P, Warr, D & Pope J 1999, *It goes with the territory: street sex work is risky business*, monograph no.16, Australian Research Centre in Sex Health & Safety; Louie, R et al. 1998, *Project client call: men who pay for sex in Victoria*, MacFarlane Burnett Centre for Medical Research.

<sup>122</sup> Pyett, P, Haste, B & Snow J, op. cit.

<sup>123</sup> State of Victoria 1985, op.cit.

Over the past three years, resident groups have campaigned widely for action to prevent the incursion of street prostitution into residential areas. Policing street prostitution offences is extremely resource intensive and has not been effective in controlling the spread of street prostitution into residential areas. Police strategies have successfully controlled the activity in some areas; however, this has often only displaced the activity to neighbouring streets. While street prostitution in St Kilda was once solely located in Fitzroy and north Acland Streets, it is now spreading south and is located in the residential areas of Grey, Robe, Greeves, Carlisle, Mitchell and Blessington Streets. Additionally, street prostitution can now be found in other areas of the City of Port Phillip, such as East St Kilda, Elwood and Albert Park.

## *Lessons*

Having studied the approaches adopted by international and other Australian communities, a number of observations can be made about the nature of prostitution and strategies to address it.

It is clear that prostitution is a ubiquitous presence in societies across the globe. Street prostitution is the most visible and confronting form of sex work, and it can be found in the inner suburbs of all medium to large cities across the world. Street prostitution is connected to problems such as illicit drug use and homelessness. Further, increased street prostitution activity often follows cuts to the provision of welfare support services, as was the case in Britain in the 1980s.

The City of Port Phillip is, in these respects, no different from other inner urban areas such as Sheffield, San Francisco and Budapest. Like other communities, it has a responsibility to confront the issues and endeavour to develop a workable solution.

A number of lessons can be drawn from the literature examined. Of the approaches reviewed, no government has sought to encourage the proliferation of prostitution. Indeed, each has implemented strategies to address the issue through prohibition, regulation, decriminalisation or a combination of these approaches. It serves to demonstrate that while street prostitution is impossible to eliminate, it can certainly be reduced and managed.

In the view of the Advisory Group, the review of international approaches to street prostitution provides no evidence that a strict law enforcement strategy, emphasising prohibition, has been effective in reducing street sex activity. The USA and Canada have criminalised all forms of prostitution without significant improvement to the amenity of inner city neighbourhoods. Moreover, street prostitution has been most prevalent, violent and destructive in jurisdictions in which all forms of prostitution are prohibited. It is in these environments that organised crime flourishes and street sex workers are most vulnerable.

The North American experience has also been instructive in other ways. First, it has been suggested that street prostitution can be most effectively policed in residential areas by focusing on the clients rather than workers. Clients are far less likely to re-offend than workers. That being said, John Schools have failed to significantly reduce the recidivism rates of clients, as they are already very low.

Countries and states that have regulated some aspects of street prostitution have achieved encouraging results in terms of reducing community harm and increasing the safety of sex workers. Governments, which have regulated brothels and/or escort agencies, have gained greater control over the sex industry and curbed, to a large extent, the influence of organised crime. Where zones of tolerance have been established (in Sydney, Edinburgh, Amsterdam and Munich), governments have been more easily able to police the street sex industry. These



approaches have been most successful when adopted in conjunction with a harm minimisation philosophy.

In each jurisdiction, change has been slow in coming and hard won. The difficulty of the task does not absolve the community from facing the issue. Within this context, the Advisory Group has sought to develop an appropriate social policy response to a complex issue that affects residents, traders and street sex workers alike.

### *The Advisory Group's approach*

The philosophical approach employed by the Advisory Group has been informed by three key assumptions. These assumptions – that street sex work is not a moral issue, that it cannot be completely eradicated, and that a harm minimisation policy will most effectively produce a positive outcome for the City of Port Phillip community – are the product of lessons learned locally and internationally.

These assumptions were questioned in several submissions received during the consultation period. The central argument made in such submissions was that prostitution is wrong and should not be encouraged. This view was expressed in the response from the Endeavour Forum, a member organisation of the World Council for Life & Family:

The point is that prostitution is a most undesirable activity and should not take place anywhere – just moving it from a residential area to somewhere else does not solve the problems of the exploitation of women and men, the spread of incurable diseases, the crime and drug usage inevitably associated with a line of 'work' which is destructive to the morals, morale and self-esteem of all those associated with it.

This view has frequently been challenged in prostitution research. In her study of street prostitution in Hull, England, Karen Sharpe observed that:

One of the problems is that a deep-seated moral condemnation of prostitution has hampered rational and objective analysis; more crucially, the moral hysteria that surrounds prostitution has dominated and, to a large extent, influenced legislative measures and social policy initiatives addressing the issue of 'what to do about it'.<sup>124</sup>

Government approaches to the issue, in Australia and internationally, have demonstrated that simple condemnation of street sex work will obscure the serious social policy issues involved and achieve nothing for residents and traders in areas where street sex work occurs. It will also achieve nothing for street sex workers.

Some submissions also criticised the Advisory Group for its acceptance of the inevitability of street sex work. As previously demonstrated, sex work has been common in societies throughout recorded history, regardless of political, legal, moral and religious environments. Submissions also argued that a strong law enforcement approach would reduce the incidence of street sex activity. For example, one resident suggested that:

With possibly harsher penalties for both prostitutes and clients, together with stricter police enforcement, I believe that the incidence of prostitution could be reduced dramatically.

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<sup>124</sup> Sharpe K, op. cit., p. 151.

This view is not borne out either by international research or policing experience in the local area. Strategies based on law enforcement have, in the past, resulted only in displacement into neighbouring residential areas. Not deterred by prosecution, workers relocate to darker and more dangerous residential streets in an effort to solicit undetected by police. Victoria Legal Aid, the largest criminal law practice in the state, frequently represents street sex workers. Its submission welcomed the ‘Advisory Committee’s recognition that street prostitution, like all other forms of prostitution, is not eradicated or diminished by harsh laws and policing’.

The Advisory Group maintains that law enforcement strategies can only be effective when employed as part of a harm minimisation approach. Harm minimisation has been the guiding principle of Australia’s drug strategy since the mid-1980s, and has more recently been applied to other social policy issues. According to the National Drug Strategy Framework, harm minimisation recognises and seeks to address behaviour that causes harm to the community:

Governments do not condone illegal risk behaviours such as drug use, but they do acknowledge that these behaviours occur. They have a responsibility to develop and implement public health and law enforcement measures designed to reduce the harms that such behaviours can cause, both to individuals and the community.<sup>125</sup>

Harm minimisation entails a range of strategies relating to supply reduction, demand reduction and harm reduction. In the context of street prostitution, harm minimisation strategies focus on the individuals and communities involved, and the social, cultural and physical environment.

The Advisory Group does not aim to encourage street sex work. On the contrary, it seeks to reduce street sex work in the City of Port Phillip to the greatest extent possible while providing support and protection for residents, traders and workers. The Advisory Group proposes a harm minimisation approach to create opportunities for street sex workers to leave the industry, and establish arrangements under which street sex work can be conducted without workers and residents suffering violence and abuse. Consistent with this approach, the Advisory Group rejects the decriminalisation of street sex work. Decriminalisation would provide a statewide response to a local community issue. Instead, the Advisory Group proposes united community action to address a complex local issue.

## **Objectives**

The following objectives are based on a harm minimisation philosophy. The Advisory Group aims to:

- Increase the safety of street sex workers and the wider community.
- Protect the community (including street sex workers) from the harmful effects of street prostitution.
- Facilitate community management of street prostitution issues.
- Provide workable, realistic options for minimising the harms of the street sex industry.
- Encourage and foster communication between key stakeholders.
- Use law enforcement responses as a method of maintaining relationships, increasing the safety of street sex workers and the wider community, and restricting the industry to the least harmful areas.
- Create opportunities for street sex workers to leave the sex industry.

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<sup>125</sup> Ministerial Council on Drug Strategy 1998, *National Drug Strategic Framework 1998–00 to 2002–03: building partnerships – a strategy to reduce the harm caused by drugs in our community*, p. 16.

## Structure of report and recommendations

This report recommends the adoption of a holistic package of measures to minimise the harmful effects of street prostitution in the City of Port Phillip. The following key areas are addressed by a range of recommendations:

- The level and *location* of street sex work activity (collection points and servicing points), especially in residential streets.
- Offensive *behaviour* by sex workers, clients and sex tourists (such as sex in public places, noise, litter, urination, defecation, etc.).
- *Communication* and liaison between key stakeholders (such as the sex industry, Victoria Police, the City of Port Phillip, welfare agencies, residents and traders).
- *Amenity and service* provision for street sex workers (in relation to basic resources and social and health problems associated with street sex work).
- *The way forward* (seeking community engagement in the resolution of local issues).

Key recommendations are denoted in yellow. The text also contains a range of explanatory recommendations, denoted in grey.

## 6 LOCATION ISSUES

The overt nature of street prostitution in St Kilda today can, to some extent, be understood in the context of social, cultural and demographic change over the last 20 years.

### Demographic change

While the size of the population of the City of Port Phillip has remained relatively static in recent decades, the composition of that population has altered markedly. In particular, the socioeconomic profile of the City of Port Phillip area has changed significantly in that time.<sup>126</sup> In 1996, the age breakdown of residents showed a higher percentage of people aged between 18 and 49 in the City of Port Phillip (61.9 per cent) than for Melbourne as a whole (50.3 per cent). There was a corresponding dearth of children living in the area, with only 12.4 per cent of the population of the City of Port Phillip aged under 18 (compared to a Melbourne-wide figure of 24.4 per cent). When the population of St Kilda itself is examined more closely, the disparity is even more pronounced.<sup>127</sup>

In 1981, 16.1 per cent of households in the City of Port Phillip area occupied the highest quartile for annual income. In 1996, the figure was 25.7 per cent and reflected a significant movement of high-income earners into the municipality. By contrast, in 1981, 37.9 per cent of the households in the City of Port Phillip occupied the lowest earning quartile. In 1996, the figure had dropped to 29.3 per cent, which was still an over-representation of low-income earners. Scrutiny of St Kilda Hill and St Kilda Central – which covers the area between the beach front, Fitzroy Street, Dandenong Road, Chapel Street, Carlisle Street and Shakespeare Grove – reveals that while the number of high-income earners has increased dramatically, the number of low-income earners remains significant. In other words, central St Kilda currently features sizeable populations of low- and high-income earners, and a smaller proportion of middle income earners.<sup>128</sup>

As its socioeconomic character changes, the City of Port Phillip is becoming less ethnically diverse.<sup>129</sup> Migrant groups are being replaced by Australian-born residents attracted by the lifestyle offered by the St Kilda area. Not surprisingly, the area also has an increasing proportion of white-collar workers. The number of professionals living in central St Kilda has grown by over 50 per cent in the five years between 1991 and 1996.<sup>130</sup> The people of the City of Port Phillip are also better educated than Melbournians more generally; in 1996, 24.4 per cent had a bachelors degree or higher diploma compared to 13.1 per cent across metropolitan Melbourne.

An analysis of neighbouring inner Melbourne suburbs reveals similar trends. Albert Park and Prahran exhibit corresponding changes in the composition of their populations, though none are as dramatic as in the City of Port Phillip, particularly in St Kilda. It is likely that the results of the 2001 census will show a continuation of the trends outlined above. These trends have had a significant impact on the community and streets in which sex workers have traditionally operated. The impact has been especially tangible in relation to the availability and affordability of accommodation.

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<sup>126</sup> Except where indicated, the following data have been drawn from Department of Infrastructure 2000, *Suburbs in time: City of Port Phillip community profile*.

<sup>127</sup> City of Port Phillip 2000a, *Community profile: St Kilda Central & St Kilda Hill*.

<sup>128</sup> *ibid.*

<sup>129</sup> *ibid.*

<sup>130</sup> *ibid.*

## Accommodation trends

Changes to the types and costs of accommodation have contributed to reduction in the number of options for street sex workers seeking a safe and private place to service their clients.

Where St Kilda was once an affordable inner suburb for labourers, tradespeople and small business owners, it has more recently become attractive real estate for professionals seeking to invest in the property boom. In recent years, Melbourne has witnessed unprecedented growth in property prices and St Kilda has been at the forefront of this price explosion. Between March 1997 and September 2001, house prices in the St Kilda area have increased by 71 per cent. Indeed, the median house price increased from \$406,000 to \$468,000 in the 12 months prior to September 2001.<sup>131</sup>

Rental properties are over-represented in the City of Port Phillip area. In 1996, 50.5 per cent of dwellings were rented compared to 23.8 per cent across Melbourne. The rents were also higher in St Kilda than across Melbourne. Despite the prevalence of private rental housing in St Kilda, the vast majority of properties are not affordable for the lowest income earners. Typically, a household reliant on social support can afford only between 1 and 5 per cent of rental properties in St Kilda. This poses particular issues for street sex workers, as many can no longer afford local accommodation to use as a servicing point.

The vast majority of rooming houses in the City of Port Phillip are located in St Kilda. Although the number of rooming houses in St Kilda has declined in the past five years, the number of rooms available has remained almost identical. In September 2000, there were 55 rooming houses in St Kilda that provided a total of 1154 rooms for low-income earners.<sup>132</sup> Social housing is not decreasing as such, but the increase of new housing developments may mean an overall reduction of the proportion of social housing in the area.

More significant may be the simultaneous closure of cheap, private 'half-hour' hotels that have traditionally been used by street sex workers to service their clients in a relatively safe and secure environment. Street sex workers reportedly have access to only a couple of local motels, which charge at a daily rate of around \$70–90.<sup>133</sup>

At a time when the number of sex workers is increasing, street sex workers now have fewer options when seeking locations for servicing their clients. Now clients are not only collected on the street, they are also more frequently serviced on the street.

## Collection and servicing activity

Street prostitution in the St Kilda area consists of two principal activities: collection and servicing. Collection refers to the act of loitering and soliciting for the purposes of prostitution. Servicing refers to the sexual act itself. Residential streets in St Kilda are commonly used as both collection and servicing areas for street sex work. Servicing also takes place in neighbouring areas.

Street sex work was once confined to Acland and Fitzroy Streets in St Kilda. As street sex workers have grown more numerous and been forced out of major commercial areas such as Fitzroy Street, collection activity has spread gradually south into largely residential streets.

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<sup>131</sup> Real Estate Institute of Victoria 2002, *Property sales database*.

<sup>132</sup> City of Port Phillip 2000b, *Housing program review*.

<sup>133</sup> This point was clarified during recent consultations with street sex workers.

Female street sex workers have, for various reasons, moved into Grey, Robe, Mitchell, Carlisle, Greeves, Blessington, Dalgety, Gurner, Vale, Blanche and Inkerman streets. Male street sex workers currently work in Shakespeare Grove and Chaucer Street, and transgender street sex workers often work in Carlisle Street.

Servicing areas are more widespread than collection areas and significantly more intrusive. Where street sex workers would take clients to cheap hotels and rooming houses in the past, they now have few options and often service clients near pick-up points, in lanes and vehicles, and in the backyards and on the front porches of residential homes. Public parks around St Kilda are frequently used as servicing points. Feedback from St Kilda police and the City of Port Phillip suggests clients often drive street sex workers to neighbouring areas such as Albert Park, East St Kilda and Elwood to have sex in lanes and parks. Consultation with street sex workers has confirmed the extent of servicing in public places. This presents significant risks to the safety of street sex workers who are less able to control sexual encounters and often suffer sexual and/or physical abuse in cars, laneways and remote locations. Street sex workers have indicated that the practice of street sex in quiet areas is very dangerous and that alternative arrangements would be welcomed.

These trends have produced a range of unacceptable, violent and anti-social behaviour. For instance, residents have reported incidents of public sexual acts, abuse and littering by prostitutes and clients. Clients often proposition women and children walking in their own streets. Undesirable behaviours are also committed by sex tourists who travel to St Kilda from neighbouring suburbs specifically to heckle and abuse street sex workers. Residents and sex workers have reported incidents of sex tourists littering, making excessive noise, and harassing and threatening sex workers, clients and residents. These behaviours, and the recommendations that address them, are discussed further in the following section.

## **Ensuring community safety**

The Advisory Group's key objectives are to increase the safety of the community (including street sex workers) and to facilitate community management of the issue. The question of the location of street sex activity is fundamental to achieving increased community safety. Street sex workers have acknowledged that it is unacceptable to solicit and service clients in residential streets. This activity stems from a belief that these are safer and more secure places for sex workers to collect and service their clients. The challenge facing the community is to manage street prostitution to minimise its harmful effects on residents, traders and street sex workers. To put it more simply, the Advisory Group seeks to implement a model for more effective management of street prostitution. In effect, this means removing street sex collection points from residential areas while providing alternative locations for its safe operation, and opportunities for workers wanting to exit the industry.

