

PARLIAMENT OF NEW SOUTH WALES



Select Committee of
the Legislative Assembly upon
PROSTITUTION

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Chairman's Foreword



Prostitution is an activity generally acknowledged to have been a function of societies from time immemorial. It is a subject which has frequently been contentious; has aroused controversy, public debate, scorn, religious and social opposition, and, at times, varying degrees of public and social acceptance. It has been an activity which has almost invariably operated on the fringes of society, being primarily fugitive in character.

Views as to its causes and origins have been as much the subject of debate as any other of its aspects.

There are those for example who stress the influence of market forces on prostitution. If a demand exists, invariably a supply will be found. This viewpoint is counterbalanced by the argument that where many women and young people remain seriously disadvantaged economically and socially, they may continue to see sex as their most saleable commodity.

From another perspective, there are those who see it as a reflection of the inadequacies of the limited arrangements that society conventionally makes for the establishment and maintenance of sexual relations between men and women.

And there are those who see it as evidence of the original sin of humankind, of the ultimate imperfectability of human nature.

Common to most perspectives on the subject is the inherently disturbing assumption that some of the most cherished institutions of our society, (family, religion, and the law) are inadequate to deal with the underlying distortion of human relationships implicit in prostitution. We have a long way to go to find the perfect or just world - a world, at least, in which there would be no demand or need for prostitution.

It is perhaps that element of intellectual disturbance and disquiet surrounding the subject which most contributes to the fugitive character of the trade and simultaneously hampers attempts to deal with it effectively.

Most of us confronted with embarrassing or disturbing subjects have an immediate tendency to deal with them by either simply ignoring them or by laughing them off as more trivial than they are.

Clearly neither of these options was open to the New South Wales Select Committee upon Prostitution, and it was in its interests to try to convince others to overcome such natural temptations.

The task of the Committee was not to change the basic structures of society, desirable though that may be. It did seek however, to change social attitudes, and to work within the existing

social framework, advocating principles and putting forward recommendations which, if implemented, might lead to significant social changes.

In the latter role, it has proposed measures both for the control of prostitution and for the treatment of factors which contribute to its existence.

Controls are recommended to prevent exploitation, to protect the young and innocent, to improve health facilities, and to ensure the amenity of neighbourhoods.

Welfare strategies and policies are proposed with the specific intention of reducing the numbers of those engaged in prostitution.

This much the Parliament and the people would normally expect of a Committee such as ours.

But Parliamentary Committees need not simply be recommendation machines. From the very outset of the Committee's inquiry, I determined that an important role we had to play, in addition to and in support of our recommendatory role, was that of a forum for public discussion of a controversial subject where issues had all too frequently been clouded by social embarrassment.

The Committee therefore embarked on a lengthy series of hearings which provided the community every opportunity both to present views either in public or private sessions, and to hear the major issues explored seriously and in depth.

Intense media interest, perhaps unprecedented for a Select Committee of the New South Wales Parliament, was for the most part helpful in pursuing these aims. It was particularly valuable in getting people to feel more comfortable with serious discussion of the subject, and in promoting that level of public awareness and discussion which is so important in achieving broad agreement on acceptable solutions on a controversial issue.

In turn, while none of us on the Committee expected that the fugitive trade would suddenly blossom into full and frank disclosure, such open public discussion did appear to stimulate an increased flow of valuable information to the Committee from within the ranks of those directly involved in prostitution.

The Committee has sought to address its overall task objectively and realistically. I believe that the report prepared by the Committee provides an acceptable and workable blueprint for legislation and programs of action designed to deal with its terms of reference from the Parliament: the health, criminal, social and community welfare aspects of prostitution in New South Wales.

A handwritten signature in black ink, appearing to read 'Pat Rogan', with a stylized, cursive script.

Pat Rogan
Chairman

TERMS OF REFERENCE

**TO INVESTIGATE AND REPORT UPON THE
PUBLIC HEALTH, CRIMINAL, SOCIAL AND
COMMUNITY WELFARE ASPECTS OF PROSTITUTION
IN NEW SOUTH WALES.**

MEETINGS OF THE COMMITTEE

The Select Committee was appointed on 30 March 1983. On 5 March 1984 the Committee was dissolved simultaneously with the Parliament prior to a general election held on 24 March 1984. A new committee was appointed on 10 May 1984 with the same terms of reference as before.

The committee met on 76 occasions.

MEMBERSHIP OF COMMITTEE

Patrick Allan ROGAN, M.P., (Chairman)

Donald John BOWMAN, B.A., Dip. Ed., M.P.

Peter Edward James COLLINS, B.A., LL.B., M.P.¹

Robert Bruce DUNCAN, M.P.²

John Robert Arthur DOWD, LL.B., M.P.³

Frederick Joseph MILLER, M.P.⁴

John Henry MURRAY, B.A., M.P.⁵

Garry Bruce WEST, M.P.⁶

1 Member as from re-appointment of Committee on 10 May 1984.

2 Appointed 24 August 1983.

3 Member until dissolution of the Parliament on 5 March 1984.

4 Member until dissolution of the Parliament on 5 March 1984.

5 Member as from re-appointment of Committee on 10 May 1984.

6 Discharged 24 August 1983.

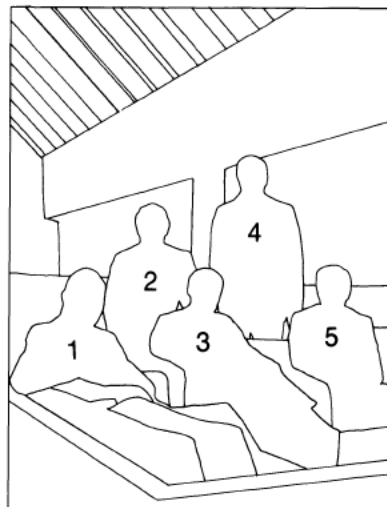
1 Pat Rogan, M.P. (Chairman)

2 John Murray, M.P.

3 Don Bowman, M.P.

4 Bruce Duncan, M.P.

5 Peter Collins, M.P.





ACKNOWLEDGEMENTS

The Committee's report would not have been possible without the dedicated and invaluable contribution of its research staff. These researchers were:

Ms Gail Travis M.A. (Criminology)
Dr Hilary Golder
Ms Christine Harcourt B.A. (Hons)
Ms Marianne Hoyd B.A.
Ms Christine Ronalds LL.B.

With the exception of Ms Marianne Hoyd, who left the Committee in February 1984, all researchers provided their services on a part-time basis.

In addition to the services of its research staff, the Committee wishes to acknowledge the assistance and co-operation of Ms Sandra Brien, together with officers of Hansard and other Parliamentary staff.

The Committee would particularly like to acknowledge the assistance of Mr Peter McHugh, Second Clerk-Assistant of the Legislative Assembly, who was Secretary to the Committee for the major period of its operation. Mr McHugh's assistance and dedication was greatly appreciated by the Committee. His role was capably taken over by Mr Mervyn Sheather for four months during an absence by Mr McHugh due to other Parliamentary duties.

The thanks and appreciation of the Committee is extended to each of these staff members for their dedicated and efficient assistance and co-operation.

The Committee wishes to express its thanks to the Governments of West Germany, the Netherlands, Sweden, Great Britain and Hong Kong, together with their officials and diplomatic representatives for the assistance and many courtesies provided to the overseas delegation.

Thanks are also due to the many witnesses, government officers and private individuals, both in New South Wales and interstate, who gave their time, energy and knowledge to assist the endeavours of the Committee.

LIST OF RECOMMENDATIONS

CHAPTER 4: THE DEMAND FOR PROSTITUTION

- 4.1 The Sydney STD Centre be commissioned to organise a one-year study of prostitutes' clients, drawing respondents from STD clinics, private practice and the general public.
- 4.2 An interdepartmental committee with representatives from the Department of Health, the Department of Education, the Department of Youth and Community Services and the Women's Co-ordination Unit of the Premier's Department should devise and promote materials to increase community awareness of the Committee's findings and conclusions on the demand for prostitution.
- 4.3 Any policies pursued by the Government in the control and regulation of prostitution should take account of the need to break the nexus between violent pornography and prostitution.

CHAPTER 6: SOCIAL AND COMMUNITY WELFARE ASPECTS OF PROSTITUTION

- 6.1 The Department of Social Security's forthcoming review of social security payments should specifically consider the links between prostitution and pensioner poverty which have been documented by this Committee and the Victorian Inquiry into Prostitution.
- 6.2 Community-based suburban drop-in centres be developed to provide space, information and advocacy for young people and respond to specific local needs identified by users.
- 6.3 The provision of both government and non-government-funded-youth refuge and related services be increased in outer suburbs so that children in crisis can be accommodated temporarily in their own area and within reasonable distance of their schools. A proportion of refuges should be designated as female-only services.
- 6.4 The funding of community education on child sexual assault and the funding of services to meet the specific needs of victims and families should be secured and if necessary extended.
- 6.5 The formation of self-help groups for the parents of young gays and transsexuals should be encouraged.
- 6.6 The Anti-Discrimination Board consider conducting a short study on discrimination against transsexuals and discuss ways in which the Anti-Discrimination Act applies to pre- and post-operative transsexuals.
- 6.7 Attention be given by the Department of Youth and Community Services to the development of 'Big Sister' programmes whereby single women offer short or long-term care and/or support to adolescent girls.
- 6.8 The funding of the Women's Housing Programme be increased to facilitate the development of general and special-need schemes in the Central Metropolitan Area.
- 6.9 Government departments which fund welfare services should establish an interdepartmental committee to regularly review, co-ordinate and evaluate the funding and effectiveness of such services.

- 6.10 Information on funding of welfare services, by area and service type, should be readily available and regularly exchanged between government departments.
- 6.11 The departments evaluating the multi-purpose youth service should consider the desirability and feasibility of establishing such services in centres other than inner Sydney.
- 6.12 The proportion of services targeted towards special need groups should be increased.
- 6.13 The Police Department and the Department of Youth and Community Services co-operate in the design of a training course which would give officers of the Juvenile Services Bureau solid grounding in welfare issues and information on service options.
- 6.14 That an experimental 'women's service centre' be set up in the inner city to provide access, support and drop-in facilities for adult women. Staff should be particularly receptive to the needs and demands of prostitute clients.
- 6.15 The health centre to be established in Kings Cross should incorporate a welfare service providing information and assistance on legal and welfare matters, geared to the needs of adult women.
- 6.16 The health/welfare centre should offer transitional assistance on housing, education and employment matters to encourage and enable prostitutes to support themselves without continued reliance on prostitution.
- 6.17 A conference or seminar be convened by churches either on a denominational or non-denominational basis to:
- (a) Discuss the matters raised in this report and develop programmes which the churches might undertake singly or collectively which will in co-operation or conjunction with State government programmes effectively attack the underlying factors leading young women and men to enter prostitution.
 - (b) Examine the structure of family life with particular emphasis on the question why so many married men are prostitutes' customers and determine the role churches could play in nurturing family relationships.
 - (c) Examine the effectiveness of existing church programmes aimed at assisting women and men, in particular the young either to leave or avoid recruitment into prostitution. Such an examination also to look at ways in which some degree of co-ordination between church-social and government agencies might be developed in existing or future programmes.

CHAPTER 7: HEALTH ASPECTS OF PROSTITUTION

- 7.1 Provision be made by the universities and teaching hospitals to upgrade instruction in the clinical symptoms, diagnosis, and treatment of STDs in the training of all medical students.
- 7.2 The Department of Health report to the Minister for Health on ways in which general practitioners might be encouraged to update their knowledge of STDs and keep track of new developments in the field.

- 7.3 The Department of Health ensure that general practitioners and private specialists have better access both to laboratory facilities and to contact-tracers for the diagnosis, treatment, and follow-up of patients with STDs.
- 7.4 Discussions be held between the Department of Health and doctors' organisations to ensure that notification procedures provide reliable and useful statistics.
- 7.5 The Government allocate funds to the Department of Health, and encourage private organisations to donate money for research into the incidence and spread of STDs, so that a more complete picture of the situation in New South Wales may be obtained, and monitored in the future.
- 7.6 The effect of prostitution on the incidence and spread of STDs be a specific project within the research required by Recommendation 7.5.
- 7.7 The Department of Health sponsor a publicity campaign to promote the use of condoms, as a means of reducing the incidence of STDs in the community.
- 7.8 Condom dispensers be required to be placed in the entrance or reception rooms of brothels, and other places of prostitution, and also in STD clinics and certain selected public places.
- 7.9 It should be illegal for brothel owners and/or managers to require that prostitutes not use condoms on their premises.
- 7.10 Department of Health information leaflets warning of the dangers of sexually transmissible diseases, and advising on their prevention and treatment be readily available on display in brothels and other places of prostitution.
- 7.11 The Department of Health promote a continuing campaign to educate 'at risk' groups such as prostitutes, their clients, others who have many sex partners, and by extension, the general public, about the incidence, diagnosis, and treatment of STDs.
- 7.12 Sex education in schools include reference to STDs, including AIDS, to make children aware of the risks of infection, and of the fact that effective and simple treatment is available for most STDs, providing help is sought promptly.
- 7.13 Condoms should be readily available on sale through vending machines. Where chemists' shops largely operate on a self-service basis, proprietors should be encouraged to ensure that condoms are on open shelves, rather than behind counters with prescription drugs.
- 7.14 Prostitutes and other at-risk persons be advised and encouraged to be tested for AIDS antibodies at three monthly intervals for as long as they continue to engage in casual and/or multi-partner sexual activity.
- 7.15 In education campaigns directed at at-risk groups and the general public, emphasis should be laid on the prevention of infection by the avoidance of 'risky' practices, and the observation of personal hygiene.
- 7.16 Drug-affected prostitutes with AIDS should be given priority placement on methadone programmes.

- 7.17 The government should allocate sufficient funds (the amount to be determined in consultation with NSW members of the AIDS Task Force, and the Health Department) for AIDS related research.
- 7.18 Health cards not be introduced.
- 7.19 Additional STD clinics be established throughout NSW. As a first stage clinics should immediately be established in Wollongong and Liverpool.
- 7.20 Clinics offer after-hours services so that patients may attend before and after work.
- 7.21 STD clinics be an integral part of the hospital in which they are located.
- 7.22 Clinics provide a congenial, positive staff-patient atmosphere which will encourage the attendance of prostitutes and their clients, as well as the general public.
- 7.23 The Department of Health train (where necessary) and employ more contact-tracers to take up work with new clinics, and to liaise with private doctors as required.
- 7.24 Clinics be provided with access to adequate pathology facilities, so that specimens can be examined and diagnoses confirmed in the shortest possible time.
- 7.25 Prostitutes and others who engage in casual and/or multi-partner sexual activity should be encouraged to seek regular screening for STDs. The Committee recommends weekly screening for gonorrhoea, and chlamydia and monthly screening for syphilis.
- 7.26 The Government urgently seek the co-operation of the Federal Government in making full Medicare refunds available to prostitutes having regular health checks.
- 7.27 The Venereal Diseases Act should be examined by the AIDS Task Force to see if changes (including payment of damages and penalties for those who continue to spread AIDS after notification) are necessary in the light of the AIDS epidemic.
- 7.28 The diseases named in the Venereal Diseases Act correspond to the list of notifiable STDs, and reflect current knowledge as to the relative seriousness of these diseases.
- 7.29 The Government fund, and the Department of Health administer a multi-purpose health centre in the Kings Cross area. This centre might be built upon existing facilities, perhaps in co-operation with St Vincents Hospital. It should provide complete STD screening, diagnosis, and treatment; plus contact-tracing, counselling, contraceptive advice and treatment, Pap smear, and general health services. The aim of the department should be to make the centre as fully accessible and acceptable to prostitutes, and other persons who live and work in the inner city, as possible.

CHAPTER 8: DRUG USE BY PROSTITUTES

- 8.1 Health counselling for prostitutes in the Kings Cross Health Centre should particularly address the dangers of misusing recreational drugs, and ways to avoid such misuse.

- 8.2 Personal development courses be made available in all secondary schools, and programmes such as Life Education, and Peer Support (which may help young people to avoid becoming involved with drugs and prostitution) be monitored, and Government Support programmes continued for as long as they are shown to be effective.
- 8.3 The Drug and Alcohol Authority monitor drug use by prostitutes as part of a continuing assessment of levels of illegal drug use in society, and its effects.
- 8.4 Where the drug advisory services conduct research into drug use by prostitutes, they should inquire specifically into the most appropriate forms of treatment for prostitutes.
- 8.5 The State Government further investigate the need for the Department of Health to provide more detoxification beds, and in particular more medicated detoxification beds, throughout the metropolitan area, and in Wollongong, and to establish a detoxification unit in Newcastle.
- 8.6 Where new detoxification beds are established consideration should be given to providing separately for the specific needs of women, adolescents, and prostitutes.
- 8.7 The Department of Health provide more:
- (a) accommodation for women and children;
 - (b) family care where both parents are affected;
 - (c) accommodation for women participating in small residential therapeutic communities under flexible guidelines developed by the Department of Health.
- 8.8 Suitable treatment programmes be made available to women in prisons, including prostitutes, or be offered as an alternative to imprisonment.
- 8.9 Staff training programmes be developed to explore issues of particular concern to drug-dependent women, and, using existing resources wherever possible, target the special needs of women caught up in the criminal justice system, many of whom are prostitutes. Staff in all agencies who have contact with drug-dependent women should have access to these programmes.
- 8.10 Drug and alcohol agencies be encouraged to assess their degree of success in attracting and retaining women and to develop procedures and mechanisms to improve their success rate.
- 8.11 A drug-rehabilitation service replacing or incorporating existing services be established which is designed to meet the needs of the young, drug-dependent women, many of whom are prostitutes, who make up the bulk of the current female prison population in this State. This service should
- (a) accept women on bail and on probation;
 - (b) provide child-care facilities for women who attend a day programme. Day programmes are recommended, given the difficulty many women with school-age children have in attending a residential centre;
 - (c) provide live-in facilities for pre-school-age children of in-patients;
 - (d) provide out-patient counselling services.

- 8.12 The New South Wales Government continue to monitor the size of the heroin addiction problem in New South Wales, and, if necessary, continue its expansion of a range of methadone treatment programmes so as to ensure the availability of treatment for all those diagnosed as suitable for methadone.
- 8.13 Additional major public hospitals be funded to become dispensing points for an expanded methadone programme, and that such hospitals provide secure premises for the holding and dispensing of methadone.
- 8.14 Assessment of heroin addicts be streamlined and expedited to undercut the heroin market and absorb addicts into suitable treatment programmes including methadone.

CHAPTER 9: CRIMINAL ASPECTS OF PROSTITUTION

- 9.1 State and Federal finance departments investigate measures to deal with prostitution-related tax avoidance.
- 9.2 The Commissioner of Police treat evidence of police corruption regarding prostitution as an indication of the need for organisational reform.
- 9.3 The Police Board review ways in which the potential for corruption in the Vice Squad and local stations operating in areas where prostitution is concentrated can be decreased.
- 9.4 Persons should be encouraged to come forward with any allegations of corruption in the future. The necessary means of protection and amnesty should be considered by the appropriate authorities.

CHAPTER 10: PROSTITUTION AND THE LAW

- 10.1 Section 5 of the Prostitution Act be repealed and be replaced with a new section.
- 10.2 The new section 5 provide that it is an offence for any person to use violence or coercion or other forms of exploitation against any person or to supply an illegal drug of addiction in order to live wholly or in part on the earnings of prostitution.
- 10.3 The penalty for the new Section 5 shall be imprisonment for twelve months or a fine of up to \$2000 or both.
- 10.4 The NSW Police Department provide protection to any prostitute who agrees to give evidence for the prosecution of any person under a new section 5 before the case is heard.
- 10.5 Section 6 of the Prostitution Act not be repealed or amended.
- 10.7 Section 7 (2) of the Prostitution Act be repealed.
- 10.8 Section 8 of the Prostitution Act be amended to permit the discreet advertising of sexual services in the print media where the use of the premises as a brothel is an authorised use under the Environmental Planning and Assessment Act, and that such premises be authorised to provide an address, while other premises used as escort agencies only be able to advertise a contact telephone number.
- 10.9 The New South Wales Attorney-General's Department consult with all relevant State and Federal departments and agencies to ensure that broadcasting, advertising and trades practices legislation will not permit advertising of sexual ser-

- vices in New South Wales to be broadcast by either the electronic media or in cinemas.
- 10.10 The New South Wales Attorney-General's Department consult with all relevant State and Federal departments and agencies to ensure that Telecom and other statutory authorities comply with the requirements of the amended Prostitution Act or cease to advertise sexual services in New South Wales.
 - 10.11 The NSW Bureau of Crime Statistics and Research be directed to monitor and evaluate the working of the new advertising provisions for the twelve months following their enactment and to report to Cabinet on their effectiveness.
 - 10.12 In order to clarify the operation of section 8A(1), section 8A(5) be amended by inserting a definition of the term 'near', stating that it means 'directly in front of or in close proximity to or directly opposite'.
 - 10.13 Section 8A be amended so that it is an offence for a person to solicit another person for the purpose of prostitution when near a dwelling, school, church or hospital when the premises are in use or being occupied as a dwelling, school, church or hospital.
 - 10.14 The NSW Police Department be directed to enforce section 8A of the Prostitution Act against clients so that the ambit of this section may be established in the courts.
 - 10.15 The NSW Police Department review the laws on clients, in consultation with the Criminal Law Review Division, and draw up a code of practice to be included in cadet and in-service training.
 - 10.16 The Minister for Police should order a regular review of police practice with respect to clients and public order.
 - 10.17 The NSW Bureau of Crime Statistics and Research be directed to monitor and evaluate the administration and enforcement of s.8A and report to Cabinet on its effectiveness.
 - 10.18 Section 91A and section 91B of the Crimes Act be repealed.
 - 10.19 The Crimes Act be amended to insert an offence for any person to procure a child or young person under the age of sixteen, by fraud, violence, threat, abuse of authority, by the use or supply of an illegal drug or intoxicating liquor, for the purposes of prostitution, and the penalty shall be penal servitude for four years.
 - 10.20 Section 3(1)(a) and 3(1)(e) of the Disorderly Houses Act be repealed.
 - 10.21 The NSW Police Force enforce sections 5, 6 and 7 of the Offences in Public Places Act against the activities of clients and tourists where breaches of that Act occur.
 - 10.22 Sections 5, 6 and 7 of the Offences in Public Places Act not be repealed or amended.
 - 10.23 The NSW Police Force enforce the Intoxicated Persons Act against the activities of clients and tourists where breaches of that Act occur.
 - 10.24 The provisions of the Intoxicated Persons Act not be repealed or amended.

- 10.27 Section 62 (5) (d1) of the Landlord and Tenant (Amendment) Act not be amended or repealed.
- 10.28 The Strata Titles Act not be amended in relation to the use of premises for the purpose of prostitution.
- 10.29 The Indecent Articles and Classified Publications Act not be repealed or amended.
- 10.30 Sections 309 and 510 of the Local Government Act not be repealed or amended.
- 10.31 The Crimes Act be amended to insert a new section to make it an indictable offence for any person to use violence or coercion or other forms of exploitation or to supply an illegal drug of addiction in order to live wholly or in part on the earnings of the prostitution of any child or young person under the age of sixteen years.
- 10.32 The penalty for the new offence of living on the earnings of prostitution of a child or young person under age sixteen shall be penal servitude for four years.
- 10.33 All common-law offences in relation to prostitution and keeping or running of brothels or disorderly houses be statutorily repealed.
- 10.34 A system of planning controls and supervision of premises used for the purpose of prostitution be developed.
- 10.35 Having regard to the principles of planning law and the desirability of local decision-making on the siting and other relevant factors of such premises, local councils be the authority in the first instance to be involved in assessing the situation of individual premises.
- 10.36 The term 'prostitution' be defined to cover all acts of sexual gratification for payment between persons of different sexes or of the same sex, and to include sexual intercourse, masturbation committed by one person on another, acts of sado-masochism and acts of bondage and discipline.
- 10.37 The term 'payment' in the definition of 'prostitution' include the exchange of money or goods or services.
- 10.38 The term 'brothel' be defined as premises or part of premises used for the purpose of prostitution.
- 10.39 A 'brothel' be defined as covering premises or parts of premises which are used for the purpose of prostitution, including premises where only one person engaged in prostitution is on those premises at any time.
- 10.40 Escort services which offer any form of entertainment or accommodation on the premises should be treated as brothels.
- 10.41 Brothels should not be permitted in any areas zoned 'residential'.
- 10.42 A brothel not be permitted at street level in commercial shopping centres.
- 10.43 A brothel not be permitted in any premises which are situated next to, adjoining or opposite a school, church or hospital.
- 10.44 A brothel should not be permitted immediately next to the building on the bound-

- ary of a residential zone and that this be prevented by the creation of a small buffer zone of either one building or 40 metres.
- 10.45 Ownership or operation of brothels be limited to three separate premises or parts of premises which operate as a brothel by any individual or by any group of individuals or by any directly-related individuals, e.g. spouses, children, etc.
- 10.46 The ownership and operation of a brothel must be registered in the name of an individual resident in New South Wales and not in the name of a business or a company registered under any appropriate legislation by the Corporate Affairs Commission of New South Wales, or in any State or Territory of Australia or any other country.
- 10.47 Any person lodging a development application for consent as an owner or operator of a brothel be of good fame and character.
- 10.48 A person should be deemed not to be of good fame and character if that person has been convicted of any serious criminal offence in the ten years before the application, and these offences shall include any crime involving violence against another person (e.g. murder, assault), sexual assault, supply or sale of any scheduled drug, fraud, etc.
- 10.49 Option No. 6, a State Environmental Planning Policy on Brothels, is the most appropriate avenue to proceed along to institute a system of planning controls and supervision of premises used for the purpose of prostitution.
- 10.50 The Minister for Planning and Environment cause the Director of the Department of Environment and Planning to submit a draft State Environmental Planning Policy to the Minister, and that the Minister then recommend to the Governor that a State Environmental Planning Policy on Brothels be made in accordance with the draft Policy.
- 10.51 The Minister for Planning and Environment exhibit the draft State Environment Planning Policy on Brothels and seek submissions from the public.
- 10.52 After the Minister has considered these submissions, such amendments and alterations as the Minister thinks fit should be made to the draft SEPP on Brothels.
- 10.53 Before making any recommendation to the Governor, the Minister shall cause the draft SEPP on Brothels to be presented to Parliament to enable a full parliamentary debate in both Houses to be conducted on its content.
- 10.54 Where it is demonstrated that the transfer of planning controls and supervision of premises used for prostitution has placed significant extra burdens on the resources of a local council the State Government will make available specific funds to ensure effective implementation of such proposed new planning laws.
- 10.55 In consideration of the draft State Environmental Planning Policy on Brothels, the Minister for Planning and Environment ensure that at least the following matters are included:
- (a) that the aims and objectives are to institute a system of planning controls and supervision of premises to be used for the purpose of prostitution; to enable development of brothels in a manner which is fair and equitable to all parties; to ensure that local councils do not approve development applications unless they

are satisfied that the premises are not in a residential zone and to ensure that applicants and councils take into account the social effect of the brothel in the locality and the existing and likely future amenity of the neighbourhood;

(b) that the council for the appropriate local government area in which the development is proposed be the consent authority;

(c) that the terms 'prostitution', 'prostitute' and 'brothel' be defined in the Policy;

(d) that a brothel include all premises used for the purposes of prostitution, regardless of the number of prostitutes operating on the premises at any one time;

(e) that escort services which offer any form of entertainment or accommodation on the premises should be treated as brothels.

(f) that brothels not be permitted in residential zones; at the street level of commercial shopping centres; next to, adjoining or opposite a school, church or hospital, and there be a buffer zone of one building or 40 metres between the boundary of a residential zone and a brothel;

(g) that the ownership or operation of brothels be limited to three separate brothels by any individual or any group of individuals or by any directly-related individuals;

(h) that ownership or operation of brothels be in the name of an individual resident in New South Wales and not in any registered business or company name;

(i) that any person lodging a development application for consent as an owner or operator of a brothel be of good fame and character, including not having been convicted of any serious criminal offence in the ten years before the application.

INTRODUCTION

Prostitution is not endorsed by the Committee and no recommendation in this report is directed to the furtherance of this dangerous and undesirable trade.

While calls for the abolition of prostitution have an immediate emotional appeal, they fail to recognise the underlying social and economic preconditions of prostitution, and do not take full account of the historical evidence for its continued existence.

In a perfect society where economic and sexual inequalities are unknown, prostitution should not exist. But the Committee was confronted with the blunt fact that prostitution is, and always has been a part of our society. A trade exists in this State which directly employs some thousands of prostitutes, provides sexual services to tens of thousands of clients and indirectly employs or affects the lives and livelihoods of tens of thousands more.

During its investigations the Committee heard several opinions of prostitution: it was variously presented as a sin, a crime, a business and a therapy.

Prostitution inhabits a confused 'twilight zone' between legality and illegality. Although the act of prostitution is not illegal, soliciting in certain circumstances by either prostitute or client is prohibited and people who organise prostitution are liable to criminal penalties. Many prostitutes, clients, residents, police and councils seem unclear about their rights and responsibilities. The Select Committee was set up not only to redetermine those rights and responsibilities but also to conduct an overall review of prostitution in the absence of any similar previous work.

Many of the Committee's recommendations are directed to assisting people already caught up in the web of prostitution, to seek an alternative form of employment. Others aim to prevent young people, currently at risk, from making choices which may lead them into the trade. As importantly, the Committee seeks to protect the rights of those who suffer substantial dislocation of their residential amenity as a result of the more public aspects of prostitution.

Prostitution is a complex and pervasive aspect of our society. It is not contained either geographically or socially and takes many different forms. The Committee investigated female, male and transsexual prostitution: those who worked on the streets, in cars, in houses, brothels, massage parlours and health studios, and from escort agencies. The boundaries between prostitution and legitimate entertainment are becoming increasingly unclear. Clubs, sex shops and pornographic movie houses frequently promote prostitution services, and there is evidence that some companies have employed escorts to entertain clients, financing the transaction by credit card and writing it off as necessary business expenditure.

The Committee believes that a reduction in the level of the prostitution activities in this State is desirable, but that it would be entirely counter-productive if hasty or piecemeal legislation were to have the unintended consequence of a simple reorganisation of the trade. A coherent, publicly debated policy is essential, and to this end the Committee tried to address systematically the factors which sustain the demand for prostitution and recruitment into prostitution. Its inquiries have, therefore, covered social welfare issues such as youth unemployment and problems of single parents. The current debates on pornography, child sexual assault, sexually transmitted diseases, drug rehabilitation and the treatment of young and/or female offenders were also considered relevant to the Committee's investigations. Finally the Committee has attempted to document some ways in which prostitution operates in inner-city areas, local commercial centres, residential suburbs and country towns. The Committee sought to assess as accurately as possible the impact of policy options upon the varieties of prostitution practised throughout the State.

Policy Options

The options for basic policy can be summarised as follows-

- Suppression - legal suppression;
- Legalisation - legal recognition with full government control;
- Decriminalisation - removal of all prostitution specific laws, and no government regulation of the trade;
- Decriminalisation with controls - legal recognition with government regulation of some aspects of prostitution.

Proponents of legalisation argue that government should recognise the inevitability of prostitution and take responsibility for its organisation. Some witnesses suggested that the State Government should set up a centralised licensing system for individuals and/or premises. Prostitutes and premises could then be subjected to regular health checks. Other submissions recommended the establishment of an official red-light area. Another set of witnesses bitterly opposed legalisation of prostitution; they argued that to recognise prostitution is to encourage it.

Certain groups, notably church groups, called for the suppression of prostitution. They claimed that the criminal law was the appropriate weapon to use against prostitution and demanded tougher penalties for prostitutes, organisers, owners and clients.

Proponents of outright decriminalisation called for the removal of all prostitution-specific laws from the statute book and suggested that prostitution should be subject to normal business regulations and to the general laws on public nuisance.

Those witnesses who called for decriminalisation with controls argued that prostitution is not 'a business like any other'. Because sections of the industry have been illegal or illicit, ownership, management and working conditions have never been scrutinised. Prostitute workers also have special health problems, including the spread of drug abuse among street-workers. And the number and behaviour of clients has caused unusual traffic congestion, noise and nuisance in certain areas. The supporters of partial control claimed that the criminal law should not generally be used to deal with these problems as they are largely health, planning or local government matters, although certain special regulations for the prostitution trade may still be necessary. They called for State and local government co-operation to devise these regulations and to monitor their social and environmental impact.

Committee Investigations

To assess these policy options the Committee carried out a wide-ranging investigation of the prostitution trade in New South Wales. Both before and after the appointment of the Committee, residents of the Kings Cross-Darlinghurst-East Sydney areas voiced their complaints about the noise and nuisance associated with street and brothel prostitution in the early 1980s. But the Committee did not consider that its terms of reference could be reduced to a simple instruction to 'clean up the Cross'. 'Cleaning up' one area could simply push prostitution and its related problems into other areas. To formulate policies for the State as a whole, the Committee reviewed:

- the demand for prostitution;
- recruitment into prostitution;

- the current organisation of prostitution in inner-city areas, local commercial centres, residential suburbs and country towns;
- the effects of prostitution physically, mentally and environmentally on the people of New South Wales.

Collection of Evidence in New South Wales

The Committee received 133 submissions and held 27 hearings at which 83 witnesses gave sworn evidence. In camera evidence was taken from seventeen witnesses. Inspections and visits were made to organisations such as those providing outreach services or those dealing with drug abuse and sexually transmissible disease.

A sound base of empirical evidence, on which informed recommendations would be built, was seen as an essential rock in the sea of rumour, popular misconception, deliberate misrepresentation and half-truths that is still the public face of prostitution.

Research staff were appointed to help provide such a base and the results of that work have been very valuable. In addition to certain specific tasks, researchers conducted 134 lengthy informal interviews which were of enormous help in determining trends and outlining many aspects of the trade.

Informants to the Committee can be divided into four groups. First, direct testimony was received about the practice of prostitution from clients, residents and prostitutes. People who live and work in the Kings Cross-Darlinghurst-East Sydney area provided very detailed evidence about the organisation and effects of prostitution in their district. Some working and retired prostitutes talked freely in hearings and interviews about their earnings, working conditions, motivations and expectations. This Committee was not, like earlier inquiries, forced to rely only upon information provided by prostitutes who pass through the courts or drug rehabilitation centres. Some of these witnesses clearly saw themselves as 'winners' rather than 'losers' in 'the game'.

Although most prostitute witnesses were female or transsexual adults, some male prostitutes were interviewed. For obvious reasons, juvenile prostitutes were reluctant to talk. Similarly, managers and owners of premises were not anxious to speak with the Committee. Some of these gaps were filled by the observations and conclusions of the next group of informants.

Second, the Committee received a great deal of assistance from health, legal and welfare workers who deal regularly with prostitute clients.

A third group of informants provided specialised information which was relevant to the questions of demand or recruitment. For example, they discussed social welfare issues such as youth unemployment, child sexual assault and the problems of single parents.

Finally, the Committee received submissions from certain groups, notably church and women's groups, who did not offer detailed information about the status quo but recommended actions and policies for the future.

Research

Research into the organisation and structure of prostitution by the Committee covered many areas. Larger research projects included:

- Computer-assisted analysis of all available prostitution advertising published in one week of September, 1984. This project, together with statistics from other sources, enabled the Committee to make an assessment of numbers of prostitutes, clients, and premises involved in

prostitution. It was also used to trace connections between apparently separate enterprises and to provide some insight into prevalence of genuinely independent home-based prostitution.

- Examination of Local Court and Land and Environment Court records to amplify and verify statistics otherwise available.
- Investigation of the ownership and leasing arrangements of inner-city premises being used for prostitution. This was designed to test some aspects of the popular belief that the ownership and profits of prostitution are concentrated in a few hands.
- Examination of the principals of corporations dealing in prostitution-related matters.
- Survey of the records of the Drug Advisory Centre, Bourke Street, to ascertain type and levels of drug abuse by prostitute clients of the clinic.
- Survey of clients of prostitutes in association with the Sydney STD Centre to discern patterns of customer demand.

Interstate and overseas visits

The Committee visited Victoria, South Australia and Western Australia to study the organisation of prostitution, the problems associated with it and the solutions adopted in other jurisdictions. Of particular note was the valuable co-operation which existed between this Committee and the Victorian Inquiry into Prostitution. A delegation consisting of the Chairman, Mr Pat Rogan and opposition member, Mr Peter Collins, also studied aspects of prostitution in West Germany, the Netherlands, Sweden, the United Kingdom and Hong Kong.

These countries were chosen because they have each approached the problems of prostitution differently, particularly in health, criminal and social welfare aspects. For example, Britain is considering criminal penalties for the kerb-crawling client, while Sweden opts for sex education programmes aimed at young males: West Germany has enacted stringent laws against drug abuse, while Hong Kong provides methadone to thousands of drug-dependent people including prostitutes.

These visits to other jurisdictions were particularly valuable because they allowed the Committee to observe the workings of certain policies which had been put forward in submissions. Some theories advanced in New South Wales could thus be evaluated in other locations. De facto legalisation in Kalgoorlie, Western Australia, was later juxtaposed with the formally legalised systems operating in West Germany. Through overseas contacts with critics and defenders of the West German model, the Committee was able to correct and update some of the material published about prostitution in Germany. In each State and country not only was the Committee provided with essential information which is not available in published form but was also able to form subjective views about such operations and how those experiences would translate to New South Wales.

The Committee's Approach

Basic policy

The Committee has adopted a policy of decriminalisation with controls on some aspects of prostitution in the belief that it will have most impact on the problems outlined.

Suppression was considered and rejected as an option. Research shows that this policy has never been successful in democratic societies. Prohibition of such illicit activities merely drives them underground; as a result it increases risks to public health, creates a climate ripe for

associated crime and corruption and increasingly isolates prostitutes and some clients from the possibility of rehabilitation. Prohibition is claimed to have been enforced in some societies, notably China. However, the wholesale elimination of civil liberties necessary to stamp out prostitution cannot be countenanced. Nor does the huge cost of policing and 're-educating' both clients and prostitutes make the option any more palatable.

'Red-light' areas

The Committee also rejected suggestions that the State government should set up one or more official red-light areas. Overseas experience suggests that the centralisation of prostitution creates intolerable problems for residents in or near the red-light zones. The development of adult entertainment areas, crammed with strip shows, blue movies and prostitution, also reinforces the links between prostitution and pornography. Such an area can easily become a 'no-go' area for police and a Mecca for criminals. Red-light areas degenerate into 'combat zones' - congested and unsafe for residents, clients and prostitutes. Significantly many German cities are moving to decentralise prostitution.

Licensing and health checks

Arguments for the licensing of individual prostitutes have been reviewed and the Committee finds them to be unacceptable and unworkable. It is claimed that regular health checks could be obligatory for registered prostitutes and that this would help check the spread of sexually transmissible diseases. This is a one-sided approach to the problem of STDs and assumes that prostitutes are largely responsible for a problem of the wider community. It ignores the role of the clients and other sexually active sections of the population and runs counter to all official studies and statistics. Interestingly, no-one has seriously argued that clients should have to prove that they are free of disease.

Medical witnesses also pointed out that the weekly health check cannot invariably detect certain diseases which have a long incubation period. New infections can occur at any time during a working week which may involve 70 sexual contacts. The weekly check could give prostitute and client a false sense of security and actually increase the incidence of STDs.

Finally it is clear that many prostitute workers do not wish to be identified and recorded as prostitutes. They could refuse to register and might simply work in less visible ways. They would probably lose contact with the health system and the whole purpose of registration would be defeated. Where implemented overseas, this has proved unsuccessful.

Summary of Recommendations

The legal recognition of prostitution coupled with control of some aspects has been determined by the Committee to be the approach most likely to be successful. The controls are aimed at ensuring that prostitution does not occur in residential areas and to make it as accessible to those responsible for the control of crime, drugs, disease and social problems as is possible.

In essence the Committee proposes that:

- brothels be subject not to criminal legislation but to planning requirements, the most important of which are that they not be permitted in residential areas, at street level in commercial shopping centres nor in areas which will result in public offence;
- controls be placed on ownership of brothels;
- street soliciting be prohibited in residential areas and near a school, church or hospital.

- provision of criminal sanctions for those who use violence, coercion or other forms of exploitation in order to live on the earnings of prostitution;
- clients to be subject to the same enforcement of soliciting laws as are prostitutes;
- advertising of prostitution be prohibited in the electronic media and limited elsewhere;
- changes to social welfare arrangements to make it less difficult for prostitutes to leave the trade and to make prostitution less of an alternative to those who may be forced to consider it as employment;
- health measures to reduce the incidence of sexually transmissible disease and drug abuse.

In recommending decriminalisation with controls, the Committee recognises that in New South Wales, as elsewhere, the changes must be made in the knowledge that the reform will not occur overnight. Councils, police and the trade itself, but most importantly the community at large, need time to adjust themselves to proposals carried into law.

Certainly in the last 10 years or more there have been changes. We have homo-sexual prostitution, we have seen transsexuals, sex change operations and so on. We have seen the prostitution move to the suburbs, we have seen the ads in the local suburban papers, we have seen growth industry in male prostitution, retired housewives or wealthy widows, we have seen increases in upmarket prostitution and increases in downmarket prostitution.¹

1.1 Changing Aspects of Prostitution

1.1.1 In the recent past there have been significant changes in the prostitution trade in New South Wales.

1.1.2 Legislative amendments such as the Prostitution Act 1979, have had a major effect on the trade and especially on street soliciting. Street prostitution has become the most publicly controversial aspect of the State's trade. With the decriminalisation of street prostitution in 1979, there was a corresponding increase in the number of prostitutes and customers visibly soliciting in the Darlinghurst neighbourhood of Sydney, for example. Since April 1983 with the introduction of the Prostitution (Amendment) Act the majority of prostitutes have confined business to locations that are not near a dwelling, school, church or hospital within inner-city street prostitution areas.

1.1.3 Health and prostitution has re-emerged as a topic of concern with the visible increase of heroin use among drug-dependent street prostitutes. The Committee estimates that approximately 80 per cent of streetwalkers are heroin-dependent. Many of these prostitutes financially support drug-dependent boyfriends.

1.1.4 AIDS (Acquired Immune Deficiency Syndrome) has changed the prostitution trade, although its total effect on the business is as yet unknown. It has been suggested that customer concern about AIDS has resulted in the recent growth of home and unit prostitution, for example. Customers are said to perceive the use of services of prostitutes working from units or their own homes as lessening the risk of contracting AIDS. It has also been remarked that there has been an increase in the advertising of bondage-and-discipline establishments, purportedly for the same reason. Customer use of brothel and escort services is thought to have decreased, for the present.

1.1.5 Although the general demand for prostitution appears to have been constant, witnesses have indicated there have been changes in requests, apart from those influenced by AIDS concerns. Several prostitute witnesses concluded that men who might never have encountered bondage and discipline twenty years ago were prepared now to experiment with the practice. Similarly, oral sex was said to have gained widespread acceptance.

1.1.6 Most prostitute witnesses have agreed that the increased use of pornography has also influenced customer demand. They suggest it has encouraged men to experiment sexually. Some prostitutes have argued that they have had to reassess their work and accept new demands in order to maintain earnings. They agreed that pornography has adversely affected their working conditions.

1.1.7 Recently, prostitutes have become more political and outspoken as a group. In July 1983 a number of Sydney prostitutes, ex-prostitutes and supporters formed the Australian Prostitutes' Collective (APC). The Collective describes itself as 'part of an international link of prostitute organisations around the world, formed to provide support, information and

¹ John Marsden, solicitor of the Supreme Court of New South Wales and President of the Council for Civil Liberties, in evidence 28 June 1984:34.

expression networks for those working in the sex industry providing sexual services for men'. It calls for decriminalisation. As author Eileen McLeod writes, such campaigns in Britain, on the Continent and in the USA have also pressed for decriminalisation of prostitution.² Since the establishment of the APC in Sydney, branches have been formed in other States.

1.1.8 Although there have been additional changes to the prostitution trade, the one which probably affects most residents State-wide is the increased geographical distribution of available prostitution services. Evidence indicated that prostitution has become attainable in Sydney's suburbs to a greater extent than ever before.

1.1.9 The history of prostitution in New South Wales suggests that previous absence of prostitution services in the suburbs was less a reflection of market demand and possibly more a result of stringent police behaviour in the suburbs. (See 'Prostitution Law and Enforcement, 1788-1979' in chapter 10). It is unknown exactly when brothel prostitution services began moving to suburban Sydney. Some evidence suggests that prostitution has been available in the suburbs at least since the mid-1960s.³ On the other hand, one prostitute who has been involved in the trade for several decades commented in her submission that with the closing of the lanes in November 1968 several massage parlours were opened subsequently in the inner-city area, but at that time business had not spread significantly to the suburbs.

1.1.10 To examine further this geographical distribution of brothels, the Committee reviewed prostitution advertisements in two newspapers⁴ over a ten-year period. Table 1.1 presents the *Daily Telegraph* advertisements for prostitution services for Saturday 13 September 1975 and Saturday 15 September 1979. The 1975 issue contained 33 prostitution service advertisements offering 34 distinct prostitution-related telephone numbers. The 1979 issue had 130 prostitution service advertisements with 123 distinct telephone contact numbers. Unlike the present situation, almost every advertisement also listed a contact address. Table 1.1 offers these addresses by neighbourhood, as listed in the advertisements. As these advertisements have not been analysed by content, the Committee is not offering the estimated number of brothels, escort agencies or home and unit prostitution services. Rather Table 1.1 suggests the geographical distribution of publicised prostitution services.

1.1.11 Data suggest that in the past decade there has been a gradual dispersal of publicised brothel prostitution away from the current Telecom Sydney City District (including the City, City North, City South, Bondi Junction and Edgecliff). Whereas in 1975 over two-thirds of prostitution advertisements surveyed in one September newspaper corresponded to the Sydney City District, by the equivalent September 1979 issue about one-half did.

1.1.12 In 1984 approximately one-third (37.8 per cent) of advertisements for prostitution surveyed State-wide by the Committee involved Sydney City District telephone numbers. (For details see chapter 3.)

2 E. McLeod, *Working Women: Prostitution Now*, Croom Helm, London, 1982:119.

3 *Sunday Mirror*, 17 March 1968.

4 As the *Daily Telegraph* has been described as a former major source of prostitution advertisements in Sydney, various issues were examined for the period it carried such ads, between 1975 and 1980. In the beginning of December 1980, due to policy change, *The Daily Telegraph* discontinued prostitution ads. As a direct result of this decision, *Australia Undercover* was established one week later. For this reason, selected issues of *Australia Undercover* have been reviewed from December 1980 to present times.

Table 1.1 The number of distinct telephone numbers offering prostitution services by neighbourhood, as listed in *Daily Telegraph* advertisements, 13 September 1975 and 15 September 1979.

Neighbourhood	1975	1979	Neighbourhood	1975	1979
Banksia	0	1	Neutral Bay	0	1
Belmore	0	2	Newtown	0	3
Bexley	0	1	North Sydney	0	2
Blacktown	0	1	Paddington	0	1
Bondi	1	4	Parramatta	0	1
Bronte	0	1	Pendle Hill	0	1
Burwood	0	2	Pennant Hills	0	1
Canley Vale	0	1	Petersham	0	2
Chatswood	0	1	Potts Point	3	7
Chiswick	0	1	Randwick	1	2
Crows Nest	0	5	Redfern	1	1
Darlinghurst	4	12	Rozelle	0	1
Darling Point	0	2	Rushcutters Bay	3	4
Double Bay	1	1	St Leonards	0	1
Edgecliff	0	1	St Marys	0	1
Elizabeth Bay	0	3	St Peters	0	1
Enmore	0	1	Surry Hills	6	6
Erskineville	0	1	Sutherland	0	1
Fairfield	0	1	Sydney (City)	1	6
Gladesville	1	1	Ultimo	0	2
Glebe	0	1	Woollahra	0	3
Harris Park	0	3	Yagoona	0	1
Hurlstone Park	0	1			
Hurstville	1	1			
Kings Cross	5	12	Newcastle	0	1
Lakemba	0	1			
Leichhardt	1	1	Penrith	0	1
Liverpool	0	1			
Manly	0	1	Out-of-State	0	4
Marrickville	1	1			
Mascot	1	1	No address	3	0
Milsons Point	0	1			
			Total	34	123

1.1.13 Locational changes in available prostitution services have been noted by other observers of prostitution overseas. A Canadian report discussing prostitution in selected countries documents the changing nature of prostitution in various nations:

prostitution is becoming more widespread geographically. Earlier when street walking was a common type of prostitution, it tended to be concentrated in the big cities. This had naturally to be the case because the prostitutes were usually women who had come to the big cities in search of employment and ended up as prostitutes as a last resort. Now, of course, when prostitution is becoming organized as a profitable service, it must be available in those parts of the country where there exists a demand.⁵

1.2 Continuous Aspects of Prostitution

1.2.1 In spite of changes in the prostitution trade in the recent past, many aspects of the business have not altered.

1.2.2 The vast majority of prostitutes are female. The vast majority of customers are male.

1.2.3 Prostitution continues to be an adaptive business. For example, with the recent decrease in the number of massage parlours in Adelaide the Committee was told there was an increase in the number of escort agencies. Similarly, the literature on prostitution suggests that with governmental amendments aimed at reducing trade, there appeared to be a corresponding rearrangement of practice. A 1984 Canadian report cites the Hungarian situation as one such example:

In Hungary, prior to the Second World War, prostitution was permitted and legalized. All prostitutes had to be registered ... Prostitution was then prohibited and all brothels were ordered to be closed. Rather than prostitution disappearing altogether, it started raising its head in clandestine form. The Hungarian government clamped down a special law imposing relatively severe punishments. This law since has been changed with a reduction in the severity of the punishments imposed. Prostitution has not disappeared in Hungary. It appears instead to be increasing .⁶

1.2.4 The possible transmission of STDs (sexually transmissible diseases) is a constant concern to both prostitutes and customers.

1.2.5 Although the misuse of heroin by prostitutes has been highlighted as a current visible aspect of street prostitution, prostitute involvement with both illegal and recreational drugs in general has been a continuing issue.

1.2.6 Those involved in the trade such as owners of establishments used for prostitution, most prostitutes and the majority of customers, continuously attempt to conceal their involvement in prostitution. One prostitute remarked to the Committee: 'It is a worry all the time that someone will know, that your friends will know, your children, neighbours'.⁷

1.2.7 Most women prostitutes attempt to keep their working life separate from their home life. A member of the Australian Prostitutes Collective explained:

Unfortunately they have to keep the two lives separate because of public attitudes and fear of exposure, for most of these women with their children do not want their children to know

5 C.H.S. Jayewardene, T.J. Juliani and C.K. Talbot, Prostitution and Pornography in Selected Countries, Working Papers on Pornography and Prostitution, Report No. 4, Department of Justice, Canada, 1984:200.

6 Jayewardene, Juliani and Talbot, 1984:203-4.

7 Confidential interview, 1984.

*that their mother is a prostitute because of the stigma that would be attached to the children as well as to themselves.*⁸

1.2.8 An unknown number of individuals do not necessarily confine their work to the prevalent types of prostitution. Rather, they exchange sexual services for other services, for material goods or perhaps for accommodation.⁹ A number of inner-city street prostitutes have complained, for example, that some taxi drivers have offered to barter their fare home after work for sex. Another submission to the Committee concerning attitudes and health analysed interviews with five doctors and five women prostitutes to examine doctors' perceptions of prostitutes and vice versa:

*'Service-swapping' was mentioned by all the prostitutes, and by three of the doctors, neither group admitting to participation. One woman told of a friend who was a prostitute and who had requested an abortion from a doctor who refused, until the woman agreed to service him. The women spoken to viewed 'service-swapping' with distaste, yet felt it was a viable option in view of the high cost of medical facilities.*¹⁰

1.2.9 Such bartering or service-swapping is mentioned in overseas literature on prostitution. One study of prostitution and drugs states that the call girls surveyed reported sexual bartering as a constant facet of their lives.¹¹ Another study suggests that drug addicts and juvenile runaways are particularly susceptible to bartering.¹²

1.2.10 The Committee concluded that although service-swapping was referred to by a small number of prostitutes, it is a component of the trade. While the Committee has no evidence that such practices involve a wide range of professions, this possibility cannot be ruled out.

1.2.11 In general, customers and prostitutes remain heterogeneous groups. Male, female and transsexual¹³ workers involved in prostitution continue to have differing attitudes to business and their occupation.

1.2.12 That there are many types of prostitution is yet another continuing aspect of the trade. Each type of prostitution, whether it be street, brothel, massage parlour, escort, bar or home and unit work, offers the workers both advantages and disadvantages in relation to the amount of money earned per customer contact, the average number of clients serviced per day, worker vulnerability to police-related problems, the amount of safety, freedom and secrecy possible.

8 Roberta Perkins, for the Task Group on Prostitution, in evidence 4 October 1983:8. The Task Group on Prostitution comprised the Australian Prostitutes Collective, Twenty Ten, Gays Counselling Service, Gay Rights Lobby and the Australian Transsexual Association.

9 This behaviour has been referred to in submissions and evidence as either bartering or service-swapping. The two terms are used interchangeably in this report.

10 Submission by H. Reid, 'Attitudes and Health: A Study of Women Prostitutes, Doctors and the Community':4-5.

11 P.J. Goldstein, *Prostitution and Drugs*, Lexington Books, Lexington, Massachusetts, 1979:37.

12 C. Simon and A. Witte, *Beating the System: The Underground Economy*, Auburn House Publishing Company, Boston, Massachusetts, 1982:244.

13 The terms drag queen, transvestite and transsexual are used interchangeably, and often misused, to describe this population. As Roberta Perkins, author of *The 'Drag Queen' Scene: Transsexuals in Kings Cross* has written, in popular usage drag queen often refers to any male who 'cross-dresses' and appears in public, regardless of whether he is a transsexual, transvestite or female impersonator. It is considered generally to be a pejorative term. Similarly, transvestites are described by Perkins as individuals who wear clothing of the opposite sex for sexual stimulation. In general, transvestites do not wish to change the shape of their bodies. Transsexualism, on the other hand, entails 'the compulsion to be of the opposite sex, an ambition which goes well beyond a simple act of impersonation'. Perkins estimated in 1983 there were approximately 500 transsexuals in Sydney. By far the majority of these are male-to-female transsexuals.

1.2.13 It is apparent that there continues to be a significant amount of mobility from one type of prostitution to another. In a recent study of 50 female streetwalkers, for example, 37 individuals had prior prostitution-related job experience in other aspects of prostitution. One brothel manager stated that when business is slow her employees double as escort prostitutes in evenings and weekends.¹⁴ Another woman prostitute remarked that she used the street to attract a group of regular clients so she could then work entirely from her own home.¹⁵ Twenty-seven per cent of a sample group of Vancouver street prostitutes also worked in bars.¹⁶ One Sydney transsexual bar prostitute commented that she and her four transsexual flatmates worked both on the street and in the bars.¹⁷

1.2.14 It is the purpose of the remainder of this chapter to describe the job circumstances of individuals working as street, brothel, escort, bar and home and unit prostitutes. The rewards and hazards of each type of prostitution will be discussed. Welfare aspects of the business as well as discussion concerning why people become prostitutes is considered separately in chapter 6.

1.3 Street Prostitutes¹⁸

1.3.1 There is more information available about street prostitutes than other types of workers. Twentieth-century literature on prostitution focuses, in part, on street activity. This may be a reflection of the visibility of streetwalkers, and their comparative accessibility to researchers, or a reflection of public opinion about street prostitution. Streetwalkers are Sydney's most visible aspect of prostitution.

1.3.2 The Committee had access to three studies concerning street prostitution.

- Research staff from the NSW Bureau of Crime Statistics and Research conducted 73 randomly selected on-site street interviews with male, female and transsexual prostitutes soliciting in Darlinghurst between December 1982 and April 1983.¹⁹ These interviews offer descriptive material of the street prostitute population during a period when soliciting was totally decriminalised. They will be referred to as 'the Darlinghurst survey'.
- In May and June 1983 Roberta Perkins, member of the Task Group on Prostitution, surveyed 121 inner-city street and brothel prostitutes. Her information relates to soliciting circumstances under the Prostitution (Amendment) Act 1983, whereby soliciting near a dwelling, school, church or hospital became an offence. It will be referred to as 'the Perkins survey'.
- The NSW Bureau of Crime Statistics and Research monitored court appearances for soliciting offences under the Prostitution (Amendment) Act, 1983, during a one-year period. Details concerning the number of court appearances, the circumstances of offence and the number of distinct persons charged have been made available to the Committee. It will be referred to as 'the Prostitution (Amendment) Act monitoring survey'.

14 Confidential interview, 1985.

15 Confidential interview, 1985.

16 J. Lowman, 'Vancouver Field Study on Prostitution', Working Papers on Pornography and Prostitution, Report No. 8, Department of Justice, Canada, 1984:181.

17 Confidential interview, 1984.

18 There are many terms used to refer to those individuals who provide sexual services in return for payment or in exchange for other services. These people usually are referred to as 'workers' by those involved in the business. One brothel manager has suggested that 'worker' has been a trade term in New South Wales for the past two decades. Males, on the other hand, are often called 'hustlers'. While acknowledging that many people in the business feel that moral implications are attached to the term 'prostitute', this expression will be used throughout the report. Prostitute is favoured over more obscure terminology as it is widely understood in the community. It is used here to refer to female, male and transsexual workers.

19 G. Travis, 'Soliciting in Darlinghurst: Female, Transsexual and Male Street Prostitutes Talk about their Work', NSW Bureau of Crime Statistics and Research, Department of Attorney-General, Sydney, 1986.

Comparisons between female, transsexual and male street prostitutes

1.3.3 There are significant contrasts in both the social characteristics of female, transsexual and male street prostitutes as well as their attitudes to their work. Perkins and Bennett have commented that prostitute women are more committed to prostitution than are their male counterparts.²⁰ They generally have longer working lives. Women are more likely to be motivated by economic circumstances and gender identity of being female appears to be important in their view of themselves as prostitutes. Male prostitutes have stated that homosexuality is a pertinent issue for them.

1.3.4 The Darlinghurst survey further elucidates distinctions. For example, this survey of streetwalkers indicated that the average age for transsexual prostitutes was 30 years, for females 23 years and for males it 'was given' as twenty years old. Several respondents made it clear that male 'hustlers' were in fact younger than they said. One male commented that about 30 per cent of the group were either sixteen or seventeen years old.

1.3.5 Males were compared with transsexuals and female prostitutes. They were most likely to live in the immediate vicinity of the Darlinghurst commercial 'beat'. Data suggested a higher probability of males having worked in prostitution as juveniles. There was a greater age imbalance in the male prostitute-customer relationship than was the case for females or transsexuals. Males were most negative about clients. They were more likely to work in areas outside Darlinghurst, specifically in Fitzroy Gardens in Kings Cross. Most identified with the gay subculture.

1.3.6 Transsexual street prostitutes in comparison with other groups were more likely to have been born overseas, to have worked longer in the industry, to have worked in Darlinghurst for more years, and to have spent greater time within their prostitution careers soliciting. Two aspects of street prostitution appear to be unique to this group. A significant portion of the transsexuals believed they were too old to work in any other area of prostitution. Second, being correctly identified by customers as transsexuals or at times being mistaken for a natural-born female was an issue only pertinent to transsexual prostitutes.

Working on the street

1.3.7 The vast majority of street prostitutes work in locations which are *not* near a dwelling, school, church or hospital. The Prostitution (Amendment) Act monitoring survey indicated that in a twelve month period 207 individuals appeared in Local Courts on 827 separate soliciting offences. Over two-thirds (70.6 per cent) of those 827 court appearances involved the offence of soliciting near a dwelling.

1.3.8 The Committee received evidence that female street prostitution activity is occurring more frequently in suburban streets and that male beats appear in both suburban and country areas. However, the vast majority of street prostitution at present is confined to commonly recognised soliciting locales within the Kings Cross–Darlinghurst–East Sydney areas.

1.3.9 Transsexual, female and male street prostitutes work in separate sections within the larger soliciting area. One transsexual witness explained the reason for this:

Yes, we have defined our sections and that is because the three different segments offer different services. There would be confusion if they all worked in the one area; it is hard for most clients to pick between transsexuals and females working on the streets.²¹

20 R. Perkins and G. Bennett, *Being a Prostitute*, Allen and Unwin, Sydney, 1985.

21 Confidential interview, 1984.

1.3.10 How prostitutes make contact with customers depends on whether clients have car access to soliciting locations. Although many male customers walk along 'the Wall' in Darlinghurst, a well-known male commercial beat, the street also accommodates customer traffic. Perkins and Bennett describe a typical prostitute–customer meeting:

On Darlinghurst Road along the East Sydney Technical College and Supreme Court outer wall and adjacent Green Park clients usually circle the block in cars, cruise past the line of young hustlers, or sit inside their cars to choose a guy they fancy. The client signals his choice to come over and a deal is struck up at the car window before the hustler gets inside.²²

1.3.11 The male soliciting area in Fitzroy Gardens, Kings Cross, provides a contrast as most prostitute–customer contact is in person, and on foot:

In Fitzroy Gardens the hustlers generally sit on the benches wearing whatever clothing best displays the shape of their bodies. Usually clients approach hustlers, sit down and make conversation with them, and, if it seems appropriate, strike up a deal.²³

1.3.12 Although services requested by customers vary, and on occasion may involve fantasy role–playing or bondage and discipline, in general street prostitutes cater to quick commercial sex. In a recent Vancouver study of 48 female and male street prostitutes, oral sex accounted for the majority (41.4 per cent) of client requests.²⁴

1.3.13 Sydney street prostitutes service clients in a variety of locations. Some workers do 'car jobs'. After negotiation the prostitute gets into the customer's car and drives with him to an appropriate parking location to 'do the job'. One transsexual prostitute explained some customer preference for this arrangement: 'Some clients like to go to cars; they do not want to go to houses run by men where they might see a person who works for them'.²⁵

1.3.14 Some street prostitutes rent rooms where they take clients. Arrangements are made with hotel, brothel and rooming-house managers on both a shift basis (specified hours) as well as on the basis of use per customer.

1.3.15 Other prostitutes and customers frequent secluded areas, such as parks or certain public toilets. Darlinghurst residents have complained in interview that in the past prostitution has occurred on the streets in front of their homes as well as in the corridors of some blocks of units in the neighbourhood.

Advantages and disadvantages of street prostitution

1.3.16 From the perspective of the streetwalker, the street trade offers both advantages and disadvantages in comparison with other types of prostitution work.

1.3.17 The Darlinghurst survey revealed that when asked why they chose streetwalking, 'more money' was the main reason offered by female, male and transsexual workers. That street prostitution entails minimal overhead costs and that prostitutes keep virtually all earnings is the prime advantage of this type of work. Brothels, massage parlours and escort agencies usually require a split of prostitute earnings with management, which often receives between 40 and 50 per cent of total income. Unit prostitution requires significant capital expenditure for initial set-up, perhaps for rent, bond deposit, furnishings, telephone and advertising expenses.

22 Perkins and Bennett, 1985:41.

23 Perkins and Bennett, 1985:40.

24 Lowman, 1984:717.

25 Confidential interview, 1984.

1.3.18 The Darlinghurst survey indicated that for female prostitutes 'more freedom', a feeling of independence, was a secondary advantage of street soliciting. The street situation did not impose the many rules associated with some brothel prostitution. On the street, women could meet customers face to face and therefore felt they had maximum preference in who they would service. Health requirements, whether a client would have to wear a condom, would be the prostitute's individual choice. Before AIDS concern in the community, many brothel prostitutes complained that some massage parlours and brothels would not allow condoms to be used as part of 'house policy'. On the street many women felt they were their own boss.

1.3.19 Additionally, street prostitution accommodates individuals who would probably have difficulty obtaining other prostitution work, namely those who are young, old or heroin-dependent.

1.3.20 One transsexual street prostitute suggested in interview that street work was less competitive for the prostitutes than either bar or parlour work. Some women describe the system in which customers choose prostitutes in many brothels and parlours as being primarily dependent on the prostitutes' appearance. These women believe that street prostitute-customer contact which involves conversation allows for increased consideration of individual personality.

1.3.21 Brothels normally have shift work whereby employees are expected to be available at certain times. The street prostitute works at his/her own convenience.

1.3.22 The police attitude to street prostitution presents both advantages and disadvantages to other prostitution situations from the perspective of the workers. On the one hand being visible on the street is believed to increase the likelihood of arrest on drug or public-disorder offences, for example. Yet some female street prostitutes in the Darlinghurst survey commented that police corruption on the street had substantially decreased since the decriminalisation of street soliciting in 1979. It was commented that there was at present less police corruption entailing street work in Darlinghurst than was the case for brothel/parlour prostitution. It is significant to note, however, that in an informal interview with a Kings Cross streetwalker it was alleged that the house manager who rents rooms to prostitutes in that neighbourhood continues to pay corrupt police so that prostitutes using his house could solicit on the designated Kings Cross street corner.

1.3.23 Streetwalkers' perceptions of the police in general varied greatly by gender in the Darlinghurst survey. Whereas 23 per cent of 50 women questioned thought the police had a positive attitude to prostitution at the time of the survey, three of fourteen males and only one of nine transsexual respondents were in agreement.

1.3.24 Four major issues or disadvantages to street prostitution present sufficient problems to discourage many prostitutes from street soliciting.

1.3.25 First, research confirms prostitutes' fears that street prostitution is dangerous for them, despite a variety of safety measures such as boyfriends being nearby, prostitutes 'watching out' for each other, recording the licence plate numbers of customers' cars, only servicing 'regulars', only servicing men 35 years or older, and the like. The Perkins survey, for example, indicates that in 1983 more than two-thirds (67.4 per cent) of streetwalkers in her study had been victims of sexual assault whereas less than one-third (30.5 per cent) of brothel prostitutes said they had been raped while working.

1.3.26 The occurrence of violence experienced by the street prostitute has similarly been commented upon in research findings overseas. One recent study of street prostitution in Ontario, Canada, revealed that two-thirds of street prostitutes in that study had been harmed by

customers.²⁶ Furthermore, data collected on street prostitution in the Atlantic Provinces of Canada indicated that '63.8% of the prostitutes had experienced some form of physical assault while working. Of these, 80% (24/30) were females and 20% (6/30) were males. Customers represented 46.6% of all the assailants'.²⁷

1.3.27 Being publicly visible soliciting on the street is yet a second disadvantage to this type of prostitution from the viewpoint of many workers. It has been commented that indoor prostitution allows for the maintenance of a 'low profile' in comparison with street activity. The Darlinghurst survey mentioned one streetwalker for example who worked the very early hours of the morning on relatively isolated streets. Thereby she increased the risk of physical violence and in fact had been brutally assaulted in the recent past. But she continued working 'odd hours' to decrease the likelihood of being recognised by neighbours, friends or relatives while soliciting.

1.3.28 General working conditions are described as another major disadvantage. Darlinghurst street prostitutes have complained about resident, police and customer treatment. Basically, these groups were perceived as 'hassling' workers. In the Darlinghurst survey women were most critical of residents. They mentioned that at times some residents had thrown eggs at them, doused them with water and had verbally and physically threatened them while soliciting. Several prostitutes described one prostitute having been shot with air gun pellets by an irate resident.

1.3.29 Finally, there is greater social stigma attached to street prostitution than to most other prostitution work. Street prostitution is commonly associated with drug misuse, social problems and associated crime. Even within the trade it is not unusual for other prostitutes to distinguish themselves from street activity by referring to the streetwalker as being at the bottom of the prostitution hierarchy. The Darlinghurst survey revealed that when female street prostitutes were asked how the job could be improved, 10 per cent of responses talked about job recognition. Women described prostitution as being functional to society, as curbing rape, child molestation and crime in the general community. Streetwalkers said that the community service they offer needed to be recognised.

1.4 Brothel/Massage Parlour Prostitutes²⁸

1.4.1 In comparison with other types of prostitution, the brothel trade is characterised by offering the greatest variety of circumstances.

1.4.2 Some brothels rely on customer referrals, 'word of mouth', to attract clients. Some

26 J. Fleischman, 'Prostitution in Ontario: An Overview', Working Papers on Pornography and Prostitution, Report No. 10, Department of Justice, Canada, 1984:18.

27 N. Crook, "Prostitution in the Atlantic Provinces", Working Papers on Pornography and Prostitution, Report No. 12, Department of Justice, Canada, 1984:28.

28 Brothels are known also as parlours or disorderly houses and are sometimes referred to as bordellos. The Committee recognises that subtle distinctions exist between brothels and parlours. Some massage parlours pose as businesses offering general health services while there is no denial or pretence that prostitution occurs in brothels.

One member of the Australian Prostitutes' Collective previously employed in a parlour described this distinction:

I remember one detective who used to come in and try and boss us. He would come in and say who he was and where he was from and he would look around the premises and we would have to make sure all the beds were made, that the towels were neatly folded, that the talc was in the corner, that the showers and the curtains were all straight and that no french letters or durex were left lying around, because that would indicate that it was a brothel and not a massage parlour, not a health studio (Roz Nelson, for the Task Group on Prostitution, in evidence 12 September 1983:58).

The Committee is following the Victorian example of favouring the term brothel over other usage. The word is clearly understood in the general community.

establishments use a red light to advertise. The front doors of East Sydney brothels are often kept open and prostitutes sit in the entranceway to attract men. Many brothels advertise in local papers or newspapers which are known for their prostitution advertisements.

1.4.3 The physical environment of brothels differs dramatically. Some are one- or two-bedroom terraces where customers and prostitutes meet as individuals. Some have common waiting rooms and clients are greeted by a receptionist. Pornographic movies may be available for viewing. Other large establishments may have multiple individual waiting areas. Still other brothels are presented as one component of a greater sexual playground. One such inner-city brothel is part of a three storey building. The ground level offers a sex shop where clients can purchase pornographic material. The second level is a bar where prostitutes frequently solicit customers. Strip shows provide live entertainment. The third tier is a brothel.

1.4.4 The Committee has estimated that in September 1984 there were approximately 74-80 advertised brothels which offered escort services as well as prostitution on-premise.

1.4.5 Some brothels offer specialised sexual services. Live shows, fantasy or bondage-and-discipline services, for example, may be offered by all premise prostitutes or may entail specialists. A few brothels have separate dungeons.

1.4.6 From the perspective of the prostitute, brothel work involves contrasting forms of organisation. A minority of places are run as co-operatives with prostitutes involved in brothel administration. Most establishments have a manager and 'house rules'²⁹ which define expected behaviour. A fine system often accompanies these rules.

1.4.7 Most brothel managers expect prostitute employees to split earnings. Usually prostitute income is divided with management so that employees retain between 50 and 60 per cent of earnings from customers. The Committee was told in informal interviews that a few managers are known to pay their prostitute staff in drugs.

