

**The Law Report, ABC Radio National
with Damien Carrick
On Tuesday 30/4/2002**

Street Prostitution: Part 1

Summary:

While other Australian cities - take a hard-line approach - Sydney has taken a different path.

There are tolerant zones - where sex-workers can pick up clients and not get into legal trouble. And a unique recent initiative - council accredited safe-house brothels - where workers can take their clients.

Sensible harm reduction - or throwing in the towel at the expense of local residents?

Details or Transcript:

Damien Carrick: Hallo, and welcome to The Law Report.

Today on the program, Part 1 of a two-part look at some of the complex legal and social issues surrounding street prostitution. And I should warn some of today's program is quite confronting.

BABBLE

Damien Carrick: In most of Australia's major cities there is at least one area where street prostitution is endemic. It's a complicated and uncomfortable issue. Sex workers, local residents, police, health professionals and local councils all have strong, and often conflicting views on how the industry can best be managed to minimise physical danger and inconvenience for all concerned.

While in most parts of Australia street prostitution is illegal, New South Wales has for some years taken a different approach. In inner Sydney, there are two so-called tolerant zones where street prostitution is ignored by local police. The area is also home to a unique experiment. The City of South Sydney has taken the bold step of trialling safe house brothels. Council-approved premises where street sex workers can service their clients, rather than the transaction taking place in cars or in front gardens or on verandahs.

Accompanied by Andrew Miles, the Sex Industry Liaison Officer with the City of South Sydney, I stepped out onto the night-time streets of inner Sydney.

Andrew we're standing on William Street, a very busy street which connects downtown Sydney with King's Cross. Tell me, this is actually a designated street-walking space, isn't it? Can you tell me about that?

Andrew Miles: Yes, in the middle 1990s King's Cross Police Station, with South Sydney Council, local representatives of the sex industry and the Chamber of Commerce of King's Cross, agreed that this area of William Street would become what is now known as the designed street sex working area. It's an area where it's OK for street sex workers to work, to solicit their clients. If they solicit in this area, they won't be hassled by the cops. So you could describe it as a policing instruction from King's Cross Police to younger officers to say that it's OK for workers to work in this street to solicit clients, but to not go into surrounding residential areas.

Damien Carrick: It's a very busy six-lane road, lots of traffic and the buildings on either side look

like they're commercial buildings.

Andrew Miles: You're quite right. Even now at 10 o'clock in the evening, there's still a very busy thoroughfare. Clients who do stop in these areas are often harassed by police by flashing their lights or booking them for traffic offences. Lighting here is not as good as it could be. There is also limited access to support services for street sex workers in some of these areas. However, it satisfies more of the requirements in terms of a safe street sex working area than some of the darker, more isolated industrial and residential areas.

Damien Carrick: Where are we going to go now, Andrew?

Andrew Miles: We're going to walk down William Street towards the city, and we're heading towards the two safe house brothels that have been approved by Council to provide services to street sex workers.

Damien Carrick: Now this idea of a safe house brothel, it's somewhere where street workers can take their clients and pay the managers by the hour for renting out the room?

Andrew Miles: That's right. The primary function of a safe house brothel is to provide a room where a street sex worker can provide a commercial sexual service to their client. The advantage of having them recognised under Council's planning policy is that we can apply design and health standards to those premises, which support safe sex practices for the workers, and a safer work environment for everyone involved.

Damien Carrick: So it's all about harm minimisation?

Andrew Miles: That certainly informs the health standards of the sex industry policy. The location of the safe house brothels is essential. They're within a very short walk of this designated street sex working area.

Damien Carrick: Goodday, how are you going? Can I ask, do you ever use the safe house brothels?

Woman: I do.

Damien Carrick: Are they a good idea, do you think?

Woman: I do think so, yes.

Damien Carrick: Why are they a good idea?

Woman: Because they give us an area to take clients to which is clean and safe, yes, and off the street.

Damien Carrick: So it minimises the personal safety risks for you?

Woman: Yes, it does.

Damien Carrick: How long have you been working on this stretch?

Woman: About two years now.

Damien Carrick: And if you don't mind me asking, have you ever had any kind of personal safety issues with clients?

Woman: No, not at all. You occasionally get the odd client that will be a bit nasty, but then you

can calm them down by just saying, 'Look, you know, well this job will finish if you don't sort of calm down'.

Damien Carrick: Have you ever had any problems with the Police?

Woman: With the Police here? No, not at all. I try and chat them up every time they walk past; doesn't work though.

Damien Carrick: Thank you very much, have a safe night.

Woman: You too.

Andrew Miles: What is important about the safe house brothels it is recognised by all members of the community who have differing issues perhaps on the sex industry itself, but it is recognised by all of those different groups in the local community that safe house brothels have achieved significant reductions in the level of impact on local residents by street sex working activities, because the majority of jobs done, commercial sexual services provided by street sex workers are provided in safe house brothels. So that's hundreds of jobs each week that are not in cars or back alleys or as one local resident says, 'my front yard'.

Damien Carrick: We've now reached an intersection and we're turning right down the street heading down towards the harbour. We're heading off to one of the safe houses, I take it?

Andrew Miles: We are. On the right hand side now you can see a group of traditional inner city terraces, two of which are approved safe house brothels.

Damien Carrick: Now tell me, this idea of safe house brothels, is it unique to this area or are there other Councils in Sydney and indeed other parts of Australia which have similar kinds of set-ups?

Andrew Miles: Our understanding is that these safe house brothels are the only type of these premises in the world that have been legally recognised by the local Consent Authority Council in this case, certainly in New South Wales there are no other approved safe house brothels. There's three or four other locations in Sydney where street sex work occurs as well as in Newcastle and Wollongong. However no other Council has yet received either a development application or approved a development application.

Damien Carrick: You said earlier Andrew, that the safe houses hand out safe sex equipment, but they also have a role in another area of health, which is intimately connected with the sex industry, and that is safe injecting equipment.