## **Monitoring, evaluation and ongoing consultation**

The Advisory Group recommends the implementation of a comprehensive package of reforms to address the pervasive effects of street sex work in the City of Port Phillip. However, in advocating such an approach, the Advisory Group strongly supports the establishment of mechanisms to measure the effective implementation and success of the reforms. Monitoring and community consultation should be ongoing, and an independent evaluation should, at an appropriate time, assess the efficacy of the process in achieving its objectives. Detailed recommendations regarding monitoring, consultation and evaluation can be found at pages 84-86.

## *Tolerance areas*

The Interim Report of the Advisory Group recommended that designated areas be established in which street sex workers and clients could loiter and solicit for the purpose of prostitution. During the consultation period, the Advisory Group received extensive feedback expressing a range of concerns in relation to this proposal.

Having listened to the views of the community, the Advisory Group considered that the term ‘designated areas’ was confusing and failed to easily describe their purpose. After a more detailed review of approaches adopted in other jurisdictions, the Advisory Group concluded that the term ‘tolerance area’ more accurately reflected its objectives. Used throughout the United Kingdom and Europe, the term denotes a geographic area in which specific activities are usually tolerated. It also makes it clear that loitering and soliciting for the purpose of prostitution will not be tolerated outside these established areas, and such infractions will meet the full force of the law.

Based on the success of tolerance areas overseas, the Advisory Group believes tolerance areas could achieve its objective of minimising community harm by directly addressing the issue of collection in residential areas. The establishment of tolerance areas, within the context of a harm minimisation model, would provide:

- Centralised areas for street prostitution activity.
- Residential areas free from the street sex activity associated with collection.
- A safer environment for street sex work.
- A clearer understanding of acceptable and unacceptable behaviours.
- A clearer system for policing street sex offences.

In submissions to the Advisory Group received during the consultation period, the proposal to establish tolerance areas garnered widespread support from key stakeholder organisations, residents and street sex workers. Additionally, it was backed by Victoria Police, Victoria Legal Aid, the Office of Public Prosecutions, Women Barristers’ Association, Law Institute of Victoria, and the Victorian Community Council Against Violence. The capacity for tolerance areas to provide safety and security for vulnerable sex workers was also reinforced by the majority of the St Kilda Ecumenical Group, which comprises representatives from the Uniting Church, Christ Church St Kilda, St Kilda Church of Christ, St Kilda Baptist Church and Sacred Heart Mission.

Feedback received from individuals and residents was mixed. For instance, Isobel Gawler submitted that:

The Government must not aid and abet the prostitution industry to camouflage its activities by simply moving such activities to designated areas, or into brothels ... such harm minimisation efforts are doomed to failure.

In contrast, many local residents welcomed the proposal to establish tolerance areas. For example:

I think this is a fantastic idea and would have no qualms about it being near my place in light of improvements to the general security of the area.

At two consultation sessions held during 2001, street sex workers unanimously agreed that tolerance areas were a good idea. They expressed the view that street sex workers would use tolerance areas if separate areas were provided for the different groups (female, male and transsexual) and the areas were sufficiently large. Of particular concern was the potential operation of transgender street sex workers alongside female sex workers, as this would

create confusion not only for the clients, but also between workers. Some sex workers reported recent incidents of conflict between transgender and female sex workers that had occurred because transgender workers were operating alongside the women in traditional women-only prostitution streets. Another concern expressed was that if tolerance areas were created only for women (and the transgender workers and men were not included), female sex workers would not work in the tolerance area, as they would consider it unfair. The Advisory Group believes all street sex workers should be required to operate in tolerance areas, regardless of the group to which they belong.

An increase in street sex activity in recent years has resulted in significant levels of public nuisance for residents and traders in the St Kilda area. In particular, the growing number and geographical presence of female street sex workers has had an adverse impact on amenity in the City of Port Phillip area, especially in residential areas. The Advisory Group supports the establishment of a tolerance area to manage appropriately female street sex activity. In addition, a location should be provided for the very small groups of male and transsexual workers. This approach would remove street sex activity from areas of greatest impact for residents and traders. Moreover, the Advisory Group considers that tolerance areas would provide viable and desirable locations for street sex workers to collect clients.

Consistent with its commitment to ongoing monitoring, consultation and evaluation, the Advisory Group believes tolerance areas should be trialled for a fixed period. The trial should be of sufficient duration to allow for the implementation of the package of reform measures and resolution of teething problems. The success or failure of tolerance areas will be most apparent in the summer months when street sex activity increases dramatically with the onset of warm weather. The Advisory Group supports a trial of two years duration. The trial should officially commence when tolerance areas and street worker centres have been established. During this time, the trial would be subject to regular monitoring, and have additional mechanisms for receiving community feedback.

#### **Key recommendation 1: Establishment of tolerance areas**

**That geographic areas (tolerance areas) be established in the City of Port Phillip in which police resources would not be targeted at persons loitering and soliciting for the purposes of prostitution (as defined under section 12 and section 13 of the *Prostitution Control Act 1994*). Instead, police resources and strategies should target loitering and soliciting offences in locations outside tolerance areas.**

**Tolerance areas should be established for a trial period of two years, during which an ongoing independent evaluation should take place.**

#### **How would they work?**

The following discussion and recommendations explain in detail how tolerance areas would be implemented and would operate.

#### ***Mechanism for establishing and monitoring tolerance areas***

In its Interim Report, the Advisory Group recommended that tolerance areas be established by local protocols. The protocols were to be formalised through an agreement between Victoria Police and the state government. Following feedback received during consultation and, in particular, detailed input from Victoria Police, the Advisory Group now proposes a revised model for establishing tolerance areas.



While tolerance or designated areas have operated in New South Wales for many years, the model is not directly transferable to Victoria. The Victorian regulatory environment is significantly different and more complex. For instance, street sex work is currently illegal in Victoria under the Prostitution Control Act whereas it is decriminalised in New South Wales except where it occurs within view of a dwelling, school, church or hospital.

For tolerance areas to be trialled in the City of Port Phillip, an administrative solution must be developed under which police, residents, traders, street sex workers and welfare support agencies share a common understanding of what behaviour is acceptable and where. Such an approach must also be mindful of the general discretion the chief commissioner has with respect to the enforcement of all laws. Furthermore, it must not fetter the discretion of police officers to act independently.

### ***Local Priority Policing and Local Safety Committees***

After consultation with Victoria Police, the Advisory Group believes its objectives can be best achieved by establishing tolerance areas as a Local Priority Policing initiative.<sup>134</sup> The overriding objective of Local Priority Policing is to ‘deliver effective policing services that satisfy community needs and expectations’. In other words, Local Priority Policing encourages local communities to help determine policing priorities so resources are most efficiently used.

The establishment of strategic partnerships with allied service providers under Local Safety Committees is the cornerstone of Local Priority Policing. According to Victoria Police guidelines, a Local Safety Committee is:

a multi-agency and community forum comprising representatives from government, non-government and community agencies and organisations at the local level, who share a collective commitment to improving community safety.

The terms of reference for Local Safety Committees are to:

- Identify and analyse the key community safety issues.
- Develop strategies to address identified community safety problems.
- Develop a Community Safety Plan to inform local police action plans (as well as other participating agencies’ plans).
- Promote coordinated action by local agencies and organisations that can influence community safety.
- Provide a forum for existing community groups or organisations to refer community safety issues for consideration and appropriate action.
- Monitor and seek to positively influence public perceptions of community safety.

The above terms of reference are consistent with those of the Advisory Group. In particular, the Advisory Group has sought to promote coordinated action by local agencies, and to develop strategies to address the identified community safety issue of street sex activity. Local Priority Policing represents the ideal mechanism through which tolerance areas could be implemented. Furthermore, a Local Safety Committee would provide the perfect forum for monitoring tolerance areas.

The City of Port Phillip already features a Local Safety Committee, known as the Healthy and Safer Cities Alliance. The City of Port Phillip Healthy and Safer Cities Alliance is a

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<sup>134</sup> The following information is drawn from Victoria Police 2000b, *Local Safety Committees: policy and guidelines for the maintenance of Local Safety Committees under Local Priority Policing*, pp. 1–16.

partnership of key agencies and individuals across the city, including the council, the Department of Human Services, Victoria Police, Metropolitan Fire Brigade, St Kilda Primary School, Salvation Army, Inner South Community Health Service and the Alfred Hospital. A local businessperson and residents are also members of the Alliance. The Alliance was established in 1999 to oversee the implementation of the City of Port Phillip's health and safety plan. In late 2001, the District Inspector and Local Safety Committee members initiated a merger with the Healthy and Safer Cities Alliance.

The operation of Local Safety Committees is subject to Victoria Police policy and guidelines. Under the guidelines, a Street Prostitution Monitoring Committee could be established as a committee reporting to the City of Port Phillip Healthy and Safer Cities Alliance. The Monitoring Committee, comprising key local stakeholders, would be empowered to deal with day-to-day issues in relation to tolerance areas. For instance, issues such as the operation of street sex workers outside tolerance areas would be quickly addressed through the Monitoring Committee, by liaison between resident representatives and Victoria Police representatives. This would ensure that nuisance issues could be quickly addressed by a small and responsive committee, without reference to the Healthy and Safer Cities Alliance.

The Monitoring Committee would be required to report to the Healthy and Safer Cities Alliance in relation to broader policy issues. For instance, amendments to the location, operation or policing strategy regarding tolerance areas would need to be considered by the Alliance and its respective member agencies. This would not diminish the ability of the Monitoring Committee to resolve day-to-day non-policy issues.

#### **Explanatory recommendation 1.1: Establishment of Monitoring Committee**

**That a Street Prostitution Monitoring Committee be established, reporting to the City of Port Phillip's Local Safety Committee, the Healthy and Safer Cities Alliance. It should comprise representatives from:**

- **St Kilda police.**
- **The City of Port Phillip.**
- **The sex industry.**
- **Health, welfare and outreach organisations.**
- **Residents' groups.**

**A secretary should also be appointed to the committee. The committee would also be provided with policy advice, as required, by the Department of Human Services and the Department of Justice.**

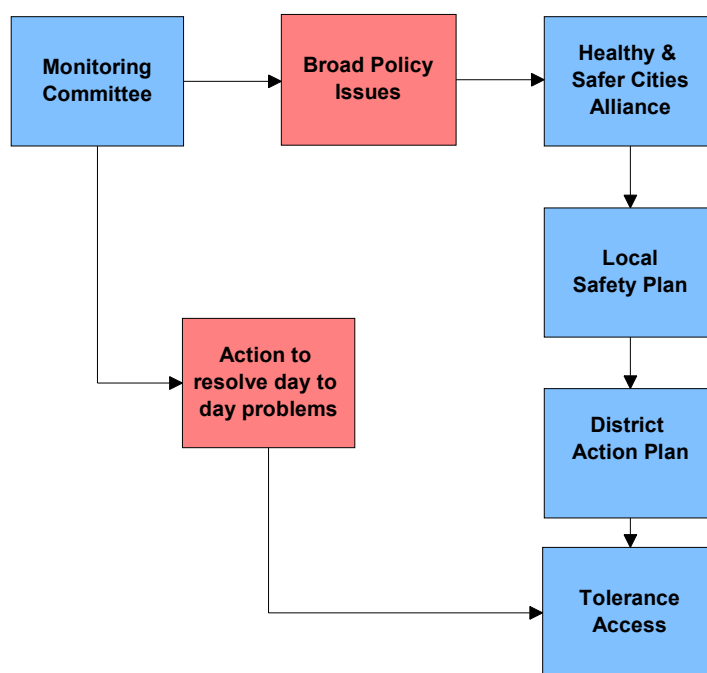
**The Monitoring Committee should meet monthly and responsibility for chairing meetings should be rotated among the membership.**

#### ***Community safety planning***

In accordance with Victoria Police guidelines, each Local Safety Committee is required to develop an annual Community Safety Plan. This would typically specify the objectives to be achieved, outcomes sought, and the strategies to be employed. It would also articulate the roles to be played by different agencies once the plan is initiated. Strategies to address the issue of street prostitution, such as the implementation of tolerance areas, would need to be included in the City of Port Phillip Healthy and Safer Cities Alliance's Community Safety Plan. The strategies would then represent one component of Victoria Police's District Action Plan, which would, in turn, inform policing priorities and the allocation of police resources.

Community Safety Plan strategies can take a variety of forms. For instance, a number of local accords have been established within the context of Local Priority Policing. Both the City of Melbourne and the City of Port Phillip have local liquor licensing accords that have improved the management and policing of licensed premises. All key stakeholders, including Victoria Police and the relevant councils, are signatories to these accords. Such accords are, in essence, local agreements stipulating how particular issues and behaviours should regulate behaviour. This type of accord could be used to secure agreement on the operation of tolerance areas.

## Monitoring Committee



### Explanatory recommendation 1.2: Accord to establish tolerance areas

That tolerance areas be established under a local accord and be included as a key strategy for addressing street prostitution in the City of Port Phillip’s Healthy and Safer Cities Alliance’s Community Safety Plan. The accord should address the:

- Aims and objectives of establishing tolerance areas.
- Locations of tolerance areas.
- Guidelines outlining which activities will be tolerated and in what circumstances.
- Guidelines in relation to child sex workers, clients and pimps.
- Police protocols setting out procedures for commonly envisaged scenarios.
- Responsibilities of the council, police, street sex workers, residents, traders and welfare support services in achieving objectives.
- Two-year duration of the trial of tolerance areas.

### *Policing issues*

In a tolerance area, loitering and soliciting for the purpose of prostitution (collection) would not be the focus of enforcement in the normal course of events. All other offences – such as

assault, vandalism, trespass, drug possession and trafficking, public nuisance, offensive language and behaviour, littering and traffic violations – would still be prosecuted in tolerance areas, subject to any other Local Priority Policing strategies. These activities would be stringently policed inside and outside tolerance areas.

### **Explanatory recommendation 1.3: Law enforcement**

**That all other relevant laws (in particular, relating to assault, vandalism, trespass, drug possession and trafficking, nuisance, offensive language, littering and traffic violations) should be enforced both inside and outside tolerance areas.**

The Chief Commissioner and individual police officers have a clear discretion, at common law, in relation to the way they carry out their day-to-day duties. The proposal to establish tolerance areas would not impinge upon the existing discretion exercised by police. Rather, it sets a framework within which the discretion can be exercised in specified areas. Clearly, public interest and common sense would apply when deciding whether a relevant law be enforced in a particular instance. Police officers would not be constrained from enforcing the law, irrespective of the circumstances.

### **Explanatory recommendation 1.4: Police discretion**

**That police officers retain the discretion to act independently in relation to offences committed inside or outside tolerance areas.**

### *Criteria for selecting tolerance areas*

The Advisory Group received considerable feedback during the consultation period on the criteria for selecting tolerance areas. Submissions received during consultation reinforced the view that the safety of residents, traders and street sex workers should be the paramount concern in the establishment of any tolerance areas. The Victorian Community Council Against Violence summed up this feeling:

The overriding concern in the choice of designated areas should be to find areas which are safe. If street sex workers and clients do not feel safe in designated areas there is the strong chance they will not be used. Designated areas must also be safe and feel safe for other local community members to walk and drive through rather than become ‘no-go’ zones.

Safety for all groups can only be achieved by identifying appropriate spaces for tolerance areas. The Victorian Community Council Against Violence also suggested that the principles of Crime Prevention Through Environmental Design (CPTED) be applied when considering criteria to determine the location of tolerance areas to ensure greater situational and physical safety. CPTED contends that the design of a physical environment can influence behaviour. CPTED is based on four principles – territoriality, natural surveillance, activity support and access control – that, when applied to the planning of public spaces, can discourage inappropriate behaviours and encourage safety and security. CPTED principles are often used by local governments and police to protect communities from crime and fear of crime. The Victorian Community Council Against Violence suggested that CPTED principles would be applicable in considering tolerance areas. In particular, this would provide for:

- Roads that allow street sex workers to safely assess potential clients.
- Roads that allow clients and street sex workers not to feel trapped or at risk of mugging.
- Clear sightlines to avoid blind corners or walls that make an area difficult to survey.
- A sense of community.

Acknowledging that no ideal locations for tolerance areas may be found, the Victorian Community Council Against Violence urged the Advisory Group to focus on reducing community harm to the greatest extent possible:

It is unlikely that areas that have no impact on local residents and traders will be able to be found in an inner city area such as the City of Port Phillip. The focus should therefore be on locating areas of least impact. The VCCAV believes that with the commitment of stakeholders and intensive community consultation and education, a number of workable options with respect to designated areas could be identified and ultimately established. This would minimise the harm currently being experienced by the local community.