1.4.8 One prostitute mentioned the education of 'the girls', and whether it was permissible to choose one's shift and one's clients as general differences between various types of brothels. Another worker appraised differences: 'In a word freedom! In the higher places you've got total freedom. You can virtually do what you want. The lower places tell *you* what to do'.³⁰

Description of brothel prostitutes

1.4.9 The available literature on parlour prostitutes overseas comments on two aspects of this group: that these prostitutes initially come from a wide variety of backgrounds; and that they were likely to have been involved in other types of prostitution before their employment in brothels.³¹

1.4.10 At present research does not offer a general profile of the brothel/parlour prostitute in New South Wales. Information suggests that as the organisation at brothels varies, so too does the background of employees.

1.4.11 Members of the Task Group on Prostitution have offered descriptions of select parts of the brothel trade. A 1983 survey of 121 inner-city street prostitutes and prostitutes in brothels offers a description of 37 East Sydney brothel workers. These responses were thought

29 'House rules' differ from one brothel to another. Some require prostitute employees to clean the room after customer use by laying out fresh linen. In another establishment workers are responsible for laundering towels used by their clients at the end of each shift. Punctuality for work is commonly expected. Rules often indicate appropriate dress and grooming.

30 Confidential interview, 1984.

31 R. Prus and I. Stylianoss, *Hookers, Rounders and Desk Clerks: The Social Organisation of the Hotel Community*, Gage Publishing Ltd., Toronto, Ontario, 1980:66.

to have represented 62 per cent of the total East Sydney brothel prostitute population at that time. These women have been described as the oldest, most experienced prostitutes in the inner-city region. They ranged in age from nineteen to 48 years old. Approximately one-third were between 36 years old and 48. Almost half these women lived with their families. (In comparison, none of the transsexual prostitute respondents and only four of 34 Darlinghurst streetwalkers did). These brothel prostitutes were most likely of all groups surveyed to have children. Twenty of 34 were mothers. Overall, approximately one-third responded that they liked working in prostitution. At the other extreme only 16 per cent of transsexuals had a positive attitude to the trade.

1.4.12 Debbie Homburg in her submission to the Committee 'Female Prostitution III: Parlour Prostitutes' presents a description of parlour prostitution based on six in-depth interviews with parlour employees as well as observation of six premises. She commented that the women often went into prostitution in their mid-teens in response to 'a temporarily overwhelming crisis'.

Most of the women in the parlour came from girls' homes, or from homes where the father had deserted, was unemployed, or where money was a problem. Family relationships were poor with the mother and children bearing the brunt of economic or psychological deprivation. Most women had experienced incestuous or brutalising sexual experiences in the home or in attempting to leave it.

1.4.13 One manager of a large inner-city brothel has described female staff as, on the average, being 25 years old. Employees are presented as middle-class women catering to a middle-class clientele.

1.4.14 Another parlour prostitute witness who offered in camera evidence before the Committee remarked that single mothers predominated in her suburban brothel:

A lot of them come from working class families, and many of them come from Catholic backgrounds. It is not only that it is a shame and social isolation to be involved with prostitution, it is just that they cannot tell anyone what they are doing.

1.4.15 Committee staff conducted a survey of prostitution-related advertisements which appeared in English newspapers and telephone books in New South Wales from 9 to 15 September 1984. During this seven-day period there were a total of 1424 prostitution-related announcements. They offer two aspects as a general profile of brothel prostitutes. They suggest that the majority of brothel/parlour ads which mention the gender of employees refer to female workers. Almost half (49 per cent) of total establishment advertisements (for brothels and escort agencies) indicate massage as a specified service.

Description of selected brothel prostitution situations

1.4.16 One brothel prostitute witness described how she serviced customers:

Usually I would go up to the room with the client. I got the money off him and took it down to the table. Well, I don't even want to talk about it, but never mind. But I would take it down to the table and I would get some disinfectant and stuff and do him.³²

1.4.17 Entertainment of customers depends, in part, on available facilities. Some brothel businesses cater to a high customer turnover and therefore emphasise speed. One overseas sociologist has compared these types of parlours to 'fast food' establishments by remarking on their efficient, businesslike manner. Some even have a menu posted. Other brothels are

³² Evidence in camera, 1983.

portrayed as retreats offering spa, massage and relaxation. The quality of service rather than customer volume is emphasised. Charges vary accordingly.

1.4.18 The Committee's interstate delegation visited a variety of brothels in Victoria, South Australia and Western Australia which highlighted the variety and contrasts of brothel prostitution.

1.4.19 In Kalgoorlie it is expected that brothel prostitutes live on the premises. Prostitutes entertain customers in their rooms. During working hours many women sit on the enclosed balconies of brothels and talk to potential clients outside. After negotiation, the male is taken inside.

1.4.20 By contrast in July 1984 one Melbourne brothel operated as a co-operative with staff who supported the philosophy and goals of the Australian Prostitutes' Collective (Victorian branch). Women organised their own work schedules. One collective member explained her arrangement:

Today I work three shifts. It's quality, not quantity and that suits me fine. It suits my people [customers] fine because I'm not spreading myself too thin. But I'm working in a collective little group situation where we run our own little show now and I've got a say in what I do and how I do it.³³

1.4.21 All eighteen female staff worked part-time, between two to three days per week at another Melbourne brothel. The establishment was open for business five days between 10 am and 6 pm. The manager claimed that decor had cost about \$200,000. Downstairs there was a bar and common entertaining area. There were two bedrooms and a sauna upstairs. Heavy use of mirrors was said to appeal to customers' fantasy desires. Usually clients were served a drink downstairs, upon arrival, and then were taken upstairs for a sauna and massage. About two-thirds of male customers tended to request the same female prostitute on subsequent visits. One-third appeared erratic in their choice of staff.

1.4.22 Still another parlour in South Australia had eight rooms for massage use. A closed-circuit television monitored the large common customer entertaining room. Staff were said to be closely supervised by management.

1.4.23 Brothel prostitution in New South Wales is characterised by variety.

1.4.24 One customer witness described the typical suburban brothel he frequents:

The external appearance of those places is virtually zero. The ones I know of are a series of connected rooms above a row of shops. You normally enter from a back lane or through a narrow doorway between shops. Most persons would not know they were there. People who went there would usually be following an advertisement. Usually the windows are blacked out and heavily curtained.³⁴

1.4.25 A suburban Sydney brothel referred to as a health studio has been described by an employee as one of many parlours open 24 hours a day. Prostitutes can choose day (6 am to 6 pm) or night (6 pm to 6 am) shifts. The interviewee worked five nights a week. There were no regular breaks in her twelve-hour shift; she was allowed a rest and a meal if and when business was slow. The health studio offered escort and 'in-house' services, but the escorts were rarely taken out for a meal. They simply provided sexual services.

1.4.26 Prostitute employees paid a \$50 bond when starting work and this was returned

33 Confidential interview, 1984.

34 'Jerry', customer, in evidence 10 October 1984:50.

when they left. If they were dismissed, the bond was forfeited. There was no provision for sick or holiday leave.

1.4.27 The workload was heavy. The prostitute interviewed calculated she attended to 50 to 70 clients per week. She welcomed the occasional escort job as it meant she could leave the studio. On the other hand it was more profitable to work 'in-house' because no time was wasted in travelling.

1.4.28 Another suburban brothel has been described to the Committee as a business where prostitutes might service between sixteen and eighteen clients on a busy night. Drugs were said to be supplied to ensure that women did not need to frequent Kings Cross. Two prostitutes were said to be living on the premises.

1.4.29 Ms D. Homburg described parlours in her submission to the Committee:

Most parlours are set up with similar decor to the range of motel rooms scaled to price. They have protective screens at the door for men to stand behind under a light so as not to be seen from the street while the women check them out in the peep hole. Windows and doors have heavy security to stop men breaking in ... The parlours are usually well heated to relax customers, although this doesn't usually extend to the private rooms, so there is little incentive for men to linger.³⁵

1.4.30 Three types of brothels offer further contrast to these descriptions.

1.4.31 One well-run inner-city brothel in operation since 1972 has seven waiting rooms to accommodate individual clients, typically middle-class businessmen or tourists who are more concerned with discretion and maintaining their anonymity than with house charges. There are a total of 40 women working varied shifts 24 hours a day. Four to five prostitutes are usually available on any one shift. Various bedrooms are decorated on a theme basis. Two spas are available for use. Some fantasy extras are offered. The manager has commented that the most requested forms of fantasy involve firstly prostitutes dressing in stockings and suspenders and secondly employees wearing schoolgirl uniforms. 'Lesbian doubles' also are said to be popular.

1.4.32 East Sydney brothel prostitutes claim that their area caters to 'straight sex' with 'regular customers'. As one neighbourhood brothel worker told the Committee, 'Most of the guys who come to that area have been doing so for more than twenty years'.³⁶

1.4.33 Two members of the Task Group on Prostitution have described East Sydney brothels:

A typical brothel in East Sydney is a small terrace house with a little lounge room, a kitchenette, a bedroom upstairs and another downstairs. The front door either opens on to the footpath or is set back a short distance behind a wrought-iron fence ...³⁷

1.4.34 Typically between two and four women work from each brothel. Establishments are usually either self-managed or an older worker may rent the premise and collect shift money from other prostitutes. Even if this latter situation is the case, establishments are mostly run as co-operatives.

1.4.35 Although many brothels offer light sado-masochism (S & M) services, also known as bondage and discipline (B & D), a few establishments in Sydney specialise in this area. One sub-

35 Debbie Homburg, 'Female Prostitution III: Parlour Prostitutes', Appendix 6 of the submission of the Task Group on Prostitution.

36 Evidence in camera, 1983.

37 Perkins and Bennett, 1985:44.

mission to the Committee offered an interview with a bondage specialist who established her own dungeon:

First of all I painted the room black, completely black, you know dark and mysterious. I made my own rack, which was easy enough to do. I got a playpen, manacles, a few chains hanging off the wall, an assortment of whips, and various canes of different thicknesses and lengths. My costume cost as much as the rest of the equipment and this consisted of black leather pants covered in studs, a black leather short battle jacket, studded wrist bands, belt and headband, and quite evil looking make-up. Spiked-heel shoes when called for. I took the name of 'Mistress Kelly' and was ready to go.³⁸

1.4.36 One B & D specialist interstate explained to the Committee that she is careful in her servicing not to leave physical marks on clients' bodies. Her routine practice is to discuss requests with customers at length. Rarely does she initially do what is asked of her, to allow time to assess clients. Generally, sado-masochism practices alone are sufficiently sexually satisfying for 'genuine' B & D customers. However, some men pay for sexual intercourse after the session. An interview with a male heterosexual prostitute revealed that his female customers were requesting the same types of services as men: to be dominated, to be tied down and to be treated in a subservient manner.

1.4.37 Many B & D specialists frankly assess their clientele as people with psychological problems. One mistress commented in a confidential interview:

Let's face facts. Anyone who gets pleasure out of pain has a problem ... The person is not well. I had one client who liked everything under the sun. He liked to be burnt. He liked pins and needles. He liked golden showers. He liked brownies. He liked anything that was degrading, humiliating and painful. And that person has an incredible problem ... The way I figure it out is that they are going to pay me money to kick them off. And they like it.

Advantages and disadvantages of brothel prostitution

1.4.38 Prostitutes who specialise in B & D services perceive many advantages to their part of the trade: they do not regularly have to have sexual contact with clients; therefore some consider their work as being physically less demanding than other types of prostitution; specialised services offer greater income; and as the number of those prostitutes willing to be involved in 'heavy' bondage is limited, while customer demand appears to be increasing, at present this part of the market is less competitive than other types of prostitution.

1.4.39 In general prostitutes offer many examples to explain the advantages of brothel prostitution.

1.4.40 In a confidential interview one woman described brothel prostitution as suiting her personality. She believed she would have needed to be more assertive to work in other aspects of the trade:

I am not the kind of girl that can go to a bar and pick a man up. I cannot stand on the street ... I can be in a place and I am there and the men know I am there and the men know I am there for them. But to pick up someone in the street or in a bar, it is different. I don't like the pressures of bars, right. So therefore, like I go to someone who is already established in a place and the place is reputable and they do the advertising side. That's why I don't mind.

1.4.41 Other prostitutes mention the convenience of brothel work. 'Everything is provided for you' is one summation. All administrative tasks are handled by management. This implies

³⁸ Roberta Perkins, Appendix 4 of the submission of the Task Group on Prostitution.

that whatever general problems may arise need not be the concern of individual prostitutes.

1.4.42 Some novice prostitutes believed that certain brothel managers could help them learn to handle customers, to check for STDs and to become 'professional' prostitutes.

1.4.43 Another former parlour prostitute indicated that brothel work allowed for increased discretion: 'Parlours seemed less public to start in, and the anonymity decreased the chances of being found out by other people who might disapprove'.³⁹ And, as prostitutes' identities are protected, individuals believe they reduce the public stigma attached to their occupation.

1.4.44 Finally, research suggests that brothel prostitutes face less potential physical danger in their work than do street prostitutes. The 1983 Perkins survey of 121 street and brothel prostitutes indicated that in comparison with Darlinghurst brothel prostitutes, a larger percentage of Darlinghurst/Kings Cross female street prostitutes reported having been sexually assaulted while at work.

1.4.45 For most prostitutes one major disadvantage of the brothel trade is the common practice of management requiring a 40-50 per cent split of prostitute gross earnings at the end of each shift.⁴⁰ Additionally, some establishments conduct a strict fining system whereby penalties are paid for breaking 'house rules'. One prostitute told the Committee about a young girl who had made \$300 from customers in one shift and went home with \$80 after the parlour's commission and fine penalties had been deducted.⁴¹

1.4.46 Depending on the particular brothel, house rules can present many difficulties for employees. Some establishments require a bond deposit as a prerequisite for employment. Some brothels are administered in a manner that allows prostitute employees minimal or no say in who they service. Some parlours require their employees to provide the 'full menu' and do not have 'specialists'.

1.4.47 Several brothel prostitutes have stated that servicing corrupt officials is yet another disadvantage of brothel prostitution. One prostitute claimed in evidence in camera, for example:

I see lots of off-duty policemen. But he was on duty. He spoke to the owner. The owner rang before they arrived and said two Vice Squad police were coming down and we were to give them complimentary drinks, a spa, and they could see a lady for half the price. However, we would be getting all our money. But I refused to see them on the grounds that I did not want to see anyone for that amount of money, even though I would be getting all that money. I thought they were using their authority.

1.4.48 Such allegations of police corruption will be considered in detail in the chapter 9.

1.4.49 One male brothel prostitute told the Committee that in his opinion boredom is a major disadvantage to brothel business. He described sitting in front of television for hours each shift waiting for clients. Such inertia is similarly part of the female brothel scene. One parlour prostitute mentioned how 'in parlours women sit in front of television sets blaring soapies or endless repetition of sex movies'.⁴²

1.4.50 Finally, potential competition based on physical appearance is yet another disadvantage for some individuals. Brothel prostitutes may be required to 'line up' or be visible as a group

39 Homburg, Appendix 6 of the submission of the Task Group on Prostitution.

40 Brothels organised as co-operatives or situations where brothel rooms are rented by shift are the exception to this general practice. These situations are unusual, however.

41 Evidence in camera, 1983.

42 Homburg, Appendix 6 of the submission of the Task Group on Prostitution.

for customer selection. As some older street prostitutes commented, age or unattractive features place individuals at a distinct disadvantage in these situations. On the street, however, some prostitutes believe that one-to-one social interaction allows for greater personal influence in customer choice.

1.5 Escort Prostitutes⁴³

1.5.1 Escort prostitution operates in various ways. Escort services may be one aspect of brothel services. An escort agency may function as a specialised business which offers escort work exclusively, or individuals may advertise as escort prostitutes.

Profile of escort prostitutes

1.5.2 Because of the variety of escort circumstances, escort prostitutes do not offer a homogeneous profile. Some escort workers operate from brothels. They are indistinguishable from the brothel/parlour prostitutes. It is not clear how individual escorts differ from this group. Those escorts working from separate agencies appear to reflect a broader age bracket than the brothel-based escorts. One separate escort agency manager explained this age variation in part as a reflection of customer demand. On occasion clients may wish to be seen in public with the escort worker:

We have an age bracket from about twenty-three to forty-two. A lot of business guys say 'We would like a mature woman. We are in our fifties. We do not want to be seen with somebody who is nineteen. It would look odd. Have you got a mature lady?' We try to meet the request.⁴⁴

1.5.3 Another separate escort manager described her staff as diverse: 'They're all ages, sizes, shapes, everything'.⁴⁵

1.5.4 Male escort workers similarly are varied in appearance and background but are fewer in number compared with their female counterpart. As escort agencies can in practice have many more prostitutes listed in their books than they may call upon in any one day, at no expense to management, it is to their advantage to have variety, within accepted limits, to maximise customer choice. Thus the agency can accommodate a broad range of customer requests.

1.5.5 Several separate escort managers emphasised to the Committee that some of their employees were educated professionals in their particular areas of expertise who were involved in casual, part-time escort work for a variety of differing reasons. It was emphasised that escorts were 'top class' and effort was exerted to distance escort prostitutes from street prostitutes. As one manager commented, 'But in my own mind a prostitute is a street girl, a hooker, right. These girls, and girls who work in escort, to me, are ladies. They're working ladies'.⁴⁶

1.5.6 There is no doubt that many escort agencies require their staff to present a middle-class image at work. For example, one separate agency forbids female employees to wear

43 On occasion escort prostitutes and women operating independently from their own homes or units have been referred to as 'callgirls'. Traditionally 'callgirls' have been defined as women working from residences who rely on the telephone for initial customer contact. Their telephone numbers are available only to regular customers and those men who have been recommended by other reliable clients or known prostitutes. Usually the intention of this group is to avoid formal advertising and instead to rely on personal recommendations. At times, the term 'callgirl' is used in a more general sense to imply that the prostitute has a middle-class profile and is thought to be discriminating in choosing clientele. In this section 'callgirl' is used in its traditional sense.

44 Evidence in camera, 1984.

45 Confidential interview, 1985.

46 Confidential interview, 1985.

jeans or to be unkempt when on call. People with body tattoos are not hired. It is unknown what proportion of escort prostitutes in fact have worked previously on the street or in other types of prostitution. While acknowledging that some prostitutes may only work in escort services during their career in the trade, the Committee assumes that a significant percentage are mobile and operate in many types of prostitution. Throughout one career, changing legislation, market demands and personal needs no doubt attract individuals to different types of prostitution at different times.

How escort prostitutes work

1.5.7 As mentioned, escort services may be based from brothels, from home or from separate escort agencies. In all situations the escort operation appears to be fairly uniform. Simply, customers telephone to make inquiries. If the customer requests a booking the manager, receptionist or escort worker taking calls will usually ask the customer a few personal questions, including location, perhaps name and a contact telephone number. Both parties hang up. The escort service then dials the given number. If the same person answers and the agency confirms that the customer is staying where alleged, that he/she is 'genuine', then a booking is accepted and an escort prostitute is sent to the designated location for a specified amount of time. While one escort manager commented that his employees are often invited to dine with clients or to show tourists various Sydney nightspots, another brothel-based escort manager stated that so far her escort service had never had a booking that extended more than one hour in length.

1.5.8 One escort worker described to the Committee from the prostitute's perspective how escort arrangements were organised where she had worked:

... you put yourself on call at home. You have very little contact with the escort agency ... You put yourself on call two nights a week, afternoons, whatever, and they would phone you up and say, 'There is a man who has arrived at the — Hotel', or 'A man has arrived at —, it is two hours, it is bankcard, phone us when you get there', and that is all you would do. You would get yourself over there in a taxi and you would phone them to say you had arrived safely. After the job had finished you would phone them to say you were leaving safely and you would have to drop the money back off to them...⁴⁷

Advantages and disadvantages of escort prostitution

1.5.9 There are several apparent advantages to escort work.

1.5.10 From the prostitute's viewpoint, that escort work offers a comparative positive public image and less stigma is a significant advantage. One escort operator told the Committee in Adelaide that escort work gives the girls a lot more 'class'. Clients of escort prostitutes are sometimes referred to as 'gentlemen' and are perceived as having enough money to 'wine and dine' with individuals. Whether in fact escort prostitutes are given the opportunity to socialise with customers is another question. Nevertheless, from the public's standpoint sexual servicing is seen as only one component of escort services; escort work is not commonly associated with drug use, the escort is thought of as having fewer clients, and both prostitutes and customers are perceived as middle-class. For these types of reasons the escort prostitute appears to have higher social status than either the street or brothel prostitute.

1.5.11 Escort prostitutes are not as conspicuous as either street or some brothel workers. They often blend into the social environment when initially contacting customers. They have not

⁴⁷ Nelson, in evidence 12 September, 1983:88.

been targeted as a source of public annoyance. Generally escorts can be discreet in their business. One escort operator has remarked:

... you see if you're standing in the lobby of the [hotel] and you see somebody going to the elevator, the girls don't look like working girls when they go out on a job. They're dressed like everybody else. They're dressed nicely but no more or no less than anybody else and if you saw — in the lobby of the [hotel] you wouldn't know she was a working girl going on a job, you know, so they just go straight to the elevator and go straight to the floor where the guy is. Nobody ever talks to us, it's never discussed. There has been no hassle as far as the girls in hotels [are concerned]..."⁴⁸

1.5.12 One female escort prostitute who had worked previously in a massage parlour remarked that she preferred escort work because she sees fewer clients but earns about the same amount of money as an escort prostitute.

1.5.13 Finally, although there have been allegations of police misconduct vis-a-vis escort management, it does not appear that escort prostitutes are affected as directly as brothel prostitutes by such corruption.

1.5.14 In a recent study of escort and massage services in the Atlantic Provinces, Canadian police forces are described as tolerating escort prostitution for the following reasons:

1. There is no soliciting on streets or in bars;
2. services are available only on request;
3. prostitutes are all of legal age;
4. rarely are there complaints of robberies or assaults.⁴⁹

1.5.15 Evidence in New South Wales suggests similarly that police in this State have a more positive attitude to escort prostitutes than to street prostitutes.

1.5.16 Escort prostitutes mention two major disadvantages to this type of work. As was the situation with parlour employees, escort workers who work from brothels or separate agencies are expected to split customer charges. Usually income is divided in half between management and employee. Prostitutes also mention the additional cost of clothing expenses as well as driver or taxi fares, depending on the operation. One escort worker commented:

The hassle with escort work is that I had to get myself over there in a taxi and back in a taxi, and during the next day I had to get half the money taken to the agency also by taxi. So a lot of my own money was spent on taxi fares.⁵⁰

1.5.17 Secondly, escort prostitution is often considered almost as dangerous as street prostitution, depending on the manner in which each operation is conducted. Escort managers screen customers by asking for a telephone number and verifying their location. Once a booking is accepted, however, most escort prostitutes have to handle the customer by him/herself, unless accompanied by a driver. Agencies may check on prostitutes if they have not called back after a designated period or will respond to telephone calls for help. Nevertheless, escort prostitutes largely are left to fend for themselves as one individual explained: 'If you haven't phoned in an hour after you've told the office you've arrived when you booked for an hour job, presumably

48 Confidential interview, 1985.

49 Crook, 1984:56.

50 Perkins, Appendix 4 of the submission of the Task Group on Prostitution.

they would send someone out looking for you, but meanwhile you could be dead'.⁵¹ As a result some workers discuss feeling isolated and vulnerable in escort prostitution.

1.5.18 Secondary disadvantages include lack of customer choice. The client is first seen when the prostitute arrives at the arranged meeting place. Also, customers are described as being extremely varied and unpredictable. One operator stated:

*... escort is, look, from one end of the scale to the other, it really is. You get real slobs on one end of the scale to top class businessmen in the Regent to the other end and it can be anywhere in between and that's why a lot of girls are - they don't really like escort, because you never know, never know what end they're going to be near.*⁵²

1.6 Bar Prostitutes

*There have been bar girls in Australia ever since there were hotels. In the past these girls traditionally congregated around pubs, close to the waterfront, where they could cater for their clientele of seamen, waterside workers and railway workers. However, in more recent times they have drifted away from these districts and they have begun to cater for a much more diversified clientele, mainly because of the huge reduction in the amount of manpower needed to support the shipping industry. In addition, a slightly more sophisticated type of bar girl has come onto the scene, working only in the best hotels of the major cities.*⁵³

1.6.1 Sociologists who have studied public drinking places have used various criteria to analyse these establishments. One such 1966 study suggests that drinking places be analysed by their function. Sherri Cavan thus offers four ideal types of public drinking places. They serve as analytical constructs. 'The convenience bar' is an accessible place in which to drink. 'The nightspot' offers stage entertainment. Patrons of 'the home territory bar' often describe them as a 'home' or 'a home away from home'. However, it is 'the marketplace bar' which serves as a centre of exchange for various goods (perhaps drugs or stolen property) and sexual services which is pertinent to prostitution. Some of these marketplace bars are known to a limited clientele. Other places have reputations that make them known interstate.

1.6.2 Cavan indicates that sexually oriented encounters in the marketplace bars include heterosexual and homosexual 'pick-ups', where neither participant expects financial remuneration, as well as 'commercial' sex. So-called 'B-girls' socialise with patrons in exchange for a drink. Prostitutes, on the other hand, use such bars as a setting where potential customers may be contacted and where arrangements can be made for sexual relations outside the bar. It is interesting that Cavan suggests that although the non-commercial 'pick-up' and professional prostitute often share a common territory, the marketplace bar, there is little overlap between the market for non-commercial versus commercial sex:

*... if the bar generates an indeterminate outcome for the sexual encounters of some, this indeterminate outcome may also permit those who offer guarantees to work the setting profitably, since there may be others who are interested in guarantees.*⁵⁴

1.6.3 The extent to which Cavan's typology of overseas drinking places is directly pertinent to present-day New South Wales is speculation. The study emphasises various uses of public

51 *ibid.*

52 Confidential interview, 1985.

53 M. Winter, *Prostitution in Australia*, Purtaboi Publications, Balgowlah, New South Wales, 1976:81.

54 S. Cavan, *Liquor License: An Ethnography of Bar Behavior*, Aldine Publishing Company, Chicago, 1966:204.

drinking places which is relevant. That the marketplace bar is one of several types of drinking places puts bar prostitution into perspective in a wider setting.

1.6.4 Committee evidence indicates the existence of well-known drinking establishments which juvenile and adult men, women and transsexual prostitutes use at present or used to use as potential customer meeting places. Some establishments have rooms provided on the premises where customers can be serviced. Other drinking places are frequented only until management realises that prostitution is occurring. One witness cited one north coast club as an example:

The management of that club — and particularly the board of directors — would be violently opposed to that type of operation. They are very strict about it. I would not imagine that it would occur very often or, if it did occur, that it would be a persistent thing. It would be a case of some smart cookie coming into the club, using the premises until she was discovered.⁵⁵

1.6.5 A representative from the Women's Electoral Lobby commented that 'full style hotels' are more tolerant of prostitution than are small bars. As a result, prostitutes operating from smaller drinking places may establish a circuit:

In your average old pub they will only allow a certain amount of that sort of soliciting to go on and the women then have to move on. They establish themselves some sort of circuit; a few nights in one pub and a few nights in another pub. I think it certainly has an effect.⁵⁶

1.6.6 Yet another witness alleged in camera that prostitution occurs in Sydney in certain hotel bars because of corruption of some security staff.

Description of bar prostitutes

1.6.7 Although it has been stated that street, brothel and escort prostitutes are varied in social background, such diversity is most apparent among bar prostitutes. It would appear that this type of work includes a significant portion of workers who treat their involvement as casual or part-time. Transsexuals, as one witness explained, offer one such example:

A number of transsexuals solicit in bars. They do not see themselves as prostitutes. They regard the others as the hard-nosed professionals. They become desperate, they need to pay their rent, they need a meal or have to support their drug habit. Therefore they will solicit in the bars.⁵⁷

Other bar prostitutes have been described in confidential interviews as exchanging sexual services for a flagon of wine, drinks or accommodation.

1.6.8 Committee evidence also indicates that some male and transsexual street prostitutes on occasion use the bar setting to solicit customers. Perkins and Bennett in *Being a Prostitute* wrote:

Male homosexual prostitution occurs on a fairly wide scale in at least two of Sydney's gay bars and is little different from street prostitution, except that very closeted men fearful of discovery are unlikely to be found in the bars... Yet for all intents and purposes the bars act as simply an extension of the street scene for those working as streetwalkers. This is

55 The late Mr J. Boyd, Member of Parliament for Tweed Heads, in evidence 30 August 1983:16.

56 Jan Aitkin, representative of the Women's Electoral Lobby, in evidence 28 June, 1984:107.

57 Perkins, in evidence 4 October, 1983:22.

*especially the case with the Bottoms Up Bar, which is an adjunct of nearby Fitzroy Gardens.*⁵⁸

1.6.9 Research also indicates that there is a wide age range among bar prostitutes which most closely resembles such variation among streetwalkers. One Canadian study which focuses on the lifestyles and operating procedures of bar 'hookers' indicate that the 'working girls' in two lounges range in age from eighteen to 55.⁵⁹ Similarly, as was the case for street prostitution, the Committee received evidence that some juveniles are involved in bar prostitution. Ms R. Perkins stated:

*I am not talking of a majority but in regard to a number of kids who come into the Cross. That very process brings them closer to all sorts of problems. They resort to these sorts of measures in the bars. Many are under eighteen, still teenagers, and they may move from the bar scene to hard-nosed prostitution in brothels or parlours or on the streets. In some cases it seems to be an ongoing process. Kids are driven out of their homes to the Cross, they work in bars, drift into casual prostitution and from there into more professional forms of prostitution.*⁶⁰

Working as a bar prostitute

1.6.10 Interviews offered contrasting descriptions of how bar prostitutes work. Wayne, a heterosexual male worker, meets most of his female clients in Sydney clubs:

*You just dress up, go to a club, buy a drink and just casually look around. If a woman keeps looking at you, you just give her a hint to come over, and when she comes over you just explain the situation to her and if she's OK she'll stay, if not she'll go. About five out of twenty would be willing to pay.*⁶¹

1.6.11 Another transsexual prostitute generally frequents the local bar to meet clients. She described an average working day:

I wake up about midday or 1.00 or 2.00 o'clock, depending on what time I get home. After a shower and breakfast I go through my drawers to see what I will wear for the evening. I watch TV until it is the right time to move up to the pub, about 8.00 or 9.00 o'clock ... When I go to the pub that night first of all I race to the toilet, do my hair up and come out looking so feminine, check out all my friends and say 'Hello! Hello! Hello!' to them all, and go over to the corner of the bar where nobody is sitting. I buy myself a drink and just sit there and look around at all the men there. If there's a nice businessman on his own, they know that you've got no one else with you.... If he's got a fat wallet, my eyes pop up like a cash register, and I would go over and say, 'Hello darling, want to buy a nice girl a drink?' Then I wouldn't wait, in case someone else grabs him - the competition is pretty fierce ... I just start my night off at the pub and if I fluke it, well and good. I stay in the pub until it closes at 11.00, and then move down to this other bar where all the rich businessmen are ... I usually get home about four...⁶²

1.6.12 Customers of bar prostitutes are serviced in a multitude of places, for example in rooms in the same building as the bar, in hotel rooms, and in customer and prostitute quarters if convenient.

58 Perkins and Bennett, 1985:40.

59 Prus and Stylianoss, 1980:8.

60 Perkins, in evidence 4 October, 1983: 23.

61 Roberta Perkins, 'Interview with a Sydney Gigolo: "Wayne"', Appendix 13 of the submission of the Task Group on Prostitution.

62 Perkins, *The 'Drag Queen' Scene*, 1983:83-84.

Advantages and disadvantages of bar prostitution

1.6.13 The Committee received less information about bar prostitution than about working on the street, in a brothel or as an escort prostitute. Nevertheless, evidence does indicate several advantages to bar work.

1.6.14 Income from bar prostitution is not split with another party as was the situation with both brothel and escort work. Still, workers do have several overhead costs which vary depending on where the customer is serviced and where the prostitute chooses to work. If the bar does not have a reputation for prostitution, it is possible that additional "tips" would feed into gross income.

1.6.15 Minimal stigma is attached to the bar situation in comparison with other types of prostitution. It is helpful to the identity of bar prostitutes that many non-prostitute individuals often frequent the same drinking places to 'pick up' men and women for casual sexual relations. That bar prostitutes are doing the same thing, albeit charging, would appear to make the bar prostitute feel less isolated and perhaps less stigmatised than other prostitute groups working in isolation from non-prostitutes.

1.6.16 On the other hand, bar prostitution, soliciting on licensed premises, continues to be illegal in New South Wales. It is assumed that this has several consequences for the prostitute: the need to be alert, the need to be mobile from one bar to another unless one works in a drinking establishment with a reputation for prostitution.

1.6.17 Unfortunately available research does not indicate how bar work compares with other types of prostitution in relation to the safety of prostitutes or the level of violence while on the job.

1.7 Home and Unit Prostitutes

1.7.1 There are an unknown number of individual prostitutes working privately at home. Others rent home units, houses and town houses which are used to entertain customers. At present such prostitution has been compared by some witnesses to home occupation. One woman working in such 'a private situation' described her circumstances:

Five of those years I ran places of my own ... I rented a trendy place in the inner-city and no red lights, once again. There was just myself. I had my own receptionist. No other girls worked. This was quite unique. I could afford — I had enough business, I had enough people — just to have a receptionist for myself, pay my rent, pay all my overheads, pay my receptionist and not even run the place by night. I didn't even have to keep the place open by night ... That worked really well.⁶³

1.7.2 Client contact may be through personal recommendations or the result of prostitutes advertising in local newspapers. Usually, appointments with customers are scheduled by telephone.

Advantages and disadvantages

1.7.3 The two main attractions of home and unit prostitution are firstly that through private situations individuals are self-employed and therefore retain profits, secondly that many involved in this type of prostitution feel less stigmatised by business in comparison with other

workers. One private operator explained: 'there are class distinctions and if you are going to do it, do it at the better level. And this is the best level of it'.⁶⁴

1.7.4 The private situation simultaneously presents several disadvantages, some of which are sufficient obstacles to hinder other prostitutes from involving themselves in this aspect of the trade.

1.7.5 Estimates of initial financial investment needed to establish oneself in the private situation vary. One prostitute suggested: 'two and a half thousand and you can get a house, buy some towels, some baby oil, some powder and put an ad in the paper'.⁶⁵ Another person remarked:

*... it all depends on if they were buying a place ... Well that can be - as you know, whatever. But to actually furnish it, around \$10,000, but then of course, there is your constant outlay ... The towels, you have to have a laundry service. You have to buy all that. Drinks, phone, electricity - all these things, they are just constant things. So, it does work out expensively.*⁶⁶

1.7.6 As is the case with all small businesses, the month when the establishment first operates is a significant element in determining its success. One woman proposed that November was the optimum period: 'you *must* start around November if you want to make a living out of it, because the winter months and the end of the financial year are not viable'.⁶⁷ Others stated that it is advisable to have sufficient funds to allow for a gradual build-up of clientele.

1.7.7 While parlour prostitutes are not involved necessarily in the many external circumstances of the brothel trade, home and unit prostitutes are concerned directly with various potential problems with neighbours and with police. There is constant worry that other residents will find out about the business and will cause difficulties.

1.7.8 Many prostitutes who considered establishing themselves in private situations stated they did not do so because of the corruption of some policemen. They expected that the probability of payoffs would make their business economically infeasible. One woman working from her home expected corruption:

*... There are other girls in the private situations that do just pay. I did mention that I was going to open up my own, they all said to me 'Oh well, you are game!' Because I had already said that I had absolutely no intentions of paying the police and they all said, 'You are game, they will close you down. They will hassle you that much that they will just close you down. They will just keep coming in at odd hours, while you have got people there. They will wait until you have people there ... and they will frighten the hell out of the guy or whatever, and they would just make it impossible for you!' But, so far, it hasn't happened.*⁶⁸

1.7.9 Evidence indicates that at the present time the self-employed home and unit prostitute is most directly affected by regular police corruption. This is sufficient reason for many people to continue working in other types of prostitution.

1.8 Overview

1.8.1 A profile of the trade outlines the main types of business operating in New South

64 Confidential interview, 1985.

65 Confidential interview, 1984.

66 Confidential interview, 1985.

67 Confidential interview, 1984.

68 Confidential interview, 1985.

Wales at the present time: street, brothel, escort, bar and home and unit prostitution. Each type can be assessed in relation to the amount of money earned per customer contact, the average number of clients serviced per day, worker vulnerability to police-related problems and the amount of safety, freedom and secrecy possible. Each type of prostitution offers either advantages or disadvantages in relation to each criterion.

1.8.2 While recognising that there is a stable prostitute population which works in one section of the trade exclusively, a significant portion of individuals appear to be mobile. They work in various parts of the business. Men and women indicate that throughout one career, changes in legislation, market demands and personal needs attract an individual to different types of prostitution at different times.

A DESCRIPTION OF THOSE LIVING OFF THE EARNINGS OF PROSTITUTION¹

chapter 2

I call it specially a subculture, because it is not only the prostitute and the client, it is also the men who has the brothels and has a few windows.² The subculture is a whole world of dependent people: the prostitute, the client, the pimp, but also the man who has the brothel, but also a bar and the man who sells the condoms and also the curer of diseases or the ad agency, everything. It is a complete world itself, completely dependent on each other.³

2.1.1 As elsewhere, in New South Wales there are a myriad people, apart from prostitutes themselves, who benefit financially from the prostitution trade. Some of these individuals, such as brothel managers, pimps and owners of premises used for prostitution, have come to law enforcers' attention and are represented in annual police department arrest figures.

2.1.2 The Committee was informed about three other groups living off the earnings of prostitution:

- Some individuals may have legitimate jobs in venues of prostitute–customer contact. This group may remain unnoticed by police yet may derive some income from tips received or may work on a commission basis for prostitutes or prostitution establishments.
- Another group may be employed in businesses which offer services and, in part, rely on the prostitution trade. They may not necessarily regard themselves as profiting from prostitution.
- Some officials are structurally in a position which facilitates the abuse of power. While the nature of the evidence was invariably hearsay, a pattern developed which would indicate that some officials have misused their position for economic gain. The role of the Committee was not to institute legal proceedings against any individual, however. The Committee has made various administrative recommendations concerning this issue. (see chapter 9).

2.1.3 The Committee acknowledged that these four groups profit from prostitution to varying degrees. It was this first, overt group, those people commonly thought to be living off the earnings of prostitution, which received its focal attention. They will be the subject of this chapter.

2.1.4 The purpose of this section of the report is to offer a description of those living off the earnings of prostitution. Discussion will include consideration of owners of premises used for prostitution; brothel, escort and bar prostitution managers; procurers; pederasts; pimps; drug dealers; and boyfriends and husbands of prostitutes. Recommendations stemming from discussion will be the subject of later chapters pertaining to law, social and community welfare and crime issues.

2.2 The Estimated Number of those Living off the Earnings

The statistics about crime ... are probably the most unreliable and most difficult of all social statistics. It is impossible to determine with accuracy the amount of crime in any given

1 The expression 'living off the earnings of prostitution' is being used as a colloquial term throughout this chapter. It connotes those offences which fall under s.5 (living on earnings of prostitution) and s.7 (allowing premises to be used for prostitution) of the Prostitution Act 1979; and s.91A (procuring) and s.91B (procuring person by drugs) of the Crimes Act 1900.

2 Some prostitutes in Amsterdam's red-light district rent street-level rooms with attached display windows for the purpose of prostitution. The women sit behind these windows, often in erotic poses, to attract customers to the backrooms.

3 Overseas delegation interview with senior fieldworker for an inter-church organisation, Amsterdam, 16 August 1984.

*jurisdiction at any particular time. Some behaviour is labelled 'delinquency' or 'crime' by one observer but not by another. Obviously a large proportion of all law violations goes undetected. Other crimes are detected but not reported, and still others are reported but not officially recorded. Consequently any record of crimes, such as crimes known to the police, arrests, convictions or commitments to prison, can at most be considered an 'index' of the crimes committed.*⁴

2.2.1 While recognising the limitations of arrest figures or court appearances, annual statistics from the NSW Police Department and the NSW Bureau of Crime Statistics and Research offer the only official estimate of the State's population who have been detected to be living off the earnings of prostitution.

2.2.2 Table 2.1 lists the number of 'procure a female/live off the earnings' offences reported to police and subsequent arrests. It demonstrates that from 1975 to 1978 inclusive under the Summary Offences Act there were 41 arrests for living off the earnings. In the 1980 to 1983 period under the Prostitution Act there were 71 such arrests.

Table 2.1 Arrests for 'Procure female/live off the earnings'^{1*} by year in New South Wales.

Year	Number of Arrests
1973	7
1974	10
1975	14
1976	16
1977	5
1978	6
1979	7
1980	11
1981	21
1982	32
1983	7**

Source: NSW Police Department

*'Procure a female' and 'live off the earnings' are combined in one category under the Police Department's present Crime Information and Intelligence System, and as such, cannot be retrieved as separate offences.

**In 1983 the Prostitution (Amendment) Act came into effect. In the first twelve months under the new legislation there were more than 800 local court appearances State-wide for prohibited soliciting offences. It is assumed that police resources were partially diverted that year from 'procure a female/live off the earnings' arrests.

2.2.3 It is assumed that this increase in arrests is a reflection of government policy. The Attorney-General stated in 1979 when discussing the repeal of the Summary Offences Act and the subsequent Prostitution Act 1979, which decriminalised street soliciting: 'The Government has taken the following basic approach to prostitution in New South Wales, namely ... that wherever possible the law should be directed at preventing and punishing exploitation...'.⁵

4 E.H. Sutherland and D.R. Cressey, *Criminology*, J.B. Lippincott Company, Philadelphia, 1974:25.

5 NSW Parliamentary Debates (Hansard) CXLVI, 23 April 1979:4923.

2.2.4 Living off the earnings of prostitution arrests have increased both numerically and as a percentage of all prostitution-related arrests since the repeal of the Summary Offences Act. Nevertheless these figures remain low in comparison with the estimated number of people who profit from prostitution and low even in comparison with the number of people who would come under the legal definition of living off the earnings.

2.2.5 It is interesting to note a similar situation overseas. The Committee's overseas delegation was told that there were approximately 2000 female prostitutes working in Sweden. A significant percentage were thought to have pimps. Yet, during the first 2.5 years since 1979, only 32 pimps have been charged by Stockholm police.⁶ Likewise, officers at New Scotland Yard, London, commented that 6000 charges had been made against women for prostitution in 1983. (The number of repeat arrests was unknown.) Virtually all women were thought to have pimps. That same year the Serious Crime Squad had arrested seven pimps.⁷

2.2.6 The literature on prostitution also indicates that living off the earnings arrests are negligible. In the late 1970s it was estimated that there are approximately 100 000 arrests annually in the United States for prostitution-related activities. The greatest rate of arrests occurred in large American cities.⁸ For one month in 1976 San Francisco police officers made 182 prostitution-related arrests. Three males were charged with pimping offences (1.5 per cent of total prostitution arrests for that city in October).⁹ In 1977 four individuals were convicted of the offence of promotion of prostitution (pimping) in New York City.¹⁰

2.2.7 Recognising the limitations of official statistics, the Committee conducted its own survey to estimate the number of those overtly living off the earnings of prostitution.¹¹ Research staff examined newspaper and telephone book advertisements available to the public in New South Wales during the week of 9-15 September, 1984. One thousand four hundred and twenty-four (1424) advertisements for prostitution services were isolated. Using computer facilities to group repeat telephone numbers, it was calculated that in a one-week period in September 1984, 439 separate telephone numbers were used to advertise prostitution services throughout the State.

2.2.8 Chapter 3 analyses this telephone survey material in detail. In September 1984 the Committee estimated there were approximately 260 advertised brothels and about 45 separate escort agencies publicised in New South Wales. This would indicate that in September 1984 there were a *minimum* of 305 managers of prostitution establishments employed throughout the State.

2.2.9 The Committee also calculated that approximately 140 heroin-dependent prostitutes were working on the streets in July 1985 (see chapter 8). The Committee does not have any estimate of the number of drug-dependent boyfriends thought to be living off the earnings of street, escort, brothel, bar or home and unit prostitution, however. Those additionally deriving financial gain from the trade remain an unknown 'hidden figure' of prostitution.

6 Overseas delegation meeting with social workers, 21 August 1984.

7 Overseas delegation meeting with the Operations Officer and a Chief Superintendent of the Obscene Publications and Public Morals Division, New Scotland Yard, 22 August 1984.

8 J.F. Decker, *Prostitution: Regulation and Control*, Fred B. Rothman & Co., Littleton, Colorado, 1979:92-93.

9 K. Barry, *Female Sexual Slavery*, Prentice-Hall, Englewood, NJ, 1979:107.

10 Barry, 1979:108.

11 The details of this survey are more fully explained in chapter 3.

2.3 Those Appearing in NSW Local Courts on Living off the Earnings Charges: A Brief Statistical Profile

2.3.1 Statistics collected by the Bureau of Crime Statistics and Research contain information on cases heard before all courts of criminal jurisdiction in New South Wales. This material offers a brief statistical profile of those people appearing on various charges.

2.3.2 In 1983 61 persons appeared in State local courts for living off the earnings of prostitution.¹² Forty individuals were charged under section 5 of the Prostitution Act (living on the earnings of prostitution) and 21 were charged under section 7 (allowing premises to be used for prostitution). There were no procuring-related appearances (under sections 91A and 91B of the Crimes Act, 1900). Two-thirds (65.6 per cent) of this total group was male and one-third (34.4 per cent) female.

2.3.3 Table 2.2 indicates that the majority (80.3 per cent) of defendants ranged in age from twenty to 34.

Table 2.2 Age of defendants appearing on living off the earnings of prostitution offences.

Age	Number	Percentage
19	2	3.3
20-24	15	24.6
25-29	18	29.5
30-34	16	26.2
35-39	5	8.2
40-49	2	3.3
50-59	2	3.3
60 or more	1	1.6
Total	61	100

Source: NSW Bureau of Crime Statistics and Research

2.3.4 At the time of their court appearance, only six defendants (9.8 per cent) stated that they lived outside the Sydney Statistical Division.¹³ Four persons resided in the Hunter Statistical Division. One came from the Richmond-Tweed area. Of those living in the greater Sydney area, almost half (45.5 per cent) stated that Central Sydney was their place of residence (see Table 2.3).

2.3.5 In sum, individuals who appeared in State courts in 1983 for living off the earnings of prostitution charges were largely males between the age of twenty and 34 residing in the Central Sydney area.

¹² As only seven persons were arrested that year for live off the earnings (see Table 2.1), court appearances incorporate arrests before 1983 as well as those from 1983.

¹³ For census purposes, the State divides into twelve statistical divisions: Sydney, Hunter, Illawarra, Richmond-Tweed, Mid-North Coast, Northern, North-Western, Central West, South-Eastern, Murrumbidgee, Murray and Far West.

Table 2.3 Living off the earnings of prostitution appearances in NSW courts of petty sessions by Sydney statistical subdivision of defendant residence.

Subdivision	Number	Percentage of Total
Central Sydney	25	45.5
Inner western Sydney	2	3.6
Southern Sydney	12	21.8
South-western Sydney	2	3.6
Western Sydney	10	18.2
Northern Sydney	4	7.3
Gosford-Wyong	0	0
Total	55	100

Source: NSW Bureau of Crime Statistics and Research

2.4 Owners of Premises Used for Prostitution

2.4.1 In evidence before the Committee prostitutes suggested that in New South Wales in the 1960s and early 1970s it was common knowledge that certain individuals owned multiple premises used for prostitution in Sydney. They were believed to be dominating a significant section of the prostitution market. Joseph Borg was mentioned by name, for example, as owner of about ten houses during the period when Chapel and Woods Lanes were used as prostitute-client meeting places.¹⁴ Marcel Winter wrote about Mr Borg:

He apparently became a brothel owner as early as July 5, 1963 when he purchased a small house in Woods Lane, Darlinghurst ... Over the next four years he purchased another six houses in Woods Lane and Liverpool Lane ... by which time he had established a reputation in the brothel business ... It is estimated that his assets eventually included about 17 houses, four of which were nominally under the ownership of other persons.¹⁵

Borg died violently in 1968. The lanes were closed for prostitution business. However, by 1970, 'One woman controlled everything, at this time, by the way. She had all the houses. ... and you had to work in these houses ... She had all the houses everywhere. You couldn't work for anyone else ...'.¹⁶ Additionally, it was commented: 'it's a different ball game — nobody will ever have that power again — ever, ever ... It's a different era now ...'.¹⁷

2.4.2 Presently in New South Wales proprietors of premises used for brothels and escort agencies tend to adopt one of four general stances to ownership:

- Owners hope to remain 'invisible'.
- Owners are known, but the proprietor hires a *manager* to run the business.
- Owners are known. They manage their own premises, *but deny* they are living off the earnings of prostitution.

¹⁴ Evidence in camera, 1983.

¹⁵ M. Winter, *Prostitution in Australia*, Purtaboi Publications, Balgowlah, New South Wales, 1976:96-98.

¹⁶ Evidence in camera, 1983.

¹⁷ Evidence in camera, 1983.

- Owners are known. They manage their own establishment and describe it as a premise used for prostitution.

Owners hope to remain 'invisible'.

It appears that the majority of proprietors in the prostitution trade would fall into this category. One witness told the Committee concerning home units used for prostitution in North Sydney:

I tend to have a mental blank about owners in North Sydney because it is very hard to find owners. Half of them are registered in funny companies in Vila. They also turn over at an unbelievable rate. To put it in terms you will understand, there were 94,000 transfers in our electoral roll in 20,000 places in three years.¹⁸

Superintendent E. Shepard, then Officer-in-Charge of the Vice Squad, spoke of difficulties his staff have in determining ownership.

That person has an interest in several places. I would not know how many places he has. He is very elusive. His motor vehicles are registered at his brothels. It is hard to find out where he lives. The girls will not give him up and the people who look after his brothels will not give him up either. That man stays in the background. If the places are not registered with the proper names and details at the Corporate Affairs Commission or the Registrar General's Department, it is hard to track them down.¹⁹

At a meeting with local government planners in Melbourne in July 1984, the Committee learned of similar problems in Victoria. There was discussion of one case of four premises used as massage parlours where the owner's address was in Kowloon. The premises had accumulated fines of \$20 000 over several years. The owner could not be found.

Victorian police claimed that the reselling of premises, overseas ownership, false names and insufficient information used to make ownership tracing almost impossible.²⁰

Within this web of secrecy, when 'invisible' ownership is discussed, at times publicly respectable names are mentioned.

In evidence Superintendent Shepard commented:

There is a place still operating at Crows Nest. About twelve months ago we set about trying to find out who was behind it. We had to go back through about five or six different people to find out the persons really connected with it, and it was surprising when we learnt who was behind it.²¹

The Committee's principal concern vis-a-vis 'invisible' ownership is the extent to which it camouflages possession of multiple premises by any one individual. This issue is elaborated in later sections concerning the law and crime.

Owners are known, but the proprietor hires a manager to run the business.

Often, although the proprietor of premises used for the purpose of prostitution is not overly concerned in hiding his identity, it is convenient to hire a manager to administer the business.

18 Mr E. Mack, MP, Member for North Shore and Mayor of North Sydney, in evidence 9 October 1984:71.

19 Superintendent E. Shepard, then Officer-in-Charge of the Vice Squad, in evidence 21 November 1983:13.

20 Since the Committee's meeting with Victorian police officials that State Government has given effect to legislation, the Planning (Brothels) Act 1984, whereby permits for the use of land for the purposes of the operation of a brothel are granted to specific individuals.

21 Superintendent E. Shepard, in evidence 21 November 1983:13.

This situation was discussed by South Australian police officers. In that State premises usually involved an owner and an operator who worked independently.²² Managers who handle such businesses will be considered separately.

Owners are known. They manage their own premises, but deny they are living off the earnings of prostitution.

Comparatively few cases would fall into this category. One escort agency owner did state in evidence concerning his employees: 'You are not buying her services. You are paying for her time'.²³ In South Melbourne, an owner of three massage parlours commented that her establishment sells massage and bubble baths. She was not selling sex.²⁴ Another Adelaide owner of a massage parlour charges a flat fee to customers wanting massage, sauna and spa. Subsequently whatever happened sexually between her staff and customers was considered a private matter. She denied she received any percentage of additional earnings from employees.²⁵

Owners are known. They manage their own establishment and describe it as a premise used for prostitution.

As with the former example, these situations appear to be few. However, the Committee did visit brothels where proprietors openly confronted the issue of their premise being used for prostitution. This frankness was characteristic of Kalgoorlie proprietors.

2.5 Managers: Brothel/Massage Parlour²⁶ Prostitution

2.5.1 During an interstate investigation,²⁷ the Committee visited a Melbourne brothel organised on a co-operative basis whereby prostitutes shared management responsibility and treated one another as working equals.²⁸

2.5.2 Although premises used for prostitution do not necessarily have a manager, the vast majority do.

2.5.3 In any work situation, the standard and ability of managers vary. But for the prostitution trade with often clandestine semi-legal work situations, there are perhaps greater discrepancies. Interviews revealed one situation, for example, of a prostitute in northern New South Wales having to cope with a heroin-dependent brothel manager.²⁹ On the other hand, the Mayor of Kalgoorlie attributed the social acceptability of brothels in his town to their good management. He commented that he respected the madams in Kalgoorlie for the manner in which they did their job.

2.5.4 The circumstances and conditions of brothels differ greatly. Factors such as the owner's attitude to the business, the location of the premises (inner-city, suburban versus country town), the hours of operation, the number of prostitutes employed, whether the manager or

22 Interstate delegation meeting with police officials, Adelaide, 23 July 1984.

23 Evidence in camera, 1984.

24 Committee meeting with brothel owner, Melbourne, 20 July 1984.

25 Committee meeting with massage parlour owner, Adelaide, 24 July 1984.

26 While recognising that there are subtle distinctions between brothels and massage parlours, as terms are often used interchangeably massage parlours and brothels are being treated as one category.

27 In July 1984 the Committee visited Melbourne, Adelaide, Kalgoorlie and Perth with officials, prostitutes, managers and others about prostitution in their respective States.

28 Meeting with brothel prostitutes, Melbourne, 21 July 1984.

29 Confidential interview, 1984.

prostitutes live on the premises and the type of clientele (the percentage of 'regulars') all influence management style.

2.5.5 In spite of differing circumstances, it is interesting that female prostitutes and others working in the trade often make only two distinctions between managers. First, they divide management into two groups: male versus female managers. Female managers are then subdivided into those women who have worked previously as a prostitute versus those who have not. A prostitute working in a Kalgoorlie brothel observed:

Well, I've worked in New South Wales. I've worked in Sydney. I think the biggest problem there, compared to the houses then to what we have here, is that they allow men there. Once men are allowed in the brothels, that's when you get most of your problems. Because they start to intimidate the girls. They, after a while, will use them sexually.

2.5.6 In day-to-day business, manager activity centres around dealing with prostitutes, their family, their friends, perhaps their pimps, customers, handling council staff, police, organising routine tasks and finally, dealing with the unexpected.

Prostitute management

2.5.7 None of the managers who appeared before the Committee indicated they had any difficulty in finding employees to work in their brothels.³⁰ Sydney male brothel managers in fact remarked on an overabundance of applicants compared to positions available. It is usual in well-known establishments for potential employees to simply knock on the door requesting work or to be referred through a friend working as a prostitute.

2.5.8 Most managers have a specific type of individual in mind when they interview applicants for prostitution jobs. A manager of a male brothel preferred employees to be between eighteen and 28 years of age as older males were 'harder to sell'.³¹ A Kalgoorlie madam did hire mature female prostitutes, sometimes as old as 50, but refused any female living locally as she foresaw potential trouble with family members. As a result, local applicants interested in prostitution jobs were advised to seek work in Perth. Most managers would not hire heroin-dependent prostitutes. One heroin-dependent prostitute explained: 'usually, the boss of the parlour will check the girl's arms and hands and what-have-you. If he sees that she is using heroin, he won't employ her'.³²

2.5.9 The manager of one male brothel estimated that his initial interview with potential employees lasted about 30 minutes. In that time he would assess the applicant's personality, his previous sexual experience, his professional work and his sexual limits. It appears to be common practice for managers to ask applicants to strip naked at some time during the interview to check physical attributes as well as to verify lack of injection marks indicating drug use.

2.5.10 The amount of training offered to new employees varies. Certain prostitutes are simply informed about house rules. Others receive brief on-the-job instruction from fellow workers. Some new employees are instructed sufficiently to avoid legal problems, as one example highlights:

in one instance I got a fireman, and the poor guy had a very thorough massage and no sex. She had warned us basically that you could not mention sex. If you thought this man was a

³⁰ In February 1986 it was reported to the Committee that this situation is changing. Concern over AIDS is making it more difficult for some brothel managers to find prostitute staff.

³¹ Committee meeting with male brothel owner, Sydney, 30 July 1985.

³² Confidential interview, 1984.

*policeman you could not mention sex, you just said half an hour for \$60 and an hour for \$120. You just gave massage prices and then she said they could not do you, they could not even arrest you, but if you mentioned sex and you did not recognise he was a policeman you could get done.*³³

2.5.11 One inner-city manager spends the entire day with a new employee, in particular teaching women how to check customers for sexually transmissible diseases. Employees are closely supervised for a six-week period. During this time the manager attempts to instill in her employees a positive outlook on their work. A Melbourne manager similarly stressed that her employees are shown how to care for clients and how to treat them as people with individual problems. Another brothel owner emphasised that good training under a good madam is ideal.

2.5.12 Difficulties in dealing with prostitutes are most likely to arise after the training period when managers are trying to keep business functioning. Some operators encourage employees to set a specific goal to work towards. One manager informed the Committee she employs an in-house psychologist to talk with and counsel women.³⁴ A prostitute mentioned that her former employer once installed a concealed microphone in the staff rest room to listen to employee conversation and thereby regulate staff behaviour.³⁵

2.5.13 Most commonly, premises have a set of strict regulations known as 'house rules'. If employees do not conform to these rules, they are usually fined by management or fired. In Kalgoorlie, brothel policy was not only known to prostitutes, but during a meeting with the Committee, the Mayor, planners with Kalgoorlie Council and health officers all referred to specific regulations. Prostitutes in that town must live on the premises where they work. They are not permitted in hotels or bars in Kalgoorlie.³⁶ Such stringent regulation of prostitute behaviour both on the premises and when not working appears to be unique in Australia to Kalgoorlie.

2.5.14 Depending on managerial skill, some brothel prostitutes tend to accept house rules and see the manager as basically humanitarian in outlook, commenting, for example, that 'she will look after her girls'.³⁷ In these instances, trouble is minimal. Or, staff can interpret regulations as being solely financially motivated on behalf of management. Even a prevalent rule of no heroin on the premises can be seen this way. One prostitute explained:

*Yes, the girls will fall asleep on the clients and that deflates the client's ego. He says, 'She isn't going wild. She is asleep!' And they never come back. It is for that reason they don't encourage heroin, not for humanitarian reasons.*³⁸

This negative interpretation accompanies increased staff problems and a greater employee turnover rate.

Dealing with employee family, friends and perhaps pimps

2.5.15 As Kalgoorlie managers usually do not employ locals and boyfriends of working prostitutes are not allowed by police to move into the town, handling staff family, friends and perhaps pimps to a great extent is not an issue.³⁹ In fact, few managers in New South Wales in

33 Roz Nelson, for the Task Group on Prostitution, in evidence 12 September 1983:61. The Task Group on Prostitution comprised the Australian Prostitutes Collective, Twenty Ten, Gays Counselling Service, Gay Rights Lobby and the Australian Transsexual Association.

34 Committee meeting with brothel manager, Sydney, 13 July 1984.

35 Confidential interview, 1984.

36 Committee meeting with Town Planners and Health Officers, Kalgoorlie, 26 July 1984.

37 Confidential interview, 1984.

38 Confidential interview, 1984.

39 A dramatic exception to this general situation occurred in 1984 when a boyfriend of a prostitute working in a Hay Street brothel was involved in a shooting-suicide. The brothel was subsequently burnt down.

evidence or in confidential interviews admitted such problems.

2.5.16 This vacuum provides a stark contrast to overseas literature on prostitution. Studies indicate that pimps were a significant issue for American brothel managers. Some madams argued that they would not hire a prostitute who had a pimp as the employee's earnings would simply be turned over to him. Others tolerated pimps, rationalising that women under pimp influence are less likely to quit and will be easier to manage. Sociologist Barbara Heyl suggests that management attitudes towards pimps are likely to vary by brothel type. 'High class' madams would not do business with pimps. However, madams of low-budget houses would be more dependent on pimps to obtain their staff.⁴⁰

Dealing with customers

2.5.17 The amount of contact managers have with customers varies among establishments. Some managers hire receptionists to answer telephone requests or encourage prostitutes to handle calls. Certain managers take incoming phone calls themselves and thereby monopolise initial communication with clients. One suburban manager described how she handled customers:

we give the phone number and the address so if they want to ring and ask the price, well, we don't tell them. The only thing I am interested in is the door knob. So if they ring on the door that is a client coming in. Whether we get him or not is another matter. Phone calls are fairly incessant. You get a hell of a lot of lonely men who haggle about money who just want a conversation and you can always pick those, because they come in with, 'Hello, how are you today?' 'Oh, fine thank you' and then they start saying the silliest questions like 'How have you been? How many girls have you got? What are your prices?' like the restaurant charge. So I just say, 'Look, we don't have price lists. You must come in and talk to somebody here...' 'Do I need an appointment?' 'No, you can come in' and so forth.⁴¹

Another suburban manager estimated that for every 50 calls her brothel receives daily, five or six customers may appear.⁴²

2.5.18 To some extent, problems with customers are a reflection of the establishment's percentage of 'regulars' versus 'passing trade'.⁴³ Repeat customers would be familiar with house rules, the alcohol level tolerated by management, expected time limits with prostitutes and the available array of sexual services. Additionally, it would be accepted in some establishments that regulars may wish to visit premises for social rather than sexual reasons.

A lot of men here in Kalgoorlie come for the company, not just the sex. They are lonely, they just want somebody to talk to. They come down and sit with the girls too. They know the pubs are shut. Everything is shut so they say, 'Let's go down and see the girls'. It's funny, but they pass time before they go home.⁴⁴

2.5.19 Some female managers see the male customer as a person to flatter and humour so that in turn they will increase the probability of return business. Sociologist Heyl emphasises, however, that often the manager's relationship with clients is not candid. She quotes one madam:

40 B.S. Heyl, *The Madam as Entrepreneur: Career Management in House Prostitution*, Transaction Books, New Brunswick, New Jersey, 1979:96.

41 Confidential interview, 1983.

42 Confidential interview, 1985.

43 For a full discussion on customers of prostitutes see chapter 4.

44 Committee meeting with brothel owner and prostitutes, Kalgoorlie, 25 July 1984.

With the girls I can be honest. With the pimps I can be honest. With the cops I'm evasive. And with the tricks [customers] I front off completely. If I were ever honest with any of them, I wouldn't have any left. That is the biggest difference [among her various audiences], because nothing I say to them [the clients] is true. It's all phoney.⁴⁵

Handling council staff

2.5.20 Darlinghurst/East Sydney residents, prostitutes and managers of brothels have all been critical of Sydney City Council's response to the existence of inner-city brothels. East Sydney residents informed the Committee of organised petitions, letters of protest and their community's refusal to pay annual rates in response to perceived lack of council action on brothels. Numerous brothel managers, on the other hand, have objected to perceived inconsistency in council behaviour. Many questioned discrepancies in brothel rate charges, that some brothels paid for commercial use while other premises were exempted. Another manager felt victimised by the Council's relentless attempts to close her brothel.

2.5.21 Although managers are concerned that their premises might come under council attention, in their day-to-day operations there is minimal contact with council staff. One Kalgoorlie manager commented that council inspectors check her premises once every five years. East Sydney brothels are inspected more frequently, particularly in the recent past. Responses to such visits are erratic.

They would often be around ... Well they come in and look through the premises, have a look to see. I didn't refuse them last time. They said, 'We can make you show us' for some reason. I said that I didn't want to refuse them. I just showed them through and he went upstairs and wrote down how many rooms, blah, blah. The same thing was around there. When this first happened over a year ago a lot of the girls refused to let them in.⁴⁶

Handling police

2.5.22 Allegations from a variety of sources in the prostitution trade suggest that a number of brothel/massage parlour managers in New South Wales make payments to corrupt police in order to operate and not to be arrested for living off immoral earnings.

2.5.23 Some managers from time to time have to arrange for 'set-ups' such as the one described in evidence that occurred in the early 1980s:

Well, basically a phone call would come through and then she would just notify us that someone would be coming up in the afternoon and for all of us to be on our top form and be very, very careful because he was coming in. I remember talking to her about the do's and don'ts of what you say to a policeman when he comes into a parlour ...

They were doing a regular round-up or bust-up, something like that. They were going to have to take someone from our premises. What we would do, we would go and get a street girl and we would bring her back up. So Anita knew someone she could rely on to pay \$100 or a couple of hundred bucks to and we would bail them out. So we would go and get a person, and I had a feeling that she had people who she could call on to do that, and they would come up and they would get arrested. It was a deliberate set-up and I got the impression it was because of a lot of problems going on in the local Cross area and it looked like the police had to be cleaning prostitution up, when in fact it was just a set-up.⁴⁷

2.5.24 Evidence indicates that the manager of premises not only arranged for such situ-

45 Heyl, 1979:150-151.

46 Confidential interview, 1984.

47 Roz Nelson, in evidence 12 November 1983:61-62.

ations, but also catered for police sexual requests. One prostitute witness candidly described preparations to entertain a policeman in a massage parlour where she was employed. Other prostitute witnesses supported her testimony in camera, offering additional examples from their brothel experiences. Ms Nelson stated:

She would just call me up and say, 'Zoe, there is someone coming who is very important,' and I cannot really state whether he was from the force or the vice, or what she said, but she would indicate that he was important and that it was a very special job; it had to be done very carefully, and she would say, you know, I would have to do this gentleman. It would have to be a freebie and it would be part of the thing you would do to keep her happy and to work there without causing a fuss.⁴⁸

Ms Nelson estimated that in the fourteen months she worked in that Kings Cross parlour, she serviced policemen at management direction half a dozen times.

2.5.25 Police corruption will be considered in greater detail in chapter 9.

Day-to-day operations

2.5.26 There are a multitude of tasks that comprise the daily administration of a brothel. One manager of an establishment open 24 hours estimated that he was on call up to twenty hours per day.

2.5.27 Managers sometimes answer telephone enquiries, arrange advertisements, interview new applicants, and generally keep a watch on staff, both prostitutes and peripheral employees such as cleaners, decorators, service people, as well as customers. One Sydney manager discussed the cleaning aspects of her establishment. As her brothel has sixteen working rooms, is open 24 hours a day and policy is to change bed linen after every client, supervising cleaning duties alone is a significant chore.

2.5.28 Maintaining finances is another responsibility. In New South Wales the prostitute-management split of customer charges is typically 50–50. However, a minority of managers do charge a specified room rental fee per shift worked.

2.5.29 In general, daily operations entail protection of property. A suburban manager mentioned preparations to safeguard her brothel after news publicity of a series of brothel armed hold-ups: *'We were expecting an armed hold-up. So I loaded my double barrelled shotgun, cleaned and oiled and ready to go ... I have a sawn-off shotgun ...'*⁴⁹

2.5.30 Other activities include maintaining public relations on behalf of the brothel. This may include periodic visits to neighbours.

Coping with the unexpected

2.5.31 No matter how well organised a manager is, brothel circumstances are such that management must handle a variety of unusual, unexpected situations. One prostitute witness offered an example from her massage parlour experience: *'I had one bloke who was with me say that he would put a .22 bullet through my head if I had given him anything [a sexually transmissible disease] as he was getting married the following week'*.⁵⁰ Most managers recall having to handle unexpected customer violence.

2.5.32 How frequently managers face the following type of situation is unknown:

48 Roz Nelson, in evidence 12 November 1983:57.

49 Confidential interview, 1983.

50 Evidence in camera, 1983.

*One night some of the heavy guys came and they said they wanted me to push [drugs] for them. So I had to think very quickly and I said, 'Look, I'm sorry. I can't deal for you. I have friends in ---- who are dealing and they are in charge of it here. They don't interfere with my business and I don't interfere with theirs. If they find out I am going into competition with them, they will make it hard for me.' And they left ... You have to have an answer for everything.*⁵¹

2.6 Managers: Escort Agency Prostitution

2.6.1 Managers of escort agency prostitution function in one of two ways. Either they offer escort services from their brothel or they operate a separate, independent escort agency. The former present minimal differences in management practices from those previously described for brothel prostitution. The second situation, that of the separate agency, is the subject of this section as these managers have to apply different techniques in administration.

2.6.2 Canadian research from the Atlantic provinces has described escort managers in that region as Caucasian and ranging in age from 32 or older.⁵² In both the Atlantic Provinces and Ontario madams of escort services were at one time prostitutes. They continued to work some calls, particularly with regular customers.⁵³

2.6.3 Although accurate data are not available, it is doubtful whether Australian escort managers would offer such a homogeneous profile.

Prostitute management

2.6.4 The main difference between brothel and escort managers dealing with prostitute employees is that brothel managers are managing staff on the premises while escort operators have minimal contact with escort prostitutes. They may see prostitutes once within 24 hours to settle financial arrangements. Most contact is by telephone. One retired escort manager described her situation:

*You're running it from an office. I had an office at the Cross. They [escort prostitutes] don't go from there. They go from their house to the jobs, right. I ring them at home. Unless when she rings to say, 'I am leaving' and I say 'I have another job for you', right, then she'll go downstairs in the hotel or to the nearest call box and contact me.*⁵⁴

2.6.5 Interviewing procedure resembles the brothel situation, although some confusion could exist if escort operators denied prostitution involvement. Some managers deny that they offer prostitution services and thus attempt to avoid living off the earnings charges. Additionally, escort services may offer both male and female prostitutes while brothels are more likely to have separate premises for male and female employees.

2.6.6 Although both brothel and escort training entails the explanation of the rules of that business, the escort manager does not offer the intense training extended to some brothel employees. Escort managers perhaps will encourage a new prostitute to talk with other employees.

Other girls will relay their experiences and they'll always remember their first client, you

51 Confidential interview, 1983.

52 N. Crook, 'Prostitution in the Atlantic Provinces', Working Papers on Pornography and Prostitution, Report No. 12, Department of Justice, Canada, 1984:90.

53 Crook, 1984:90; J. Fleischman, 'Prostitution in Ontario: An Overview', Working Papers on Pornography and Prostitution, Report No. 10, Department of Justice, Canada, 1984:38.

54 Confidential interview, 1985.

*know, because they're all scared out of their tree, so they can relate to that. They relay what happened to them and how they've come about now.*⁵⁵

Some will be advised briefly by the manager how to handle customers.

