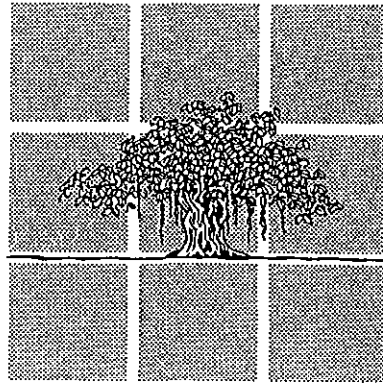


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PROSTITUTION IN THE  
NORTHERN TERRITORY:  
An overview of the 1990s

Research Paper No.17  
April 1997



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PROSTITUTION IN THE  
NORTHERN TERRITORY:  
An overview of the 1990s

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## 2. INTRODUCTION:

This paper investigates prostitution and relevant legislation in the Northern Territory (NT) in the 1990s. The paper concentrates mainly on women as sex workers and men as clients although commercial sex is available to women from other women and men in the NT. Male sex workers are given minimal coverage in the general debates regarding prostitution in Australia. Men do advertise in the *NT News* adult entertainment section under advertisements such as "M to M erotic massage".<sup>1</sup> (For a recent study on the social and work contexts of the commercial sexual encounter between male sex workers and their clients see reading no.1.)

There is a wealth of information and literature on the many issues involved in the sex industry. One of the main topics for concern is the decriminalisation of prostitution particularly in regard to legalising brothels. New South Wales and Victoria have in recent years introduced new legislation governing brothels. In December 1995 the *Disorderly Houses Amendment Act 1995* in New South Wales decriminalised brothels.<sup>2</sup> (see reading no.2) In Victoria the *Prostitution Control Act* came into operation in June 1995 which included:

<sup>1</sup> Classifieds- Adult Entertainment. *NT News*. 15.2.97. p.74.

<sup>2</sup> White, Patricia. "Disorderly House, Bawdy Houses and Brothels: New regulations to control operations", *Law Society Journal*. Vol.34, No.1. February 1996. p.51.

- it will become an offence to show a medical certificate to a client as this may encourage unsafe sex;
- the Prostitute's Licensing Board will have the power to consult with any community groups which may be in the area of the Board's interest;
- a man convicted of having sex with another man in a public place will no longer be a disqualifying offence for applying for an operator's licence;
- when imposing conditions or restrictions on a licence, the Board must take into account the health and welfare of the community and prostitutes;
- the Board may or may not provide confidential information when issuing a licence;
- if an agency employs more than four prostitutes it will be listed on a public register; and
- the register will contain the licensee's name, the business name, business address and the conditions of the licence.<sup>7</sup>

The *Prostitution Regulation Bill 1990* (NT) was criticised by a number of groups:

- A spokesperson for Women Against Discrimination and Exploitation (WADE) indicated that Darwin in the early 1990s had been experiencing an increase in the number of prostitutes. With the increase in numbers payments to the workers was decreasing, but the money taken by the managers of escort agencies or massage parlours were increasing.<sup>8</sup> It was also put forward that the introduction of greater regulation of the industry under the new licensing system and the drop in prices due to competition could lead to health compromises such as unsafe sex, just to secure money. WADE called for the decriminalisation of prostitution with controls such as the formation of co-operatives with administrative support.<sup>9</sup>
- The Citizen's Action Group believed more younger people would enter the sex industry as a way to earn large amounts of money quickly. Lee Christison of PANTHER said that workers' rights would be open to abuse if brothels remained illegal. Christison claimed:

<sup>7</sup> Grimwade, Debbie. "'Innovative' Approach to Sex Industry", *Sunday Territorian*. 16.2.92.

<sup>8</sup> Andrea (WADE). "Illegal Prostitutes 'Flourish'", *NT News*. 2.11.91.

<sup>9</sup> "Sex Trade Peril Seen", *NT News*. 12.9.91.