The Advisory Group concurs with this view. The primary objective of this process should be to locate street sex activity in areas of least harm to the Port Phillip community. To do so would provide an immediate improvement in safety and amenity for residents, traders and street sex workers.

Responsibility for determining the location of tolerance areas rests with the City of Port Phillip. The selection of locations for tolerance areas should, in the view of the Advisory Group, be based on the criteria outlined below.

#### **Explanatory recommendation 1.5: Criteria for selecting tolerance areas**

**That when identifying potential locations for tolerance areas, the City of Port Phillip should consider the overall impact of street prostitution on the environment, amenity and the community. Possible tolerance areas should therefore be assessed against all of the criteria outlined below.**

##### **Proximity to:**

- Residential zones
- Daytime convenience retailing
- Primary and secondary schools
- Kindergartens
- Childcare centres
- Places of worship
- Hospitals
- Places where children congregate for recreation or cultural activities.

##### **Capacity to accommodate:**

- Street worker centre(s)
- Driving circuit for clients with a high volume of traffic and kerb-side parking
- Access to mobile outreach and resource facilities
- Safety patrols
- Servicing areas
- Public transport nearby
- Amenities (lighting, toilets, bins, needle and syringe disposals units).

**The principles of Crime Prevention Through Environmental Design should be applied when considering the above criteria.**

#### *Public consultation on proposed tolerance areas*

Feedback received in response to the Interim Report revealed some confusion about the extent to which the community would be consulted prior to the implementation of any tolerance areas. The Advisory Group supports the right of residents and traders to contribute to debates about potential locations, and believes tolerance areas cannot be successfully established without community engagement on this issue.

Public consultation on proposed tolerance areas should be subject to the four-step process outlined below.

#### **Explanatory recommendation 1.6: Identification of potential tolerance areas**

**(1) The City of Port Phillip should determine a proposed list of the most appropriate locations for the establishment of tolerance areas. A report would be made to council by officers. This report would assess the merits of proposed tolerance areas against the criteria established by the Advisory Group in its Final Report. The council would determine the locations of proposed tolerance areas on which the local community and other affected persons and groups would then be formally consulted.**

**(2) Public notice of the proposed tolerance areas should be accompanied by an explanatory report to be made available for public inspection. The report should identify matters including:**

- **What options have been considered.**
- **How they have been assessed.**
- **Why certain options were not recommended.**
- **An analysis of the social, economic and environmental effects of those options proposed.**
- **How the proposed areas would work.**
- **Any other comment, necessary or proposed actions to make the proposals work most effectively.**

**The council must inform the Port Phillip community of the proposed tolerance areas to facilitate and generate public comment. This should include:**

- **Notice published in local and metropolitan newspapers.**
- **Notice to owners and occupiers of land abutting the proposed areas.**
- **Notice to those with special interests in the proposal (for example, RhED).**
- **Information letterbox drop.**
- **Public information forums.**

**People should have a minimum of one month in which to lodge submissions in response to the notice. At the outset, the council should explain the process through which submissions will be considered.**

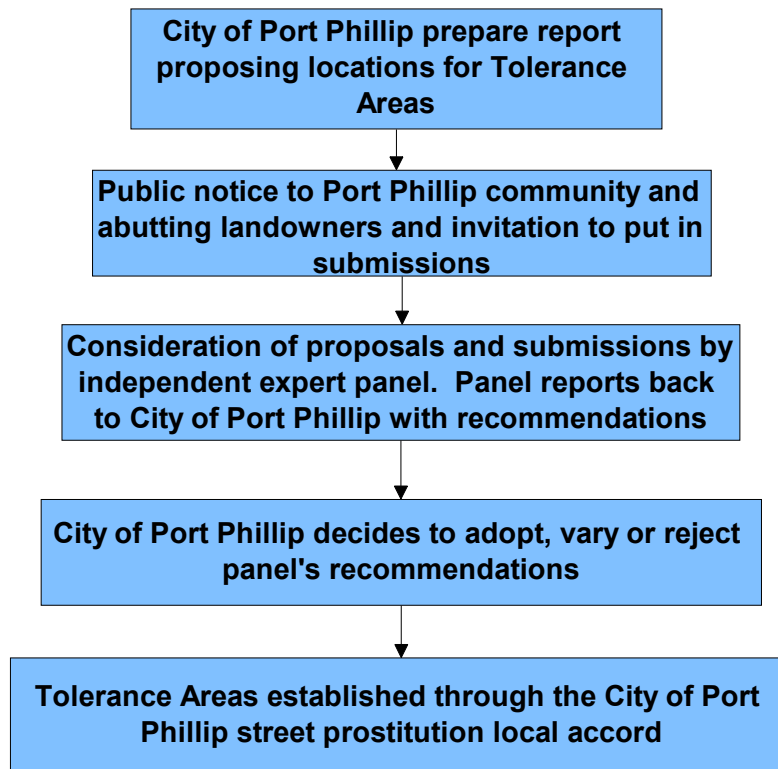
**(3) Consideration of submissions would be undertaken by an independent expert panel. Whilst the panel would be appointed and managed by the City of Port Phillip, its deliberations should be free and independent from council. The panel should consist of three members drawn from a list provided by Panels Victoria. It should include personnel with skills and experience in planning law, social policy and traffic engineering.**

**The panel would consider submissions and report back to the council with recommendations and advice. It would be expected that while this is an administrative process, this independent panel may follow processes, working and reporting methods similar to those undertaken by advisory committees or planning panels. In particular, the panel would be required to give an opportunity for submitters to be heard in public hearings.**

**The panel's report should be made to the council and, in due course, be available for public inspection. The council may adopt, vary or reject a panel's recommendations.**

**(4) The council should consider the panel's report in an open and thorough way. When the council finalises the location of tolerance areas, they should be implemented through the City of Port Phillip Street Prostitution Accord.**

## Consultation Process



Depending upon the site(s) chosen by the City of Port Phillip, the implementation of tolerance areas may require minor capital works to be undertaken. For instance, the establishment of tolerance areas with driving circuits, adequate lighting and traffic management devices may require a financial commitment from the state government and the City of Port Phillip.

The Advisory Group believes the implementation of the above recommendations will address many of the significant concerns raised by the community in relation to street prostitution. The establishment of tolerance areas as a Local Priority Policing initiative would remove street sex pick-up points from residential areas, provide a safer environment for workers, and reduce the effects of associated nuisance behaviour. This would represent an immediate improvement to the lives of residents, traders and workers.

### *Street worker centres*

The establishment of tolerance areas only addresses some of the issues confronting residents, traders and street sex workers. Servicing activity is more widespread through residential areas of Port Phillip than collection activity, and is significantly more dangerous for street sex workers. During consultation, several street workers indicated that they have been victims of assault, sexual assault, robbery and abuse when servicing clients in alleys and cars. In keeping with its objective of minimising harm to the community, the Advisory Group seeks to increase the safety of residents, traders and street sex workers in the City of Port Phillip. This means the issue of providing safe alternative servicing facilities cannot be ignored. It is fundamental to the success of the reforms advocated by the Advisory Group.

The Interim Report of the Advisory Group recommended the establishment of safe houses where street sex workers could take their clients for servicing. While feedback received

during consultation revealed strong support for safe houses, concern was expressed that the term is inappropriate and may cause confusion in the community. In particular, it was felt that safe houses may be confused with community safety houses or women's refuges. In light of this concern, the Advisory Group believes the term *street worker centre* should be employed as an alternative.

The proposal to establish street worker centres was widely supported by stakeholder organisations, residents and street sex workers. The concept was endorsed by Victoria Police, Victoria Legal Aid, the Law Institute of Victoria, Office of Public Prosecutions, Women Barristers' Association, St Kilda Legal Service, the Victorian Community Council Against Violence and the majority of the St Kilda Ecumenical Group. The proposal also received a positive response from all sex workers. Currently, many street sex workers operate out of a room at one of the local hotels or nearby empty premises, such as rooms above an old amusement parlour. These can cost up to \$90 per day and are typically unclean and unsafe. The high cost of such rooms means many sex workers service clients in cars, at the risk of their personal safety. In consultation sessions conducted by the Advisory Group, street sex workers indicated they would welcome the establishment of street worker centres, and suggested around 80 per cent of clients would also prefer to be serviced in a safer and more private environment.

The establishment of street worker centres would provide an appropriate harm minimisation response to a serious social issue. Street worker centres would provide:

- Improved amenity for residents and traders in the City of Port Phillip.
- A reduced likelihood of street sex workers servicing clients in residential streets and lanes.
- A reduced likelihood of street sex workers and clients leaving condoms and syringes in public places.
- A safer work environment for street sex workers, who would not be required to service clients in cars and other dangerous locations.
- A facility that focuses on the health and welfare needs of street sex workers.

Similar facilities exist in Australia and around the world. Germany has Eros centres, the Netherlands has peeshotels and New South Wales has safe houses. Such facilities have helped to reduce the incidence of servicing in public, and minimise the impact of street sex work on the community.

The Advisory Group supports the establishment of street worker centres in the City of Port Phillip but recognises there are associated implementation considerations. Safe houses in Sydney operate in a completely different regulatory framework to that currently existing in Victoria. In New South Wales, legislation enables local government authorities to grant permits for brothels and safe houses. Owners and managers do not require a licence.

In contrast, Victoria has comprehensive laws regulating the operation of brothels and escort agencies. Victoria imposes planning and licensing controls over brothels, whereas New South Wales imposes only planning controls. In Victoria, Consumer & Business Affairs Victoria administers the Prostitution Control Act, the Business Licensing Authority administers the licensing scheme, and local planning authorities issue planning permits. The Advisory Group supports the establishment of street worker centres in Victoria under a model that does not compromise the existing effective management of the legal sex industry.

Under section 3 of the Prostitution Control Act, a brothel is defined as 'any premises made available for the purpose of prostitution by a person carrying on the business of providing prostitution services at the business's premises'. A street worker centre could be established by creating a new and separate definition (of street worker centre) under the Act. This would



enable the establishment of a system of licensing and planning parallel to the existing brothel scheme, with tailored amendments as required. The creation of a parallel regulatory framework would establish key differences between brothels and street worker centres, and eliminate the possibility of confusion.

**Key recommendation 2: Establishment of street worker centres**

**That safe and secure venues be established in the City of Port Phillip for street sex workers to service clients. These facilities, to be known as street worker centres, should be established under a new definition in the *Prostitution Control Act 1994*.**

**How would they work?**

The following discussion and recommendations explain in detail how street worker centres would be implemented and where and how they would operate.

*Criteria for locating street worker centres*

Street sex work is common in the City of Port Phillip but not throughout Victoria. As a consequence, street worker centres should only be established in the City of Port Phillip. In the view of the Advisory Group, it would be unnecessary and undesirable for street worker centres to be set up in other municipalities. The creation of a new definition and parallel framework would allow sufficient flexibility to stipulate that street worker centres only be set up in the City of Port Phillip.

**Explanatory recommendation 2.1: Limited to the City of Port Phillip**

**That the establishment of street worker centres in municipalities outside the City of Port Phillip be prohibited in legislation.**

The location of brothels is currently determined by application of the criteria set out in sections 73 and 74 of the Prostitution Control Act. Section 60 of the *Planning and Environment Act 1987* also includes a number of issues to be considered by the responsible authority before deciding on a planning application.

The Prostitution Control Act sets out that a planning permit for the operation of a brothel must be refused if the land is:

- Within an area zoned by a planning scheme as being primarily for residential use.
- Within 100 metres of a dwelling.
- or
- Within 200 metres of a place of worship, hospital, school, kindergarten, children's services centre or any other facility or place regularly frequented by children for recreational or cultural activities.

These criteria provide a practical method for determining the location of brothels; however, it is difficult to apply these criteria to inner city areas. This is recognised in the legislation that establishes less rigorous criteria for determining the location of brothels in the Melbourne Central Business District. Additionally, the criteria outlined in sections 73 and 74 of the Act were developed for application to brothels only. The criteria are intended to prevent a 'clustering' effect where brothels are located in close proximity to one another. As street worker centres would operate in a fundamentally different way from brothels, and as centres should be clustered near tolerance areas, they would require different criteria.

The operation of street prostitution currently causes significant harm to the City of Port Phillip community. No brothels have been established in St Kilda since 1995 when sections 73 and 74 of the Prostitution Control Act commenced. This strongly suggests no brothels can be established in St Kilda under the current criteria, due to the mixed use, relative high density, inner urban environment of the area. If a street worker centre cannot be established in the St Kilda area or nearby, the public spectacle of street prostitution will continue unaddressed. The Advisory Group believes the harms caused to residents, traders and street sex workers can be minimised by the establishment of street worker centres. This would provide the possibility of a realistic improvement to a situation that is presently untenable for all parties. Therefore, street worker centres should be exempt from sections 73 and 74 of the Prostitution Control Act.

Street worker centres would still be subject to the broader planning regulatory framework set out under the Planning and Environment Act. Section 60 of the Planning and Environment Act includes a range of matters that must be considered by the responsible authority (the City of Port Phillip in this case). In deciding on an application for street worker centre permit, the council must consider:

- All objections and other submissions it has received.
- Any significant effects that the use or development may have on the environment.

Further, the council may also consider:

- Any significant social and economic effects of the use or development.
- Any relevant policy statement or guidelines adopted by a Minister or the council, or any other relevant matters.

The Advisory Group believes the criteria outlined in section 60 of the Planning and Environment Act would provide a safeguard against the development of street worker centres in unsuitable or unacceptable locations. It would also be necessary to provide additional criteria to that provided in section 60 to prevent the possibility of causing ongoing harm to the community. Street worker centres would not be permitted to be established in zones listed under the City of Port Phillip Planning Scheme as primarily for residential use. In addition, street worker centres should be established as close as possible to tolerance areas.

#### **Explanatory recommendation 2.2: Criteria to determine the location of street worker centres**

**In determining an application for a planning permit for a street worker centre, the council must consider all the matters set out in section 60 of the *Planning and Environment Act 1987*. The council should also consider the proximity of the proposed location to any:**

- **Tolerance area.**
- **Area zoned primarily for residential use in the City of Port Phillip Planning Scheme.**

#### ***Licensing issues***

In accordance with section 72 of the Prostitution Control Act, an application for a permit to operate a street worker centre may only be made by a licensee.

During consultation, the Advisory Group received significant feedback in relation to the licensing of street worker centre operators. A strong view was expressed by stakeholder organisations and street sex workers that street worker centres should only be operated by a not-for-profit organisation or the City of Port Phillip. For instance, the Women Barristers' Association maintained that:

In order to maintain the distinction between brothels and safe houses and, in the interests of sex workers, the Women Barristers' Association strongly recommends that safe houses be operated by not-for-profit organisations or by the Council.

Street sex workers also agreed that any street worker centres should not be privatised. They suggested that the City of Port Phillip, the state government or a not-for-profit agency should be licensed to operate street worker centres to ensure that the price of admission would remain low. In addition, street sex workers were concerned that their welfare would be a low priority in privately-operated street worker centres.

The Advisory Group endorses these concerns and advocates licensing only not-for-profit organisations to operate street worker centres. This would ensure the health and social welfare needs of the workers would be paramount. It would establish street worker centres under a health service delivery model and connect such facilities to the welfare support sector which currently works closely with street sex workers. Feedback also suggested that street worker centres offered an opportunity to establish better health services and links. Street worker centres could be established as 'safe havens' where street sex workers could not only service clients, but also rest and access support and outreach services.

Restricting licenses to not-for-profit organisations would also eliminate any confusion between brothel operations and street worker centres. Operators currently licensed under the Prostitution Control Act would not be eligible to seek a license to operate a street worker centre. More importantly, operators of illegal brothels could not claim to be operating street worker centres.

Operators of street worker centres should, however, be subject to a similar licensing scheme as operators of brothels and escort agencies. This would ensure appropriate probity and police checks would be carried out on potential licensees and managers of street worker centres.

### **Explanatory recommendation 2.3: Licensing street worker centres**

**That, under the new regulatory framework, licenses to operate street worker centres only be granted to not-for-profit agencies. In addition, applicants for a licence to operate street worker centres should be subject to a thorough application process (including police and probity checks), in accordance with the current framework administered by the Business Licensing Authority. This would include the need to have Business Licensing Authority approval of street worker centre managers.**

**The framework should detail the circumstances in which licences may be cancelled.**

### *Management issues*

Issues relating the management of street worker centres must also be addressed to ensure operators comply with the principles and practices of harm minimisation. Operators would be required to develop appropriate procedures to meet health, safety and workplace standards, in addition to any specific requirements such as independent entrances and exits to preserve the anonymity of clients. The proposed framework should require potential operators to address such issues as part of the local planning process or the tender application process.