*I used to hammer them. I used to say I'm going to get a big banner and they thought a lot of me, like Mum. They used to call me Mum. I said I'm going to get a huge banner made called 'Save the Fanny' because I used to say to them, spend your hour, forty-five minutes massaging the guy. Save your fanny. Don't go in there and work your bum off for an hour solid. Use your head. Use your hands ...*⁵⁶

2.6.7 Escort operators do not face difficulties handling day-to-day employee problems to the extent brothel managers do. This is a reflection of the environment, that employees are not working in physical proximity to one another.

Dealing with customers

2.6.8 Escort operators have to rely on the telephone to evaluate the likelihood of customer trouble for the escort prostitute, perhaps the services desired, the type of escort who would be suitable for the job, as well as the actual arrangements of location, fees, probable length of services and the time the escort prostitute should arrive. To validate identity, managers request a return telephone number.

*It depends on whether he is in a hotel or in a private home. If in a hotel, we immediately ring the hotel back and check if the man is staying there and in the room that he has stated. If he is in a private home we will not take the job further if he is not listed in the telephone directory under the name that he has given and under the address that he has given ... Once that's completed, if he's paying cash, we will then notify the girl and she gets herself there whatever time he has stipulated ...*⁵⁷

2.6.9 It has been suggested by managers that the difficulty in handling escort customers is, in part, due to the vast array of clientele using services, both men and women, locals and tourists. A minority of escort managers have hired drivers to accompany prostitutes to customer locations and thereby minimise the risk of violence.

Dealing with council staff and police

2.6.10 There was no discussion by escort managers about council-related issues.

2.6.11 Not one of the escort managers who appeared before the Committee in hearing or informally suggested that police misconduct encroaches on escort services. A number of massage parlour owners, managers and prostitutes, on the other hand, stated that escort managers have to deal with police corruption to the same extent as some brothel/massage parlour operators.

Day-to-day operations

2.6.12 Escort managers operating independent agencies do not have to accommodate customers on the premises and thereby avoid many of the day-to-day chores pertaining to clients (cleaning rooms and linen after use, for example). Nevertheless, long hours and hard work were stressed.

2.6.13 Apart from interviewing new staff and answering customer telephone calls, activity

55 Confidential interview, 1985.

56 Confidential interview, 1985.

57 Confidential interview, 1985.

focuses on advertising services, maintaining finances and, on occasion, handling public relations.

2.6.14 Managers advertise available services extensively. For publicity purposes it is common for one escort owner to register a number of businesses with different phone numbers and distinct names. This increases the likelihood of customer contact.

2.6.15 Each escort agency has its policy on how customer payment is divided between agency and prostitute. Most split the money in half, half to the agency, half to the escort employee. After the escort job has been completed, managers have differing expectations when payments by prostitutes are to be made to management. Arrangements are more complicated than the brothel situation as by definition escort prostitutes are not working at one location.

Well, each one again operates differently ... Some will have a bond off the girl. When a new girl starts they'll take a bond from her and she may pay them once a week or every other day, whatever the arrangement is. And they've got this bond in case she decides to skip out. I never operated with a bond mainly because I trusted my girls and I was relatively close to where they all lived so they could drop in on a daily basis ... On a credit card I just gave them cash the next day. It presented no problem.⁵⁸

2.6.16 A significant percentage of clients use credit cards. For this purpose, the manager has established a paper company, perhaps a restaurant or tour guide, to avoid the name of the escort agency appearing on the customer's monthly credit charge sheet.

2.6.17 Although escort agencies presently do not come within the provisions of the Prostitution Act 1979, managers' comments about handling neighbours indicate that public opinion does not always differentiate between brothels and escort services. For some managers, public relations focus on educating others to distinguish between escort services and other prostitution activity.

Coping with the unexpected

2.6.18 No escort manager can assure prostitute employees that they will not be assaulted when on call. Brothel managers hypothetically have greater control over the working environment. Needless to say, some escort operators take as many precautions as possible to avoid trouble. These might include a special code message on the telephone which would indicate an employee is having difficulty with the client. However, this warning system relies on the prostitute's ability in the circumstance to get to a telephone. Other managers have hired drivers to accompany escorts to their work location.

2.6.19 No matter what precautions are taken, managers invariably recall incidents where they and their employees have had to handle the unexpected.

Two girls have had problems when they've gone. Both of them were to house visits. One — the wife came home before the girl got out, right. The girl involved said she felt the guy knew his wife was coming home ... what happened there was she was just walking out the door when the wife was coming in and the wife was a big ... [woman] and she pulled this girl's hair and the girl just bolted ...⁵⁹

In this case the prostitute returned to the agency office to report the incident to the manager. She, in turn, called other escort managers she was on friendly terms with to inform them of trouble. The client and his residence was thus blacklisted.

58 Confidential interview, 1985.

59 Confidential interview, 1985.

Managers: Bar Prostitution⁶⁰

2.7.1 The Committee received evidence from one manager of licensed premises who allowed prostitutes to work from his bar. He stated, however, that the liquor and prostitution trade operated in co-existence but were distinct businesses. He allowed prostitutes to 'ply their trade' in the bar and in return they encouraged customers to drink. He alleges that he only made money from liquor sales.

2.7.2 Evidence indicates that bar managers have one of three responses to prostitutes contacting customers on their premises. Some managers ask prostitutes to leave if it is found they are soliciting in the bar. Some managers allow prostitutes to solicit on their premises but deny they are living off the earnings of prostitution. A smaller group acknowledge that prostitution occurs on their premises and that they knowingly derive financial gain from the trade.

2.7.3 An interview with a prostitute offers an example of one such prostitute-bar manager agreement:

The girls that go along there, they get their drinks half price or free or whatever. Clients go in there and drink up or whatever and watch the floor shows ... During the night and after, the clients that wanted to could go up to the different rooms ... You can just go upstairs and pay \$10 for a room, do whatever with the client and come back down, mix around, have a drink, meet another guy, go back upstairs. It went like that ...⁶¹

Those prostitutes who frequented the available accommodation upstairs paid management \$10 per time the room was used.

2.7.4 The number of managers deriving financial gain from bar prostitution in New South Wales is unknown. Information about the bar trade is limited in comparison with other types of prostitution.

Procurers

2.8.1 Procuring people for the purposes of prostitution⁶² has been an issue of both historical and international concern. The Committee's overseas delegation spoke with officials from the Special Criminal Investigation Unit of the Hamburg police who commented on the many obstacles which obstruct the monitoring of trafficking of persons for prostitution. Nevertheless, it was not thought that trafficking was a significant problem in West Germany. Meetings in the Netherlands, on the other hand, indicated a considerable number of South-East Asian and South American women being trafficked to Amsterdam to work in brothels and sex clubs (see chapter 5).

2.8.2 A 1983 Economic and Social Council Report of the United Nations discusses limited information from Spain, France and Singapore concerning certain types of international trafficking of persons:

60 'Bar' in this section refers to those pubs, hotels and other drinking places which function as 'marketplace bars'. The 'marketplace bar' serves as a centre of exchange for various goods (perhaps drugs and stolen property) and sexual services which is pertinent to prostitution. Some of these marketplace bars are known to a limited clientele. Other places have reputations that make them known interstate. For a full consideration of this issue, see chapter 1.

61 Confidential interview, 1984.

62 Section 91A of the Crimes Act 1900 indicates: ' "Procure" is a word in common usage, and has no special meaning'. That section also states:

Whoever procures, entices or leads away any person (not being a prostitute), whether with that person's consent or not for purposes of prostitution, either within or without New South Wales, shall, notwithstanding that some one or more of the various acts constituting the offence may have been committed outside New South Wales, be liable to penal servitude for seven years.

They show that the traffic is often carried on under cover of what purport to be marriage bureaux or advertisements for jobs in touring stage shows. They give evidence of procuring networks supplying Geneva from Paris; Switzerland and the Federal Republic of Germany from Bangkok; Singapore from Malaysia and the Philippines; and Spain from France, Cape Verde, South America and the Philippines (109 young Philippine women aged between 16 and 28).⁶³

2.8.3 Hearsay evidence was received of one operation in which Philippine women were brought into Victoria, South Australia and Western Australia for purposes of prostitution. Information on the whole confirms literature findings that friendship peer groups are a more significant factor in deciding to work as a prostitute. At the same time, in New South Wales, the Committee received fragmentary information of attempts to recruit some Asian women into prostitution in Sydney (see organised crime discussion in chapter nine).

2.8.4 Festival of Light witnesses offered in evidence a police report of a young woman's allegation of forcibly being drugged by a small group of unknown men and being taken to a house where, while still unconscious, she was sexually abused. Another statement disclosed:

I have had a report from Gosford concerning a brothel operating in an arcade. A young woman who was delivering some correspondence for a business was propositioned when she went to those premises: 'Would you like to leave where you are working now and come and work here? You would receive so many hundreds of dollars a day', et cetera. She reported the incident to her employer, who was a personal friend of mine.⁶⁴

Similarly, in camera witnesses disclosed that some Kings Cross massage parlours pay several hundred dollars to men who successfully recruit new employees for their business.

2.8.5 The bulk of evidence focused on two types of people and their relative influence on juvenile and female adult prostitution: pederasts and pimps.

Pederasts

2.8.6 The extent to which pederasts lead youths into prostitution is unclear from available evidence. It does appear that most of these people are not deriving financial gain from their activities. Rather, they are pursuing personal gratification. Adult-child relationships can last from one day to as long as six years.⁶⁵ Superintendent Shepard, then Officer-in-Charge of the Vice Squad, explained in evidence:

My brother is stationed out that way and he told me that it is not uncommon to have a report of six or eight children go missing in one day from the Campbelltown area. As we all know, they head for Kings Cross or the Gold Coast usually. They go to pinball parlours. Most of them are found within a week or two, but some of them are not found. If they are playing in pinball parlours, a number of people will prey on them. They will grab them by the neck, as one might say, when they come out of the premises at eleven o'clock at night, and offer them a home or a bed and introduce them into prostitution. Those young persons may be out of money and they need somewhere to sleep. They are probably fourteen or fifteen years of age. They become involved in prostitution to get money. They start off on a low-scale basis, but then the practice becomes more frequent.⁶⁶

63 United Nations, *Activities for the Advancement of Women: Equality, Development and Peace*, Report of Mr Jean Fernand-Laurent, Special Rapporteur on the suppression of the traffic in persons and the exploitation of the prostitution of others, Economic and Social Council, 1983:12.

64 Reverend F. Nile, Member of the Legislative Council, in evidence 1 September 1983:102.

65 Annie Crowe, social worker, streetwork specialty, in evidence 30 August 1983:29.

66 Superintendent E. Shepard, in evidence 21 November 1983:41.

2.8.7 A juvenile male prostitute explained his personal circumstances to the Committee. He had been involved in a relationship with an older male over a two-month period: 'I met a guy who said I could stay at his place ... and he introduced me to a few guys. Because I wasn't on the dole at that time I needed money. That was basically how it started'.⁶⁷ Offers of accommodation were common.

*You can find it very hard sometimes because like, you get people that are like that. They say, 'I have a few places to stay' when I've had nowhere to stay. You say, you know, 'How much rent do you want?' and they say, 'Don't worry about rent.' But they try to get it back other ways.*⁶⁸

2.8.8 Apart from incidents of individual pederasts, the Committee did hear evidence concerning young boys being recruited on behalf of a group of 30 men referred to as the Paedophile Circle.⁶⁹ Additionally, witnesses stated that trafficking of juveniles both overseas and interstate appears to be occurring. 'Some of the kids who have been missing for years will probably never show up because they have been recruited for prostitution purposes overseas'.⁷⁰

2.8.9 It should be mentioned that not all witnesses in their discussion of adult-child sexuality were critical of pederasts. Admitting an unorthodox approach, one social worker commented on the positive emotional outcome of a stable relationship which she asserted could develop from such associations compared with institutional alternatives for the juvenile.⁷¹

2.8.10 Although the Committee recognised the variety of circumstances involved in adult-child relationships, it finds such practices abhorrent and strongly censures that behaviour which potentially introduces juveniles into a career of prostitution.

Pimps⁷²

2.8.11 The prevalence of pimps and pimp ideology does not exist in this State as it does overseas.⁷³ The Committee agreed that the pimp subculture and its perspective of male dominance in the pimp-prostitute relationship is not relevant to the present-day New South Wales prostitution scene. The assumption that prostitutes must have pimps in order to work in prostitution does not exist. Significantly, Australian prostitute values and norms do not accept the pimp as a necessary or desirable component of the trade. Although several hypotheses concerning the historical circumstances of prostitution have been offered as to why pimps are not as numerous here as abroad, suggestions are inconclusive.

2.8.12 The present situation in New South Wales regarding pimps is difficult to interpret. The Committee did not interview any individual who considered himself to be a pimp or who described his association with prostitutes in a way that would imply a pimp relationship. The one

67 Confidential interview, 1985.

68 Confidential interview, 1985.

69 Evidence in camera, 1983.

70 Evidence in camera, 1983.

71 Annie Crowe, in evidence 30 August 1983:56-57.

72 In commonsense usage the term *pimp* refers to the person who lives off the proceeds of an individual or a small group of prostitutes and who often lives with her/them. Regionally, a variety of expressions have developed to describe this person. The English discuss the *ponce*. The Americans mention *pimps*, *Mack men* and *players*. Accordingly, a pimp using charm rather than violence is called a *sweet Mack* or *sugar pimp*. A brutal approach connotes a *gorilla pimp* or *hard Mack*. (See, for example, 'Pimp Talk: A Dictionary of Black Hustling Slang' in C. and R. Milner *Black Players: The Secret World of Black Pimps*, Bantam Books, New York, 1973. In New South Wales the expression *hoon* is also used. As *pimp* has widespread recognition, however, it is the preferred term.

73 For example, officers of the Special Investigation Division of the Hamburg Police estimated that their city had a prostitute population of 6000 persons of whom 2000 solicited on the streets. It was thought that 1600 pimps controlled these prostitutes. The overseas situation concerning pimps is considered in greater detail in chapter 5.

drug-dependent prostitute who acknowledged having a pimp who was to come before the Committee unexpectedly did not appear. Such difficulties contacting pimps are not peculiar to this Committee, but seem to be a common problem of governmental groups studying prostitution.⁷⁴ For this reason, data rely on comments from observers and non-pimp participants in the prostitution trade.

2.8.13 The Committee could not determine the proportion of prostitutes who are being forced or coerced by pimps. What did become apparent from testimony and informal meetings is that there is a thin line separating exploitation on the one hand and the prostitute's freedom to spend her earnings how she deemed suitable, whether or not that be supporting a boyfriend, on the other.

2.8.14 New South Wales police officials suggested that approximately one-third of female street prostitutes in Sydney would have a pimp.⁷⁵ Prostitute witnesses described pimps as being minimal in numbers. Rather, the pimp was said to have been replaced by the drug-dependent boyfriend who is living off the earnings of the drug-dependent prostitute. However it was argued by one member of the Australian Prostitutes Collective that these men, the drug-dependent boyfriends, are not pimps in the stereotypical understanding of the term.

*If anybody is living off the earnings of prostitutes these days, it is the out of work husband, it is the out of work boyfriend, it is the drug-affected boyfriends of women who are working and supporting both their own and their boyfriends' habits. But I am very much against the labelling of these people as pimps and using the law, living off the earnings, against those people, because I think the women should have the right of choice to support whoever they will. It is not the fault of these men that they have to live off the women who are working...*⁷⁶

2.8.15 Evidence does suggest that although pimps are not pertinent to the current situation, they may have been a significant part of the New South Wales prostitution trade historically. Witnesses before the Committee disagreed about the extent of pimping that once existed. There is consensus in the trade that pimps used to be more prevalent. One prostitute witness said in testimony:

*It is completely different now. Twenty years ago I would say 70 per cent of the girls did have men that did take their money - not all bashed them - they gambled their money and things. But things have changed over the years and it is different ... Women have got more freedom; they have got smarter. You don't have to have a man. Before, you just could not go to work in the streets. You had to have a boyfriend and people used to bash you and throw you off the corners twenty years ago. You had to have someone. Now there is nothing like that.*⁷⁷

2.8.16 Another drug-dependent transsexual prostitute remarked: 'in those days you worked for your man. Now you work for your arm'.⁷⁸

2.8.17 As the subject of pimps in New South Wales is difficult to understand and to analyse, the Committee consulted the literature on prostitution. This material clarifies several significant issues.

1. First, literature discusses the inadequacies of the term 'pimp'. It is criticised as a vague word carrying with it differing connotations:

74 Fleischman, 1984:12.

75 Superintendent E. Shepard, in evidence 21 November 1983:5.

76 Roberta Perkins, for the Task Group on Prostitution, in evidence 4 October 1983:12.

77 Julie Harris, prostitute, in evidence 10 August 1983:64.

78 Confidential interview, 1984.

At the one extreme, any person who simply lives off the earnings of a prostitute, in whole or in part, is deemed a pimp. At the other, an individual is not considered a pimp unless he draws another into prostitution and thereafter dictates daily activities, supervises the manner of operation, solicits customers, expropriates and spends virtually all earnings, and otherwise commands influence over that person's life ...⁷⁹

Lack of consistency and agreement over definition has clouded much discussion of the extent of pimp influence in prostitution.

2. There has been no empirical research into the pimp subculture published in Australia. What material has been written refers to the existence of pimps⁸⁰ or often offers anecdotal case histories of specific individual hoons.⁸¹ This gap of research material allows only conjecture about Australian and overseas differences concerning pimping.

3. Literature shows that a proportion of females in all types of prostitution overseas, from call girls⁸² and bar prostitutes⁸³ to street prostitutes,⁸⁴ have pimps. It is interesting to note that examples of adult male prostitutes with pimps could not be found.⁸⁵

4. Research indicates that in general pimps play a minor role recruiting females. The literature does offer horrific illustrations of women being threatened, assaulted and forced into prostitution. Such examples are the exception, however.

More commonly, as Jennifer James has illustrated in a study of American streetwalkers, the pressure applied by pimps in recruiting females is minimal. More women in her sample population were influenced by girlfriends than pimps and more than twice as many as those became prostitutes on their own initiative.⁸⁶ Sven-Axel Mansson reported similar findings in Sweden:

Contrary to the outlook that maintains that the recruitment of women to sexual commerce occurs largely through the pimp's efforts, in our research the women's statements indicated that the men close to them played a rather modest role as instigator of the debut compared to other factors; instead other women with experience in prostitution had the greatest significance in the decision to engage in prostitution. This agreed well with findings in other studies in Sweden, as well as in other countries.⁸⁷

5. Pimps have a view of the world that reflects group values and indicates norms. The Milners' research shows that black pimps in their study have a complete explanation of the nature of the sexes. Accordingly, man is thought to be, in his natural role, the controller, the director, the leader. Woman, by nature, is concerned with security and with pleasing her man.⁸⁸

79 Decker, 1979:238.

80 See, for example, M. Winter, *Prostitution in Australia*, Purtaboi Publications, Balgowlah, New South Wales, 1976:103-110.

81 See J. Holledge, *The Call Girl in Australia*, Horwitz Publications, Sydney, 1964.

82 H. Greenwald, *The Call Girl: A Social and Psychoanalytic Study*, Elek Books, London, 1958.

83 R. Prus and I. Stylianoss, *Hookers, Rounders and Desk Clerks: The Social Organisation of the Hotel Community*, Gage Publishing Ltd., Toronto, Ontario, 1980.

84 B. Cohen, *Deviant Street Networks: Prostitution in New York City*, Lexington Books, D.C. Heath & Company, Lexington, Massachusetts, 1980.

85 See, for example, The Report of the Special Committee on Pornography and Prostitution, *Pornography and Prostitution in Canada*, Canada, 1985:379. It is stated that in Canada '... there is no evidence that adult males are pimped ...'.

86 J. James, 'The Prostitute as Victim' in Jane R. Chapman and Margaret Gates, eds, *The Victimization of Women*, Sage Publications, Sage Yearbooks in Women's Policy Studies, Vol. 3, Beverly Hills, 1978:188.

87 Dr Mansson's 1981 doctoral dissertation in sociology from the Department of Sociology, University of Lund, Sweden, is entitled: 'The Promoters and Profiteers of Sexual Commerce - on the Relationship between Pimp and Prostitute'.

88 C. and R. Milner, 1973.

Being wealthy is of prime importance to pimps and is seen as the symbol of success. But working for others in a subordinate position to earn money is equated with 'selling out' one's manhood.

The rules of pimping referred to as 'the Book' are said to be passed on from pimp to pimp as oral tradition. The Milners suggest that these rules provide guidelines for behaviour.

6. The literature attempts to analyse, from the prostitute perspective, why women choose to stay in an assumedly exploitative and sometimes violent relationship with a pimp. Status for women within the prostitution trade is thought to be partially contingent on the pimp she associates with.⁸⁹ Other authors comment on the many similarities of the pimp-prostitute relationship to some kinds of conventional marital behaviour with the exception that the female adopts the financial provider role. Nevertheless, the male acts as main decision-maker.⁹⁰

Violence and the threat of violence within these relationships was perceived as justified by many prostitutes. Eileen McLeod writes:

*Prostitutes' experience of violence from ponces and their reactions to it echo much of women's experience generally of domestic violence ... Women are seen by the ponces concerned as the appropriate victims of violence ... Such a situation is compounded by women accepting their position as victims not just of violence from ponces but as victims of domestic violence from men more generally ...*⁹¹

7. The literature on prostitution highlights the unusual and enviable situation of New South Wales being a State where the majority of prostitutes are not under the influence of the pimp subculture.

Drug Dealers

2.9.1 While the Committee recognises that drug dealers do not live off the earnings of prostitution directly, they do profit financially from the approximate 10 per cent of the State's total prostitute population who are heroin-dependent. The Committee estimated that as many as 80 per cent of street prostitutes in Sydney are heavily heroin-dependent. A minority of brothel prostitutes similarly are addicted. The use of illegal hard drugs such as black market methadone and cocaine are mainly a problem for young prostitutes (see chapter 8).

Evidence suggests that prostitutes are supplied with illegal drugs by at least three types of drug dealers:

1. 'Dealer-prostitutes' are people who work both as drug dealers and as prostitutes, although not necessarily simultaneously. Typically these individuals are drug addicts themselves who use prostitution and dealing to support their own habits. Although dealing may be more profitable than prostitution, the dangers and risk are greater as the following comment from one transsexual prostitute indicates:

I have dealt in the past. But you get too hot with the police. Too hot, too fast. When you are dealing you might have something like 50 to 60 clients seeing you in one day. You are dealing in a hell of a lot of dope, too. Just one of those people has to be dirty on you and you are gone. One of the people you are dealing with comes to you hanging out and you

89 Prus and Stylianoss, 1980:62.

90 D. Gray, 'Turning Out: A Study of Teenage Prostitution', *Urban Life and Culture*, January 1973:417.

91 E. McLeod, *Working Women: Prostitution Now*, Croom Helm, London, 1982:49-50.

*truly can't afford to give them credit because you haven't got enough. You say, 'No, I can't afford it today' and they get dirty on you. All they have got to do is ring the police and you are gone. So it is just a too risky business.*⁹²

2. The Committee received evidence that some owners/managers of brothels, massage parlours and premises used for prostitution supply illegal drugs to prostitute staff. The Committee examined the relationship between prostitution businesses and other businesses. For the majority of proprietors, prostitution premises were considered to be a single prostitution business operation. For others, prostitution was part of a multiple business undertaking and, in fact, was used to finance other forms of criminal activity, such as drug distribution.

In an interview a female heroin-dependent prostitute described the owner of a house where street prostitutes bring clients to rented rooms:

*As soon as the girls walk in the door, they are selling drugs... And they give the drugs on credit, which is a great temptation because I have been through it. He did it to me last year when I worked there ... I would buy something off my own supplier before I went to work ... so then I would be thinking, 'Oh, I won't have to get anything off my boss when I get in. I'd be right.' But you walk in the door and they put it right under your nose. 'Do you want something?' And you know that you don't have to pay for it straight away, so you take it. It is too much of a temptation. And then you are working, standing down there out in the cold all night and they take all your money off you. Not only your rent, but for drugs too.*⁹³

3. The third type of drug-dealer is not involved in the prostitution business with the exception that people in the trade are clients. Witnesses before the Committee suggested that this type of dealer frequents both outdoor street soliciting locations as well as pubs and hotels where bar prostitution occurs to sell illegal drugs.

2.10 Boyfriends and Husbands

2.10.1 Some prostitutes are married women who are working in the prostitution trade without their husbands knowing.

*Some of those housewives are getting their children off to school and their husband off to work and then going out as prostitutes without the knowledge of the family. I could not imagine anyone arresting a husband in those circumstances.*⁹⁴

2.10.2 Other women in evidence have said they are married or live in a de facto situation, their husbands know how they earn their living, but they do not support these men as they earn their own income. One brothel prostitute commented: 'The girls I work with would not live with a man without a job'.⁹⁵

2.10.3 Still others associate with males who work in some aspect of the prostitution trade, who may be involved in petty crime or perhaps the drug subculture. Literature suggests that as prostitutes become absorbed in the prostitution subculture, they are less likely to become involved with 'straight' males. Other nonconformists are generally more accepting of their activities than the general population.⁹⁶

92 Confidential interview, 1984.

93 Confidential interview, 1984.

94 Superintendent E. Shepard, in evidence 21 November 1983:15.

95 Female prostitute, in evidence 9 October 1984:54.

96 Prus and Stylianoss, 1980:38-39.

2.10.4 It is not known how many prostitutes in New South Wales support drug-dependent boyfriends. Evidence does indicate that the major portion of earnings in relationships of drug-dependent partners is spent on drugs.

*The money I make goes into my arm and my boyfriend's arm. He spends all my money on drugs.*⁹⁷

*Yes, I supported him a lot, a hell of a lot. People used to kick me and say, 'Wake up to yourself. He is only using you' sort of thing. Because at the beginning he wasn't using me, but as his addiction got worse, sure enough he was using me. It was obvious that he was getting easy money out of me for his dope.*⁹⁸

2.1.5 It is interesting to note that with the recent concern of customers possibly being infected with AIDS through prostitution, in August 1985 business for prostitutes plummeted in Sydney. The prostitute-drug-dependent boyfriend relationship is being affected. For example, a recent newspaper article reports that a female heroin-dependent prostitute who used to help pay for her boyfriend's habit as of August has had to supplement her income with that of her boyfriend.⁹⁹

2.10.6 The Committee recognises that prostitution is a constantly changing, adaptive trade. It is expected that fear of AIDS will have a long-term effect on business, including its mark on the relationship of drug-dependent partners.

97 Confidential interview, 1984.

98 Confidential interview, 1984.

99 *Sydney Morning Herald*, 13 August 1985.

3.1.1 The Committee encountered great difficulty in determining the number of people engaged in prostitution. Given the nature of prostitution the exact number of those involved is almost impossible to determine. The Committee acknowledges that its figures are speculative. Nevertheless, the Committee believes it had a responsibility to try to calculate the extent of the trade.

3.1.2 Official police statistics do not provide a basis for an accurate estimate of the numbers involved in the prostitution trade. Arrest figures largely describe prostitutes found to be soliciting near a dwelling, school, church or hospital for the purpose of prostitution. These visible street prostitutes are one part of a larger prostitute population.

3.1.3 Court statistics describe those individuals who have been arrested and are appearing in local courts on prostitution offences. These people are only one small segment of the total population in the business.

3.1.4 Many of the estimates of the trade which have been proposed in the literature are difficult to interpret, in part due to the variety of current definitions of prostitution. Some estimates refer exclusively to full-time professional prostitutes. Other estimates encompass any person who has sexual intercourse in exchange for favours, not necessarily restricted to cash. Most estimates do not include a definition of their population.

3.1.5 The use of different definitions of prostitution and different data sources has hampered comparisons from one period to another. In a 1969 article 'Prostitution in Australia', Wilson and Chappell acknowledge the problems of estimating the prostitute and customer populations. A police figure of 500 known prostitutes in Sydney was mentioned by the authors. In his 1976 publication Marcel Winter concluded that 'there are no more than 500 to 550 women in this country at any one time who depend upon prostitution for their livelihood'.¹ It is difficult to reconcile these estimates for Sydney and Australia.

3.1.6 Some estimates of prostitution are derived from examining the population as a whole to measure the size of the trade. Often such figures are based on overseas studies. For example, in 1948 Alfred Kinsey and colleagues stipulated from a study of 5300 American males that:

about 69 per cent of the total white male population ultimately has some experience with prostitutes. Many of these males, however, never have more than a single experience or two, and not more than 15 to 20 per cent of them ever have such relations more often than a few times a year, over as much as a five-year period in their lives.²

The generalisation of statistics based on a white American male sample from the 1940s to the current Australian population is questionable.

3.1.7 The total involvement in the prostitution trade is constantly fluctuating. Some factors which influence the level of participation in prostitution include: seasonal change (see Table 3.2 for example), law enforcement activity, holidays, the state of the economy, the degree of concern about sexually transmissible diseases, legislative change and media coverage of prostitution issues. Many prostitutes work sporadically. Customer involvement is similarly erratic.

3.1.8 The Canadian Special Committee concluded in its 1985 report *Pornography and Prostitution in Canada* that because of numerous obstacles involved in estimating the prostitute and

1 M. Winter, *Prostitution in Australia*, Purtaboi Publications, Balgowlah, New South Wales, 1976:249.

2 A.C Kinsey, W.B. Pomeroy and C.E. Martin, *Sexual Behavior in the Human Male*, W.B. Saunders Company, Philadelphia, 1948.

customer populations, it was unable to advance any reliable estimates of the size of the trade in any Canadian city.³

3.1.9 The Committee referred to ten sources to assess the size of the trade.

1. Witnesses representing organisations were asked to offer figures on behalf of their respective groups. Personal opinions were also provided.

2. The Committee conducted over 100 informal interviews. Where appropriate, individual prostitutes and managers were questioned about their own circumstances, working schedules, number of colleagues, frequency of customer contact and the like.

3. The Secretary of the Department of Local Government distributed a list of questions concerning prostitution activity to local authorities State-wide. The Committee was disappointed that only 46 per cent of municipal and shire councils responded to the survey. Of the 80 replies received, 59 letters stated that Council had no record of any prostitution activities within its area. Only 21 councils admitted awareness of prostitution. Many affirmative responses offered vague details and minimal information.

4. The Commissioner of Police similarly was asked to circulate questionnaires concerning prostitution activity in various districts throughout New South Wales. Nine months later the Committee received a letter from the Deputy Commissioner outlining the difficulties in making accurate estimates of the number of prostitutes in any given area at any given period. The only estimate offered was based on the number of female streetwalkers arrested in a one-year period under the Prostitution (Amendment) Act.

5. The NSW Bureau of Crime Statistics and Research monitored local court appearances for soliciting offences under the Prostitution (Amendment) Act 1983, during a one year period. Detailed information on the number of court appearances, the circumstances of offence and the number of distinct persons charged were made available for the Committee's use.

6. Literature on prostitution was reviewed. Governmental reports offering any relevant statistical information were consulted.

7. The Committee's research staff examined English language newspaper and telephone book advertisements available to the public during the week of 9 to 15 September 1984. One thousand four hundred and twenty-four (1424) listings for prostitution services were isolated. These advertisements formed the basis of the Committee's own estimate on brothel, escort and home and unit prostitution for an average day in September, 1984.

8. The Ethnic Affairs Commission of New South Wales monitored non-English advertisements in ethnic newspapers during a one-month period. Findings from their research are considered in the estimate of brothel prostitution.

9. The Committee conducted its own telephone survey of 79 phone numbers from prostitution advertisements in four newspapers during a two-day period in February 1985. Each advertisement in question was purporting to be a single operator. Enquiries were made about services available. In every instance it was assessed whether the individual was in fact believed to be the sole advertiser or if the prostitute was working in an establishment. Findings were incorporated in the Committee's estimates of brothel, escort and home and unit prostitution.

3 Report of the Special Committee on Pornography and Prostitution, *Pornography and Prostitution in Canada*, Vol. 2, Canada, 1985:371.

10. The Inter-departmental Task Force on Drug Dependent Prostitutes⁴ provided their estimate of the inner-city street prostitute population. These data formed the base for the Committee's appraisal of the amount of legal street prostitution State-wide on a busy day in July 1985.

3.1.10 These ten sources provided data which the Committee used to estimate the size of various parts of the trade: juvenile, street, brothel/massage parlour, escort, bar and home and unit prostitution.

3.2 Juvenile prostitution⁵

3.2.1 The Committee is unable to provide a firm estimate for the number of juveniles who are full-time or part-time prostitutes in New South Wales. Estimates of juvenile prostitution are more tenuous than those for prostitution in general.

3.2.2 Estimates of youth involved in prostitution are based on information offered by witnesses, by submissions sent to the Committee and by recently published reports.

3.2.3 Witnesses disagreed upon the extent of juvenile prostitution. Obstacles in counting participants included difficulties in assessing age as well as the nature of juvenile prostitution. Youths were described as looking older than their years. Police commented that many juveniles do not offer their correct age when approached by adults. In Sydney youth do not solicit as a visible group (as do adult streetwalkers) but scatter in a variety of street and off-street venues to meet potential customers.

3.2.4 Police witnesses did not offer any figure for youth involvement in prostitution: 'I would not be able to put a number on it. It is probable that quite a number are involved, but we do not know about them.'⁶

3.2.5 Two witnesses commented that on a busy night there would be between 30 and 50 juveniles prostituting themselves in Kings Cross. Mr J. Marsden, solicitor of the Supreme Court of New South Wales and President of the Council for Civil Liberties remarked:

We would not have any evidence. I could only comment on my own observations. There is no doubt it is a very transient population, but certainly in the Kings Cross area on a Friday or Saturday night it would not be difficult to find 50 persons male or female under the age of 15 years operating as prostitutes around the centre of Kings Cross.⁷

3.2.6 Annual estimates of youth prostitutes operating in Sydney fluctuated between approximately 100 to 350 juveniles. Reverend E. Noffs of the Wayside Chapel suggested that about 200 youth, mostly boys, would be involved. Ms A. Crowe, social worker, said that members of the Street Network⁸ come in contact with a minimum of 2000 young people in the inner city. She calculated that in 1983 150 people under fifteen years old and 200 people between sixteen and seventeen years of age were juveniles prostitutes. Additionally, 'I think the number of kids that have at one time or another resourced themselves through a selling in some form or

4 On 22 March 1983 the NSW Cabinet approved the formation of an Inter-departmental Task Force to operate within the Kings Cross and Darlinghurst areas with the express purpose of locating and helping people (especially young drug-dependent individuals) to the appropriate agencies.

5 The Community Welfare Act 1982, defines a 'child' as a person who has not attained the age of eighteen years. Some people refer to a 'child' as a person under sixteen and a 'young person' as people 16-17 years old. For the purposes of this report, both the terms 'juvenile' and 'youth' will be used to describe those people younger than eighteen years old.

6 Superintendent E. Shepard, then Officer-in-Charge of the Vice Squad, in evidence 21 November 1983:41.

7 In evidence 28 June 1984:40

8 The primary aim of the Street Network is to reach out to people on the street in order to offer whatever resources and supports are appropriate. The organisation has a definite priority on youth. In 1983 the Street Network was run on a voluntary basis.

another of sexuality is higher than the number of kids that would have remained committed to it over a period'.⁹

3.2.7 Unfortunately, reports on juvenile and prostitution-related issues do not clarify discrepancies in witnesses' estimates. Statistical material concerning young offenders before State children's courts show that few juveniles appear on prostitution offences per se. The extent to which prostitution is part of appearances for uncontrollability and neglect (complaints under the Child Welfare Act) is unknown.

3.2.8 In 1981 the Shepherd of the Streets Program at the Wayside Chapel submitted a survey of their refuge clientele to the Senate Standing Committee on Social Welfare investigating homeless youth. It was found that the average age of boys using the refuge was fourteen, of girls fourteen and a half. 'Suprisingly, 26 per cent of boys were involved in prostitution, almost twice the number of girls (14 per cent)'.¹⁰

3.2.9 Witnesses representing Youth and Community Services have suggested that first-time runaways tend *not* to run to Kings Cross. It is probable that each refuge attracts varying clientele. The percentage of non-users of services is unknown. For these reasons, it is inadvisable to use figures from one refuge to extrapolate the number of juvenile prostitutes from estimates of homeless youth in New South Wales.

3.2.10 The Committee is not prepared to offer an estimate of the number of juveniles who work as prostitutes for the reasons outlined: the difficulty in assessing age as well as the nature of juvenile prostitution. Juvenile prostitutes appear to work very discreetly. Witnesses' estimates of youth involvement in prostitution varied and could not be reconciled.

3.3 Street Prostitution

3.3.1 Because of the visibility of adult streetwalkers within specific areas of Sydney, it is easier to estimate the number of people soliciting than it is to estimate the size of the juvenile prostitute population, the extent of bar prostitution or even home and unit prostitution.

3.3.2 Nevertheless, there have been overt fluctuations in this street-based population in the past two years which complicate estimations. Community concern about AIDS, increased anxiety over prostitutes' personal safety after a series of assaults against homosexual males, weather and seasonal changes all have influenced numbers.

3.3.3 The Committee recognises that street soliciting in New South Wales is not restricted to Sydney's inner city. In response to a survey concerning prostitution, Canterbury Council acknowledged that street soliciting occurs within its municipality. One prostitute witness stated that approximately twenty transsexual street prostitutes work in Newcastle.¹¹ Male prostitutes were similarly described as using various park and beach beats as places to contact potential customers.

3.3.4 It is believed that as a percentage of total street activity, such prostitution outside the recognised inner-city boundaries is minimal. The vast majority of witnesses before the Committee calculated their estimates of people soliciting on the number of street prostitutes in the Kings Cross-Darlinghurst-East Sydney-Potts Point area.

3.3.5 The Committee received three estimates of Sydney's street prostitute population derived from on-the-spot counts.

9 Ms A. Crowe, social worker, in evidence 30 August 1983:60.

10 The Parliament of the Commonwealth of Australia, *Homeless Youth: Report from the Senate Standing Committee on Social Welfare*, AGPS, Canberra, 1982:9.

11 Evidence in camera, 1984.

1. In January 1985, Mr M. Yabsley, MP, Member for Bligh, set up a survey called PROWATCH. From 10 pm to 2 am on four nights each week between 15 December 1984 and 15 January 1985 four areas within Darlinghurst were surveyed: (1) the intersection of Forbes and William Streets; (2) the intersection of Stanley and Riley Streets; (3) the intersection of Darlinghurst Road and Liverpool Street; and (4) the intersection of Forbes and Burton Streets. It was claimed that 205 prostitutes were soliciting nightly in this area bounded by William, Riley, Burton and Victoria Streets.

2. The Inter-departmental Task Force on Drug Dependent Prostitutes offered an estimate for male, female and transsexual streetwalkers working in all legally prescribed soliciting areas within the inner city. In July 1985 a project officer for the Task Force made a walking tour of these locales. Individuals soliciting were asked to estimate, for that particular week, the maximum number of prostitutes who would be working on a busy night. Maximum numbers for each street were added together. It was suggested that the maximum count was about 160 street prostitute *places*. About 30 of these places were part of the male beat. It was stressed that this maximum group of 160 soliciting places at any one time supported a much larger number of prostitutes over a time span as the people working change constantly.¹²

3. In October 1985 two social workers from the Street Network reconfirmed the Inter-departmental Task Force's figure for the extent of adult male street prostitution. They suggested that observation over a three-week period indicated that the male scene supports about 30 male street prostitutes at any one time.

3.3.6 Police officials do not agree on how to interpret figures to estimate the total number of street prostitutes. One police witness suggested there would be between 200 and 300 streetwalkers. A 1985 letter to the Committee from the Deputy Commissioner suggested as many as 2600 female street prostitutes in Sydney:

It may be possible, however, to give some indication as to the number of prostitutes, this being based on the number of female prostitutes arrested for soliciting/operating in prohibited areas, such as near dwelling houses, churches, etc. It is estimated that only 10% to 20% of street girls have been arrested in the past 12 months.¹³ As the figure for such arrests is 260, it follows that over the same period as many as 2,600 girls could have been actively engaged as prostitutes.

The number of prostitutes soliciting illegally

3.3.7 The estimated size of the streetwalker population working in illegal locations cannot be simply based on either arrests or court appearances under the Prostitution (Amendment) Act. As arrests invariably involve police discretion, the number of arrests is partly a reflection of police activity. One observer of prostitution has remarked:

The police enjoy a tremendous amount of discretion in responding to prostitution-related behaviour. They have multiple alternatives including turning their heads from the transgressions, ordering the suspects to cease and scatter, arresting them for some purpose other than prosecution or arresting them for the purpose of prosecution.¹⁴

It is not unusual for prostitutes to be arrested for non-prostitute offences such as drug or public-order offences. Nevertheless, court appearance data were considered in detail.

3.3.8 The NSW Bureau of Crime Statistics and Research monitored court appearances for

¹² Hereafter these 160 street prostitute places will be referred to as the Task Force count.

¹³ The period in question is 30 September 1983 to 30 September 1984.

¹⁴ J.F. Decker, *Prostitution: Regulation and Control*, Fred B. Rothman & Co., Littleton, Colorado, 1979:95.

charges of soliciting near a dwelling, school, church or hospital over a one-year period. A one-year period tends to overcome seasonal changes and brief fluctuations in the trade. Additionally some street prostitutes claim that 'fixing arrests' and 'weighing in' to corrupt policemen decreased dramatically for streetwalkers since 1979 with the decriminalisation of street soliciting.¹⁵ If this is the case, 1983-84 figures would be a more reliable portrayal of illegal soliciting than numbers before 1979.

3.3.9 Table 3.1. demonstrates, from April 1983¹⁶ to April 1984, 207 persons appeared in courts for soliciting illegally. There were 827 appearances by these people over a one-year period. More than half (54.6 per cent) of total defendants appeared in court once. Less than 10 per cent (8.8 per cent) appeared eleven or more times. One female prostitute appeared 65 times for soliciting near a dwelling, school, church or hospital.

3.3.10 Table 3.2. indicates the date of the soliciting offence by month for the one-year monitoring period. Arrests for soliciting in illegal locations varied significantly from month to month within a one-year period. There were more than eight times the number of arrests in August 1983 than there were in April 1984. The extent to which monthly variations reflect the amount of illegal street soliciting rather than law enforcement activity is impossible to estimate.

Table 3.1 The frequency of court appearances by male, female and transsexual prostitutes for soliciting near a dwelling, school, church or hospital over a twelve month period 1983-1984.

Number of appearances	Number of males	Number of females	Number of transsexuals	Total persons	Percentage total persons
1	5	86	9	113*	54.6
2	2	17	6	25	12.1
3	0	14	3	17	8.2
4	1	7	4	12	5.8
5	0	2	1	3	1.4
6-10	0	15	4	19	9.2
11-15	0	5	1	6	2.9
16-20	0	1	3	4	1.9
21-25	0	2	0	2	1.0
26-30	0	2	0	2	1.0
31-35	0	2	0	2	1.0
36-40	0	0	1	1	0.5
41-45	0	0	0	0	0
46-50	0	0	0	0	0
51-55	0	0	0	0	0
56-60	0	0	0	0	0
61-65	0	1	0	1	0.5
Total	8	154	32**	207	100

Source: NSW Bureau of Crime Statistics and Research

* As court papers did not list transsexual defendants separately, transsexuals have been counted as those individuals with female names who have been administratively categorised as males by the court.

** The gender of thirteen prostitutes was unknown.

¹⁵ Confidential interviews, 1984.

¹⁶ The Prostitution (Amendment) Act was assented to on 18 April 1983. The Act took effect on Anzac Day 1983.

* In this section 'day' is defined as a 24 hour period.

Table 3.2 Month of soliciting offences as indicated by court appearances, April 1983 to April 1984

Month	Number	Percentage
April	17	2.1
May	55	6.7
June	64	7.7
July	98	11.9
August	102	12.3
September	81	9.8
October	97	11.7
November	65	7.9
December	66	8.0
January	60	7.3
February	58	7.0
March	36	4.4
April	12	1.5
Unknown	16	1.9
Total	827	100

The Committee's estimate of the total adult street prostitute population

3.3.11 The Committee drew upon four main sources to estimate the number of streetwalkers in the State:

1. The Inter-departmental Task Force's estimate of street prostitutes working in prescribed soliciting areas was used as it involved males, females and transsexuals in inner-city locations where soliciting is permissible. This has been referred to as the Task Force count (see paragraph 3.3.5).
2. The police figure of 260 persons arrested for soliciting illegally near to a dwelling, school, church or hospital in a twelve month period (September 1984 to September 1985) provided a further means of calculating the street prostitute population.
3. Court appearances for 1983-84 indicated that in one year 207 persons appeared for illegal soliciting (Table 3.1). Table 3.2 suggested monthly variation in the number of court appearances.
4. Witnesses before the Committee suggested that the vast majority, but not the total amount, of soliciting occurs in the inner-city Sydney region.

3.3.12 From these data sources the Committee made various assumptions.

1. There were about 160 street prostitutes soliciting legally in inner-city Sydney on a busy day in July 1985.
2. If in one year 260 persons were arrested for soliciting in illegal locales (near to a dwelling, school, church or hospital), on an average day probably one person was arrested for illegal soliciting.

3. The Deputy Commissioner of Police suggested that arrest figures are only 10-20 per cent of the total population soliciting illegally. The Committee recognised that not all prostitutes soliciting in illegal locales are arrested, but was of the opinion that the police estimate was out of kilter with other estimates. The Committee has adopted a conservative approach to the probable number of prostitutes soliciting illegally. The Committee assumed that on any one day, for each person arrested soliciting illegally, another four were working in illegal locations.
4. From witness evidence concerning some female soliciting in suburban Sydney, transsexuals working in Newcastle and males using various park and beach beats, the Committee assumed that about ten streetwalkers worked on any one day outside Sydney's inner-city soliciting area.

3.3.13 The Committee added these numbers: 160 street prostitutes estimated to solicit legally in inner-city Sydney from the Task Force count; one person arrested on an average day for illegal soliciting; another four people estimated to solicit illegally who are not arrested; and ten streetwalkers estimated to solicit outside the inner city area.

3.3.14 In total, the Committee estimates that on a busy day* in July 1985 about 175 adult persons solicited on the streets in New South Wales.

3.4 Brothel/Massage Parlour Prostitution

3.4.1 Some witnesses offered the Committee precise numbers for specific types of brothels in New South Wales.

3.4.2 Residents of East Sydney, in submission to the Committee, mapped out premises used for prostitution in their neighbourhood in 1983. In the nineteen months since their original estimate, in a second, up-date submission, twelve dwellings were said to then be in use as brothels.¹⁷

3.4.3 In November 1984 East Sydney prostitutes claimed there were seven business premises in the neighbourhood. A total of nineteen women were said to work from these houses.¹⁸

3.4.4 Evidence concerning the number of inner-city brothels in Sydney catering to male and transsexual prostitution was consistent. Representatives from the Police Department, from the gay community and a number of social workers agreed that there were between four and six such premises operating in recent times. In October 1985 social workers with the Street Network estimated that there were 49 prostitute staff positions (45 for men and five for transsexuals) in these establishments.

3.4.5 Similarly, a few municipal and shire councils offered estimates of the number of brothels which operated in their particular areas. The Orange City Council, for example, had only one massage parlour recorded. Fairfield City Council knew of three escort agency/brothels in their region in September 1984.

3.4.6 Difficulties arise when one attempts to calculate the extent of brothels and massage parlours throughout the State. Figures offered for Sydney vary between 80 and several hundred brothels in use. One manager of a suburban brothel even claimed there was a minimum of 200 'underground brothels' in suburban areas alone:

The underground ones are the ones which don't register with the Corporate Affairs, don't

¹⁷ Although the total number of brothels did not indicate much fluctuation in number, residents stressed that the actual dwellings used for prostitution had changed significantly.

¹⁸ Interview with five East Sydney prostitutes, November 1984.

*pay tax. They don't do places up. They throw notices on the floor. They go down to the girls on the street and say 'Come up and work for us and we can bring in the guys for you.' They go around all the ... clubs, you see, and they might last a month or 6 weeks and when it gets too hot, they just close that and move back into it ...*¹⁹

3.4.7 The Committee conducted original research to try to estimate the number of brothels and massage parlours in New South Wales. Committee staff conducted a survey of prostitution-related advertisements in English newspapers and telephone books State-wide for one week, from 9 to 15 September, 1984.²⁰ During this seven-day period there were a total of 1424 prostitution-related announcements.

3.4.8 There were some methodological problems associated with this approach. An unknown percentage of brothels would *not* have advertised during the survey period. Additionally, a minority of papers used post box numbers only for customer contact. As individual box numbers did not allow for cross-checking to determine the distinct number of premises advertised, as opposed to the total number of advertisements, only advertisements with telephone numbers were considered.

3.4.9 The amount of information about prostitution services varied greatly. Some advertisements included times of operation, the age of prostitutes, the ethnic composition of staff and the like. Others offered no detail apart from the availability of prostitutes and a telephone number.

3.4.10 Of the total number of 1424 prostitution advertisements surveyed, approximately two-thirds appeared in newspapers and about one-third came from telephone directories.²¹

3.4.11 The 1424 prostitution advertisements offered a total of 1615 telephone number appearances.

3.4.12 Each advertisement included between one and six different contact numbers. Computer analysis of these data by the Bureau of Crime Statistics and Research determined that 1615 telephone number appearances were repeated in total publications between one and 49 times during the September week under consideration. As Table 3.3 indicates, however, two-thirds of telephone numbers appeared three times or less in prostitution advertisements. A frequency analysis revealed that the total 1615 telephone number appearances in fact reduced to 439 distinct telephone numbers.

The geographical location of advertised prostitution services

3.4.13 These 439 separate numbers were grouped by telephone prefix digits to analyse, State-wide, the geographical location of advertised prostitution services. Table 3.4 shows that over 90 per cent (92.7) of surveyed prostitution advertisements publicised services within the boundary of Sydney telephone directory district (02). Only one-third (37.8 per cent) of advertisements involved telephone numbers from the Sydney City District (including the City, City North, City South, Bondi Junction and Edgecliff). A corresponding 54.9 per cent of total distinct telephone numbers pertained to (02) areas outside the City District.

19 Confidential interview, 1983.

20 Staff at the Ethnic Affairs Commission of New South Wales monitored prostitution advertisements in the ethnic newspapers. They found that promotion of prostitution services is not a regular feature in the vast majority of non-English publications. Papers from the Italian, Portuguese, Spanish, Arabic and Turkish communities, for example, demonstrated a nil return. In total there were approximately fifteen prostitution announcements in all ethnic newspapers reviewed in a one month period. As these advertisements were minimal in number, represented a one month survey and, in fact, were duplicated in the English publications, they have not been included in the larger survey.

21 Telephone directories include such publications as yellow pages, pink pages, local pink pages and community phone books.

Table 3.3 The frequency of appearance of telephone numbers in prostitution advertisements State-wide.

Number of appearances	Number of distinct telephone numbers	Percentage of distinct telephone numbers
1	153	34.9
2	97	22.1
3	42	9.6
4	30	6.8
5	29	6.6
6-10	66	15.0
11-15	15	3.4
16-20	4	0.9
21-25	1	0.2
26-30	0	0
31-35	0	0
36-40	0	0
41-45	1	0.2
46-50	1	0.2
Total	439	100

3.4.14 This finding shows that while advertised prostitution services in New South Wales were almost exclusively based in the greater Sydney area, only about one-third pertained to the City Telecom Business District. The majority of advertised prostitution services involved locations outside this inner-city area.

Types of advertiser

3.4.15 Each of the total 1424 prostitution advertisements surveyed was examined further. The type of services offered, the times of operation, whether credit cards could be used, whether the age, gender or ethnicity of staff was specified were analysed. Information was also collected on whether the advertiser was:

- an individual person;
- a small group of two to four persons;
- an establishment;
- unknown.

3.4.16 It was not unusual to find that repeated advertisements using the identical telephone number were presented sometimes as publicising an established brothel or escort agency and on other occasions professed to be individual prostitutes.

3.4.17 In instances where one telephone number was advertised as representing prostitution services from an individual as well as a small group, the number was treated as belonging to a small group. Table 3.5 estimates *the distinct number* of individuals, small groups and establishments advertising prostitution services. Clearly, the majority (60.4 per cent) of telephone numbers represented establishments.

Table 3.4 The 439 distinct telephone numbers in State-wide prostitution advertisements by the corresponding Telecom Directory Area.*

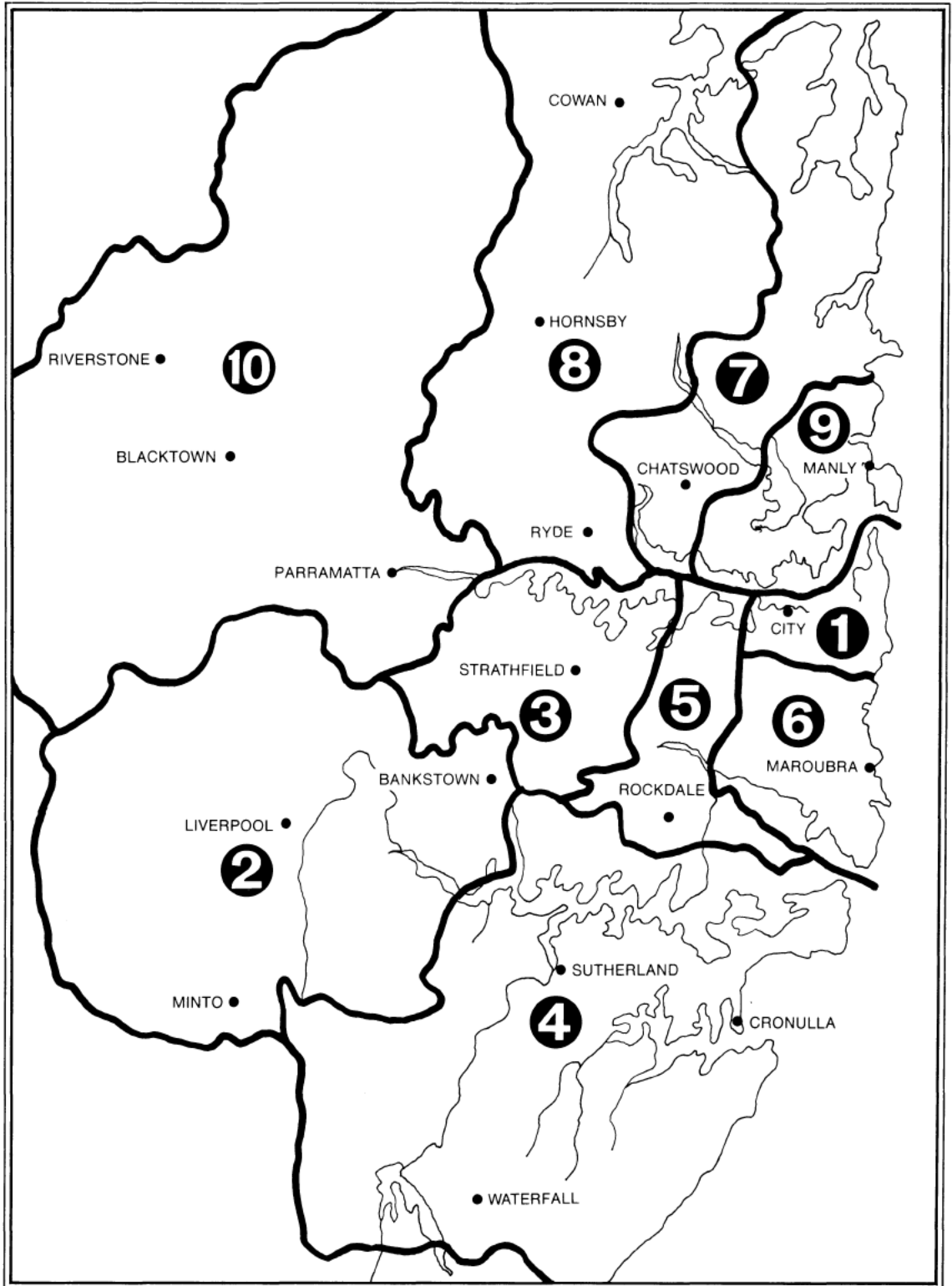
Telecom Directory Area**	Number	Percentage
Sydney District (02)		
City	166	37.8
Bankstown	22	5.0
Burwood	41	9.3
Sutherland	9	2.1
Newtown	30	6.8
Redfern	23	5.2
Chatswood	20	4.6
Epping	12	2.7
St Leonards	57	13.0
Parramatta	27	6.2
<i>Other</i>		
Campbelltown District (046)	18	4.1
Central Coast District (043)	4	0.9
Newcastle District (049)	3	0.7
Penrith District (047)	2	0.5
Out-of-State	5	1.1
Total	439	100

* The number of distinct telephone numbers does not indicate an equal number of brothels or escort agencies. Further analysis of data is required to estimate the number of brothels or escort agencies.

** The Committee is aware that brothels exist in areas other than those listed. For example, in the week surveyed, two to three brothels known to operate in Wollongong did not appear in newspaper advertisements.

Table 3.5 The distinct number of telephone numbers for prostitution advertisements surveyed by type of advertiser.

Type of advertiser	Number of separate telephone numbers	Percentage
Individual	135	30.8
Small group	34	7.7
Establishment	265	60.4
Unknown	5	1.1
Total	439	100



TELECOM DISTRICTS

- | | | |
|--------------|---------------|-----------------|
| 1. City | 4. Sutherland | 7. Chatswood |
| 2. Bankstown | 5. Newtown | 8. Epping |
| 3. Burwood | 6. Redfern | 9. St. Leonards |
| | | 10. Parramatta |

3.4.18 Although the prostitution advertisement survey provided the exact number of separate telephone numbers per advertiser, several issues required refinement before these data could be used to calculate the number of brothels, brothel customers and prostitutes working on an average day in this State. Questions which needed clarification included: first, the extent to which the three groups of advertisers (individual, small group and establishment) accurately represented their advertiser; second, the extent to which small groups and establishments were brothels as against escort agencies; and third, the assumed size of brothels based on the hours of operation.

The extent to which individuals, small groups and establishments accurately represent their advertiser

3.4.19 It is difficult to estimate whether individuals were genuine single operators or were largely posing as such on behalf of establishments.

3.4.20 To help distinguish between 'genuine' groups of advertisers, the Committee conducted its own telephone survey. This entailed calling 79 telephone numbers from prostitution advertisements in four newspapers²² during a two-day period in February 1985. Each advertiser was purporting to be a single operator.

3.4.21 The results of this telephone survey are set out in Table 3.6 below. Excluding unknown situations, 57 calls surveyed were answered. Almost half of these advertised services appeared to genuinely involve one single, independent prostitute. Slightly more entailed a minimum of two prostitutes.

Table 3.6 Telephone survey of 79 telephone numbers each purporting to be individual operators and the actual number of prostitutes believed to be involved in the business.

Actual number of prostitutes believed to be involved in business surveyed	Number	Percentage
One prostitute	27	34.2
Minimum of two prostitutes	30	38.0
Unknown*	22	27.8
Total	79	100

* This category includes telephone calls where repeatedly there was no response, as well as misprinted numbers.

²² The four newspapers were: The *Blacktown Advocate*, the *Manly Daily*, the *Southern Courier* and the *Wentworth Courier*. These papers were chosen as they serve diverse geographical areas.

3.4.22 The advertisement survey showed overall that 439 distinct telephone numbers for prostitution services breakdown to 135 individual, 34 small-group and 265 establishment advertisers. The telephone survey implied that as many as one-half of individual advertisers were likely to be small brothels.

The extent to which advertisers are brothels as against escort agencies

3.4.23 The mode of operation (those offering escort services or only services on the premises) was analysed further. Eighty-one establishments plus four-small group and five individual advertisers only offered 'out calls'. The Committee assumed that these 90 telephone numbers represented escort services exclusively.

The Committee's estimate of the total number of brothels

3.4.24 The advertisement survey indicated that in a one-week period in September 1984 there were 439 distinct telephone numbers advertising prostitution services State-wide. These distinct telephone numbers were analysed by type of advertiser (individual, small-group, establishment) and services offered (including escort work). Three hundred and forty-nine (349) separate telephone numbers offered prostitution on the premises.

3.4.25 Table 3.7 presents the assumptions made by the Committee to estimate the number of brothels throughout the State.

Table 3.7 The estimated number of brothels in NSW based on the type of advertiser from the prostitution advertisement survey which do *not* offer escort services exclusively.

Type of advertiser	Number of separate telephone numbers offering prostitution on the premises	Estimated number of brothels
Individual	130	65
Small group	30	30
Establishment	184	161*
Unknown	5**	5
Total	349	261***

* It is assumed that perhaps 25 per cent of establishments operate with two distinct telephone numbers.

** It is assumed that these five unknown advertisers offer prostitution on the premises.

*** Throughout this section totals are rounded off in the text.

3.4.26 It was assumed that one-half of individual advertisers in fact were brothels, based on the Committee's telephone survey (Table 3.6). It was assumed that 25 per cent of establishments operated with two distinct telephone numbers. This suggested that 184 distinct establishment telephone numbers probably represented about 161 brothels. It was assumed that 30 distinct small-group telephone numbers represented 30 brothels.

3.4.27 The Committee estimated that in September 1984 there were approximately 260 advertised brothels in operation in New South Wales.

3.4.28 The Committee is of the opinion that this number is a reasonable estimate of brothels throughout the State as the vast majority of brothels advertise their services.

Brothels: estimated hours of operation

3.4.29 The advertisement survey indicated that 51 distinct establishment telephone numbers operated 24 hours seven days per week.

3.4.30 The Committee assumed that these 51 distinct establishment telephone numbers represented 51 brothels open 24 hours per day or 168 hours per week. The Committee, now refers to these brothels as 'large establishments'.

3.4.31 The Committee assumed from interviews with brothel managers and prostitute staff that other brothels operated between three days (24 hours) and seven days (56 hours) per week.

The Committee's estimate of the brothel prostitute population

3.4.32 The Committee's estimate of the State's brothel prostitute population was based on the estimate of the total number of brothels. Interviews with brothel employees provided additional information. Committee staff consulted with members of the Task Group on Prostitution²³ to discuss numbers.

3.4.33 Table 3.8 presents the assumptions made by the Committee to estimate the State's brothel prostitute population.

Table 3.8 The estimated number of brothel prostitutes working on an average day (24-hour period) in September 1984.

Type of Advertiser	Estimated number of brothels	Number of days per week brothel operated	Estimated number of prostitutes per premises per 24-hour day	Total number of brothel prostitutes on an average day
Individual	65	3-4	2-3	56-111
Small group	30	4-5	2-4	34-86
Medium establishment	110	5-7	4-5	314-550
Large establishment	51	7	12-15	612-765
Unknown	5*			
Total	261	1016-1512**		

* As the corresponding type of advertiser for these five distinct telephone numbers is unknown, this category is not used to calculate brothel prostitutes.

** Throughout this section totals are rounded off in the text.

23 The Task Group on Prostitution comprised the Australian Prostitutes Collective, Twenty Ten, Gays Counselling Service, Gay Rights Lobby and the Australian Transsexual Association.

3.4.34 The Committee assumed that between two and five prostitutes worked in each brothel per shift. This suggests that large establishments which are always open could have as many as fifteen prostitute staff employed in a 24-hour period.

3.4.35 Interviews suggested that brothels operated between three and seven days per week.

3.4.36 To estimate the number of brothel prostitutes working in medium establishments on an average day in September 1984, for example, the estimated number of medium brothels was multiplied by the estimated number of days per week the brothels operated. The total was divided by seven to calculate the figure for one day. This figure was then multiplied by the estimated number of prostitutes per premises per 24-hour day. Referring to Table 3.8 it was estimated therefore that on an average 24-hour period in September 1984 there were a minimum of 314 brothel prostitutes working in advertised medium brothels throughout the State.

3.4.37 From these assumptions the Committee estimated that on an average day in September 1984 there were at least 1015, but no more than about 1510 brothel prostitutes working in advertised premises in New South Wales.

3.5 Escort Prostitution

3.5.1 The owner of one suburban escort agency offered the Committee detailed information on the operation of the escort trade. He suggested that because of market competition, it is common practice for managers and owners to register their escort operation under several separate names:

When I started I used only to advertise in the Daily Telegraph in the personal column. Back in about 1976 there were only about eight agencies in Sydney advertising under the escort agency classification. Subsequently they grew in numbers to about seventy-eight before the Daily Telegraph abolished any advertising in that category. So to have one chance in seventy-eight of getting a call was pretty slim.

What I had to do then was register a few other business names so that I had four chances in seventy-eight. It adds to your chances of getting bookings. Everybody else seems to be doing the same thing. Instead of one, they have four or five, so the percentage is higher of getting a booking.²⁴

3.5.2 According to his calculations, Sydney City would have approximately 20–25 agencies. This would represent 90 per cent of total escort agencies in the State. 'I would say about 90 per cent of them would be in Sydney, and only 10 per cent in the suburbs or country areas.'

3.5.3 The difficulties in estimating the size of the trade were many. Some escort agency owners denied that their establishments offer any prostitution services. It is apparent that a percentage of brothels offer escort prostitution, with brothel employees catering to 'outcall' requests. During periods when business is slack, other prostitutes employed regularly indoors in massage parlours or brothels are likely to accept temporary escort agency work on evenings or weekends to supplement income. And, as discussed, many agencies register as several different businesses. For these reasons the Committee calculated the extent of the escort trade with caution.

3.5.4 The prostitution advertisement survey previously discussed was used as the basis for the Committee's figures.

²⁴ Evidence in camera, 1984.

3.5.5 Analysis showed that a minority of individual or small group advertisers offered escort services exclusively (Table 3.9).

The Committee's estimate of the total number of escort agencies

3.5.6 The extent of escort prostitution can be defined in two ways. It can include all brothels that offer 'out calls' as well as escort agencies. Or, it can include only escort agencies.

3.5.7 First, the number of brothels offering additional escort services can be estimated. Table 3.9 indicates that thirteen individual, four small-group and 78 establishment telephone numbers offered escort prostitution as well as on-premise brothel services.

Table 3.9 The estimated number of escort agencies and brothels offering off-premise escort prostitution.

Advertiser	Distinct telephone numbers for on-premise services as well as off-premise escort prostitution	Estimated number of brothels offering off-premise escort prostitution	Distinct telephone numbers for off-premise escort prostitution	Estimated number of escort agencies
Individual	13	7	5	3
Small group	4	4	4	2
Establishment	78	68	81	41
Total	95	79*	90	46*

* Throughout this section totals are rounded off in the text.

3.5.8 Based on its telephone survey (Table 3.6), the Committee assumed that one-half of individual advertisers were small brothels. The Committee assumed that 25 per cent of establishments operated with two distinct telephone numbers.

3.5.9 The Committee estimated that throughout the State approximately 80 advertised brothels offered escort services as well as prostitution on the premises in September 1984.

3.5.10 Second, the Committee estimated the number of agencies that offered escort prostitution exclusively. Ninety separate telephone numbers (Table 3.9) referred only to escort agency prostitution.

3.5.11 Based on the telephone survey (Table 3.6), the Committee assumed that one half of individual advertiser telephone numbers (three of five) represented agencies.

3.5.12 Escort agency owners suggested it was common practice to register every escort operation as several businesses. The Committee accepted that multiple names and telephone numbers per escort agency were the norm. The Committee assumed that distinct telephone numbers needed to be reduced by 50 per cent to estimate the probable number of separate escort agencies.

3.5.13 The Committee estimated that in September 1984 there were approximately 45 separate escort agencies advertised in New South Wales.

The Committee's estimate of the number of escort prostitutes

3.5.14 The number of escort prostitutes could be estimated in two ways.

3.5.15 Independent, brothel-based and escort agency-based prostitutes could be estimated to offer the total number of prostitutes involved in all types of escort work. This option involved recounting brothel prostitutes.

3.5.16 The Committee favoured a second way. It estimated the number of independent, individual escort workers as well as the number of prostitutes employed by the estimated 45 separate escort agencies throughout the State. Estimates were based on the number of distinct telephone numbers for escort prostitution exclusively derived from the Committee's prostitution advertisement survey.

3.5.17 Table 3.10 presents the assumptions made by the Committee.

3.5.18 It is assumed that five individual advertiser telephone numbers can represent either three small escort agencies or no escort agency, but one to three escort prostitutes working from their own homes or units.

3.5.19 From interviews and evidence the Committee assumed that escort agencies had between two and twelve prostitutes working every 24 hours.

3.5.20 Ten distinct establishment telephone numbers operated 24 hours per day. It was assumed that between ten and twelve prostitutes worked from these five premises.

3.5.21 The Committee assumed that escort agencies operated between three and seven days per week.

Table 3.10 The estimated number of independent and separate escort agency prostitutes employed* on an average day in September 1984.

Type of advertiser	Number of distinct telephone numbers for off-premise escort prostitution	Estimated number of escort agencies	Estimated number of prostitutes working per day	Number of days working per week	Total number of prostitutes working on any one day
Individual	5	0 or 3	1-3 or 2-3	3-4	0-2 or 3-5
Small group	4	2	2-4	3-5	2-6
Medium establishment	71	36	4-8	7	144-288
Large establishment	10	5	10-12	7	50-60
Total	90	46			199-361

* It is recognised that escort managers may have many times more prostitutes 'on the books' than are actually offered work in any one day. This table refers to the likely number of prostitute employees actually working.

3.5.22 To estimate the number of escort prostitutes working from medium-sized agencies (those establishments which do not operate 24-hours per day) for example, the Committee multiplied the estimated number of medium escort agencies by the estimated number of prostitutes working per day, by the number of days independent prostitutes or agencies are estimated to operate per week. The total was divided by seven to estimate the number of escort prostitutes working on an average day in September 1984, as in Table 3.10.

3.5.23 From these assumptions, the Committee estimated that on an average day in September 1984 there were between 200 and 360 escort prostitutes working as advertised independent escorts as well as for publicised separate escort agencies in New South Wales.

3.6 Bar Prostitution

3.6.1 The Committee obtained less information about prostitution in drinking places than either street, brothel or escort activity. Hearing and interview information offered isolated examples of female, transsexual, male homosexual and male heterosexual prostitutes using bars as a place for customer contact. In some instances rooms in the hotels or attached to the bars were described as available for business. These examples did not indicate the extent of the bar prostitution trade.

3.6.2 One transsexual prostitute estimated in camera that about 40 transsexuals would be 'working bars' throughout the State. This figure has neither been confirmed nor denied by other witnesses.

3.6.3 Unlike the estimates for street, brothel and escort prostitution, the Committee's estimate of bar prostitution was not based on empirical research. It is presented as a conservative estimate as the Committee assumes that bar prostitution occurs in country areas.

3.6.4 The Committee assumed that between 60 and 100 prostitutes were involved in bar prostitution on an average September day, 1984.