Andrew Miles: It is true that the proportion of street sex workers have a level of dependent drug use which requires them to obtain clean injecting equipment. These businesses have separate Council sex industry policy, developed relationships with the local needle exchange service where they act as a, if you like a de facto secondary needle exchange, providing clean injecting equipment to street sex workers and their clients who are using the premises.

Damien Carrick: Now I understand that that role in providing safe injecting equipment recently incurred the ire of the local constabulary.

Andrew Miles: Yes the Police, in undertaking some crime management initiatives in the local area, found themselves conducting their search in a local safe house brothel. It has been reported to me that there was no criminal activities associated with that safe house brothel. However Police in New South Wales have new powers under drug houses legislation to charge an operator of the business who they believe is running a drug house, with offences under that Act, and the evidence used in that case was the stocking of clean injecting equipment on site,

which of course is delivered by the New South Wales Department of Health in the evening for workers to collect, and also that the premises were fortified and fortifications I believe, referred to a security grille door, which of course is a requirement under South Sydney Council policy for the premises to have an adequate security system to ensure safety on site.

Damien Carrick: So we're talking about a direct head-on collision between two forms of authority: the regulations and the goals of the safe sex houses as laid out by the City of South Sydney and health authorities on the one hand, and on the other hand, the goals of the Police to remove places where people are actually injecting illegal drugs?

Andrew Miles: Yes it appears so at this stage. It's very important to know that these premises have been approved to safe house brothels for, these premises, for over one year, and have been successful in complying with the requirements of South Sydney Council sex industry policy. Those Police powers I referred to earlier are new powers; it is yet to see whether they're relevant to the regulation of safe house brothels.

Damien Carrick: Those charges have since been dropped. It'll be interesting to get a Police perspective on that legal collision on the program next week.

Andrew, let's now head across the road and into the safe house which was recently raided. OK, we're now turning down a side street, and you're leading me down a lane and OK, here's the back entrance to what looks like an old terrace house.

Andrew Miles: It's just like your safe house brothel, you should feel safe here, this is a legal business. Goodday Jim!

Jim: Hi.

Andrew Miles: Andrew, how are you?

Jim: Good mate, good. Thank you.

Andrew Miles: Got Damien from Radio National with me.

Jim: Oh. Hallo.

Damien Carrick: Hallo Jim, how're you going?

Jim: How are you?

Damien Carrick: Very well. Can I ask you a few questions about the safe house.

Jim: Yes, sure.

Damien Carrick: How many rooms do you have here?

Jim: Five.

Damien Carrick: And presumably the local sex workers come in, bring their clients here and do their tricks here?

Jim: Yes, they come in with their client, they pay us \$13 and they take a room for half an hour and when they've finished they come down, they bring their dirty towels down, put them in the basket and if towels need to go back in the rooms or sheets to be changed, they do that as well.

Damien Carrick: And what do you provide them? You provide them with towels, you provide

them with presumably safe sex equipment?

Jim: Yes.

Damien Carrick: Can I walk round with Andrew, round the premises?

Jim: Yes, sure.

Damien Carrick: OK, let's go into one of the rooms and you can maybe describe it for me. It's about 3 metres by 3 metres. It's got a fan in the ceiling. Windows, presumably bars on the windows.

Jim: Yes, bars on the windows.

Damien Carrick: Do you have a safety buzzer just in case there's an emergency?

Jim: Yes, the buzzer, that's a buzzer system there; it goes directly to the desk. And then they can identify what room, so if there's any trouble or the girl may want to extend without coming to pay, well 'pay you when I come down'.

Damien Carrick: Have you ever had any trouble, personal safety emergencies?

Jim: Never ever had to ring the Police at all.

Damien Carrick: I'm surprised. I would have thought that you'd have clients who maybe got out of control or workers who maybe high and got out of control.

Jim: No, because there's always two people on. We've had a couple of disputes, but nothing where the Police have been, it's always sorted out on the premises.

Damien Carrick: Since this kind of establishment has been opened, do you have any stats about what its impact has been on the violence or the problems associated with the industry which would otherwise have taken place on the street?

Jim: Well I won't say it's dropped to zero, but there's been a lot of incidents that normally they're doing car jobs, I mean four or five years ago there was four or five girls murdered, you know, doing jobs in cars, back lanes, dumped in dumpsters, things like that, but we also assist when they're from this area. The Police might come to sort of track a girl's movements down, and our sheets, which I'll show you, that will identify if she'd been here, what time she'd come in, what time she left. Well that sort of assists them to sort of track her movements.

Damien Carrick: Excuse me, do you mind if I ask you a few questions?

Woman: You're more than welcome.

Damien Carrick: You've just come in here and done a job here?

Woman: Just come in here and done my first job for the night.

Damien Carrick: Right. And you come in here regularly?

Woman: Come in here every night of the week and work.

Damien Carrick: What are the advantages of having a safe house like this one?

Woman: Well the advantages of having a safe house are pretty obvious really, because

otherwise we'd be left to the resources of doing car jobs, and the problem in doing a car job is that the guy can have a knife in his sock, or he can have a knife under the seat, he can slit your throat at any time, you can get bashed in the car, he can push you out of the car, you can get arrested if you do it in a car because it's called having sex in a public place. Yes, the advantages of having a safe house as good as this one, it's just many, manifold.

Damien Carrick: Have you had problems in the past when you've had to do jobs not in places like this?

Woman: I got raped once. On my very first job as a sex worker, that was pretty hard. It flavoured my head for a bit, but I thought Well I've got to get back out there, and I've got to work and make money, so I had to do it again until I learnt about the safe houses. Once I knew about the safe houses, I was fine. But I've never had any problems in a safe house, and I've never had any problems here.

Damien Carrick: Can I ask more personal questions like how long have you been working as a street worker?

