



Controlling street prostitution in Victoria

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Unit 3

Areas of Study 1, 2 and 3

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Legal Outcomes 2, Chapters 1, 2, 4 and 5

Introduction

One of the most difficult tasks for parliament is to create laws on contentious issues where community opinion is divided. Tony Robinson MLA explains this issue on page 102 of *Legal Outcomes 2*. One of the best examples of this is the proposed decriminalisation of street prostitution, which was initially explored by the Bracks Government and then rejected as we approached the November 2002 election.

In February 2002, St Kilda residents organised a rally to complain about the syringes and condoms littering letter boxes and gutters in their area, together with *pimps* on street corners and sexual activities in their front gardens. The rally prompted the Government to establish a committee comprising MPs, residents, sex workers and Port Phillip councillors to examine alternative proposals to address the issues. Known as the Attorney-General's *Street Prostitution Advisory Group*, the committee sought input from the public on their responses to the complex question of how to address street prostitution in the St Kilda area.

In June 2002 the Advisory Group proposed tolerance zones where prostitutes could solicit, with safe houses being allowed where workers could provide services to clients. Sex workers would be allowed to openly solicit in designated areas of St Kilda, provided they were not close to residents, schools, child-care centres or shops. Attorney-General Rob Hulls said that the plan recognised that street prostitution could not be eradicated, so imposing controls was the preferred option.

The two-year trial of tolerance zones was scheduled to begin in November 2002, but the Government dumped the plans as the election approached. Some St Kilda residents and traders said that they would campaign against the trials in the seat of Albert Park, which is held by Mr John Thwaites.

Street prostitution and current laws

Laws relating to street work are made by state parliaments and inconsistencies exist between state laws in this area. While street prostitution and/or safe houses are legal in NSW and Queensland, they are illegal in Victoria. Both street sex workers and their clients face heavy penalties under the *Prostitution Control Act*.





Penalties for Street Sex Workers

- *1st offence*: up to \$500 fine or 1 month imprisonment
- *2nd offence*: up to \$1500 fine or 3 months imprisonment
- *3rd or more offences*: up to \$2500 or 6 months imprisonment

Penalties for Clients of Street Sex Workers

- *1st offence*: up to \$1000 fine or 1 month imprisonment
- *2nd offence*: up to \$3000 fine or 3 months imprisonment
- *3rd or more offences*: up to \$6000 or 6 months imprisonment

The penalties imposed for these offences are higher if they take place near a place of worship (church, synagogue, mosque) or place where children might gather such as a kindergarten or community playground. Also, it is an offence to behave in an indecent, offensive, insulting, threatening or abusive manner towards a sex worker in a public place. A penalty of up to \$3000 or 3 months imprisonment can be imposed.

case study

The murder of Grace Ilardi

Two years after the Government dropped the trials, the media reported that prostitutes were facing an increased number of rapes and assaults, often involving lethal weapons. In mid-2004, welfare agencies and St Kilda police reported an escalation of attacks, culminating in the murder of Grace Ilardi in Elwood in the laneway between Shelley Street and the Elwood Canal. Ms Ilardi was a mother of three children and she was the second street worker to be murdered since the Government abandoned plans for tolerance zones and safe houses. Police responded to the rise in attacks by increasing patrols and conducting undercover operations.

Support groups such as *Resourcing Health and Education in the Sex Industry* (RhED) said at least six street workers had reported being raped between May and August 2004. There had also been at least eight violent robberies, most of which involved women being threatened with knives, guns or syringes. With the support of the *Prostitutes Collective*, street workers have regular reports of 'ugly mugs' (dangerous clients) who have a history of engaging in violent behaviour against street workers. The 'ugly mugs' register has been updated regularly throughout 2004.

The issue of tolerance zones and safe houses continues to dominate debate. Sex workers, *RhED*, Port Phillip Council, and concerned residents have once again urged the Bracks Government to reconsider its original proposals. Media reports featured one attack in May 2004 where a man driving a crimson Ford held a sawn-off shotgun to a worker's head and repeatedly raped the woman before she managed to escape. There were also at least two known incidents of women being held over several days against their will in clients' homes where they were raped.

Tragically, violence is a daily hazard for the estimated 400 street workers in St Kilda, comprising about 300 women, 60 young men and 40 transgender workers. It is very rare for crimes against street workers to be reported to police because workers themselves fear being prosecuted for illegal prostitution. This can mean a prison term and sex workers with children remain distressed at the thought of losing their children to the care of government departments. In the days after Grace Ilardi's murder, St Kilda was quieter than usual. However, for those workers with heroin addictions, many have little alternative than to return to the streets. One 35-year-old woman was beaten in an Elwood laneway not far from where Ms Ilardi was found. Her client, a taxi driver, became aggressive when the prostitute didn't have a \$10 note for change.

Port Phillip Action Group, which represents the interests of local residents, said that Ms Ilardi's death has once again stirred community concern. The group remains in favour of tolerance areas to avert such tragedies. A spokesperson said that the zone could be located in a contained area where there would be minimal disruption to residents. A senior member of Victoria Police also said that street workers would suffer fewer assaults if safe houses were introduced. This would protect prostitutes and their clients and offer security and safety. The only problem would be where to locate these safe houses - everyone has the philosophy of 'it's a great idea but not in my backyard'. Police have also said that they



would like the power to issue on-the-spot fines to *gutter crawlers*.

In contrast, members of the *Sacred Heart Mission* are not convinced that sex workers would stay within tolerance zones or use safe houses, and may resort to more dangerous situations. The mission, which runs a drop-in centre for homeless women, wants more government funding for crisis accommodation, mental health services and drug rehabilitation. After all, for many workers, these are the key factors that keep them on the streets.