3.7 Home and Unit Prostitution

3.7.1 It is difficult to estimate the extent of home and unit prostitution. This type of prostitution is the most clandestine sector of the trade. Prostitutes do not necessarily advertise and may rely on telephone contact with known customers. Individuals who operate discreetly may work unknown even to neighbours.

3.7.2 Superintendent Shepard, then Officer-in-Charge of the Vice Squad, suggested that there is significant prostitution operating in home unit blocks that the Vice Squad does not know about. In February 1984 police knew of twenty home units where prostitution operated. It was suggested that that number could be doubled, at least, to get an estimate for the number of such places being used for prostitution in Sydney.

3.7.3 Other estimates suggested between ten and 100 times the police figure. One manager of an escort agency remarked that there are 'a few hundred' prostitutes working privately at home in a 'one girl-one unit situation'.²⁵ A member of the Australian Prostitutes Collective stated:

I believe there are thousands of prostitutes we just do not know about because they advertise from their own homes, very discreetly and very privately. They have appointments, like

25 Evidence in camera, 1984.

*anybody else, and people coming and popping the car in the back. It is much more discreet.*²⁶

The Committee's estimate of the number of prostitutes involved in home and unit prostitution

3.7.4 The Committee used the prostitution advertisement survey to estimate the size of the home and unit trade. This survey of business ads from a one-week period, 9 to 15 September, 1984, suggested there were approximately 135 individual advertisers throughout the State. A second telephone survey conducted by the Committee suggested that about half individual advertisers were, in fact, small brothels (Table 3.6).

3.7.5 The Committee also assumed that the vast majority of prostitutes involved in home and unit prostitution worked part-time, for several days a week.

3.7.6 The Committee estimated that on an average September day, 1984, there were about 35 prostitutes in New South Wales who advertised from homes and units.

3.7.7 The Committee assumed that many workers in this type of prostitution do not contact customers through newspapers. In the countryside the operation of such prostitution is particularly discreet.

3.8 The Committee's Estimate for the Total Prostitute Population

3.8.1 The Committee does not offer any reliable estimate for the extent of juvenile prostitution.

3.8.2 The Committee estimated adult involvement in the trade. The estimate of street prostitutes was based on the Task Force count. The estimate of workers in brothel, separate escort and home and unit prostitution was based on advertised services during a one week period. The estimate of bar prostitutes was based on information from evidence and interviews.

3.8.3 Numbers by type of prostitution on one day²⁷ were as follows:

- street prostitution: 175 persons
- brothel prostitution: 1015 to 1510 persons
- separate escort prostitution: 200 to 360 persons
- bar prostitution: 60 to 100 persons
- home and unit prostitution: 35 persons

3.8.4 The Committee estimates that on one day (in July 1985 for street prostitution and in September 1984 for other types) there were approximately 1500 to 2200²⁸ identifiable prostitutes working throughout the State.²⁹

3.9 The Customer Population

3.9.1 Some estimates of the male customer population in Australia simply are

²⁶ Roz Nelson, for the Task Group on Prostitution, in evidence 12 September 1983:82.

²⁷ In the case of street prostitution, one 'busy day' refers to July 1985. For other categories one 'average day' relates to September 1984. All categories refer to a 24 hour period.

²⁸ The Committee has rounded off the total of 1480 to 2180 persons to about 1500 to 2200.

²⁹ The Committee does not offer any estimate of prostitutes working over an extended period. Turnover, amount of days prostituting, would probably differ by gender and type of prostitution. At present, any estimate of prostitutes involved during a one-year period, for example, would be so speculative as to be of questionable reliability.

reinterpretations of Alfred Kinsey's survey results from his 1948 publication concerning the sexual habits of American men. One Australian study suggests: 'Authorities in this country doubt whether more than ten per cent of Australian males have ever had relations with a prostitute — and no more than two or three per cent can be considered as regular clients.'³⁰

3.9.2 If one were to compute the customer population from demand, one would calculate the appropriate percentage from the total adult male population. Unfortunately the suitable percentage is unknown in Australia. So far, with the absence of empirically founded information, such numbers are based largely on guesswork.

3.9.3 Some observers of prostitution have suggested that customers to prostitutes exist in a weekly ratio of anywhere from 15:1 to 50:1. It is difficult to determine the appropriate ratio for New South Wales.

The Committee's estimate of the customer population

3.9.4 Rather than estimating the number of people who would use prostitution services in their adulthood or even in a one year period, the Committee decided to base customer use of prostitution services on the average number of customers frequenting prostitutes on one day. Customer estimates were based on the Committee's estimate for the total prostitute population.

Table 3.11 The estimated minimum number of customers* using prostitution services based on the estimated number of prostitutes working on one day.**

Type of prostitute	Estimated number of prostitutes working on one day	Minimum number of customers using prostitute services per day	Total customers frequenting prostitutes in 24 hour period
Street 8 hours or less per day	123	7	861
Street 8 hours or more per day	52	15	780
Small brothel	90–197	2	180–394
Medium to large brothel	926–1315	5	4630–6575
Separate escort	200–360	2	400–720
Bar	60–100	2	120–200
Home and unit	35	2	70
Total	1485–2180		7041–9600*

* The Committee estimates that the *maximum* number of customers could be as high as two times the minimum total.

** Street prostitution estimates relate to July 1985. Other estimates are for September 1984.

3.9.5 Table 3.11 indicates that seven separate customer-prostitute ratios were used by the Committee to estimate the customer population.

3.9.6 The two ratios for street prostitutes were derived from a recent study which indicated that female streetwalkers in Darlinghurst worked anywhere from three to 95 hours per week in February to April 1983.³¹ However over two-thirds (70 per cent) worked less than eight hours per day in a one week period. Almost one-quarter (24 per cent) worked 56 hours or more per week. The remainder were unknown. Overall male and transsexual streetwalker soliciting hours were fewer than for their female counterparts. These percentages have been incorporated into the Committee's estimate of 175 street prostitutes. The Committee assumed that all prostitutes soliciting illegally would be working a minimum of eight hours. This means that approximately 52 prostitutes on a busy day in July 1985 were estimated to have worked a minimum of eight hours (and perhaps as many as thirteen and a half hours). This group was assumed to have a minimum of fifteen customers each per day. Those street prostitutes working less than eight hours per day were assumed to have a minimum of seven customers.

3.9.7 From evidence and interviews the Committee assumed that prostitutes operating in different sectors of the trade had different numbers of customers (see Table 3.11).

3.9.8 In sum, the Committee estimated that during the months in consideration (July 1985 for street prostitution, September, 1984 for other types) there were a minimum of about 7000 to 9600 customers using prostitute services on one day.

3.9.9 The minimum estimate for the customer-prostitute ratio was approximately 5:1.

The Committee's estimate of customer expenditure on prostitution

3.9.10 To calculate the amount of money spent on prostitute services in one day, the Committee multiplied the estimated number of customers frequenting prostitutes by estimated charges.

3.9.11 Prices vary by type of prostitution. Money spent is also dependent on amount of time engaged with any particular prostitute. Additionally, brothel prostitutes commented in interview that about one in ten men asked for 'fantasy extras'. Some brothels offer shows for private viewing (perhaps involving two nude females) which significantly altered the final amount of money spent. Information suggested that bar prostitution involved the greatest range of prices. Charges were as high as \$150 in some instances and as low as \$20 in other circumstances.

3.9.12 From hearing and interview information, the Committee estimated that standard charges for different types of prostitution were as follows:

- street: \$20-30
- brothel: \$20-80
- separate escort: \$90-120
- bar: \$20-100
- home and unit: \$50-100.

3.9.13 Table 3.12 suggests that on one day during the months in consideration the minimum amount spent by customers was between \$171000 and \$720000.

³¹ G. Travis, 'Soliciting in Darlinghurst: Female, Transsexual and Male Street Prostitutes Talk about their Work', NSW Bureau of Crime Statistics and Research, Department of the Attorney-General, Sydney, 1986.

3.9.14 The Committee estimated that annually a minimum customer expenditure on prostitution would be between about \$62 and \$263 million.

Table 3.12 The minimum amount of money spent on one day* by customers of prostitute services State-wide.

Type of prostitution	Estimated charge in dollars per customer contact	Minimum number of customers frequenting prostitutes on one day	Expenditure in dollars on one day
Street	20-30	1641	32820-49230
Brothel	20-80	4810-6969	96200-557520
Separate escort	90-120	400-720	36000-86400
Bar	20-100	12-200	2400-20000
Home and unit	50-100	70	3500-7000
Total			170920-720150

* Street prostitution figures relate to a busy day in July 1985. Other estimates are for an average day in September 1984.

3.10 The Comparative Size of the Prostitute Populations in Victoria, South Australia and Western Australia³²

Victoria

3.10.1 In September 1984 the Victorian Government established an Inquiry into Prostitution to examine the social, economic, legal and health aspects of prostitution in that State. In general, figures were based on a variety of sources including estimates made by prostitutes, operators of prostitution services and the police.³³

3.10.2 The Inquiry estimated that in July 1985 120 brothels, 25 major escort agencies and a dozen smaller ones were known to be operating. Overall the Inquiry estimated that between 3000 and 4000 prostitutes were working regularly in Victoria.

3.10.3 Additionally, they believed that approximately 150 people worked as street prostitutes in Melbourne regularly.

South Australia

3.10.4 During the Committee's interstate delegation visit to South Australia, police officials offered their department's estimates for the size of Adelaide's prostitution trade. In July 1984 the police estimated that 250 prostitutes operated in Adelaide. It was stated that there were eleven brothels and 42 escort agencies in the city.

³² As the Committee visited Victoria, South Australia and Western Australia, these States were included in this comparison. The Committee did not have reliable estimates for other States.

³³ See *Inquiry into Prostitution, Final Report*, Victoria, October, 1985:46-48.

Western Australia

3.10.5 During the Committee's visit to Perth, material was made available which suggested that in 1984 there was an active prostitute population of approximately 330 persons in Western Australia.

3.10.6 The breakdown by type of prostitution is as indicated in Table 3.13. Three quarters (75.8 per cent) of prostitutes were brothel or massage parlour employees. Less than 1 per cent were involved in either escort work or street prostitution. The Committee believed the figure for escort prostitution, however, was unrealistically low, particularly in the light of the Committee's investigations. An additional estimate from Western Australia suggested there were sixteen brothel/massage parlours and two escort agencies. Other figures for parlour prostitutes and single operators were thought to be reliable, however.

Table 3.13 The approximate number of active prostitutes in Western Australia in 1984 by type of prostitution.

Type of prostitution	Number	Percentage
Brothel/massage parlour	250	75.8
Escort	3	0.9
Single operator	65	19.7
Street	2	0.6
Unknown	10	3.0
Total	330	100

3.10.7 As Western Australian figures for the prostitute population related to the total number of active prostitutes, rather than the estimated number working on one day as calculated for New South Wales, the Committee cannot assess the comparative level of prostitute activity in the two States.

3.10.8 However it does appear that New South Wales has a prominent level of street prostitution in comparison with other States.

3.11 Conclusion

3.11.1 The Committee recognised the many obstacles involved in estimating the size of the prostitution trade. To as great an extent as possible, figures were founded on research, on data gathered in hearings and on informal interviews. Still, lack of empirically based information necessitated some reliance on educated guesswork.

3.11.2 The method of deriving the approximate number of brothels, prostitutes and customers has been set down in detail for present consideration and as a means of encouraging further use. It is hoped this will allow for future comparisons.

3.11.3 The Committee cannot offer any reliable figure for the extent of juvenile involvement in prostitution.

3.11.4 The Committee used ten different sources to assess the amount of adult involvement in the trade (see para. 3.1.9).

3.11.5 The Committee estimates that in New South Wales:

1. On a busy day in July 1985 there were approximately 175 adult persons soliciting on the streets.
2. In September 1984 there were approximately 260 advertised brothels in operation.
3. On an average day in September 1984 there were at least 1015, but no more than about 1510 brothel prostitutes working in advertised premises.
4. In September 1984 there were approximately 80 advertised brothels which offered escort services as well as prostitution on the premises.
5. In that month there were about 45 separate escort agencies advertised.
6. On an average day in September 1984 there were between 200 and 360 individuals advertised as independent escort prostitutes and prostitutes for publicised separate escort agencies.
7. Between 60 and 100 prostitutes were involved in bar prostitution on an average day.
8. Approximately 35 individuals advertised prostitution services from homes and units on an average September day, 1984.
9. There were an estimated 1500 to 2200 total prostitutes working on one day (a busy day in July 1985 for street prostitution and an average day in September 1984 for other types).
10. During the months in consideration there were a minimum of about 7000 to 9600 customers using prostitute services on one day.
11. For this period, the minimum customer-prostitute ratio was approximately 5:1.
12. Customers spent a minimum of between \$171,000 and \$720,000 on prostitute services on one day.

4.1.1 Clients are by far the largest of the groups involved in prostitution; in 1983 it was estimated that prostitutes in inner Sydney each saw an average of 40–50 clients a week.¹ The Committee's own study of openly advertised prostitution suggests that in one week of September 1984 there was a minimum of 18 200 client–prostitute contacts in New South Wales. Since other evidence indicates that few clients visit prostitutes more than once a week, it is reasonable to assume that the minimum number of actual clients was not far below that figure. The overwhelming majority of those clients are male. The study also indicated that most of this 'visible' sexual commerce takes place in the Sydney area.

4.1.2 People living and working in certain parts of Sydney are only too aware of clients' activities. But, as far as the rest of society is concerned, prostitutes' customers remain invisible. It is a truism that without clients there would be no prostitution, but this truism has had little impact upon the literature of prostitution or upon public policy. Of all the groups involved in prostitution clients have, until recently, received the least attention from researchers. Nor do clients appear in crime statistics. In New South Wales it is an offence for any person to solicit another person for the purposes of prostitution in proscribed areas. This provision should cover the actions of males and females, customers and workers. As of July 1985 the Vice Squad had arrested one client under section 8A of the Prostitution Act. Yet the courts dealt with over 800 soliciting offences in the twelve months following the introduction of section 8A in April 1983.

4.1.3 Why have clients enjoyed this relative privacy? It would seem that police, public opinion and some researchers assume that clients are only doing something natural when they buy sex, although prostitutes are regarded as 'deviant' when they sell it.

4.1.4 There are some exceptions to this rule: the customers of male and transsexual prostitutes are regarded by some commentators as being themselves deviant. If it can be established that male prostitutes are less than eighteen years, their clients are liable to prosecution under section 78 of the Crimes Act.

4.1.5 The double standard protects most clients, but it also means that laws and policies are often framed without reference to them. This Committee sought to construct a profile of clients, to identify their demands and to trace any changes in the pattern of demand over the last twenty years. The Committee recognised that any reforms it proposed may well stand or fall upon the attitudes and behaviour of clients.

4.2 Issues Examined: Clients and their Motives

4.2.1 Who are the clients and what do they want? Two contrasting explanations of client behaviour can be found in the modern literature of prostitution. Both were evident in submissions to this Committee and both have clear consequences for prostitution policy.

4.2.2 The clearest statement of what may be called the traditional view is to be found in a 1937 article by Kingsley Davis. He noted that many clients were married, but he predicted that 'sex freedom' would increasingly enable both the married and the single to satisfy their 'craving for variety'. Davis argued, however, that there would always be an irreducible core of clients and he defended prostitution in the interests of those clients. Prostitution enabled a 'small number of women to take care of the needs' of 'the legions of strangers, perverts and physically repulsive in our midst'.²

1 R. Perkins and G. Bennett, *Being a Prostitute*, Allen and Unwin, Sydney, 1985:16. In 1971 it was estimated that the 'average' Sydney prostitute had 30-60 clients a week (P. Wilson, *The Sexual Dilemma*, University of Queensland Press, St Lucia, 1971:66). Overseas estimates are more modest. For example, in 1982 it was estimated that English provincial prostitutes saw an average of seventeen clients a week (E. Macleod, *Working Women: Prostitution Now*, Croom Helm, London, 1982:12.

2 K. Davis, 'The Sociology of Prostitution', *American Sociological Review* 2, 1937:755.

4.2.3 This emphasis on male sexual needs and outlets is a common theme in prostitution debates. Single, transient and unattractive men are deemed to have 'normal' sex drives which can and indeed must be satisfied. If prostitutes do not channel off this sexual energy, so the argument runs, the needs will find another outlet. Certain prostitute witnesses before the Committee described clients and their demands in these terms and they called for recognition of their work as a form of social service. Their arguments received some support from sex therapists and social workers. Little, however, has been said about the needs of transient, unattractive or handicapped women.

4.2.4 The traditional view has clear policy implications: it suggests that demand is an expression of legitimate needs which should be accommodated not repressed. It carries the further implication that demand is in some way 'manageable' or predictable since it comes from specific and identifiable groups. People who accept these premises also tend to argue that there is a single or simple solution to the social and environmental problems presently associated with the practice of prostitution.

4.2.5 From the mid-1970s, however, researchers began to document changes in the nature of the demand for prostitution. It was noted that prostitution continued to thrive despite — rather than because of — 'sex freedom'. New clients were coming forward with new demands. A series of United States studies demonstrated that married men were prominent in the client population of the 1970s, whereas the Kinsey Report had claimed that single men were in the majority in the late 1940s.³ These studies claimed that the typical client was not lonely, handicapped or transient; he was Mr Average.⁴

4.2.6 At the same time feminist critics were making a frontal assault upon the notion of innate differences between male and female sexuality. These views were reflected in certain submissions to the Select Committee. The Women's Advisory Council argued that 'the belief that men's sexual needs are urgent and uncontrollable' is 'patently absurd'.⁵

4.2.7 This second or revisionist approach to the question of demand suggests that many clients are not acting on a simple biological imperative. Some are motivated by boredom or curiosity. It also suggests that demand is susceptible to advertising and marketing techniques. The sexual revolution of the 1960s and 1970s — as packaged and sold in magazines such as *Penthouse* and *Playboy* - stimulated the demand for a variety of sexual partners and practices. Often this demand could only be met within prostitution.

4.2.8 This line of argument also has certain implications for prostitution policy. If demand can be stimulated, can it also be reduced by community education programmes? The Select Committee's overseas delegation noted that such programmes have been implemented with mixed success in some areas of Sweden. In New South Wales certain church and women's organisations argued that the State government should adopt a similar strategy.

4.2.9 Both these approaches were evaluated in the course of the Committee's inquiries and the arguments for and against each approach are presented in this chapter. The Committee ultimately concluded that the second approach was consistent with the evidence on recent changes in the demand for prostitution. The Select Committee, therefore, addressed the feasibility and desirability of reducing that demand, as well as the management of existing demand.

3 A.C. Kinsey et al. *Sexual Behaviour in the Human Male*, W.B. Saunders, Philadelphia, 1948:281-85, 597-608.

4 See, for example, M. Simpson and T. Schill, 'Patrons of Massage Parlours: Some Facts and Figures', *Archives of Sexual Behaviour*, 6, 6, 1977:521-25; E.G. Armstrong, 'Massage Parlours and Their Customers', *Archives of Sexual Behaviour*, 7, 2, 1978:117-25.

5 Submission of the New South Wales Women's Advisory Council.

On the latter question the Committee concluded that no single policy solution can accommodate the demands of a varied clientele.

4.3 Methods and Sources

4.3.1 In its investigation of these issues, the Committee was able to draw upon a growing body of literature dealing with the demand for prostitution as well as unpublished data provided by witnesses. But the Committee's chief resource was the first-hand testimony of people involved in or affected by prostitution.

4.3.2 A small number of clients were questioned exhaustively in formal hearings or informal interviews. A further 58 customers were prepared to answer a short anonymous questionnaire which covered their background, motives, practices, and suggestions for prostitution policy. They were all men who had visited a prostitute in the last two years. Twenty-one of these men completed questionnaires in response to press and radio appeals for assistance, while the other 37 were contacted through the Sydney STD Centre. Fifty-six of the respondents visited female prostitutes, one visited transsexuals and one males only.

4.3.3 Working and former prostitutes provided the Committee with a great deal of information about clients and their demands. Most of these witnesses were adult females or transsexuals. To supplement their testimony the Committee made use of a 1983 survey of street prostitutes in Darlinghurst.⁶ This survey, which was conducted by Gail Travis for the New South Wales Bureau of Crime Statistics and Research, also covered the experiences and opinions of young male prostitutes. In addition several submissions to the Select Committee contained interviews and surveys, which involved male, female and transsexual prostitutes working in a range of inner-city and suburban venues. The question of demand was addressed in all these submissions.

4.3.4 The Committee also heard from a third group of witnesses, who may be called observers of prostitution. This group included 'involuntary' observers; largely residents and business people who claimed that their lives and interests had been adversely affected by the behaviour of clients. It also included 'professional' observers such as sex therapists as well as church, medical and social workers who came into contact with prostitutes and their clients. Finally certain submissions, notably those from women's groups, offered theoretical analyses of the demand for prostitution.

4.4 Problems

4.4.1 Although the Committee's wish to contact clients was well publicised, customers remained elusive. Those men who gave evidence or responded to the Committee's questionnaire constitute a small and possibly unrepresentative sample of the client population. Statistics on the age and marital status of our respondents should, therefore, be treated with caution. The main value of interviews, hearings and questionnaires lay in the qualitative data provided, especially in the clients' comments on policy or discussion of their own motives.

4.4.2 Most evidence on clients and their demands came from prostitutes. It has been suggested that prostitutes, although they are uniquely well informed, are not reliable or objective commentators upon their clientele.⁷ It is true that the interests of prostitute and client do not naturally coincide; they are often in conflict over crucial issues such as time and money. And it

6 G. Travis, *Soliciting in Darlinghurst: Female, Transsexual and Male Prostitutes Talk about their Work*, New South Wales Bureau of Crime Statistics and Research, Attorney-General's Department (forthcoming).

7 H.R. Holzman and S. Pines, 'Buying Sex: the Phenomenology of Being a John', *Deviant Behaviour*, 4, 1982:92.

would not be surprising if some prostitutes, who may make up to 80 sexual contacts in a week, were to develop a somewhat jaundiced view of the customer. The Travis survey found that sixteen out of 50 female respondents, three out of nine transsexual respondents and eight out of fourteen male respondents expressed primarily negative feelings about their customers.⁸ Even so their dislike of clients' behaviour need not invalidate their estimations of clients' ages and places of residence. It should also be noted that the Select Committee heard from several prostitute witnesses, including some long-established workers, who offered thoughtful and reasonably sympathetic analyses of their customers. While clients remain reticent, the comments of prostitutes — both negative and positive — will remain the best source of information about the demand for prostitution.

4.4.3 If there was a bias in our sample of prostitute witnesses, it lay in the fact that people prepared to come before a Select Committee were likely to be fairly confident and articulate. These were prostitutes who could exercise a measure of control over their encounters with customers. They may well have been typical workers, but they themselves often referred to other prostitutes — usually drug-affected prostitutes — who would 'take anyone' and 'do anything'. The Travis survey was particularly useful here, because it covered the whole range of street workers and included prostitutes who were dependent on heroin.

4.5 Profile of the New South Wales Clientele

4.5.1 The following discussion is largely based on evidence given by prostitutes. They were reluctant to make generalisations about the prostitution trade as a whole, except to say that the demand for prostitution came from men of all ages and classes.⁹ But workers talked freely about their personal clientele. Their cumulative testimony suggests that the age and class composition of a prostitute's clientele, together with the balance between regulars and casuals, may vary according to the type and location of prostitution practised as well as the age, personality and preference of the prostitute. Witnesses also pointed out that there are predictable seasonal changes in the level of demand and customer composition. Some prostitutes also saw regular variations in demand according to the days of the week. What their evidence demonstrated was the diversity of the market for sexual services in New South Wales. The Committee paid particular attention to the demand for street prostitution, since this is the most controversial element of the prostitution trade.

Age structure of the clientele

4.5.2 Most street, parlour and brothel workers stressed the wide age range of their clientele, although they generally stated that the majority of clients were in their thirties and forties. Male street workers were more precise; they estimated that the majority of their customers were in their late thirties.

4.5.3 Responses to the Committee's client questionnaire were broadly consistent with this evidence, in that 29 (50 per cent) of respondents were in their thirties and forties, while 21 (36 per cent) were in their twenties. None of the respondents was less than twenty years. But a clear and interesting division emerged between the 21 men who were contacted through the press and the 37 others who were clients of the Sydney STD Centre. Of the first group fourteen (67 per cent) were in their thirties and forties. Only three men were in their twenties. The clinic respondents tended to be younger and eighteen (49 per cent) of them were in their twenties.

4.5.4 Given the small numbers involved and the non-random nature of the sample, it would be unwise to draw firm conclusions from these findings. The differences may reflect the differ-

8 Travis (forthcoming).

9 The few female clients are a special case and will be discussed separately.

ent ways in which data was collected. One group of 21 respondents was drawn from all parts of the State, whereas the 37 clinic respondents were all Sydney residents. (It is also possible that young men are more likely than middle-aged men to visit a free public clinic when they suspect they have been infected).

4.5.5 The discrepancies between the two groups may also suggest real differences within the client population, differences which could be relevant to prostitution policy and may be obscured by discussion of the 'average' client. It should be noted that the first 21 respondents firmly identified themselves as prostitutes' clients and their answers suggest that many were regular clients. The respondents contacted through the clinic may be seen as less committed clients; seven (19 per cent) of them had only visited a prostitute once in the last two years, whereas only one of the first 21 men came into this category. Another three men in the clinic sample took the trouble to point out that they only had contact with prostitutes while overseas. In short, for ten (27 per cent) clinic respondents the purchase of sex was an unusual activity.

4.5.6 When prostitutes discussed their young clients they implied that young men constituted a distinct sector of the market. One ex-worker in an inner-city brothel stated that female prostitutes still provide sexual initiation for very young men, often at the request of the boy's relatives.¹⁰ One client even suggested that most young males visit prostitutes for initial sexual experience. This suggests a high turnover among young clients and appears consistent with the findings of the client questionnaire.

4.5.7 Witnesses noted another distinctive feature of the younger clientele. The same ex-worker mentioned the fact that young men tend to congregate in groups. Their visit to a brothel or the inner-city streets was the last act of a twenty-first birthday party, bucks' night or football club outing. Streetworkers reported that on Friday and Saturday nights Kings Cross and Darlinghurst were crowded with young male 'tourists', some of whom became customers.

4.5.8 Inner-city residents were particularly critical of these young tourists and their visits were generally unpopular with workers themselves, who frequently claimed that young clients were less courteous and more dangerous than older men. In fact some prostitutes simply refused or avoided young clients. One well-established prostitute, who worked from an inner-city house, made this comment: Friday night I'm closed because I hate that young sort of guy that comes around. You don't want to go with them.¹¹

4.5.9 One witness suggested that youthful demand was displaced onto the street.

Regular and casual clients

4.5.10 Prostitutes' testimony also showed how widely the mixture of regular and casual clients could vary. For example, certain long-established workers do not need to solicit or advertise; they have built up a small network of regular clients with whom they enjoy fairly friendly relationships. One woman reported that a client even brought his wife to visit at Christmas time.¹² On the other hand certain high-class establishments claim to depend quite heavily on a 'passing trade' of interstate and international businessmen. The manager of one expensive parlour estimated that at least 50 per cent of her clientele came into this category.¹³ Some of these did return to become regular, if infrequent, customers. The manager of a male brothel described

10 Confidential interview, 13 July 1983.

11 Confidential interview, 7 November 1984.

12 Evidence in camera, 1983.

13 Confidential interview, 21 August 1984.

the market for male prostitution as limited; this brothel did attract international tourists but the business relied on repeat and regular customers from Sydney and interstate.¹⁴

4.5.11 Many witnesses pointed out that it would be a mistake to assume that the street scene depended on casual custom. One transsexual prostitute, who solicited on the street in Darlinghurst, told the Committee that 90 per cent of her clientele were regulars. She preferred this for health and safety reasons. This witness implied that transsexuals have certain special incentives to recruit regular customers. Casual customers are less likely to know the way sex-specific 'beats' are organised in Sydney and some men can react violently when they find that they have solicited a transsexual rather than a female prostitute. But another transsexual testified that she put profit above safety; she discouraged regulars because 'they expect more for the same money'.¹⁵

4.5.12 Male street prostitutes also maintained that it was possible to build up a regular clientele on the street. One young worker said that he only had five or six clients. They were all regulars but he continued to contact them on the street because the customers clearly preferred the anonymity and/or excitement of the Darlinghurst streets.¹⁶

4.5.13 Female street workers deal with a less specialised market than males, although to some extent they share a clientele with transsexuals. It is clear that female prostitutes on the street may also attract regular customers. One streetworker estimated that approximately 40 per cent of her clients were regulars, although another put the proportion of regulars as low as 2 per cent.¹⁷ Some workers actually use street solicitation as a kind of advertising and they retire from the street once they have built up a network of clients. Once again the street prostitute's own priorities — money as against safety — are crucial in determining her clientele. But even those who resorted to the street to deal with as many customers as possible as quickly as possible encountered regulars. Interviews with drug-affected prostitutes confirmed this.

Class composition of the clientele

4.5.14 Evidence presented to the Committee did not reveal clear and consistent class differences in the demand for prostitution. There was some slight and fairly predictable evidence of differences in access. Certain clients testified that up-market establishments actively discourage working-class and lower-middle-class customers.¹⁸ An ex-prostitute described her inner-city brothel, which was both small and cheap, as a 'working-class special'. Such a comment was, however, unusual. Most prostitutes did not comment on the class composition of their clientele, except to stress the social diversity of that clientele.

4.5.15 The Committee pursued the question of class in relation to street prostitution, since it is often assumed that street-workers cater to a largely working-class clientele. This suggests that cost is the only determining factor in the client's choice of a street prostitute. There is a further implication that street prostitution is some kind of residual category of prostitution, with both clients and prostitutes being rejects from some more favoured venue.

4.5.16 To test these assumptions the Committee drew upon the comments of male, female and transsexual street prostitutes and observed some differences between their perceptions of clients' class position and place of residence. It must be admitted that these were subjective

14 Confidential interview, 30 July 1985.

15 Confidential interviews, 3 July 1984.

16 Travis (forthcoming).

17 R. Perkins, *Female Prostitution in Sydney II*, 1983:5, Appendix 4 of the submission of the Task Force on Prostitution. The Task Force comprised the Australian Prostitutes Collective, Twenty-Ten, Gays Counselling Service, Gay Rights Lobby and the Australian Transsexual Association.

18 Evidence in camera, 1984.

snap assessments of the clients, but it is interesting that the male workers interviewed by Travis consistently claimed that theirs was a largely middle-class clientele. Other submissions to the Committee made the same point, although this emphasis upon the class of customers does not emerge quite so clearly from a large-scale survey of gay youth conducted by Garry Bennett in January 1983. Over a third of gay and bisexual respondents to this survey had been or were engaged in prostitution.¹⁹

4.5.17 Observers of male prostitutes and their clients agreed that a significant proportion of those clients were men in responsible or highly visible occupations. These men, who might be married or single, were not able to publicly acknowledge their homosexual desires, despite the recent apparent liberalisation of attitudes. Street prostitution ensured their privacy. (See paras 4.5.26 ff. below).

4.5.18 Once again the statements of female and transsexual streetworkers reflected a less specialised market. Travis noted some interesting differences when male and female streetworkers described their clientele. Eighteen per cent of her female respondents used the phrase 'western suburbs', a phrase which has well-understood class connotations in Sydney. These women suggested that clients from the western suburbs tended to predominate at weekends.²⁰ But the Committee found that most female and transsexual prostitutes preferred to stress the fact that the demand for their services was independent of class. Both groups, however, insisted that the middle-class client is not unique to homosexual street prostitution.

4.5.19 Street prostitutes suggested that their diverse clientele had equally diverse reasons for frequenting the street scene. Cost was a major but not the only consideration. Male, female, and transsexual workers argued that some customers were reassured by the speed and anonymity of the services provided. They warned that certain customers would never visit a known brothel, however discreet. Yet another type of client was literally attracted by the 'bright lights' of Kings Cross. This customer found that a sense of excitement and risk was an essential part of the experience he was buying. Finally some men apparently preferred to visit street prostitutes because they could be reasonably sure that the prostitute would receive the full fee. Such men objected to paying managers and middlemen.

Ethnic composition of the clientele

4.5.20 The Committee was concerned to test the popular assumption that many or most clients are not Anglo-Australians. Unfortunately the Committee received somewhat fragmentary evidence on this sensitive issue.

4.5.21 Most of the evidence on ethnicity and demand concerned suburban operations. Dr Basil Donovan conducted a one-year study of the health of workers in one suburban massage parlour. He was told by the manager that the majority of the parlour's clients were married men of Mediterranean or South-East Asian origin.²¹ The Committee received similar testimony from certain suburban workers. For example, a female prostitute reported on one brothel where clients nearly all came from one ethnic group.²² A woman who managed a brothel in the inner-west of Sydney also described the bulk of her clientele as 'ethnics'.²³

4.5.22 It would, however, be dangerous to base any conclusions on a small number of sub-

19 G. Bennett, *Young and Gay. A Study of Gay Youth in Sydney*, Twenty-Ten, Sydney, 1983:17, Appendix 5 of the submission of the Task Force on Prostitution.

20 Travis (forthcoming).

21 B. Donovan, 'Gonorrhoea in a Sydney House of Prostitution' *Medical Journal of Australia*, 3 March 1984: 268.

22 Confidential interview, 5 August 1985.

23 Confidential interview, 25 September 1983.

urban brothels, especially as there is evidence to suggest that clientele may vary according to the location of the enterprise. Suburban operations tend to draw on a local clientele. The social-demographic map of Sydney, therefore, would ensure that there is some ethnic patterning in suburban prostitution, just as there is in the provision and consumption of other services.

4.5.23 Most of the prostitute witnesses either did not comment on the ethnicity of clients or stressed the variety of clients' backgrounds. This holds true for street and brothel workers from the inner city and the suburbs. The evidence of a handful of suburban workers should, therefore, be seen in this context. It is also worth noting that the overwhelming majority of prostitution-related advertising is placed in English-language papers; very little of it is to be found in the ethnic press.

4.5.24 Of the 58 respondents to the Committee's client questionnaire, 48 (83 per cent) were Anglo-Australasian. Thirty-seven men were born in Australia, three in New Zealand and eight in Britain. Anglo-Australasians predominated in both subgroups, although this was most marked among the first 21 respondents. Only one of these men was born outside Britain, New Zealand or Australia. Of course these men were responding to publicity in English-language media, but the 37 respondents recruited in the relatively cosmopolitan atmosphere of the Sydney STD Centre were still largely Anglo-Australasian. Six of them were born in Europe, two in South-East Asia and one in South Asia. Although it cannot be claimed that this was a representative sample of the client population, it is not necessary to do so to cast doubt on the belief that prostitution belongs to ethnic minorities.

4.5.25 The Committee could not conclude that the general demand for prostitution comes primarily from non-Anglo-Australian groups. Nor did the New South Wales Committee detect any clear ethnic variations in demand. In Victoria, there is some evidence that Mediterranean-born men are disproportionately represented among the clients of street prostitutes.²⁴ By contrast Sydney witnesses did not make an explicit association between street custom and certain ethnic groups. The difference in the Victorian and New South Wales findings may owe something to the fact that street prostitution in Sydney is conducted on a larger scale and is more centrally located than street prostitution in Melbourne.

Marital Status of the Clientele

4.5.26 Overseas studies suggest that the majority of clients are married,²⁵ and much of the evidence taken by this Committee indicates that this is true of New South Wales. When asked to estimate the proportion of married clients, prostitute witnesses displayed an unusual level of agreement. Parlour, brothel and streetworkers — both female and transsexual — used phrases such as 'a lot', 'many' and 'most'. Twelve street and brothel workers, cited in a submission from the Task Group on Prostitution, gave estimates which ranged from 50 to 90 per cent. The three streetworkers in this sample calculated that 50, 60 and 90 per cent of their customers were married.²⁶ Prostitutes testifying before the Committee also made estimates within the 50 to 90 per cent range.

4.5.27 It was not always clear exactly how respondents interpreted the word married. The Task Group respondents were asked to include de facto husbands in their estimates. Their additional comments on marriage breakdown and separation suggest that they also included men who were legally married but not cohabiting. It is likely that most prostitute witnesses included recently separated men in calculations of their married clientele. Even with this proviso

24 *Inquiry into Prostitution: Final Report*, Melbourne, 1985:94.

25 See for example, Macleod, 1982:13; Simpson and Schill, 1977:522.

26 Perkins, 1983:6, Appendix 4 of the submission of the Task Group on Prostitution.

it appears that men living with partners make up a significant proportion of the New South Wales clientele.

4.5.28 Male prostitutes also stressed the fact many of their clients were married. A few of Bennett's respondents discussed their customers and suggested that their clients were largely 'men who are insufficiently secure in their homosexuality as to be unable to participate in the gay "scene"'.²⁷ The majority of such clients were married men living with their wives; they paid brief visits to the gay beats without disrupting their marriages and suburban lifestyles. A Committee witness confirmed this analysis and claimed that these clients represented at least 50 per cent of the demand for male prostitution.²⁸ It should be noted that these comments referred to the state of demand before AIDS was perceived as a real threat to bisexual men.

4.5.29 On this issue the findings of the client questionnaire do not agree with overseas studies or prostitute testimony. Only seventeen of the 58 respondents were living in marital or de facto relationships, while 33 (57 per cent) of them were single. The remainder were separated, divorced or widowed. It was on the question of marital status that the discrepancies between the two groups of respondents were most marked. Twelve of the first 21 respondents were married, while five were single. In other words this small group confirmed the observations of prostitute witnesses. But 28 (76 per cent) of the clinic respondents were single and only five were married or living with a partner. It has already been noted that clinic respondents were younger than the men contacted through the press.

4.5.30 These figures would seem to support the traditional belief that prostitutes' clients are simply men without sexual partners, but all the other evidence received contradicts this belief. The Committee could not resolve this paradox, although it did note the fact that the first group of 21 men, who tended to be over 30 and married, also tended to be more regular clients than the 37 clinic respondents. Once again the small number of respondents must be stressed.

4.5.31 The Committee's survey of 58 clients does point to the dangers of generalising about the typical client. It could be considered as a pilot survey of the New South Wales clientele and suggests a need for further research into distinctions within the client population.

The Committee recommends:

- **1. The Sydney STD Centre be commissioned to organise a one-year study of prostitutes' clients, drawing respondents from STD clinics, private practice and the general public.**

4.5.32 The evidence presented to this Committee suggests that customers' motives, behaviour, preferences and backgrounds vary widely. It does not support the assumption that there can be one simple solution to the problems associated with prostitution. The Committee, therefore, took into account the diversity of the clientele when debating issues such as street soliciting or the establishment of a red-light area. Conclusions on these and other policy questions are set out in chapter 10.

4.5.33 The Committee did not, however, consider that its function was simply to manage demand. It considered the argument that demand could and should be reduced in the light of Committee findings on clients. The variety of customers and the fact that many of them are married men prompted further investigation into the nature of the demand for prostitution.

²⁷ Bennett, 1983:55, Appendix 5 of the submission of the Task Group on Prostitution, Appendix 5.

²⁸ Terry Goulden, Director, Gays Counselling Service of New South Wales, in evidence, 14 November 1983:50.

4.6 The Nature of Demand

4.6.1 Male prostitutes were least communicative about their clients' practices and demands. This reticence accords with the claim that there is a certain solidarity between male prostitute and male client, although it is not consistent with the critical attitudes which Travis detected. Male prostitutes' clients do appear to differ from other customers in one important respect. Male workers often used the words 'fussy' and 'selective' to describe their clientele. Male witnesses made it clear that customers required good looks and especially youth in a prostitute. Although female prostitutes may continue working into their fifties and sixties, male workers estimated that a male street prostitute's career would not extend beyond his mid-twenties. Other witnesses confirmed this, although one observer drew attention to the existence of older male workers²⁹ beyond the Kings Cross area. Most of these comments were made before the threat of AIDS reduced the number of male prostitutes and the demand for their services.

4.6.2 Female and transsexual workers discussed their customers' motives and preferences at some length. The following discussion of demand, is therefore, restricted to the experience of women and transsexuals. It draws especially on the testimony of older workers who have witnessed important changes in the nature of demand over the last twenty years.

4.6.3 It should be repeated that many workers claimed that they deserved recognition as sexual therapists/social workers. They therefore insisted that prostitutes were essentially fulfilling pre-existing needs. Witnesses echoed Davis' arguments when they pointed to the legitimate sexual needs of the handicapped, the unattractive, the recently separated and the unhappily married.

4.6.4 In these arguments they received some support from police witnesses and from Dr Derek Richardson, President of the Australian Society of Sex Educators, Researchers and Therapists: 'there is a need for sexual outlets for certain members of the population, particularly those who are disadvantaged, such as the disabled'.³⁰ He appeared critical of the general social embarrassment and ignorance concerning the sexuality of the handicapped and defended the work of prostitutes as de facto therapists. He did, however, argue that handicapped women should have rights and facilities equivalent to those of men.

4.6.5 Clients also tended to emphasise innate sexual needs; one of them referred to the 'basic animal needs' of 'healthy men'. The Committee's client questionnaire asked customers why they visited prostitutes. Several single, divorced and separated men simply pointed out that they had no partner and felt that no further explanation was needed. The following comments from a single man represents this type of response: 'From time to time the urge arises to go and have sex with a prostitute and I then fulfil that urge'.

4.6.6 This emphasis on the urgency of innate sexual needs was rejected by certain church, community and women's groups who came before the Committee. Representatives of the Festival of Light accepted that sexual desires are natural but argued that they can be controlled. These witnesses believed that men's self-control was undermined by the existence and advertising of prostitution as well as the proliferation of pornography.

4.6.7 By contrast women's groups attacked the whole idea of innate needs. More precisely they attacked the idea that there are innate differences between sexually active males and sexually passive females. This notion was seen as an unacceptable remnant of nineteenth-century morality. The Women's Advisory Council declared: 'The acceptance by the community

29 Garry Bennett, Member of the Task Group on Prostitution, in evidence, 12 September 1983:157-58.

30 In evidence, 10 July 1984:40.

that a category of women should always be available, from whom men can purchase sex on demand, is an outcome of the belief that men's sexual needs are urgent and uncontrollable (a patently absurd notion that is fortunately losing currency).³¹

4.6.8 The Committee did not discount the arguments of prostitutes, therapists and clients as 'patently absurd'. In particular a client's discussion of his own motives should be given due weight. But the Committee considered that the emphasis on needs provides only a partial explanation of the demand for prostitution. It does not satisfactorily account for recent changes in demand. Long-established workers discussed those changes with the Committee and their evidence shows the way in which new demands were socially constructed. The following discussion concentrates on two sexual practices, namely oral sex and bondage and discipline.

4.6.9 These witnesses made an explicit distinction between 'straight sex' and 'kinky sex'. Witnesses made it clear that when they started work, straight sex was the service which men demanded and women provided. There was some dispute about the prevalence of bondage and discipline twenty years ago. A client and long-time observer of Sydney prostitution did not believe that the practice had increased in recent years. There had always been houses of discipline.³² An equally long-established worker disputed this. She agreed that there had always been a demand for bondage and discipline but argued that the provision of this service had once been quite separate from the mainstream of prostitution.³³ Now the demand for and supply of bondage and discipline has become part of that mainstream. Specialists still deal with most of this trade. An operation which employs a known mistress of discipline can expect that 50 per cent of clients will seek her services. But two prostitutes estimated independently that 10 per cent of men visiting ordinary brothels and parlours request some form of bondage and discipline.³⁴

4.6.10 Several prostitute witnesses concluded that men who might never have encountered bondage and discipline twenty years ago, were now prepared to experiment with the practice. They offered some interesting explanations for the growing popularity of discipline and 'kinky' sex in general. They 'blamed' the operators of parlours. It is worth noting that well-established workers did not — like other prostitutes, many clients and commentators — use the words brothel and parlour interchangeably. Submissions from the Task Group on Prostitution make this clear. Prostitutes interviewed for these submissions seemed to keep the word brothel for the kind of operation which has appeared periodically in Darlinghurst and East Sydney, that is the brothel operating out of a single house with fairly basic facilities. Task Group surveys suggest and Committee investigations confirm that older workers tend to come from these small-scale often self-managed operations.

4.6.11 Many witnesses reserved the word parlour for the more heavily capitalised enterprises which have spread out from Kings Cross into the suburbs. They also implied that owners and managers, having made a substantial investment in decor, equipment and advertising, deliberately set out to stimulate the demand for exotic services. Parlour prostitutes themselves pointed out that workers in these enterprises have less control over the kind of services offered and the kind of clients accepted.³⁵

4.6.12 Prostitutes' discussion of oral sex also revealed the relationship between demand

31 Submission of the New South Wales Women's Advisory Council.

32 Evidence in camera, 1984.

33 Confidential interview, 7 November 1984.

34 Perkins, 1983:47, 97, Appendix 4 of the submission of the Task Group on Prostitution.

35 Perkins, 1983:51, 64-65; D. Homburg, *Female Prostitution III: Parlour Prostitutes*, 1983:3-6, 9, Appendix 3 of the submission of the Task Force on Prostitution.

and supply in the provision of sexual services. It was agreed that transsexuals once held a near monopoly on the sale of oral sex. Now transsexuals and females both state that this service is part of any prostitute's 'stock-in-trade'. In recent years it has become harder for prostitutes to make a living without engaging in this practice. Interestingly Canadian prostitutes, interviewed in 1984, traced similar changes in 'service preference'.³⁶ Long-established workers in New South Wales were very clear-sighted about changes in demand. Like Macleod they emphasised the sexual revolution of the 1970s, or at least media representation of that revolution.

4.6.13 One transsexual prostitute blamed 'sex shops' and 'women's lib' for the transsexual's loss of trade. She also complained of a general deterioration in client-prostitute relationships.

*In [those days] the girls did not do oral sex, that is why there was so much money. Now girls do everything, oral, anal, and straight sex. Women's Lib said that everything is alright. All those men with fantasies and thoughts etc. laid it on you.*³⁷

This witness believed that the media freedom of the 1970s released inhibitions on male fantasies, but another long-time worker argued that 'liberated' magazines quite literally put ideas into men's heads. She summed up the growth in demand for oral sex: 'The sexual revolution — it's in Cleo and everywhere and everyone talks about it. I don't think married people did it twenty years ago'.³⁸

4.6.14 Both witnesses agreed, however, that the real changes occurred when these new demands coincided with an influx of new prostitutes. They claimed that a significant number of younger, often drug-affected, women were recruited into street prostitution in the late 1970s. Many were desperate for money and/or ignorant of the female prostitute's informal code of conduct. They were willing to engage in oral (and anal) sex and in a highly competitive market other workers found it necessary to follow suit. These changes took place in street prostitution at the same time as traditional brothels were facing increasing competition from the more 'sophisticated' parlours.

4.6.15 Clients were understandably more reticent about their demands, but 29 per cent of respondents to the questionnaire admitted that they were interested in trying 'unusual sexual practices with prostitutes'. One man explained that 'they don't have the inhibitions of normal women'.

4.6.16 The New South Wales evidence tends to confirm Macleod's finding in England. She argued that yesterday's perversity can become today's normality in the sex industry:

*Perhaps what is going on represents the time lag between what is discussed as sexually permissible and what couples commonly engage in ... Prostitutes are then turned to, to make good the difference. Presumably as decades pass so what men most want from prostitutes will change.*³⁹

4.6.17 Macleod provides one persuasive answer to the question 'Why do men go to prostitutes and what exactly are they buying?'. But additional explanations emerged from the evidence of prostitutes and clients. Customers often stressed the emotional safety of prostitution, even though they were concerned about the health risks involved. Married men who wanted

36 J. Lowman, *Vancouver Field Study of Prostitution, Working Papers on Pornography and Prostitution*, 8, 2 vols, Department of Justice (Canada), Ottawa, 1984, 1:218.

37 Confidential interview, 5 July 1984.

38 Confidential interview, 11 August 1983.

39 Macleod, 1982:80.

more or different sex argued that they would not like to start affairs because a genuine emotional involvement might threaten their marriages. Interestingly female, male and transsexual prostitutes all used the same argument to justify their work.

4.6.18 The desire to avoid emotional entanglement was not confined to married men. Many clients said they visited prostitutes because they made no emotional demands while their financial demands were predictable and reasonable. One man gave this answer to the question 'What are your main reasons for going to a prostitute': 'For sex, companionship, more reliable and in some cases cheaper than courting. And without the hassles'.

4.6.19 The word 'hassle' was used by other respondents to refer to dating and courtship. Some clients seemed to imply that conventional social encounters between men and women involve covert bargaining over sex and money. These clients also seemed wary of committing themselves to long-term relationships. One client commented: 'It's an easy way out without any commitment. Which is really as wrong as you can get!'

4.6.20 Many workers in the industry presented prostitution as a form of stress management for overburdened males. A client also suggested that many married clients are in their thirties and at a crucial stage in their careers. Their wives are likely to be 'preoccupied' with childrearing. According to this informant, such men visit prostitutes to escape business pressures and a child-centred home.

4.6.21 This emphasis on escapism was a common theme in prostitutes' testimony. It was noted that men who literally escape from everyday life by taking a business trip are more likely to visit prostitutes, alone or in a group. Certain tourist handouts have recognised this tendency and carry prostitution-related advertising, which openly promotes prostitution as a luxury rather than a necessity.

4.6.22 Other witnesses emphasised the way in which prostitution can be and has been incorporated into business practice. Men away from home may seek out prostitutes on their own initiative but firms may also routinely provide their services as a form of 'hospitality' to visiting businessmen. Officers of the Taxation Department pointed out that, as of July, 1985 such costs could fairly easily be buried in the firm's claim for entertainment expenses and could ultimately be charged to the taxpayer.

4.6.23 In the light of this emphasis on entertainment, luxury and relaxation, it is interesting to note how a significant proportion of clients prefer to relax. In Sweden a recent study of 61 clients estimated that 48 per cent of them wanted to play a passive role in their encounters with prostitutes.⁴⁰ Many New South Wales witnesses also observed that male customers buy the right to be passive. Prostitutes argued that conventional sex roles are often reversed in prostitution. They also implied that men enjoyed a holiday from power and responsibility. This argument applied especially to clients who purchased bondage and discipline. One mistress commented on her customers:

Well [they were] mostly businessmen, middle age upwards. They were all well dressed, you wouldn't pick them in the street, they could be your boss at work. B & D seems to attract that kind of clientele, as though people in authority want that taken away from them. Too much power and authority in their own life, I guess they want to feel what it's like on the other end.

Another prostitute added: 'I suppose they are repressed in their own sexuality which demands

40 Interview with Sven-Axel Mansson, co-author of study, Stockholm, 19 August 1984.

of them to be dominant and assertive and they can't communicate to their lovers what they would like to do'.⁴¹

4.6.24 The evidence on demand reveals a level of male dissatisfaction, not only with the rituals of courtship and the pressures of the breadwinning role, but with the assumption that men will always take the initiative in sexual encounters. This assumption is central to conventional notions of masculinity. Paradoxically it seems that some men can only articulate other feelings and needs by visiting a prostitute, which is itself an expression of men's social and economic privilege.

4.6.25 These somewhat surprising findings on male passivity must be set against other evidence of male violence towards prostitutes. Some men may buy the chance to relax and experiment with role reversal, but others buy the chance to command and — some prostitutes argue — humiliate women. And, as chapter 9 will show, prostitutes are especially vulnerable to assault and sexual assault.

4.7 Female Clients

4.7.1 Female clients account for a very small part of the demand for prostitution in New South Wales. The study of prostitution-related advertising indicated that only 1.4 per cent of such advertising was directed exclusively at women. But the small amount of available evidence suggests that the backgrounds and preferences of female clients are similar to those of men. Female clients make contact with prostitutes in bars or through escort agencies; they tend to be over 30 years and seem to fall into two groups. Some clients are career-oriented women who are anxious to avoid emotional entanglements. There are obvious parallels with male clients here. The second group consists of bored and curious wives. Interestingly one male prostitute stated that these women also like to experiment with bondage and discipline. Women clients, like men, turn to prostitution to indulge fantasies which they cannot acknowledge in other relationships.

4.8 Conclusions on Demand

4.8.1 The evidence received by this Committee calls into question traditional explanations of the demand for prostitution. Members of the Committee, therefore, rejected the view that the demand for prostitution is constant or inevitable. They considered ways in which demand may be reduced or at least contained.

4.8.2 The demand for male, female and transsexual prostitution is in 1985 at an unusually low level. Street, brothel and escort workers all confirmed this and all attributed declining demand to the AIDS crisis. It would seem that some clients of male prostitutes initially transferred their custom to female prostitutes, but the revelation that women could contract and pass on the AIDS virus ended this development. It remains to be seen whether the fall in demand represents a short-lived panic or a permanent change in sexual practice.

4.8.3 The Committee was of the opinion that panic is a poor basis for prostitution policy and decided that constructive measures are possible to contain the demand for prostitution. The overseas delegation found that one country at least proposed an educational as well as a penal approach to this question.

4.8.4 In Sweden many educators and experts argued that one solution to the problems of prostitution lies in community education. They do not favour a narrowly conceived scare cam-

41 Perkins, 1983:54, 79. Appendix 4 of the submission of the Task Group on Prostitution.

paign but a broad-based discussion about what is involved in becoming a client. This discussion forms part of a much wider debate about sexual inequality and sex roles. Advocates of this policy also argued that discussion of prostitution should be part of sex education in schools, because it is essential to intervene at a time when young boys are acquiring their notions of sexuality and masculinity. The Committee's delegation was told that public debate has had some impact upon demand.

4.8.5 The education approach has never been attempted in New South Wales and the result has been a very one-sided public debate on prostitution. In the last two years prostitution and the Select Committee have received a great deal of media coverage; much of it has been sensational and all of it has been narrowly focused on the prostitute. Media and community discussion has concentrated on the question 'Why do women and young men become prostitutes?' The question 'Why do men of all ages and types become clients?' has not been asked or even framed. The Committee believes that wider public discussion of this question is an essential first step in the containment of demand.

4.8.6 The Committee recommends in chapter 6 that the churches should take a lead in reorienting public discussion on the whole question of prostitution. It here recommends that:

- **2. An interdepartmental committee with representatives from the Department of Health, the Department of Education, the Department of Youth and Community Services and the Women's Co-ordination Unit of the Premier's Department should devise and promote materials to increase community awareness of the Committee's findings and conclusions on the demand for prostitution.**

4.9 Pornography and the Demand for Prostitution

4.9.1 The impact of advertising on demand and legal restrictions upon advertising are discussed in chapter 10. The following section deals with the effects of pornography, which could be considered as a form of prostitution advertising, upon the demand for prostitution. This was an issue which prostitutes and commentators raised frequently both here and overseas. But it is an issue which has not been adequately explored in the current pornography debate.

4.9.2 Pornography, like prostitution itself, cannot easily be defined. Committee witnesses disagreed not only about the effects of pornography but about the meaning and application of the term. The Canadian Special Committee on Pornography and Prostitution encountered similar difficulties. The Canadians did not formulate a brief working definition of pornography but identified and discussed two groups of material:

One sort of material is the merely sexually explicit, characterised by both sexual content and on assumed or apparent intention to stimulate sexually the viewer. Missing from this sort of pornography is any appreciable amount of violence and degradation. Again showing the sexual content, but this time in combination with violence, degradation or abuse in such a way as to suggest approval of that abuse, is the second category of pornography.⁴²

4.9.3 Both types of material were distinguished from erotica, that is material which may or may not be sexually explicit but which emphasises the mutual enjoyment and consent of the parties depicted.

4.9.4 The Select Committee upon Prostitution adopted a similar approach. The Committee

⁴² Report of the Special Committee on Pornography and Prostitution, *Pornography and Prostitution in Canada*, 2 vols, Canadian Government Publishing Centre, Ottawa, 1985, 1:59.

noted that all three types of material may affect the demand for prostitution, but they were particularly concerned with the potentially harmful effects of violent pornography. It is the confusion of sexuality and violence which is at the heart of the pornography debate. A brief outline of that debate is given below.

4.9.5 Pornography is offensive to many people, but does it cause actual harm? Not surprisingly supporters and detractors of pornography have very different concepts of harm. The latter group argue that pornography is in itself harmful because it embodies and promotes dangerously misleading notions of male and female sexuality. This view was put forward by Women Against Violence and Exploitation (WAVE) and was endorsed by the Women's Co-ordination Unit of the Premier's Department. Pornography was presented as a form of anti-female propaganda. The Festival of Light also argued that pornography erodes necessary moral and social standards. But those who defend either pornography or freedom of expression challenge the anti-pornographers to demonstrate that pornography causes actual harm such as sexual violence against women.

4.9.6 Various investigations of pornography have placed the onus of proof upon the opponents of pornography. In 1979 the Williams Committee in Britain reviewed the pornography debate and entered a verdict of 'non proven' against pornographic material.

4.9.7 Williams was critical of experiments which measure the effects of pornography on viewers under laboratory conditions. They do not test sexual response and aggression in real situations nor do they assess the effects of long-term consumption of pornography. Williams was also sceptical of attempts to correlate changes in the availability of pornography with trends in the statistics of sexual crime. The report warns against basing any conclusions on changes in the number of sex crimes reported since these may bear no relation to changes in crimes committed. Williams also pointed out that a demonstrated correlation between variables is no proof that one is influenced by the other.⁴³

4.9.8 The recent Canadian Committee also concluded 'very reluctantly' that research has not proved beyond a reasonable doubt that pornography causes harm to individuals or society. The Canadian Committee did, however, take action against certain kinds of pornographic material because they violated 'the fundamental values of Canadians', notably equality of the sexes.

4.9.9 The New South Wales Committee was only concerned with one aspect of this topic, that is the effects of pornography upon prostitutes. But the Committee received evidence which is relevant to the general debate. The Williams Committee, for example, discussed the claim that pornography damages human relationships and causes marital breakdown. Williams sought but could not find evidence that men who use pornography come into conflict with their wives when they attempt to act out pornographic scenarios. Perhaps the Williams Committee was looking in the wrong place. If pornography does encourage men to experiment sexually, our evidence suggests that they are more likely to turn to prostitutes than to wives. If pornography is seen as a battle of the sexes, then prostitutes are frontline troops. Certainly this Committee received evidence from prostitutes who felt victimised by pornography. As the Canadian Committee noted, this is an aspect of pornography research which has been relatively neglected.

4.9.10 The Committee was told of incidents where prostitutes have suffered actual or threatened violence and where pornography was apparently implicated. It should be stressed

⁴³ Home Office (United Kingdom), *Report of the [Williams] Committee on Obscenity and Film Censorship [Cmnd 7772]*, HMSO, London, 1979:71.

that drug-affected prostitutes were seen as particularly at risk of this kind of behaviour. This evidence, which came from New South Wales and overseas, was anecdotal and could not be verified. But it is in line with other evidence of prostitutes' vulnerability to violence.

4.9.11 Witnesses who discussed pornography and prostitution generally went beyond the question of assault; they defined 'harm' in industrial rather than criminal terms. That is, they argued that pornography has a gradual but perceptible effect upon the working conditions and bargaining power of prostitutes. Not all prostitutes were critical of pornography. A few managers argued that having 'soft core' pornography on the premises was good for business, because it expedited encounters with clients. Some prostitutes agreed. But most witnesses who mentioned pornography commented adversely on it.

4.9.12 Prostitutes' comments ranged from the mild complaint 'It doesn't help' to quite extended discussions of the role of pornography. For example, one prostitute, who described herself as a member of 'the old school', argued that she had had to 'reassess her work' and accept new demands in order to maintain her earnings. She perceived this as a deterioration in her working conditions and associated this deterioration with pornography.⁴⁴ Other prostitutes reported that clients approached them with pornographic magazines and asked them to re-enact certain scenes. Some witnesses clearly believed that pornography actually inspired men's demands, while others argued that the relationship between pornography and demand was more complex. One worker argued that pornography and prostitution simultaneously satisfy common male fantasies; pornography does not cause the demand for certain practices but may make it easier for men to express those demands.

4.9.13 Some social workers with prostitute clients amplified the evidence of prostitutes and suggested that violent pornography in particular has increased the stresses and risks associated with prostitution.

4.9.14 None of this testimony will satisfy those who demand incontrovertible proof that pornography causes harm to prostitutes. Although witnesses saw a definite correlation between changes in pornography and changes in the demand for prostitution, this correlation does not prove a causal connection. But prostitution and pornography must be seen as mutually reinforcing; a recent population survey in Canada found a positive relationship between consumption of pornography and the purchasing of sexual services. This Committee has received suggestive though not conclusive evidence that such a relationship is actually and potentially harmful to prostitutes. The connections between prostitution and violent pornography should be broken or at least discouraged.

4.9.15 The Committee supports the State government's actions against so-called X-rated films and video tapes and would argue that the evidence set out here provides a further justification for the banning of this material. Admittedly the bulk of pornography available and consumed in this State does not come into the 'X-rated' category. But WAVE and other witnesses made out a convincing case that the 'hard-core' end of the pornography continuum may act as a kind of pacesetter for the pornography industry, gradually affecting the subject matter and techniques used along that continuum. The Government's unequivocal declaration that certain types of material are unacceptable acts as a community safeguard which is particularly relevant to prostitution.

As a further safeguard the Committee recommends that:

44 Confidential interview, Melbourne, 25 July 1984.

- **3. Any policies pursued by the Government in the control and regulation of prostitution should take account of the need to break the nexus between violent pornography and prostitution.**

4.9.16 These conclusions and this recommendation are relevant to the debate on the establishment of red-light areas. The issues raised here are discussed further in the section dealing with that policy option in chapter 10.

5.5.1 Few areas of administration are more open to discrepancies between the principles and practice of the law than the attempted regulation by government of the prostitution trade.

5.1.2 This became most evident to the Committee when reviewing the manner in which prostitution is conducted and controlled overseas.

5.1.3 During the initial stages of the Committee's inquiry, verbal evidence and written material based on overseas publications frequently drew attention to the differing legislative and administrative approaches that countries of similar socio-economic, cultural and industrial background have adopted.

5.1.4 Such material provided valuable insights into the variety of official approaches which are adopted by overseas, regional, State and national governments.

5.1.5 Significant conflicts in the evidence from these sources indicated the clear dangers in relying on that evidence alone for accurate information on the practical effects of the disparate policies involved. As full reliance could not be placed on the international evidence available, parliamentary and governmental approval was sought and obtained for an overseas study tour to be undertaken by a delegation consisting of the Committee's Chairman, Mr Pat Rogan and Opposition member, Mr Peter Collins.

5.1.6 The itinerary for the delegation included the Federal German Republic, the Netherlands, Sweden, England and Hong Kong.

5.2 Federal German Republic

5.2.1 The Committee's itinerary concentrated on the two major cities of Hamburg and Munich.

5.2.2 Hamburg is a port city with a residential population of approximately 1.7 million, to which approximately a further one million commute each day from surrounding areas. It is a natural base for trade and travel in Northern Germany. Sixty per cent of German exports are handled through Hamburg. It ranks as West Germany's third-largest industrial centre and can fairly be called the press capital of Germany.

5.2.3 Compared with other West German cities, Hamburg has a larger proportion of Lutherans than Catholics.

5.2.4 Local authorities informed the Committee that the crime rate in the city had increased significantly in recent years following a general economic recession, with two-thirds of all crime involving theft or robbery. The overall unemployment rate at that time had risen to approximately 7 per cent.

5.2.5 In general terms it is comparable with Sydney.

5.2.6 Munich, by comparison, is an inland city and gateway to the heartland of European leisure — Upper Bavaria.

5.2.7 Diversion of the twelfth century salt trade and its toll moneys over the bridge 'bei den Munichen' (by the monks) ensured the rise of Munich as a strongly Catholic city with a thriving economic base. Art in architecture, in music and on canvas in the sacral palaces and residences of the Willebach kings is the backdrop to an easy-living city, capital of Bavaria, which since 1810 has brought the world the Oktoberfest. As Germany's third-largest city, it houses just over one million people.

The extent of prostitution

5.2.8 Figures from police in Hamburg indicate that there are approximately 200 sex clubs (or brothels) in the city, each employing five to ten prostitutes. Other prostitutes advertise their services and work from homes. This practice is a frequent cause for complaints from local residents confronted with potential clients who have mistaken the address, or who have called at an address from which the prostitute had moved.

5.2.9 Overall, it is estimated that there are approximately 6000 prostitutes operating in Hamburg, 2000 of whom are street prostitutes.

5.2.10 Current areas where prostitution is permitted in Munich include an area close by an airfield, where a recent development has been the use for prostitution of a series of 'Combi'-type vans parked in the street.

5.2.11 This arrangement apparently largely replaced street soliciting involving prostitutes being picked up by men in cars, and produces a higher level of turnover than either the previous method of operation or prostitution conducted in bars and clubs.

5.2.12 Police estimate there are approximately 1200 prostitutes operating in the Munich area, with approximately 260 of these working in 33 bars and clubs.

5.2.13 Bars generally appear to have 4-5 prostitutes working in them. Clubs present themselves as massage parlours or health clubs.

5.2.14 Estimates from a number of sources of the level of a prostitute's income generally settled on a figure of a maximum of DM40 000 (\$A16,000 in 1984) per month, both in Hamburg and Munich.

Federal and state law

5.2.15 While prostitution has not been treated as an illegal activity in most parts of West Germany since the nineteenth century, Federal legislation passed in 1974 gave official legal sanction to the activity throughout the country.

5.2.16 That legislation stipulated that a city of 50 000 citizens or more may not totally prevent the practice of prostitution; that towns of between 20 000 and 50 000 might opt to have or exclude prostitution, while in towns of less than 20 000 people, prostitution was to be prohibited. It was then left to local and state authorities to regulate the industry, including such matters as street soliciting.

5.2.17 Limits by reference to population were made coldly practical in a country with a relatively dense and well distributed population. Only a few outlying areas would not be within a reasonable distance of a centre where prostitution could, under the Federal law, occur.

5.2.18 Munich and Hamburg have adopted different ways of pursuing substantially similar approaches to prostitution and its associated activities. Munich authorities specified localities where prostitution cannot occur while Hamburg specified localities and times of day where prostitution cannot occur.

5.2.19 In Munich, a fairly recent Federal Court decision made it clear that the power to specify 'exclusion zones' did not extend indefinitely, and that local laws would be rendered invalid if, in the court's opinion, they were effectively preventing prostitution from being conducted within a city or local area.

5.2.20 Minor infringements of local laws and regulations relating to prostitution in West Germany are treated for the most part as civil or administrative offences, and this form of offence

provides discretionary powers to the local authorities to choose whether they wish to prosecute or not. In practice, this discretion is exercised in a number of areas.

5.2.21 Despite reports to the contrary in some of the published material the Committee received before its visit overseas, there is no requirement for official 'registration' of prostitutes, and there were no requirements for compulsory medical checks in the cities visited.

5.2.22 In some areas, police admit to maintaining files on known prostitutes. This system of file-keeping had been under public attack by civil liberties groups on grounds of privacy.

Official and public attitudes to prostitution

5.2.23 Officials in both Munich and Hamburg generally expressed the view that there was now general public acceptance of the laws permitting prostitution in the Federal Republic. Although some officials expressed a preference to have all prostitution excluded from their area, there appeared to be large area of agreement that regulation was preferable to full suppression.

5.2.24 The regular and common appearance of advertising by prostitutes in the local press, and the lack of public complaints about this form of advertising, was cited as one of the indications of a general public acceptance of the status quo, in circumstances where, theoretically, advertising for prostitution is proscribed by Federal law, but tolerated by officials if it is not explicit.

Zoning

5.2.25 The extent of acceptance of legalised prostitution in West Germany can perhaps be adduced from and summarised by the personal views of a Salvation Army officer who spoke to the Committee in Hamburg, and expressed an attitude which appeared to be fairly common.

5.2.26 The officer, who had extensive experience of social and religious work with prostitution communities in a number of cities and countries, said that the openness of prostitution in Germany made it generally 'healthier' than in say, the UK, where the industry is generally suppressed.

5.2.27 The officer suggested that the basic advantage of the system was that it made it easier for the authorities to carry out their duties in controlling both crime and disease.

5.2.28 The history of the zoning regulations in Munich, indicated that the establishment of 'exclusion zones' in or close to residential areas very frequently gave rise to disquiet among some local residents — usually those in areas adjacent to the new exclusion zone. This has resulted in local regulations and laws which mean that prostitution is almost entirely confined to non-residential and industrial areas.

5.2.29 It was an attempt to introduce some extended zoning rules in this city which was the subject of the recent Federal Court case referred to previously, when a prostitute challenged the constitutional powers of the city authorities, who sought to further expand the zone in which prostitution was not permitted. The court warned that a further extension of the exclusion zones in future would require the reopening of previously 'zoned' areas for prostitution.

5.2.30 The general view of police officers who met with the delegation was that, while they had at first expressed doubts about the effectiveness of a zoning policy, they now thought that the system operated satisfactorily, and that there was general public acceptance of such an arrangement.

5.2.31 It was stressed, however, that with any new scheme of zoning, time should be allowed for the police force to adjust to the changes.

5.2.32 Munich police expressed doubts about the policy applying in Hamburg, which permits the operation of larger 'Eros Centres'¹ in certain areas, claiming that this development (which does not operate in Munich) worked to reinforce and centralise the control male pimps had established over prostitutes.

5.2.33 The counter-argument to this from a Hamburg viewpoint was that Munich's exclusionary zoning policy, confining prostitution to non-residential and industrial areas, had led to developments such as the use of a fleet of Combi-vans parked by the roadside as a type of mobile brothel area, with similarly undesirable results including the establishment of a pimping hierarchy.

Street soliciting

5.2.34 In Hamburg, street soliciting is not of itself generally illegal, but two areas have special restrictions on soliciting. These areas — St Pauli and St Georg — are in fact the areas where street soliciting has traditionally occurred.

5.2.35 Local authorities questioned why zoning laws were not applied in other areas responded that street soliciting had not proven to be a problem elsewhere.

5.2.36 Street soliciting in St Georg is absolutely prohibited, and approximately 900 offences against this regulation were recorded in 1983.

5.2.37 By contrast, in the St Pauli area, soliciting is only prohibited in what are roughly the daylight hours, (that is, outside the hours between 8 pm and 6 am) and is also geographically confined to certain streets.

5.2.38 Only 100 soliciting offences were recorded for this area in 1983, even though this is where the vast majority of the city's overt prostitution occurs.

5.2.39 Soliciting outside the prescribed hours and inside the proscribed zones is an administrative offence, but if a person offends more than four times within three months a criminal offence arises and the offender is charged.

5.2.40 Significant in Hamburg is the establishment of relatively large centres for prostitution, which may involve as many as 200 women at a time in the same place.

5.2.41 Arrangements at one of these centres, such as the 'Eros Centre' or the 'Palais d'Amour' involve a ground-floor common area where soliciting occurs, with bedrooms provided above. Both of the centres appear to be completely controlled by pimps.