Women working illegally are powerless because they stand to be charged if they approach the police with a complaint about a customer...therefore they do not have the normal rights of workers nor will they have the same access to health education...sex workers should have the choice of what form of prostitution they wish to engage in.<sup>10</sup>

Christison recommended that brothels become legal, responsibility for the licencing of sex workers lie with an organisation rather than the police and the inclusion of a clause making unsafe sex practices illegal for workers and clients.<sup>11</sup> The Citizen's Action Group organised the *Prostitution Regulation Bill* to be publicly debated on February 18, 1992. The meeting called for a delay of passing the legislation to allow time to discuss concern over the encouragement of "pimps, procuring and exploitation of workers".<sup>12</sup> PANTHER also claimed the legislation had no appeal system for workers who had been rejected from obtaining a certificate of clearance from the Police Department.<sup>13</sup>

After the second reading on February 26, 1992 calls were made from PANTHER for "sex workers to be free to work in any form of prostitution - brothel, escort or private".<sup>14</sup> Christison claimed that "escort is the most isolated form of prostitution and where the worker is at highest risk" and that brothels were safer working environments.<sup>15</sup>

Opposition Spokesperson on Legal Affairs, Neil Bell, issued a press release on February 27, 1992 to highlight the consequences of decriminalising procuring. Bell stated:

Until yesterday the Criminal Code provided a three-year gaol term for pimps approaching young women for prostitution...Pimps will now be able to urge young men and women into prostitution with impunity.<sup>16</sup>

The President of the NT Sex Industry Association, Andrea, also believed that:

<sup>10</sup> Thonemann, Abi. "Prostitutes and the Law", *Sunday Territorian*. 16.2.92.

<sup>11</sup> Thonemann, Abi. "Prostitutes and the Law", *Sunday Territorian*. 16.2.92.

<sup>12</sup> "Call for Delay on Changes to Sex Law", *NT News*. 21.2.92.

<sup>13</sup> Lee (PANTHER). "Sex Bill Has Shortcomings", *NT News*. 26.3.91.

<sup>14</sup> Alcorta, Frank. "Brothels Stay Illegal", *NT News*. 27.2.92.

<sup>15</sup> Alcorta, Frank. "Brothels Stay Illegal", *NT News*. 27.2.92.

<sup>16</sup> Bell, Neil (Shadow Spokesperson for Attorney-General). *Press Release*. 27.2.92.

...the Government has legalised pimping. There are already hundreds of school kids in the industry because they are too young for the dole and it's the only way they can make some money.<sup>17</sup>

(for further discussion on young people and prostitution see reading no.5)

In April, 1992 the three members of the Escort Agency Licencing Board were appointed for an inaugural three years. They were chairman Richard Coates (Director of the NT Legal Aid Commission), Shirley Hendy (Director of the Alcohol Policy Unit) and Margaret Orwin (Social Worker). The key activity of the Board was to ensure organised crime does not get a foothold in the Territory through the sex industry.<sup>18</sup> Between May and August 1992 agency owners submitted licence applications to the Board to comply with legislation that would incur financial penalties from September onwards.<sup>19</sup>

In August 1993 a report appeared in the *Sunday Territorian* with claims that "illegal brothels were operating at Nightcliff and Leanyer and women were soliciting sex in night clubs". Agents claimed that NT legislation unfairly discriminated against agency workers and had damaged the industry.<sup>20</sup>

On November 3, 1993 Richard Coates presented the report on the first year of operation of the *Prostitution Regulation Act* by the Escort Agency Licensing Board.<sup>21</sup> (see reading no.6 for recommendations) On March 3, 1994 the report was tabled. As part of the recommendations the report called for massage parlours and brothels to be legalised in non-residential areas, police not having exclusive rights of inspection for checking compliance with the Act and the Board having the right to appoint an inspector. (see reading no.7 for Parliamentary debate on paper)

<sup>17</sup> Alcorta, Frank. "Law 'Will Create Vice Girls'", *NT News*. 29.2.92.

<sup>18</sup> Manzie, Daryl (Attorney-General). "Escort Agency Licensing Board Appointed", *Media Release*. 7.4.92. Ref: M-0279-92.

<sup>19</sup> Manzie, Daryl (Attorney-General). "Escort Agency Licensing Board Appointed", *Media Release*. 7.4.92. Ref: M-0279-92.

<sup>20</sup> Beach, Cherie. "NT Sex Industry Faces Crisis: Escort agents", *Sunday Territorian*. 8.8.92.

<sup>21</sup> Coates, Richard. *Report by the Chairman of the Escort Agency Board on the Operation of the Prostitution Regulation Act*. November 3, 1993. pp. 2-3.