Woman: Yes, I've been working as a street worker for about 17 years now, and I love it. I've had lots of jobs, including straight jobs, secretarial jobs, research jobs, and I can honestly say that sex work has been the happiest times of my life, and they've been the best jobs that I feel that I've ever had in my life. I've got a Master's degree and I feel that I basically wasted my life in doing studies towards my Master's degree, because it didn't take me anywhere. It gave me nothing financially, but sex work took me somewhere and just gave me a lot of happiness in my life.

Damien Carrick: And what are the advantages of this kind of work?

Woman: It's more financial. It's much more financial. Plus I can wake up at any time I want to wake up, and I can go to sleep at any time I want to sleep. I've got control over who I see and how many times I see them, and yes, it's a great job for a girl.

Damien Carrick: Terrific. Well look, good talking to you, and I hope you have a safe night.

Woman: Thanks. 'Bye.

Jim: All right, thanks, Andrew.

Andrew Miles: Good on you, Jim.

Damien Carrick: Thank you. OK, and we're now, oh, about half a dozen policemen are walking along the street towards us, so - .

Policeman: Evening.

Damien Carrick: Good evening. Are you guys from King's Cross?

Policeman: No, no.

Damien Carrick: Surry Hills?

Policeman: No.

Policeman: How're you doing?

Damien Carrick: Well, how are you? And a hallo there from the local constabulary who are now going down the lane that we've just come out of. What are they – are they just doing their rounds

presumably?

Andrew Miles: If they're not from King's Cross Police, then they're not on their local beat. They might be here as part of a training exercise to frequent themselves with the alluring street sex worker activities. Certainly the local beat police here have good relationships with street sex workers, because they've been able to establish relationships with them which aren't just solely focused on them applying the Summary Offences Act, doing in workers for soliciting in their area.

Man: How're you going, mate?

Damien Carrick: I'm from ABC Radio; can I ask you are you here to pick up some ladies?

Man: No, no, we're here to just get a few rates and see what the contracts are, and terms and conditions.

Damien Carrick: Do you do that often?

Man: When the seedbox is full.

Damien Carrick: What do we know about – we've done the full block, and we're now back on William Street. What do we know about their clients? Is there a profile for the client?

Andrew Miles: Well we're currently calling the mystery men, because we don't know a lot about them. We do know that the clients of street sex workers are different to clients of brothels. Quite often it's put forward that street sex work would be decreased if there were approved brothels for street sex workers to work in. The problem with that argument is that it doesn't recognise that the clients of street sex workers are looking for a particular service that's provided by street sex workers. The negotiation process between a client and street sex workers is a more private service, you don't have to get out of your car, you can pick and choose your moment, you can view workers who you'd like to purchase a service from without having to negotiate with anyone else, and I think there's also an investment for those clients in terms of the vehicles they're driving and how that's an expression of their personality. Boys in cars.

Damien Carrick: There's also in this area, and indeed in all other kind of street walking areas of Australia, sort of standard routes, where people come and circle round and around, again and again.

Andrew Miles: Yes, the circuits or the loops. I think if you looked at the history of the traffic changes in the Darlinghurst/East Sydney area, the majority of those would have been made as an attempt to break up these loops. What it tends to do is to just push those traffic loops into more sensitive areas, usually residential areas. Council is currently considering what's the best traffic loop for the mystery men.

Damien Carrick: We're out on the late night streets of King's Cross, exploring some of the legal issues surrounding street prostitution. Andrew, where are we off to now?

Andrew Miles: Well we'll cross onto the Darlinghurst side of William Street, and in doing so, heading towards the more residential precincts in this area, and this is where there has been a more recent concern expressed by residents about street sex work activities.

Damien Carrick: So we're now crossing William Street into the more affluent area south of William Street.

Andrew Miles: That's right, I mean this is cosmopolitan area here. We've got a kebab shop next to a private girl's school, next to some old Trash and Twenties residential blocks. It's a mix in the city. This has been a traditional street sex working area. Street sex work has occurred in this area

for the record's sake, as back about 150 years.

Damien Carrick: How are you going? Can I ask you a few questions?

Woman: Yes. You can't have my name.

Damien Carrick: Of course, no that's fine.

Woman: So what do you want to ask?

Damien Carrick: Is this your patch here, do you come here each night?

Woman: Yes.

Damien Carrick: And do you ever have any problems with the Police?

Woman: Every night.

Damien Carrick: That's because you're now out of the designated street walking area?

Woman: Yes. Because we're not down on William Street, we're up Bourke Street.

Damien Carrick: Why do you choose to ply your trade here as opposed to one block down in the kind of designated area?

Woman: Because that's the main street, and because the cars all stop here, it's just easier, and it's a lot better than standing on the main street.

Damien Carrick: And how long have you been on this patch?

Woman: About ten months.

Damien Carrick: Do you use the services of the safe house brothel?

Woman: Yes, we use the rooms all the time, because it's safe and it's only \$13.

Damien Carrick: Have you ever had any personal safety problems with any of the jobs that you've done?

Woman: Yes, they try and hold you longer than you're supposed to be with them. My friend's been bashed and had a gun to her head.

Damien Carrick: So you have problems with the police, do they fine you and arrest you, or when you talk about problems with the police, what do you mean by that?

Woman: They get undercover, unmarked coppers driving around in their own car and trying to pick up girls to catch them for soliciting, and then they charge you; they give you three warnings to go to William Street, if you don't go to William Street, they chuck you in the bull wagon

Woman: It's pretty harsh penalties for soliciting now. They've sort of, because of the residents complaining and stuff all the time, they're making the penalties really, really harsh.

Woman: Like when you think of it, it's not that we choose to do this, but when you're on drugs you have to do something, except go mugging people and that, so we're doing it this way to save all the problems and that, and now coppers are just spewing because we make \$10 more money than them, and they don't like it.

Woman: We're actually providing a service whereas we're helping the married men whose not quite there with their marriage and stuff like that.

Damien Carrick: Can I ask, you're both on heroin at the moment?