5.2.42 While the level of competition involved at these centres is seen by many prostitutes as a major disadvantage, others find the level of protection available from both the threat of assault by a client or the bitterness of the winter weather as major advantages. A further advantage cited for the centres is that they overcome the problem of public disapproval of open street soliciting.

5.2.43 While there are benefits to the prostitutes in such centres the general impression gained of these operations is very much of the 'meat market' exploitation of women on display.

5.2.44 Neither in Hamburg nor in Munich was it possible to gain clear evidence on whether the Federal law forbidding the conduct of a brothel had any real effectiveness. This law was apparently intended to ensure that brothel owners should not be major participants in the income of prostitutes, deriving 'rent' in the form of a proportion of takings.

1 A building with a downstairs contact area away from public view where a number of prostitutes mingle with customers. When a prostitute has been chosen by a customer, she takes him to an upstairs room for sex. Females other than prostitutes are not permitted in those areas.

5.2.45 Thus it is an assumption of the law in theory that such brothels as may exist should involve fixed rates of rent etc., and not involve participation of non-prostitute intermediaries in the prostitute-client relationship.

5.2.46 Given the overwhelming intervention of pimps into the system as outlined below, however, it appears that this issue may have been rendered somewhat irrelevant and immaterial.

Crime

5.2.47 In neither city was there any significant concern regarding the incursion of 'organised crime' into prostitution. The general view was that such organisation as existed in this area was rather localised. National and international connections, if they existed at all, were very limited.

Pimping

5.2.48 A disturbing feature of prostitution in Germany is the extent to which the practice of male 'pimping' has been almost institutionalised throughout the large cities.

5.2.49 Pimping is here referred to as a system under which someone — usually a male — acts as a 'manager' of a prostitute, and derives income directly from the prostitute's activities.

5.2.50 The relationship may not necessarily be to the exclusive benefit of the pimp, and may arise as a result of a genuine emotional attachment, as an effective form of business arrangement, or as an assurance of protection from physical attack. In most cases, however, it involves a significant element of exploitation by the male and derives from or is maintained by, a threat of blackmail or violence.

5.2.51 Police in both Hamburg and Munich stated that 'pimping' in various forms constituted the main problem involved in prostitution in Germany. Virtually all but a very small minority of prostitutes were working for pimps.

5.2.52 In Hamburg approximately 1600 pimps are known to police. A prostitute who spoke with the delegation confirmed the approximate dimension of the pimping problem with her estimate that at least 80 per cent of the prostitutes she knew had a pimp.

5.2.53 Furthermore, police generally held out no hope of pimps being eliminated from the system in the foreseeable future.

5.2.54 While written reports available to the Committee in advance of its visit to West Germany suggested that the practice of pimping was illegal, it became apparent to the Committee's delegation that the police viewed the legal control measures in force as ineffective and virtually incapable of enforcement.

5.2.55 The law, amended in 1977, does not retain an offence equivalent to living off the earnings of prostitution, but prohibits the derivation of income by 'exploitation' of the prostitute, or actions taken to direct and control her activities.

5.2.56 The main complaint of police in this area was that in practice, proof of exploitation was almost impossible to obtain, as the prime source of formal evidence in such cases has to be the prostitute herself, and in police experience there were very few cases where a prostitute was willing to give evidence on this issue.

5.2.57 They claimed, with apparent justification and case histories to support the view, that the threat of violence or blackmail was a strong element in many relationships between prostitutes and their pimps, and that this was a major factor in preventing effective prosecutions.

5.2.58 The police view of a typical relationship was that it initially arises from personal affection, at least on the part of the prostitute, or the provision of luxuries to the prostitute, but is frequently maintained on the basis of a threat of assault, blackmail with photographs or other public exposure.

5.2.59 There were also cases where women enter into prostitution without coercion or inducement, seeing prostitution as simply a means of earning money. Evidence indicates, however, that the majority of these women fairly quickly acquire, or are acquired by, a pimp.

5.2.60 The organisation of the pimping system in West German cities is such that in some instances, there are cases of a 'street hierarchy' of pimps, with a principal pimp 'managing' a particular street, and selling individual beats within the street to a lesser pimp, as territory for his prostitute or prostitutes.

5.2.61 Police quoted figures of up to DM50 000 (\$A20 000 in 1984) as the going price for a particular street location, and estimated the average earnings of pimps (who usually collect the larger percentage of the prostitute's earnings) at between DM10 000 and DM12 000 (A\$3600-4000 in 1984) per month. 'Overhead' costs were in some instances estimated to be DM80-100 (\$A32-40 in 1984) per night, for rental of a room, and pimps generally were believed to provide food and clothing for prostitutes in their 'care'.

5.2.62 The overall result, according to police and other sources, was that it would be unusual for a prostitute to retain as much as 50 per cent of gross takings, with a figure of 10 per cent being the common retention level.

5.2.63 Income of pimps in many cases is not derived from just one prostitute, and individual pimps may have three or more women working for them at any given time.

5.2.64 The 'sale' of a prostitute from one pimp to another is apparently not unknown, and the Committee's delegation was told of 'transfer' fees between pimps varying between DM10 000 and DM50 000 (\$A3600-18 000 in 1984).

5.2.65 Despite the fact that any men believed by the police to be active pimps are also known to have a previous history of crime, West German police authorities were generally confident that there was no significant element of 'organised crime' involvement in prostitution or pimping, either at a national or international level, although there were clearly local links between pimps.

5.2.66 In Hamburg, police maintain files on prostitutes known to them. According to police such files provide the only means by which they can trace the unusually transient and elusive prostitute population. It was suggested that the existence of the files acts in protection of the prostitutes, because pimps are aware that the police know of the prostitute's presence.

5.2.67 Paradoxically, it was also the belief of police that one side benefit of the pimping system was a relatively insignificant incidence of drug abuse among prostitutes in West Germany.

Drugs

5.2.68 A view common to officials in both Hamburg and Munich was not only that the rate of hard drug abuse was relatively low within the prostitution community (estimates agreed on less than 5 per cent), but that the intervention of the pimp worked to minimise the incidence of hard drug abuse.

5.2.69 It was suggested that pimps did not want either the unreliability of a prostitute who was on drugs nor the likely deterioration in her physical appearance that drug abuse could create.

5.2.70 'They don't want their "chickens" looking bad' was one typical summary of this argument.

5.2.71 Police reported that a small number of prostitutes appear on occasions to make heavy use of prescription-type drugs such as barbiturates, or alcohol, and in Munich it was suggested that stimulants were sometimes used by prostitutes to keep them alert through a long working period.

5.2.72 There was a general confidence however, that the use of heroin was a fairly rare occurrence within the prostitution community.

Advertising

5.2.73 Advertising of prostitution is illegal in West Germany under Federal law, but despite this advertisements from prostitutes appear widely in the press throughout the country.

5.2.74 The apparent discrepancy between the letter of the law and the practice in this instance arises from the fact that the advertising of prostitution constitutes an administrative offence, and this form of offence does not carry an implied requirement on the enforcement bodies at the local level to prosecute any and all breaches of the law. It is in effect, a discretionary matter for local authorities to decide whether to prosecute or not.

5.2.75 In applying their own judgment in this area and seldom launching prosecutions, local authorities appear justified in claiming that they simply reflect wider community attitudes.

5.2.76 In practice, this means that advertisements are tolerated provided they are not explicit in wording (ie. refer to 'models' or massage etc.) and do not involve photographs.

Health

5.2.77 In spite of published reports to the contrary, there are no requirements for compulsory medical checks or medical registration for prostitutes in Hamburg or Munich today.

5.2.78 Hamburg has an extensive system of STD clinics, with a clinic in each of its seven districts, and a central unit which employs a social worker, three administrative staff, three nurses, one general practitioner and one specialist. Doctors work on a rotational basis, changing duties every three weeks.

5.2.79 Free health care is available at these clinics, although it is generally understood that most prostitutes visit private doctors under private health insurance arrangements as they do not qualify for public health insurance unless they are employed and pay taxes. Private doctors fees range from DM20 to DM200 (\$A7.20-72.00 in 1984).

5.2.80 It is estimated that some 1000 patients per week of the patients attending Hamburg's public clinics are prostitutes, and of these, 7 per cent are confirmed to have gonorrhoea and 2 per cent syphilis. Herpes 2 is rare and not considered serious. There were only three cases of positive tests for hepatitis B in 1983.

5.2.81 A specialised microculture check for gonorrhoea which produces results within 24 hours has been developed in Hamburg, and has been made available for use by ships' crews.

5.2.82 Doctors expressed the view that given the incubation period for the various STDs, the optimum frequency for STD checks for prostitutes should be twice weekly. In practice, however, it was felt that a check once a week was a practical minimum, and this is recommended to prostitute patients at the clinics. Blood tests every three weeks were suggested for syphilis.

5.2.83 Serious doubts were expressed about the experience and knowledge of private practitioners in the STD area. This was the major factor in the judgment of the health officials in Hamburg that a centralised system of diagnosis was preferable.

5.2.84 Similar health arrangements applied in Munich, where the free clinics estimate they treated approximately 750 prostitutes in 1983, 32 of whom were men. Again, health checks are not compulsory (compulsory health checks were believed to be counter-productive) and the suggested practical check-rate is once every two weeks. The difference in suggested times between checks reflects only a different view of the practicalities involved.

5.2.85 Rates of STD occurrence in prostitutes in Munich have been found to vary significantly according to the work place of the prostitute. Thus it was estimated that the STD rate among Munich prostitutes was 8 per cent for women working as callgirls, 9.5 per cent for women working in small brothels, 12.5 per cent for street prostitutes, and 18 per cent for prostitutes in the larger brothels.

5.2.86 The significantly higher incidence for prostitutes from larger brothels was assumed by local authorities to be a function of the higher customer turnover in these institutions. It was a general assumption that the frequency of STD's is predominantly a direct function of the number of clients.

5.2.87 Increasing problems have been found with genital herpes and chlamydia, and it is believed the increasing incidence of these diseases has resulted from increased tourist visits to Thailand and East Africa.

5.2.88 Both diseases have been found to be difficult to diagnose and show a tendency to develop resistance to treatment.

5.2.89 For the present, gonorrhoea remains the most frequently diagnosed form of STD in Munich, constituting approximately 85 per cent of positive tests.

5.2.90 The establishment and continuing maintenance of health services for the diagnosis and treatment of STDs in West Germany has obviously been an expensive operation, with high and continuing costs.

5.2.91 Health authorities are unanimous in suggesting, however, that the high cost at this point in the system is more than justified in cost-benefit terms by the savings that result from not having to treat the inevitable complications when STD is left undiagnosed and untreated. Even greater savings are disclosed when the halt in spread of disease is considered.

Social assistance to prostitutes

5.2.92 Women who wish to avoid or leave prostitution are provided with some forms of assistance under the West Germany social welfare system through the government-established 'Frauen Hauses' (Women's Refuges), and support services other than emergency accommodation are available through this system.

5.2.93 A qualification for the general social security system in West Germany, however, is that the recipient of assistance should either be employed and a taxpayer or be able to show that he or she has paid tax previously or is being supported by a marital partner in this category.

5.2.94 The 'catch-22' of the system applies to prostitutes who have not paid tax and who may require assistance in order to leave the trade. Unemployment benefits and similar social support schemes are not available in these circumstances, with the result that the prostitute is likely to find herself locked into prostitution as a matter of sheer survival.

Bondage and discipline

5.2.95 In addition to other forms of prostitution, bondage and discipline establishments operate legally in Munich. Obtaining pleasure or relief in this way is considered to be included in the definition of 'sexual act' in West German legislation.

5.2.96 Police records of examples of some establishments in this category indicate graphically the extraordinary degree of physical torture which can be involved, and which clearly must in many cases present a risk to life.

5.2.97 While the Committee had been acquainted with this form of prostitution in Australia, the German experience serves to underline the serious hazards which can arise from the extremes of this activity.

Summary

5.2.98 From the Committee delegation's observations, there would appear to be a general public acceptance of legalised prostitution in the Federal Republic of Germany. While churches do not condone prostitution, no evidence was provided to the delegation of any widespread campaign by religious bodies to reverse Federal law permitting prostitution under specified conditions, and this appeared to apply to the community generally.

5.2.99 The system of zoning which nominates areas in which prostitution may not take place appears to be operating to the satisfaction of police, State and local government officers, prostitutes, and the public, although in its initial stages there were difficulties of adjustment to the system.

5.2.100 Health facilities where both prostitutes and others may obtain free STD checks are expensive, but justified by their longer-term benefits for the general population. The majority of prostitutes do appear to present for regular health checks. Compulsory attendance for testing is seen as counter-productive. A system of informal education of prostitutes on the dangers of STDs is being found to be more effective and more likely to encourage both prevention measures and early detection of disease.

5.2.101 Drug addiction among prostitutes was not a serious problem in either Hamburg or Munich, particularly as compared with Sydney, but the causes for this appear to be complex. Some truth may lie in the comment by a Dutch social worker given on the large number of German drug addicts in the Netherlands, that the drug problem in Germany had in effect been exported to Holland. It is hard to accept the dominance of the pimp in Germany as the main reason for a low incidence of drug abuse within the prostitution community.

5.2.102 Clearly the single most surprising and alarming feature of the German system, and one not brought to the attention of the Committee in its earlier survey of prostitution outside Australia, was the institutionalisation of pimping.

5.2.103 The apparent degree of exploitation and manipulation of prostitutes by their pimps may produce some minor benefits in social terms, but these are difficult to detect and impossible to justify when the practice of pimping constitutes little more than a modern form of serfdom bordering on slavery in some instances.

5.2.104 German problems in this area appear to have stemmed from an understandable desire to give legislative consideration to the rights of prostitutes' partners who may derive some benefit from the proceeds of the prostitute's income, but are not directly involved in exploiting the prostitute.

5.2.105 All too clearly, however, this legislative step has substituted a greater practical problem for what must now be seen as a lesser problem of principle.

5.3 The Netherlands

5.3.1 The most commonly invoked symbol of prostitution in the Netherlands is the 'window' prostitute of Amsterdam, whose appearance and modus operandi have been described as:

... ladies of the night passively sitting like mannequins behind large apartment windows, or standing in doorways. When a man spots a woman he aspires to satisfy his sexual urge, he gestures to her, and if accepted, disappears into her apartment ... doors close and window shades pull down behind them.²

5.3.2 Elements of this system which imply

- a mutuality of choice in the client-prostitution relationship;
- a protective distancing of the prostitute from potentially undesirable clients; and
- the establishment of a known red-light area as an insulated zone for prostitution

were suggested to the Committee for serious consideration before it undertook its examination of the Netherlands approach to prostitution.

5.3.3 But from the first meetings the delegation had with officials in this country, it was clear that the predominant issue relevant to prostitution in the Netherlands — significantly overshadowing the consideration of operational details of the prostitution trade — was the serious problem of drug abuse.

5.3.4 The major centres of both prostitution and drug abuse in the Netherlands are port cities, just as the port of Hamburg is an active centre for prostitution in West Germany. This appeared to the Committee to be significant to a consideration of the problems faced in Sydney, and the extent of the unholy alliance between the drug trade and prostitution in the Netherlands must be seen as an important warning for New South Wales.

Patterns of prostitution

5.3.5 Historically, prostitution per se has not been illegal in the Netherlands, despite the country's reputation as a fairly strictly Protestant nation. Those aspects of the law in the Netherlands that are relevant to prostitution date back to 1886 - but concentrate on activities that are generally peripheral to prostitution rather than on the act itself. National laws, for example, create offences such as keeping a brothel, and promoting indecent behaviour, rather than imposing sanctions against the act of providing sexual services for money.

5.3.6 At the time of the Committee's visit to the Netherlands, the national legislature's attitude to prostitution and a whole range of matters dealing with sex and related offences were in the process of extensive review, a process which was expected to lead to changes to the law in the near future.

5.3.7 Under existing Dutch law, official registration of prostitutes is not required. As was the case in West Germany, however, local police maintained some fairly detailed files on many of the prostitutes they encountered (including photographs, addresses and descriptions), under what were described as voluntary systems and which appeared to operate as unofficial forms of registration.

5.3.8 Police in Amsterdam, for example, in providing an estimate of a total of up to 6000 prostitutes operating in that city, were able to cite detailed figures for the national origins of foreign prostitutes. There were said to be 426 from South or Latin America, 120 from Thailand and 180 from Africa, while a further breakdown dealing only with street prostitutes yielded figures of 191 from South America, 30 from Thailand and 48 from Africa.

5.3.9 Particular problems associated by the police with foreign-born prostitutes — particularly prostitutes of non-European origin — were those which bore directly on both drug use and

2 J.F. Dekker, *Prostitution: Regulation and Control*, 1979: 128-9.

illegal immigration. Police were of the view that some women were being brought into the country on false passports and subsequently subjected to blackmail and pressured into working as prostitutes.

5.3.10 When police become aware of non-European non-nationals active in prostitution, they issue two or three warnings to the offenders. If a further infringement occurs, the prostitute is taken to the Foreign Office, presumably for deportation.

5.3.11 Non-nationals of European origin are treated somewhat differently, and are generally not subject to deportation orders.

5.3.12 Official estimates of the number of prostitutes operating in Rotterdam were not provided to the Committee, but local police figures on different categories of prostitution included estimates of 200 'private' prostitutes (that is, operating from individual homes or flats), ten escort agencies, 25 'contact' agencies and 30 'clubs' for prostitution as well as about 100 prostitutes plying their trade in the streets.

Club prostitution

5.3.13 While a great deal of international attention from outside the Netherlands has concentrated on the 'window' trade, which undoubtedly involves large numbers of women, one of the lesser-known aspects of the trade in this country is the 'club' system, which obviously continues with a significant measure of community acceptance or tolerance.

5.3.14 Typical sex clubs in Amsterdam or Rotterdam frequently present the appearance of a modern hotel, and provide many of the amenities that would be expected of a 'club' establishment in Australia, including bars, lobbies, dance-floors and dining areas — in addition to bedrooms for rent.

5.3.15 Catering standards for food and drink in these places are often maintained at high or 'respectable' levels, and the local view tended to group many of them as part of the entertainment industry, rather than as something widely separated from the rest of the community's commercial and social life.

5.3.16 Some women working within these clubs do so on the basis of labour contracts, and the working conditions were said to be generally better than in almost all other areas of the trade.

The street and window trade

5.3.17 By contrast, street and 'window' prostitution in the Netherlands sit less comfortably with the respectable areas of society.

5.3.18 As explained below, a semi-official system of zoning of prostitution appears to operate in most major cities in the Netherlands, with local officials and police making it known that some areas are officially agreed to as suitable venues or areas for street or window soliciting.

5.3.19 While some advantages are claimed for the 'shop-front' operations, other aspects of them do give rise to serious doubts, at least at a philosophical level.

5.3.20 In the Netherlands, as in many countries throughout the world, increasing attention has been paid to concerns of the women's movement and others regarding the nature of prostitution and the need to remove more blatant elements of sexist exploitation from the trade.

5.3.21 In this context, while the comparison may appear either harsh or realistic according to one's philosophical view, it did appear to the Committee that a part of the price which is paid

for the vaunted benefits afforded by the Netherland's window prostitution is that its red-light areas can bear a disturbing resemblance to a collection of human stockyards or meat markets.

5.3.22 It is difficult for members of the Committee to see how the application of this method of conducting prostitution could be accepted in the current Australian context as a practice consistent with proposals that blatant sexist exploitation of women should be discouraged or eliminated in an enlightened society — however inconsistent in turn that view may be with any form of acceptance of prostitution per se.

5.3.23 Whatever the appearances of the trade are, however, no aspect of it in the Netherlands can be more disturbing than the direct link it has with the illegal drug trade — a connection which is most evident in street and window prostitution.

Drugs

5.3.24 That hard-drug abuse has clear and definite connections with both the incidence and perpetuation of prostitution in the Netherlands was conceded by all authorities the Committee spoke with.

5.3.25 Government estimates of drug abuse among prostitutes were quoted as 70 per cent for those involved in the 'window' trade, and as high as 90 per cent for prostitutes working the streets.

5.3.26 Overall, it was estimated that 40 per cent of all prostitutes in the Netherlands were either addicts or heavy users of heroin and/or cocaine.

5.3.27 Use of illegal drugs was seen as a major factor both in leading women to enter the trade and in locking them into the trade once they had entered it. Police thought that a need for a continuing drug supply was frequently a major factor in establishing ties between the prostitute and her pimp, with significant numbers of pimps who were reported to be well established as drug dealers.

5.3.28 Netherlands officials noted that an unduly large proportion of drug addicts in the country were of West German origin, and in Amsterdam the Committee was informed that an estimated 1000 of the city's 9000 or so addicts were German, while other significant foreign-born groups included people from Indonesia and Surinam.

5.3.29 The high incidence of prostitute drug users from West Germany was attributed by police in the Netherlands to the stringency of German laws on drug use. They believed that to some extent, the West German drug problems had been effectively exported to the Netherlands.

5.3.30 Overall, it was thought that between 15 per cent and 20 per cent of addicts in the Netherlands were non-nationals, and a large percentage of these — both male and female — had found their way into prostitution.

5.3.31 The association between drugs and prostitution has led to a growing problem of accommodation for street prostitutes in some cities. Accommodation shortages were said to have resulted directly from the concern by landlords and proprietors of 'traditional' accommodation, regarding activities related to drug use and trading in drugs which it was said often took place on their premises when used by the street prostitutes.

5.3.32 Consequently, officials and social workers said many street prostitutes had difficulty locating quarters to shower or sleep, let alone a place to take a client.

5.3.33 As might be expected, the drug trade's contribution of recruits to the prostitution

trade is only the first part of the process of reducing and destroying those it entraps, and the experience of such cities as Amsterdam holds a lesson which legislators, administrators and enforcement officers in New South Wales should keep in mind.

Drug referral and treatment

5.3.34 One recent controversy on the drug question which had gained considerable public attention shortly before the Committee's visit to the Netherlands had centred on the proposal of officials in the Amsterdam City Council that heroin should be made available on a controlled and legal basis to the city's addicts, including its many addicted prostitutes.

5.3.35 The proposal was not supported by officials in Rotterdam, where concern was expressed regarding the likely establishment of a black market in legally supplied drugs. More significantly, it had been firmly rejected by the national government whose approval and legislative action is required for implementation of any such scheme.

5.3.36 Systems of methadone maintenance treatment are maintained for addicts in both Amsterdam and Rotterdam. Officials in Amsterdam, however, believed that the maintenance treatment was ineffective and tended to generate aggressive reactions from addicts when the effects of heroin were not fully blocked by the low-dose regimen.

Legal aspects of prostitution and plans for reform

5.3.37 Prostitution in the Netherlands still rests on a tenuous basis because of the many uncertainties of the law in this area. As mentioned earlier, prostitution itself historically has not been an illegal activity in the Netherlands. The national penal code dating from 1886 has generally only proscribed activities peripheral to prostitution, rather than the act itself.

5.3.38 Thus the keeping of a brothel, the inducement of minors into prostitution, acting as an intermediary between prostitute and client and the act of procuring are prohibited under national Netherlands law.

5.3.39 In practice, however, the distinction between the written law and the law as it is actually enforced, is even greater in the Netherlands than it is in West Germany, to the extent that Dutch police refer to the German police approach as a 'legalistic' one, and their own as a policy of 'opportunism'.

5.3.40 Both approaches appear very much more flexible, to say the least, than the official position in Australia generally.

5.3.41 The discretionary powers of police and local prosecuting authorities to enforce the law — or more particularly to choose not to enforce it — has permitted the establishment by local authorities in the Netherlands of non-legislative codes of behaviour, and zones where various activities are permitted to take place.

5.3.42 The system of government in the country is a three-tier one, involving national, provincial and local governments, with the most significant powers in this area resting with the first and last of these.

5.3.43 Local mayors are appointed by the national government, and assume administrative powers in the law enforcement area in conjunction with the local police chief and local prosecuting authorities.

5.3.44 Constitutionally, no local authority may override or evade national laws. In practice, the local power to prosecute or not to prosecute can certainly lead to such significant departures from the apparently overt and written intent of the national legislators as the establishment

of local guidelines for brothelkeeping, and for zoning approvals for prostitution establishments such as clubs or massage parlours as 'other businesses'.

5.3.45 'Local rules' for prostitution established by police typically involve a toleration of brothel activity, provided that the brothel is established in an 'approved' area and no attempt is made to expand it; that no minors (the age of majority is 21) or foreign women are involved; that the operators are not involved in any other criminal activity; and that various other local conventions are observed, such as the avoidance of blatant soliciting.

5.3.46 In cases of breaches of convention or rules, the Mayor or prosecuting authority is not likely to insist on arrests of the participants, but will approve police practice of physically closing down the offending premises, perhaps backed by orders prohibiting non-residents from returning there.

5.3.47 Court decisions in the Netherlands have held that local discretionary powers of this kind may not extend to the explicit 'licensing' or 'registration' of brothels — one such ruling prevented authorities in Rotterdam from licensing two ships in the harbour as brothels when local 'red light' areas had been closed down. But licensing is required for the sale of alcohol, and clubs in the prostitution business are often licensed by the local Mayor under the Netherlands versions of the Liquor Act.

5.3.48 On the other hand, the courts have held that police regulations which prohibit owners of premises allowing their premises to be used for prostitution are valid as general measures to maintain public order, and on the same grounds, there appear to be no legal objections to by-laws or regulations established by local governments to prohibit street soliciting in various areas, or to permit it at particular times and places.

5.3.49 This 'semi-formal' system of regulation and enforcement has come under considerable scrutiny in the Netherlands recently, and at the time of the Committee's visit, significant public discussion had centred on whether the national law should be changed.

5.3.50 Proponents of the existing system argued that section 250 (Bis) of the Penal Code, which makes habitual and occupational procuring an offence, provided a flexible method which local authorities could always ensure reasonable order by the threat of (discretionary) prosecution under the code.

5.3.51 This view, supported by an official report of the Administrative Commission, had been publicly opposed by the Minister for Justice. Justice Ministry officials informed the Committee that the prevailing official view was that brothel-keeping should be excluded as an offence from a revised code, and that in its place, local government be empowered to make regulations to control public-order matters related to brothels. It was suggested that under foreshadowed laws, a local government in a reasonably densely populated area which did not allow any forms of prostitution would probably run into constitutional difficulties and be subject to legal appeal provisions.

5.3.52 Support for the repeal of section 250 (Bis) was also expressed to the Committee by officials of the Equal Rights Co-ordination Department of the Ministry of Employment and Social Security, as a measure which accorded with the view that prostitution should be regarded as ordinary work, so that forms of government assistance could properly be made available to women in the trade.

5.3.53 Current government consideration at that time also centred on the review of laws relating to matters such as pornography, child abuse and pornography, rape in marriage, and the age of consent, many of which had been raised as issues by the women's movement, and

which would probably be dealt with at the same time as the prostitution issue, as part of the general process of review of the Penal Code.

Official and public attitudes

5.3.54 In the Netherlands, as elsewhere, discussion on matters raised by the women's movement has been an important and fairly recent factor in attitudes to prostitution. As in New South Wales, this discussion has also involved some controversy on the subject of pornography and particularly the exploitation of children in pornography.

5.3.55 National government officials were of the view that it was in the latter area that the churches were more vocal than in the area of prostitution, and that there was a general community acceptance of prostitution as a fact of life and part of the Netherlands society.

5.3.56 In common with their West German counterparts, officials at both national and local government level said major public doubts about prostitution tended to arise in localised areas, wherever there were concerns regarding public nuisance such as noise, blatant soliciting or drug abuse.

5.3.57 Officials in Rotterdam appeared to have had repeated problems in areas such as this, and referred to the incidence of street soliciting as the main aspect of prostitution causing public disquiet.

5.3.58 Other common concerns centred, as they had in Germany, on tensions created within a neighbourhood when prostitutes moved into an area, sometimes after having been excluded from other areas by variations in the local system of zoning as applied by police and local administrators.

5.3.59 Some complaints centred on fears as to possible changes in real estate values, although some information would suggest that at times such fears might even be unfounded — at least where clubs were involved — because there is a tendency for club owners to be prepared to pay higher than normal market value for useful real estate in an area designated as an acceptable zone for their activity.

Advertising

5.3.60 There is no legislation prohibiting the advertising of prostitution in newspapers and magazines in the Netherlands and advertisements clearly relevant to prostitution appear in the press. Self-regulatory policies applied by newspaper proprietors mean that advertising of this nature does not include photographs.

Pimping

5.3.61 Official views reported to the Committee on the extent of pimping and the seriousness of the problems which arise as a result of this activity in the Netherlands appeared at times to be at variance with each other.

5.3.62 Rotterdam officials, for example, believed the extent of pimping in that city had been reduced in recent years, and that it was no longer a problem which caused them significant concern.

5.3.63 National officials also believed that the prevailing trend was towards a decline in the incidence of pimping, with the role of pimps gradually changing from one of dominance of the prostitutes to a position where pimps were relatively dependent on the prostitute. It was reported to the Committee that under proposed revisions of the legislation in this area, pimping was unlikely to remain a punishable offence except where violence and coercion was involved.

5.3.64 By contrast, officials, police and at least one social worker in Amsterdam thought that pimping was the rule rather than the exception, at least in that city, and that some aspects of the prostitute–pimp relationship, particularly where these involved drug dependence and/or physical intimidation, continued to create serious grounds for concern.

5.3.65 Police referred in particular to the exploitation of non-nationals as prostitutes — some of whom they said were led into prostitution in an attempt to pay off debts as high as 20 000 guilders (\$A7 325 in 1984) incurred in arranging their (illegal) migration to the Netherlands.

5.3.66 One social worker who works closely and daily with prostitutes in Amsterdam and who gave an extensive interview to the Committee estimated that there were at least 200 to 300 pimps operating in the city, many of whom were supplying drugs to the women working for them, at an estimated cost of 240 to 300 guilders (\$A70–110 in 1984) per gram for cocaine, and slightly less for heroin.

5.3.67 Police suggested that in some instances, drug-dependent prostitutes were paid only in drugs by their pimps. As a general rule, however, a prostitute working for a pimp would be paid in money and would retain between 10 per cent and 50 per cent of her earnings, with 50 per cent being the exception.

5.3.68 Female staff members of the Equal Rights Co-ordination Department in the Ministry of Employment and Social Security referred to unconfirmed reports of prostitutes being traded for cash between pimps, and said there was continuing concern regarding the violent domination of prostitutes by pimps. They said that a recent General Conference on problems of sexual violence in the Netherlands was in favour of making it a criminal offence for a prostitute to work for an employer, although this was seen a long-term aim.

5.3.69 As was the case in West Germany, police said they had considerable difficulty in bringing prosecutions in cases alleging intimidation of prostitutes by pimps because of the reluctance of women to provide evidence in support of a prosecution.

Crime

5.3.70 Direct connections with drug-dealing are significant links between organised crime and prostitution in the Netherlands. Further, the suggestion that women are recruited into prostitution as a part of a system involving illegal immigration, as well as further evidence to the Committee that international groups with interests in and funds derived from gambling have shown interest in investment in premises used for sex clubs and prostitution in the Netherlands, would suggest that there are grounds for some continuing concern regarding involvement of criminal interests in the prostitution trade in this country.

5.3.71 Ministry officials in the Hague were considering proposals for legislation to empower the confiscation of assets involved in criminal activities in some of these areas, but expressed the view that some form of international agreement would be necessary for action of this kind to be fully effective. In the absence of any general international convention on the subject, it was felt that progress in this area might have to be explored initially under bilateral agreements between the Netherlands and other countries with similar concerns.

5.3.72 One recent legislative step in this area purports to empower the Netherlands Government to take extradition proceedings against a person who acts to bring illegal drugs to the country, wherever that act actually takes place. It was not immediately apparent to the delegation how effective that form of legislation would be in an international context.

Health

5.3.73 Local authorities endeavour to persuade prostitutes in the Netherlands to undertake regular health checks, but there is no compulsory health certification as such. There would appear to be a power for the National Health Department to require local governments to follow national health regulations, but no such regulations applied to prostitution at the time of the Committee's visit to the Netherlands.

5.3.74 Notification of sexually transmissible diseases is not required by law, and to the extent that advice of occurrences of these diseases to the health authorities is voluntary, health officials believe their records are useful only as indicators of longer-term trends, rather than as reliable statistics.

5.3.75 Names are excluded from records, the only details provided being the sex and age of the person concerned. This means that contact-tracing is not an option. City authorities in Rotterdam estimated that approximately 25 per cent of STDs could be traced to prostitutes. The majority of prostitutes visit private doctors, despite an apparent increase in the number of prostitutes who are prepared to visit the public clinics which provide free services as do public hospitals in that city.

Summary

5.3.76 The international port cities of the Netherlands have much in common with Sydney, and have obviously encountered the very severe effects from the interaction between trading in illegal drugs and prostitution.

5.3.77 Continuing steps being taken to counteract, control and limit the influence of the drug trade are essential to deal properly with the drug menace. Without them, even the most carefully contrived plans for dealing with prostitution in this city and the whole State would be far less effective.

5.3.78 Sydney by no means faces problems as serious and severe as those encountered by the delegation in the Netherlands, but vigilance in this area should be maintained.

5.3.79 Eventually drugs and prostitution are so deeply interrelated that the link between them grows increasingly difficult to sever.

5.3.80 If the problems of prostitution are to be dealt with effectively, there must be a concomitant and continuing effort made by the Parliament and the community to deal with the problems of illegal drug abuse and drug trading.

5.4 Sweden

5.4.1 Over the past 25 years, Sweden, a country with an estimated 95 per cent of its population of approximately 9 million subscribing to Lutheran beliefs, has been accorded a reputation as a centre of the sexual revolution that began in the 1960s. This reputation was founded to a large extent on such developments as the liberalisation of censorship in the country in the early 1970s, and on official toleration of sex clubs featuring live sex shows on stage.

5.4.2 The Sweden of the 1980s is still a society which is in many ways more liberal in its attitudes to sexual matters than many other nations. This decade, however, has brought some social and legislative reaction against the libertarian atmosphere of the 1970s, and it is noticeable that in common with developments in a number of other countries, the tightening of laws relating to sexual behaviour has been considerably influenced by the women's movement.

5.4.3 In the late 1970s, for example, laws in relation to pornographic material were tightened, with particular emphasis on sanctions against exploitation of children by or in pornography. In 1982, legislation to prohibit public pornographic performance such as live sex shows on stage resulted from recommendations of a Special Committee on Prostitution which was clearly influenced by the feminist movement.

5.4.4 That Committee's report referred to the effect of the sex clubs in these terms:

Where many of the participants in live shows are concerned, the step into prostitution is only a short one. The men patronising these clubs are confirmed in their view of women as inferior and of sexuality as something apart from other human relations

The programs which are performed ... run counter to the efforts of society to achieve sexual equality and genuine sexual liberty based on mutual loyalty and comradeship.

While the retreat from the complete libertarian stance in Sweden serves as a reminder of the international communality of problems in this area, other aspects of Swedish attitudes to sexual matters, and particularly prostitution, stand out in sharp distinction as unique to that country.

5.4.5 Most notable have been the official policies and programmes pursued by various governments to attempt to intervene in the prostitution area with social policies designed specifically to encourage women to leave the trade, and to support them when they do. These steps stand in significant contrast to the more common approach of governments in virtually all other countries, including Australia, which have either attempted simply to ignore the trade, to make it illegal or to tolerate it in some circumstances, but limit it by regulations and controls.

Legal approach to prostitution

5.4.6 Generally, Sweden has been fairly tolerant of prostitution — at least in a comparative and legislative sense. Prostitution per se is not an illegal activity or occupation for those Swedish nationals regarded as adults, and it appears there is no legislative or regulatory ban anywhere in the country against street soliciting for prostitution. Brothels are not registered and are not specifically the subject of legal sanctions (with some qualifications in relation to rented premises, as explained below), and neither approved 'combat zones' or 'exclusion zones' for prostitution are legislated for.

5.4.7 In Sweden, as in countries under the British tradition of law, the 'legalistic' principle of law enforcement and prosecution is followed, placing a requirement on officials to prosecute an offence wherever there is reasonable cause to believe a conviction could be obtained.

5.4.8 Historically, from the second half of the nineteenth century until 1918, there were legal requirements under Swedish law for prostitutes to register for health checks. Prostitution was controlled to some extent until the 1960s by means of an equivalent of the former New South Wales Summary Offences Act. Direct controls of this kind have now either been abolished or have fallen into disuse.

5.4.9 In common with other countries, however, Sweden does retain Penal Code provisions applying sanctions against activities generally associated with prostitution. These are presumably intended to deal primarily with such people as pimps or landlords charging extortionate rents from prostitutes. These 'procuring' provisions are fairly general in scope, and originally provided penalties of up to four years' imprisonment for a person who habitually or for personal gain encourages or exploits another person's 'immoral mode of life', as well as penalties for the procuring of those under the age of twenty.

5.4.10 More recently, amendments were introduced to these provisions to do away with the requirement for 'habitual' activity, making the offences involved much wider in scope. The

Penal Code provisions were also augmented in 1981 by the introduction of provisions into the Real Property Code in Sweden which prohibit all landlords from permitting their premises to be used in any way for prostitution. If convicted under this provision, rent is forfeited. The code also empowers the landlord to evict a tenant found using premises for the purpose of prostitution.

5.4.11 The landlord provisions, if effective, would limit accommodation for prostitution, and are clearly aimed at placing continuing pressure on owners of brothels and clubs. It remains to be seen whether they might in turn simply serve to increase the proportion of the trade conducted on the streets, in cars and in public places. It does appear, however, that the 'procuring' provisions of Swedish law can be read more widely than such provisions in other countries, and can be applied to such people as those involved in advertising for the prostitution trade, landlords and sex club proprietors, as well as pimps.

5.4.12 While the recent legislative amendments have tended to tighten procuring provisions, they do not catch clients of prostitutes. In fact, proposals from some groups that specific laws to criminalise client activity have been recently rejected as impractical and possibly counter-productive, in that it was thought this might drive prostitution underground.

Patterns of prostitution

5.4.13 A considerable measure of what appears to be reliable information was available to the delegation in Sweden as a result of the work of the Riksdag and its independent Special Committee on Prostitution, which worked full-time for more than three years, presenting a detailed report in 1981.

5.4.14 The Committee identified five main forms of prostitution in Sweden as being prevalent during its investigation: street prostitution, massage parlours, sex clubs, prostitution in hotels and restaurants, and callgirl prostitution — although the crepuscular nature of the trade leaves most figures open to question.

5.4.15 Approximately 2000 prostitutes were believed to be active throughout the country, providing services to an estimated 100 000 clients. It was also estimated that a further 2 000 were directly involved in the trade as procurers. A further breakdown of these figures according to the mode of prostitution shows approximately 1000 street prostitutes, 500 prostitutes working in massage parlours, 100 in sex clubs and more than 300 other 'high class' prostitutes working as callgirls or in the hotel-restaurant circuits.

5.4.16 The bulk of street prostitutes in Sweden work in the larger cities and urban areas, with an estimated 50 per cent in Stockholm. The cities of Gothenburg, Malmo and Norrköping accounted for most of the other prostitutes. In common with other countries visited, street prostitution holds the highest incidence of hard drug dependence in the trade.

5.4.17 Two social workers who had been working in contact with approximately 1600 prostitutes in Stockholm for five years suggested that virtually all heroin-dependent prostitutes worked for a pimp, while only 50 per cent of non-drug-using prostitutes had a pimp.

5.4.18 The incidence of child prostitution is reported to be relatively low, with estimates of less than 5 per cent of known street prostitutes under eighteen, and less than 1 per cent under the age of fifteen. It was also stated that an estimated two out of every 100 women born in Sweden in the mid-1950s have been prostitutes at some time or another.

5.4.19 The overall incidence of prostitution in Sweden is believed to have increased sharply during the last half of the 1960s, reaching a peak in 1976. The Swedish Committee on Prostitution reported that, from 1976 to 1981, street prostitution had decreased by approximately 40 per cent, massage parlour prostitution by 60 per cent, and sex club prostitution by 80 per cent.

5.4.20 No reliable figures were offered for the same period for hotel and callgirl prostitution, although officials were of the view that this area too, had experienced a downturn during the years 1976–81.

5.4.21 Officials in Sweden attribute at least some proportion of the decrease in prostitution generally throughout the country in the 1976–81 period to official action instigated in the wake of the controversy surrounding sex clubs and pornography, although they expressed some concern that increasing unemployment in the 1980s may now be having some effect on reversing this trend.

5.4.22 It was suggested that from 1981 onwards the prostitution trade had increased again, although it appears that relatively speaking, the figures of the 1980s are still significantly below those of the early 1970s.

5.4.23 Three forms of government action were referred to in explanation of the decline in numbers during the period 1976–81 in Sweden:

- action to ban live sex acts on stage in clubs;
- legislation directed against pornography and advertising; and
- social 'outreach' programs established with Government backing to reduce the incidence of prostitution in various ways.

5.4.24 The Swedish Committee refers to the significant increase in prostitution in the 1970s which it is said coincided with the proliferation of sex clubs, and some officials saw a major influence from the clubs, as exploiters and promoters of commercial sex generally, as being responsible for the increasing number of active prostitutes. Clubs were seen to have had an effect as recruiting centres for the trade, and as centres of a range of activities which contributed to the growth and promotion of prostitution generally.

5.4.25 Pornographic magazines were also seen as having contributed both as direct stimulants and, with their advertising, an informational guide to prostitution.

5.4.26 It was argued that the eventual ban on the explicit sex acts in the sex clubs had had a significant effect on the viability of these venues, leading to fewer clubs, less prostitution generally, and less revenue for 'spin-off' activities such as sex magazines.

5.4.27 At the same time, restrictions placed on advertising of prostitution and sex club activities may well have contributed to the decline in numbers of active prostitutes, although forms of advertising of this kind are still permitted in sex magazines, as distinct from the general press.

5.4.28 Coinciding approximately with the tightening of legislation on sex clubs and advertising, the impact of the 'outreach' programmes may also have contributed significantly to the reduction in prostitute numbers and represents an approach which appears so far to be unique to Sweden.

Outreach programs and social assistance to prostitutes

5.4.29 Outreach programmes dealing specifically with the problem of trying to reduce the incidence of prostitution by social rather than legal means, were established in a number of Swedish cities in the second half of the 1970s, but most notably in Stockholm and Malmo.

5.4.30 Initial work in this area concentrated primarily on the prostitutes themselves, and involved the application by local authorities of very considerable resources in providing women with sufficient economic and social security for them to leave the trade.

5.4.31 The programmes were at first rather slow to take effect, and their results have been very sensitive to fluctuations in official enthusiasm for their work. One such programme in Malmo has been credited with much of the responsibility for reducing the number of street prostitutes active in that city from 240 in 1977 to 60 in 1980, and with the complete elimination of massage parlours and sex clubs from the city. One major factor in the success of this programme was said to be the extent to which the local police force actively supported it.

5.4.32 When the first outreach programme ended in Malmo in 1981, official estimates were that street prostitute numbers increased over approximately eighteen months from 60 back to 150. After a two-year break, a new programme was begun in the city.

5.4.33 Typically, such programs involve social workers operating in small patrols on the streets, attempting to make contact with prostitutes, particularly women who have only recently entered the trade. The social workers help find alternative accommodation for the women, and help them with applications for social welfare payments, as well as with any physical or psychological problems they may have. Where alternative employment is sought, they generally maintain liaison with sympathetic officers in the local employment office who are aware of the applicants' backgrounds, and are experienced in finding suitable employment.

5.4.34 Workers in this area emphasise the importance of making contact with women new to prostitution as early as possible. They report that while many see prostitution initially as a possible source of luxury and high income, the majority find after several months that their financial burdens have increased, particularly when they are involved, as most are, with a pimp, and that they become increasingly dependent on the trade in order to cope.

5.4.35 Financial problems, however, are seen as only one part of the picture. At the psychological level, serious problems are found in coping with a lack of self-confidence and self-esteem in the women involved. Intensive work in the outreach programmes, for example, suggests that a very high percentage of women prostitutes have had particularly disturbed family backgrounds, and a significant number are the victims of incest at an early age.

5.4.36 Views on the general effectiveness of the outreach schemes in Sweden do vary and critics of the Malmo project have pointed to the fact that the city's proximity to Copenhagen may have meant that, with the reduction in active prostitute numbers in Malmo, clients simply found their way to alternative venues in Denmark. Social workers involved in such programmes also concede that the programme is not very effective in dealing with the problems of heroin-dependent prostitutes.

5.4.37 Despite this, however, officials in Sweden have clearly accepted that such programmes are of some value in dealing with the problems of prostitution, and the report of the Riksdag's Committee on Prostitution recommended the extension of the programmes begun in Stockholm and Malmo into other major urban centres.

5.4.38 Significantly, the Committee also recommended that the social programs directed towards prostitutes should be complemented with measures aimed at clients and potential clients for the prostitution trade.

Education and advertising

5.4.39 Legislation introduced as a result of these and other recommendations by that Committee has committed the Swedish Government to the funding of research into methods of preventing prostitution or reducing its incidence, together with educational campaigns aimed at both men and women. These measures are intended to inform prostitutes and clients of the undesirable aspects of prostitution from the view of both the prostitute and the client.

5.4.40 The need for the church and voluntary agencies to involve themselves in educational campaigns of this kind have been stressed in Sweden, and areas targeted as suitable for specific educational campaigns include youth clubs, mother-care centres, the armed services and trade unions.

5.4.41 Most officials in Sweden were confident that educational and advertising campaigns on sexual matters could be effective. They were able to cite examples of some campaigns which had been effective, particularly those conducted by the RFSU (National Sex Education Institute). One campaign of this kind was conducted on the island of Gottland with the support of doctors, teachers, teenagers, nurses, and youth workers, and the sponsorship of the Department of Social Welfare. Before the campaign started, Gottland had the highest figures for STDs and abortion in Sweden. After four years, the figures were reduced to some of the lowest in the country.

5.4.42 The simple attitude taken on these matters is that if advertising and publicity can be effective in increasing demand for a trade such as prostitution, it can equally be effective in reducing that demand.

Clients of prostitution

5.4.43 Partly as a result of the extensive involvement of social workers in the outreach programmes, Sweden may well be the only country in the world which has actually managed to collect some significant information in the notoriously difficult area of clients of prostitutes and their attitudes to prostitution.

5.4.44 A study of client attitudes compiled by social workers involved in the Malmö project and published in 1984 suggests that the ages and income ranges of clients vary widely, and that generalisations about the 'typical' background of a client are almost impossible to make.

5.4.45 Few of the clients interviewed in the study actually gave sexual gratification as their reason for going to a prostitute, and the common assumption that men sought prostitutes in order to dominate the female was generally not evident.

5.4.46 Rather, the clients interviewed in the study tended to mention feelings of loneliness or curiosity as their motivation for seeking a prostitute, and the ability to avoid having to adopt the 'traditional' assertive male role in sexual activity as a major advantage of the relationship.

5.4.47 Separate figures gathered in other studies in Sweden suggest that approximately 80 per cent of clients are married men.

Public attitudes to prostitution

5.4.48 Church attitudes to premarital sex in Sweden were reported to be rather more liberal than in other countries, and it was suggested that the general view adopted by the Swedish Lutheran Church emphasised that if sex was to take place before marriage, it had moral duties attached to it, and must be taken seriously.

5.4.49 Extensive public debate of the various issues involved in prostitution and related matters has clearly indicated a movement in public opinion away from much of the freethinking which heralded the sexual liberation of the 1970s, and has also brought to the fore some principles of particular interest to the women's movement.

5.4.50 Within the women's movement itself, there have emerged at least two differing schools of thought on the subject of prostitution: one which holds that prostitution amounts to a continuing exploitation of females by males; and the other which tends rather to suggest that prostitution can be regarded as a trade like other trades, provided that male exploitation such as that exercised by pimps and other middlemen can be eliminated.

Pimps

5.4.51 While pimping in Sweden does not appear to approach the problem level reported in Germany, it is nevertheless seen as a significant problem. Recent amendments to the Penal Code introduced in the Riksdag have clearly been aimed at increasing the prospects for successful prosecutions in this area, as well as broadening the area of offence. Police in Sweden reported difficulties similar to those in other countries in gaining sufficient evidence to support prosecutions against pimps, with the usual problem of obtaining from the prostitute evidence of exploitation or involvement in organising the prostitution.

5.4.52 Stockholm police reported that they need to be able to demonstrate that the pimp actually assists the prostitute in her work in order to establish a basis for a pimping charge. It is not enough to show that the pimp had no other source of income other than the proceeds of prostitution. Thirty-two charges for procuring had been laid against pimps under the Penal Code in a period of two and a half years beginning in 1979.

5.4.53 Social workers observing the trade closely in Sweden describe three phases of the professional pimp-prostitute relationship as one scenario they regularly encountered -

5.4.54 In the first phase, the pimp seeks out a woman with low self-esteem, typically courting her with expensive presents or money for clothes and 'high living'.

5.4.55 In the second phase, the pimp suggests that the money cannot last forever, and that she might earn money for them both, and introduces her to prostitution.

5.4.56 In the third phase the pimp isolates the woman socially, ensuring that her only contact is with those involved in prostitution. He proceeds systematically to reduce her self-esteem, typically with suggestions that she is unattractive, does not earn enough money to support their relationship, and would be worthless and helpless if she did not have the pimp to support and care for her.

5.4.57 In such observed patterns in Sweden, while physical violence is not unknown, the predominant hold the pimp retains over the prostitute is a psychological one. There are, of course, many other manifestations of the pimp-prostitute relationship and further complications emerging as drug abuse increases as an influence on prostitution.

Drugs

5.4.58 The link between prostitution and drugs is well established in Sweden, although the problem is by no means as severe as, for example, the Netherlands. Most prostitutes who are heroin-dependent have pimps. Police in Stockholm estimated that at least 20 per cent of all prostitutes in the city were heroin-dependent, and estimates from the Riksdag's Committee on Prostitution suggest that one-third of Swedish prostitutes are dependent on hard drugs.

5.4.59 Other estimates vary markedly between different cities. Welfare authorities in Malmö, for example, reported that 80 per cent or more of prostitutes were heroin-dependent, with most of the drug-dependent working in the street trade. It appears that the pattern developing in Sweden is an overall reduction in the numbers of non-addicted prostitutes, and an increase in those who are heavy users.

5.4.60 Methadone maintenance programmes are available in Sweden, and one such programme in Stockholm caters for 150-200 addicts. Social workers report that there is a universal interest among heroin-dependent prostitutes in joining the methadone programme. Alternative programmes also exist, involving the use of pain-relieving drugs during withdrawal, followed by encounter group activities along the lines of Alcoholics Anonymous.

Advertising

5.4.61 Advertising of prostitution in the general press is limited by law in Sweden. Newspapers are under an obligation for instance to ensure that a 'massage parlour' is not a 'front' for prostitution before accepting such an advertisement.

5.4.62 Legislative rules are augmented by self-regulatory mechanisms within the media, but neither the rules nor self-regulation apply to the 'sex magazines' which do carry advertisements for prostitution.

Health

5.4.63 Sweden has a long history of public campaigns designed to educate the public in the use of contraceptives and the prevention of STDs. Campaigns encouraging the use of condoms date back 50 years, and condoms are made generally available throughout the community, including such places as newsagents, petrol stations and supermarkets. The introduction of the contraceptive pill saw a decrease in use of condoms and an increase in the STD rate, in much the same manner as has occurred in other countries.

5.4.64 Registration of prostitutes for health check purposes is no longer a legal requirement in Sweden, but prostitutes are reported to make extensive use of both public and private STD facilities.

5.4.65 Rates for the various forms of STDs appear much the same as for Australia. There has been a general decrease in syphilis, except among homosexual males. Increases have been reported in the incidence of some strains of gonorrhoea. There has been in recent years a sharp increase in the detection of chlamydia.

5.4.66 In one recent survey of prostitutes, conducted to highlight the need for regular screening tests, approximately 50 per cent of a sample group tested which produced positive results had not noticed any symptoms, and were unaware of the fact that they had contracted an STD.

5.4.67 In another survey of girls aged between thirteen and eighteen who had attended a clinic seeking a prescription for contraceptive pills, 20 per cent were found to have chlamydia, although none had gonorrhoea.

5.4.68 Analysis of the costs of Pelvic Inflammatory Disease in Sweden, most cases of which result from chlamydia, indicated that hospital treatment of such cases in 1977 cost the equivalent of approximately A\$5 million per annum, but had risen by 1984 to approximately A\$10 million.

5.4.69 Penicillin-resistant strains of gonorrhoea represent only about 1 per cent of STD cases reported in Sweden, and have been noted since 1976. In 1984, an outbreak of a penicillin-resistant strain of gonorrhoea in Gothenburg resulted in cases of the disease rising to 20 per cent of all STDs. Officials placed advertisements in local newspapers to urge men to stop visiting prostitutes because of the disease risk. The campaign appears to have been successful.

5.4.70 Use of frank and widespread publicity campaigns and advertising on the subject of STDs and prophylaxis appears to have brought significant community benefits.

Summary

5.4.71 The outstanding and distinguishing features of the Swedish approach to dealing with the problems of prostitution lie in the difference of emphasis that governments, organisations and the population generally appear to place on the need for education and intervention at the social, rather than merely the legal level.

5.4.72 While the Swedish approach does not eschew legislation and regulation, and is in some areas probably more strict in its laws and regulations than other countries, the regulatory process is seen as complementary to measures intended to change attitudes and modes of life.

5.4.73 The more open attitude of Swedish society which results in widespread and effective education and advertising campaigns on subjects such as STDs and contraception is now permitting, in turn, a method of attempting to deal with the problems of prostitution which appears worthy of emulation.

5.5 England

5.5.1 The predominant concern of recent years in England on matters relating to prostitution appears to have been with legal and administrative methods of dealing with street soliciting and associated public-nuisance issues.

5.5.2 Adult prostitution itself is not an offence under English law, but public and policy attention has focused on variations and suggested variations to the law to deal with soliciting following the implementation of the recommendations of the Wolfenden Committee (officially, the Departmental Committee on Homosexual Offences and Prostitution), which reported in 1957.

5.5.3 One important result of the Wolfenden Report was the introduction of provisions in the Street Offences Act to make it an offence for a 'common prostitute' to loiter or solicit in a street or public place.

5.5.4 This legislation allowed for the development of a system of 'cautioning' of prostitutes by police, introducing an element of discretion as well as a concomitant uncertainty into the administration of the law.

5.5.5 Under this system, a woman without previous convictions is not immediately charged with a loitering or soliciting offence unless she has been cautioned twice and the cautions have been formally recorded by police. Records of the cautions may then be taken as evidence that the 'common prostitute' element of the offence has been satisfied.

5.5.6 The original intention of the cautioning system was said to have been to warn off new recruits to prostitution, and to allow the opportunity for the potential or new recruit to be given a chance to contact welfare authorities or the probation service.

5.5.7 While some success has been claimed for the application of the Street Offences Act 1959 in reducing the levels of street prostitution, there appeared to be a general agreement that the law faced difficulties and was in need of review, particularly in the area of the ineffective cautioning system. Another view on the apparent success of this legislation was that it was ineffective and only moved prostitutes from one area to another in line with police enforcement.

5.5.8 One such difficulty which had already led to amendment of the law was the provision for gaol sentences for the third and subsequent conviction for soliciting offences. Concern about the relatively large numbers of prostitutes who had been sent to gaol led to 1982 amendments reducing penalties to fines.

5.5.9 More recent developments however, suggest that the problem now continues in a slightly different form, as prostitutes continue to be gaoled for non-payment of fines.

5.5.10 At the time of the delegation's visit to England, the Criminal Law Revision Committee (CLRC) established by the Home Secretary had produced a report on 'Prostitution in the Street' in consultation with the Policy Advisory Committee on Sexual Offences. The report was tabled in the House of Commons in August 1984.

Legal aspects of prostitution and proposals for reform

5.5.11 In its introduction to its report on street offences, the CLRC outlined a general view of prostitution in the following terms:

Whilst a complete prohibition upon prostitution would be welcomed by many on moral grounds, such a law would, in our view, be unenforceable, and ineffective in eradicating the nuisances described.

5.5.12 The Committee then turned to the phrase 'common prostitute' and the cautioning system used under the Street Offences Act.

5.5.13 It rejected suggestions that the cautioning system may have been of value in permitting contact by the prostitute with the probation service or welfare agencies; noted that criticism of the police had arisen out of the discretionary nature of the system, and accepted that the phrase 'common prostitute' was a pejorative phrase.

5.5.14 It therefore recommended that the word 'common' should be removed from the legislation, and that formal caution systems should be limited to those of a kind administered normally by the courts or police.

5.5.15 Retention of the qualification that the person loitering or soliciting should be a prostitute, would still leave this section of the law limited to prostitutes, and not applicable to clients or would-be clients who solicit.

5.5.16 Apart from an offence dating from legislation of the fourteenth century used in one recent instance (Justices of the Peace Act 1361), the law applicable to males who solicit is confined to a provision in the Sexual Offences Act 1956 making it an offence for a man 'persistently to solicit or importune in a public place for immoral purposes', although if a woman makes a complaint, provisions of the Public Order Act may apply.

5.5.17 Court interpretations have limited the meaning of the term 'for immoral purposes', and the CLRC has recommended that the phrase 'sexual' should be substituted for 'immoral'. The CLRC made it plain that it sees a justification for retaining separate offences for prostitute and client, female and male.

5.5.18 It has recommended that it should be an offence for a man

- to use a motor vehicle in a public place to solicit a woman for prostitution;
- to persistently solicit a woman for the purpose of prostitution (whether in a car or not);
- to solicit a woman for sexual purposes in a manner likely to cause her fear.

The recommendation for the introduction of the offence of using a motor car for soliciting a prostitute has resulted from complaints about 'kerb-crawling' behaviour in areas where prostitutes are known to ply their trade.

5.5.19 Although it was expected at the time of the delegation's visit that the chief recommendations of this report would be implemented, no legislative action was under way.

Prostitution off the streets

5.5.20 Official explanations of policy on prostitution in England summarise the prevailing stance as one of seeking neither to condone nor penalise prostitution itself, provided it is pursued as a private activity and does not give rise to public nuisance. This view, however is clearly subject to qualification in relation to the laws on brothels, which do not have the public nuisance element as a necessary condition for a conviction to succeed.

5.5.21 In this climate, it is evident that there is very little by way of official statistics on the numbers of active prostitutes or the forms of prostitution they are involved in.

5.5.22 Police figures on street soliciting offences are available, however, and indicate that there was a huge reduction in arrests following the introduction of the Street Offences Act in 1959. Arrest figures for soliciting offences in the three months immediately following the passage of the legislation fell to 464 compared with 4138 in the corresponding three months of the preceding year, while annual arrest rates fell from 19 536 in the full twelve months of 1958 to 2733 in 1960.

5.5.23 More recent figures indicate that the rate of arrests has now increased significantly, although by no means to the point of matching earlier levels. Explanations and speculation as to the causes of the new increases vary, with some referring to general economic conditions and levels of unemployment, others to increased effectiveness of policing policies, and still others to the drift of population to London from the Midlands and elsewhere as a result of the miners' strike or the 'Yorkshire Ripper' scare.

5.5.24 It is the nature of the current situation in England, however, that arrest figures may be as much a result of increases in police activity stimulated by higher levels of public complaints about specific areas of street prostitution as they are a result of any of these other factors.

5.5.25 One immediate and major effect of the introduction of the Street Offences Act in 1959 was to drive prostitution indoors.

5.5.26 In some instances, this appears to have led as well to an increase in the activities of pimps or 'ponces' soliciting on behalf of the prostitutes. In others, it led to increases in various forms of advertising on local noticeboards and in daily paper personal columns under various forms of interesting guises, for example 'French lessons', 'erection demolition experts'. Elsewhere, it appears to have led to the establishment of 'massage parlours' and 'physical therapy centres' as 'fronts' for indoor prostitution.

5.5.27 No figures were made available to the delegation in England on the numbers of establishments of the latter kind.

5.5.28 While the emphasis of much of the work of the Criminal Law Revision Committee has been on soliciting and public nuisance questions, the CLRC has dealt in Working Papers with some questions relevant to the brothel trade.

5.5.29 Offences in English law relating to brothelkeeping and disorderly houses derive both from the common law and statute law, and it is apparent that the two areas overlap considerably at times, generating uncertainty.

5.5.30 In particular, the Committee noted that while action under law against landlords of premises used for prostitution is justified in some circumstances, it argued that there was some need to clarify rights in this area.

5.5.31 The CLRC emphatically rejected suggestions that the Government should consider a system for licensing of brothels and similar establishments, or that there should be official red-light areas established where prostitution might proceed with impunity. It found the concept of some form of licensing authority unthinkable, unworkable or both, and could not contemplate the possibility of finding suitable criteria on which to accept or reject applications for this purpose.

5.5.32 On the general question of a regulated trade, the Criminal Law Revision Committee held to the view that 'we believe the practice of prostitution to be an undesirable activity, harmful to those involved and to society at large. It should not be facilitated even in special areas ...'.

That Committee added: 'It is not in the nature of prostitution that it can be made acceptable to society generally by being regulated.' On the other hand, the Criminal Law Review Committee did agree in its 1982 Working Paper with suggestions that provisions of the law which extended the definition of a 'brothel' to premises in which more than one prostitute works should be reviewed to allow two prostitutes to share a home together without attracting the sanction of the law.

5.5.33 The arguments put to the CLRC on this point were that prostitutes were uncertain about their rights to share a flat with another prostitute for fear of falling foul of the law on brothels. It was suggested that amendments to the law in this area would overcome this problem, and contribute to the security of individual prostitutes and their children, permitting the sharing of child care and domestic responsibilities.

5.5.34 The CLRC specifically precluded from its recommendation any suggestion that the relaxation of the rule on sharing of premises might be extended to cases involving three or more prostitutes. It also recommended that present provisions in the law referring to 'brothels' should replace that word with a reference to premises used for purposes of prostitution. Among other things, the CLRC was motivated by a concern that establishments such as 'massage parlours' and 'health clubs' should be brought under restrictions of the laws generally applicable to a 'brothel' as defined by law and the courts — where that may not otherwise be the case.

Pimping

5.5.35 In England, a man who knowingly lives, wholly or in part, on the earnings of a female prostitute commits an offence under the Sexual Offences Act 1956.

5.5.36 As it is necessary in the prosecution of such offences for it to be established that the woman concerned is a prostitute, records of cautions and convictions of prostitutes play a role in proceedings on these matters.

5.5.37 If a man lives with, or is habitually in the company of, a prostitute, or exercises control, direction or influence over her movements in a way which shows he is aiding, abetting or compelling prostitution with others, he is presumed to be committing the offence, and has the legal onus of proof to establish otherwise.

5.5.38 Similarly, a man or woman who lives on the earnings of the prostitution of another man is also guilty of an offence.

5.5.39 Health officials, local council representatives and police in England all agreed that there were significant numbers of pimps or ponces, a ponce being a man with a closer emotional attachment to the prostitute than a pimp. Police believed the great majority of women prostitutes had a ponce.

5.5.40 At New Scotland Yard, the impression was conveyed that newly arrived immigrants or those born of immigrant families predominated in this field. Annual arrest rates for these offences were given at only 30 per year. Prosecutions were claimed to have been fairly successful overall, despite a succession of failures in the courts in the preceding twelve-month period.

5.5.41 Police at Mayfair said that in their experience, many young prostitutes who had made a first appearance in court on a prostitution offence were targets for recruiting by ponces or pimps. Cases were cited of prostitutes being kidnapped, pack-raped by a succession of pimps and then returned to the streets as a form of discipline for attempting to leave the trade or the services of a pimp.

5.5.42 Camden Borough Council was one of the organisations which put submissions to

the Criminal Law Review Committee, and has been involved in a series of local programmes attempting to deal with a range of problems associated with prostitution.

5.5.43 Aldermen and officers of the Council, which covers the Kings Cross area of London, where extensive prostitution had been the subject of continuing residents' complaints, referred to three rough categories of pimps, or men 'living off the earnings', operating in the area: those who had an emotional attachment to a prostitute, and would normally live with her; those whose sole objective was the money; and those who used force to keep a woman in prostitution. Their observation was that pimps worked together in some circumstances, to the point where if one was gaoled another would take over. A result of these arrangements, it was said, was that prostitutes were particularly unwilling to provide evidence to police for prosecutions.

5.5.44 The Council's view submitted to the CLRC was that the law on pimping, because it rested on a simple proof and a change of normal onus to the accused, was too severe on those men (including boyfriends, husbands, sons) who were not involved in exploitation or coercion of the prostitutes they lived with, or with whom they had a mutually agreed and satisfactory financial arrangement.

5.5.45 That submission suggested that the current law also provided a means for police to harass prostitute women about male friends and relatives.

Drugs

5.5.46 While it was reported that that intake of pep pills, alcohol and barbiturates was high among prostitutes with whom police had contact, police and Camden Borough representatives agreed on the point that the use of hard drugs was not particularly high among London prostitutes. Again, however, there was also general agreement that the problem was increasing—if only in line with the general increase in drug abuse within the wider community.

5.5.47 A survey of local prostitutes conducted by the Camden Council as part of a research paper reviewing community services available to prostitute women, indicated that four out of 30 prostitutes interviewed admitted to hard-drug dependence and identified this as a reason for their work as prostitutes.

5.5.48 Many of the women described themselves as heavy drinkers, but only one woman described herself as an alcoholic. Unlike those with a drug-dependence problem, those with a drinking problem saw the use of alcohol as a means of sustaining them in their work, rather than as a cause of their choice of this occupation.

5.5.49 Heroin has been available in Britain as a form of maintenance treatment, but advice from the Department of Health and Social Security is that very few doctors are now dispensing it.

5.5.50 Those doctors who do dispense heroin need to be registered with the Home Office, and there are strict guidelines and controls laid down for this procedure.

5.5.51 Because of problems with the sale of doses on the blackmarket, the vulnerability of outlets to criminal activity, and the need of the drug addict to continually 'top-up', the Department did not see heroin maintenance treatment as having been successful.

5.5.52 More general treatment for drug dependence involves the use of reducing doses of methadone over a period of about three weeks. Those assessed as not ready for this programme can go onto maintenance doses, but the places in this programme were kept as low as possible.

Social problems of prostitutes

5.5.53 All officials believed that prostitution in England was closely linked with women's relative poverty and lack of opportunity. Officers from the Church Army, a Church of England social work organisation working with prostitutes said they frequently found women working on the street to earn money for domestic expenses and the upkeep of children.

5.5.54 Recurrent patterns in examples cited referred to women who were single parents, women from out of London who had moved to the city but had no money for accommodation and black women with very limited education and no prospects of other work.

Zoning

5.5.55 The expressed opposition to the official establishment of red-light areas contained in the Criminal Law Review Committee's Green Paper accords with the views expressed by the British Home Office. The main concern was that any zoning policy applied in major city areas would inevitably involve conflict with residential amenity and lead to continuing complaints from the public.

5.5.56 While the chief concern here was again with street soliciting, it was felt that the same argument bore upon proposals for the general establishment of 'indoor' prostitution.

5.5.57 New Scotland Yard police were equally sceptical of such proposals and referred to the apparent failure of an experiment by Southampton Council in specifying or trying to specify zones for prostitution. Under the Local Government Act, local authorities have a power to decide if and where some forms of sex establishments can operate, and the Southampton experiment had attempted to use this and other measures to 'contain' prostitution.

5.5.58 The New Scotland Yard assessment of this operation was largely shared by the Camden Borough representatives, who agreed the Southampton programme had floundered.

Public attitudes to prostitution

5.5.59 The evidence of public concern in various areas of London regarding the incidence of street soliciting did not appear to be matched by evidence of significant concern about prostitutes operating out of their homes. The publication of the Criminal Law Review Committee's recommendation for the exemption of two-prostitute units from the brothels provisions of the law drew no apparent public outcry.

5.5.60 Street prostitution attracts significant attention, but in a fluctuating way, depending on the ebb and flow of the trade, to various localities often simply because it has been 'moved on' from one area to the next.

5.5.61 A Church Army representative suggested to the delegation that it was unrealistic for governments to legislate against prostitution, but was opposed to legalisation of the trade as it was believed this would lead to increased procurement of young women and hence further exploitation. In general, this person was of the view that the churches had a more positive role to play in assisting women to leave prostitution and educating them not to enter the trade in the first instance. This was said to imply that many churches needed to discard much of the 'Thou Shalt Not' attitude, which worked to 'de-church' many people.

5.5.62 Gaoling of prostitutes does appear to be commonly accepted as achieving little and as offering no real chance for reform of offenders.

Crime

5.5.63 New Scotland Yard police were of the view that there was no evidence of major organised crime involvement in prostitution in England, nor did the delegation hear any suggestion to this effect. Proceeds derived from prostitutes by pimps do not seem to find their way into other areas of crime.

Health

5.5.64 Although a free and confidential service for STDs is offered by the Department of Health and Social Security, generally these diseases are no longer statutorily notifiable in England.

5.5.65 Patterns of the incidence of various STDs were similar to those in Australia, with increasing numbers of cases of chlamydia, some decline in the occurrence of hepatitis B, and growing problems with penicillin-resistant gonorrhoea reportedly sourced to the Philippines and Thailand.

5.5.66 STDs generally were increasing at the rate of about 8 per cent per annum, and the last available annual figures, for 1982, reported 517 668 new cases in that year.

5.5.67 Departmental officers said that prostitutes tended to try to hide their profession from health workers, but some statistics were compiled for those they believed were prostitutes. It was estimated that 10 per cent of prostitutes attend private GPs and the remainder go to the free clinics. It was recommended that prostitutes should submit themselves for STD examinations once a week.

5.5.68 Contact-tracing is regarded as an important part of the work of the English clinics and has been established as a part of the health certificate course. The Department placed emphasis on the importance of developing a proper training course for contact tracers.

5.5.69 At the time of the delegation's visit, difficulties had been found with contact-tracing for AIDS, but it was believed that almost all of 61 cases reported at that time could be traced to USA contacts. DHSS officials believed the United Kingdom lagged approximately two years behind the USA in trends with AIDS.

Summary

5.5.70 The general impression the delegation retained of the prostitution scene in England was one of a continuing round of attempts by police and local authorities to deal with the visible and nuisance-causing elements of the trade when these gave rise to public complaints.

5.5.71 Although some authorities in England did not agree with this proposition, the general pattern of law enforcement appeared to involve a cycle starting with the development of street prostitution in one area, followed by residents' complaints, increased police action to suppress street activity in the area, leading eventually to the movement of prostitutes to another area and the beginning of the same cycle again.

5.5.72 A fairly ambivalent official view of problems arising from prostitution when these did not lead to public-nuisance or public-order complaints did seem to have led to some confusion in the law. This was most evident in the fact that doubts continue to surround the law as it applied variously to brothels, accommodation used by prostitutes, massage parlours and the like. Here, scattered remnants of the law relating to the concept of offences against 'public morals' appear to sit oddly with indications of a lack of official interest in legal intervention unless nuisance or threats to order are involved.