#### **Explanatory recommendation 2.4: Planning requirements**

**That applicants for a planning permit to operate a street worker centre address the following issues to help the City of Port Phillip assess its potential impact:**

- **The name of the owner of the premises and the name of the licensee operator.**
- **Number of support staff and allocated tasks/responsibilities.**
- **Description of proposed activities.**
- **Hours of operation.**
- **Number of rooms in the premises (maximum permitted should be six).**
- **Appropriate independent/exclusive entrances and exits with surveillance and security.**
- **Ventilation and lighting.**
- **Procedures to deal with inappropriate behaviour.**

**In addition, the City of Port Phillip should have the power to request further information from the applicant, as and when required.**

Not-for-profit agencies seeking to operate a street worker centre would be required to tender to undertake the work. As part of this process, not-for-profit organisations would need to address a variety of procedural and policy issues consistent with current programs contracted by the Department of Human Services.

#### **Explanatory recommendation 2.5: Tender requirements**

**The following issues should be addressed by not-for-profit agencies in submissions for tender:**

- **Procedures/mechanisms to ensure the safety of sex workers.**
- **Information and procedures to encourage safe sex practices.**
- **Procedures for the storage, provision and disposal of condoms, dams and gloves.**
- **Procedures for cleaning, disinfecting and sterilising.**
- **Provision of safe sex needs, towels, wash basins and clean linen.**
- **Educational materials for workers and clients (in appropriate languages).**
- **Procedures to prevent the entry of clients and workers under the age of 18 (further detail provided in chapter 7).**
- **Strategies to deal with disturbance in the neighbourhood; for example, from noise and traffic.**
- **A code of conduct for operators, managers and ancillary staff.**
- **Staff training.**
- **Provision for public liability insurance.**
- **Compliance with occupational health and safety (including any WorkCover requirements) where relevant and applicable.**

The Advisory Group advocates tolerance areas and street worker centres as the cornerstones of a package of new reforms to address the issue of street prostitution in the City of Port Phillip. The establishment of tolerance areas and street worker centres would directly address fundamental concerns about the level and location of street sex collection and servicing, and minimise the harms caused to the whole community.

These reforms form the basis upon which a range of other desirable recommendations has been built. The following sections outline a series of recommendations addressing issues relating to behaviour, support services and communication.

## 7 BEHAVIOURS

The Advisory Group believes behavioural issues lie at the core of a large proportion of public, resident and sex worker concerns about street prostitution in the City of Port Phillip. It asserts that addressing offensive behaviours committed by sex workers, clients, pimps and sex tourists would minimise the harm currently caused to the City of Port Phillip. While tolerance areas and street worker centres are crucial in terms of managing the situation, the wellbeing of sex workers and residents would not be improved unless behavioural issues are addressed.

### *Offences*

A range of nuisance behaviours currently pervades the City of Port Phillip. These behaviours, which are committed both by people associated with street sex work and those who are not, cause considerable harm to residents, the general public and street sex workers. If the situation in the City of Port Phillip is to be improved, these behaviours must be addressed.

The Advisory Group's objectives of increasing community safety can be achieved by addressing the offensive behaviours that occur in and throughout the City of Port Phillip. The Advisory Group believes violence, intimidation, coercion and the destruction of private or public property are unacceptable and must be addressed in the context of a comprehensive harm minimisation response. In particular, the following behaviours are of great concern to the Advisory Group:

- Assault or rape.
- Soliciting minors.
- Sexual acts in public.
- Loitering or soliciting in, or near, areas regularly frequented by children.
- Intimidation of sex workers, residents or the general public.
- Coercion of sex workers.
- Careless or dangerous driving.
- Vandalism.
- Trespass.
- Public defecation or urination.
- Offensive language or abuse.
- Littering.
- Excessive noise.

Each of the above behaviours is currently an offence under Victorian law with penalties ranging from fines to imprisonment. These behaviours are offences under the following Acts and Regulations:

- *Crimes Act 1958.*
- *Prostitution Control Act 1994.*
- *Summary Offences Act 1966.*
- *Vagrancy Act 1966.*
- *Road Safety (Vehicles) Regulations 1999.*
- *Litter Act 1987.*
- *Environment Protection Act 1970.*

### **Local safety issues**

The *Local safety survey 2001* conducted by Crime Prevention Victoria illustrates some of the behavioural issues facing the City of Port Phillip. The local safety surveys were conducted in

different local government areas in March 2001, and results were provided for each local government area and for Victoria as a whole. The survey questioned Port Phillip residents on their perceptions of crime and safety, and revealed that 56 per cent of respondents indicated that crime was a problem 'to a great extent' or 'to a moderate extent' in the City of Port Phillip.<sup>135</sup> Household burglary, car theft and drugs were the most commonly cited crime problems, and the concern expressed over drugs and car theft in Port Phillip was higher than the Victorian average. While street prostitution was not specifically mentioned in the survey, offensive and illegal behaviours are clearly of concern to Port Phillip residents. Therefore, street prostitution is one of a number of issues that are of concern in the City of Port Phillip.

These concerns are reiterated in the Victoria Police community profile for Port Phillip, which noted as an emerging trend that:

Street Prostitution has been identified as not only a high profile public order problem in St Kilda, but also one which is linked to the high drug use and trafficking problems in the area, as well as other related crimes such as residential burglaries. This high profile problem draws large numbers of both groups and individuals to the area. Local residents have highlighted possible links with these groups and other street crime such as assaults, robberies and general nuisance activity around the Fitzroy Street area.<sup>136</sup>

The Advisory Group considers it imperative that the police continue to investigate and prosecute offensive behaviours committed in the City of Port Phillip. The majority of these offences are committed by sex tourists and gutter crawlers - not primarily street sex workers. By removing the most harmful elements of street prostitution, it is anticipated that the enforcement of these behaviours associated with, or peripheral to, street prostitution would significantly improve the safety of the Port Phillip community. Under the model proposed by the Advisory Group, the above listed offences would, as discussed previously, attract the appropriate criminal sanctions, regardless of whether the behaviour or act occurred inside or outside a tolerance area or street worker centre.

### ***Law enforcement***

Police responses to the commission of criminal offences and complaints received from the public vary according to particular circumstances. For a number of reasons, police do not always pursue criminal charges in instances where minor illegal acts have been committed. This can occur when illegal acts or offensive behaviours are not brought to the attention of police, or when police exercise their discretion to caution the offender. This discretion usually occurs in relation to more minor offences, such as trespassing or littering. Police investigate serious offences reported to them such as assault, rape, the solicitation of minors, intimidation, coercion or other acts of violence.

In view of the Advisory Group's commitment to minimise the impact of street prostitution on the community, it is important that residents, traders and street sex workers can feel safe and have the confidence to report criminal offences. Feelings of wellbeing and safety are often based on the public presence of the police in the community. An increase in the street presence of police would contribute to a safer environment for residents and street sex workers. It would also deter crime and illegal behaviours within and outside tolerance areas or street worker centres. The Advisory Group supports the allocation of additional officers to increase the presence and impact of law enforcement in and around areas of street sex activity.

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<sup>135</sup> Crime Prevention Victoria 2001, *Local safety survey 2001: City of Port Phillip*.

<sup>136</sup> Victoria Police 2000a, *Community profile: Port Phillip*.

Offences committed by sex workers and their clients – such as performing sexual acts in public, and loitering or soliciting for the purposes of prostitution outside tolerance areas – would continue to be enforced. Increased law enforcement would protect the community and minimise the harmful effects of street prostitution. It is envisaged that a greater police presence would also foster an environment in which street sex workers would be more likely to report acts of violence committed against them.

To suitably address the issues of street prostitution in the City of Port Phillip and manage policing issues inside and outside tolerance areas, additional police officers are required for the two-year pilot period. These additional police officers would address enforcement issues both within and outside street worker centres and tolerance areas, and thereby providing an important link between the police and street sex workers. The designation of extra police officers to street prostitution issues would also fulfil the Advisory Group’s objective of using law enforcement responses as a method of maintaining relationships and increasing the safety of street sex workers and the wider community.

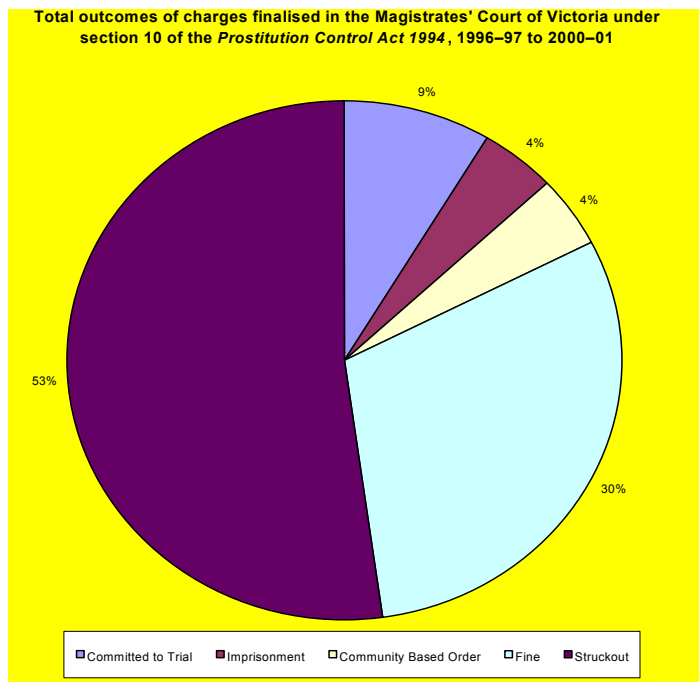
**Key recommendation 3: Additional resources for enforcement**

**That the need for an appropriate level of resources – to be assigned to address street prostitution issues and ensure a greater presence in the City of Port Phillip – be brought to the attention of Victoria Police command.**

### **Pimps & Spotters**

St Kilda police have indicated that a small number of street sex workers operate at the direction of pimps. Pimps and spotters cause significant anxiety for local residents by loitering around street prostitution pick-up and servicing areas. High levels of vandalism and drug trafficking have been attributed to the presence of pimps and spotters on the streets. The Advisory Group believes pimping should be the focus of police and community scrutiny to eliminate the exploitation of women, as set out under the United Nations Convention on the Elimination of All Forms of Discrimination Against Women. It should also focus on the small number of male and transsexual street sex workers who work at the direction of pimps.

Pimping is prohibited by several sections of the Prostitution Control Act. In particular, section 10 prohibits persons from deriving a material benefit from the earnings of prostitution. According to Magistrates’ Court statistics, only 23 charges were finalised under section 10 of the Prostitution Control Act for the period between 1996–97 and 2000–01, and the majority of charges (53 per cent) were struck out.



While it appears from these statistics that pimping is a relatively rare occurrence, anecdotal evidence suggests the majority of pimping activity goes unreported. Of particular concern to the Advisory Group are reports of threats and intimidation of sex workers and local residents by pimps. It is difficult for police to obtain the necessary evidence to prove charges of living on the earnings of a prostitute. Additionally, evidence of monetary transactions between the sex worker and the pimp, or evidence of pimping, is often required from the sex worker in a formal statement. Sex workers are often reluctant to give a statement against a pimp because of fear, intimidation or because the pimp is also the sex worker's partner.

The Advisory Group believes the establishment of tolerance areas and street worker centres would increase the safety of street sex workers and foster an environment within which street sex workers would not need pimps or spotters to look out for them. However, community agencies should work with the police to eliminate the exploitation of women wherever it occurs, inside or outside tolerance areas.

### **Explanatory recommendation 3.1: Exploitation by pimps**

**That Victoria Police work in cooperation with other agencies to eliminate the exploitation of sex workers by pimps and spotters. Pimps and spotters should be subject to police scrutiny, especially in relation to the commission of offences that exploit sex workers and/or cause harm to the community.**

### **Sanctions**

Street sex workers operating outside tolerance areas would be subject to existing criminal laws relating to loitering, soliciting and offensive behaviour. In addition, the Advisory Group supports the view that street prostitution can be more effectively policed by pursuing clients and sex tourists. Residents more often report the nuisance behaviour of clients and sex tourists, not the workers themselves. The complex needs of sex workers, such as drug dependency and homelessness, indicate that sex workers are likely to re-offend regardless of the sanctions meted out by the criminal justice system. Conversely, clients and sex tourists are less likely to re-offend. Therefore, the extent of street prostitution occurring outside tolerance areas can be addressed, in the first instance, by targeting clients and sex tourists.



Sex tourists – also known as hoons – travel by car to the City of Port Phillip to observe street prostitution transactions, and often verbally and physically abuse residents and street sex workers. Sex tourists cause significant disturbance to the general amenity and environment through their inappropriate behaviour, which includes offensive language, abuse, littering, excessive noise and dangerous driving. The Advisory Group is concerned sex tourists often assault sex workers and residents by throwing missiles and objects from their cars.

During public consultations, residents suggested sex tourists are not effectively policed. Statistics reveal that section 16 of the Prostitution Control Act – which prohibits behaving in an indecent, offensive or insulting manner, or to use threatening, abusive or insulting words in a public place to a prostitute with the intention of intimidating, insulting or harassing – has been sparingly utilised. Only 10 charges have been finalised in the Magistrates' Court in the past six years. Other offences committed by sex tourists, including offensive language and excessive noise, are prohibited under existing law, such as section 17 of the *Summary Offences Act 1966* or section 48B of the *Environment Protection Act 1970*. The Advisory Group supports increased policing of the activities and nuisance criminal behaviour of sex tourists in the City of Port Phillip.

Street sex work clients – also known as gutter crawlers, johns and punters – additionally commit annoying and affronting propositioning behaviours, such as approaching by car and communicating in a lewd manner to local residents and traders. This causes considerable distress to members of the Port Phillip community, especially children. The Advisory Group supports the policing of gutter crawlers operating outside tolerance areas.

The Advisory Group believes the use of infringement notices (on-the-spot fines) for nuisance and affronting behaviours committed by street sex work clients and sex tourists would considerably enhance police capabilities. This would increase police efficiency by reducing time spent on processing offenders, court preparation and court appearances. These police resources could then be directed to other areas of community need. Infringement notices additionally conserve court resources and ensure the consistent treatment of offenders. Infringement notices would be inappropriate for street sex workers.

Under the current system for infringement notices, payment of the fine within the timeframe stipulated effectively finalises the matter, no conviction is recorded, and no further action can be taken. A person issued with an infringement notice can elect to have the matter heard in the PERIN (Police Enforcement by Registration of Infringement Notices) court, which also brings fine defaulters to court in the last instance. Persons charged by way of an infringement notice have the option of taking the matter to court if they wish to contest the charges.

There are complex legal issues to consider when applying infringement notices. It is considered inappropriate for infringement notices to apply to offences that can attract a term of imprisonment, or require an offender's intent to be established. Therefore, infringement notices are best applied to offences that prohibit a specific act or behaviour to minimise factual disputes. Consequently, infringement notices should not be applied to street prostitution-associated offences existing under the Prostitution Control Act.

The Advisory Group believes the impact of these legal issues can be minimised through the creation of two new offences, to be enforced through on-the-spot fines. The first offence would target affronting behaviour by clients and sex tourists while the second would target nuisance behaviours by sex tourists. The latter offence would be used by police to target traffic-related and other nuisance behaviours, such as hooting, cruising, excessive noise emissions and littering from a vehicle. The more general affronting language and behaviour offence would be used by police to target the inappropriate, often sexually aggressive propositioning behaviour that occurs outside tolerance areas. For instance, this offence would

be aimed at those sex tourists and others who may abuse, and throw objects at sex workers and passers by, from moving vehicles.

These new offences would address complaints from residents, traders and workers. They would reduce the incursion of sex tourists into the City of Port Phillip and would encourage clients to use tolerance areas and street worker centres. Further, these offences would significantly increase the safety and wellbeing of the entire community.

**Key recommendation 4: Sanctions for clients and sex tourists who commit affronting, and/or nuisance behaviours**

**That the Department of Justice consult with Victoria Police and the City of Port Phillip to further develop:**

- **An offence that prohibits affronting language and/or behaviour in a public place; and**
- **An expansion of existing nuisance-type offences that regulate traffic-related behaviour (eg. hooting, noise, cruising, littering from a motor vehicle).**

**The offences will be punishable by infringement notices, issued by members of Victoria Police.**

## **Child prostitution**

The Advisory Group believes child prostitution is unacceptable. In accordance with the United Nations Optional Protocol to the Convention on the Rights of the Child, the Advisory Group contends that child prostitution is a form of exploitation. It is imperative that children are protected from these dangers and harms. The impact of prostitution on the mental and physical health and wellbeing of children has been well documented. Child prostitutes are at significantly greater risk of physical and sexual abuse than other prostitutes, and high levels of victimisation from clients.<sup>137</sup> Childhood sexual abuse has been linked with later involvement in prostitution in a number of studies, including an American study that discovered 68 per cent of street prostitutes suffered childhood abuse.<sup>138</sup> A Canadian study also found child prostitutes suffered high levels of child abuse before entry into prostitution, and that child prostitutes themselves were also at greater risk of drug use, physical violence and suicide. The conclusion of this study resonates with the Advisory Group's views on child prostitution. The Canadian study concluded that:

Young prostitutes develop and live in contexts of constant danger. Without caring intervention, the risk that these youth run, probably unparalleled anywhere else in society, will shorten their lives. Given that their supposed criminality is not one of choice but of coercion and victimization, an immediate, non-legalistic, non-condemnatory intervention strategy is crucial, not only for the welfare of the youth involved but also for the integrity of a society that has so far failed to stop adult predators of children and youth.<sup>139</sup>

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<sup>137</sup> Weisberg, K 1985, *Children of the night: a study of adolescent prostitution*, Lexington Books, Massachusetts.