Woman: Yes. Trying to actually get on the methadone program and sort of get off the streets. I'm not on the streets every single night, and once a week.

Damien Carrick: How long have you been on the street?

Woman: Working on the streets? I've been probably 2 and a half, 3 years.

Damien Carrick: Can I ask how old you both are?

Woman: I'm 19.

Woman: I'm 24.

Damien Carrick: You said that you do earn good money here. Can I ask you roughly how much you earn, but then also how much your habit is?

Woman: Well our habit is a pretty big habit, and we make about \$500 to \$1,000 a night.

Damien Carrick: And how much is your habit on a daily basis?

Woman: That's how much it is, all of it.

Damien Carrick: So you make \$500 to \$1,000 but you spend \$500 to \$1,000.

Woman: Whatever money we get, we spend it on drugs.

Damien Carrick: Do you ever have problems with the residents? Do they ever hassle you?

Woman: No.

Woman: Some of them are just quaint, they just call the coppers, rather than not speak to us, because we get really aggressive towards them, because we know where they live and stuff like that and we start being real rude towards their place, stuff like that.

Damien Carrick: OK, well look thank you both for your time, and I hope you have a safe night.

Woman: You too, thank you.

Damien Carrick: One of the things I've noticed Andrew is that unlike similar areas in Melbourne, which I'm more familiar with, there aren't pimps hiding in the background who are kind of taking down number plates, the women just seem to be operating by themselves.

Andrew Miles: We don't have pimps as such in New South Wales. The only time I've ever heard of pimping in Sydney was a very local arrangement in a central Sydney suburb where Council and Police acted together to concentrate street sex work into a very unsafe industrial zone, very concentrated, over four blocks, and that concerted Police and Council effort led to blokes suddenly turning up on street corners saying to workers, 'Luv, if you want to work here, you'll have to give me a cut of what you make'. That's the only reference to pimps that I've heard over at least the last ten years.

Damien Carrick: That's certainly one of the proposals in various jurisdictions, is to create red light zones in industrial areas; you're suggesting that that isn't such a good idea from the perspective of sex workers?

Andrew Miles: Industrial areas are unsafe areas. Most people in society would not feel safe walking in an industrial area during the daytime and yes, I can say that all people would say that they don't feel safe working there at night. People don't go there, people don't work there during the night time, people don't live there. If you place street sex workers into industrial zones you are giving a big green light to freaks and hoons to come and abuse. There was a proposal to relocate street sex work activities to an industrial zone near Alexandria Canal, there was a suggestion from a street worker that they should start getting the body bags ready and dragging the canal, because the outcome of moving to an industrial area would be murders of workers.

Damien Carrick: I can certainly understand why people perhaps with young children would not want to have sex workers plying their trade on the street. Can you understand their concerns?

Andrew Miles: I certainly can understand their concerns. I'm a local resident, I'm concerned about some of the adverse impacts that you get in living in the city, traffic noise. Sometimes you have to accept that that's a consequence of choosing to live in the city, that it's a very intense area, a lot of things happening which are just going to disturb your day-to-day life. I think what's important with street sex work, it is a legal activity, it is an offence of course to do it near or within view from residences and other sensitive areas, but it's something that's part of this community. The statements made by some community representatives who I don't believe are representative of the community, who say that street sex workers are not part of the local community. I don't recognise their authority to make those statements. Street sex workers to me are members of my local community.

Damien Carrick: Andrew Miles, the Sex Industry Liaison Officer with the City of South Sydney, my walking companion round the night-time streets of inner Sydney.

Of course there are many different competing views about how the industry should best be handled, and next week we'll hear from the Principal of a local school, the local Police Commander, advocates for sex workers, and a local resident.

Man: The sex workers who work in the street, they honestly believe that they have a right to be there, and they believe that we do not, or that we should at least make way for them. So it's a sort of psychological warfare, if you like, over territory, and that itself is very wearing.

Damien Carrick: So it can become a little bit acrimonious in terms of your day-to-day wanderings on your own street?

Man: Yes, very acrimonious. I've been assaulted on four occasions. I've never hit back. The only physical thing I've done is to actually restrain a sex worker when she was trying to gouge my eyes out. She subsequently said she wanted to bring charges against me for hurting her wrist, for assaulting her. But on that occasion I was head-butted on the nose and eye gouged around the eyes and so forth. It can be quite violent, yes.

Man: The residents always are saying to me, Why don't you enforce the law? Why don't you do this? Why don't you do that? And you know, why don't you arrest them? And I look them straight in the eye and say, I've done that; it doesn't work. And they don't seem to hear, they tend to want to cling to that enforcement strategy. Now my background, let me tell you, I'm all for trying different things, but ultimately I chase outcome, and outcome is not going to be achieved by these current strategies. I'm sticking to them begrudgingly because I owe it to the residents down there to minimise that amenity issue.

Woman: I think that Police in many areas recognise that there are more serious problems for

them to deal with than street sex work, and really they don't see busting street prostitutes as a major priority. However the Police in some areas are under considerable pressure from local residents who, having bought their expensive apartments in King's Cross, now seem to want to totally destroy the character of the area, or seem to be surprised that King's Cross contains a lot of street prostitution and drug use.

Man: It's a myth that it's always been there, and no, we're not going to accommodate it, and we never have agreed to do that. It's never been in our foresight. What we would like to do is to change the nature of the industry so that it's no longer car-based, and that's the crux of the problem, the fact that it's a car-based industry.

Damien Carrick: A few of the voices you'll hear on next week's Law Report. As usual, thanks to Law Report producer, Michael Shirrefs. You may not hear his voice, but each week you are hearing his ideas and his hard work. Also thanks to technical producer this week, Carey Dell.

