

4. Sex Work – a local issue?

SIDAC Information Sheet

This information sheet is part of a series prepared for the Sex Industry Decriminalisation Action Committee (SIDAC) to support the decriminalisation of sex work in South Australia in 2019.



Sex Workers are part of our communities

Tilting at Windmills?

There are very few street-based sex workers in Adelaide. The Sex Industry network (SIN) estimates less than 20 workers in the north western suburbs out of a total sex worker population of 2000, again an estimate. Criminalisation makes it difficult to establish this number authoritatively at any given moment.

Street based sex workers will be there whatever the law says, as will other forms of sex work so we should do what is reasonable and minimise potential harm in this context. We get to choose whether the work will be safe and have minimal negative local impact. Simplistic, utopian approaches such as prohibition will not do this.

If the Statutes Amendment (Decriminalisation of Sex Work) Bill 2018 passes, it will leave existing sanctions in place to address local nuisance or criminal behaviour. Soliciting still can be an offence against public order under the *Summary Offences Act 1953* if it is disorderly or offensive conduct (s.7) while loitering may occur if a worker obstructs “free passage in a public place” (s.18). Relevant parts of the State’s *Criminal Law Consolidation Act 1935* also will exist (e.g. child exploitation, gross indecency, violence, or consorting with organised crime).

The difference is, of course, that the mere fact of engaging in commercial sex will not be the basis for a breach of the law: workers are not automatically criminalised and stigmatised.

Harm minimisation and street work

Local responses to complex community issues work best. Considering the situation in St Kilda, the local council quoted an Attorney General’s report into sex work: “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.” A major objective must be the wellbeing of street workers.

An Adelaide insight

Researchers Mary Leaker and Priscilla Dunk-West worked directly with Adelaide female street workers to examine the risks they face and how they perceive and respond to these risks. Their analysis reflected the views of other analysts – “Internationally, prohibitive policies and active policing have increased the vulnerability of street workers to occupational risks, particularly client violence (Sanders and Campbell 2007). Illegality has been found to compromise women’s ability to implement safety strategies (Barnard 1993) and to reinforce gendered dynamics of power which facilitate male violence against sex workers.”

Leaker M and Dunk-West P 2011, Socio-cultural risk? Reporting on a qualitative study with female street-based sex workers, Sociological Research Online 16 (4) 9

Multi-dimensional local initiatives

Communities have choices about how street-based sex work will happen. Some communities have benefitted from embracing the challenge of dealing with it respectfully.

Formal evaluation of the Safe Leeds Strategy in Britain showed positive results for both workers and the local community. The strategy’s ‘managed area partnership model’ was evaluated after operating for a year. With sex worker safety, community harmony and non-enforcement of soliciting laws as driving principles, it was implemented “after a decade of complaints, a failed cycle of sanction and enforcement focused policing, with poor relations between sex workers and the police and low levels amongst sex workers of reporting crimes committed against them to the police.”

Evaluation showed reduced resident complaints and improved understanding among the stakeholders. Sex workers also said they had better relations with the police.

Sanders T and Sehmbi V 2015, Evaluation of the Leeds Street Sex Working Managed Area, University of Leeds

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A review in New Zealand’s Manukau City similarly shows that community engagement can help resolve local tensions. “It is our belief, and this view is endorsed by various submitters, that the behaviour of sex workers on the streets is generally regulated more effectively by their peers and outreach groups working with them than by legislation. We believe that it is important for nongovernmental organisations doing this work to be adequately funded and subject to proper accountability to produce the best results. We hope that if sex workers respect the areas where they conduct street work, then residents will be more tolerant of their presence.”

South Australia already has such an effective, peer based non-government organisation, the Sex Industry Network (SIN).

Local Government and Environment Committee (2006), Report on the Manukau City Council (Control of Street Prostitution) Bill

‘Street Work’ won’t go away

Prohibitionists usually ignore the fact that the number of sex workers decreased in New Zealand after decriminalisation. In establishing this, the Ministry of Justice Review did not shy away from the fact that community tensions about street-based sex work continued while acknowledging that the level and impact of such activity usually is overstated and that street work will continue, regardless of policing or other intervention. The question really is: how should we respond in the best interests of all involved?

The answer was unequivocal: “legislation and regulation are not the best ways to deal with the harms associated with street-based sex workers. Abolitionist policies and the ‘come down hard’ approach do not have the effect people want” and “may increase the dangers faced by street-based sex workers” and simply displace the problem.

That this outcome is unavoidable is demonstrated forcibly and recently by the impact of so-called ‘Nordic Model’ of criminalisation (targeting clients) in Ireland and France which has seriously escalated the danger faced by the workers.

The New Zealand Report drew a clear conclusion:

“criminalisation did not create the problems experienced by communities in which street prostitution takes place, nor the harm experienced by sex workers. Similarly, decriminalisation has not solved all the problems associated with street-based sex work, nor can it be expected to.”

Ministry of Justice (New Zealand) 2008, Report of the Prostitution Law Review Committee on the Operation of the Prostitution Reform Act 2003

Policing street work

Maintaining or extending police powers to act against street workers creates serious practical and ethical challenges. Why do this when decriminalisation offers a better environment for addressing any negative implications for both the workers and the community?

Respect local expertise

The **Sex Industry Network (SIN)** works directly with the small number of street workers in South Australia. Their expertise and relationships with the workers provide a basis for creating an environment in which trust and mutual respect develops. SIN provides resources to the street-based community through their peer program, including education, safer sex products and harm minimisation tools.

Basis Yorkshire, established in 1989, is a community-based project that emerged from and supports street workers in Leeds, England shows how such work can be successful in a complex urban environment. Integrated within the Safe Leeds Strategy mentioned above, it complements the work of various authorities and community organisations in the interests of all. It continues to operate with substantial volunteer input.
<https://basisyorkshire.org.uk/about-us/>