<sup>138</sup> Nadon, S, Koverola, C & Schludermann, E, op. cit.

<sup>139</sup> Schissel, B & Fedec, K 1999, 'The selling of innocence: the gestalt of danger in the lives of youth prostitutes', *Canadian Journal of Criminology*, January, vol. 41, no.1.

St Kilda police have reported that a small number of street sex workers are under the age of 18. The Advisory Group does not condone street sex work by children and urges the adoption of a strong harm reduction approach. Under-age street sex workers should not, and cannot, be permitted to operate in tolerance areas and street worker centres. Where child street sex workers are discovered in tolerance areas or street worker centres, police and/or street worker centre operators would be required to follow established protocols and notify the Department of Human Services Child Protection and Care Unit. This procedure is discussed further below.

**Key recommendation 5: Child prostitution unacceptable**

**That child street sex work is unacceptable and should not be permitted in any circumstances. Child street sex workers would therefore not be allowed to operate in tolerance areas or street worker centres. If this occurs, police should follow established protocols and notify the Department of Human Services Child Protection and Care Unit.**

**How would this work?**

In Victoria and throughout Australia, a number of Acts specifically prohibit child prostitution and sexual conduct with children. Sections 5, 6, 7 and 11 of the Prostitution Control Act contain a range of child prostitution offences specifically relating to clients, pimps and the operators of brothels and escort agencies.<sup>140</sup> Between 1996–97 and 2000–01, a total of 123 charges were finalised in the Magistrates' Court of Victoria under these sections. Section 5 – causing or inducing a child to take part in prostitution – was the most commonly cited child prostitution offence with 51 charges being finalised in the Magistrates' Court of Victoria. The *Crimes Act 1958* includes several offences prohibiting sexual conduct with a child, including participating or performing sexual penetration or an indecent act with a child.<sup>141</sup> In addition, child sex tourism is also criminalised in federal law under section 3A of the *Crimes Act 1914*.

Under the *Crimes Act 1958* any sexual conduct with a child is unlawful. The *Children and Young Persons Act 1989* sets out that any person may report suspected child abuse; however, it is mandatory for people in certain proscribed professions to report child abuse. Specifically, the Act provides that if a person believes on reasonable grounds that a child has suffered, or is likely to suffer, significant harm as a result of physical injury or sexual abuse and the child's parents have not protected, or are unlikely to protect the child from this harm, then this abuse must be reported to the police or the Department of Human Service Child Protection and Care Unit.

The requirement for mandatory reporting applies to people in particular professions who encounter child abuse in the course of their professional duties, and includes medical practitioners, registered nurses, teachers or members of the police force. The *Children and Young Persons Act* defines a child as under the age of 18 years, and requires that people in these proscribed professions immediately report child abuse after forming the reasonable belief that abuse is occurring.

Once the police or the Department of Human Services have been notified as to suspected child abuse, if it is deemed appropriate, an investigation will be launched by either the police or the Child Protection and Care Unit. In all cases of sexual abuse and serious physical abuse,

<sup>140</sup> Section 3 of the *Prostitution Control Act 1994* defines a child as a person under the age of 18 years.

<sup>141</sup> A number of the offences under the *Crimes Act 1958* apply specifically to children under the age of 16 years, while others apply to children under the age of 18.

protective workers must consult with the police. During an investigation, the Child Protection and Care Unit determines what action is necessary to protect the child (such as removing the child from the environment), and the police determine whether criminal charges should be brought against the abuser.<sup>142</sup> Pending the outcome of the investigation, charges may be laid, a child may be removed from the situation, or if the abuse is occurring in the home, police can enforce an Intervention Order to remove the abuser from the home.<sup>143</sup> Matters may also be referred to the Children's Court, where appropriate.

The Advisory Group believes the system of mandatory reporting currently legislated under the Children and Young Persons Act is a sufficient and well-established mechanism for intervention in instances of child prostitution. It is the Advisory Group's intention that intervention should occur in instances where child prostitutes are found to be operating in tolerance areas, or attempting to gain access to the servicing rooms of a street worker centre. Therefore police would be required, on occasion, to check the particulars of street workers suspected of being under 18 years. The Advisory Group supports the adoption of a harm minimisation approach for child street sex workers seeking to access a street worker centre. Child workers who approach a street worker centre would receive immediate counselling followed by referral to an appropriate support service while the relevant child reporting procedures are set in motion.

Although only certain professions are legally required to report child abuse – including child prostitution – the Advisory Group believes it is the responsibility of every member of the community to report all forms of child abuse to the appropriate authorities. The mandatory reporting of child abuse is particularly important in light of research indicating high levels of child abuse in the personal histories of street sex workers. Therefore, the prevention of child abuse is an important method of reducing subsequent involvement in street prostitution. The Advisory Group believes the mandatory reporting of child sexual abuse should apply to any street worker centre operator or worker.

#### **Explanatory recommendation 5.1: Mandatory reporting of child prostitution**

**That any operator or staff member at a street worker centre be required to report to either the police or the Department of Human Services Child Protection Unit instances of child prostitution, as outlined under the *Children and Young Persons Act 1989*.**

To prevent children from accessing servicing rooms at the street worker centre, workers (and clients) should be required to prove that they are aged 18 or above before access is granted to the facilities. It is understood that street sex workers rarely carry identification when working. In this case, workers would be required to pre-register with the street worker centre prior to attempting to gain access to use the street worker centre rooms. Registration would entail showing appropriate proof of age identification, either through a current Australian drivers licence, keypass or passport. Workers would be issued with a card featuring their photograph, which would enable them to access the centre when arriving with a client. If a street sex worker is not registered with a sex worker centre but requires access to the facilities, then the appropriate proof of age identification would need to be presented at the door. The operators of street worker centres would reserve the right to remove any person (worker or client) who fails to register or show proof of age, upon request. If a street worker centre operator believes a person who has not provided sufficient proof of age identification is in fact a child under the

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<sup>142</sup> Department of Human Services 2000a, *Child sexual abuse: understanding and responding*, 3rd edn, Child Protection and Care, Community Care Division, Victorian Government Department of Human Services.

<sup>143</sup> Department of Human Services 2000b, *Protecting children volume 1: standards and procedures for protective workers*, Child Protection and Care, Community Care Division, Victorian Government Department of Human Services.

age of 18, the relevant procedures pursuant to the Children's and Young Persons Act should be applied, as outlined above.

#### **Explanatory recommendation 5.2: Pre-registration of street sex workers**

**That street sex workers be required to pre-register with street sex worker centres or show appropriate proof of age identification when requested to gain access to, or use, street worker centre facilities. Registration cards should include, as standard features, a first name, date of birth and a recent passport-sized photograph.**

**Procedures should be put in place to ensure the privacy of workers is maintained and respected.**

Although child prostitution is reportedly rare in the City of Port Phillip, it is a very serious issue that requires close monitoring. The Monitoring Committee would be required to regularly review the operation of procedures and policies in relation to child prostitution and make changes where necessary. In addition, the independent evaluation should be required to assess the effectiveness of policies and procedures in minimising harm to children and the community.

### *Diversion*

The Advisory Group believes a criminal justice diversion program for street sex workers would provide a significant opportunity to enable street sex workers to leave the industry. A diversion program, while not necessarily reducing the incidence of street sex work in the City of Port Phillip, would address a number of the issues fundamental to involvement in sex work, such as drug use, homelessness and violence. An arrest diversion program for street sex workers would also establish links between police, support services and sex workers.

Diversion programs have been operating in the Australian criminal justice system in various forms since the 1980s, and form part of a general criminal justice movement that attempts to prevent future offending by addressing some of the causes of crime. The term 'diversion' is often used to describe the decision-making processes at various stages of the criminal justice system 'whereby certain offenders are not prosecuted, or not imprisoned or not punished, but are identified and treated in a different way'.<sup>144</sup> Initially, diversion programs offered an alternative to traditional criminal justice sanctions of fines or imprisonment. More recently, pre-sentence diversion programs have been developed to address many of the underlying causes of crime before the offender's court appearance. Diversion programs are not about simply imposing lenient sentences on offenders: diversion programs work to initiate contact between offenders and support services, and address the underlying causes of crime. Diversion aims to reduce re-offending and delay re-offending periods by exposing offenders to positive environments and encouraging non-offending behaviour.

The Advisory Group proposes that the police continue to enforce prostitution offences that occur outside tolerance areas and, where appropriate, use a diversion program to offer support to street sex workers and encourage them to leave the industry. A diversion program could also be used in instances where a street sex worker is arrested for drug or other non-violent offences.

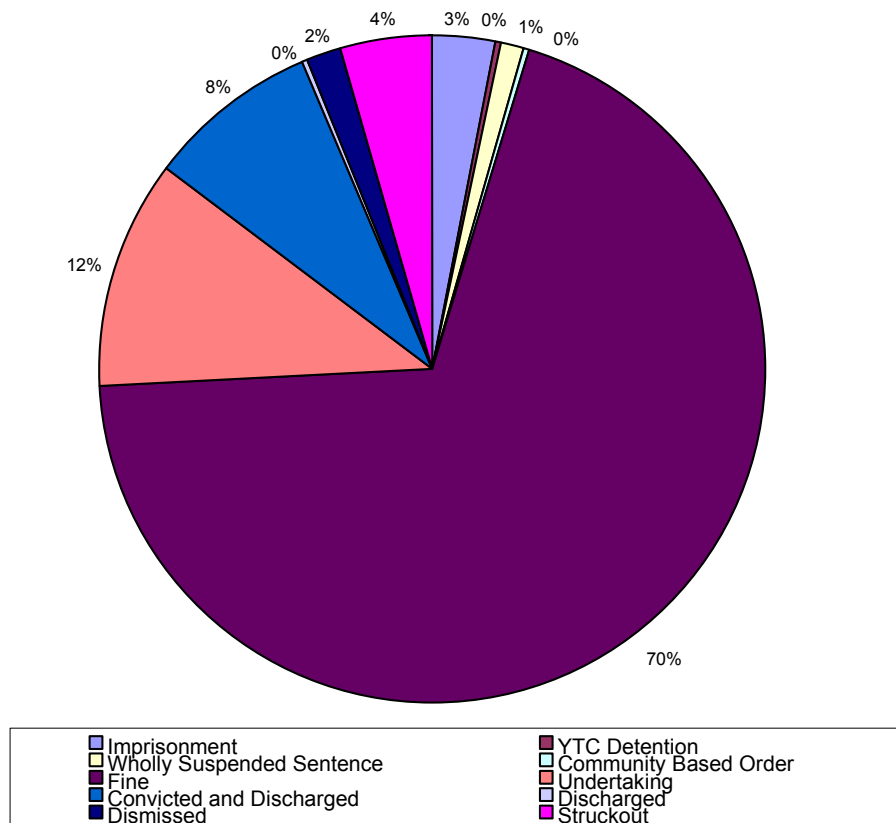
Magistrates' Court statistics indicate that the majority of street sex workers charged for loitering or soliciting receive a fine when they appear in court. This can create further

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<sup>144</sup> Laing, JM 1999, 'Diversion of mentally disordered offenders: victim and offender perspectives', *The Criminal Law Review*, Oct.

difficulties as street sex workers often return to the streets to earn the money to pay the fine. For the 2000–01 period, approximately 3 per cent of charges finalised resulted in a prison sentence. The number of sex workers who spend time in prison for prostitution offences is presumably higher than this rate, as many workers are imprisoned for failing to pay accumulated fines for prostitution offences. Unfortunately, neither imprisonment nor fines address the causes of street prostitution, and are unlikely to prevent recidivism or offer opportunities to leave the industry.

**Total outcomes of charges finalised in the Magistrates' Court of Victoria under section 13 of the *Prostitution Control Act 1994*, 2000–01**



A number of diversion programs currently operate throughout Victoria, such as the CREDIT (Court Referral and Evaluation for Drug Intervention and Treatment) program and the Victoria Police Drug Diversion Program (VPDDP). Both programs target people whose offending is drug related and assist those persons to receive drug treatment and counselling, where appropriate. In 2001, the CREDIT program accepted a small number of street sex workers on drug-related charges.

### **Collaboration Care and Innovation program**

Another diversion strategy currently operating successfully is the Collaboration Care and Innovation (CCI) program that initially began as an arrest diversion program in Fitzroy, Collingwood and Richmond in the City of Yarra. CCI was originally funded through the Victorian Drug Law Enforcement Fund, and was designed to assist drug offenders to make best use of support services in the critical period between arrest and attendance in court. The program was originally designed as a brief intervention service with a small volume of case management.

CCI has a holistic vision of managing a range of client needs, and it forges an essential local link between police, centralised diversion and local service provision. It provides referral to many areas including accommodation, health, legal, employment, financial and support services. CCI also provides access to the CREDIT program in addition to assisting 'clients' families.

At the point of arresting a drug offender, police can contact CCI whose staff provide referral and brief intervention. CCI works closely with police to ensure the most appropriate referral possible, and to also ensure clients released on bail attend court for their clinical assessment through CREDIT. A small number of clients are also referred from the CREDIT program to CCI for case management and assistance in accommodation. A high proportion of CCI clients are non-arrest, non-charge client contacts referred to the program through local outreach programs, police referral or self-referral. Police can refer non-violent offenders to CCI and client participation is not compulsory.<sup>145</sup>

The success of CCI has been demonstrated by its recent expansion to Bendigo and Ballarat. While designed as a diversion program for non-violent drug offenders, CCI has developed a slightly generalised diversion service and a capacity for non-drug offenders due to self-referrals, non-arrest police referrals, and a number of police arrest referrals for non-drug non-violent offenders.

The Advisory Group believes the CCI model would be appropriate and highly effective as an arrest diversion program for street sex workers in the City of Port Phillip. For this model to be applied to the City of Port Phillip, it is necessary for an assessment to occur of the current strategies, outreach and support services operating in the area. The Drug Round Table convened by the City of Port Phillip under its Local Drug Strategy (LDS), is currently overseeing the development of a CCI model for the City of Port Phillip as part of its commitment to ongoing harm reduction. The role of the Drug Round Table is to 'provide policy advice, guidance on the monitoring and evaluation of implementation of the LDS... [and] can also advise on mechanisms to ensure the sustainability of projects implemented within the strategy'.<sup>146</sup> The CCI program will become an integral part of the Mobile Health Outreach Service. It will primarily be targeted toward people who inject drugs, which will include a significant proportion of the street sex industry. The implementation of a CCI-type response for street sex offences outside tolerance areas is currently under consideration.

The Advisory Group envisages that in the instance of a sex worker breaching the local accord, either through soliciting or loitering for the purposes of prostitution outside tolerance areas or through committing another offence, police would pursue criminal charges against the street sex worker as per usual, and have the option of linking the sex worker into the CCI diversion program. The Advisory Group believes the flexibility of the CCI model, including the high proportion of non-arrest, non-charge client contacts, provides significant access mechanisms to diversion, including self-referral or referral through a local agency. Therefore, CCI would come into contact with street sex workers in the instance of a breach of the accord through loitering or soliciting outside of tolerance areas, or in instances of self-referral or referral from a local agency. The Advisory Group believes the establishment of a diversion program in the City of Port Phillip, based on the Collaboration Care and Innovation model would be beneficial for street sex workers in assisting them to leave street sex work. The CCI model is also consistent with the Advisory Group's harm minimisation philosophies and objectives.

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<sup>145</sup> Fitzgerald, JL & Mischewski, A 2001, *Collaboration Care and Innovation (CCI) process evaluation report (November 1999 – April 2001)*, University of Melbourne, Parkville.

<sup>146</sup> City of Port Phillip 2000c, *Local drug strategy 2000–2003*.