5.5.73 While this Committee acknowledges the importance of ensuring that attention is paid to such matters as the nuisance caused by 'kerb-crawling', and intimidatory soliciting by potential clients, it is difficult to see that the interests of justice and public confidence in the law and its enforcement agencies is best served by entirely separate legal offences for prostitute and client, male and female, as appears likely to persist in English law.

5.6 Hong Kong

5.6.1 The purposes of the Committee's inclusion of Hong Kong within its overseas itinerary were not the same as those for other countries, and concentrated almost entirely on matters relating to the connections between prostitution and the drug trade. Most particularly, the Committee was concerned to investigate reports it had received on the nature and extent of Hong Kong's programmes for treatment of drug-affected people, including many prostitutes. These had been reported as being significantly advanced in a number of areas.

5.6.2 The complex and unique character of Hong Kong's culture, and the peculiar characteristics of its history and system of government made it difficult, in the Committee's view, to draw conclusions on prostitution itself which would be relevant to Australian society from social and cultural trends in the colony.

5.6.3 Despite the apparent differences, it was of interest to the Committee to find a measure of similarity between many of the administrative and law enforcement problems experienced in Hong Kong and those in other countries, including Australia, and some notes on these similarities are provided later in this section.

The Hong Kong drug problem in perspective

5.6.4 The sheer size of the drug abuse problems faced in Hong Kong arises from its history, the socio-economic structure of its society, and the density of its population.

5.6.5 As the historical European gateway to China, Hong Kong figured significantly in the Opium Wars, and retains almost a 'heritage' of drug culture from that period. As a free port, it has been additionally vulnerable to the importation of raw opiates. Since the 1950s the establishment of chemical 'factories' for processing of these substances into heroin has made it something of a centre for heroin production—at least for local use.

5.6.6 Its geographical proximity and cultural links to the famous Golden Triangle area, the size and diversity of its fishing and shipping fleet, the frequency of international arrivals and departures by air bringing some of the 13.7 million visitors per annum, and the fact that the colony is based on a whole series of islands are factors which exacerbate the problems authorities face in attempting to control the drug trade.

5.6.7 Current estimates from the Narcotics Division of the Government Secretariat in Hong Kong are that there are at least 50 000 heroin-dependent individuals in the colony, which has a regular population of some 5.3 million. Significantly, a relatively large proportion of these heroin-dependent people are believed to be prostitutes.

5.6.8 Official policy on dealing with the drug trade centres on four main areas: law enforcement activity against importers, peddlers and drug syndicates; treatment and rehabilitation programmes; preventive education and publicity; and international liaison for purposes of police intelligence.

5.6.9 Assistance to the Narcotics Division in the drug area has come from another body, the Independent Commission Against Corruption, whose activities are largely directed against crime syndicates. These activities are reported to have had some measure of success.

5.6.10 One complication faced by police authorities when they believe they have had some success in suppressing the heroin trade arises from the fact that such successes frequently result within a period of two months or so in increases in street prices for heroin. In turn, it is their observation that they are then faced with increases in 'quick cash' crimes such as street muggings, petty theft and burglaries.

5.6.11 A further effect is often to bring about a rapid increase in the number of drug users seeking treatment. A comparative shortage of heroin on the streets at one stage in 1984 resulted in an increase of those seeking to be placed on methadone programmes increasing from 6000 per day to 10 000 per day.

Centralised records on drugs

5.6.12 One initiative of Hong Kong authorities has been the establishment of a computerised Central Register of Drug Abuse, drawing data from a variety of sources, including the Medical and Health Department, the Society for Aid and Rehabilitation of Drug Abusers (SARDA), the Royal Hong Kong Police, the Corrective Services Department and many welfare agencies.

5.6.13 At the time of the delegation's visit, this register contained some 2 166 000 records on more than 47 000 individuals.

5.6.14 One of the problems of the Central Register is that once entries for an individual were made, it was often difficult to determine how many people were current users and for that matter, in many cases, how many were still alive. No solution to that problem was in sight, but the register has proven useful in a number of ways. It is these records, for example, which provide evidence of the disproportionate representation of prostitutes within the drug-using population in Hong Kong. More than half of the women at the Corrective Services Department's Drug Addiction Centres were recorded as having worked as prostitutes or 'dance hostesses'.

5.6.15 Recently, the Central Register has been of some value in detecting developing trends in drug abuse, such as an increase in the proportion of teenagers among new drug users.

5.6.16 In turn, reports of such trends have been used for the development of strategies and changes of emphasis in policies in areas such as preventive and educational work as well as enforcement operations.

Preventive measures

5.6.17 The centrepiece of the preventive programme recently has been the Specialist School Talks team, made up of police and drug officials, and partly as a result of the information from the Central Register, this team had been concentrating on three main districts, targeting 12- to 15-year-olds for attention, and covering 20 000 children in 56 schools.

5.6.18 The programme developed by this team supplanted an earlier system operating up until 1984 which had used teachers to provide the talks and materials on the subject but had been found to be inadequate.

5.6.19 Public-interest advertising on television is also employed under this system, and is believed to have been very effective. Typical examples included scenes featuring dance hostesses and prostitutes, stressing the message: 'Don't take drugs to escape from reality or to get rid of pain', and another depicting a worried mother with a boy on drugs, urging parents in this situation to ring a given number for advice, or to contact SARDA for help.

Rehabilitation and treatment

5.6.20 As was the case in England, the use of heroin maintenance as a form of treatment for drug users has been tried in Hong Kong, but here too, has been abandoned. Licences are no longer issued for doctors to prescribe this form of treatment. A serious disadvantage found when the system was tried was that patients were generally incapable of working when they were on heroin, even in controlled doses. The familiar picture of continuing pressure on medical authorities from patients to provide them with increased doses was also found to be a problem.

5.6.21 Today, approximately 15 000 drug users are under treatment in the various establishments, and almost a half of these at any one time are undergoing methadone treatment. At the time of the delegation's visit, a further 3 000 people under the care of the Corrective Services Department were taking the 'cold turkey' treatment which that department provides, and 6000 were under a mixed system operated by SARDA.

5.6.22 Most patients on methadone treatment start at 40 milligram doses which are then reduced. Forty milligrams is locally adjudged sufficient to achieve blockage of the effects of heroin. Heroin-dependent patients beginning the methadone treatment are given regular urine tests during the first three days, and must leave the system if tests for simultaneous heroin use prove positive.

5.6.23 Corrective Services Department treatment for young male offenders involves hard physical work at the Hei Ling Chan Island unit, and was said to be humane. Periods of detention on the island vary from four to twelve months, and were followed by a period of a full twelve months of observation, involving twice-weekly urine tests. It was claimed by narcotics officials that in the observation period, approximately 90 per cent under observation stayed drug-free.

5.6.24 The relapse rate immediately after this period, however, has been found to be high, yielding overall results roughly comparable with other rehabilitation systems.

5.6.25 Some 24 methadone clinics had been established in Hong Kong, which were well distributed throughout the area. Most clinics operated all day, while some were evening-only clinics, and were able to provide maintenance for patients who were capable of continuing at least some forms of work while on this treatment.

5.6.26 A system operated by SARDA also has its base on a separate island for treatment of patients, followed by a half-way house system thereafter. It was this organisation which proved to have the most detailed information on the established links between prostitution and drug abuse in Hong Kong.

Prostitutes and drug rehabilitation

5.6.27 SARDA is responsible for running a drug treatment centre which deals mainly with women. Of 80 admissions of heroin-dependent women to this centre in 1982, 50 were prostitutes before they took drugs, 21 turned to prostitution after taking drugs, and nine had no record of prostitution. For 1983, the ratio of those starting on drugs before prostitution to those starting after entering prostitution was approximately 50:50.

5.6.28 SARDA representatives told the delegation that poverty, poor family circumstances and peer-group pressure for more expensive clothing and make-up led younger women into debt with loan 'sharks' and hence into prostitution. They classified 33 per cent of their patients as 'seriously emotionally deprived' and 67 per cent as 'materially deprived'. Many were both.

5.6.29 Twenty-six per cent of prostitutes who had been through the system had attempted suicide at some stage. Many were seen as the victims of what was described as a developing

trend for the traditional Chinese family unit to become less cohesive at a time when girls were still not encouraged to enter a career, were given less education than boys, and were often subjected to physical abuse.

5.6.30 The length of stay of patients at this SARDA residential centre depends upon their behaviour during treatment. The programme is adapted from one used in New York, and has some parallels with Odyssey House in New South Wales and Phoenix House in the United Kingdom.

5.6.31 Within several of the groups, each person is given a job to do at the centre. A child-care programme is provided for children under four, and there is a vocational rehabilitation programme for discharges. A limited period of residence in a halfway house follows the initial residential treatment, but this facility is limited, apparently because of limits on the availability of staff.

5.6.32 Since 1968, SARDA had dealt with approximately 1300 women under this system, of whom about 15 per cent had come referred from the courts. Their figures for its success are limited to a period of only two years after the course, and claimed at 43 per cent. It is agreed by SARDA representatives that the relapse rate beyond this period would probably be substantially higher.

Patterns of prostitution

5.6.33 Two main areas in Hong Kong, Wanchai and Mon Kok, appear to have concentrations of prostitution establishments, and a study of Mon Kok in 1982 showed that 9 per cent of 1800 buildings surveyed had some form of vice establishment. In this survey, 113 one-prostitute apartments were identified, along with 89 guesthouses with prostitutes operating from them and 130 'adult entertainment centres' which included dance halls, night clubs, health centres and bars used for prostitution.

5.6.34 One unusual form of prostitution is the 'fish ball stall' which typically consists of a very dimly lit room where masturbation and oral sex are offered illegally in its high-back stalls.

5.6.35 In Wanchai, police report that similar patterns apply, and claim to know of only a half a dozen or so street prostitutes, all of whom they said were in their sixties, and none of whom actually solicit customers.

5.6.36 Again, one-prostitute apartments predominate in this area because of the legal definition of a vice establishment as one in which two or more women operate. A common form of complaint to police about the one-prostitute apartments arises from the common practice of using neon signs outside the building to attract customers. Explicit language in some of these signs is frequently found offensive by the local populace. One building mentioned by police had 22 prostitutes working in it and 52 neon signs outside.

5.6.37 The Vice Squad in Wanchai district claims to make 150-160 arrests per month of prostitute women, and a further 30 arrests of men operating premises for prostitution. They estimated that numbers of vice establishments in the district had fallen from 40 in 1983 to eleven in 1984 as a result of regular arrests and gaol sentences—with offenders receiving sentences of at least six months' gaol.

5.6.38 Wanchai has a relatively high crime rate, and police believe that most bars and entertainment spots are paying protection money to people associated with one criminal organisation (Triad) or another.

5.6.39 One proposal to deal with the nuisance problems associated with prostitution in Hong Kong at the time of the delegation's visit was a draft Residential Premises (Nuisances

Associated with Prostitution) Ordinance to give power to owners, corporations or residents' groups working through Mutual Aid Committees to seek a court order from a magistrate to abate a nuisance. The draft ordinance would provide for an owner of property relevant to the complaint to have 21 days to object to a closure order on the premises in question. If the order was confirmed the premises could be boarded up by the police if necessary.

Summary

5.6.40 The specific difficulties found by Hong Kong authorities in providing for the treatment and rehabilitation of drug-dependent prostitutes may merit continuing study in the future, and highlight the need for separate and discriminate action to be taken to handle problems involved in the prostitution-drugs connection.

5.6.41 While methods of methadone treatment for the heroin-dependent are still comparatively new, the longer experience of Hong Kong authorities in this area, combined with their development of sophisticated methods of maintaining data on drug users, offers the opportunity for a longer-term review of this area.

5.6.42 Whether for cultural reasons or otherwise, Hong Kong, with some laws roughly equivalent to those applying in England, appears to have avoided the problems of street prostitution to a very large degree.

5.6.43 It seems obvious that educational programmes designed to help limit a serious social problem should be backed by modern methods of population data collection which can capture and analyse changing trends in the extent and nature of the problem. It is surprising, therefore, that few countries appear to have access to data of the kind that is available in Hong Kong.

6.1.1 The 'social and community welfare aspects' of prostitution include the actions and interests of prostitutes, their families, their customers and those people who are affected by prostitution. Clients and the demand for prostitution are discussed in chapter 4, while the social and environmental impact of the trade is dealt with in chapter 10.

6.1.2 This chapter is concerned with prostitutes and those who can be considered 'at risk' of prostitution; it discusses their welfare needs, whether before, during or after prostitution. The Select Committee was informed that community refusal to acknowledge such needs can lock prostitutes into isolation and increasing dependence on an illicit and often dangerous source of income. Most of the Committee's recommendations are designed to prevent the recruitment of women and young people, although the Committee also discussed the provision of realistic incentives to prostitutes to leave the trade. At the same time the Committee recognises that the issues discussed and the social welfare strategies proposed here are not relevant to all sectors of the prostitute population.

6.2 Why do People Become Prostitutes?

6.2.1 To order and evaluate its evidence, the Committee adapted an explanatory scheme used by Benjamin and Masters,¹ who distinguished between:

- Attracting factors: these include the relative advantages of prostitution in terms of income and independence. The economic advantages of prostitution must be set against the structural disadvantages — relating to gender, age and class — experienced by the groups from which prostitutes are recruited.
- Predisposing factors: these include certain early experiences and/or family conflicts which may act upon structural disadvantage to make a person more vulnerable to recruitment. Benjamin and Masters also pointed out that some social milieux may be 'predisposing'; familiarity with the prostitution scene makes eventual recruitment more likely.
- Precipitating factors: these include economic or emotional crises and may also include definite overtures from someone involved in prostitution.

6.2.2 Attracting, predisposing and precipitating factors interact in different ways according to the gender, age, background, personality and sexual identity of the recruit, as well as the location and type of prostitution into which she or he is inducted.

6.2.3 The Committee was wary of recruitment theories which placed undue emphasis on any one set of factors. For example, the relative attractions of prostitution can be demonstrated by reference to the employment and unemployment patterns of women and young people. It is important to establish the social and economic *context* of prostitution. But this exercise does not show how disadvantages are translated into actual recruitment; it cannot explain why some enter prostitution and others do not. In particular it does not explain why the most disadvantaged groups — Aborigines and non-English speaking migrants — are not well represented in the prostitute population of inner Sydney. The situation is different in certain suburbs and country towns, but the Sydney situation points up the dangers of presupposing a simple relationship between economic disadvantage and recruitment.

6.2.4 Concentration on predisposing problems also creates difficulties. Pioneering studies of prostitutes, which were often studies of incarcerated prostitutes, found that many of them

1 H. Benjamin and R.E.L. Masters, *Prostitution and Morality*, Souvenir Press, London, 1964:88-106. The Committee's adaptation of this scheme does not imply Committee acceptance of Benjamin and Masters' conclusions.

had a history of childhood poverty and family violence.² These experiences were labelled as predisposing to prostitution. The Australian Prostitutes Collective reminded the Committee that it is unwise to generalise about prostitutes from studies of workers who have been detained by the criminal justice or health authorities. Such people tend to be the most disadvantaged and vulnerable members of the prostitute population. The generalisation 'all prostitutes are survivors of childhood violence' is not tenable and too easily gives rise to the conclusion 'all survivors of childhood violence become prostitutes'. Discussions of predisposition — when the predisposing experience is considered in isolation from a person's whole social and economic history — can have dangerous overtones of predestination. Again they do not explain why and how some survivors of childhood assault are recruited into prostitution.

6.2.5 The Committee confirmed that the individual's social milieu was an important factor in recruitment. Most prostitute witnesses stated that they had begun working because they knew other people involved in prostitution. These contacts had not always recruited or even encouraged them, but their example made prostitution 'thinkable'. A female worker gave the following account of the recruitment process:

How did I start? I had my eldest child and my husband had left me and I had a friend and she appeared to be in a good condition and it did not seem to affect her mentally. She looked beaut, clothes etc. I had a few stiff drinks the first time and then kept going.³

6.2.6 Recruitment generally works through an informal network of acquaintances, friends and relatives. (In inner Sydney this network is predominantly Anglo-Australasian). Few adult prostitutes claimed to have been recruited by pimps, while even fewer had answered advertisements. The Committee did, however, receive evidence of procurement in the classic sense. For example, young people in Kings Cross may be recruited for a variety of illegal and illicit purposes, including prostitution. The media periodically make these activities visible, but news coverage of procurement focuses exclusively on the immediate context of the child's recruitment, on the procurer as the precipitating factor. For the purposes of this chapter, it is more important to ask how and why these young people arrive in Kings Cross and to establish what social and economic factors make women, transsexuals and young men available for self-recruitment or procurement.

6.2.7 The word drug has not yet been used in this section. There is a tendency in public and media discussions of recruitment to subsume all social and economic issues in the 'drug problem'. Drug dependence is relatively high among the visible sections of the prostitute workforce, but the Committee calculates that less than 10 per cent of the total workforce are dependent on expensive drugs like heroin (see chapter 8). The Committee heard evidence that drug use can cut across other relevant factors. For example, police witnesses argued that street prostitution was once the resort of women from disadvantaged backgrounds but 'now better-educated girls are as much engaged in prostitution' as a result of drug dependence.⁴ Yet the Committee also heard evidence that many common factors underlie recruitment into prostitution and drug use. In certain milieux drug use and (usually casual) prostitution are redefined as normal behaviour. In these circumstances the perennial question 'Which came first, drugs or prostitution?' becomes irrelevant. This chapter does not deal specifically with drug use and dependence but must be read in conjunction with chapter 8.

2 See, for example, S. and E. Glueck, *Five Hundred Delinquent Women*, Knopf, New York, 1934.

3 Confidential interview, 1983.

4 Submission of the New South Wales Police Department.

6.3 Attracting Factors: The Economic Context of Prostitution

6.3.1 The overwhelming majority of prostitutes are females and the relative attractions of prostitution are most evident when discussing female recruitment. Several witnesses located prostitution firmly in the context of social and economic inequality between the sexes. One woman declared: 'All women can become prostitutes ...'.⁵ It was acknowledged, however, that certain groups of women, notably single parents and very young women, were particularly vulnerable. It was also agreed that very young men share this vulnerability. Youth, like gender, constitutes a significant disability. But it is interesting to note that gender inequality may persist in the very process of recruitment. A recently published study of Sydney prostitution notes that young men, whether they are involved in homosexual or heterosexual prostitution, have the ability to move casually in and out of the prostitution trade. Young males, however disadvantaged, enjoy a range of legal and illegal economic options which are not available to their female counterparts. Female recruits are therefore more likely to become 'committed' workers.⁶

6.3.2 Recent research has documented women's increased risk of poverty and their restricted employment opportunities, but this material has not been directly related to prostitution. The Committee, therefore, attempted to marry official statistics and general studies with its own evidence upon the feminised occupation of prostitute.

6.3.3 In 1983 Roberta Perkins, a founding member of the Australian Prostitutes Collective, administered a short questionnaire to 121 street and brothel workers in Kings Cross and Darlinghurst. She estimated at that time that this represented a 50 per cent coverage of women and transsexuals working in those ways in those areas. The average age of respondents was 27 years; only two of them recorded their age as less than eighteen years, while five respondents were over 40. Perkins also conducted a more detailed study; fourteen women completed a longer questionnaire and nine others were interviewed. The ages of these 23 women ranged from nineteen to 61 years and their average age was 32 years. These respondents had experience in street, brothel, parlour and escort work. The preliminary findings of both surveys were made available to the Committee.

6.3.4 Perkins' work is not primarily a study of recruitment, but a study of prostitutes' working conditions, work-related problems and family relationships. She does, however, make two significant points about the recruitment of prostitutes and their reasons for remaining in the trade:

- The overwhelming majority of her respondents stated that their reasons for entering prostitution were economic. This was the case for 97 per cent of the first group of 121 respondents. This finding could be seen as unremarkable since most people in paid work take up that work for economic reasons. But the economic basis of recruitment must be stressed because the opinion persists in some quarters that prostitutes enter the trade out of some sexual compulsion or desire for excitement. And it should always be remembered that prostitution is not 'just a job like any other'. The financial rewards are offset by health risks, physical danger and social stigma. The majority of Perkins' 121 respondents claimed that recruitment had been a matter of sheer survival.⁷

5 R. Perkins, *Female Prostitution in Sydney II*, 1983a:84. Appendix 4 of the Submission of the Task Group on Prostitution. The Task Group comprised the Australian Prostitutes Collective, Twenty-Ten, Gays Counselling Service, Gay Rights Lobby and the Australian Transsexual Association.

6 R. Perkins and G. Bennett, *Being a Prostitute*, Allen and Unwin, Sydney, 1985:22-26. The authors distinguish between brothel prostitution and that carried out in parlours.

7 R. Perkins, *Female Prostitution in Sydney I*, 1983b:25, 27, Appendix 2 of the submission of the Task Group on Prostitution.

- The 121 respondents were asked if they had children and if they were supporting them; 44 per cent of the 109 women in the sample had children living with them and appeared to be mainly (in most cases solely) responsible for them. Perkins concluded that the presence of dependent children was an important reason for women remaining in prostitution.⁸

6.3.5 Perkins is critical of the assumption that prostitutes come exclusively from economically deprived backgrounds and are women without qualifications or skills. She found that eleven of her smaller sample of 23 women had a Higher School Certificate or more advanced qualifications, although she did not claim that this group of women was typical of the prostitute population.⁹ Unfortunately she did not follow up the questions of background and education with her larger sample of 121 workers. But one question about alternatives to prostitution revealed some information about respondents' skills. Ten per cent of them had professional qualifications or experience while a further 7 per cent suggested they might find clerical work. Twenty-one per cent felt that their only recourse would be employment — probably low-paid employment — in the manufacturing and service sectors. But a staggering 62 per cent could see no alternative to prostitution except social welfare.¹⁰ This does not necessarily reflect their lack of qualifications or skills; it may represent their realistic assessment of the job market and the difficulties of obtaining child care.

6.3.6 Taken together, Perkins' two studies tend to demonstrate the association between prostitution and lack of marketable skills. But they also support her claim that women who would conventionally be regarded as 'middle-class' are recruited into prostitution.

6.3.7 Overseas studies confirm Perkins' conclusions. Ruth Rosen argues that most prostitutes in the United States come from poor and often disrupted families. But she believes that more women from relatively privileged backgrounds are being drawn into prostitution for the following reasons:

- In recession conditions women who have acquired skills can find no market for those skills.
- The growth in the number of woman-headed families means that more families are at risk of poverty and more women are at least potential recruits.
- The growth of massage parlours and escort agencies, which do not carry the stigma of street prostitution, has made prostitution acceptable to more women. In addition these enterprises tend to prefer middle-class recruits.¹¹ (The Select Committee observed a similar trend in New South Wales.)

The arguments of Perkins and Rosen are consistent with recent studies of poverty. Bettina Cass of the School of Social Work at the University of Sydney made available to the Committee her analysis of changes in the patterns of Australian poverty in the years 1972–82. This reveals the worsening position of non-aged women:

*while poverty now wears a younger face, it continues to wear a female face. Income units headed by women comprise one quarter of all income units in poverty. One half of women-headed single parent families, and one quarter of single women are living in poverty.*¹²

8 *ibid.*:10-11.

9 Perkins, 1983a:1, Appendix 4 of the submission of the Task Group on Prostitution.

10 Perkins, 1983b:27, Appendix 2 of the submission of the Task Group on Prostitution.

11 R. Rosen, *The Lost Sisterhood: Prostitution in America, 1900-1918*, Johns Hopkins, Baltimore 1983:173-75.

12 B. Cass, 'The Changing Face of Poverty in Australia: 1972-1982', paper delivered at Continuing Education Seminar in the Department of Social Work, University of Sydney, 1984:22.

6.3.8 Other witnesses also stressed the growth in the number of single parents depending on pensions and benefits; approximately 92 per cent of these are women. Their chances of finding employment in a tight labour market are diminished by the difficulties of finding affordable child care, and the benefits they derive from any work available are minimised by the imposition of income tests and the consequent taxation of welfare payments. Recent budgets have addressed the question of welfare recipients and the 'poverty trap'. But those recipients still face disincentives which can 'deter them from rejoining the labour force or ... propel them into seeking non-declared earnings through employment in the underground economy'.¹³

6.3.9 Are such women propelled into the underground economy of prostitution? This is a subject on which deductions are easily made and evidence is hard to collect. Witnesses stressed that prostitution becomes an 'attractive' solution for a crisis-ridden mother who has experience of or contact with the prostitution trade. In some cases the involvement is casual. In the words of one witness 'With certain women they engaged in acts of prostitution from time to time to pay an electricity bill'.¹⁴ Others, like the woman quoted earlier, find that the conjunction of motherhood, separation and having a friend in prostitution leads them into full-time work.

6.3.10 It is harder to establish whether and how women with no prior experience of prostitution are 'propelled' into the trade. The Committee heard about 'housewife prostitution' from several sources, including the Doctors' Reform Society, the Catholic Social Welfare Committee and the late J.C. Boyd, then Member of Parliament for Byron.¹⁵ Certain witnesses referred to women who were working as part-time prostitutes, sometimes from their own homes, because their husbands were unemployed or under-employed. Others argued that single-parent pensioners have also been recruited into part-time suburban prostitution in order to supplement social welfare payments. Finally it should be noted that city and suburban brothels advertise for 'beginners' and offer flexible shifts; these working arrangements seem to be geared to the needs of mothers, especially single mothers.

6.3.11 Many observers agreed with Perkins that a fairly high proportion of female prostitutes are supporting children. Whether motherhood preceded or followed their involvement in prostitution, it was an important reason for their remaining in that trade.

6.3.12 It would be a mistake to concentrate exclusively on single parents. Cass noted that simply 'being single and female' is recognised as a disability in studies of poverty, a disability which relates to the level and nature of women's employment.¹⁶ Other witnesses directly related the issues of joblessness, occupational segregation and unequal pay to the question of recruitment. They noted that the official unemployment rates for young men and women are similar. In New South Wales in May 1985 21.4 per cent of women in the most vulnerable age group (15-19 years) were recorded as unemployed. The unemployment rate for young males was 19.7.¹⁷ But, as the Kirby Committee emphasised, the real level of female unemployment is higher than that of males; studies of discouraged workers show that twice as many females as

13 Department of the Prime Minister and Cabinet, *Affirmative Action for Women*, 2 vols, AGPS, Canberra, 1984, 1:21.

14 Louise Webb, formerly national co-ordinator of PROS (Programme for Reform of the Law on Soliciting), United Kingdom, in evidence, 1 September 1983:180.

15 Dr Caroline De Costa, Doctors' Reform Society, in evidence, 4 October 1983: 57; Reverend Laurence J. McNamara, New South Wales Catholic Social Welfare Committee, in evidence, 11 October 1984: 21; J.C. Boyd, MP, in evidence, 30 August 1983:22-23.

16 Cass, 1984:2-3.

17 Australian Bureau of Statistics, *The Labour Force (Including Regional Estimates)*, New South Wales, ABS Catalogue No. 6201.1, Sydney, 1985:22.

males under twenty years are unemployed but are no longer registered as seeking work.¹⁸ Even so, many witnesses were concerned at the level of youth joblessness in general and they associated the growing visibility of male prostitution with the poverty of young men.

6.3.13 In 1957 the Wolfenden Committee in Britain seemed confident that no-one in the new welfare state could be forced into prostitution.¹⁹ The New South Wales Committee, confronted by the evidence of youthful joblessness, cannot share this confidence. The allegation that young people are virtually 'conscripted' into prostitution will be discussed in later sections of this chapter. But the Committee also recognises that recruitment is more often a matter of relative rather than absolute deprivation.²⁰

6.3.14 Again most evidence on this issue concerns women. In Britain Eileen McLeod argues:

*Recruitment to the ranks of prostitute is not appropriately characterised as only concerning a small group of highly deviant women. It is secured by women's relative poverty still being such that for large numbers sex is their most saleable commodity.*²¹

6.3.15 In New South Wales the Women's Advisory Council drew attention to the segregation and segmentation of the labour market by gender.²² Women workers cluster in relatively low-paid sales, service and clerical positions and those positions increasingly tend to be part-time only. Perkins' findings on prostitutes' qualifications and skills should be read against the information that women in this State generally have fewer post-school qualifications than men. In 1981 69 per cent of women over fifteen years had no post-school qualification as compared with 57 per cent of men.²³

6.3.16 Witness after witness emphasised the contrast not only between male and female earnings but between female earnings in 'straight' employment and in prostitution. In the June quarter of 1985 the average weekly earnings of all females in New South Wales stood at \$271.30, but all male workers averaged \$409.70.²⁴ It is impossible to estimate average prostitute earnings since demand fluctuates while hours and conditions vary widely throughout the trade. In 1983, however, Perkins estimated that a hard-working inner-city prostitute could earn \$1000 in a good week.²⁵ And prostitution is the only Australian occupation in which women earn, on average, more than men.²⁶

6.3.17 Several witnesses pointed to the obvious moral. These discrepancies have consequences not only for women's economic calculations, but for their self-esteem. They tell us something about the way women are perceived and valued in this society.

18 Australian Parliament, *Report of the [Kirby] Committee of Inquiry into Labour Market Programs*, AGPS, 1985:34 (hereafter Kirby, 1985).

19 Home Office (United Kingdom), *Report of the [Wolfenden] Committee on Homosexual Offences and Prostitution* [Cmnd 247], HMSO, London, 1957:79

20 Relative deprivation has been defined as 'the absence or inadequacy of those diets, amenities, standards, services and activities which are common or customary in a society' (P. Townsend, 'The Development of Research on Poverty' in Department of Health and Social Security, *The Definition and Measurement of Poverty*, HMSO, London, 1979:18).

21 E. McLeod, *Women Working: Prostitution Now*, Croom Helm, London, 1982: 1.

22 Ms Fay Lopo, then Chairperson of the New South Wales Women's Advisory Council, in evidence, 5 October 1983:18, 34.

23 Women's Co-ordination Unit, New South Wales Premier's Department, *Facts about Women in the New South Wales Workforce*, Government Printer, Sydney, 1985:19.

24 Australian Bureau of Statistics, *Average Weekly Earnings, States and Australia*, June Quarter 1985, ABS Catalogue No. 6302.0, Canberra, 1985:6.

25 Perkins, 1983a:4, Appendix 4 of the submission of the Task Group on Prostitution.

26 In 1983 the Women's Bureau of the Department of Employment and Industrial Relations did not record any occupation in which women, on average, earned more than men (*Affirmative Action for Women*, 1984, 1:19). Prostitution is the exception. Discounting casual prostitution, 'committed' male workers cannot match the earnings of 'committed' females because there is less demand for their services.

6.3.18 Prostitute witnesses drew attention to other effects of occupational segregation. Those who had worked in 'women's jobs', such as barmaid, waitress or receptionist, pointed out that most of their customers had been male and that the service women workers provided could often have sexual overtones. One woman, having experienced everything from badinage to harassment, decided that prostitution was more straightforward and more lucrative.

6.3.19 Many prostitute witnesses presented prostitution as a rational occupational choice, although they admitted the risks of the job and the fact that earnings decrease with age. The most successful prostitutes, they argued, were those who worked for a short time with a definite object in view and left with their savings intact. Most witnesses agreed that such workers were unusual.

6.3.20 Other witnesses argued that recruitment into prostitution may be a rational choice but is hardly a free one given the narrow range of options available. The Department of Health and the Women's Co-ordination Unit called for increases in income support and job training for women and youth, making the point that it is not necessary to match the monetary rewards of prostitution in order to reduce its relative attractions.²⁷

6.3.21 On the question of income support for single-parent families the Committee was reminded how often non-resident fathers evade their obligations. The 1984 National Maintenance Inquiry established that only 31.5 per cent of women eligible for maintenance actually received any payments.²⁸ It is to be hoped that the Federal Government will expedite its review of procedures relating to maintenance enforcement and establish a nation-wide system of enforcement and collection. The Committee expects that a community education programme will also be necessary since defaulting fathers at present enjoy a surprising level of community tolerance.

6.3.22 The Committee acknowledges that the Federal Government has regularly increased the level of pensions, benefits and rental assistance available to single parents. But the New South Wales Council of Social Services calculates that a beneficiary with two children, who takes up all possible supplementary benefits and can take full advantage of relaxed income tests, will still have an income below the poverty line.²⁹ In addition it is argued that recent improvements in the position of single parent pensioners and beneficiaries can only be secured if vital ancillary payments, such as the mothers/guardians allowance, are indexed. Given the evidence on housewife prostitution in low income families, the Committee also sees the case for indexing the Family Income Supplement. Protection for poor children should be seen as a long-term investment in reducing the level of prostitution. It would seem that many prostitutes come from disrupted families. Their prostitution has been related to the absence of a father and an inability to form stable relationships with men. The Committee believes that poverty and lack of educational opportunities are more likely to explain their recruitment.

The Committee recommends that:

- **1. The Department of Social Security's forthcoming review of social security payments should specifically consider the links between prostitution and pensioner poverty**

27 Submission of the Women's Co-ordination Unit of the Premier's Department; submission of the Department of Health.

28 Attorney-General's Department, *A Maintenance Agency for Australia: The Report of the National Maintenance Inquiry*, AGPS, Canberra, 1984:22.

29 The weekly income of a woman in this position would be just under \$200. The August 1985 poverty line for a family income unit comprising one adult and two dependent children where the adult is in the workforce is \$209. This calculation includes housing costs. A non-employed beneficiary with two dependent children receives \$160.10 a week. The poverty line for these income units is \$183.60 (Institute of Applied Economic and Social Research, *Poverty Lines: Australia, August 1985*, University of Melbourne, 1985:3-5).

which have been documented by this Committee and the Victorian Inquiry into Prostitution.

6.3.23 Pensions and benefits are generally a poor substitute for employment. The Women's Co-ordination Unit argued that the attractions of prostitution could only be reduced by further 'efforts to raise the status of women in the community and in the workforce, especially those aimed at broadening the opportunities for women to develop employment-related skills'.³⁰ A rise in female status should also call into question entrenched sexist attitudes, with possible effects upon the demand for prostitution.

6.3.24 The Select Committee noted those recommendations of the Kirby Committee which would increase the access of women, especially pensioner parents, to labour market programmes. Recommendation 8 called for an investigation of 'the most effective means of designing and delivering childcare in conjunction with labour market programs'. Kirby further acknowledges 'the particular financial disincentives' which deter welfare recipients from participating in labour market training programmes. Recommendation 54 proposed an urgent review of income support measures associated with programmes and the establishment of an indexed training allowance which would act as a positive incentive to pensioner/beneficiary participation.³¹ The Select Committee considers such proposals relevant to prostitution and requests the Federal Government to give them due consideration.

6.3.25 In New South Wales the Government has legislated against discrimination in employment on the grounds of sex and marital status among other grounds. It has moved to promote equal employment opportunity in the public sector; specifically it has attempted to set an example of occupational desegregation in public employment by fixing targets for the participation of women in jobs, apprenticeships and pre-apprenticeships in non-traditional areas. It has also begun to establish the counselling and outreach services needed to make this policy a reality. The broadening of opportunities for women has been official policy in job creation and training schemes. The Select Committee took particular note of the Youth Employment Scheme which provides up to two years' employment and training for people under 25 years who have never been employed or have been unemployed for at least nine months. In other words the scheme is targeted at precisely those people who can be considered 'at risk' of prostitution. The scheme aims (with reasonable success) at 50 per cent female participation across all job categories.

6.3.26 It is to be hoped that the Federal scheme of youth traineeships will also place girls in non-traditional areas. The Committee was reminded, however, that both schemes are tied to the Department of Technical and Further Education. TAFE itself is still largely geared to the provision of separate and traditional courses for male and female students. As a result resources and opportunities are unequally distributed. As far as young women are concerned, the wider possibilities of the youth traineeships will depend on proposals made in the forthcoming national report *Changing Systems: Women, Work and TAFE*.

6.3.27 The above discussion concerns the need for long-term changes in the social and economic context of recruitment. The Committee also studied the process of recruitment in order to identify precipitating crises and predisposing problems. For this purpose the Perkins study was less relevant since it dealt with a relatively mature group of largely full-time prostitutes, but the Committee was able to draw on a number of other studies which shed light on the immediate circumstances of recruitment. These studies of youth needs and problems revealed, in some cases incidentally, the risk of prostitution among the young and homeless.

³⁰ Submission of the Women's Co-ordination Unit of the Premier's Department.

³¹ Kirby, 1985:97, 150.

Profile of an 'at risk' population

6.3.28 The Committee heard evidence from Jane Bradfield, co-author of a 1982 study of youth needs in Kings Cross and Darlinghurst.³² Both areas have a large and changing population of unsupported youth who can be considered 'at risk' of prostitution and other illicit activities.

6.3.29 Forty-four welfare agencies gave information on clients and their problems. Nearly half of them emphasised that clients rarely presented with a single problem but were enmeshed in a variety of problems, including homelessness, drug/alcohol dependence, crime, prostitution and family breakdown. Agency claims were borne out by surveys of users and non-users of their services. Thirty-seven agency clients, 21 males and sixteen females, completed questionnaires, revealing high levels of unemployment and homelessness often associated with family conflict and/or breakdown. The survey did not establish if any of them had turned to prostitution to supplement weekly incomes which ranged from \$40 to \$70.

6.3.30 Women were under-represented in the client sample but it appeared that users of services were predominantly male.³³ Bradfield and McGahen were concerned to establish a profile of non-users, and 100 young people were contacted through street network programmes. Again respondents were mainly male; only thirteen were female, three were transsexual and one respondent was recorded as gender unknown.

6.3.31 The majority (77) of this sample were aged 16-21 years, but eleven of the respondents were fifteen years or younger. Seventy-nine came from a white Australian background, four were from an Aboriginal background and in the remaining cases one or more parents had migrated to Australia. Over half of them were homeless or transient on the night before the questionnaire was completed. Street network workers established that over half of these contacts had a background of family conflict or violence and just under one half had experienced family breakdown. As many as 79 of these respondents had some experience of institutionalisation and 63 of them were jobless. Forty recorded a weekly income of \$65 or less. These 100 respondents detailed their sources of income and 27 of them relied on prostitution as one means of support. Of these, six were totally dependent on prostitution. Not surprisingly Bradfield and McGahen found that two groups — those who were too young for official employment or income support, and those unemployed respondents who did receive pensions and benefits — were both relatively dependent on illegal/illicit sources of income.

6.3.32 Since women were under-represented in both samples, Bradfield interviewed a third group comprising 27 young women and three transsexuals, who were contacted through street networks and other interviewees. This part of the study deliberately focused on 'the issue of prostitution as it related to young women', so that 24 of these interviewees were or had been working as street prostitutes. A familiar picture of multiple disadvantage emerged from these interviews. For example, approximately three-quarters of the respondents had experienced child sexual assault and a similar proportion had at some time been institutionalised. Interestingly, over a third of the young women had children to support. None of the interviewees was older than 22 years.³⁴

6.3.33 Ms Bradfield was at pains to point out that this was a small and non-random sample; it could not be used to estimate the prevalence of prostitution among young homeless women

32 J. Bradfield and B. McGahen, *A Study of Youth Needs in the Kings Cross/Darlinghurst Area*, Social Research and Evaluation Ltd., Sydney, 1984, Appendix to the submission of Jane Bradfield.

33 *Ibid.*:51. Since half the female respondents came from a female-only service, the sample actually under-estimated the extent to which women avoid traditional non-sex-segregated services.

34 *Ibid.*:20, 51-52, 66-77, 85-88.

nor did it necessarily reflect the experiences of all street prostitutes. But these interviews and the non-user survey reveal the plight of young people with massive disadvantages and nothing to depend on except pensions and their own peer support networks. To these people prostitution and petty crime may appear as solutions rather than problems:

*Many come from a low socio-economic background with low literacy and numeracy competency. Consequently, many have experienced extreme difficulty in gaining other employment. Income security benefits are inadequate to meet needs of shelter, food, clothing and in some cases, child support.*³⁵

6.3.34 Many other witnesses, including the Salvation Army and the Wayside Chapel, confirmed these observations. Garry Bennett's study of gay youth complemented Bradfield, while establishing the particular circumstances of gay recruitment. In January 1983 Bennett surveyed 441 young patrons of gay bars and one gay coffee shop. There were 294 male respondents of whom 207 identified themselves as gay, 57 as bi-sexual, sixteen as heterosexual, and fourteen were not sure about their sexual identity. Of the 142 female respondents, 93 were lesbian, fourteen were bisexual, 30 were heterosexual and five were unsure. There were five transsexual respondents.³⁶

6.3.35 The majority of respondents were living away from their families and well over half of gay, lesbian and bisexual respondents had experienced varying degrees of family conflict because of their sexual identity. Respondents living away from home clustered in the gay-identified and high-rent areas of the inner city and eastern suburbs. A tiny minority were literally homeless but Bennett estimated that rents posed a significant problem since 32 per cent of the sample were jobless. This level of real unemployment was above the community average, although Bennett's respondents were privileged in comparison with Bradfield and McGahen's contacts.

6.3.36 Even so nearly half of those on fixed or no income had to meet rents of at least \$30 a week. Prostitution was one of the expedients adopted in this situation. Over one-quarter of the total sample had been or were involved in prostitution. Over one-third of those under eighteen recorded some involvement in prostitution, which presumably reflects their poor employment chances and the inadequacy of income support payments. One-third of gay males also stated that they had worked as prostitutes. Once involvement reaches this level, recruitment is a fairly simple process; there is always someone with the necessary knowledge or contacts.³⁷

6.3.37 It should be pointed out that not all male prostitutes catering to male clients identify themselves as homosexual. Witnesses differed on this point, with some maintaining that many male prostitutes, specifically male juveniles, are not gay. Others argued that most juveniles have no pronounced sexual orientation. But Bennett's study of gay involvement in prostitution does show that gays are well represented in the male prostitute population.

6.3.38 Young people may drift in and out of prostitution. Several observers noted the prevalence of 'cashless prostitution', that is the trading of sex for a meal, a night's shelter or longer-term housing.³⁸ Many young people remain on the periphery of prostitution, moving between youth refuges, cashless prostitution and casual involvement in paid prostitution. Many see this

35 *ibid.*:3.

36 G. Bennett, *Young and Gay: A Study of Gay Youth in Sydney*, Twenty-Ten, Sydney:6-8 Appendix 5 of the submission of the Task Group on Prostitution. It should be noted that an unknown proportion of Bradfield's non-user sample were also young gay males.

37 *ibid.*:8-12, 17-18.

38 See, for example, Aquarius Youth Service, *Report on Young Women and Girls in the Darlinghurst/East Sydney Area*, Sydney, 1982:38.

as a temporary phase in their lives; they have no urgent desire to be 'rescued' and some at least do climb off this merry-go-round. But others become entrenched in prostitution because they have children to support, because they are coerced or because they develop/intensify a drug habit as a result of prostitution. Others simply find it hard to settle for the reduced rewards of straight work. Involvement with the police and the acquisition of a criminal record also confirms a person in the role of prostitute. It has already been noted that women are more likely than men to become committed to prostitution.

6.3.39 The Committee stresses again that this is not the only path into prostitution. Many prostitutes would not recognise themselves in this account of recruitment. Several witnesses, including prostitutes, social and church workers, made a distinction between volunteers and conscripts into the prostitute workforce. Others vigorously denied that there were any genuine volunteers. Their argument that prostitution can be a rational but not a free choice has already been noted. The Committee itself sees the force of this argument but recognises differences of degree, if not in kind, between the motives and circumstances of recruits. The Committee believes it is appropriate for the Government to concentrate its resources on the recruits described above. It is not necessary to romanticise them as pathetic victims to accept that they have been conscripted into prostitution by homelessness, generally associated with unemployment and inadequate income support. Homelessness was their precipitating crisis, but the following problems were identified as predisposing to homelessness and, by extension, to prostitution:

- family poverty;
- family violence;
- child sexual assault;
- family conflicts over sexual identity;
- institutionalisation.

6.3.40 It could be argued that the Committee is placing undue emphasis on inner-city prostitutes who are a minority of the prostitute population. It should be remembered, however, that the inner city remains a major recruiting centre for young people aged 12–25 years. Also the overwhelming majority of juvenile prostitutes, that is prostitutes under eighteen years, work in the inner city. Young people are there recruited into street soliciting but also into other forms of prostitution; they can and do move out to work in other areas. Finally the precipitating and predisposing factors which are more visible in the inner city also affect recruitment elsewhere.

6.4 Predisposing Problems

6.4.1 The Committee deliberately chooses to present these problems as predisposing to homelessness rather than to prostitution directly. Even so the effects of predisposing problems and the relationship between them must be discussed with extreme caution. The problem of predestination has already been raised. It is not enough to say that the typical inner-city recruit has a history of early poverty often compounded by family violence and/or child sexual assault. This may have the effect, not only of stereotyping prostitutes and survivors of childhood violence, but of confirming the popular misconception that such violence is an essentially working-class phenomenon. The recent reports of the Domestic Violence Committee and the Child Sexual Assault Task Force effectively contradict this assumption.

6.4.2 The Committee heard evidence on the way class and geography affect the resolution of family conflicts. Members also heard how these differences affect the authorities' perceptions of and responses to conflict. Bradfield and McGahen surveyed runaways notified to the police in a four-week period during 1982. Leaving aside those young people absconding from institutions, it emerged that the local government areas with the highest incidence of runaways

were 'considered to be lower socio-economic areas, characterised by high unemployment, inadequate health and welfare services and facilities per head of population, poor transport services and so on'.³⁹

6.4.3 Other evidence before the Committee supported these findings. Some young people run away in search of work and as a protest against inadequate local facilities, especially entertainment facilities. It is, however, notable that most very young or first-time runaways are found in their own local government area. Young people also run from family conflicts exacerbated by their own and/or their parents' unemployment. It was also pointed out that such families often lack the resources to organise a discreet respite or separation for their child. Their family crises become visible to the police and welfare authorities as the child is officially classified as a runaway. In the past one response to this visibility was the removal and sometimes the institutionalisation of the child. As far as prostitution is concerned, such action moves the child into a higher risk category.

6.4.4 There is clearly a need for forms of community support in areas of special need which could obviate or at least complement police intervention.

The Committee recommends that:

- **2. Community-based suburban drop-in centres be developed to provide space, information and advocacy for young people and respond to specific local needs identified by users.**

6.4.5 The Committee also supports the arguments of the Inter-Departmental Task Force on Drug-Dependent Prostitutes on the need for more suburban refuges in the Sydney area.

The Committee recommends that:

- **3. The provision of both government and non-government-funded-youth refuge and related services be increased in outer suburbs so that children in crisis can be accommodated temporarily in their own area and within reasonable distance of their schools. A proportion of refuges should be designated as female-only services.**

6.4.6 In many areas the local school is the only other point of contact with troubled adolescents. Truancy (unjustified school absence) can be seen as an early warning signal. The Minister for Education provided the Committee with details on truancy rates in New South Wales. It appears that in the metropolitan region, the inspectorial districts which experience the greatest daily absence tend to overlap with those local government areas described by Bradfield. This makes it doubly unfortunate that the confusion of responsibility between the Department of Youth and Community Services and the Department of Education has meant that the problem of truancy has not been given high priority. The Committee considers that the recent decision to assign responsibility to one Department—Education—is logical. The Committee also welcomed the Minister's commitment to 'innovative ways of meeting the needs of students with behaviour and attendance problems'. In particular pilot programmes have recently been established to meet the needs of students with these problems. They include short-term withdrawal units, and the deployment of teams of specialist teachers to assist classroom teachers in developing appropriate skills for managing problem students. It is to be hoped that the outreach capacity of the school counselling service can be extended.

39 Bradfield and McGahen, 1984:131, Appendix to the submission of Jane Bradfield.

6.4.7 More support is needed for young people who have particularly urgent reasons for quitting the family, for example those who have been witnesses or victims of domestic violence. In a recent Survey of Women's Refuges 24 per cent of refuge residents recorded that their children had been 'physically abused' and 7 per cent said they had been sexually assaulted.⁴⁰ The Committee looked in particular at the issue of child sexual assault since this experience is often cited as having particular bearing on recruitment into prostitution.

6.4.8 An association between childhood experience of sexual abuse and work in prostitution has been demonstrated but not adequately explained. In the United States Silbert and Pines interviewed 200 female street prostitutes and found that 60 per cent of them reported child sexual assault and the vast majority of them had been assaulted by a relative or friend of the family.⁴¹ Australian studies also suggest a three-way relationship between child sexual assault, drug use and prostitution. Perkins analysed attendances at one inner-city refuge over an eighteen-month period. She found that 91 of the 550 women using the refuge were or had been prostitutes. Most were street workers and 63 of them were drug users. Seventeen had been raped while working and 47 had been raped 'at some time in the past'.⁴² The Women in Prisons Task Force also indicates a relationship between child sexual assault (specifically incest), drug use and prostitution.⁴³ Of course neither of these two populations can be seen as typical of prostitutes in general. Nor can the relationship of drug use and prostitution be disentangled easily. The situation is further complicated by our inadequate knowledge of the prevalence of child sexual assault in the female population as a whole. And if it can be assumed that child sexual assault predisposes women to drug dependence *and* prostitution, the questions why and how remain.

6.4.9 The destructive effects of child sexual assault on a child's self-image and attitudes to sexuality are clearly relevant to prostitution. The New South Wales Child Sexual Assault Task Force emphasised the way in which these attitudes are moulded by the media which represent bodies—especially female bodies—as sexual commodities.⁴⁴ Child sexual assault brutally reinforces that message. A fieldworker among prostitutes in Amsterdam told the Committee's overseas delegation that 60-90 per cent of her contacts had been sexually assaulted in childhood:

*So in that way, they didn't get a good chance to feel happy themselves with their own body. In that way, it is easy to hire or to sell your body for a while and ... they don't think that they can have a good place in society.*⁴⁵

The authors of an American study reach the same conclusion:

*It seems possible that to be used sexually at an early age in a way that produces guilt, shame and a loss of self esteem on the part of the victim would be likely to lessen one's resistance to viewing oneself as a saleable commodity.*⁴⁶

6.4.10 Eighty per cent of child sexual assault victims are female but the Select Committee was reminded by one male prostitute that child sexual assault is not exclusively a female prob-

40 J. Noesjirwan, *Ten Years On, 1975-1985: Evaluation of Women's Refuges in NSW*, Sydney, 1985:28.

41 M.H. Silbert and A.M. Pines, 'Early Sexual Exploitation as an Influence in Prostitution', *Social Work*, 28, 4, July-August 1983:287.

42 Perkins, 1983b:29, Appendix 2 of the submission of the Task Group on Prostitution.

43 *Report of the NSW Women in Prison Task Force*, Sydney, 1985:54.

44 *Report of the New South Wales Child Sexual Assault Task Force*, Sydney, 1985:39-40.

45 Interview with Mrs Keesmaat, fieldworker for an inter-church organisation, Stichting de Regenboog, Amsterdam, 16 August 1984.

46 J. James and J. Meyering, 'Early Sexual Experience as a Factor in Prostitution', *Archives of Sexual Behaviour*, 7, 1, 1977:40.

lem; the arguments above can be extended to cover the way in which this very young man had come to see his youth as a saleable commodity.

6.4.11 Sexual assault also has profound implications for a child's relations with authority. A 1984 phone-in survey of women who had experienced incest established that 16.5 per cent of 47 respondents had stopped the abuse by running or moving away. Witnesses before this Committee argued that the links between child sexual assault and female homelessness are only beginning to be appreciated. Once again the runaways are 'at risk' whether they remain invisible or come to the attention of the authorities. Non-runaways may also come to their attention. In their report on the phone-in survey *Women Against Incest* conclude: 'Children who are victims of incest usually evince varying degrees and forms of anxiety, regression, behavioural disturbances and general withdrawal under the burden of the incest secret'.⁴⁷

6.4.12 Family and community response to this behaviour crucially affects that victim's predisposition to recruitment. Too often the response has been welfare or psychiatric intervention, although it was again argued that middle-class families have the resources to 'manage' a difficult daughter without involving the authorities. It does appear that incest was a major factor in the history of a large proportion of girls officially classified as 'uncontrollable'.⁴⁸ The consequences of that classification are discussed in the section below headed Institutionalisation.

6.4.13 The Committee welcomes the implementation of the major recommendations of the Child Sexual Assault Task Force. Certain recommendations have particular relevance to the issue of recruitment. These include recommendations on medical, counselling and accommodation facilities for victims and families as well as recommendations on safeguards for children requiring out-of-home placement. The Committee, like the Task Force, heard evidence of children assaulted while in institutional or foster care.

The Committee recommends that:

- **4. The funding of community education on child sexual assault and the funding of services to meet the specific needs of victims and families should be secured and if necessary extended.**

6.4.14 The Committee also received evidence that prostitution's conscripts are often the children of domestic violence. The recent recommendations of the New South Wales Domestic Violence Committee would provide vital safeguards for these children as well as their mothers. The Prostitution Committee supports the recommendations on police response to domestic violence, notably the establishment of experimental specialist/generalist domestic violence squads in four police divisions. It also supports recommendations on community education in non-English speaking communities and the need for non-English speaking input to relevant services. Finally it endorses the proposal for a 24-hour crisis service providing information and assistance to victims.

6.4.15 Evidence on gay and transsexual recruitment suggests that conflicts over young people's sexual identity may also precipitate them into homelessness and poverty. Transsexual witnesses pointed out that many families cannot adjust established roles and relationships and effectively expel the transsexual. They also argued that transsexuals face an unusual degree of

47 *Breaking the Silence: A Report Based upon the Findings of the Women against Incest Phone-in Survey*, Sydney, 1985:41.

48 *ibid.*:35-36.

discrimination in accommodation and employment; they saw such discrimination as a major factor in the recruitment of transsexual prostitutes.⁴⁹

6.4.16 One-third of gay males, lesbians and bisexuals in Bennett's survey stated that their families had negative reactions to their child's sexual identification or to homosexuality in general. Another third were described as non-accepting. Interestingly just over a third of the sample had been in trouble with the police, trouble which related to their bi- or homosexuality, their involvement in petty crime and prostitution, their conflicts with families and running away.⁵⁰

6.4.17 It is clear that the parents of young transsexuals and homosexuals lack the information and support which could prevent family breakdown.

The Committee therefore recommends that:

- **5. The formation of self-help groups for the parents of young gays and transsexuals should be encouraged.**

6.4.18 The current status of transsexuals under the Anti-Discrimination Act is unclear.

The Committee recommends that :

- **6. The Anti-Discrimination Board consider conducting a short study on discrimination against transsexuals and discuss ways in which the Anti-Discrimination Act applies to pre- and post-operative transsexuals.**

Institutionalisation

6.4.19 Witnesses repeatedly stressed the link between recruitment and institutionalisation, whether for welfare, correctional or psychiatric reasons. A high proportion of young recruits in the inner city appear to be ex- or absconding state wards and many of these are graduates of institutional care. The Bradfield and McGahen runaway study showed that the vast majority of runaways do not gravitate to Kings Cross and Darlinghurst, but young people absconding from institutions are much more likely to do so. Also the longer runaways remain at large, the greater their chances of ending up in the Kings Cross area.⁵¹

6.4.20 Institutional care has been a crucial staging post on the road to recruitment. The criticisms generally levelled at juvenile institutions, especially the large 'barracks' of the not too distant past, are relevant to prostitution. It was agreed that committal on welfare (and to some extent on criminal) grounds punishes children for their needs and problems. It was also argued that institutions offered little in the way of education or training but did provide contact with other juveniles who were already part of the prostitution scene. One observer described institutions as recruiting grounds.⁵² Others noted the 'predisposing' effects of young people being labelled as 'uncontrollable' or 'in moral danger', especially when that labelling process is focused on the individual's sexual behaviour.

6.4.21 The Committee therefore welcomes the Government's moves towards de-institutionalisation, notably the diversion of young people on welfare matters from the juven-

⁴⁹ Confidential interviews, 3 July 1984.

⁵⁰ Bennett, 1983:11-12, 16-17, Appendix 5 of the submission of the Task Group on Prostitution.

⁵¹ Bradfield and McGahen, 1984:143 Appendix to the submission of Jane Bradfield.

⁵² Hon. E.A. Symonds, MLC, Chairperson of the New South Wales Ministerial Working Party on Women and Homelessness, in evidence, 31 January 1985.

ile justice process plus the development of new forms of supervision and support for young criminal offenders (10–18 years). It also supports the policy of regionalisation which means that young people will be dealt with in their own areas and may keep contact with schools, friends and, where appropriate, families.

6.4.22 De-institutionalisation will, however, increase the demand on existing welfare services, and they are not equipped to deal with this increase. The Committee was advised that many of the young people diverted from the juvenile justice system have drug, alcohol and/or severe emotional problems. The Accommodation Directory published by the Youth Accommodation Association shows that most services exclude disturbed, drug-dependent, mentally or physically handicapped and violent people as a matter of course.⁵³ Given their problems with staffing and facilities, those exclusions are understandable but it is difficult to see where the 'divertees' are to be accommodated. Fears have been expressed that they will be relabelled and will reappear in the system on criminal charges.

6.4.23 De-institutionalisation has particular implications for adolescent girls, a fact which the government has recognised by establishing a 'Girls in Care' Project within the Women's Co-ordination Unit. It should be remembered that girls rarely come before the court on criminal matters but represent roughly half of final appearances on welfare matters. In addition girls, particularly the survivors of childhood violence and sexual abuse, are extremely wary of non-segregated services. This point was recently confirmed by the Inter-Departmental Task Force on Drug-Dependent Prostitutes. Although certain female-specific services have been established, they remain insufficient, especially outside the inner city.⁵⁴ The Committee has already recommended the development and diversification of suburban services (Recommendation 3).

6.4.24 De-institutionalisation will also increase the demand for other forms of out-of-home placement. Those involved in adolescent fostering warned this is not the ultimate solution to the problems of the "detached" teenager. They argued that it is hard to recruit suitable foster parents, especially as the weekly allowance for such parents stands at \$41.50. They also had significant reservations about the suitability of foster care for teenagers with complex needs and problems. It was estimated that the great majority of teenagers leaving their own families cannot be fostered. In particular the survivors of childhood violence, specifically child sexual assault, often experience great difficulty fitting into a new family situation.⁵⁵ This suggests a need for greater flexibility in fostering arrangements but more importantly reinforces the call from other welfare workers for the targeting of supported accommodation, both short-and medium-term, to 'special need' groups.

6.4.25 The Select Committee notes the recommendations of the Inter-Departmental Task Force on Drug-Dependent Prostitutes regarding adolescent fostering and boarding.

The Committee also recommends that:

- **7. Attention be given by the Department of Youth and Community Services to the development of 'Big Sister' programmes whereby single women offer short or long-term care and/or support to adolescent girls.**

53 Youth Accommodation Association, *Directory of Youth Accommodation Services*, Sydney, 1985:2.

54 The 1985 Youth Accommodation Services Directory records that there were seven services in the Central Metropolitan Area designated as female-only services. Six services offered 92 places and another provided an unknown number of places in nineteen houses. Four services designated as male-only offered 75 places. One service offered six places to young gays and lesbians, while two services reserved eight places for transsexuals. The remaining 237 places were non-segregated. In the three other Metropolitan Areas there was not a single service which was clearly designated as female-only. For a discussion of female under-utilisation of non-segregated services, see *Women and Housing: A Report to the New South Wales Ministerial Working Party on Women and Homelessness*, Sydney, 1984:54 (submission of Hon. E.A. Symonds, MLC).

55 Stretch-A-Family (Young People's Refuge), confidential interview, 1984.

6.4.26 It is also suggested that the Government consider raising the foster parent's allowance, and the Committee draws the Government's attention to recommendation 3 of the 1982 Report of the Residential and Alternate Care Task Force.⁵⁶

6.4.27 All the evidence received on predisposing problems highlighted the crucial importance of accommodation — rather the shortage of accommodation — in the process of conscription.

Precipitating factors: problems of accommodation

6.4.28 The Committee adopted the definition of homelessness set out by the Youth Services Programme Funding Committee:

Homelessness is the absence of secure, adequate and satisfactory shelter as perceived by the young person, and for homelessness to exist, at least one of the following conditions, or any combination of conditions, should be operative:

(a) an absence of shelter;

(b) the threat of loss of shelter;

(c) very high mobility between places of abode;

(d) existing accommodation considered inadequate for reasons such as overcrowding, the physical state of the residence, lack of security of occupancy, or lack of emotional support and stability in the place of residence;

(e) unreasonable restrictions in terms of access to alternative forms of accommodation.⁵⁷

6.4.29 This broad definition covers the various housing crises which help to precipitate young people into cashless or paid prostitution. In the following discussion the term 'young person' applies to anyone aged 12–25 years. Some of these young people are also parents.

6.4.30 Most people who gave evidence on housing problems distinguished between:

- those whose major or only problem is lack of accommodation because of high rents, decline of housing stock etc;
- those who require short-term accommodation and support during a specific crisis;
- those who require long-term support as well as accommodation, owing to a complex of social, emotional and medical problems.

6.4.31 Approximately 50 per cent of residents in refuges belong to the first group, according to Youth Accommodation Association estimates. These people are essentially displacing those in Groups 2 and 3 whose needs are more complex and for whom the refuges were primarily designed. It is essential that people in Group 1 move on to longer-term accommodation in order to allow those who are more at risk of recruitment to benefit from the newly established Supported Accommodation Assistance Programme.

6.4.32 Improving young people's access to housing ultimately depends on an improvement in their employment prospects, but witnesses also raised the question of income support. The

⁵⁶ This recommendation reads 'in addition to "approved costs of approved programmes funding" the foster parent allowance be increased to \$75 per week (subject to indexation) in respect of each child in foster care, subject to the provision of adequate support services'.

⁵⁷ Cited in Bradfield and McGahen 1984:175, Appendix to the submission of Jane Bradfield.

Salvation Army criticised the level and availability of benefits, while the Department of Youth and Community Services discussed the problem of young people away from home who wish to study for secondary qualifications.⁵⁸ The acquisition of such qualifications is relevant to their ability to avoid cashless or paid prostitution. The Federal Government has addressed the problems of the unsupported school student. But recent improvements in income support for young people have not wholly resolved the problems identified by witnesses. Under the new system people under twenty will not enjoy the range of benefits or the indexed increases available to older beneficiaries. The Committee suggests that arrangements for income support and assistance with accommodation expenses for those under twenty could be investigated further by Federal and State governments to ensure adequate assistance for young people at risk.

6.4.33 Much of the evidence given on housing concerned the situation in the inner city. It demonstrated that young people from all three groups are drawn into Kings Cross and Darlinghurst, not just by the promise of bright lights and peer-group support, but by the hope of affordable accommodation and work in the hospitality industry. But the Kings Cross office of the CES told the Committee that that industry is *not* a refuge for the very young and unskilled. Only the illicit fringes of the hospitality and entertainment industries, some strip joints and brothels for example, will take them in.

6.4.34 Even for those who achieve legitimate employment, affordable and available accommodation proves to be an inner-city mirage. The latest report of the Real Estate Institute of Australia shows that Sydney had a vacancy rate of 0.9 per cent in February 1985.⁵⁹ (A vacancy rate of 3 per cent represents a reasonable balance in the supply and demand of rental accommodation). Young people, along with other low-income groups, have been hard hit by the decline in the stock of boarding houses, low-cost hotels and other traditional sources of inner-city accommodation. The gentrification of Kings Cross and Darlinghurst is reflected in the polarising of the rental market in those areas. Some real estate agents recently reported a 'relative abundance' of high-priced bachelor flats, but all agreed that cheap accommodation was virtually non-existent.⁶⁰ Some Committee informants claimed that landlords and tenants are reluctant to let to young tenants. It was also alleged that prostitution itself has compounded these problems since landlords prefer prostitute tenants who are willing to pay inflated rents.

6.4.35 The most disadvantaged homeseekers are female and/or young, a fact which is unsurprising but highly relevant to Committee investigations. Tenants under eighteen years are particularly ill-informed about their rights and are not in a position to enforce them. Their legal status as tenants is questionable. The special problems of women again reflect their relative poverty. A submission from Ann Symonds, MLC, Chairperson of the 1984 Ministerial Working Party on Women and Homelessness, noted that there were 9849 young women (15–24 years) living in the private rental sector in New South Wales on incomes of \$6000 a year or less.⁶¹ Such women are both confined to and at the mercy of the private rental sector. For example, a 1984 survey by the Tenants Union collected considerable evidence of discrimination against women with dependent children.⁶² The housing problems of young women are also reflected in the pressure on Women's Refuges which, although founded to accommodate the victims of domestic violence, continually receive requests from women whose problem is 'simply' homelessness.

58 Submission of the Salvation Army:4; Ms M. Bail and Ms J. Aitkin, Department of Youth and Community Services, in evidence, 30 July 1985:36-37.

59 *Annual Review of the Residential Property Market*; Real Estate Institute of Australia, Canberra, 1985:12.

60 *Eastern Herald*, 8 August 1985.

61 *Women and Housing*, 1984:16, (Submission of Hon. E.A.Symonds, MLC).

62 *ibid.*:8.

6.4.36 The Committee notes that the Rental Bond Board budgeted \$221 000 for its own Rental Advisory Service and \$359 000 for the support of Community Based Information Services during the year ending 30 June 1985.⁶³ The Committee supports this move to return the profits of the rental bond system to tenants by providing them with support and information.

6.4.37 On the question of long-term public housing two recent developments appear relevant to those 'at risk' of recruitment. Since December 1983 single people over eighteen years have been eligible for Housing Commission accommodation. Young people of sixteen and seventeen years may also apply if they can establish their ability to live independently. The youngest applicant so far was thirteen and a half years old. This is not specifically a young person's programme although one-third of applicants are 25 years and under. It does represent one way of moving those people whose only problem is housing out of the supported-accommodation sector. At present young applicants in particular face long waits because they tend to request housing in the Central Metropolitan Area. In the long run their needs can only be met by an increase in one-bedroom stock. At the moment the Commission is building a limited number of singles apartments which combine private and communal facilities. The design and operation of such apartments are still being evaluated but they would seem especially suitable to young people.

6.4.38 The second long-term housing initiative is the Community Tenancy Scheme, which is financed under the Mortgage and Rent Relief Scheme. Under this programme community housing organisations lease, purchase and construct housing stock for the use of subsidised low-income tenants.

6.4.39 The Committee recognises that locally based and managed schemes are not uniformly and immediately successful, but notes the CTS record in housing female, single and/or young people, especially in the Central Metropolitan Region. As of June 1984, 1412 tenant households consisting of 3050 persons had been housed; 50.4 per cent of those households were classified as 'single adult person'. In addition 57.8 per cent of single-person households fell in the 16-24 year age group. (The 1985 CTS Report points out that cumulative totals and proportions tend to exaggerate the proportion of young and single people housed at any one time since there is a higher turnover among young and single households). Finally 46 per cent of households accommodated were classified as 'women only' households.⁶⁴

6.4.40 The Committee agrees that an improvement in long-term housing prospects will relieve pressure on crisis accommodation and facilitate the much-needed development of medium-term services to bridge the two. One medium-term housing initiative is considered highly relevant to Committee investigations. The Women's Housing Programme was established in 1984 to provide accommodation and support services to women and children for a period of 3-12 months. The programme designated as target groups women who are:

- Aboriginal;
- migrant;
- young;
- elderly;
- psychiatrically disturbed and/or developmentally disabled;
- drug- and alcohol-affected;
- leaving crisis accommodation;

63 Parliament of New South Wales, *Report of the Rental Bond Board for the Year Ended 30 June, 1984*, Government Printer, Sydney, 1985:36.

64 *The Community Tenancy Scheme: A Report on the development of the Community Tenancy Scheme in New South Wales, November 1982-December 1984*, Housing Commission of NSW, 1985:48-49.

- incest survivors;
- recently released from institutions.

In the programme's first year of operation funding was approved for seven general schemes (including one for Aboriginal women only) and three 'special need' schemes for inner-city single women, incest survivors and women who are psychiatrically affected or developmentally disabled. Clearly some of the programme's target groups have also been identified by this Committee as especially vulnerable to recruitment. The development of such women-only schemes goes some way to redressing the imbalance in services which was discussed earlier. The development of schemes for women under eighteen could also be seen as a necessary consequence of de-institutionalisation. The Committee regards this programme as a useful investment in the reduction of prostitution. It therefore recommends that:

● **8. The funding of the Women's Housing Programme be increased to facilitate the development of general and special-need schemes in the Central Metropolitan Area.**

Inner-city services

6.4.41 The Department of Youth and Community Services estimates that there are at least 15 000 homeless young people in New South Wales.⁶⁵ Clearly every young person at large is not at risk of prostitution. Nor can the minority who are vulnerable to recruitment be seen as an homogenous group. Even within the transient population of the inner city, Committee witnesses identified several 'special-need' groups. These include young women with experience of sexual and other forms of assault, transsexuals, gays, young people dependent on drugs and/or alcohol and young people with experience of institutions. It was also argued that young women in general should be regarded as a special group since their needs are not being met within the present system.

6.4.42 Witnesses also stressed the different needs of different age groups within the broad category 'young person'. Field workers attached to the Inter-Departmental Task Force on Drug-Dependent Prostitutes suggested that preventive programmes are most appropriate for those aged approximately 13–17 years. This Committee has attempted to provide certain essential safety nets for this group.

6.4.43 It was suggested that people aged approximately 18–22 years need a flexible support system. These people are likely to lose contact with welfare services, partly because there is a dearth of services for those over eighteen years. Youth refuges, for example, officially may only accommodate people under eighteen. But witnesses also pointed out that people in this intermediate age group are more likely to see street life as exciting or at least viable. Outreach and street network programmes are best suited to maintain contact with them and refer them to sources of immediate help, if only for a night's shelter or a meal. In 1983, the Salvation Army estimated that 500 people a night were passing through their soup kitchen and many of these were young people.⁶⁶

6.4.44 Finally people aged 23 years and upwards may require help with problems, for example, health and legal problems, which derive from a lifestyle which may include prostitution. This group is more likely to appreciate the arguments in favour of quitting prostitution.

6.4.45 Not surprisingly, inner city agencies are struggling to meet these varied and shifting needs. Bradfield and McGahen surveyed fourteen government services and 30 non-

65 Cited in Bradfield and McGahen, 1984:160, Appendix to the submission of Jane Bradfield.

66 Evidence in camera, 1983. See also the submission of Annette Crowe, Director of the Street Network:2-3.

government agencies; nearly all of which were within easy walking distance of Kings Cross. They conclude: 'Our experience with these agencies and this data shows a picture of many small agencies, chronically underfunded, attempting to deal with increasing numbers of clients with unpaid and underpaid staff.'⁶⁷ The investigations of the Task Force and this Committee served to reinforce this conclusion.