Guests on this program:

Andrew Miles

Sex Industry Liaison Officer - City of South Sydney

Presenter:

Damien Carrick

Producer:

Michael Shirrefs

**The Law Report, ABC, Radio National
with Damien Carrick
On Tuesday 7/5/2002**

Street Prostitution: Part 2

Summary:

In the second of our 2-part series on street prostitution in and around Sydney's Kings Cross, The Law Report talks to a range of stakeholders to gain a broad perspective on a difficult and often intractable issue.

While other Australian cities take a hard-line approach, Sydney has taken a different path.

There are tolerance zones, where sex-workers can pick up clients and not get into legal trouble - and council accredited safe-house brothels, where workers can take their clients.

Sensible harm reduction, or throwing in the towel at the expense of local residents?

Details or Transcript:

Damien Carrick: Hello, and welcome to The Law Report.

Today on The Law Report, Part II of our look at the complex and often intractable issues surrounding street prostitution on the streets of inner Sydney, a city which is currently trialling a range of different strategies, including 'safe-house brothels' and road closures.

Now I should warn that, like last week's program, some of today's show is quite confronting.

MUSIC

Andrew Miles: *Our understanding is that these safe-house brothels are the only type of these premises in the world that have been legally recognised by the local consent authority ... Council in this case. Certainly in New South Wales there are no other approved safe-house brothels.*

Cindy: *The advantages of having a safe-house are pretty obvious really, because otherwise we'd be left to the resources of doing car jobs, and the problem in doing a car job is the guy can have a knife in his sock, or he can have a knife under the seat, he can slit your throat at any time. You can get bashed in the car, he can push you out of the car, you can get arrested if you do it in a car because it's called having sex in a public place. The advantages of having a safe-house as*

good as this one are just really manifold.

Damien Carrick: *Do you ever have problems with the residents? Do they ever hassle you?*

Woman 1: *No, these people just do because they're on the corner and they're old, but mainly no. Because some of them even do jobs with girls, you know what I mean?*

Woman 2: *Some of them are just quiet and just call the coppers. They'd rather not speak to us because we'll get really aggressive towards them and start ... because we know where they live ... and start being real ...*

Woman 1: *... rude ...*

Woman 2: *... yeah, rude towards their place, and stuff like that.*

Damien Carrick: *Have you ever had any personal safety issues?*

Woman 2: *Yeah, I have actually. Like I've had a client take me in his car and take me to an industrial area in Alexandria, and what he's actually done is ask me to jump in the back, I asked for the money first. He refused to pay me, and grabbed me by the neck and basically raped me and slapped me around and then kicked me out of the car, I was just grateful that he didn't do any serious damage to me.*

Damien Carrick: Some of the voices we heard on last week's Law Report.

Clive West is a spokesman for the Eastern Sydney Neighbourhood Association, ESNA, the group which campaigns against the presence of street sex workers on residential streets. Just last Wednesday night an ESNA demonstration against streetwalking resulted in an altercation between sex workers and local residents. I'm informed that an assault charge has been laid against a sex worker, and police are also investigating allegations against two ESNA members.

Clive West, a local resident and a former Australian Government solicitor, says street prostitution and residential amenity simply don't mix.

Clive West: It's the constant disturbances throughout the night, the screaming out and the fights and the traffic going round and round and round. There's also a long-term sort of wearing impact because it's really all about territory, and the sex workers who work in the street, they honestly believe that they have a right to be there, and they believe that we do not, or that we should at least make way for them. So it's a sort of a psychological warfare if you like, over territory, and that itself is very wearing.

Damien Carrick: So it can become a little bit acrimonious in terms of your day-to-day wanderings on your own street?

Clive West: Yes, very acrimonious. I've been assaulted on four occasions. I've never hit back; the only physical thing that I've done is to actually restrain a sex worker when she was trying to gouge my eyes out. She subsequently said she wanted to bring charges against me for hurting her wrist, for assaulting her, but on that occasion I was headbutted on the nose, and eye-gouged around the eyes and so forth. It can be quite violent, yes.

Damien Carrick: There have been a number of recent initiatives to attempt to better manage the situation. One of them has been the creation of safe-house brothels; do you think they work?

Clive West: Can I just address this question of managing the activity? The policy of the law is not to manage the activity, but to remove it, and the criminal law is quite clear on that. The safe-house brothels I think in principle are a very good idea, in fact one of the constructive measures that the residents are proposing is that these brothels be properly located, and the difficulty with the present two safe-house brothels is that they are inappropriately located. They're located where the girls can't work directly in front, because they're opposite public housing. And that means that it's perpetuating a car-based activity, which itself is inherently dangerous. So what the residents are proposing is that the Council's sex industry policy be amended so that the safe-house brothels can only be set up in areas zoned as commercial or industrial, and in that way, the sex workers, their activities would not only be decriminalised but by renting the footpath to the brothels, the girls' activity would be legalised, and that would take them out of being in the position of criminals, to being proper sex workers, and you're addressing the questions relating to the workplace.

Damien Carrick: It's been often said that this industry has been in these streets for many, many years, and it's perhaps incumbent on all people who live and work in these streets to come to some accommodation with the industry. What's your view on that?

Clive West: It's a myth that it's always been there, and no, we're not going to accommodate it, and we never have agreed to do that. It's never been in our foresight. What we would like to do is to change the nature of the industry so that it's no longer car-based, and that's the crux of the problem, the fact that it's a car-based industry.

Damien Carrick: What's your response to the idea that there's been gentrification in the area and perhaps there's been a change in expectations by the local residents as to what the streetscape should be in the area?

Clive West: There has been that change, but let me say that people like myself who are long-term residents of the area, have themselves become gentrified, and that's really symptomatic of what's happened to Australia as a whole. It's not just because new people have come in, but the people in the area themselves have changed; their expectations have changed, Australia's changed, and I think really it's time to take an enlightened view of the whole matter, and this sort of apparently or supposedly charitable view of accommodating it in the wrong location is in fact counter-productive. It's not just harmful to the sex workers, as I've explained before, but it's also very harmful to our community. I mean we have, as you can imagine, a great many women residents, and each of those women residents when they walk down a street where there's street prostitution, is assumed by the clients to be a prostitute, and we've had cases of stalking and worse. In addition to that as I said, we've got lots of young children and they're in danger of needle injuries and also sexual predators who are attracted to the area. So it's really a lose-lose situation all round, and the health authorities are not taking a responsible position.