**Key recommendation 6: Diversion options for street sex workers**

**That the Collaboration Care and Innovation diversion model successfully operating in the City of Yarra be expanded to the City of Port Phillip and adapted to meet the specific needs of street sex workers.**



## 8 COMMUNICATION ISSUES

The Advisory Group believes improved communication between community stakeholders is critical to the success of its package of recommended reforms. The effectiveness of tolerance areas and street worker centres in reducing the harms associated with street sex work relies on community goodwill, careful planning and implementation. However, it is the creation of strong and reliable communication networks that will, in the longer term, deliver community safety and confidence. This will only be achieved when residents and street sex workers experience a responsive and a coordinated approach to the issue.

It is imperative that local stakeholders disseminate a common message. This message should, in essence, articulate the local accord; it should inform the community where loitering and soliciting will be focused and what behaviour is unacceptable. The message should be the same from police, welfare support agencies and government. It should be understood by residents, traders and street sex workers.

As previously outlined, the Street Prostitution Monitoring Committee (reporting to the Healthy and Safer Cities Alliance) should form the cornerstone of local communications in relation to street sex issues. All key stakeholders would be represented on the Monitoring Committee, which would provide a forum for the month-to-month monitoring of the local accord. Representatives on the Monitoring Committee would have a responsibility to work together to produce positive results for the City of Port Phillip.

The Advisory Group supports the implementation of a comprehensive educative and communications strategy to increase awareness of the operation of the local accord and improve information flows between key stakeholders.

### **Key recommendation 7: Educative and communications strategy**

**That a comprehensive educative and communications strategy be implemented. This should entail the appointment of a police liaison officer, a peer education program for street sex workers, the establishment of a support services coordination group, and the creation of a mechanism through which the community can provide feedback on local street sex issues.**

### *Communications strategy*

#### **How would this work?**

The following discussion and recommendations explain in detail the educative and communications strategy proposed by the Advisory Group.

#### *Communicating with police*

The extent and diversity of locations of street sex work contribute to the complexity of policing in the City of Port Phillip. A successful strategy to control the location of street sex activity within tolerance areas requires a coordinated and consistent police response. To coordinate police responses at a local level, a senior police officer dedicated to street prostitution issues is required. This officer would be responsible for the ongoing coordination of police responses to unacceptable behaviours within tolerance areas (such as under-age street sex workers, pimping, assault and abuse), and the enforcement of offences that occur outside the tolerance areas (including loitering and soliciting for the purpose of prostitution).

This dedicated role would also involve liaising with the various stakeholders and providing a single point of contact for the community to address policing issues and concerns in relation to street prostitution. The officer fulfilling this role would also be a member of the Street Prostitution Monitoring Committee, and represent the police and assist in the ongoing maintenance and monitoring of the local accord.

This would ensure police responses are consistent with the messages articulated to street sex workers and the wider community, and with the messages articulated by service providers and other agencies.

The Advisory Group is mindful of the demands on police resources and believes this position would be best filled by a police officer of senior rank currently stationed in St Kilda. This would enable the police liaison officer to utilise existing knowledge and networks in fulfilment of the liaison duties, and would minimise strain on police resources.

During consultation, this proposal received strong support from residents, street sex workers and other stakeholders who recognised the need for a central point of police contact. However, several submissions noted that the position must be appropriately resourced for the liaison role to be performed adequately. In particular, it was felt that the designated officer should be allocated sufficient time to establish effective working relationships and develop trust with key stakeholders. The Advisory Group supports this view.

#### **Explanatory recommendation 7.1: Police liaison officer**

**That a police officer of a senior rank, at St Kilda police station, be designated as responsible for community and police liaison and education concerning street prostitution in accordance with the local accord.**

**That the police liaison officer be afforded sufficient time (in relation to other duties) to effectively perform the role.**

#### *Raising awareness among sex workers, residents and traders*

Residents, traders and street sex workers must all understand and support the local accord if the current situation in the City of Port Phillip is to be improved.

Inappropriate behaviours, including servicing in residential and other sensitive areas, adversely impact on the Port Phillip community. An ongoing effort to raise the awareness of street sex workers about the potential impact of certain behaviours would assist in creating a safer environment for the community.

Several submissions received during consultation suggested that awareness raising and educational activities for street prostitution reforms should be targeted at the whole community. For instance, the Victorian Community Council Against Violence noted that:

Not only should street sex workers be made aware of harm caused to the local community by inappropriate behaviour, but the community should be encouraged to recognise the safety and dignity of street sex workers and to accept street sex work carried out within the agreed community-developed protocols.

Increased community awareness of issues relating to street prostitution would reduce the stigma faced by street sex workers. The Victorian Community Council Against Violence suggested that a community awareness campaign be undertaken that seeks to provide an

understanding of the issues facing street sex workers and identify them as members of the community. The Advisory Group recognises the need for greater community awareness of the issue and supports appropriate action to address it.

Community awareness campaigns have been successful in the past, and the Advisory Group believes a campaign specifically targeting the City of Port Phillip community would be appropriate. The aim of the campaign would be to inform the Port Phillip community (including street sex workers) about the harms associated with street sex work, and promote knowledge about street sex work issues and the local accord. This could be achieved through a broad educative model that emphasised the social, health, and law enforcement dimensions of the strategy. It could further explain the need for the community to work together to achieve significant social change. The Advisory Group believes that it is essential that the community is well informed about street sex work issues to promote mutual respect and cooperation between sex workers and the Port Phillip community.

### **Explanatory recommendation 7.2: Community education campaign**

**That reforms to street sex work be the subject of a community education campaign to raise awareness of residents, traders and street sex workers about street sex issues and explain how the local accord works.**

The common messages enshrined in the local accord would be effectively communicated to street sex workers by welfare service providers and, in particular, outreach workers. This approach would utilise the professional expertise and existing rapport between outreach workers and sex workers. Moreover, it would build on a basis of trust and mutual respect, assisting the delivery of consistent and clear messages. This avenue of communication could be further explored by outreach workers explaining the harmful aspects of street prostitution on the wider community to street sex workers.

Street sex workers at the recent consultation indicated to the Advisory Group that messages could also be disseminated to the disparate community of street sex workers through peer networks. This would provide opportunities for the more experienced, older workers to educate the younger workers on safety and how to operate respectfully without being intrusive. Sex workers could, in turn, inform clients about the need for compliance with the local accord. The distribution of information to sex workers through outreach would also assist in the establishment of tolerance areas, and minimise the impact of street prostitution on the community. Peer education and support programs have been established elsewhere in the world with great success. In Hawaii, Sisters Offering Support (SOS) operates an exit and retraining program with peer-based counselling, and BAYSWAN in San Francisco operates a peer support program for street sex workers and the homeless.

A peer education program in the City of Port Phillip could utilise existing support facilities and infrastructure by using the street worker centre as a point of contact for sex workers. The Advisory Group believes the establishment of strong support networks would assist street sex workers by minimising harms and assisting workers to leave the industry.

### **Explanatory recommendation 7.3: Peer education programs for street sex workers**

**That a peer education program be established through which experienced street sex workers could educate new or inexperienced workers on operating within the terms of the local accord. This should include the production and distribution of information brochures outlining in plain language the *dos* and *don'ts* of street sex work in the City of Port Phillip.**

### *Improved coordination between welfare service providers*

A host of health, welfare and outreach services in the City of Port Phillip provides support to disadvantaged and complex need groups. These services are provided in relation to drug and alcohol support, housing, legal and mental health assistance. Many existing services and programs engage a target group clientele, often those from a specific cultural background or age, or presenting with a particular need (such as drug dependency or homelessness). The diverse cultural make-up of street sex workers, in addition to their complex needs, can result in an overlap of service responses.

Better coordination between service providers in the City of Port Phillip would maximise welfare service delivery for street sex workers and improve case management. It would assist in circulating common messages about the operation of the local accord and provide an opportunity for feedback. Monthly meetings should be held to discuss issues relating to welfare service provision to street sex workers. The meetings should be chaired by the welfare support representative of the Street Prostitution Monitoring Committee. This would ensure concerns about the impacts or management of tolerance areas are referred to the Street Prostitution Monitoring Committee for further examination.

#### **Explanatory recommendation 7.4: Support services coordination group**

**That welfare service providers meet monthly to discuss and, as appropriate, target the support needs of street sex workers. The Support Services Coordination Group should be chaired by the welfare service provider's representative of the Street Prostitution Monitoring Committee, and should ensure the common messages about the operation of tolerance areas and street worker centres are disseminated to all street sex workers.**

### *Community feedback*

At the community consultation forum held in October 2001, there was widespread support for establishing a mechanism through which residents could register complaints, observations and comments regarding street sex activity in the City of Port Phillip. Residents asked for a telephone hotline or email address to be established to enable them to provide feedback and seek responses. This would ensure residents have an opportunity to be heard and the confidence their concerns will be acted upon.

The Advisory Group recognises the need for a community feedback mechanism and supports the provision of a telephone service. The City of Port Phillip currently operates ASSIST, a 24-hour, seven-day telephone line that provides the community with a first point of contact for all council-related requests. ASSIST staff are available to receive and resolve queries as they arise by liaising with other departments and council service providers. It is proposed that residents wishing to register a complaint or seek clarification about the operation of the local accord would ring the ASSIST telephone line. Depending on the nature of the enquiry, the trained staff of ASSIST may be able to address the caller's concerns. If not, it would be referred to the relevant member of the Street Prostitution Monitoring Committee for resolution or, if necessary, consideration at its next meeting. Where a response is sought, one would be provided by the Monitoring Committee in due course. An email contact should also be provided to the community.

If the call relates to an urgent or very serious matter, the police should be contacted directly. Residents should not contact the ASSIST line if they require police intervention.

**Explanatory recommendation 7.5: Community feedback**

**That the City of Port Phillip ASSIST service be expanded to facilitate the receipt of community feedback in relation to street sex activity. The resolution of difficult issues should be referred to the Street Prostitution Monitoring Committee, and responses should be provided to complainants where they are sought. An email contact should also be provided.**

## 9 AMENITIES AND SUPPORT SERVICES

### *Amenities*

Access to basic amenities can be fairly limited in the City of Port Phillip for street sex workers and the general community. As in many urban centres, few toilets, showers, taps, rubbish bins and syringe disposal units can be found in the area. This dearth of amenities is exacerbated by the closure of toilet blocks in the evenings when street sex activity reaches its peak. This is the result of a number of violent incidents in and around toilet blocks in recent years.

This trend produces obvious flow-on effects for the amenity of the neighbourhood. Some street sex workers and other community members use parkland or residential areas to discard waste and rubbish, and dispose of syringes unsafely. As a consequence, the streets are dirtier and more hazardous through the possible spread of disease. Street sex workers, many of whom are homeless, feel they have no place to clean themselves. Residents feel powerless to influence the amenity of their streets. This creates tension between street sex workers and residents.

The Advisory Group advocates the expansion and enhancement of resource, amenity and welfare support services to address these problems.

#### **Key recommendation 8: Improved amenity and support services**

**That amenity, resource and welfare support services be expanded and enhanced for residents, traders and street sex workers. A comprehensive package of services should offer targeted street cleaning, improved access to public toilets, and a full range of support services (including access to exit and retraining programs) for street sex workers.**

#### **How would this work?**

The following discussion and recommendations explain in detail the resource, amenity and support services proposed by the Advisory Group.

#### *Provision of toilets*

Street sex workers often face difficulties in accessing public after-hours amenities and facilities because of safety fears or the remote location of amenities. Street sex workers and other members of the community are often forced to use private facilities as many public facilities are closed during evening hours. However, it is not always convenient to access private premises such as local bars, convenience stores and service stations. In addition, many of these businesses do not permit street sex workers to use their facilities. This can result in public urination and defecation, and the unsafe disposal of condoms and syringes in parkland and residential areas. Public toilets often generate safety concerns either through poor lighting or remote locations, and many workers are reluctant to use these facilities.

The City of Port Phillip is developing a comprehensive strategy to upgrade toilet facilities in the municipality. This will provide obvious benefits for the wider community. An examination of the existing amenities and facilities would additionally identify safety concerns and may result in extra features such as improved lighting and self-cleaning mechanisms. A City of Port Phillip toilet policy could stipulate that appropriate toilet facilities be established in tolerance areas. The Advisory Group believes the principles of

Crime Prevention Through Environmental Design (CPTED) should be applied to any toilet facilities to be established in a tolerance area to increase the safety of street sex workers and the Port Phillip community, and reduce fear and the opportunities for crime.

The proposal to establish additional toilets in street sex areas received considerable support during the consultation period, particularly from City of Port Phillip residents.

#### **Explanatory recommendation 8.1: Toilet policy**

**That the City of Port Phillip establish appropriate toilet facilities in tolerance areas utilising Crime Prevention Through Environmental Design principles. The toilet policy should be developed in consultation with Victoria Police and the community.**

#### *Street cleaning*

St Kilda has a unique position in Victoria as a tourist destination and focus of the street sex industry. This creates a convergence of people on St Kilda and increases the burden on City of Port Phillip street cleaning services. It also presents health risks to the community through the unsafe disposal of condoms and syringes. Littering is not only committed by street sex workers, but also by other members of the community.

The level and frequency of street cleaning varies throughout the City of Port Phillip according to pedestrian traffic flow and land usage. Some busy streets are cleaned every three to seven days, while other quiet residential streets are cleaned fortnightly. Traditional street cleaning methods can miss litter including condoms and syringes and, as a result, certain busy areas are spot-checked on a regular basis by various community groups. In the last two years, the City of Port Phillip has twice increased the frequency of cleaning in particular areas as a direct result of the impact of street sex activity.

The creation of tolerance areas would significantly reduce the litter problem in residential areas. However, tolerance areas would require specific, targeted street cleaning to minimise the harms and safety concerns of residents and sex workers about the hazardous disposal of condoms and syringes. This proposal was widely supported by City of Port Phillip residents during consultation.

#### **Explanatory recommendation 8.2: State government assistance for street cleaning**

**That, in view of St Kilda's unique position as a tourist attraction, the state government recognise that additional funding is required to increase current levels of street cleaning in the City of Port Phillip. Street cleaning should be targeted to areas of greatest need, such as tolerance areas.**

#### *Access to amenities and resources*

Improved access to services and facilities for street sex workers would be further addressed through extending and enhancing existing facilities, resources and services. This may involve a rotating schedule of services (providing outreach, liaison and access to facilities), one of which would be open at all times. Utilising existing community venues, enhanced services and facilities would minimise the harms and negative impacts on local residents, in addition to providing sustainable links for street sex workers to outreach, health and welfare services. A 24-hour service would also provide an avenue for the dissemination of common messages about the operation of tolerance areas and street worker centres.

The 24-hour service would utilise existing community facilities and rotate between various venues in the vicinity of tolerance areas. The venues would be a combination of local outreach, health and welfare agencies. The venues would provide safe access to toilets, showers, water, and syringe disposal units; the facilities would be cleaned regularly by contracted cleaners. The 24-hour service would be subject to a fixed rotation with several hours at each venue. The operational hours and locations of the service would reflect the work patterns occurring in the street sex industry. A roster of the operational hours and locations of the service would be available and publicised to street sex workers and the St Kilda police. The 24-hour service would provide a safe environment for sex workers.

Two appropriately trained outreach workers would use the venue as a base. They would distribute harm-reduction resources (including condoms, lubricant and health information), provide referral to local support services, and link to other mobile services such as the Integrated Mobile Health Outreach Service and the Youth Health Bus. The outreach workers would also have a liaison role, and residents and traders would be able to contact outreach staff about particular situations or issues as they arise. Outreach workers would remedy the situation, where possible, through existing networks.

This proposal received a high level of support from stakeholder organisations, residents and street sex workers during recent consultations.

#### **Explanatory recommendation 8.3: Enhanced resource and amenity services**

**That a 24-hour rotating amenity and resource service for sex workers be developed, utilising existing venues with increased access to outreach, services and facilities.**

**That street sex workers are made aware of the services available to them through an awareness campaign coordinated through the Monitoring Committee.**

### *Support services*

Issues confronting street sex workers are complex and diverse, and range from difficulties in accessing services to drug dependency and homelessness. Current local figures are not known, but it is believed the levels of drug dependency and homelessness among street sex workers are high. Research estimates that 80 per cent of street sex workers are regular drug users.<sup>147</sup> Sex workers also experience difficulties in accessing services for drug treatment, housing and mental health issues. Access to retraining programs for workers wishing to exit the street sex industry is also an important issue. Homelessness, drug dependency and lack of employment skills form the barriers that prevent workers from exiting the street sex industry.