6.4.46 The Committee appreciated the herculean efforts of many agencies and workers, but noted that there are many duplications and gaps in existing provision of services. Many of these services receive no government funding, and are therefore not open to official scrutiny. But the Committee also understands that no regular review is made of the effectiveness of government-assisted services. Some critics of the status quo argued that there is an excessive concentration of services in the inner city and suggested that the services themselves attract young people into the city. Such witnesses suggested that certain services should immediately be relocated outside the city. This argument received some support from the Senate Standing Committee on Social Welfare in its report on Homeless Youth.⁶⁸

6.4.47 On the other hand many welfare workers in and beyond the inner city argued that crisis accommodation and services must be sited where the crises exist—in the city. For example, the Youth Accommodation Association reported that the demand for crisis accommodation remains highest in the city and inner-eastern suburbs. This group of witnesses also tended to be sceptical of the claim that crisis services entice young people into Kings Cross, pointing to the evidence that the vast majority of runaways do not run far.⁶⁹ They suggested that somewhat different forms of support and diversion are appropriate in the outer suburbs, and this Committee has made recommendations along these lines. It was argued that a kind of selection process operates within the runaway population. As a result of this process it is the inner city which has the highest concentration of special-need groups.

6.4.48 Demand upon existing services appears to vary greatly. The Committee heard allegations that some under-used services desperately compete for clients and ultimately funds. Other services, notably those catering for special need groups, are overcrowded despite high turn-away rates.⁷⁰ The Committee was reminded that young people are not passive consumers but have definite service preferences which should be respected in any reorganisation of these services. The Committee's evidence also confirmed Bradfield's observations on the lack of co-ordination, sometimes amounting to suspicion, between agencies. This is particularly disturbing since young clients often have multiple problems which require real inter-agency co-operation. At the moment young people literally get lost as they confront disparate services. Finally, the evidence heard reinforces the need for the community welfare network as a whole to 'market' its services more effectively, partly through the expansion of outreach work.

6.4.49 The Committee saw the need for certain new services but also saw the possibility of rationalising and reorganising existing services. There is clearly a need for co-ordination at street level but also for greater accountability to and between relevant government departments.

The Committee recommends that:

- **9. Government departments which fund welfare services should establish an interdepartmental committee regularly to review, co-ordinate and evaluate the funding and effectiveness of such services.**

67 Bradfield and McGahan, 1984:19, Appendix to the submission of Jane Bradfield.

68 Australian Parliament, *Homeless Youth: Report of the Senate Standing Committee on Social Welfare*, AGPS, Canberra, 1982:39.

69 Ms M. Bail, Department of Youth and Community Services, in evidence, 30 July 1985:25-26.

70 *ibid.*:41.

- **10. Information on funding of welfare services, by area and service type, should be readily available and regularly exchanged between government departments.**

6.4.50 The Select Committee strongly supports the high-visibility multi-purpose youth service which is to be established in the Kings Cross–Darlinghurst area. This scheme is designed to achieve co-operation at street level by housing certain services and acting as a referral point for others. The service will offer free advice/advocacy on legal, health, housing and employment matters and aims for an integrated approach to the multiple problems of many young clients. At the same time the centre will provide a bridge between clients, services and government departments, ensuring a greater flexibility in service design and delivery. For example, this centre can advise on the provision of appropriate services for the 18–22 age group. Since the proposed centre will employ outreach/street workers and will provide space for clients to drop in, rest and relax, it is hoped to overcome the reluctance of certain groups to approach welfare services. The Committee is strongly of the opinion that outreach services are particularly relevant to the problem of youthful recruitment into prostitution.

6.4.51 This youth service will be set up as a pilot scheme and the Committee recommends that:

- **11. The departments evaluating the multi-purpose youth service should consider the desirability and feasibility of establishing such services in centres other than inner Sydney.**

6.4.51 It will not be enough to attract special need groups to the new youth service without providing the necessary back-up services for them. The Committee believes that ideally services should be non-segregated, but it received a great deal of evidence that young heterosexual males tend to engross such services. Young women, gays and transsexuals all complained of intimidation and assault within the existing welfare system. The Committee, therefore, accepts that these young people, who should be considered as highly vulnerable to recruitment, require some specialised services.

The Committee recommends that:

- **12. The proportion of services targeted towards special need groups should be increased.**

6.4.53 The role of the police in the reorganisation of youth welfare services remains unclear. Confusion and conflict arise because the police have traditionally fulfilled an ill-defined welfare role as well as policing juvenile crime. Confusion is compounded by the fact that juveniles who are 'welfare cases' often engage in petty crime and prostitution in order to survive. Police and welfare agencies agreed that the dual role of the police has complicated their relations with the agencies. Welfare workers have sometimes been reluctant to co-operate with police on minor criminal matters for fear of losing contact with the 'street kids'.

6.4.54 Police witnesses were, however, unhappy with recent attempts to clarify their function. Police may deploy a range of responses from informal caution to arrest in criminal matters, except the most serious crimes. Under the Community Welfare Act they will no longer be able to charge a child with being 'uncontrollable'. It has been argued that such police intervention 'criminalises' an essentially welfare matter. But police witnesses complained that they will not

be able to intervene when they see children at risk. They argued that police may need to detain young people until their ages, names and addresses can be verified. This would enable them to return children to their families or State care.⁷¹

6.4.55 The Department of Youth and Community Services replied that this procedure would go against the intent of the Community Welfare Act and would serve no useful purpose. Rebellious runaways would simply abscond again; police witnesses themselves acknowledged this 'revolving-door' syndrome. In other cases 'home' is not the appropriate destination for a young person. YACS and welfare agencies argued that the police cannot decide on this sensitive issue especially as they are unlikely to establish good relations with their detainees. This argument may perhaps be resolved with the establishment of a 24-hour YACS 'hot line' for police use. This means that district officers will make the essential decisions when police pick up juveniles in distress.⁷²

6.4.56 On the other hand some witnesses argued strongly that the police should not be cut out of the welfare system. The Committee endorses this argument. As the police themselves pointed out, they are the only government department which maintains a 24-hour presence in areas like Kings Cross. Police are in a position to give informal advice to young people, by referring them to the multi-purpose youth service, for example. But the police cannot exercise this welfare diversionary role effectively without some improvement in police-agency relations.

6.4.57 All these questions are under review by the new Juvenile Services Bureau which amalgamates the Child Mistreatment Unit and the Juvenile Crime Squad. This amalgamation presupposes a link between child mistreatment, especially child sexual assault, and subsequent deviant behaviour. The new Bureau has increased resources and adopts a 'pro-active' role in the protection of children against mistreatment and exploitation. In this sense it has a preventive as well as a diversionary welfare role. It is to be hoped that this new Bureau can promote renewed co-operation between YACS and the police.

The Committee recommends that:

- **13. The Police Department and the Department of Youth and Community Services co-operate in the design of a training course which would give officers of the Juvenile Services Bureau solid grounding in welfare issues and information on service options.**

6.4.58 This Committee also considered the welfare needs of older prostitutes, most of whom are women and many of whom have children. Several witnesses put forward schemes for assisting women out of prostitution. It is hard to find a word for this process as 'retraining' is too restricted and 'rehabilitation' too emotive. It was suggested that rehabilitation should be a two-way process which requires the community to re-examine its attitudes to prostitutes. The Committee hopes that future public discussion of prostitution will take account of the issues raised in this chapter.

6.4.59 The Committee was wary of prostitution-specific programmes and programmes which are only designed to help women out of prostitution. The results of the intensive and expensive Malmo programme have been discussed in another chapter. This project shows that it is possible to help one set of prostitutes out of the trade. But, if the structural underpinnings of

71 Inspector Neville A. Stanford, in evidence, 14 November 1983: 10-11.

72 Police can already contact YACS through the Child and Family Crisis Service.

prostitution are left untouched, a new set of prostitutes will take their place. For this reason the Committee has concentrated on general and preventive measures. And it is for this reason also that the Committee proposed an improvement in welfare services for all women in the inner city.

6.4.60 Prostitution-specific services tend to alienate prostitutes further from the rest of the community. Nor are they likely to attract prostitute clients who are wary of obvious attempts to rehabilitate them. Yet many have an urgent need for welfare services and some, especially in the wake of the AIDS crisis, are interested in quitting the trade. The first step is to break down the isolation of prostitutes. Many prostitutes live as well as work in the inner city. It has been suggested that women's centres should be set up in areas where there appears to be a high concentration of prostitute mothers.⁷³ These centres would not cater exclusively for prostitutes or mothers but could act as access, support and drop-in centres for prostitutes.

The Committee recommends that:

- **14. That an experimental 'women's service centre' be set up in the inner city to provide access, support and drop-in facilities for adult women. Staff should be particularly receptive to the needs and demands of prostitute clients.**

6.4.61 Many witnesses argued that adult women, like youth, need a high-visibility multi-purpose welfare service. The Committee accepts this argument but is concerned at the proliferation of new services in the Kings Cross area. It therefore decided that the proposed health centre in Kings Cross should be extended to exercise a welfare function. In effect it should become a health/welfare Centre.

6.4.62 This centre is an appropriate place to offer welfare assistance to prostitutes, since many of them only make contact with the health/welfare system because of medical checks or problems. It is expected that this centre will adopt an informal, non-judgmental approach and segregate its medical services. It should prove accessible to prostitutes and will be all the more accessible because it is not exclusively a centre for prostitute clients or for the treatment of sexually transmissible diseases. Entering the building will not stamp anyone as a prostitute.

6.4.63 The health centre, as discussed in chapter 7, will be open to men and women of all ages. Since the multi-purpose youth service will cater to the under twenty-fives, it is reasonable that the welfare arm of the new centre should concentrate on the needs of older women, for example, child care. The centre itself should provide a child-minding facility for its visitors. Neither of the new services, however, should operate on rigid age or gender criteria. For example, the needs of mothers, whatever their age, may be best met by the health/welfare centre. The two services will be in close proximity and there will obviously be an interchange of clients. Close co-operation between the services and monitoring of their interaction should settle the exact details of programmes to be offered in each centre. But the Committee expects that welfare workers at the health/welfare centre will maintain up-to-date information on, for example, housing, child care and training opportunities available in the Central Metropolitan Area. They should be able to inform and represent their own women clients and also act as an information resource for other health centres, including the Albion Street Clinic. To fulfil this function efficiently computer and toll-free telephone facilities will be needed. Legal advice should also be available on the premises.

73 Submission of the Department of Youth and Community Services: 6.2.

The Committee recommends that:

- **15. The health centre to be established in Kings Cross should incorporate a welfare service providing information and assistance on legal and welfare matters, geared to the needs of adult women.**

6.4.64 This should be a general service for all clients, but the health/welfare centre would also be in a position to encourage and assist prostitutes who wish to leave the trade.

The Committee recommends that:

- **16. The health/welfare centre should offer transitional assistance on housing, education and employment matters to encourage and enable prostitutes to support themselves without continued reliance on prostitution.**

The role of the churches

6.4.65 While the Committee throughout its report has stressed the pre-eminent role of government in addressing the relevant issues related to prostitution, it nevertheless must be strongly emphasised that if the problems leading to prostitution are to be successfully attacked then the community overall must be involved.

6.4.66 In this context the important role and contribution which churches are able to provide cannot be overemphasised. The Committee received submissions from various church bodies all of whom were concerned to see a reduction in and ideally an abolition of prostitution. Some church representatives believed the solution was stronger laws, harsher penalties and jailing of prostitutes if necessary, while others believed that prostitution is linked with economic deprivation, drug abuse, unemployment, poverty and homelessness. Some churches are already very much involved in providing outreach programmes, counselling, emergency accommodation and welfare programmes. Some of the better-known programmes and facilities operated by the churches include the Rev. Ted Noffs' Wayside Chapel and Youth Refuge, The Salvation Army's Kings Cross Outreach Service, the William Booth Institute Rehabilitation Centre and The Salvation Army Homeless Women's Centre. Other very valuable welfare programmes are conducted by other church bodies.

6.4.67 In view of the factors identified by the Committee as contributing causes of prostitution and the understandable concern expressed by church bodies, the Committee considers that greater church involvement, with a measure of financial assistance from government where appropriate, should be encouraged. Church participation is appropriate in programmes aimed at preventing those at risk from entering prostitution and assisting those already engaged in this practice to develop a new lifestyle.

6.4.68 The Committee also notes that married men constitute a significant proportion of prostitutes' clientele. There is clearly a need for churches to discuss whether this represents a general breakdown of family relationships and to suggest possible remedies.

Accordingly, the Committee recommends that:

- **17. A conference or seminar be convened by churches either on a denominational or non-denominational basis to:**
 - (a) Discuss the matters raised in this report and develop programmes which the churches might undertake singly or collectively which will in co-operation or conjunction with State government programmes effectively attack the underlying factors leading young women and men to enter prostitution.**
 - (b) Examine the structure of family life with particular emphasis on the question why so many married men are prostitutes' customers and determine the role churches could play in nurturing family relationships.**
 - (c) Examine the effectiveness of existing church programmes aimed at assisting women and men, in particular the young either to leave or avoid recruitment into prostitution. Such an examination also to look at ways in which some degree of co-ordination between church-social and government agencies might be developed in existing or future programmes.**

Conclusion

6.4.69 The social and economic programmes discussed in this chapter would require Federal and State governments as well as non-government bodies to make a substantial investment in the prevention of recruitment. The cost-effectiveness of general programmes, purely in terms of prostitution, cannot be demonstrated. The evidence of links between recruitment and predisposing problems like child sexual assault or precipitating crises such as homelessness is suggestive. But it is beyond the capacity of the Committee to estimate with any precision the extent to which recruitment can be reduced by social welfare programmes. The Committee accepts that prostitution will remain a 'rational' choice for some women and young people as long as the demand for prostitution persists. The comments and suggestions contained in this chapter are largely directed at a reduction of conscription into prostitution. The Committee considers that its recommendations will have a real impact on this form of recruitment.

7.1 Sexually Transmissible Diseases¹

7.1.1 The spread and proliferation of STDs is today accepted as that aspect of health most readily associated with prostitution. But until the recent breakthrough into public consciousness of the threat of AIDS, probably no hazard to the health and future welfare of the community has been less discussed and yet has held more potential menace for society than sexually transmissible diseases.

7.1.2 Historically and cross-culturally whenever prostitution has been mentioned by academics, politicians and health professionals, the medical and public health implications of STDs have been of serious concern,² but the level of public debate has been far more inhibited. In Australia mention of venereal diseases on the electronic media was still being censored as late as 1974.³

7.1.3 Secrecy and guilt continue to surround these conditions, and their potential seriousness is often cloaked by the use of slang and colloquial expressions rather than the correct medical terminology. But the deadly and incurable nature of AIDS and the growing realisation within the community that current quarantine and medical methods have been largely ineffective against it have done much to open up public discussion in this area.

7.1.4 Nevertheless there is still a misleading perception that AIDS can be regarded as a distinct and special case of a powerful disease affecting only one or two special minorities.

7.1.5 In fact it can be more accurately said of AIDS that it represents only the latest in a continuing line of STDs that have been discovered over the past decade and which are now overtaking in severity and importance some of the more commonly known, more easily detectable and curable STDS such as syphilis and gonorrhoea.

7.1.6 It may well be for example, that the disease of the 1980s is not AIDS but Pelvic Inflammatory Disease (PID), which has now been identified as a major cause of infertility in women, with the risk of permanent infertility rising to one in three for a woman contracting the disease for the second time.

7.1.7 Although continuing and urgent action against AIDS still deserves priority attention from public-health authorities and the community, it is only one part of the whole area of sexually transmissible diseases affecting heterosexual and homosexual alike which is in need of attention in this State.

7.1.8 The Committee heard from a number of authoritative sources that there has been a rapid increase in the incidence of these diseases over the last twenty years; that new and serious forms of STDs have been diagnosed (of which AIDS and genital herpes are well-publicised examples); and that recent research has demonstrated that several diseases once thought to be relatively innocuous, in fact have serious long-term effects.

7.1.9 The Committee was informed that many prostitutes have several episodes of STD each year and that probably around 10 per cent of the total incidence of STD in New South Wales is prostitution-derived.

1 The phrase 'sexually transmissible diseases' (STDs) is used here in preference to the older term 'venereal disease' (VD) which has now largely fallen into disuse among doctors and health workers. STD also stands for 'sexually transmitted diseases', which is probably the form most widely used at present, but because this report also refers to diseases which may be, but are not invariably transmitted sexually (for instance hepatitis B, and AIDS), it was felt that 'transmissible' more accurately conveys the Committee's use of the term.

2 See for instance, G. Travis, *Prostitution: A Descriptive Literature Review*, Department of Attorney General and of Justice: NSW Bureau of Crime Statistics and Research 1983: 39-43, and Table 3:21.

3 Venereal disease was treated as a 'medical subject' under section 122 of the Broadcasting and Television Act, and could only be discussed if the text had been approved by the Director-General of Health.

7.1.10 This figure of 10 per cent is quite low compared with some estimates from overseas, and most expert witnesses agreed with the statement in the submission from the Department of Health that: 'it cannot be concluded that prostitution is the only, or even major, factor in the spread of venereally transmitted diseases'.

7.1.11 Nevertheless, when taken in conjunction with the concept of a 'core' or 'pool' of constant infection within a section of the population,⁴ the figure may assume relatively more significance. The clients of prostitutes (who are many times more numerous than the prostitutes) must form a critical link in the chain of cross-infection and reinfection which maintains the high levels of STDs in our society.

7.1.12 However, the Committee's witnesses were unanimous in agreeing that 'Nobody has reliable figures on sexually transmitted diseases'⁵ and that there is no way of knowing the extent of STDs in our community at large. It was apparent that most STDs are greatly under-reported, and that, as indicated by the tables of notifiable diseases forwarded to the Committee by the Health Department, the figures represent mainly STD clinic notifications.

7.1.13 New South Wales has two large public STD clinics, one in Sydney and one in Parramatta; plus two part-time clinics at the Royal North Shore Hospital, St Leonards, and the Prince of Wales Hospital, Randwick. There is also a clinic at the Royal Newcastle Hospital, but this is the only STD clinic outside the Sydney metropolitan area. The Committee heard evidence that more clinics are required, and that some should be opened in the larger regional centres. Several medical witnesses made the point that there needs to be an education campaign to alert the general public more fully to the dangers of STDs, and specific programmes for general practitioners and medical students who presently receive little training in venereology. It was suggested that STD clinics could perform a much wider range of research and teaching functions than they do at present.

General health issues

7.1.14 The Committee became increasingly aware, however, that STDs do not represent the full extent of health problems associated with prostitution. Because of the nature of their work and their working conditions, a good deal of general ill-health also occurs in what is, by and large, a very youthful population of prostitutes. Poor eating habits, lack of sleep, emotional and physical stress, inadequate housing, and drug abuse, are conditions commonly affecting them. In addition many have had a traumatic childhood and adolescence which may have already undermined their physical and mental health before they embark on the adverse lifestyle associated with many forms of prostitution.

7.1.15 Through its terms of reference, the Committee was particularly interested in the effects of a high level of street soliciting in the Darlinghurst-East Sydney-Kings Cross area. The high visibility of these prostitutes and the disruptive behaviour of their clients have proved very stressful to inner-city residents and have undoubtedly harmed the amenity of the area. The presence of street soliciting raises questions of public health and amenity, and highlights the often competing interests of residential and commercial development in the inner city. The problems are compounded when street soliciting is seen to be linked to drug distribution and abuse.

Sources

7.1.16 Investigations into health issues were pursued through a number of formal and infor-

4 Dr Basil Donovan, Vice-President and spokesperson on Prostitution, Venereology Society of New South Wales, in evidence, 12 July 1984:33.

5 Donovan, in evidence, 12 July 1984:29.

mal interviews with medical experts, including officers from the Sydney STD Centre, a private venereologist whose practice includes a large number of prostitutes, and representatives from the Department of Health and the Australian Medical Association (AMA). The Committee also heard many references to health-related matters from prostitutes and members of the general public.

7.1.17 In its inquiries on health issues in New South Wales, members of the Committee visited an STD Clinic, a drug-treatment centre, a hospital, several aid and counselling agencies, and several brothels in the inner-city area. Similar visits and interviews were made during the course of overseas and interstate inquiries referred to elsewhere in this report.

7.1.18 A third source of information to the Committee was the substantial amount of written material supplied by expert witnesses, and supplemented by a comprehensive collection of relevant newspaper articles and articles from professional journals and magazines. Valuable information on sexually transmissible diseases has been gained from handbooks issued by the Sydney STD Centre, by the National Health and Medical Research Council (NHMRC) and by the Public Health Department of Western Australia, as well as from private publications.⁶ Within recent months there have been published a large number of professional articles on AIDS — its diagnosis, prognosis, and treatment, and the Committee has been informed of recent developments in this rapidly changing area.

Problems

7.1.19 As in many areas relating to prostitution, the full health effects are masked by the secrecy and illicit nature of many of the activities involved, and by the moral overtones and sensationalism associated with the public discussion of STDs. The Committee notes in particular the alarmist way in which some members of the media have dealt with AIDS.

7.1.20 In general prostitutes and clients who were interviewed claimed not to have been greatly affected by STDs, while admitting that health risks could be seen as a problem for the trade as a whole. There was a tendency for workers from one section of the trade to describe other sections as being more at risk, and for clients to place the whole responsibility for health care on the prostitutes.

7.1.21 Medical personnel agreed that there is a high incidence of STD in this State and that a significant proportion of it is prostitution-derived. However many of the statements remain impressionistic rather than proven because official figures are inadequate or unavailable. Some less serious STDs are not listed as notifiable diseases, and of those which are listed, most are estimated to be seriously under-reported. Estimates of specifically prostitution-related STDs in the State as a whole ranged from as low as 5 per cent to a possible 50 per cent, although most experts seemed to agree that between 10 per cent and 15 per cent was a reasonable guess.

7.2 Increased incidence and long-term effects of STDs⁷

7.2.1 There are three areas of concern over the incidence and spread of STDs in our society.

7.2.2 The first is the indisputable increase in overall infection rates since the late 1950s when the postwar development of antibiotics had seemed to minimise, or even eradicate, the harmful potential of these diseases.

⁶ Including D.L. Bradford, *VD in Australia*, Melbourne University Press, Melbourne 1981; A. Brass and J. Gold, *AIDS and Australia*, Bay Books, Sydney, 1985 and C.R. Philpot, *Non-Gonococcal Urethritis*, Pfizer Pty Ltd, 1985.

⁷ For a brief glossary of common STDs and their effects see Appendix 7A.

7.2.3 The Committee heard from several sources that the incidence of STDs may well have doubled in the period between 1971 and 1981. This assumption is based partly on figures from overseas, particularly the USA and UK, and partly on figures from STD clinics in Australia.

7.2.4 The incidence of gonorrhoea, which is notifiable in most countries, is generally used as an indicator of the general prevalence of STDs in the community. In the USA reported cases of gonorrhoea rose steadily throughout the 1960s and 1970s, from under 200 000 in 1958 to nearly one million in 1980.⁸ Medical authorities generally agree that these figures reflect a real rise in the number of cases, and cannot be attributed to better reporting. In fact the rise in incidence is almost certainly underestimated and the number of cases (in 1981) may have been as high as 2.5 million, because of continuing serious under-reporting. Significant increases in the number of gonorrhoea cases were also reported in the UK and other European countries.

*The Director General of the World Health Organisation in 1972 stated that in most countries the annual increase in prevalence of gonorrhoea was as high as 10 per cent and the situation has not improved in the intervening years.*⁹

7.2.5 The second concern is that there has been a proliferation in the numbers of diseases which are now known to be capable of transmission through sexual activity. AIDS, genital herpes, genital warts, and to some extent, hepatitis B have been well publicised in this context. Less wellknown, but also potentially very dangerous, is one of the micro-organisms (*Chlamydia trachomatis*) responsible for many cases of non-specific urethritis. Other micro-organisms are now known to be transmitted through anal intercourse, and responsible for the unpleasant and debilitating conditions known collectively as the gay bowel syndrome. Many of these newly identified STDs require a good deal of research before they can be fully understood, successfully treated and brought under control.

7.2.6 The third area of concern is also prompted by recent research, which has shown that many STDs have much more serious long-term consequences than was once believed, imposing heavy costs on the community in terms of individual morbidity, hospitalisation and treatment.

7.2.7 One result of the outbreak of AIDS (which has a very long incubation period, and is characterised by protracted periods of serious ill-health requiring hospitalisation) has been to call public attention to the value of screening services, contact-tracing, and preventive education as measures aimed at controlling the spread of disease and preventing some of the damaging long-term effects.

7.2.8 Other STDs have less dramatic impact than AIDS, but their costs to the community are immeasurably greater, involving thousands of cases of serious acute illness and chronic morbidity.

7.2.9 The organisms responsible for gonorrhoea and non-specific urethritis (NSU), if not treated effectively, may cause female pelvic inflammatory disease (PID), leading in many cases to such complications as ectopic pregnancy, infertility, and chronic abdominal pain. These diseases can also affect the newborn child during the birth process, giving rise to serious eye and chest infections.

7.2.10 Genital warts, another common disease among sexually active people with numerous partners, is implicated, along with herpes, in predisposing many women to cervical cancer.

7.2.11 All these conditions may remain dormant or hidden in the female over a long period

8 Bradford, 1981:9.

9 Bradford, 1981:18.

unless regular medical checks are obtained, thus increasing the possibility of complications. They are generally more readily diagnosed in male patients.

Under-notification in New South Wales

7.2.12 Although the major STDs are notifiable in this State there is very little statistical data to support impressionistic evidence of trends in these diseases, as most of them, nevertheless, remain grossly under-reported.

*A study done in 1967 showed that less than 10 per cent of sexually transmitted diseases were reported in Sydney by private doctors. The feeling is—and I have never found anyone to disagree with me—that the figure remains at 10 per cent being the number notified.*¹⁰

7.2.13 This view was supported by evidence from Dr A.J.Adams, Acting Chief Health Officer, Department of Health, and also in a recent publication¹¹ where it is claimed that between 10 per cent and 15 per cent of STDs are notified, and that 'probably less than 10 per cent of cases of gonorrhoea ... are reported each year'.

7.2.14 There are a number of reasons why such under-reporting occurs.

7.2.15 STDs are frequently asymptomatic and are only discovered on examination for some other complaint, or because of a contact- trace. This is also true of hepatitis B, which may be present and capable of transmission, without the infected person being aware that he or she has contracted the disease at all.

7.2.16 It is also probable that a number of STDs are misdiagnosed, or remain totally undetected by general practitioners with little training or experience of venereology. In his evidence Dr Enders, former Director of Sydney STD Centre said: 'general practitioners are not well acquainted with [STDs]. They do not have experience with sexually transmitted diseases, or even much training in dealing with them.'

7.2.17 This assertion is supported by the submission of the Venereology Society of New South Wales in which it is stated: 'it is estimated that more than 90% of STD patients (including prostitutes) are seen by general practitioners who commonly have not had adequate training in managing STDs, and lack laboratory and contact tracing support.'

7.2.18 However it seems there still remain a large number of cases which are diagnosed and treated, but yet are not notified to the Health Department. It was claimed by medical witnesses that private doctors find the procedure for notification very unsatisfactory, in that they are required to notify an ever-increasing number of diseases, which is time-consuming and expensive for them, but which produces very little feedback of benefit to their practices. There were also complaints that notified figures were sometimes lost somewhere in the bureaucracy and that the Health Department was very slow in paying the statutory fee for notification.

7.2.19 Dr Donovan claimed that some notified figures were not entered in government statistics. He said: 'In respect of the last 400 episodes of gonorrhoea and syphilis that my practice notified to the State Department of Health, they could not find a trace of them. We have not been reimbursed for notifying them, and that goes back for fifteen months.'¹²

7.2.20 A GP with a busy inner-city practice was asked to comment on notification pro-

10 Donovan, in evidence, 12 July 1984:29.

11 Brass and Gold, 1985:25, 112.

12 Donovan, in evidence, 12 July 1984:29.

cedures. His main concern was that notification invaded the privacy of his patients because it requires names and addresses to be forwarded to the Department of Health. He suggested this problem might be overcome if cases were notified by number and the name revealed only to a contact-tracer in direct communication with the doctor. This would require many more contact-tracers than the six (including one AIDS contact-tracer) presently employed in the State.

7.2.21 Another concern was the complexity of the notification form and the requirement to list sexual contacts of the patients where possible. Patients are always reluctant, and often unable, to name their contacts. In any case the form takes several minutes to complete, and in a very busy practice where a large proportion of the patients belong to groups significantly at risk from STDs, the cumulative time involved is considerable. The GP interviewed notifies only those conditions he considers most serious, such as syphilis and tuberculosis (which is not an STD). Hepatitis B is so common among his patients as to be 'out of control', and gonorrhoea and NSU are also very common indeed.

7.2.22 There is clearly a need for a review of notification procedures. Simplified forms and a greater monetary incentive may encourage more doctors to comply with the law. At the same time, as the most reliable figures come through the STD clinics, an increase in the number of clinics and therefore in the number of patients who have access to them would greatly improve our knowledge of the incidence and distribution of these diseases.

The Committee recommends that:

- 1. **Provision be made by the universities and teaching hospitals to upgrade instruction in the clinical symptoms, diagnosis, and treatment of STDs in the training of all medical students.**
- 2. **The Department of Health report to the Minister for Health on ways in which general practitioners might be encouraged to update their knowledge of STDs and keep track of new developments in the field.**
- 3. **The Department of Health ensure that general practitioners and private specialists have better access both to laboratory facilities and to contact-tracers for the diagnosis, treatment, and follow-up of patients with STDs.**
- 4. **Discussions be held between the Department of Health and doctors' organisations to ensure that notification procedures provide reliable and useful statistics.**

Trends in New South Wales

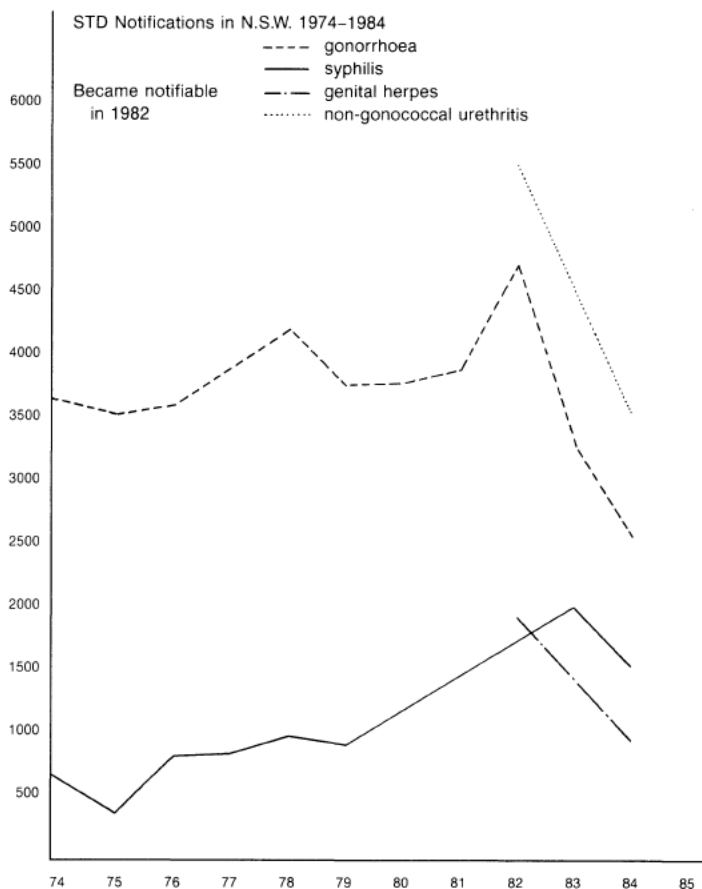
7.2.23 The numbers of notified cases of some STDs (see Graph 7.1) have declined over the last two years. However this does not necessarily indicate a long-term downward trend in these diseases. Apart from the inadequacies of notification procedures already referred to, the introduction of herpes and NGU into the list of notifiable diseases in 1982 probably stimulated a rise in overall reporting of STDs. The subsequent decline reflects, at least in part, a return to normal levels of notification. There may additionally be some variations due to AIDS publicity and resultant changes in sexual practices by some members of the community.

7.2.24 It is interesting to note that the reported cases of gonorrhoea and of syphilis appear to converge. In fact it is estimated that less than 10 per cent of gonorrhoea cases and more than 50 per cent of syphilis cases are reported. There should therefore be a much greater discrepancy in these totals than appears from the graph.

7.2.25 Although figures in New South Wales are incomplete, expert witnesses were in agreement about certain trends in the State-wide incidence of STDs. It is estimated that cases of gonorrhoea have remained fairly constant since the early 1970s, but nevertheless it has been claimed that: 'Australian statistics (like those in most other countries) give no indication that gonorrhoea has been brought under control in the past decade'.¹³

7.2.26 On the contrary, in the last five years a rapid increase in the number of cases of penicillin-resistant gonorrhoea has occurred and these now comprise between 5 per cent and 10 per cent of all the gonorrhoea cases seen at the Sydney STD Centre. In addition, 'another 45% of *gonococci* have decreased sensitivity to penicillin, and often to other drugs as well'.¹⁴

Graph 7.1.



NB These are the notified figures for these years. They come mainly from STD clinic notifications and definitely do not represent the full extent of STDs in the community. Syphilis is the only disease shown here which is not greatly under-reported.

For an explanation of the trends indicated in this graph, see paragraphs 7.2.23 and 7.2.24.

¹³ C. Ross Philpot, 'Gonorrhoea: The Continuing Challenge', Leading Article, *Current Therapeutics*, February 1983:7-10.

¹⁴ *ibid.*:7.

7.2.27 These strains of the disease require new drugs as those currently available are less easy to administer, and more likely to produce side effects than penicillin. International co-operation is also needed to try to contain the threat of an epidemic.

7.2.28 Other diseases which are still rising rapidly in incidence are chlamydial infections, AIDS, lymphadenopathy syndrome (LAS) and genital wart virus infections.

7.2.29 Genital herpes may also still be increasing, although the figures for this condition are even less well reported than for the other STDs, and it has only been required to be notified since 1982.

7.2.30 Similarly NSU, which in approximately 50 per cent of cases is caused by chlamydia, has only been notifiable since 1982. However it is known that the incidence of chlamydial infections has outstripped that of gonorrhoea at the Sydney STD Centre.¹⁵ This infection is particularly significant because of its potential to cause PID and infertility in women.

7.2.31 Notifications of syphilis have shown a very rapid increase since 1974 (see Graph 7.1), but again the figures should be approached cautiously. This disease is still under-notified, but probably not to such a serious extent as other STDs. Syphilis is much more common among homosexual males than it is in the population at large, but over the last year a few cases have been found (by the Sydney STD Centre) in prostitute women and heterosexual males. The disease is easily treated in its early stages, and now very rarely progresses to its dangerous tertiary stage.

7.2.32 A similar situation exists with the hepatitis B virus, which has a high incidence among homosexual men¹⁶ and has been shown in the last decade to be capable of being transmitted sexually, as well as through injections with contaminated needles and surgical instruments.

7.2.33 AIDS and LAS have had an impact on the community out of all proportion to their known incidence, but probably not out of proportion to the full implications of the presence of this virus in the most sexually active members of our society. Because of the justifiably high profile accorded the AIDS epidemic, it will be dealt with more fully later in this chapter. Here it is necessary to observe that since the first confirmed diagnosis in Australia in 1982, the number of cases has increased exponentially. In 1982 Australia had one case of AIDS, 1983 saw six new cases, and 1984, 34 new cases. By 11 December, 1985 there had been a total of 142 confirmed diagnoses, of whom 60 had died.

7.2.34 Finally, some insight into general trends in the incidence of STDs in this State can be gathered from the fact that attendances at the Sydney STD Centre climbed steadily from 28 510 in 1972 (when a female clinic opened for the first time) to a peak of 48 325 in 1980 (see Graph 7.2). These figures represent total attendances, not total number of patients, but it is estimated that about 30 per cent of first-visit patients are positively diagnosed as having STD, and each treatment will require an average of four follow-up visits. The centre at present sees between 900 and 1000 new patients per month at its two clinics (male and female).

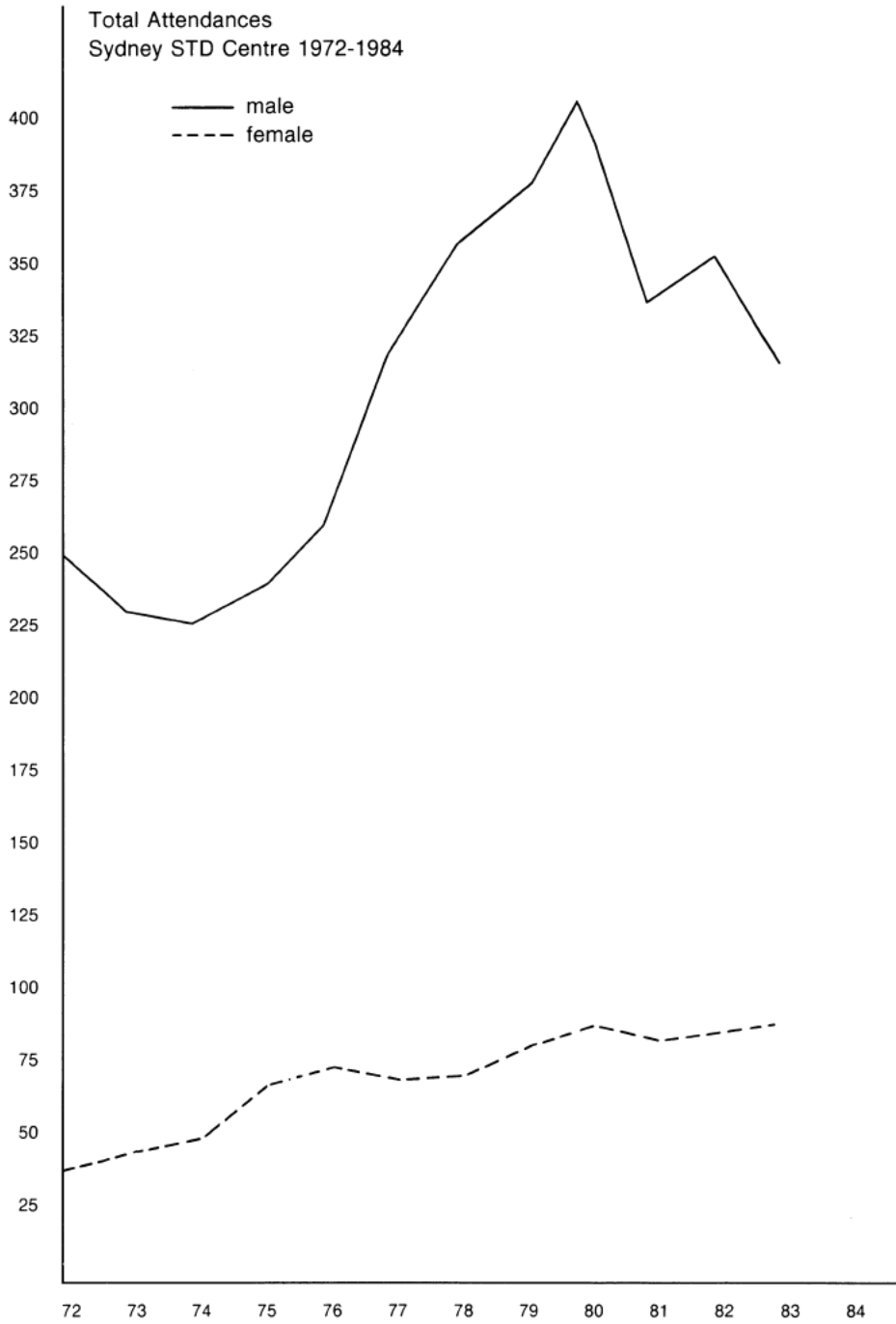
The Committee recommends that:

- **5. The Government allocate funds to the Department of Health, and encourage private organisations to donate money for research into the incidence and spread of STDs, so that a more complete picture of the situation in New South Wales may be obtained, and monitored in the future.**

15 Dr C.R. Philpot, Director, Sydney STD Centre, in evidence, 29 January 1985:43.

16 Bradford, 1981:180 and P.J. Christopher et al., *Australian and New Zealand Journal of Medicine*, 14, 1984:491-494.

Graph 7.2.



Prostitution-related STDs

7.2.35 In 1983 a special report on the 'Suppression of the Traffic in Persons and the Exploitation of the Prostitution of Others' produced by the United Nations, contained the information from the World Health Organisation that 'in most industrialised countries, female prostitution is responsible for male STDs in only 5 to 6 per cent of cases'.

7.2.36 All the medical witnesses before the Committee agreed that the incidence of prostitution-derived STD was probably quite low (in the order of 10-15 per cent) but it was generally felt that the UN figures quoted above were 'rubbery' and that it would require a proper survey in New South Wales before any such firm statement could be accepted.

7.2.37 Figures from the Sydney STD Centre in 1983 suggested that about 4 per cent of male patients had been infected by prostitutes. However without figures from private specialists and GPs, little can be learnt from this.

7.2.38 A survey of male gonorrhoea cases from the Venereal Diseases Control Centre, Adelaide, shows that whereas only 1.3 per cent of cases were prostitution-derived in 1974, in 1983 6.5 per cent were so derived. By comparison, the Committee's overseas delegation were given estimates indicating that 25 per cent of STD cases in Rotterdam can be traced back to prostitutes. Similarly, a figure of between 20 per cent and 25 per cent is given for Italy.¹⁷

7.2.39 Clearly, without accurate figures to show the amount of prostitution-related STDs in proportion to the number of prostitutes in the population, the Committee cannot definitely conclude that there is a greater health risk in having sex with prostitutes than with any other promiscuous people. Some evidence indeed suggests the opposite may be the case because some prostitutes are more aware of the danger of STDs than are members of the general public. However, as the possibility of infection increases directly in proportion to the number of sexual partners encountered, all prostitutes must be regarded as members of a high-risk group.

The Committee recommends that -

- **6. The effect of prostitution on the incidence and spread of STDs be a specific project within the research required by Recommendation 5.**

7.3 Prostitutes, Clients and STDs

Brothel prostitutes

7.3.1 A number of witnesses and interviewees stressed the very high numbers of clients serviced by some brothel prostitutes in New South Wales. The evidence from one young suburban brothel prostitute supported Donovan's finding that the average number of clients serviced by some women in this section of the trade is as high as 70 or 80 per week.¹⁸

7.3.2 Overseas evidence from the Hamburg STD clinics suggests that large brothels in which the workers see a much higher number of clients may have nearly twice as many cases of infection as the smaller ones. Small brothels (no definition of 'small' is given) are said to have an incidence of 9.5 per cent infection (mainly gonorrhoea), whereas the larger brothels have an incidence of 18 per cent.

¹⁷ From information supplied by Dr C.R. Philpot from the meeting of the International Union against the Venereal Diseases, held in Bangkok, June 1983.

¹⁸ B. Donovan, 'Gonorrhoea in a Sydney House of Prostitution' and 'Medico-social aspects of a house of prostitution' *Medical Journal of Australia*, 3 March, 1984:273.

7.3.3 Given the high contact rate between prostitutes and clients in New South Wales, the estimated incidence of disease here is not excessive. Nevertheless a study conducted in one parlour over a period of twelve months reveals that the workers themselves run a high risk of short- and long-term damage to their health.¹⁹

7.3.4 Over one year all the women working in a Sydney massage parlour were screened weekly at their place of work, and signs and symptoms of gonorrhoea, PID and other STDs were noted. Specimens were laboratory-tested, and treatment was given as necessary. These women saw an average of 80 clients each per week.

7.3.5 Of the 70 prostitutes screened, '10% acquired new infections with gonorrhoea each week' and 'of the 39 women observed over one month or more, 17 (44%) acquired gonorrhoea within the first month'.²⁰

7.3.6 Other diseases were also common. In the course of the year there were 21 cases of NSU, 23 of PID, 24 of genital herpes, and fifteen of genital warts. Other conditions discovered included infestations of pubic lice, scabies, a small number of cases of *Candida albicans* (thrush) and trichomonas. There were frequent cases of vulvo vaginitis through a variety of causes including douching with chemical agents. No syphilis was found, but two women had acute icteric hepatitis B during the year.

7.3.7 The study also revealed important sources of infection which might easily be overlooked, namely the social contacts and consorts of prostitutes. Donovan found a significant level of asymptomatic infection among the husbands and regular boyfriends of the brothel workers he examined, but the men were very reluctant to present for checks.

7.3.8 Donovan concluded that prostitutes are largely ignorant of many of the facts about STDs, and are 'a group unlikely to make proper use of public facilities to detect asymptomatic disease, unless educational or medical efforts are specifically directed towards their needs'.²¹ Moreover he pointed out that the parlour, situated in an area with a high incidence of STD (according to a survey in 1967), is more than ten kilometres away from the nearest public STD clinic, which has a lengthy waiting list for appointments. The prostitutes had found attendance at the clinic impractical.

7.3.9 However the doctor's views are not shared by the parlour workers who were contacted by the Committee. Parlour managers and prostitutes stressed that one of the advantages of working in a properly run brothel was the access to hygiene facilities such as showers, wash basins and adequate lighting for the inspection of clients. Many parlour prostitutes claimed they were actively encouraged by their employers to seek medical checks at regular intervals, and others said they would attend of their own accord.

7.3.10 Indeed, the Committee heard from a doctor at the Sydney STD Centre that some parlours make block bookings at regular intervals for their workers to be screened for STDs (45 per cent of the women who attend the clinic are self-declared prostitutes). A large number of others apparently prefer to attend private clinics and GPs in the city, although it may be expensive for them to do so, as prostitutes are not eligible for full Medicare refunds for the pathology costs of STD screenings by private doctors. Several women expressed dislike of the public clinics because of their long waiting lists, lack of privacy, the stigma associated with entering a known clinic, and in some instances, the perceived attitude of the staff.

19 *ibid.*

20 *ibid.*:270.

21 *ibid.*:275.

7.3.11 One woman who had worked in New South Wales and Victoria claimed that the vast majority of parlour workers visited private doctors for regular health checks. The tests are expensive, but:

when you are on a pension or social security, you can go to your own private doctor ... that's why I personally am on social security. It's not so much for the money that it gives, but for the benefits of the doctor ... You know that at any moment you can go and see your chosen doctor and have expensive blood tests, Pap. smear, whatever. It comes to ninety-five dollars the ones I have and that's a lot. I go along and have that done once a month. Now I really couldn't afford to do that. I mean that's looking after myself which, in turn, is looking after the health of Australia. So I have no qualms about accepting social security even though I work three days a week.²²

7.3.12 It is clearly in the interests of the managers and workers in brothels which value their reputations to maintain a high level of health care, but not all parlours are well run or of good repute. Many women work more than 60 hours a week in poor physical surroundings. Long hours, including night shifts of up to twelve hours at a time, plus domestic and child-care responsibilities, make it very difficult for them to attend clinic regularly.

7.3.13 In addition many of the workers are only casual employees-working for fairly short periods as they need money, or leading itinerant lives, moving from one brothel to another. These women are unlikely to seek regular medical attention, although they may be at greater risk. Donovan's study of gonorrhoeal infection revealed a lower infection rate among women who were more stable in terms of their place of work than among itinerants.

7.3.14 The organisation of the industry is not conducive to good health care. Workers are not entitled to sick leave, annual leave or compensation from their employers. The Committee heard from some workers that managers are reluctant to allow any sick leave even without pay, and often replace sick workers with new recruits. Lateness and absence from work may be punished by forfeiture of a bond lodged with the manager.

7.3.15 Under these conditions prostitutes may continue to work while sick, rather than risk losing their jobs through medical intervention.

7.3.16 But this is not the full extent of managerial responsibility. It is the Committee's opinion that very many cases of infection with STDs could be prevented by the widespread use of condoms. It is estimated that condoms are as much as 90 per cent effective in preventing the spread of disease through sexual intercourse.²³ Studies in the UK and Sweden have shown a drop in the incidence of STDs when the use of condoms was encouraged by suitable public-education programmes. However, the Committee noted, from information received by its overseas delegation, that the sales of condoms fell quickly as soon as the advertising campaigns ceased.

7.3.17 Doctors, workers, managers, and clients of brothels said that generally condoms were not used, and that often their use was actively discouraged. One reason given for this is that the discovery by police of condoms on premises or on a person may be used as evidence that prostitution has taken place. More commonly it was argued that clients do not like using condoms, and if asked to do so would take their custom elsewhere. In the Committee's survey of client attitudes, 42 out of 58 said they would prefer not to wear a condom when having sex with a prostitute, and nineteen of those 42 said they would go elsewhere if asked to use a condom.

²² From a confidential interview given in Melbourne during the Committee's interstate visit, July 1984.

²³ Donovan, in evidence, 12 July 1984:50.

7.3.18 The Committee is of the opinion that condoms, when used properly, provide an effective barrier to the spread of sexually transmissible diseases, and that both prostitutes and their clients should be encouraged to use them. Some prostitutes and some medical workers referred to the need for adequate quality control of condoms, and it was claimed that some imported brands did not conform to Australian standards with regard to the strength of the materials, and/or size and fit. It is the Committee's view that all condoms on sale in Australia should be quality-controlled to conform to Australian standards. Further, the Committee is also of the opinion that prostitutes and clients should be aware of the correct method of using condoms, and of the symptoms and risks of STDs. The Department of Health publishes information leaflets and posters relating to STDs and it is desirable that these should be readily available on display in brothels for the up-to-date information of clients and prostitution workers.

The Committee recommends that:

- **7. The Department of Health sponsor a publicity campaign to promote the use of condoms, as a means of reducing the incidence of STDs in the community.**
- **8. Condom dispensers be required to be placed in the entrance or reception rooms of brothels, and other places of prostitution, and also in STD clinics and certain selected public places.**
- **9. It should be illegal for brothel owners and/or managers to require that prostitutes not use condoms on their premises.**
- **10. Department of Health information leaflets warning of the dangers of sexually transmissible diseases, and advising on their prevention and treatment be readily available on display in brothels and other places of prostitution.**

Street prostitutes and independent operators

7.3.19 Although many women prefer to work in parlours or brothels, where they receive a certain amount of protection, and are guaranteed a large number of clients for most of the time, many others prefer to work on their own, retaining all their earnings for their own use, as has been seen in chapter 1. Most of the prostitutes who appeared before the Committee were independent operators, although some had worked in parlours on occasions.

7.3.20 The Committee could find little direct evidence bearing on the state of health of these women. Most claimed not to have been seriously affected by STDs, and there was widespread agreement from all sources that these workers were more likely than other prostitutes to insist on their clients using condoms.

7.3.21 Women who work as independent operators, generally from rented rooms but occasionally from their own homes, claim that they insist that most of their clients use condoms. The only exceptions are for regular clients whom the women know well.

7.3.22 A comment from an independent worker in East Sydney was: 'in our area where everybody uses the condoms there is little VD or anything like that ... we buy them (condoms) in 12 dozen lots from a man who comes round and sells them ... I have not heard of anyone down our way having herpes'.²⁴

7.3.23 These women also said that they had regular checks themselves and they checked

²⁴ Evidence in camera, 1984.

their clients for external signs of STD. The correct procedure for such a check is sometimes learnt from other workers, sometimes as part of the initial training in brothels, and sometimes from doctors or counsellors at the STD clinics. Its effectiveness as a preventive measure clearly depends considerably on the experience and expertise of the prostitute. Medical experts agree that this is an unsatisfactory method of checking for STDs, and cannot possibly reveal the presence of silent infections, such as asymptomatic gonorrhoea, latent syphilis, or hepatitis B in a carrier. Laboratory tests are essential to detect these conditions.

7.3.24 It was often claimed that one of the advantages of working independently was the freedom to accept only those clients whom the worker judged to be safe. Most women seemed to rely heavily on a number of regular clients with whom they maintained contact for some time.

7.3.25 There was general agreement among witnesses and interviewees that women who worked from the streets almost always insisted on their clients using condoms. It was argued that these women were likely to be in the most desperate financial circumstances, that they were well aware that they could not afford even one day off work, and therefore took great care not to become infected. Further it was argued by some that drug-affected streetworkers took the greatest care of all because of their overwhelming need to be able to earn money every day. 'Well, most of them use condoms because they can't afford to catch anything because they can't afford to have any time off work. That's the only good thing—a junkie can't get sick'.²⁵

7.3.26 Other witnesses, however, testified to the unreliability of drug-affected prostitutes, and to the fact that when they were really desperate for money for drugs they would accept any conditions. And it was said on a number of occasions that streetworkers rarely bothered to attend for medical checks. In particular, those who were drug-affected suspected that blood tests at the clinic would reveal their addiction and result in their being reported to the police.

7.3.27 The general conditions under which streetworkers solicit and entertain their clients are very poor and not conducive to even elementary personal hygiene. Therefore even with the widespread use of condoms the Committee concluded that it is most unlikely that these women are less at risk of infection than brothel workers.

Escorts and callgirls

7.3.28 The Committee received very little information relating to the top end of the prostitution market—the high-class escorts and callgirls. However, medical witnesses commented that it was reasonable to assume that these women remained relatively free from infection. They are more selective, see fewer clients than other prostitutes, and their social and economic position is presumably such that they can afford to take good care of their health and seek regular checks by private doctors.

Male prostitutes

7.3.29 Similarly there was very little reliable material on the incidence of disease in male prostitutes.

7.3.30 The Committee heard evidence from a venereologist practising in the City, that there are only a small number of male prostitutes, and only four or five male brothels in Sydney — all of which, he claimed, appear to be well conducted.

7.3.31 It is however probable that the rate of infection among male prostitutes is quite high, as the homosexual population generally has a high incidence of hepatitis B and syphilis. In

²⁵ Evidence in camera, 1984.

addition, those with multiple sex partners are particularly prone to gay bowel syndrome, and of course to AIDS and lymphadenopathy.

7.3.32 However, there are indications that the wide publicity given to AIDS, and to preventive measures (such as the 'Rubber Me' campaign) may have had an effect on homosexual practices, and also have significantly reduced the demand for male prostitution. There may in consequence be a reduction in the levels of all STDs among this group.

Transsexual prostitutes

7.3.33 The Committee was able to interview several transsexuals who work as prostitutes, soliciting on the street in the inner city. Most of these claimed that they performed only oral sex with their clients, and that they insisted on their clients wearing condoms.

7.3.34 The Committee received no evidence about the incidence of STDs in transsexuals as a group, but in general the interviewees indicated that the precautions they took protected them from most infections.

Clients

7.3.35 There remain the clients, 'the largest component of the prostitution industry ... [I]t is their attitudes and behaviour that largely determines the impact of prostitution on the community in terms of STDs'.²⁶

7.3.36 It was not possible to make any assessment of the health of clients, but of those questioned, 26 out of 58 thought prostitutes were not to blame for most of the STDs in the community (fourteen disagreed). At the same time 27 out of 58 thought stricter health controls for prostitutes were the most important changes they would like to see in place to improve the prostitution industry.

7.3.37 The clients saw health measures mainly in terms of the prostitute's responsibility to keep herself free from infection. Only two spoke of the need for clients also to have regular health checks, and most were unwilling to use condoms, as they claimed they reduced their enjoyment of sex.

7.3.38 Generally the clients contacted by the Committee appeared ill-informed, unsophisticated and quite irresponsible in their attitude to STDs. A surprising number thought that they were sufficiently aware to be able to select 'good' parlours, and 'clean girls', and thus avoid most of the risk of infection. Some cited their own favourite 'preventive' measures, including only having oral sex with a prostitute, and washing the penis in urine immediately after intercourse.

7.3.39 Only one of those interviewed referred to the role played by clients in introducing infection into prostitutes, and in transferring it back to the wider community via their other sex contacts. The risk of contracting STDs is, it seems, regarded by clients more as a legitimate grievance against the industry than as a direct consequence of their own actions.

7.3.40 The Committee concluded that there is an urgent need to convince all people who engage in casual sex or have sex with multiple partners, including prostitutes and their clients, of the dangers of STDs. These persons should be urged to have regular health checks, and to use condoms whenever there is any risk of infection.

7.3.41 At present there is no legislation prohibiting the advertisement or universal sale of

²⁶ Submission of the Venereology Society of New South Wales:5.

condoms. However it was only in 1975 that the public advertisement of contraceptives was legalised, and the Committee recognises that some sensitivity is necessary in the public promotion of condom use. Nevertheless it recommends strongly that condoms should be promoted as an effective preventive against most STDs, including AIDS.

The Committee recommends that:

- **11. The Department of Health promote a continuing campaign to educate 'at risk' groups such as prostitutes, their clients, others who have many sex partners, and by extension, the general public, about the incidence, diagnosis, and treatment of STDs.**
- **12. Sex education in schools include reference to STDs, including AIDS, to make children aware of the risks of infection, and of the fact that effective and simple treatment is available for most STDs, providing help is sought promptly.**
- **13. Condoms should be readily available on sale through vending machines. Where chemists' shops largely operate on a self-service basis, proprietors should be encouraged to ensure that condoms are on open shelves, rather than behind counters with prescription drugs.**

7.4 AIDS: Its Impact on the Control of STDs

7.4.1 AIDS, the most recently diagnosed, and currently the most serious of the STDs has been present in Australia for less than four years, and has so far claimed relatively few victims. Nevertheless it has focused public attention on STDs, and on the sexual behaviour of several groups in our society (notably homosexuals, bisexuals, and prostitutes) in a quite unprecedented way; and at the same time opened up debates on the socio-economic costs of STDs, their treatment and prevention.

7.4.2 The disease is caused by a virus which attacks the body's natural immune system and severely reduces the patient's capacity to fight off infection. AIDS appears to be invariably fatal, although some victims live much longer than others. In the USA, 'Almost none of those with a confirmed diagnosis has lived longer than three years'.²⁷

7.4.3 But the general picture is complicated by the long incubation period of the disease — more than five years in some cases — and the unpredictable nature of its progress once the first symptoms are noticed.

7.4.4 The incidence of disease is still significantly lower here than in the USA, but it is much higher than in Britain and Europe; and the rate of increase, in spite of slowing somewhat, continues to cause alarm. In 1984 the number of cases doubled every three months. This year it appears they will double in six months, and in the United States and Europe, where the epidemic is more advanced, cases are doubling every nine to twelve months.

7.4.5 AIDS screening tests are now available in hospitals and blood banks in NSW, at the Albion Street AIDS Centre and at Sydney STD Centre. Tests are free to all members of the public. The test simply detects the presence of AIDS antibodies in the blood, and indicates whether a person has been in contact with the AIDS virus or not. It does not confirm the presence of the AIDS virus itself, nor does it indicate whether the patient will develop serious symptoms. For

²⁷ Brass and Gold, 1985:5.

those with symptoms indicative of AIDS or LAS, further tests are necessary to determine whether the patient's natural immune system is affected.

7.4.6 Preliminary testing has indicated that a very high percentage of homosexual (perhaps up to 50 per cent according to one study at St Vincent's Hospital), and probably also a large number of bisexual men, already carry the antibody. A small number of female prostitutes may be similarly affected.²⁸

7.4.7 There will inevitably be some spread of the disease in Australia through heterosexual contacts. Prostitutes must be regarded as being in the front line in this threat to the entire community, and both male and female prostitutes must be included in the 'at-risk' groups. It is vital that screening tests for AIDS be offered to all prostitutes and that every effort be put into tracing and screening all contacts of known victims and carriers. This is especially important as the disease has such a long incubation period.

7.4.8 Recent research into AIDS transmission has demonstrated that the disease may be contracted after only one or two sexual contacts with an infected person; the use of condoms is therefore an essential preventive measure in all acts of casual sexual intercourse.

7.4.9 There is considerable evidence that male prostitutes are at greater risk than females, and that anal intercourse is a more risky activity than vaginal intercourse. In the USA homosexual/bisexual men continue to make up 73.2 per cent of all cases — heterosexual contacts make up only 0.7 per cent, although 3.8 per cent of cases are of unknown origin.²⁹

7.4.10 In New South Wales a survey of the first 50 AIDS patients revealed that 37 (74 per cent) were homosexual, five (10 per cent) were bisexual, four (8 per cent) were heterosexual and four (8 per cent) were unknown. Only two out of the 50 were female.³⁰ By the end of 1985, for Australia as a whole, the percentage of cases in each category were as follows:

Homosexual and bisexual men	87 per cent
Transfusion patients	8 per cent
Haemophiliacs	1.5 per cent
Homosexual IV drug users	1.5 per cent
Heterosexuals	1 per cent
No risk factor	1 per cent
IV drug users	0 per cent

7.4.11 Female prostitutes, however, are still very much at risk, especially from their bisexual clients, and increasing numbers will show symptoms of exposure to the AIDS virus, and will contribute to a reservoir of infection spreading into the rest of the community. Female infection with AIDS brings the added danger that children born to such women will also be infected.

7.4.12 The AIDS outbreak has highlighted the following issues which are relevant to the prevention and treatment of all STDs. It has brought attention to the fact that:

- There are groups of sexually active people in our society who may harbour a pool or core of infection.

28 Several hundred working prostitutes have been tested in Melbourne and Sydney in the last year and a small number were initially found to be AIDS antibody-positive. However it was later found that most were false positives and subsequent testing has not revealed any spread of the disease into the female prostitute population.

29 *AIDS. Information for Gay and Bisexual Men*, produced for the AIDS Advisory Committee, 1985.

30 *Profile of AIDS Notifications as at 30 April, 1985*, provided by Dr C.R. Philpot.

- Infection is spread to the wider community by individuals whose sexual activity takes place within and outside the group.
- Careful and thorough contact-tracing and follow-up is necessary in all cases of major infection.
- Continuing education programmes are needed to keep the public fully informed about STDs, how to avoid them, and where and how to seek advice.

7.4.13 Prevention programmes should be aimed at modifying the kinds of sexual behaviour which are known to carry a high risk of infection, encouraging the use of condoms wherever possible, and increasing public understanding of the real nature of AIDS and the ways in which it can be transmitted.

7.4.14 People who suspect they are infected or who have been exposed to the AIDS virus must be encouraged to be medically tested. It is particularly important for high-risk groups including prostitutes to be assured of the confidentiality of AIDS testing procedures. More importantly however, a viable change of lifestyle must be offered to make the cessation of prostitution possible. Otherwise it is unrealistic to assume that men and women who take to prostitution largely for economic reasons will be able to give up this activity.

7.4.15 In view of their general circumstances many prostitutes would be eligible for high-priority government assistance if they ceased working. They should be informed of the assistance which is available and those who wish to leave prostitution should be given help in applying for accommodation, pensions and where applicable, retraining.

7.4.16 These general issues are discussed more fully in the chapter dealing with social welfare, but in relation to AIDS the Committee believes that advice and referral to appropriate agencies for prostitutes who wish to leave prostitution should be part of the counselling provided at STD clinics and health centres. Such advice should be available in such a way that no one is discouraged from seeking medical assistance at the centres.

7.4.17 Drug-affected prostitutes are doubly vulnerable to AIDS through sexual contact and the needle. Where such people are found to be AIDS-positive placement on methadone programmes will provide further encouragement to leave prostitution.

7.4.18 In order to gain the maximum acceptance of counselling and referral advice, the support of 'client self-help' groups at the Albion Street Clinic and Rankin Court should be sought. Advantage should also be taken of the contacts provided by prostitutes' self-help groups such as the Australian Prostitutes Collective.

7.4.19 The AIDS epidemic has stimulated interest in the development of anti-viral vaccines. There is already a vaccine for hepatitis B, and vaccines for gonorrhoea and herpes are at present being evaluated. It then becomes a question of when, and to whom, prophylactic doses of these vaccines should be administered.

7.4.20 AIDS is a protracted and debilitating disease. Its victims need a good deal of social, emotional, and medical support. There has already been some difficulty in coping adequately with the cases presently under treatment, and the position is bound to deteriorate. Until now one of the hidden effects of a high level of STDs in the community has been the socio-economic cost of long-term morbidity. Because individual cases of STD can often be treated and cured rapidly once help is sought, the community at large has tended to overlook some of the real costs involved.

The Committee recommends that:

- 14. Prostitutes and other at-risk persons be advised and encouraged to be tested for AIDS antibodies at three monthly intervals for as long as they continue to engage in casual and/or multi partner sexual activity.
- 15. In education campaigns directed at at-risk groups and the general public, emphasis should be laid on the prevention of infection by the avoidance of 'risky' practices, and the observation of personal hygiene.
- 16. Drug-affected prostitutes with AIDS should be given priority placement on methadone programmes.
- 17. The government should allocate sufficient funds (the amount to be determined in consultation with NSW members of the AIDS Task Force, and the Health Department) for AIDS related research.

7.5 The Socio-economic Costs of a High Level of STD in the Community

7.5.1 The socio-economic costs of STDs are dramatically illustrated by material provided to the Committee by Dr C.R. Philpot, Director of the Sydney STD Centre:

Pelvic Inflammatory Disease (PID) serves as an example of the financial costs of just one of the many STDs suffered by prostitutes. PID is especially common in prostitutes and in the wives of [men] who have sex with prostitutes. — Hospital admissions for PID more than doubled from 5,000 to 11,000 in the period 1958–1978 in England and Wales. PID is expensive to the patient, the patient's family, and to society because of the costs of the following:

- diagnostic tests
- antibiotic and pain treatment
- medical consultations
- hospitalisation
- anaesthetics
- laparoscopies
- surgical operations
- pelvic abscesses
- ectopic pregnancies
- loss of fertility
- total sterility
- in vitro fertilisation procedures
- occasional deaths

There were 75 notified deaths in Australia from PID in the ten year period 1972–1981, with thousands of hospital admissions every year. 10,000 admissions yearly, lasting 5 days at A\$200/day for acute and subacute PID would cost A\$10 million per annum. Add to this the costs of investigating and treating various sequelae and the cost is tens of millions.³¹

7.5.2 In the same paper it is stated that one episode of PID 'results in infertility in 13% of women, rising to 36% and 75% (respectively) after the second and third episodes'.

7.5.3 The Committee received similar estimates of the costs of PID from other medical witnesses, and from overseas informants. In the USA it has been estimated that the total annual

³¹ Dr C. Ross Philpot, 'Prostitution & Sexually Transmissible Diseases in New South Wales', paper presented to the Committee:10.

cost of 212 000 hospitalisations for PID is US\$1.2 billion, including basic care, and surgical intervention.³² It was also calculated that 50 per cent of all ectopic pregnancies are due to PID.

7.5.4 In Sweden the Committee's overseas delegation was told that the cost of treating PID cases in hospitals doubled between 1977 and 1984 to approximately A\$10 million. Fifteen per cent of women visiting STD clinics with chlamydia and syphilis also had PID, and 20 per cent of patients, between thirteen and eighteen years, had chlamydial infections.

7.5.5 It is clear from these figures that early detection and medical intervention to prevent the development of PID would be of enormous benefit to the individuals concerned and to the community at large.

7.5.6 However, one doctor argued strongly before the Committee that prostitutes and their clients should be responsible for their own health costs. In support of his argument Dr Jones expressed the concern that to advocate full refunds to prostitutes for health checks was really to advocate a 'social experiment', that the outcome could not be known in advance, and that it was therefore dangerous to make this recommendation an 'article of faith'.³³ Dr Jones thought the limited money available for STD control might be more effectively used to fund a, 'public awareness and information campaign, developing transport services for specimens, [and] chlamydia services'.³⁴

7.5.7 Specifically he mentioned that \$200 000 might be spent on a campaign to promote the use of condoms, and several million dollars could be spent on, 'a centralised laboratory with facilities for managing [chlamydia] and making those services available to the private laboratories'.³⁵

7.5.8 Dr Jones estimated that refunding prostitutes for STD testing would cost between \$2 million and \$20 million annually.³⁶

7.5.9 Apart from the costs involved, Dr Jones was worried about the possible effects free screening might have on the standard of medical care, and the attitude of prostitutes. He argued that much screening would be perfunctory, and would only detect cases of gonorrhoea and syphilis (chlamydia would remain undetected); that prostitutes would be less mindful of advice on health care and follow-up if it was given free; and that free health care might even tempt more people into prostitution as they would feel one of the major problems associated with the activity had been dealt with. In the long run, Dr Jones said, full refunds for STD screening might actually increase the level of STDs in the community.

7.5.10 The doctor's call for education and information programmes, a condom campaign, and better diagnostic and treatment facilities, reflects a common concern among medical witnesses, and these matters are dealt with elsewhere in this chapter.

7.5.11 The matter of free STD testing for prostitutes was a more complex one. Dr Jones was the only medical witness to express his reservations so clearly, but the AMA in its submission, and in evidence before the Committee, also suggested that screening would be very costly, and should not be undertaken without thorough investigation of the cost benefit of such a programme. The AMA also emphasised that screening, even if carried out frequently and regularly would not eliminate the danger of STD from prostitution, and drew attention to the

32 New South Wales Department of Health, *Sexually Transmitted Disease Committee* report, March 1985:13.

33 Submission from Dr Rodney Jones, Senior Medical Officer, Sydney STD Centre.

34 *ibid.*:2.

35 Jones, in evidence, 12 September 1983:99.

36 The NSW STD Committee report, 1985 estimates in its 1985/86 budget that 'Additional Diagnostic Laboratory Costs Including Screening of Prostitutes' will be \$115 000.

need to ensure that all the important STDs, including chlamydia and other hidden or silent diseases, were properly tested for.

7.5.12 Nevertheless the balance of opinion from medical experts was unambiguously in favour of full refunds for health checks because, it was argued, early detection and treatment of STDs was the most important factor in controlling the spread of these infections. In addition, figures presented to the Committee by other doctors substantiated the argument that such a measure would be cost-effective.

7.5.13 Dr Donovan said, if it is assumed that brothel workers have 'sexual intercourse with an average of 80 anonymous men every week ... [given] a conservative transmission rate of 22% ... 17 men per week are likely to contract gonorrhoea from an infected woman in this environment'.³⁷

7.5.14 If however, by medical intervention, the prostitute is kept 'free of gonorrhoea for two weeks ... then that ... will mean that seventeen men a week will not be contracting this disease. That pays for her check-ups for the next twelve months. The cost of treating those men exceeds the cost of her ... comprehensive check-ups for the next twelve months.'³⁸

7.5.15 At present all pregnant women are screened for syphilis, and it was suggested to the Committee, by the same witness, that this is an excellent practice, because the cost of managing one baby with congenital syphilis would be many times the cost of screening a city full of women for the disease.

7.5.16 The Committee concluded there was good reason to offer free health checks to prostitutes at one- or two-weekly intervals. At present (following recent initiatives by the Federal Minister for Health) prostitutes are offered full refunds for a health check and consultation with their own doctor once a fortnight, but in most cases they are still being charged for the laboratory tests of specimens taken during the consultation. These costs may be in the order of \$85-100. Specimens which are sent to government laboratories are tested with no cost to the patient, as are specimens in public STD clinics, and public hospital casualty departments. Facilities in the public sector, however, are only in the process of being upgraded to meet an expected increased demand from GPs and private specialists.

7.6 Prevention and Treatment

7.6.1 In the course of the Committee's investigations a number of factors emerged as being of great importance in the control and prevention of STDs.