Damien Carrick: Clive West, of the Eastern Sydney Neighbourhood Association, who we'll hear from a little later in the program.

Of course it's the job of the police to ensure that New South Wales laws, which prohibit soliciting on residential streets, are upheld. But Superintendent Dave Darcy, Commander of the King's Cross Police Station, says that even with regular undercover sting operations, that's an impossible task.

Dave Darcy: We can literally get 50 kerb crawlers in a night. The only limit to the number is the processing required. One stunning of that, we got the undercover police officer to walk across from her safety car and it took her two seconds to get a breach for this sort of offence. And the same applies to the prostitutes. The limiting factor is not the prostitutes but the processing time. But having said that, and having sometimes put 40 police on that for two weeks, at the end of the day as little as four days after the operation is completed, the prostitutes are back there. And they're back there because of the system of prostitution, and if you deconstruct it, it's quite clear that it's not just enforcement that's the influencing factor on why they use that area.

Damien Carrick: What are some of the other factors?

Dave Darcy: Let's go through it in terms of the sales pitch. There's marketing to be done, there's a product to be sold, there's a customer to be serviced, and if you deconstruct that down to its systems, in this case in street prostitution you have a motor vehicle as the primary method of transport, people use that car to circulate in these quiet streets. Why the quiet streets? Well because that allows for exchange of information and a contract to be formed, and a business transaction to take place. And you have to start looking at the system of prostitution to understand that law enforcement is in no way the correct method to do this, and it's a significant waste of

government funds, and policing should be focused on other issues.

Having said that though, I have a responsibility in terms of maintaining the amenity of the area, and for me it's an ongoing battle, if you like, to keep the prostitutes out of that area.

Damien Carrick: Another one of your challenges is do you ever wonder whether fining street workers for soliciting simply puts them into further debt and perpetuates a cycle of living on the margins?

Dave Darcy: I think it's completely useless and unproductive. Even in the medium term, and this is the frustration. The residents always are saying to me, '*Why don't you enforce the law? Why don't you do this? Why don't you do that? And why don't you arrest them?*' and I look them straight in the eye and say, '*I've done that, it doesn't work.*' And they don't seem to hear. They tend to want to cling to that enforcement strategy. Now my background, let me tell you, I'm all for trying different things, but ultimately I chase outcome, and outcome is not going to be achieved by these current strategies. I'm sticking to them begrudgingly because I owe it to the residents down there to minimise that amenity issue, but I can tell you that I and many others, are pushing hard to get a true whole-of-government approach and a whole-of-government solution to this.

Damien Carrick: And in an ideal world, what would that solution be?

Dave Darcy: For me it's brothel-based, and not brothel-based to those appealing prostitutes for want of a better word, but those who have the difficulties, and for those who are courageous, for governments that are courageous, there may be an opportunity there to provide a brothel-base for these sorts of workers. That area could tolerate some more brothels, but it could be spread further, too. I mean King's Cross is an area that is a honeypot for a whole range of socially disadvantaged people, and that in itself is the vulnerability of the place.

Damien Carrick: Dave Darcy, Commander of the King's Cross Police Station.

MUSIC

Damien Carrick: *When you talk about problems with the police, what do you mean by that?*

Woman 1: *They get undercover, unmarked coppers driving around in their own car and trying to pick up girls to catch them for soliciting, and then they charge you. They give you three warnings to go to William Street, and if you don't go to William Street, they chuck you in the bull wagon. Sometimes they don't even warn you three times, eh?*

Woman 2: *Yes, they give you one warning to move on, the second warning they fine you \$220, and then if they see you again after you've been fined, they charge you. Sometimes they refuse you bail and keep you overnight.*

Woman 1: *Until you go to court in the morning. It's pretty harsh penalties for soliciting now because of the residents complaining and stuff all the time.*

Damien Carrick: Jane Sanders, who's a solicitor with the Shopfront Youth Legal Centre, a local community legal service which caters to homeless youth, a population which includes a good number of sex workers. She says her clients don't do so well in the courts.

Jane Sanders: People who work on the streets generally are younger than your average sex worker in a brothel. They're often a lot more disadvantaged, they can't get a job in a brothel because they're unstable, whether it's because they're homeless, they have a drug problem, or a mental illness. So you're often dealing with a very disadvantaged group of people. Often these people who do street sex work, don't bother to turn up to court. Sometimes it's just because they find it very, very difficult to remember their court obligations to actually get it together to go to court, sometimes it's because of fear of the legal system and they've often had very bad experiences with police and courts. Sometimes though, it's an absolutely rational decision. They know that whether or not they turn up to court, the result is probably going to be about the same, they're probably going to be found guilty and they're probably going to cop a fine.

Damien Carrick: The definition of soliciting in the New South Wales legislation covers, or encompasses the behaviour of clients as well as of street sex workers. Do you find that there are many charges laid against clients?

Jane Sanders: No, not at all. Even though the residents who complain so much about street sex work, what they really object to I believe, is not necessarily the sex workers hanging round on the footpath, but the cars, the clients in their cars revving their engines, driving round the streets at 3 o'clock in the morning. They, it would seem, are the greater menace to public amenity. But I think the reason why it's not the clients who get charged, partly I think it's because it's perhaps a bit more difficult or not as desirable for police officers to pose as sex workers to try and have clients solicit them, so it could be a simple practical issue. Also because perhaps one could say that clients have a getaway car, as it were, and they're perhaps more likely to drive away before there's an opportunity to actually charge them. A cynic could say that clients of street sex workers are often people who are well connected, who are powerful, and certainly many of them I think would use all the resources available to them to defend those charges. Whereas sex workers are an easy target. Those who work on the street generally, as I said before, are the most disadvantaged and they are a lot easier to prosecute.