Attorney-General Daryl Manzie replied by repeating that the Government did not propose to reopen debate on the subject. Manzie said:

A strong opinion has been expressed by many of those involved in the regulation of the industry that brothels are easier to regulate and provide a safer working environment for workers, simply by virtue of the fact that there are permanent premises which are easier to monitor for the purpose of compliance...However, strong public opposition has been evident when this issue has been raised in the past, even in relation to one-person brothels...The Government believes legitimate public nuisance concerns about brothels outweigh the arguments in favour of legalising them.<sup>22</sup>

In a Statement on the Tabling of the Report on the Operation of the *Prostitution Regulation Act*, Daryl Manzie stated:

The Prostitution Regulation Act contains a two-tiered system of review of the Act's operation, set out in Section 53...Section 53(2) of the act provides that as soon as practicable after the end of a period of 5 years beginning from the date of commencement of the Act...the Minister shall lay before the Assembly a report on the operation of the provisions of this Act relating to escort agency businesses during that 5 year period.<sup>23</sup>

Recommendations six and seven involved the application of the legislation to massage parlours. The Board reported that activities were taking place in massage parlours that breach sections 4 or 5 of the Act prohibiting brothels. It was noted that the police find it difficult to successfully prosecute because of the lack of finding persons to provide first hand evidence of these activities. It was also acknowledged that a number of individual sex workers had permanent booked hotel rooms - which in effect were brothels.<sup>24</sup> The Board believed that if

<sup>22</sup> Jackson, Paul. "Manzie Says No to Legal Brothels", *NT News*. 4.3.94.

<sup>23</sup> Manzie, Daryl. (Attorney-General). *Statement on the Tabling of the Report on the Operation of the Prostitution Regulation Act*. 3.3.95.

<sup>24</sup> Northern Territory Escort Agency Licensing Board.. *Report on the operation of the Prostitution Regulation Act*. November 3, 1993. p.19.

brothels were to remain illegal the definitions of “sexual services” and “brothels” should be amended so that it is clear that erotic massages are a “sexual service”.

The third annual report on the operation of the *Prostitution Regulation Act* was presented to the Attorney-General on December 14, 1995. The report relied primarily on information obtained from its own records and not from formal public comment. The Board recognised that the major review of the act due after five years of the operation of the Act would need to conduct a major survey of what was happening in the sex industry commencing in late 1996, providing sufficient level of funding was forwarded to conduct the review.<sup>25</sup>

In the “Outline of Key Provisions” of the *Prostitution Regulation Act* in appendix 5 the Board revealed:

... results of a comparison in the *NT News* of advertisements over the past six years. Advertisements have gone from a weekly figure of 40 to a weekly figure of 212. The number of advertisements by solo workers continues to increase. This confirms the observation in the reports of previous years to the effect that the number of solo workers has risen considerably.<sup>26</sup>

(See reading no.8 for appendices 2 & 5)

In May 1996 the *NT News* reported on the sex industry by interviewing Coates who questioned the licensing system which allows many individual prostitutes to work and “have no official watchdog”.<sup>27</sup>

In December of 1996 a woman providing a semi-nude massage for men was convicted of keeping a brothel. Magistrate Anthony Gilles said:

It is clear that a female topless or wearing lingerie while massaging men is providing a sexual service”.<sup>28</sup>

<sup>25</sup> Northern Territory Escort Agency Licensing Board. *Third Report of the Prostitution Regulation Act: 9 May 1994 to 8 May 1995*. p.4.

<sup>26</sup> Escort Agency Licensing Board. *Third Report of the Prostitution Regulation Act: 9 May 1994 to 8 May 1995*. pp.7-8.

<sup>27</sup> Whitfield, Rebecca. “Prostitution: No ‘Easy Fix’”, *NT News*. 21.5.96.

<sup>28</sup> Watt, Bob. “Exotic Massage ‘a Sexual Service’”, *NT News*. 14.12.96.

The review of the Act was launched in 1996 by the NT Attorney-General's Department which held its first meeting with Darwin operators in February 1997. The Sex Industry Association of the NT in February 1997 claimed Darwin escort agencies were losing business because private sex workers were undercutting agency rates. The group called for compulsory registration of all private sex workers.<sup>29</sup>

Dr Suzy Kruhse-Mt Burton, awarded her doctorate on prostitution in Darwin by Griffith University, stated in February 1997 that escort agency workers in Darwin wanted to establish brothels. However, she believed this move would destroy the NT sex industry. Kruhse-Mt Burton said that brothels would exploit workers, lower wages and be a moral and public eyesore. NT prostitution legislation was also criticised for exploiting sex workers. The findings from her doctorate were submitted to the NT Escort Agency Licensing Board which included ensuring all private workers be required to register under business names and recommending laws that legitimise escort agencies in the NT be revoked. Kruhse-Mt Burton claimed that the current legislation allowed most agencies to be run by managers (or pimps) without laws to restrict how much of the workers earnings they could take, and did not allow for the provision of superannuation or other employee rights.