### **Drug use issues**

The harmful impact of illicit drugs on the Victorian community has been well documented, and changes in the illicit drug market and visible drug use have contributed to sharp increases in heroin-related deaths. Victoria has the highest opioid overdose rate in Australia per head of population with an average of 163.4 deaths per million population in 1999, compared to 140.6 for New South Wales, 80.9 for South Australia and 85 for Western Australia. Tasmania, Northern Territory and the Australian Capital Territory all have significantly lower rates.<sup>148</sup>

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<sup>147</sup> Prostitutes Collective of Victoria 1994, cited in Noske, H & Deacon, S 1996, *Off our backs: a report into the exit and retraining needs of Victoria sex workers* Prostitutes Collective of Victoria

<sup>148</sup> National Drug and Alcohol Research Centre 2000, *1999 Australian Bureau of Statistics data on opioid overdose deaths.*



The number of heroin-related deaths in Victoria for 1991 was 49, and this increased to 331 in 2000. In the period between 1991 and 2000, the total number of deaths resulting from heroin use was 1723. Of the 331 heroin deaths in 2000, 81.2 per cent were male and 18.8 per cent were female. The median ages were 28.5 and 28 years respectively. Of all Victorian heroin deaths in 2000, 61 per cent tested positive to hepatitis C. In 83 per cent of cases, the presence of other drugs was noted including benzodiazepines (55 per cent), alcohol (32 per cent), cannabinoids (34 per cent), amphetamines (10 per cent) and other opioid drugs (9 per cent). The number of heroin-related deaths in St Kilda for 2000 was 20, the fourth most prominent locality behind Melbourne, Footscray and Richmond. The total number of heroin-related deaths in St Kilda between 1997 and 2000 was 66, the second highest for any area behind the Melbourne central business district.<sup>149</sup>

Drug treatment services in the City of Port Phillip are offered by a range of providers for any person requiring assistance with information, counselling and treatment and rehabilitation. The treatment services provided include home-based withdrawal programs, residential rehabilitation, methadone, naltrexone, peer support and self-help programs. Many agencies also provide outreach, referrals to drug treatment programs and needle-syringe programs. Waiting lists for the various services differ, and typically range from one week to one month. Presently, there are no drug treatment services specifically targeted to the complex needs of street sex workers.

Many agencies also provide outreach and practical support, such as needle and syringe exchange, to target groups. They assist with a broad range of needs including health problems and provide information, referral, counselling and assistance in accessing services.

The City of Port Phillip Local Drug Strategy has been established to address local priorities and develop responses that meet specific needs, such as those of street sex workers. Presently, the complex needs of street sex workers are addressed by targeted outreach programs such as those delivered by the Inner South Community Health Services (Resourcing Health and Education in the Sex Industry), and drug treatment and other health or support services.

## **Homelessness issues**

While the exact level of homelessness among street sex workers is unknown, it is believed to be significantly higher than levels of homelessness across the general population. It is estimated that every night approximately 18,000 individuals are homeless in Victoria, with an average rate of 3876 people or 173 people per 10,000 in inner Melbourne alone. Many factors contribute to the current levels of homelessness, such as the decline in the availability of affordable housing in the past 10 years. Inner city Melbourne has a greater supply of housing than in previous years; however, less than 2 per cent is affordable to low-income earners. Additionally, substance abuse has been identified as a cause and a consequence of homelessness, and homeless people are 7.5 times more likely to be heroin-dependent than the general population.<sup>150</sup>

A recent study conducted by the St Kilda Sacred Heart Mission Women's Program concluded that 30 per cent of women in the program were transient or homeless, and that 64 per cent had experienced homelessness in the past.<sup>151</sup> The suspected high levels of homelessness among street sex workers contribute to the barriers that prevent sex workers from leaving the

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<sup>149</sup> Victorian Institute of Forensic Medicine 2001, *Heroin Deaths in Victoria: 2000*.

<sup>150</sup> State of Victoria 2001, *Building solutions for individuals and families who experience homelessness – working report of the Victorian Homelessness Strategy*.

<sup>151</sup> Mitchell, G, op. cit.

industry. With no fixed address, no unemployment benefits and no money, many workers feel they have no option but to continue street sex work.<sup>152</sup> As with drug treatment and outreach programs, there are several homelessness services, and some targeted resources for homeless youth and families. Presently, there are no homelessness services specifically targeted to address the needs of street sex workers.

## **Other issues**

The 1997 Inquiry into Prostitution, chaired by Judith Dixon, identified mental and dental health issues as of vital importance to street sex workers, and suggested specific programs were needed. In addition, Dixon identified a serious need for self-esteem, personal development and retraining programs for street sex workers.<sup>153</sup>

The Advisory Group supports the establishment of a full range of services that gives street sex workers the opportunity to equip themselves to leave the industry. This sentiment was unanimously endorsed during consultation. The harm minimisation model proposed by the Advisory Group was backed by a host of key stakeholders including Victoria Legal Aid, the Office of Public Prosecutions, the Women Barristers' Association, the Victorian Community Council Against Violence, the St Kilda Legal Service, the Alfred Infectious Diseases Unit and the majority of the St Kilda Ecumenical Group.

In particular, stakeholder organisations, residents and workers strongly supported the establishment of exit programs to assist workers to leave the industry. Street sex workers noted that existing interventions are targeted at persons under the age of 25 and that fewer programs operate to help older workers. In addition, several submissions noted a history of broken government promises in relation to exit programs and expressed scepticism that the Advisory Group's proposals would be implemented. The Advisory Group believes exit programs are an essential part of its reform package and must be implemented to achieve its objectives.

### **Explanatory recommendation 8.4: Expanded range of support services**

**That a comprehensive range of support services be provided specifically targeting street sex workers. The services should address issues of:**

- **Drug dependency.**
- **Homelessness.**
- **Sexual and mental health.**
- **Personal development.**

**These programs should aim to minimise the harmful effects of street prostitution.**

### **Explanatory recommendation 8.5: Exit programs**

**That exit programs be established to provide street sex workers with the necessary knowledge, skills and training to enable them to leave the industry.**

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<sup>152</sup> Noske, H & Deacon S, op. cit. The link between homelessness and prostitution is also made in Commonwealth of Australia Attorney-General's Department 2001, *Living rough: preventing crime and victimisation among homeless young people – full report*, National Crime Prevention Report No. 9.

<sup>153</sup> State of Victoria 1997, *Prostitution Control Act 1994 Advisory Committee report*, Victorian Government Printer, Melbourne. The major findings of this report are detailed on p.30.

## 10 THE WAY FORWARD

Transparency, accountability and consultation are the keys to achieving a positive social outcome for the City of Port Phillip. These principles should guide the way forward.

The Advisory Group supports the establishment of a range of measures to ensure the community is actively engaged in addressing the issue of street prostitution and consulted throughout the implementation and trial. It is imperative that residents and traders have opportunities to raise issues about the operation of tolerance areas and street worker centres, and confidence their concerns will be treated seriously and pro-actively. This can be achieved by making the implementation of the Advisory Group's strategies subject to a series of appropriate checks and balances.

### **Key recommendation 9: A transparent process**

**That, to ensure transparency and continued public confidence, the implementation and operation of the Advisory Group's proposals be subject to ongoing monitoring and community consultation in addition to an independent evaluation.**

### *Implementation, consultation and evaluation*

#### **How would this work?**

The following discussion and recommendations explain in detail the implementation, consultation and evaluation processes proposed by the Advisory Group.

#### *Implementation*

The implementation of the Advisory Group's recommendations will not be achieved quickly or simply. It will involve the passage of legislation through state parliament, and state and local government consultation and implementation of new and enhanced services and agreements. This task requires careful project management and a detailed implementation plan. The plan should outline the project's objectives, the tasks involved, the functions and responsibilities of different stakeholders, communications activities, and budgetary implications across state and local government. Importantly, the implementation plan should include a detailed timeline that clearly shows the dates by which the community can expect changes to be implemented. The development of an implementation plan would help to demonstrate transparency and engender community confidence in the process.

#### **Explanatory recommendation 9.1: Implementation plan**

**That a detailed implementation plan be developed that outlines key tasks, responsibilities and deadlines. The community should be informed about the process and, in particular, dates for the implementation of key initiatives.**

#### *Ongoing community consultation*

Community consultation has been critical to the development of the Advisory Group's proposals. The composition of the Advisory Group reflects a broad range of community interests including council, residents, traders, welfare agencies and street sex workers. In addition, the group consulted widely with the community during October and November

2001. This consultation comprised a public forum, individual consultations, written submissions and feedback from street sex workers.

The package of measures outlined in this report cannot be developed and implemented without community support. Responsibility for ongoing consultation rests with the City of Port Phillip. As previously discussed, mechanisms such as the council ASSIST telephone line will be utilised to enable the community to raise matters and seek feedback in relation to street sex issues. In addition, the community should be given other opportunities to discuss the progress of the trial of tolerance areas and street worker centres. The City of Port Phillip should hold two community forums during the course of the two-year trial. These should ideally occur 12 and 18 months after the commencement of the trial. Such consultation would enable the Monitoring Committee to act on issues of concern in addition to informing the progress of the independent evaluation.

### **Explanatory recommendation 9.2: Community consultation**

**That a minimum of two community forums be held during the trial to enable the public to comment on the operation of the strategies introduced to address street sex issues.**

### *Evaluation*

In line with other areas of health and social welfare intervention (particularly in relation to demonstrating evidence-based effectiveness), the development and implementation of a built-in evaluation framework is seen as an essential part of the package of measures proposed to improve levels of community safety in relation to street sex work issues. It is imperative that, over the course of the two-year trial of tolerance areas, the full package of measures proposed are evaluated to assess the effectiveness of strategies implemented to improve levels of community safety in relation to street sex work issues.

The evaluation should be conducted independently, and a report submitted to the state government on the impact of the strategies implemented. The evaluation should commence in the implementation phase immediately following the passage of legislation. The evaluation should be conducted in six-month stages throughout the trial, and should be informed by monitoring and ongoing consultation.

The evaluation should principally adopt a formative model. This would ensure the evaluation is relevant to the ongoing development and improvement of the trial. Throughout the course of the two-year trial, the independent evaluator should provide relevant information to the Monitoring Committee to enable it to address issues and trends as they become apparent. The evaluation should also feature summative and impact elements. This means, at the conclusion of the two-year trial, the evaluator would assess the overall effectiveness and impact of the strategies on particular groups such as residents and street sex workers.

The evaluation should consider the impacts on parties affected by street prostitution such as residents, traders and street sex workers. It should also consider stakeholder organisations such as state and local government, Victoria Police and welfare support services.

### **Explanatory recommendation 9.3: Conduct of an evaluation**

**That an independent evaluation be conducted to assess the effectiveness of the strategies implemented to improve levels of community safety in relation to street sex work issues.**

**The evaluation should aim to:**

- **Ensure transparency of the process to all stakeholders.**
- **Provide feedback during implementation and the trial to enable the Monitoring Committee to address issues, as appropriate.**
- **Determine criteria to assess the effectiveness or otherwise of the trial of tolerance areas.**

**The evaluation should address the extent to which:**

- **Street sex workers and clients make use of tolerance areas.**
- **Street sex work has been removed from residential streets.**
- **Community safety has been improved.**
- **Street sex workers have made use of diversion options and or exited the industry.**
- **Policing issues have changed since prior to the commencement of the trial.**
- **The relationship between street sex issues and drug use has changed.**
- **The trial has impacted on community cohesiveness and tolerance.**
- **The community's understanding of the issue and how to address it has changed.**

## APPENDIXES

### *Appendix A: Attorney-General's Street Prostitution Advisory Group Membership*

The Hon. Richard Wynne MP (Chair)  
Parliamentary Secretary, Justice

The Hon. Andrea Coote MLC  
Member for Monash

The Hon. Bill Baxter MLC  
Member for North Eastern

Ms Anne Peterson  
Convenor, Port Phillip Action Group

Mr Gerry Tickell  
President, Fitzroy & Acland Street Residents'  
Association

Ms Jeannette Davison  
Port Phillip Action Group

Ms Karen McNamee  
Sacred Heart Mission

Ms Gendrie Klein-Bretler  
Good Shepherd Youth & Family Services

Dr Craig Bird  
Greeves Street Residents

Mr Jeff Lyons  
Port Phillip Alliance/St Kilda Rooming  
Houses Issues Group

Cr Dick Gross  
City of Port Phillip

Inspector Chris Duthie  
St Kilda police

Ms Mandy Press  
City of Port Phillip

Senior Sergeant John Hauer  
St Kilda police

Ms Karen Sait  
Inner South Community Health Service  
RhED Program

Michelle  
Street sex representative

Mr Greg Byrne  
Department of Justice

Ms Jenny Plant  
Salvation Army Crisis Services

Ms Elena Campbell  
Office of the Attorney-General,  
The Hon. Rob Hulls MP

Ms Jacki Willox  
Office of the Deputy-Premier,  
The Hon. John Thwaites MP

## Other participants

The following people also participated in the Advisory Group during the course of the last year.

Mr Mark Nicklen  
Sacred Heart Mission

Ms Michelle Keenan  
City of Port Phillip

Ms Susan Humphries  
Port Phillip Action Group

Mr Julian Hill  
Mayor, City of Port Phillip

Mr Michael Schmidt  
President, Fitzroy Street Traders' Association

Ms Joanna Kormas  
Office of the Deputy-Premier,  
The Hon. John Thwaites MP

Ms Brenda Forbath  
Port Phillip Alliance

Cr Carolyn Hutchens  
City of Port Phillip

Inspector Ron Gallagher  
St Kilda police

Ms Sandra Gibson  
Inner South Community Health Service  
RhED Program

Ms Holly Byrne  
Office of Andrea Coote MP

Ms Marilyn Dawson  
Office of the Attorney-General,  
The Hon. Rob Hulls MP

Ms Sally Coutts  
Salvation Army Crisis Services

## *Appendix B: Terms of reference*

### **Background**

In response to public concern about extensive illegal street prostitution in the City of Port Phillip, the government has established:

- An Advisory Group of stakeholders including representatives of residents, traders, police, local government, members of parliament, charitable organisations, community agencies and the sex industry.
- A Working Party comprising representatives of relevant government departments.

The government recognises that a wide range of factors contribute to street prostitution. It emphasises that increased community safety and reduction of any harmful effects of street prostitution, direct or indirect, are priorities.

### **Terms of reference**

In consultation with the Advisory Group, the Working Party is requested to provide a report to the Attorney-General. The report should:

- Identify the key concerns held by members of the Advisory Group regarding street prostitution in the City of Port Phillip.
- Identify possible options for addressing these concerns, emphasising community safety and harm reduction, including short-term solutions that are capable of immediate implementation.
- Examine the advantages and disadvantages of each option.
- Conduct research, including a consideration of other Australian and international jurisdictions, to assess the effectiveness of possible options in a Victorian context in Port Phillip and other areas.
- Make recommendations as to how the government should respond to the concerns identified in both the short and long term, including any financial implications.



## *Appendix C: Advisory Group meetings and consultations*

### **Advisory Group meetings, St Kilda Town Hall**

- ◆ 14 March 2001
- ◆ 30 March 2001
- ◆ 20 April 2001
- ◆ 4 May 2001
- ◆ 18 May 2001
- ◆ 15 June 2001
- ◆ 6 July 2001
- ◆ 27 July 2001
- ◆ 14 September 2001
- ◆ 7 December 2001
- ◆ 14 December 2001
- ◆ 22 March 2002

### **Advisory Group workshop**

- ◆ 1 June 2001

### **Protocols Sub-Group meeting**

- ◆ 20 July 2001

### **Locations Sub-Group meeting**

- ◆ 24 July 2001

### **Evaluation Sub-Group meeting**

- ◆ 24 January 2002

### **Street sex workers' consultation, Inner South Community Health Service (RhEDs)**

- ◆ 4 July 2001
- ◆ 9 November 2001

### **Community forum, St Kilda Town Hall**

- ◆ 24 October 2001

### **Individual consultations, St Kilda Town Hall**

- ◆ 2 November 2001
- ◆ 13 November 2001

## *Appendix D: Interim Report recommendations*

### **Recommendation 1: Designated areas for the collection of street sex workers**

That geographic areas be established in which street sex workers and clients can legally solicit and loiter for the purpose of prostitution. Designated areas of this kind should be trialled for a period of two years, after which an evaluation would be undertaken to assess their effectiveness in reducing social harm to the community.

### **Recommendation 2: Mechanism for establishing designated areas**

That designated areas would be established by local protocols formalised in an agreement between Victoria Police and the state government. A two-year trial would not involve the decriminalisation of street prostitution. It would create specific areas in which street sex work is permitted.

### **Recommendation 3: Criteria for selecting designated areas**

That the identification of potential locations for designated areas be subject to extensive community consultation and the regular planning processes, as set out in the *Planning and Environment Act 1987*. Responsibility for determining the location of designated areas rests with the City of Port Phillip.

Designated areas should be assessed against the criteria outlined below.

Should not be close to:

- Residential zones
- Daytime convenience retailing
- Primary and secondary schools
- Kindergartens
- Childcare centres
- Places of worship
- Hospitals
- Places where children congregate for recreation or cultural activities.