Damien Carrick: Lawyer, Jane Sanders of the Shopfront Youth Legal Centre.

STREET ATMOS

Andrew Miles: *Gooday Jim!*

Jim: *Hi.*

Andrew Miles: *Andrew, how are you?*

Jim: *Good, mate, good, thank you.*

Damien Carrick: On law week's Law Report, we walked the streets of inner Sydney with Andrew Miles, the Sex Industry Liaison Officer with the City of South Sydney. We spoke with a number of street workers, and visited a safe-house brothel, a place where they can take their clients and avoid both physical danger and the long arm of the law.

But as Andrew Miles explains, the Council-accredited premises, which is currently on a 12-month trial, was recently raided by local police.

Andrew Miles: *The police, in undertaking some crime management initiatives in the local area, found themselves conducting their search in a local safe-house brothel. It has been reported to me that there were no criminal activities associated with that safe-house brothel. However police in New South Wales have new powers under drug houses legislation to charge an operator of the business who they believe is running a drug house, with offences under that Act, and the evidence used in that case was the stocking of clean injecting equipment on site, which of course is delivered by the New South Wales Department of Health in the evening for workers to collect, and also that the premises were fortified, and fortifications I believe, refer to a security grille door which of course is a requirement under South Sydney Council policy for the premises to have an adequate security system to ensure safety on site.*

Damien Carrick: *So we're talking about a direct head-on collision between two forms of authority: the regulations and the goals of the safe sex houses as laid out by the City of South Sydney, and health authorities on the one hand, and on the other hand the goals of the police to remove places where people are actually injecting illegal drugs?*

Andrew Miles: *Yes, it appears so at this stage. It's very important to know that these premises*

have been approved to safe-house brothels for, these premises, for over one year and have been successful in complying with the requirements of South Sydney Council sex industry policy. Those police powers I referred to earlier are new powers; it is yet to see whether they're relevant to the regulation of safe-house brothels.

Damien Carrick: Andrew Miles, the Sex Industry Liaison Officer with the City of South Sydney. So I asked Commander Dave Darcy did he authorise the recent raid on the safe-house brothel?

Dave Darcy: Yes, that's correct, and a very challenging, thought-provoking decision to make. I didn't make it lightly, but at the end of the day there are no no-go zones in King's Cross, and if I receive information and I believe that heroin is being sold or distributed from these safe-houses, then they must be raided. And there are no no-go zones. But it did have an effect, I concede that, and within a couple of days a number of the brothels had responded by not providing syringes, clean syringes, that was clearly an outcome that I had foreseen, and within a couple of days I had rung those brothels personally and said, '*Look, this is not about providing clean syringes, this is very much about supplying heroin.*' And that's it, distribution can't hide behind other altruistic purposes.

Damien Carrick: My understanding was that the safe-house brothel was raided and charges were laid under New South Wales Anti-Drug House legislation, the evidence for that being that there was a lock on the door, fortification, which is required under the regulations of the South Sydney Council for safe-house brothels, and that injecting equipment was found on the premises, that having been supplied by the New South Wales Department of Health.

Dave Darcy: Yes. In the case of that raid, once I became aware that charges had been laid, but no heroin had been found, I advised the Drug Unit that in the spirit of the legislation, that that was not appropriate for that charge to continue.

Damien Carrick: So the charges have been dropped?

Dave Darcy: That's correct. Because it's not in the spirit of the legislation. Having said that, our most significant seizures of pure heroin have been in brothels.

Damien Carrick: But not safe-house brothels which are accredited if you like, under South Sydney ...

Dave Darcy: No, there are other issues that I can't talk about in terms of safe-house brothels, but I just say to you that simply because we don't find anything on a specific day at a specific time, to draw the conclusion that no dealing takes place in safe-house brothels would be naïve.

Damien Carrick: Commander Dave Darcy of the King's Cross Police Station.

Woman 1: *We're doing a good thing for other girls like SCEGGS girls, because like ...*

Damien Carrick: *What's a SCEGGS girl?*

Woman: *The schools, high school just there. And like because there's some like dirty guys around here like him, and you know, they pull themselves and that or rape the girls and that, instead of that we're doing them a favour by doing this, and it's not that we choose to do this, but when you're on drugs you have to do something instead of going mugging people and that.*

Damien Carrick: A young street worker standing outside SCEGGS, the Sydney Church of England Girls' Grammar School, which sits in the middle of a notorious street prostitution zone. The school's principal, Jenny Allum, is surprisingly philosophical about the street culture just beyond the walls of her prestigious institution.

Jenny Allum: I think it's important first of all to say that we enjoy our location. We like being an inner city school, we think that we are able to turn out students who are somewhat savvy and are confident people, at ease in a city environment. We also think that our students are a very compassionate group of students who are aware of the complexities of life, and who are not removed from all of the issues in the local area. But of course it does also cause us some issues. We have to work hard to make sure that our students are safe, not so much in a physical way, but feel confident and able to understand some of the quite troubling things that they see on the streets around them from time to time.

Damien Carrick: Can you tell me a little bit more about what troubling things the students are confronted with?

Jenny Allum: It would be a number of different things. There will be people on the streets who are under the effects of drugs, so they will see people who do not appear to be functioning as a normal person, and sometimes that behaviour might appear to a student to be crazy or somewhat threatening. They will certainly see prostitutes who are in a state of some undress from time to time, and those would be the main sorts of things.

Damien Carrick: I understand that there have been a number of recent road blocks put up at night to prevent the traffic circuit for the streetworkers; have they, in your view, worked?

Jenny Allum: The road blocks are there for all of the day and night, except for just a period of time at the morning and the afternoon to allow parents to drop students off. It appears to us that there has been a marked reduction in a level of activity in the streets immediately surrounding the school during the day, but we would want to be looking at that over a longer period of time and seeing the effects on all of the neighbours and so on in the local area.