## 5. CONCLUSION:

Finding information on prostitution around the world is now accessible on the Internet through many sites such as "The World Sex Guide Document". The guide includes frequently asked questions (FAQ) that include general information, lists of organisations and suggested readings. There is also an unmoderated newsgroup, Alt. Sex.Prostitution, established in August 1995:

...intended for discussion and information exchange about all aspects of prostitution, including but not limited to the legal situation in different countries, prices, review of

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<sup>29</sup> Voss, Nikki. "Solo Sex Workers Hit Escort Agencies", *NT News*. 20.2.97.

brothels, bars, clubs, massage parlours, escort services, call girls, street prostitutes, and requests for information.<sup>30</sup>

Information on the Northern Territory is available through this site listing PANTHER's contact address and phone number. There is also an update on the Northern Territory. (see reading no.9)

Letters to the editor in the *NT News* during 1997 continue the public debate on prostitution legislation. An article which appeared recently in the *Sunday Territorian* looked at issues including: licensing of sex workers and agencies, legalising brothels, taxation, transient interstate workers and safety of workers in the sex industry. (see readings no.10 and 11 for articles) The recommendations presented in the Escort Agency Licencing Board's five year review, which is due to be released in May 1997, will no doubt stir public debate in the NT regarding the many issues related to prostitution.<sup>31</sup>

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<sup>30</sup> "World Sex Guide Document: asp\_welcome".

[http://www/paranoia.com/faq/prostitution/asp\\_welcome.txt.html](http://www/paranoia.com/faq/prostitution/asp_welcome.txt.html)

<sup>31</sup> Toulson, Andy. "Sex and Cash in the Industry", *Sunday Territorian*. 30.3.97.

## 6. READING LIST:

1. Browne, Jan & Minichiello, Victor.

“The Social and Work Context of Commercial Sex Between Men: A research note”, *Australian and New Zealand Journal of Sociology*. Vol.32, No.1, March 1996. pp.86-92.

2. White, Tricia.

“Disorderly House, Bawdy Houses and Brothels: New regulations to control operations”, *Law Society Journal*. Vol.34, No.1, February 1996. pp.51-52.

3. Byard, Russell.

“Brothels, the Prostitution Control Act and Planning”, *Law Institute Journal*. Vol.70, No.1, January 1996. pp.37-43.

4. Manzie, Daryl (Attorney-General)

“Prostitution Regulation Bill (Serial 114), Criminal Code Amendment Bill (Serial 115), Summary Offences Amendment Bill (Serial 116)”, *Northern Territory Legislative Assembly. Sixth Assembly, First Session*. Parliamentary Record Vol.19. 18.11.91. pp.3304-3314.

5. Hancock, Linda.

“Young Women, Prostitution and the Culture of Structural Exploitation”, *Journal of Australian Studies*. Vol.43, 1995. pp. 99-109.

6. Northern Territory Escort Agency Licensing Board.

*Report on the Operation of the Prostitution Regulation Act*. November 3, 1993. pp.5-7, 19-21.

7. Manzie, Daryl (Attorney-General)

“Report on the Operation of the Prostitution Regulation Act”, *Tabled Paper. Northern Territory Legislative Assembly. Sixth Assembly, First Session*. Parliamentary Record Vol.21. 3.3.94. pp.11497-11508.

8. Escort Agency Licensing Board.

*Third Report of the Prostitution Regulation Act: 9 May 1994 to 8 May 1995*. Appendix 2 & 5.

9. “World Sex Guide Document: australia\_northern”  
[http://www/paranoia.com/australia\\_northern.txt.html](http://www/paranoia.com/australia_northern.txt.html).

10. Letters to the Editor.

“Sex Worker Speaks Out”, *NT News*. 1.3.97., “Get Facts Straight”, *NT News*. 6.3.97., “Letter Spot On”, *NT News*. 12.3.97. and J Pratt “Reasoned Debate is Vital to Sex Industry”, *NT News*. 25.3.97.

11. Toulson, Andy.

“Sex and Cash in the Territory”, *Sunday Territorian*. 30.3.97.