Should feature:

- Driving circuit for clients with a high volume of traffic and kerb-side parking
- Access to mobile outreach and resource facilities
- Safety patrols
- Servicing areas
- Public transport nearby
- Amenities (lighting, toilets, bins, needle and syringe disposals units).

### **Recommendation 4: Establishment of safe houses**

That safe and secure venues be established for street sex workers to service clients (safe houses). Safe houses should be established under a model that is consistent with the regulation of the existing legal prostitution industry.

### **Recommendation 5: Management of local protocols**

That a small street prostitution consultative committee be established to oversee the functioning of the local protocols. The committee would be auspiced by the City of Port Phillip, meet monthly, and contain representatives from:

- The City of Port Phillip.
- St Kilda police.

- The sex industry.
- Health, welfare and outreach organisations.
- Residents' groups.

The committee would also be provided with policy support and advice, as required, by the Department of Justice and the Department of Human Services.

**Recommendation 6: Enforcement**

That the need for an additional sergeant and four police officers to be assigned to address street prostitution issues (including any designated areas) in the City of Port Phillip be brought to the attention of command in the Victoria Police.

**Recommendation 7: Sanctions for clients and sex tourists who breach local protocols**

That the Department of Justice consider the development of an offence under which clients and sex tourists would receive infringement notices.

**Recommendation 8: Diversion options for street sex workers**

That the Collaboration Care and Innovation diversion model successfully operating in the City of Yarra be expanded to the City of Port Phillip and adapted to meet the specific needs of street sex workers. This would involve an assessment of whether the program currently being established in the City of Port Phillip (Integrated Mobile Drug Safety Outreach Service) will fulfil the support requirements of street sex workers.

**Recommendation 9: Police liaison**

That a police officer of a senior rank, at St Kilda police station, be designated as responsible for community and police liaison and education concerning street prostitution, in accordance with agreed local protocols.

**Recommendation 10: Raising awareness of street sex workers**

That service providers and outreach workers seek to raise the awareness of street sex workers regarding the harms caused to residents by inappropriate collection and servicing behaviours.

Recommendation 11: Better coordination by service providers

That service providers develop a coordinated response to street sex work issues.

**Recommendation 12: Increased street cleaning**

That, in view of St Kilda's unique position as a tourist attraction, the state government recognise that additional funding is required to increase current levels of street cleaning in the City of Port Phillip. Cleaning should be targeted to areas of greatest need, such as designated areas.

**Recommendation 13: Toilet strategy**

That the toiletry needs of street sex workers and clients be specifically addressed in the City of Port Phillip Toilet Strategy. This should be undertaken in consultation with Victoria Police and the community, and examine the potential for upgrading existing toilets, and creating 24-hour facilities in close proximity to designated areas.

**Recommendation 14: Enhanced resource and amenity services**

That a 24-hour rotating amenity and resource service for sex workers be developed utilising existing venues with increased access to outreach, services and facilities.

**Recommendation 15: Expanded support services**

That a comprehensive range of support services be provided that specifically targets street sex workers. The services should address issues of:

- Drug dependency.
- Homelessness.
- Sexual and mental health.
- Personal development and retraining needs.

**Recommendation 16: Community consultation**

That the opportunity for the community to comment on the proposals outlined in this report be provided during a consultation period of not less than two months.

**Recommendation 17: Evaluation**

That an independent evaluation be conducted to determine the effectiveness of the street prostitution reforms in reducing the harmful impacts on the community.

## ***Appendix E: Issues arising from consultation – questions and answers***

From September to November 2001, the Advisory Group conducted extensive public consultation with the Port Phillip community on the recommendations of its Interim Report, and received public submissions from various individuals and community groups. Listed below are questions and issues raised during the consultation process.

### **Tolerance areas and street worker centre**

#### **1. How will this be different from a red-light district?**

Tolerance areas are different from red-light districts in a number of ways. A red-light district involves the explicit commercialisation of sex work and is traditionally poorly policed. A tolerance area would be established through community consultation, and would be carefully managed through Local Priority Policing and the City of Port Phillip Local Safety Committees. Additional policing would ensure better management of street sex work in the City of Port Phillip.

#### **2. How will the street worker centre work in terms of ownership, regulation, under age workers and other brothels?**

The Advisory Group proposes that a licensing system for street worker centres be established under the existing *Prostitution Control Act 1994*, parallel to the current licensed brothel system. The Advisory Group also recommends that street worker centres be limited to the City of Port Phillip and operated by a not-for-profit agency. Sex workers under 18 years of age would be prohibited from using the rooms of a street worker centre.

For further information on the street worker centre, please refer to pages 55-60 of this report.

#### **3. What will be the geographical relationship between tolerance areas and street worker centres?**

The Advisory Group believes street worker centres should be established very close to tolerance areas. It would be undesirable and impractical for a street worker centre to be located any more than a short distance from a tolerance area, as such an arrangement would risk under-utilisation of the street worker centre and the spread of street sex activity outside the tolerance area. The exact geographical relationship between tolerance areas and street worker centres will be known once locations are selected.

#### **4. What is the mechanism through which council designate a tolerance area? Will there be extensive community consultation on choosing the locations of tolerance areas?**

Successful establishment of tolerance areas relies on community engagement. The Advisory Group believes residents and traders should contribute to the debate about potential locations, and extensive community consultation will be incorporated into the four-step process in the establishment of a tolerance area. For further information regarding the selection process or community consultation for tolerance areas, please see pages 53–55.

Council will invite recommendations from the community on possible sites for a tolerance area. These submissions will be sought by public notice in local newspapers in early July 2002.

**5. What assurances are there that tolerance areas will be in a non-residential area?**

Under the criteria for selecting tolerance areas, as proposed by the Advisory Group, the location of a tolerance area should be assessed against a range of criteria, including its proximity to residential zones. The extensive public consultation processes (as outlined above) will prevent tolerance areas from being established in inappropriate locations.

**6. Will there be different tolerance areas for the different groups of streets sex workers?**

The Advisory Group recommends that one tolerance area be established for female street sex workers, and that further tolerance area(s) should be created for male and transsexual workers.

**7. Wouldn't designated areas threaten property values in St Kilda?**

Statistics obtained from the Real Estate Institute of Victoria indicate that between March 1997 and September 2001, house prices in the St Kilda area have increased by 71 per cent, and in Albert Park prices have increased by 61 per cent. During this same period, the levels of street sex activity in the City of Port Phillip area have also increased. The Advisory Group believes that while the negative aspects of street sex work have caused harm to sex workers and the Port Phillip community, they have not lessened the attractions of living in the City of Port Phillip or affected property values, and are unlikely to do so in the future.

**8. Will the street worker centres be cheap and accessible to workers?**

The Advisory Group believes a street worker centre must be as accessible as possible for street sex workers, as this will encourage workers to use these facilities. Street worker centres will be operated by a non-for-profit agency, which would assist in maintaining low costs for sex workers.

## **Policing issues**

**9. What is the main reason for the failure of past policing strategies?**

As international and Australian experiences show, policing of street sex work is extremely difficult utilising traditional law enforcement methods. One of the reasons for this difficulty is that policing can not address the social causes of street sex work. The Advisory Group believes managing street sex work through a package of measures (including tolerance areas and street worker centres) will significantly reduce the harmful impact of street sex work on the Port Phillip community and on street sex workers themselves, by increasing safety and providing opportunities for sex workers to leave the industry.

**10. How does the Advisory Group propose to address the issue of inadequate police resourcing?**

Police resourcing is a statewide issue and is not confined to the City of Port Phillip. In allocating police resources, Victoria Police must examine and be responsive to the needs of the entire Victorian community. However, the Advisory Group does recognise that the street sex work situation in the City of Port Phillip can be improved through an increase in the levels of policing. The Advisory Group has recommended that an additional sergeant and four police officers be assigned to street sex work issues, in addition to the creation of a the position for a street prostitution police liaison officer.

## **Clients**

### **11. Are there any recommendations focusing on clients and pimps?**

The Advisory Group has made a number of recommendations that address street sex work clients and pimps. These recommendations address the behaviour of clients and pimps, and advocate infringement notices for clients that engage in propositioning behaviour outside tolerance areas, and strategies to reduce pimping. The Advisory Group opposes the exploitation of street sex workers in any circumstances, regardless of whether it occurs within or outside tolerance areas.

These recommendations can be located between pages 62-66.

### **12. Wouldn't creating a tolerance area draw more clients to street sex work (and increase activity)?**

As outlined in this report, the available research suggests that the clients of street sex workers are different to the clients of brothel and escort workers. They form a separate and discrete market, and brothel and escort clients are unlikely to use the services of a street sex worker. The Advisory Group believes street sex work activity is unlikely to increase, as the package of measures proposed will not only manage street sex work, but provide pathways out of the profession for workers that would lead to an overall decrease in street sex activity.

### **13. How can we make sure clients will use tolerance areas?**

Street sex work clients will be encouraged to use tolerance areas through a system of law enforcement and infringement notices. The Advisory Group proposes that clients outside tolerance areas would be issued with an infringement notice by police for annoying and affronting propositioning behaviours, such as approaching by car and communicating in a lewd manner to local residents and traders. This would assist in confining street prostitution to tolerance areas and street worker centres, and would alleviate many of the street prostitution associated harms that occur in the City of Port Phillip.

## **Sex workers**

### **14. What exit options will be provided for street sex workers?**

The Advisory Group believes it is important that street sex workers have the opportunity to leave the industry. They would be assisted through increased and enhanced support services addressing issues such as drug dependency, homelessness, sexual and mental health, personal development and retraining needs. In addition, the development of a diversion program based on the Collaboration, Care and Innovation model would further assist sex workers.

### **15. Will there be extra support services for street sex workers?**

An integral component of the package of recommendations is the provision of support services for street sex workers. The Advisory Group believes the provision of adequate support services will assist in addressing the causes of street prostitution and provide avenues for assistance in leaving the industry. The Advisory Group recommends a variety of support services including peer education programs, the establishment of a support services coordination group, the development of an enhanced resource and amenity service with 24-hour capabilities, and expanded support services addressing the issues of drug dependency, homelessness, sexual and mental health, and personal and retraining needs. For further detail, please see pages 80-83.

## **Monitoring**

### **16. What about expanded services for the community, such as a central complaint point?**

The Advisory Group acknowledges the importance of a service that allows local residents and traders to register complaints, trends and comments regarding street sex activity. The Advisory Group recommends that the existing City of Port Phillip ASSIST service be expanded to facilitate the receipt of community feedback on street sex activity. Feedback provided to the ASSIST service will be forwarded on to the appropriate Street Prostitution Monitoring Committee member for discussion and resolution at the next meeting.

### **17. How will this new regime be monitored during the trial period?**

The Advisory Group believes it is crucial that street sex activity in the City of Port Phillip be closely monitored throughout the trial period. There are a number of safeguards built into the Advisory Group's recommendations, including establishing the Street Prostitution Monitoring Committee as a sub-committee of the City of Port Phillip's Local Safety Committee, the Healthy and Safer Cities Alliance. The Monitoring Committee will include local stakeholders in its membership such as residents groups, St Kilda police, City of Port Phillip, the sex industry, and health, welfare and outreach organisations. It will meet monthly to discuss street sex work issues as they arise.

The Advisory Group also recommends that an independent evaluation be conducted in the implementation phase of the recommendations immediately following the passage of legislation. This evaluation will, among other things, assess the effectiveness of the strategies implemented to improve levels of community safety in relation to street sex work issues. The information arising out of the evaluation of street sex work in the City of Port Phillip will be provided to the Monitoring Committee to give feedback and highlight issues that require the committee's attention. For further detail, please see pages 49-51 and 84-86.



## GLOSSARY

Accord	An agreement or arrangement negotiated between parties.
Act	<i>see</i> Legislation
Brothel	Under the <i>Prostitution Control Act 1994</i> , a brothel is any premises made available for the purposes of prostitution by a person carrying on the business of providing prostitution services at the business's premises. Also known as a bawdy house or disorderly house.
Coercion	To compel, persuade, restrain or intimidate a person to commit an act or behaviour by threat or force.
Collection	The act of a street sex worker picking up or collecting a street sex client.
Collection point	The physical geographical location where street sex workers collect or pick up street sex clients. Also known as a pick-up point.
Criminalise	To legislate to make an act or behaviour against the law, and subject to criminal proceedings, which may result in punishment.
Custodial term	A period of confinement or imprisonment.
Decriminalise	Decriminalisation is used in this report to mean changing from a system of total prohibition to partial prohibition. Under total prohibition, all conduct relating to prostitution is a criminal offence. Under a system of partial prohibition, only certain conduct is a criminal offence; for example, in 1979 street prostitution was decriminalised in New South Wales. While it is no longer a criminal offence to solicit another person for the purposes of prostitution in New South Wales, solicitation in view or near a dwelling, school, church or hospital is a criminal offence.
Designated area	<i>see</i> Tolerance area
Escort agency	Under the <i>Prostitution Control Act 1994</i> , an escort agency is the business of providing, or facilitating the provision of, prostitution services to persons at premises not made available by the agency.
Guttercrawler	A person who drives slowly near the edge of the road in an attempt to engage or harass a street sex worker or passerby. Also known as kerbcrawler.
Harm minimisation	Harm minimisation entails a range of strategies relating to supply reduction, demand reduction and harm reduction. In the context of street prostitution, harm minimisation strategies focus on the individuals and communities involved, and the social, cultural and physical environment.
Infringement notice	A notice of pecuniary penalty imposed on a person for committing a specific minor offence, usually a traffic offence. Also known as an 'on-the-spot fine'.
Kerbcrawler	<i>see</i> Guttercrawler
Legalise	Legalisation is the process of changing the status of conduct from illegal to legal.
Legislation	Law made by parliament; that is, statute law or Acts of Parliament.
Local Priority Policing	Local Priority Policing is a Victoria Police initiative that encourages local communities to help determine policing priorities so resources are most efficiently used. It includes the establishment of Local Safety Committees that identify and examine local safety issues and promote coordinated responses from local agencies and organisations.
Loitering	To be idle, linger or remain in a public place for the purposes of prostitution.
Massage parlour	An establishment providing massage of various kinds, and often the

	provision of sexual services.
On-the-spot fine	<i>see</i> Infringement notices
Pick-up point	<i>see</i> Collection point
Pimp	Informally, a person who manages or procures prostitutes. Also known as spotters or minders.
Procuring	To entice, encourage, or persuade another person to commit an act, such as a criminal offence.
Prostitute	<i>see</i> Street sex worker
Prostitution	Under the <i>Prostitution Control Act 1994</i> , prostitution is the provision by one person to or for another person (whether or not of a different sex) of sexual services in return for payment or reward. It includes sexual intercourse and other sexual acts including sexual penetration, masturbation or fellatio. Legal definitions of prostitution vary from one jurisdiction to the next.
Public place	Any open place to which the public, whether upon or without payment for admittance, have or are permitted to have access (for example, public highway or road, park, garden of public recreation, etc.).
Recidivism	The phenomenon of habitual or repeated commission of offences; a relapse into crime.
Safe house	<i>see</i> Street worker centre
Sanctions	A penalty or punishment imposed by the criminal law.
Service providers	Various agencies and organisations that provide support, health, outreach, welfare or other assistance services to disadvantaged, at-risk or vulnerable people.
Servicing	The act of a street sex worker providing sexual services to a street sex client including sexual intercourse, sexual penetration, masturbation or fellatio.
Servicing point	The physical, geographical location at which servicing takes place.
Sex tourist	A sex tourist is a person who travels to street sex work locations to observe street prostitution transactions or street sex workers, and often causes disturbance to the general amenity.
Sex worker	A person who engages in sexual services for payment or reward. Also known as a prostitute.
Soliciting	To ask, entreat or urge another in a public place to commit an act of prostitution.
Statutory defence	A justification or excuse to a criminal charge that is provided by the Act creating the offence. If the defence is successfully made by the defendant, it will lead to a finding of not guilty in a criminal prosecution.
Street prostitution	The act or practice of providing sexual services for payment or reward in a street or public place. Also known as street sex work or the street sex industry.
Street sex client	The customer or purchaser of sexual services from a street sex worker. Also known as a customer, mug or john.
Street sex industry	<i>see</i> Street prostitution
Street sex work	<i>see</i> Street prostitution
Street sex worker	A sex worker who solicits clients from a street or other public place. Also known as a street prostitute or streetwalker.
Street worker centre	A safe and secure venue made available to street sex workers for the servicing of clients. Also known as a safe house.
Tolerance areas	A specific, geographically defined area in which street sex workers can be collected by clients for the purposes of prostitution. Also known as a designated area.

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## **Bills and Acts**

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