Damien Carrick: Jenny Allum, Principal of the Sydney Church of England Girls' Grammar School.

MUSIC

Damien Carrick: I asked Clive West of the Eastern Sydney Neighbourhood Association if his plan to move the industry to safe-house brothels in industrial zones, might mean increased physical vulnerability for street sex workers.

Clive West: It's exactly the opposite. The fact that it's car-based means that at the moment it's very dangerous for the sex workers. I don't know whether the listeners realise, but there have been three murders of sex workers in the last three years, because it is a car-based industry. And the proposal we're pushing is that it be shifted from being car-based to open door brothel, where the girls could work directly in front of a brothel, the clients pay the \$12 cover charge, and the girls charge what they like. So it would be considerably cheaper than a regular brothel, it would basically be the same activity that's going on now, except it wouldn't be car-based and it would be safer. It makes a lie of the Department of Health policy of harm minimisation when they're proposing, or pushing, a car-based industry. They're actively resisting a relocation, they're not just facilitating where it is now, they're resisting a relocation.

Damien Carrick: Clive West, of the Eastern Sydney Neighbourhood Association.

Dr Ingrid Van Beek is the Director of the Kirketon Road Health Centre, which operates an Outreach service to local street sex workers. She rejects the claim that current health policies are supporting the status quo and doing little to encourage the trade to move on.

Ingrid Van Beek: Well I don't think that the Health Department supports street prostitution in residential areas at all. The nature of Outreach is though, that you go where people are, and while people are engaging in sex work on the streets, you would go to wherever that is. Now if that happens to be in residential areas, then of course you would also go there. But there's certainly no evidence to show that the location of where Outreach services operate from in any way determines those sorts of activities.

Damien Carrick: But I think what Clive West is getting at is that the Centre and the Health Department should be actively campaigning to migrate the safe-house brothels away from local residential streets to more appropriate, light industrial spaces, or light industrial areas. And in doing so you would better achieve your own harm minimisation goals.

Ingrid Van Beek: Well I don't see it as an either/or, I think we can do two things at once, and certainly we can at one level advocate that it would be more preferable for there to be less street-based prostitution and that street-based prostitutes be encouraged to use safe-houses, and if those exist in non-residential areas, certainly to support their development. But at the same time, while street-based prostitution continues to occur, it would be remiss of the Health Department to ignore that and to allow those people to be without health services, that would be a very bloody-minded approach I think, that would only result in an epidemic of HIV which in this country we've successfully managed to prevent in these populations, unlike in many other countries.

Damien Carrick: Dr Van Beek, what evidence is there that the services which your centre offer, have an impact on street sex workers?

Ingrid Van Beek: Well I guess we've got 15 years of having made contact with many workers, and having eventually assisted them out of that lifestyle. So there are many lives I guess, many life stories that can be told over those years. There are very few people there today who were there five years ago, for example. Unfortunately, though, for every person we assist off the streets, there seems to be a ready supply of new people to come onto the streets. And so, you know, we start again. And so I think at times, from a residential point of view, it might look as though nothing is being done, because there always seem to be people working on the streets, but certainly if you look at these people as individuals and trace their histories, it can be shown that through making contact with them in this way, we have been able to move people into better lifestyle situations.

Damien Carrick: Do you think that the removal of street prostitution from residential streets is an achievable goal?

Ingrid Van Beek: Well I think you need to have an alternative location. There's not many locations in the inner city area that don't have residential zoning nearby. So I tend to suspect that it will be very hard to find an area where you're not moving the problem that will then affect another group of residents. But if there is such a location, then by all means we would support it.

Damien Carrick: That's interesting. That seems to be the heart of the concern of the local residents, that they say that there are these areas and the industry should be actively moved, with the co-operation of all involved, including health authorities, towards those non-residential areas.

Ingrid Van Beek: Well the health authority would have no issue with that. It's certainly not the

case that health policy would discourage that from happening. Our view from health is certainly that local residents' concerns need to be respected, and certainly the impact of these sorts of behaviours need to be minimised on the local residential community. We certainly respect the concerns that are there, but it's also important to be realistic about what the alternatives are. It's all good and well to have hopes and dreams, but we need to make sure that that's a reality, and in the meantime we can't let our eye off the ball as far as continuing to be vigilant to prevent an epidemic that at any point in time can occur. It's just not a case of, you know, *We've done that work, we can move on, we don't need to prevent any more*. Prevention is one of those things that is something that needs constant vigilance.

Damien Carrick: Dr Ingrid Van Beek, Director of the Kirketon Road Health Centre, who says a recent poll found that about 80% of local residents agreed that there is a need for an Outreach approach, and disagreed with the idea of relocating the existing services.

And in a couple of weeks' time, the Victorian Government will be announcing whether it intends to implement the findings of a recent Attorney-General's Advisory Group Report, which recommends the creation of Sydney-style streetwalking zones and safe-house brothels in Melbourne's St Kilda.

That's it for The Law Report. Thanks to Michael Shirefs and Adele Conlin.

Guests on this program:

Andrew Miles

The Sex Industry Liaison Officer with the City of South Sydney.

Clive West

Spokesman for the Eastern Sydney Neighbourhood Association, ESNA.

Superintendent Dave Darcy

Commander of the King's Cross Police Station.

Jane Sanders

A solicitor with the Shopfront Youth Legal Centre.

Jenny Allum

Principal of the Sydney Church of England Girls' Grammar School.

Dr Ingrid Van Beek

Director of the Kirketon Road Health Centre.

Musical Items:

'Mea Culpa'

Time to Air: **0830**

Duration: **3'43"**

CD Title: **My Life In The Bush Of Ghosts**

Artist: **Brian Eno + David Byrne**
Composer: **Brian Eno + David Byrne**
Label/CD No: **EGCD 48 - 0777 7 86473 2 4**
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Presenter:
Damien Carrick

Producer:
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