7.6.2 Primarily the Committee agreed that the facilities of public STD clinics should be made more accessible to all. The Committee recognised that there was a clear need to open more clinics, without delay, in the Sydney metropolitan area, and in major regional centres, where presently none exist.³⁹ The Sydney STD Centre, Macquarie Street, (the only full-time STD clinic in the State) is working at full capacity with 1000 new patients per month. Patients are confronted with long waiting lists, and those from Wollongong and country towns are required to travel long distances at considerable inconvenience. A target figure of one fully equipped full-time clinic per 300 000 people seemed reasonable for the larger cities. This figure is based on the formula adopted in the UK, where STD figures have remained lower than in many other Western countries.

³⁷ Donovan, 1984:270.

³⁸ Donovan, in evidence, 12 July 1984:28.

³⁹ D.L. Bradford and C.R. Philpot, 'A survey of sexually transmitted disease centres in Australia', *British Journal of Venereal Diseases* 59, 1983:330-34.

7.6.3 The Committee felt that in addition to being more numerous, STD clinics should also be made more attractive to patients so that people would feel less inhibited about visiting them to seek advice. Hours should be more flexible to allow access before and after work, and the clinics should be integrated with other clinics in the grounds of the major hospitals, in order to minimise the public stigma attached to them. The Committee noted with approval the current moves to relocate the old Macquarie St Clinic (the Sydney STD Centre) in the grounds of Sydney Hospital.

7.6.4 While a number of prostitutes appeared to make good use of the services offered by the public clinics, a significant number of others appeared either to lack confidence in these services, or to find them inadequate. Street workers in particular seemed less inclined to visit the clinics, and gave such reasons as:

- the clinics are too far away from home or work (it would seem advisable to have one located in Kings Cross);
- there is a long waiting list;
- clinic staff are judgmental and disapproving in their attitude to prostitutes; and/or
- drug addictions are revealed through clinic tests, and the addicts' names are then given to the police.

7.6.5 The last two allegations were strongly rebutted by the clinic staff and the Committee accepted that confidentiality is tightly observed. However, the fact that many prostitutes believe that these problems do exist suggests that there is a need for an effective education campaign to convince prostitutes of the value of regular clinic attendance, and to reassure them on the questions of confidentiality and non-judgmental advice.

7.6.6 At the same time the Committee felt strongly that there should be no financial barrier to prostitutes seeking regular medical checks from private doctors, if that is their preferred option. In general the Committee agreed with the statement that 'when prostitutes attend for a check-up, only 10 per cent is for their benefit, and 90 per cent is for the benefit of their clients. Their main responsibility is to remain non-infectious. My belief is that the tax-payer should pay'.⁴⁰

7.6.7 Overall, the Committee concluded there should be a range of publicity and educational campaigns to alert the public at large to the full import of STDs in our community. In addition to prostitutes and their clients, special attention should be given to other groups who are very sexually active, and to young adolescents before they become sexually active to warn them of the dangers of STDs and advise them on prevention. Such education campaigns should encourage the use of condoms as one of the most effective forms of disease prevention (although not fully reliable as a contraceptive device).

7.6.8 More specifically it seems there is a need to provide more training for GPs and medical students in the detection and treatment of STDs, and to provide private doctors with greater access to the facilities and expertise of the clinics. The very specialised skills of contact-tracers are vital in the successful control of STDs, and a significant increase in the numbers of these specialists is required for an effective campaign against the spread of infection.⁴¹ Sydney has made a good start in having one of the first full-time AIDS contact tracers in the world, but more will be needed if AIDS cases continue to increase as projected.

40 Donovan, in evidence, 12 July 1984:47.

41 The 1985 report of the Sexually Transmitted Disease Committee to the NSW Department of Health recommends that four additional contact-tracers/counsellors be employed, one each for Sydney, Liverpool, Illawarra and Newcastle.

7.6.9 There is clearly a need for more research into many aspects of STDs in NSW, and for a comprehensive exchange of information with other States and overseas. The Committee expects that STD clinics will have an important research function in the future, especially in relation to facilitating the early detection and treatment of disease so as to avoid the tragic and costly consequences of delayed intervention.

7.6.10 To this end the Committee was pleased to discover that a number of techniques were now available to speed up the diagnosis of some diseases. While in Hamburg the Committee's overseas delegation observed a demonstration of a quick and practical test for gonorrhoea, which produces a result within 24 hours, and is used as a diagnostic test in the merchant navy. STD clinics in New South Wales can make a preliminary diagnosis of the disease within fifteen minutes and confirm it by laboratory tests in one or two days. Even more valuable is the new diagnostic technique for chlamydia, using a fluorescent microscope. This reduces the time taken to confirm a diagnosis from about one week to one day. Sydney STD Centre now has one of these machines on loan from a commercial company, and is awaiting the provision of funds so that routine diagnoses using this technique can begin.

7.6.11 Other promising research projects may well lead to the development of vaccines against several STDs in the near future. Hepatitis B vaccine is already available, and is being well received, although it remains quite expensive at \$150 for one course of injections. An effective AIDS vaccine may be at least five years away, but it seems that immunisation against gonorrhoea, and herpes may be possible quite soon.⁴² Prevention of any of these diseases through immunisation would substantially reduce the current enormous cost of STDs to the community.

7.6.12 At present early diagnosis and effective contact-tracing offer the best chances of controlling the spread of disease. The Committee agreed that prostitutes should be encouraged to seek weekly checks for gonorrhoea and chlamydia, and monthly checks for syphilis;⁴³ it agreed that the availability of these checks without cost to the workers is more than justified by the general cost benefit to the community.

7.6.13 Several witnesses before the Committee, and some of the clients of prostitutes contacted by questionnaire raised the issue of medical certificates (or 'Manila Health Cards'). In some areas of South-East Asia it is customary for prostitutes to carry cards certifying that they have been checked and pronounced free of disease by a medical practitioner. However under New South Wales law it is illegal for any person to use 'for the purposes of or in relation to or in connection with prostitution any certificate given by a medical practitioner. (Venereal Diseases Act 1918, s.15).

7.6.14 The Committee discussed the question of health cards, and questioned several medical witnesses on their value as a preventive measure. All of those questioned recommended against their introduction. It was pointed out that any certificate issued by a doctor would only be valid until the prostitute's next sexual contact. And the possession of such a document would probably induce a totally false sense of security in both prostitute and client, leading to the neglect of far more important basic health-care precautions such as client health checks and the use of condoms.

7.6.15 It was also remarked that fraud and corruption might well become associated with the issue of health cards.

42 Information supplied by Dr C.R. Philpot. See above, para. 7.4.19.

43 This proposition conforms with the recommendations of the National Venereology Council of Australia (June 1983), as quoted in the submission from the Venereology Society of New South Wales:14.

7.6.16 The AMA spoke out most strongly against the introduction of cards in its submission where it said:

The [AMA] Committee also felt that no form of 'Manila health card' ever be issued as this can be counter-productive from a public health viewpoint, as it is impossible in a brothel environment to guarantee freedom from infection. Only the ignorant and naive would accept such assurance and only the calculating and corrupt would offer such a billet. The idea of a 'clean bill of health' could have a reverse effect on the prophylaxis of this disease.⁴⁴

The Committee concluded that it should make a negative recommendation in respect of health cards.

The Committee recommends that -

- **18. Health cards not be introduced.**
- **19. Additional STD clinics be established throughout NSW. As a first stage clinics should immediately be established in Wollongong and Liverpool.**
- **20. Clinics offer after-hours services so that patients may attend before and after work.**
- **21. STD clinics be an integral part of the hospital in which they are located.**
- **22. Clinics provide a congenial, positive staff-patient atmosphere which will encourage the attendance of prostitutes and their clients, as well as the general public.**
- **23. The Department of Health train (where necessary) and employ more contact-tracers to take up work with new clinics, and to liaise with private doctors as required.**
- **24. Clinics be provided with access to adequate pathology facilities, so that specimens can be examined and diagnoses confirmed in the shortest possible time.**
- **25. Prostitutes and others who engage in casual and/or multi-partner sexual activity should be encouraged to seek regular screening for STDs. The Committee recommends weekly screening for gonorrhoea, and chlamydia and monthly screening for syphilis.**
- **26. The Government urgently seek the co-operation of the Federal Government in making full Medicare refunds available to prostitutes having regular health checks.**

The Venereal Diseases Act 1918

7.6.17 In view of the potential seriousness of having a high number of AIDS contacts within the prostitute population, the Committee believes that attention should be given to the legal aspects of STD control. At the same time the Committee acknowledged the primary responsibility of the AIDS Task Force in making recommendations on specifically AIDS-related problems.

⁴⁴ Submission of the AMA, entitled *Report on Prostitution in New South Wales*:6.

7.6.18 Some people have expressed to the Committee their fear that male and female prostitutes may deliberately risk spreading the AIDS virus rather than suffer a loss in income (particularly if they are also drug-dependent). Clearly the public needs to feel reassured that the law can if necessary, deal with such threats to public safety. But the Committee remains strongly of the opinion that new and draconian measures would be seriously counter-productive in their effect on contact-tracing and early diagnosis. This point was stressed in the submission of the Venereology Society of New South Wales, where it recommends 'that the NSW Government recognize, when considering any law dealing with prostitution, the concept that repression of prostitution always inhibits Public Health efforts'.

7.6.19 AIDS carriers are likely to be particularly sensitive to any heavy-handed changes in the law because the public image of AIDS is closely associated with groups of people (homosexuals, bisexuals, prostitutes), whose lifestyle is deprecated by many other members of our society. Threats of legal intervention will do nothing to encourage previously stigmatised individuals to seek help and advice.

7.6.20 At our present state of knowledge it is not possible to say with any certainty which individuals are at risk of spreading the disease, as the presence of AIDS antibodies does not necessarily imply the presence of active virus. How should prostitutes and clients who are antibody-positive be advised, and what sanctions can reasonably be brought to bear to force people to behave responsibly in these matters?

7.6.21 The Committee believes that education campaigns combined with those methods already in place for screening, contacting, treating and counselling AIDS and LAS sufferers offer the best chance of containment. As a last resort penal sanctions already exist under the Venereal Diseases Act to restrain those individuals who wilfully endanger public health.⁴⁵

7.6.22 It may nevertheless be necessary for the Government to reconsider some sections of the Act to make it more directly relevant to AIDS control.

7.6.23 To this end it was felt the wording and intention of the Act would be clarified by substituting a new definition of 'venereal disease' (section 2). At present AIDS and some other notifiable STDs are not named in the Act, whereas two forms of gonorrhoea are mentioned, as are several less common STDs. It seemed reasonable to the Committee that the definition should include all STDs which are presently notifiable, with emphasis on those of most common occurrence.

7.6.24 It may well be, however, that with a continuing development in the understanding of sexually transmissible diseases a more thorough review of the definitions will be required, particularly in relation to notification.⁴⁶

7.6.25 In view of the fact that all sexually transmissible diseases are seriously under-reported already, it may well be time for a radical overhaul and simplification of notification procedures to try to ensure that all figures which are collated have a higher degree of accuracy. It was suggested to the Committee, for instance, that periodic intensive surveys of the incidence of one or two diseases may yield more valuable data than the simple collection of figures on a whole range of STDs.

45 Specifically sections 4, 5, 9A, 13 and 21 which deal with the obligations of an infected person to seek medical treatment, and to avoid behaviour which may result in the spread of the disease.

46 It would be preferable if the Act referred to Sexually Transmissible Diseases rather than simply to Venereal Diseases, to take account of those conditions which may be transmitted in a number of ways. In addition AIDS category A and AIDS category B notifications may give rise to artificially inflated figures because a proportion of those with category B will progress to category A and may therefore be notified twice.

7.6.26 Other sections of the Venereal Diseases Act which are directly relevant to prostitution are sections 21 and 22. Under section 21 it is an offence knowingly to do 'any act likely to lead to the infection of any other person' with a venereal disease, whereas under section 22:

Any person who, being the owner or occupier of any house, room, or place, knowingly permits any female⁴⁷ suffering from venereal disease to occupy such house, room, or place for the purpose of prostitution or to resort thither for such purpose, shall be guilty of an offence

...

7.6.27 These sections place the onus of responsibility for health care equally on the prostitute, the client, and the owner or occupier of premises used for prostitution and therefore would be relevant to the operation of legal brothels. The Committee felt that such provisions were reasonable and appropriate.

7.6.28 However as it is also illegal under s.15 to use a medical certificate in connection with prostitution (see para. 7.6.13 above) it may be necessary to make some further alteration or amendment to allow brothel owners/managers and workers to demonstrate that they have complied with health regulations.

The Committee recommends that:

- 27. **The Venereal Diseases Act should be examined by the AIDS Task Force to see if changes (including payment of damages and penalties for those who continue to spread AIDS after notification) are necessary in the light of the AIDS epidemic.**
- 28. **The diseases named in the Venereal Diseases Act correspond to the list of notifiable STDs, and reflect current knowledge as to the relative seriousness of these diseases.**

7.7 General Health Issues Associated with Prostitution

7.7.1 The general health of prostitutes

The issue of public health cannot be isolated from the related social and economic factors which foster or necessitate prostitution ... The available evidence suggests that the majority [of women] work as prostitutes for reasons of economic survival. It is likely that many are forced to drift into prostitution at times of emotional or economic crisis, e.g. after running away from home; release from prison; unemployment; after being deserted; or to support a drug addiction.⁴⁸

7.7.2 The Committee heard a good deal of evidence to support the claim that many prostitutes have experienced deprivation, and physical and emotional abuse in their early years, and continue to suffer from personal and economic difficulties in their adult lives. The stresses of their domestic and social lives are in many instances compounded by poor working conditions and the abuses which flourish in the climate of illegality and secrecy surrounding prostitution.

7.7.3 Street and parlour workers in particular, find themselves in a very competitive situation. Many work more than 60 hours a week in dingy and unsanitary conditions. Much of the work involves long nightshifts which interfere with normal patterns of eating and sleeping:

47 The wording of the Act should include reference to male as well as female prostitutes.

48 Submission of the Department of Health, New South Wales:2.

*... some prostitutes practise mainly at night. They sleep during daylight hours and work and eat at night when the most readily available meals are mainly of the take-away kind providing poor nutrition. They have many of the problems of nightshift workers.*⁴⁹

7.7.4 This view was endorsed by working prostitutes who claimed that many brothelkeepers did not make adequate provision for their staff at mealtimes; and that indeed sometimes when trade was brisk there might be no recognised meal break in a twelve-hour shift.

7.7.5 The combination of childhood deprivation, poor nutrition, and stressful working and social conditions is likely to predispose many prostitutes to a variety of illnesses and conditions which tend to undermine their general health.

7.7.6 Two recent surveys in Sydney lend support to this assumption.⁵⁰ In addition to significant numbers of episodes of STDs, other infections found included pelvic inflammatory disease ('23 clinical episodes ... involving 18 different women', in Donovan's study), and candidiasis (thrush) (22 cases at the STD clinic).

7.7.7 In both studies there were several cases of atypical Pap smear reports including one confirmed case of cancer in each study.

7.7.8 Other conditions mentioned by Donovan included narcotic addiction, depression, and excessive self-medication. The Committee was of the view that serious drug dependence is more often a precursor of prostitution than the opposite, and that any assessment of the level of legal drug use by prostitutes has to be seen in the context of a society where all forms of substance abuse have reached a high level. A detailed analysis of the relationship between drugs and the prostitution industry is contained in chapter 8.

7.7.9 Both surveys commented on the inadequacy of contraceptive practices. Donovan encountered six unplanned pregnancies during his year-long study, and the STD clinic mentioned 26 cases of inadequate contraception and also six unplanned pregnancies.

7.7.10 The IUD method of contraception was found to present problems in both studies and the clinic concluded: 'this form of contraception is likely to lead to complications in a group at high risk of STD and thus [is] largely inappropriate especially in young nulliparae.'⁵¹

7.7.11 Donovan also commented on the high level of infertility, either through surgery or infection, in his patients, and 'transient sub-fertility' which he thought could be related to the stressful lifestyle of many of the women. He added that this sub-fertility 'appears to be a major factor in the poor self-esteem many of these women have'.

7.7.12 Other (possibly) lifestyle-related conditions included upper respiratory tract infections, asthma, dermatological symptoms and migraine.

7.7.13 One prostitute witness claimed that backache was a serious problem for some women. This complaint should be taken seriously, as the pain may be a symptom of chronic pelvic infection, or other serious disorders resulting from previous traumas. Several women stated that the job was so exhausting that they could only work for two or three months at a time before taking an extended break.

7.7.14 Another major cause of trauma and disability experienced by prostitutes at all levels

49 *ibid.*:6.

50 Donovan, 1984:272-75; and a *Survey of Illness among 100 Prostitutes by the Sydney STD Clinic*, Appendix A in the submission of the NSW Dept of Health, and also included in submissions from the Doctors' Reform Society and Dr Rodney Jones.

51 nulliparae: women who have not borne any children.

is physical violence and abuse from clients, employers, consorts, and sometimes members of the general public. A survey conducted on behalf of the Task Group on Prostitution⁵² and submitted to the Committee indicated that a third of the women interviewed had experienced rape, and nearly 50 per cent had suffered from other kinds of violence. Most violence was directed towards streetworkers. Independent operators are generally very selective in their choice of clients and use a number of contact techniques to minimise the danger to themselves. Parlour and brothel workers are protected by the proximity of owners/managers and other workers.

Male prostitutes

7.7.15 Male prostitutes share many of the problems associated with poor environment and adverse lifestyle described for female prostitutes.

7.7.16 Because the Committee received little information generally about male prostitutes, little can be said about their health.

7.7.17 In evidence Terry Goulden (Director of the Gay Counselling Service of New South Wales) said male prostitutes tend to see prostitution as more of a 'lark' or 'adventure' than their female counterparts, and thus presumably find it easier to move out of prostitution into other lifestyles.

7.7.18 Some young male prostitutes are not homosexuals, but are heterosexual in their private lives. The Committee heard arguments from some witnesses that this conflict may lead to psychological problems of identity and self-esteem. But Goulden argued, on the contrary, that heterosexuality is in fact advantageous to male prostitutes, as it allows them to 'disengage' their work identities from their social and personal identities.

7.7.19 The Committee also heard from a medical witness and a counsellor that serious bowel problems, sometimes leading to chronic incontinence, may result from repeated acts of anal intercourse. Again Goulden disagreed, and said that this finding was not consistent with his observations as a gay counsellor. However, given the extreme youth of many male prostitutes,⁵³ and their consequent emotional immaturity, the Committee believes the balance of the evidence suggested that physical and emotional traumas were very real dangers for these workers.

Transsexual prostitutes

7.7.20 Psychological and physical problems are, if anything even greater for transsexual prostitutes. These people have often experienced serious difficulties in coming to terms with their gender identities. Many have been rejected by friends and family, and have been openly discriminated against in the legitimate workplace. The surgery and hormonal therapy necessary for their sex change present their own physical problems and may have long-term side effects.

7.7.21 Several transsexuals mentioned in interviews that they had been physically assaulted by clients, often because the client claimed he had been misled about the sex of the prostitute. In evidence a spokesperson for the Task Group on Prostitution stated:

52 Comprising the Australian Prostitutes Collective, Twenty Ten, Gays Counselling Service, Gay Rights Lobby, and the Australian Transsexual Association.

53 In a survey for the Bureau of Crime Statistics, Gail Travis found the average age of male prostitutes to be as low as twenty years, while female prostitutes averaged 23 years, and transsexuals 30 years. G. Travis, *Soliciting in Darlinghurst: Female, Transsexual and Male Prostitutes talk about their work*, NSW Bureau of Crime Statistics and Research, Attorney-General's Department (forthcoming).

*Transsexuals experience an enormous amount of violence from both directions, including gays who come in to mug the working women ... They are carrying \$200 or more in their purse, and are vulnerable [to robbery] ... In addition they suffer from puffer bashers who are suffering from homophobic fears. They bash the transsexuals because they are more vulnerable.*⁵⁴

7.7.22 Transsexual prostitutes also seemed to be heavy consumers of drugs including opiates, barbiturates, sedatives, analgesics, alcohol, and tobacco.

Prostitutes and health services

7.7.23 Prostitutes suffer from a variety of illnesses and conditions related to their work and lifestyle, in addition to the publicly recognised STDs. Further it appears that current health services are not well adapted to the needs of prostitutes, and that many of the workers avoid traditional health and welfare centres.

7.7.24 On the basis of the evidence before it the Committee agreed that there is a need for 'more flexible outreach and "drop in" services ... In addition to clinical services, health services should include preventive services, health education programs, support and counselling services' ... etc.⁵⁵

7.7.25 Many of the most serious health problems encountered by prostitutes as a group have a greater impact on streetworkers, and those who work out of poorly run brothels and cheap rooms in the inner-city areas. These are also the people who are least likely to visit the established STD clinics and health centres.

7.7.26 Some of these problems could be overcome by establishing a health centre in Kings Cross which would not be solely identified with an STD clinic, but would also offer general health care, counselling, and contraceptive advice. Regular screening for STDs should be offered to prostitutes, together with more frequent Pap smears (to detect cervical cancer) — say six-monthly instead of the annual or two-yearly smear usually recommended; and hepatitis B vaccine. The Health Department submission suggests that these needs could be met either through the establishment of a special-purpose centre, or by augmenting of existing health services in the area.

7.7.27 A centre dealing with a variety of personal and public health needs under one roof might also play an educative and advisory role in any attempt to improve the amenity and public-health aspects of life in the Kings Cross-Darlinghurst area.

The Committee recommends that -

- **29. The Government fund, and the Department of Health administer a multi-purpose health centre in the Kings Cross area. This centre might be built upon existing facilities, perhaps in co-operation with St Vincents Hospital. It should provide complete STD screening, diagnosis, and treatment; plus contact-tracing, counselling, contraceptive advice and treatment, Pap smear, and general health services. The aim of the department should be to make the centre as fully accessible and acceptable to prostitutes, and other persons who live and work in the inner city, as possible.**

54 Roberta Perkins, representing the Task Group on Prostitution, in evidence, 4 October 1983:33.

55 Submission of the Department of Health, New South Wales:6.

Amenity and public-health considerations

7.7.28 Before the establishment of the Committee complaints arose from the increase in street soliciting and brothel prostitution in East Sydney and Darlinghurst after 1979. The increase in prostitution activity in the area had a number of effects which are examined elsewhere in this report, but there were some matters relating to health which should be looked at here.

7.7.29 In their submission the residents of East Sydney complained that prostitutes and their clients are responsible for an unhealthy increase in litter and rubbish. Used condoms, tissues, and syringes are found on the streets, in lanes, and even in gardens and doorways.

7.7.30 Rubbish of this kind is very undesirable on the streets of residential or for that matter any other areas. It is unaesthetic, potentially physically harmful (especially if found by children), and carries a high risk of infection. Most STDs are not readily conveyed from one body to another by a third medium, but there have been cases of hepatitis caused by accidental damage from an abandoned syringe needle.

7.7.31 Residents in these areas have also complained of ill-health caused by the constant noise and disturbance generated mainly by clients seeking prostitutes. They have suffered from lack of sleep, and from nervous disorders brought on by worry about their environment.

7.7.32 The Committee recognises the validity of complaints about the damage to residential amenity caused by street soliciting in the Darlinghurst–East Sydney–Kings Cross area and these matters are addressed more fully in the chapter dealing with planning.

HEALTH ASPECTS OF PROSTITUTION

APPENDIX 7A

A Glossary of Common STDs

Acquired immune deficiency syndrome (AIDS)

This disease has three stages, but only a small percentage of those infected with the virus pass through all three stages. Some develop AIDS category A without showing any obvious earlier symptoms, while in others the disease does not advance beyond the first or second stage.

The first stage usually has no symptoms, but a blood test will reveal the presence of antibodies to the AIDS virus. At this stage the person is healthy, but in most cases is capable of passing the virus on through blood and body fluids such as semen. Between 30 and 40 per cent of cases progress to the next stage.

AIDS Category B. Symptoms are swollen lymph glands, often accompanied by general malaise, lethargy, intermittent fever and night sweats. This may continue for a lengthy period, but not become any worse. Some cases will progress to the next stage.

AIDS Category A. At this stage the natural immune system is severely damaged, and many different infections occur. Typically the signs include rapid weight loss, diarrhoea, infections with thrush (usually only seen in small babies), Kaposi's sarcoma (a rare form of skin cancer) and/or an unusual kind of pneumonia. Life expectancy is between one and five years once AIDS category A is diagnosed. Between 10 and 15 per cent of those people carrying AIDS antibodies will eventually develop AIDS category A.

There is no effective treatment for AIDS yet, but many of the 'opportunistic' infections associated with category A can be treated with commonly used drugs.

Work is in progress towards an AIDS vaccine, but it may take 5 years before an effective one is produced.

Candidiasis (thrush)

This disease is caused by a fungus which is normally present in the human bowel, and in the vagina of some women, but which causes disease under certain conditions. It occurs in the mouth in some young babies, and is often particularly severe in terminally ill AIDS patients. When candidiasis is sexually transmitted it causes an intense itching and a vaginal discharge in women. It is less frequent in men, but sometimes causes inflammation of the head of the penis (balanitis).

Candidiasis is treated with pessaries and/or ointment for local application, and sometimes also with pills.

Genital herpes

This condition is caused by a virus and is very infectious indeed during the active phase of the disease. There is no known cure, and the disease tends to recur in cycles, but its severity generally diminishes with time.

- **Symptoms** The skin in the affected area becomes prickly, red and swollen, and eventually breaks down into small very painful ulcers, which slowly heal themselves.
- **Complications** This disease can be passed on by mothers to their new born babies. Herpes has also been associated with cervical cancer.

A vaccine against genital herpes is at present being evaluated. A drug called Acyclovir is effective in treating the ulcers, and reducing discomfort.

Genital warts

These are also caused by a virus which can easily spread through sexual contact.

- **Symptoms** Fleishy lumps which vary in size and number. They may occur all over the genital region, in the rectum, the urethra, the vagina, and even on the cervix. Sometimes they itch and bleed, but often they are painless.
- **Complications** It is now thought that genital warts predispose some women to cervical cancer.

There are several methods of treatment depending on the size and location of the warts. Treatment is not painful, but it does require medical supervision.

Gonorrhoea

This ranks with the common cold as one of the most common infectious diseases.

- **Symptoms** Males — pain on passing urine, discharge of pus from the urethra. Females — sometimes no symptoms at all, pain in lower abdomen, vaginal discharge. This infection may also occur as localised lesions (sores) in the throat or rectum. Rarely it may infect the bloodstream and attack the joints and tendons or cause meningitis.
- **Complications** Males — inflammation of the prostate and/or testes. Females — inflammation of the fallopian tubes (salpingitis), PID, peritonitis. Each of these conditions may lead to ectopic pregnancy, or infertility, and may be life-threatening in their acute stage. Babies may

become infected from their mothers during birth and develop a serious eye infection (pink eye).

Gonorrhoea is usually readily treated with penicillin, but in about 10 per cent of cases a penicillin-resistant strain is present and has to be treated with an injection of spectinomycin. It is very important that the patient should be followed up after two weeks to ensure the cure was effective. Contact-tracing is also essential.

Hepatitis B

This is an inflammation of the liver, caused by a virus. Two other kinds of hepatitis (A, and non-A non-B) are caused by distinct viruses. Hepatitis B can be transmitted by needles and surgical instruments contaminated with human blood, but in about 50 per cent of cases in Australia the disease is sexually transmitted. It is especially common among homosexual males.

- **Symptoms** Sometimes the infection causes no symptoms at all, but in other cases the patient may be very ill with fever, weakness, and jaundice. People who have recently been infected carry hepatitis B surface antigen in their blood. This is easily detected from a blood sample.
- **Complications** Rarely hepatitis causes death in its acute stage. Some people who may have been only very mildly affected themselves go on to be carriers of the virus and can be infectious to other people over a long period. Others develop progressive liver damage which leads to serious problems in later years, and may also be a cause of liver cancer.

Hepatitis B can now be prevented by a recently developed vaccine. It is recommended that all at-risk persons (homosexual males, prostitutes, drug addicts) should receive this vaccine as a routine precaution. There is no specific treatment for hepatitis B itself apart from rest, and avoidance of alcohol.

Non-specific urethritis (NSU)

This disease is similar to gonorrhoea in many ways, but it can be caused by a number of organisms, some of which have not been identified. However one organism (*Chlamydia trachomatis*) is responsible for about 50 per cent of cases and is known to be insidiously dangerous as a major cause of PID.

- **Symptoms** Males — similar to gonorrhoea, but milder. Females — often have no symptoms at all, and unlike gonorrhoea, the organisms causing NSU are very hard to detect during normal medical checks.
- **Complications** Males — rarely have any complications. Females — because they are often asymptomatic, or not readily diagnosed, cases may go untreated for long periods. Under these conditions chlamydial infections frequently give rise to PID with the same long-term results as gonorrhoea. Newborn babies may suffer eye and chest infections.

NSU is treated with broad-spectrum antibiotics, tetracycline, erythromycin. Follow-up and contact-tracing, as with gonorrhoea, are essential.

Syphilis

This disease has four stages, of which the fourth (tertiary syphilis) is the most damaging.

- **Symptoms** Primary syphilis - within a few weeks of infection a painless dry ulcer appears, usually in the genital area. **Secondary syphilis** — if the ulcer is not treated it heals itself, but shortly afterwards the patient has a generalised illness, with aches and pains, a sore throat, and generalised body rash. **Latent syphilis** — patients who have not been treated in the secondary stage recover spontaneously, and may live for many years (perhaps twenty or more)

with no signs or symptoms. However the microbe remains in the bloodstream. **Tertiary syphilis** - at this stage in untreated cases major organs in the body may show signs of irreversible damage. Syphilis particularly attacks the heart, large blood vessels, brain and spinal cord, and often leads to premature death.

- **Complications** Apart from the effects of tertiary syphilis, noted above, the disease may be passed from a mother to her unborn baby. This may result in a miscarriage or stillbirth or in the child being born with congenital syphilis.

Syphilis in the primary, secondary and latent stages can be effectively treated with penicillin injections. These are given over a number of days, and follow-up and contact-tracing are essential because of the seriousness of the disease.

Trichomoniasis ('trichs' or T.V.)

This disease is caused by a protozoan. It is mainly a problem in females where it causes an unpleasant vaginal discharge, soreness and swelling around the vagina, inflammation of the cervix, and sometimes a urethral infection. It is a common condition in sexually-active women, and is often present with other infections such as gonorrhoea and thrush. Men either have no symptoms or else a mild condition rather like NSU.

Trichomoniasis is treated with the oral drugs metronidazole, or tinidazole, which are given in one dose. Follow-up and contact-tracing are important, because other infections may also be present.

8.1.1 In the mid-1970s significant numbers of heroin-affected prostitutes began to appear on the streets of the inner city, at a time when serious alarm was being expressed about the exponential increase in heroin use in the community at large. It has been conservatively estimated that between 8000 and 10 000 people in New South Wales use heroin regularly, although not all of these can be clinically diagnosed as addicts.¹ The Committee estimated that as many as 80 per cent of street prostitutes in Sydney were heavily heroin-dependent, but that for the prostitute population as a whole, in New South Wales, approximately 10 per cent had a heroin problem. (see para. 8.7.1).

8.1.2 The Committee recognised that there is a strong association between prostitution and some forms of drug abuse. However the use of illegal drugs and the misuse of pharmaceuticals and recreational drugs is widespread in Australia, and patterns of drug-taking by prostitutes are not markedly different from those of other highly stressed groups in our society. The drug preference of prostitutes is related to age, sex, and social circumstances and is comparable to the pattern in society at large.

8.1.3 For example, female prostitutes rely heavily on over-the-counter and prescription drugs such as analgesics, minor tranquillisers and sleeping pills, whereas males more often misuse alcohol. Young prostitutes of both sexes are very experimental in their drug use, and may try many combinations of substances. The recreational use of marihuana, along with alcohol and tobacco, is high among the under-thirties, while older female prostitutes rely more heavily on alcohol for relaxation.

8.1.4 The illegal hard drugs, heroin, black market methadone, and cocaine are also mainly a problem for young prostitutes. However, as the Committee found, this statement has to be qualified as the relationship between illegal drugs and prostitution is a complex one. Some young women who enter prostitution as a way of earning a living subsequently become addicted to heroin, often as a response to the stresses of their lifestyle. However the numbers of these 'prostitute-addicts' who are seriously affected by heroin are quite small. Much more numerous are the women ('addict-prostitutes') who, having acquired an expensive habit then turn to prostitution as one way among several of making extra money to pay for their drug addiction.

8.1.5 The Committee found that the distinction between those who become addicted after entering prostitution, and those who become prostitutes to pay for an established habit, is an important one, particularly as it relates to the treatment of addiction and habituation, and to an assessment of the future trends in prostitution in this State.

8.1.6 Some male prostitutes are also addicted to heroin, but the distinction between 'professionals' and 'non-professionals' is less clear here, because our evidence suggests that very few men engage in prostitution regularly over the age of thirty, and even the younger men tend to move in and out of the trade rather haphazardly. It is rarely the sole source of income for a man, nor is it viewed by him as a long-term involvement. On the whole men earn much less money from prostitution than women, and consequently, on its own, it is not a realistic way to raise money for a serious drug habit.

8.1.7 Heroin addiction and the criminality, social disorder, and personal distress with which it is associated has been closely linked with prostitution in the public concern over the problems of the inner city. However it must be stressed that only a small percentage of prostitutes are

¹ The estimate of 8000–10 000 heroin users was provided to the Committee by Brian Stewart, Chairman, NSW Drug and Alcohol Authority, in evidence:5. The distinction between heroin *users* and heroin *addicts* is a very important one but one which is often overlooked. The number of *addicts* would be much smaller than the number of *users*. However, *all* estimates of illegal drug use in Australia are speculative. The Commonwealth Department of Health in its booklet, *Statistics on Drug Abuse in Australia*, February, 1985, states: 'No data are available to assess levels and trends in illegal use of narcotics.'

seriously involved with illegal hard drugs. As with the rest of the community, legal and recreational drug use poses a much more costly and intransigent long term problem for our society.

8.1.8 The Committee concluded that many of the factors leading to the over-use and inappropriate use of drugs were the same as those which predispose many young people to prostitution, and to other marginal lifestyles, in the first place. These factors cannot accurately be described as causes of drug abuse, or of prostitution, or of anything else, because individual case histories vary enormously. But it can be said that some of these factors are present often enough to form a recognisable pattern. Their presence makes it more likely that a person who experiments with drugs or enters prostitution will become seriously involved in the long-term consequences of such action and will have great difficulty in leaving that particular subculture.

8.1.9 Consequently much of the material discussed in chapter 6 is also relevant to this chapter, as are some of the conclusions and recommendations it contains.

8.2 Sources

8.2.1 The Committee heard evidence from many expert and lay witnesses on the subject of drugs. Prostitutes, residents' and political groups, lay and religious counsellors, police, doctors and Health Department employees all contributed information in submissions and through oral evidence about the 'drug problem' in New South Wales. Most of this evidence related to heroin use by young streetworkers in the Kings Cross–Darlinghurst–East Sydney region. However some witnesses, including prostitutes and doctors, spoke of drug use in parlours and brothels, and of the widespread dependence on legal and prescription drugs, and alcohol.

8.2.2 Several expert witnesses gave lengthy evidence about drug-treatment programmes including detoxification, therapeutic communities, and methadone administration, and helped the Committee to an understanding of the 'methadone debate'.

8.2.3 Formal evidence before the Committee was supplemented by informal interviews with prostitutes, drug counsellors, members of various aid agencies in the inner-city area, and health professionals. Some of these interviews helped to set the 'drug problem' of the inner city into the broader context of a 'drug-using society'.

8.2.4 The Committee's researchers made an informal survey of 49 prostitute clients of the Drug Advisory Centre, Bourke Street, Surry Hills, who first visited the centre in 1984.² Statistical evidence of age, drug use, background and social circumstances of these people is provided to illustrate material in this chapter, and the survey and its results are described in Appendix 8A.

8.2.5 Committee members visited Health Department drug treatment centres in Bourke Street, at St Vincents' Hospital, and at Rankin Court. They also visited a number of private agencies in the Kings Cross area, and had talks with representatives from therapeutic communities outside Sydney.

8.2.6 While overseas the Committee's delegation had extensive discussions with social workers and health professionals about drug problems in the Netherlands, and the UK. The visit to Hong Kong was made primarily for the purpose of assessing the massive methadone programme in the Territory, and providing information about its operation to the full Committee.

8.2.7 Written material about drugs is very prolific, though not always well informed. Committee members consulted numerous professional articles and books, and kept a comprehensive list of newspaper stories and comment. There have been several Royal Commissions and

² Hereafter referred to as the 'Bourke Street Client Survey'.

government inquiries into drugs in the last decade, and these proved to be valuable sources of information. The Committee also participated in, or received information from a number of drug seminars which have been held in Sydney and other centres recently.

8.3 Definitions

8.3.1 'Almost every aspect of drug use and misuse produces controversy'.³ This applies even to the use of the word 'drug'. What is or is not a drug is, to a large extent, culturally determined. In different times and places the same substances may have been regarded as food, as dangerous drugs, as useful medicines, or as of no worth at all. Tea, coffee and cocoa have been seen as social evils; alcohol, various tranquillisers, and hallucinogens have been essential to religious practice and to major social functions. Plants which are normal unremarkable foodstuffs to most people were once regarded as medicinal 'simples' and are now known to contain small quantities of useful and potentially powerful drugs. Many modern drugs are synthetic copies of naturally occurring substances.

8.3.2 In Australia the word 'drug' is most often used pejoratively to mean a substance other than alcohol or tobacco which is used to obtain a desirable physical and psychological state, but which is not medically indicated for that purpose. Thus the illegal drugs, heroin, cocaine, cannabis, and illegally obtained prescription drugs fall into this category, whereas over-the-counter and prescribed drugs are 'medicines'. Approved recreational drugs—tea, coffee, alcohol, tobacco—are rarely considered to be drugs at all.

8.3.3 There are, however, subcultures within our society where very different attitudes prevail. Some religious groups abhor and avoid even the 'approved' recreational drugs. At the other extreme, and particularly in youthful milieux, drugs are experimented with and used for everyday purposes, working, sleeping, waking, and to heighten sexual pleasure, to such an extent that the distinctions between drug, medicine, and food are thoroughly blurred. These people are sometimes referred to as belonging to a 'drug subculture'.

8.3.4 For the purposes of formal discussion an attempt is usually made to define 'drug' to include all medicinal and recreational non-food chemicals. The result is often a very broad-ranging definition of limited practical application. The NSW Joint Parliamentary Committee upon Drugs settled for 'any substance that when taken into the living organism may modify one or more of its functions.'⁴

8.3.5 The Select Committee did not include beverages like tea and coffee in its working definition of drugs, but did include tobacco and alcohol, because of the association between the heavy use of these approved recreational drugs and the other forms of drug abuse.

8.3.6 As much as drugs are culturally defined, so are drug use and misuse. Many people in our society regard the evidence of occasional alcohol intoxication in teenagers as an inevitable part of growing up, and it is also accepted that sedatives and tranquillisers are sometimes given to small children on questionable medical grounds. The same people, however, react in horror to the idea of an adolescent marijuana party. This reaction has no basis in scientific knowledge of the relative toxicity or dependency-producing qualities of the respective drugs. It is culturally induced and reflects the way in which the illegal status of marijuana automatically associates it with the illegal hard drugs which have well-known harmful effects.

8.3.7 Alcohol and tobacco do not carry this stigma although the Australian Royal Commission of Inquiry into Drugs (1980) declared itself 'of the opinion that the level of illegal drug use

3 J.A. Krivanek, *Drug Problems People Problems: Causes, treatment and prevention*, George Allen & Unwin, Sydney 1982:15.

4 NSW Joint Parliamentary Committee upon Drugs, *Report into Drug Abuses*, Government Printer, Sydney 1978:20.

in the Community is related to the level of legal drug use',⁵ and research has shown that 'there is also strong evidence that alcohol and tobacco are the primal drugs in the progression from non-use to illegal drug use'.⁶

8.3.8 All drugs are capable of being misused and very many can produce high levels of tolerance and dependence over time.

8.3.9 'Tolerance' describes the way in which a person may become accustomed to a drug so that he/she requires larger and/or more frequent doses to achieve the desired effect. The opiates readily produce tolerance when taken frequently, but the tolerance level drops when drug-taking ceases for a period. Alcohol also produces tolerance, but heavy drinkers may eventually reach a stage when tolerance rapidly diminishes and they begin to react severely even to small amounts of the drug.

8.3.10 'Dependence' may be psychological and/or physical.

Psychological dependence is the mental state characterized by the intensive desire to administer a drug on a continuous or periodic basis to obtain pleasure or to avoid discomfort, real or imagined ...

... Physical dependence is an adaptive state characterized by intense physical disturbance when the administration of the drug is stopped or counteracted by a specific antagonist.⁷

8.3.11 The 'physical disturbance' is described as 'withdrawal syndrome' and the patient may require close supervision at this stage. Opiate withdrawal is hardly ever dangerous to the patient, whereas barbiturate and alcohol withdrawals may be life-threatening and require very careful management.

8.3.12 People who are severely dependent physically and psychologically are said to have an 'addiction' and are frequently referred to as 'addicts'. This latter term carries a high degree of moral and social opprobrium, and is often used to denigrate a lifestyle as much as to describe an association with drugs. It is probably best avoided wherever possible.

'Addiction' has been defined as, 'a behaviour pattern characterised by an ongoing and overwhelming preoccupation with the use of a drug and the securing of its supply. It refers to the degree to which drug use pervades the lifestyle of the user, and in most cases it will be impossible to state with any certainty at which point misuse should be considered addiction'⁸

8.4 Recreational Drugs

8.4.1 There has been no comprehensive Australian study of drug use by prostitutes, as a separate group. However the Committee was provided with useful material from a number of surveys conducted by Bourke Street Drug and Alcohol Advisory Centre, by St Vincent's Hospital, and by members of the Task Group on Prostitution⁹ which dealt mainly with inner-city workers. Also there was a good deal of circumstantial evidence of drug use from hearings and interviews, particularly in relation to heroin.

5 Australian Royal Commission of Inquiry into Drugs, *Report Book A: Parts I-V*, AGPS, Canberra, 1980:75.

6 Krivanek, 1982:15.

7 *Report into Drug Abuses* 1978:20.

8 Krivanek, 1982:83.

9 Comprising the Australian Prostitutes Collective, Twenty Ten, Gays Counselling Service, Gay Rights Lobby, and the Australian Transsexual Association.

8.4.2 In the general population there has been over the last decade, 'a gradual reduction in rates of deaths due to drugs. Overall the reduction was 10 per cent for tobacco, 20 per cent for alcohol and 30 per cent for all other drugs'.¹⁰

8.4.3 For many drugs there has also been a reduction in the amount consumed. Tobacco consumption has fallen by over 20 per cent, and there have been falls in the use of analgesics, cough medicines, and tranquilisers. Alcohol consumption has also decreased slightly.

8.4.4 However these decreases apply mainly to people over 25; younger people, and especially adolescents and young women, have increased their total drug intake, and have also tended to use a much broader range of substances than previously. The Committee noted that most prostitutes fall into these categories and are presumably affected by the same trends.

8.4.5 This presumption is borne out by a survey of 441 people under the age of 25 who frequent gay bars in Sydney. Over one-quarter of the total sample had been or were engaged in prostitution. The survey found that 'the alcohol consumption of the sample can only be described as regular and heavy ...', and that, 'in general the sample exhibited a fairly high level of usage of drugs ... This level of usage ranged from the over two-thirds who smoked cigarettes to the less than one in six who use heavy drugs (such as heroin or morphine)'.¹¹ Involvement in prostitution, which Bennett associates specifically with poverty and homelessness, 'especially appears to encourage high levels of drug and alcohol abuse'.¹²

Tobacco

8.4.6 Many prostitutes are heavy smokers. They use cigarettes to relax, and sometimes to socialise with their clients. In brothels and bars used for soliciting, patrons and workers are constantly exposed to tobacco smoke. In the Committee's Bourke Street Client Survey one out of five males, one out of two transsexuals, and 22 out of 42 women smoked twenty cigarettes or more per day, (see Table 8.4, Appendix 8A) and eleven out of fourteen female prostitutes in another survey smoked heavily.¹³ The percentage of female smokers in these groups is high compared with the national average.¹⁴

8.4.7 Tobacco is responsible for over 80 per cent of drug-related deaths in Australia, and is also an important cause of hospitalisation and illness.

8.4.8 However the effects of this drug are insidious and most tobacco-related illness occurs in older people. 'Almost all deaths associated with tobacco use occurred in people over the age of 65 ...'.¹⁵ It is therefore not a drug which greatly affects the health of prostitutes during their working lives.

8.4.9 Nevertheless there are some important side effects which are relevant. Most female prostitutes are of childbearing age, and many wish to have children at some stage. But smoking during pregnancy has been clearly associated with low birth weight (and therefore less robust) babies. It has also been claimed that many prostitutes eat inadequate diets, and are in poor general health (see chapter 7). Smoking tends to suppress the appetite and to be associated with

10 Commonwealth Department of Health. *Statistics on Drug Abuse in Australia*, February, 1985 AGPS, Canberra 1985:14.

11 G. Bennett, *Young and Gay. A Study of Gay Youth in Sydney*, Twenty-Ten, Sydney, 1983:19, 25. Appendix 5 of the submission from the Task Group on Prostitution.

12 *ibid*:55.

13 R. Perkins, 'Female prostitution in Sydney II 1983', Appendix 4 of the submission from the Task Group on Prostitution.

14 *Statistics on Drug Abuse 1985*:9, shows that for the population at large 15% of women between the ages of 25 and 34 years smoked more than 21 cigarettes daily in 1983, compared with 33 per cent of males.

15 Krivanek, 1982:66.

alimentary tract diseases such as gastric ulcers. It also exacerbates respiratory conditions, and other infections (see chapter 7, para 7.7.12).

Alcohol

8.4.10 Alcohol misuse is a major problem among young and middle-aged people in our society. It is responsible for 16 per cent of the drug-related deaths recorded annually and is the cause of enormous social cost in terms of sickness, physical violence, emotional breakdown, and social and mental dysfunction.

*It has been estimated that alcohol is the major causative factor in primary illness or disability in one third of patients admitted to Australian general hospitals, and a significant factor in another third.*¹⁶

8.4.11 Alcohol-related deaths occur mostly in the over-35 age group. Thus the drug kills much earlier than tobacco, so that although the ratio of tobacco deaths to alcohol deaths is 4:1, in terms of years of life lost they are very similar. Alcohol accounts for 43 per cent and tobacco for 45 per cent. The opiates which are responsible for only 1 per cent of drug-related deaths tend to kill even younger people, but even so they are responsible for only 4 per cent of years of life lost.¹⁷

8.4.12 Prostitutes, like many other people, use alcohol at work to cope with stress and as a relaxant during periods of recreation. Evidence was given to the Committee that some older workers in Darlinghurst and East Sydney rely heavily on alcohol. It has also been suggested that many years ago streetworkers were as badly affected by alcohol as they now appear to be by heroin.

8.4.13 But overall the evidence suggests that alcohol misuse is not confined to the older sections of the trade. Some young people begin consuming large quantities of alcohol well before they leave school¹⁸ and alcohol detoxification centres treat significant numbers of people under the age of 25. (Langton Clinic staff estimate that up to 10 per cent of their alcohol-affected patients fall into this age group). The Chairman of the NSW Drug and Alcohol Authority also said in evidence that alcohol is 'an extremely serious problem' among prostitutes.¹⁹

8.4.14 The Committee's overseas delegation received an unpublished report from the London Borough of Camden which indicated that *many* prostitutes were heavy drinkers. Interestingly, 'Unlike those with drug dependence, women with drink problems described their dependence on alcohol as contingent on the choice of lifestyle. It helped them live the life rather than being the reason for the choice'.

8.4.15 In Australia the consumption of alcohol by women, overall, has risen in recent years and there have been more female alcohol-related deaths as a result.²⁰ Women who drink heavily run a greater risk of liver damage and other organic injury than men as they seem to be more sensitive to the effects of alcohol. Alcohol is also very dangerous during pregnancy as it is highly toxic to the foetus and can result in a life-threatening condition known as 'foetal alcohol syndrome'.

8.4.16 Levels of alcohol consumption are related to the locale in which prostitution occurs.

16 Krivanek, 1982:33.

17 *Statistics on Drug Abuse* 1985:14.

18 *ibid.*:3.

19 Stewart, in evidence, 26 June 1984:34.

20 See the Report of the NSW Drug and Alcohol Authority, 1984.

Bar prostitutes, and those who work in large brothels where floor shows and other entertainments are offered, are expected to drink with their clients and may easily consume excessive quantities under these conditions. A member of the Victorian Prostitutes' Collective criticised the current trends in brothel organisation in that State because, she said, they encourage more drinking and socialising with clients in what would otherwise be off-duty time. However, for reasons of cost and work efficiency most women sip soft drinks on these occasions. The real difficulties lie with those who dislike the work, or already have a drink habit.

8.4.17 Males as a whole are much more likely to misuse alcohol than females. About 75 per cent of patients in alcohol detoxification units in New South Wales are men; only 25 per cent are women. However among the under-25 age group the figures are probably closer — about 60 per cent males to 40 per cent females. One survey of young people found *one in five* males came into the high to very high risk categories of drinkers according to the National Heart Foundation standards. This is five times the incidence revealed in the Foundation's 1980 study of a sample of the general population.²¹

8.4.18 The finding is particularly alarming because of the youthfulness of the sample, and the fact that the gay bars were almost the only venues frequented by these young men during their free time. A pattern of life had been established which provided little incentive to change drinking or other drug habits. Bennett argued strongly that the social needs of young gay men and women should be recognised, and that specifically gay drop-in centres should be funded by the Government, to provide alternative venues for meeting and socialising.

8.4.19 Problems with alcohol are not confined to the workers in prostitution. Many of their clients apparently drink heavily and frequently, and although much of the public hostility towards prostitution in the inner city is directed at the streetworkers and their drug habits, in fact specific complaints relate more to the alcohol-affected sightseers and drunken clients attracted by these women. Police claim 'most clients are affected by liquor when they engage the prostitutes'.²² Most of the noise, abuse, and litter associated with street prostitution is actually alcohol-related.

8.4.20 Treatment for severe alcohol misuse requires supervised detoxification and an extended period of counselling and support to maintain sobriety. Alcohol withdrawal can result in depression, nausea, anxiety and sweating. In severe cases hallucinations, delusions, disorientation and delirium may occur intermittently for some days.

8.4.21 There are several centres in Sydney which cater for alcohol-addicted people, but they are all designed primarily to meet the needs of the majority group of sufferers — mature to middle-aged men and women whose otherwise good employment prospects and secure relationships are threatened by their addiction. The programmes are designed to reintegrate them into the respectable milieu from which they have come.

8.4.22 Very young alcoholics however have different problems, particularly if they are also prostitutes. They have few employment or career prospects and the concerns of middle-aged businesspeople and housewives are alien to them. They can also be very disruptive to the treatment of the older patients. The same problems occur with supportive self-help organisations such as Alcoholics Anonymous (AA), where young people do not fit easily into the group therapy sessions, or identify with the objectives of the other members.

8.4.23 It was suggested to the Committee that a special facility for young alcoholics should

21 Bennett, 1983. Bennett's survey however, was conducted almost exclusively among patrons of hotel bars - the only other venue being the Young Gays Coffee Shop.

22 Submission of the NSW Police Department, Drug Squad:3.

be established, where they could undergo detoxification and receive therapy specifically designed to meet their needs.

8.4.24 Overall the evidence presented to the Committee suggests that prostitutes, and young prostitutes in particular, frequently over-use, and misuse recreational drugs. The Committee formed the opinion that this behaviour reflected a high level of tobacco and alcohol consumption by many young people and noted that community concern at this phenomenon had prompted a number of successful government-sponsored campaigns to discourage smoking and excessive drinking, especially by the very young.

The Committee recommends that:

- **1. Health counselling for prostitutes in the Kings Cross Health Centre should particularly address the dangers of misusing recreational drugs, and ways to avoid such misuse.**

8.5 Pharmaceutical Drug Misuse

8.5.1 Of the vast range of drugs currently available for treating human disease, only a few are consistently misused because of their power to alter the mental state of the user. Analgesics, tranquillisers, sedatives and anti-depressants are the favoured medicines of abuse, and consumption levels of these drugs overall remain high in spite of a general decrease in the total consumed since the mid-seventies.

8.5.2 Whereas in our society men are more likely to misuse alcohol and illegal hard drugs, women consume disproportionately high amounts of pharmaceuticals.²³ Analgesics, sedatives and anti-depressants have traditionally been prescribed for 'women's conditions' such as menstrual pain, post-natal depression, tiredness, lack of sleep, and anxiety. Sometimes the condition has a genuine clinical basis, but too often the ill-health is really symptomatic of the emotional and physical strain imposed by social and familial circumstances.

8.5.3 Under these conditions drugs rapidly become emotional props which serve to hide the deeper needs of the individual. Drug use by prostitutes has to be seen in the context of a society where many people under stress turn to drugs for support; where one of the major causes of stress is poverty; and where a common precondition of poverty is to be young and female.

8.5.4 In relation to other highly stressed groups (such as nurses, social workers, and single parents) female prostitutes are not exceptional in their attitude to drugs,²⁴ although it was pointed out that because of the extra-legal nature of much of their existence they often have more access to these drugs than other women, and also may have more money to spend on them. In addition many prostitutes find their work distasteful and 'cannot face customers without drugs'.²⁵

8.5.5 Minor analgesics are among the most common drugs of choice. In the seventies New South Wales and Queensland had the highest per capita consumption of these drugs in the world.²⁶

23 Krivanek, 1982:58-65.

24 Bennett's survey indicated that male prostitutes were also heavy consumers of drugs, but that their drug use was comparable to use by gays, particularly those who were still adjusting to their homosexuality.

25 D. Homburg, 'Parlour Prostitutes' 1983:10, Appendix 3 of the submission from the Task Group on Prostitution.

26 Consumption has declined since the damage caused by the compound analgesics (aspirin, phenacetin and caffeine) was recognised and they were removed from open sale.

8.5.6 Because they are relatively cheap and widely available, they are the preferred drugs for self-medication, which represents 60 per cent of all medical treatment in Australia.²⁷

8.5.7 Older women, members of the lower socio-economic groups, and Aborigines consume most minor analgesics. Thirty per cent of New South Wales school children in year 10 also use analgesics weekly.²⁸ Although there is no precise data in relation to prostitutes, one study concluded that brothel workers practised 'excessive' self-medication.²⁹ Four of the women in the Bourke Street Client Survey (Table 8.4, Appendix 8A) used analgesics frequently and in large doses.

8.5.8 The minor tranquilliser, Serepax, is currently very popular as a sedative for women from all walks of life, and was used heavily by eleven women, one transsexual, and one male in the survey. Sedatives and hypnotics generally are most often prescribed for women,³⁰ and although barbiturate abuse is now much less than it was (deaths from barbiturates fell by 70 per cent in Australia between 1979 and 1983), it is still a serious problem for drug treatment centres. Misuse of these drugs can cause epilepsy and extensive brain damage, and they are a common cause of drug-related suicide. The Committee was told there are still more deaths from barbiturates each year in New South Wales, than from heroin, and it was suggested these drugs should be re-scheduled under the Poisons Act into Schedule 8 which is the narcotics category.³¹ The Committee is of the view that this suggestion should be considered by the Department of Health.

8.5.9 There were seven prostitutes, (four female, three male) heavily involved with barbiturates in the survey of Bourke Street clients (Table 8.4, Appendix 8A). Barbiturates are popular with some homosexual males, and in particular with some male prostitutes because as smooth-muscle relaxants they facilitate anal intercourse. Male prostitutes are also heavy users of amyl nitrate ('poppers') a vaso-dilator which is said to heighten sexual pleasure. Bennett's survey indicates that the use of amyl and other drugs has a significant positive correlation with high-risk levels of alcohol consumption.³²

8.5.10 The extensive misuse of prescription drugs in New South Wales indicates that a large number of these drugs are being improperly acquired by their users. Undoubtedly overprescribing by doctors does occur, but this is only partly due to incompetence or negligence by some physicians. Much overprescribing is due to the lack of realistic alternatives for the doctors concerned. Those high-stress areas (such as the inner city and western suburbs) where there are large numbers of patients requiring counselling and supportive help, are also areas where general practitioners may have very large caseloads and relatively few back-up resources. Prescriptions for sedatives and anti-depressants may well be seen as preferable to other possible adverse effects if an effective and immediate emotional prop is not provided by the doctor.

8.5.11 Patients often deliberately exploit the system to obtain more drugs by trying to deceive doctors about their real condition, by visiting a number of doctors in succession, and by hoarding drugs, and exchanging them with friends. Other sources of supply are illegal manufacture, and importation, and chemist shop break-ins which are usually performed to obtain hard drugs but may also net a quantity of other substances which can then be sold. In any event such

27 *Report into Drug Abuses* 1978:53.

28 *Statistics on Drug Abuse*, 1985:2.

29 B. Donovan, 'Medico-social aspects of a house of prostitution'. *Medical Journal of Australia*, 3 March 1984:274.

30 F.A. Whitlock, *Drugs; drinking and recreational drug use in Australia*, Cassell Australia Ltd, Sydney & Melbourne, 1980:54.

31 Stewart in evidence, 26 June 1984:18.

32 Bennett, 1983:28-31.

drugs are readily available to those who seek them, and this availability must be seen as a precondition to misuse.

8.5.12 The Committee recognised that many of the matters raised in relation to prostitution and pharmaceutical abuse are problems for the community in general and need to be addressed as part of the general monitoring and regulation of the medical system.

8.6 Poly Drug Use

8.6.1 One of the most worrying aspects of the current drug scene is the increase in poly drug use. Again this affects mostly young people, including a significant number of prostitutes.

8.6.2 Poly drug use refers to a situation in which a person becomes dependent on a number of substances which may have potentiating (i.e. heightening), or counter-active effects on each other. Sometimes a depressant and a stimulant are taken together (e.g. a 'speedball' – heroin and amphetamine, or heroin and cocaine) or a stimulant may be followed later by a sedative to bring the user down and facilitate sleep. Drugs which have similar effects tend to potentiate each other. Thus the opiates, which are depressant, are potentiated by barbiturates and by alcohol, which are also depressants.

8.6.3 People with a poly drug addiction are often very difficult to treat, and the withdrawal or control of one drug may lead to unforeseen effects from the other drugs ingested. Drug users are not always fully aware of the precise amounts of different drugs they consume, and indeed may not realise they have a poly drug addiction. Normal medication and/or recreational alcohol consumption may not be mentioned by the user as he/she may not perceive these as drugs. Alcohol in particular can have very powerful and dangerous effects when taken in conjunction with any of a number of other common drugs.

8.6.4 For some people, poly drug use may be related to economic conditions. Repeated use of most drugs tends to lead to tolerance, and to the need for larger and for more frequent doses. Heroin addicts, in particular, can cut costs by using barbiturates, sedatives and/or alcohol to potentiate the narcotic. Stewart told the Committee that he believed the increase in poly drug use was related 'to economics and to the availability of other psychotropic drugs and alcohol'.³³

8.6.5 A drug counsellor also told how heroin addicts treated by methadone blockade, which prevents the user from getting a 'high' from heroin, may nevertheless experience the desired effect from taking barbiturates.

8.6.6 Poly drug use by prostitutes appears to be quite common. A survey of poly drug overdose cases at St Vincent's Hospital in 1982 revealed that of 199 patients, sixteen (approximately 8 per cent) were prostitutes (mainly female). The drugs involved were mainly barbiturates, benzodiazepines (Valium and Serepax) and alcohol in combination. The prostitutes showed a slight preference for barbiturates, but in general they were not significantly different in their choice of drugs from other overdose patients.³⁴

8.6.7 Results of the Committee's Bourke Street Client Survey revealed that 22 females, three males, and one transsexual used two or more drugs regularly. These represent about 53 per cent of the total.

8.6.8 The over-use and misuse of medicinal drugs is a problem for society at large. The ready availability of a wide range of substances, the desire to cure all illness and discomfort rap-

³³ Stewart, in evidence, 26 June 1984:17.

³⁴ David Reilly, Clinical Psychologist, Bourke Street Drug Advisory Centre, in evidence, 26 June 1984:17.

idly and cheaply by medicine (without much regard for the emotional and social bases of disease) and the preference for self-medication wherever possible, all tend to predispose vulnerable young people to a reliance on drugs to cope with problems, and to experimentation with a variety of substances.

8.6.9 The Government of New South Wales has recognised the need to instill a more responsible attitude towards drugs from very early in life by its support for Life Education programmes throughout the State, and for Personal Development and Peer Group Support programmes in schools.

8.6.10 Other initiatives include plans to improve teacher and doctor training so that they can recognise and more readily deal with youthful drug problems at their onset. The Committee fully endorses these and other measures aimed at reducing the level of drug misuse in our society.

8.6.11 There is a good deal of evidence, however, that those most vulnerable to youthful drug abuse are those who have minimal effective contact with responsible and caring adults, the homeless, the rejected, the anti-social, and those classified as 'delinquent' at an early age. Among slightly older groups unemployment, poverty, family breakdown and social isolation are some of the factors which predispose to drug abuse. The parallels between these conditions and those of many prostitutes are obvious and will be pursued further in the next section of this chapter.

8.6.12 Many of the recommendations listed in chapter 6 relate directly to the conditions referred to above and they should be read in conjunction with this chapter.

8.6.13 The Committee acknowledges the vital role of education programmes within schools and the community at large in reducing social problems including prostitution and drug abuse, and therefore recommends that:

- **2. Personal development courses be made available in all secondary schools, and programmes such as Life Education, and Peer Support (which may help young people to avoid becoming involved with drugs and prostitution) be monitored, and Government Support programmes continued for as long as they are shown to be effective.**

8.7 Illegal Drugs

Prostitute involvement with illegal drugs

8.7.1 The association between illegal drugs and prostitution is rightly a cause of the highest concern in New South Wales, although the Committee estimated that, contrary to public perception, probably only a small percentage of all prostitutes are heavily involved with illegal hard drugs. This estimate is based on the assumption that there are approximately 140 seriously drug-affected prostitutes working the streets (see below, para. 8.7.6), and a somewhat smaller number working in brothels.

8.7.2 In relation to prostitution, heroin is the illegal drug most frequently abused, and the one which has the most serious effects on the social, legal, medical and economic status of its users. Black market methadone is also widely used, and cannabis, in various forms, is a popular recreational drug with many prostitutes. Cocaine, which is used widely in America, and among some (mainly middle-class) groups in Australia, was hardly mentioned at all by any witnesses or interviewees. Two male streetworkers in a survey by the Bureau of Crime Statistics³⁵ men-

35 G. Travis, *Soliciting in Darlinghurst: Female, Transsexual and Male Prostitutes talk about Their Work*. New South Wales Bureau of Crime Statistics and Research, Attorney-General's Department (forthcoming).

tioned that 'coke' was used by male prostitutes, but the drug was not discussed in Bennett's study.³⁶ The Committee found no evidence of significant cocaine use by prostitutes.

8.7.3 Black market methadone is available to those who seek it. At approximately one dollar per mg, it is considerably cheaper than heroin — 100 mgs will 'hold' most users over the weekend, if used with care. Prostitutes sometimes purchase a supply if they wish to leave town for a few days, or to simply take a rest from the street scene. In severe economic straits small quantities of methadone are a cheap alternative to the unpleasantness of early withdrawal symptoms.

8.7.4 Cannabis is used mainly as a recreational drug. In interviews some workers mentioned enjoying 'pot', or 'smokos' in much the same way that they mentioned alcohol and tobacco. A few prostitute interviewees said they often enjoyed a quiet smoke of marihuana with their regular clients, and a client who was interviewed also referred to this practice. Male prostitutes interviewed by Travis said they used marihuana and LSD, but not heroin because they could not afford it. In the Committee's Bourke Street Client Survey thirteen people (nearly 25 per cent) used cannabis regularly.

The streetworkers

8.7.5 Serious heroin addiction seems to be largely associated with street prostitutes in the inner city, and to workers in a small number of brothels in the city and inner suburbs.

8.7.6 The Committee was given estimates by several witnesses of the numbers of streetworkers who were heroin-dependent. The estimates range from 60—90 per cent, but most suggested that about 80 per cent were so affected. Since up to 175 streetworkers might be employed on a busy day in Sydney, this would indicate that there are approximately 140 drug-affected prostitutes working on the streets.

8.7.7 The evidence of transsexual involvement with hard drugs is rather contradictory. They are disproportionately represented in prison on drug-related charges and the police submission to this Committee estimated that the majority of transsexuals are drug-dependent and spend about \$400 per day on heroin. One transsexual interviewee claimed that of twenty working transsexuals, six to eight were heroin-dependent and the others used 'alcohol, pills and amphetamines'. In her survey conducted in 1983 Perkins estimated that there were fifteen transsexual workers on the streets. Eleven answered the questionnaire and only one admitted to using heroin, but Perkins was aware of two others who were addicted in spite of their denials. In the survey for the Bureau of Crime Statistics, Travis concluded that only one or two individuals working on the streets at the time were heroin users, and one young transsexual interviewee told Committee members that there is not much heroin use by transsexuals: 'transsexuals don't work for a drug use problem, they work to survive'.³⁷

8.7.8 There was scant evidence of heroin use by male streetworkers. Four males in the Committee's survey of Bourke Street clients used heroin (one had a barbiturate habit). Bennett's study revealed ten regular heroin users who were also prostitutes, but it is not clear whether all of these were males. Respondents to Travis' survey said 'smack' was not used by male prostitutes.

Off-street prostitution

8.7.9 The amount of addiction in off-street forms of female prostitution is not easy to ascertain. A number of witnesses claimed that there is very little illegal drug use in brothels. They said

³⁶ Bennett, 1983.

³⁷ Confidential interview with a transsexual prostitute, 1984.

that managers of brothels did not like addicted workers because they were unreliable and difficult to control. All the managers who were interviewed were adamant that they would not employ drug-affected workers, and it was claimed that many managers would not allow any drugs at all to be brought on to their premises. Prostitutes made the additional point that seriously addicted workers could not make enough money in brothels, where they had to pay the management between 50 per cent and 60 per cent of their earnings, to finance their habit. Some drug-dependent workers who were interviewed said they had left brothels and moved on to the streets for precisely this reason.

8.7.10 However nearly all witnesses who discussed this matter agreed that there are a small number of brothels which present an entirely different picture. These are places where heroin and other drugs are freely available, and where, it is claimed, the managements deliberately employ addicted workers who are paid in drugs. A few such establishments were said to exist in the inner city and in inner western suburbs.

8.7.11 There was also an indication from some interviewees that a number of brothel operators have changed their attitude to drugs in recent years. Inner-city residents have complained that more women working in small East Sydney and Darlinghurst brothels are now drug-affected and an older prostitute commented that a woman who 'runs a few houses' in the area used to be very much opposed to drugs, but now employs mainly drug-affected young women.

8.7.12 A grey area also exists where women with less serious drug problems may remain employed in brothels, with or without the management's knowledge, for considerable periods. Witnesses for the Task Group on Prostitution claimed that a significant number of brothel workers maintained a 'small habit'. Citing evidence from some inner-city parlours, they estimated that 50—60 per cent of women in brothels use heroin.³⁸ They claimed further that a small habit may actually make workers more dependable in some ways as they have to maintain their incomes.

*While like most people in addictive cycles the women are unreliable, they do continue to work in parlours because of the need for money for expensive drugs, and the relative ease of contact with drug sellers. Dependent and docile women are easier for the clients and parlour owners to manage, and it is in the interests of any managerial group to maintain the women's addictive illness.*³⁹

8.7.13 This scenario was supported by evidence from Stewart and Reilly of the Drug and Alcohol Authority, who said that in the early stages of addiction, heroin users 'will work as effectively as anyone else, and indeed quite often work harder and longer hours'.⁴⁰

Reilly added:

*Some of the heroin-dependent prostitute women who come to Bourke Street [Drug Advisory Centre] who work in some of the so-called better class brothels, have had a sympathetic time out from the management ... a couple of weeks to detoxify ... So probably at one end of the market, the more organised houses which employ people under certain working conditions, have generally treated that as another employer might treat an alcohol problem.*⁴¹

A drug counsellor commenting on a sample of Bourke Street clients in 1982, said: 'Some

38 Roz Nelson, for the Task Group on Prostitution, Interview 23 August 1983:6.

39 Homburg, 1983:86.

40 Stewart, in evidence 26 June 1984:40.

41 Reilly, in evidence 26 June 1984:40.

women in the sample have worked in massage parlours for years and have managed to keep their heroin use under control. They are not the majority however'.⁴²

8.7.14 As a further indication of the numbers involved, counsellors at the Drug Advisory Centre estimated that they see about 100 female, male and transsexual prostitutes each year (at least 90 of these are female, and the Centre's total number of clients annually is approximately 1000). The Committee's survey of 49 prostitute clients of the Centre (the Bourke Street Client Survey) included only those who were seen for the first time in 1984. Almost all of those who pass through the Centre have a heroin problem, although this is often part of a multi-drug addiction which may include alcohol, barbiturates, and/or minor tranquillisers. As will be seen from Table 8.3 in Appendix 8A, these figures include workers from all sections of the trade.

8.7.15 All the material relating to numbers involved in illegal drug use is fragmentary and tends to be circumstantial. It was not possible for the Committee to arrive at any precise estimates but overall the evidence suggests that serious illegal drug use by prostitutes is still confined to certain sectors of the trade within the city and inner suburbs. The Committee was told quite emphatically that no drugs are used in male brothels as their use would interfere with the men's ability to work. The Committee received no evidence of significant illegal drug use by escort workers, or women working from their own homes or units in the suburbs.

8.7.16 The Committee's survey of 49 drug-affected prostitutes (the Bourke Street Client Survey) revealed that eleven women and five men worked on the street, sixteen women and one transsexual did not discuss their place of work, and the remainder worked in off-street locations. The six women who claimed to work in brothels represent about 12 per cent of the total, and 18.5 per cent of those whose place of work is known. However, the sample is too small to carry much weight, and there is not enough information on the size and location of the brothels (most of which are referred to as 'massage parlours'). The five 'callgirls' were women who specified that they only dealt with a limited number of known, regular clients. One of these said she worked in the western suburbs. The streetworkers and strippers all worked in the inner city.

8.7.17 The Committee noted, however, that it was common for prostitutes to move in and out of different sectors of the trade. Several of the streetworkers in the survey had worked in parlours previously, and many of the prostitutes interviewed, both drug-affected and non-drug-affected, had worked in several different kinds of prostitution as their personal circumstances changed. There was a definite trend (in Sydney) towards street prostitution by those who had a serious drug habit, regardless of where they started.

The Committee recommends that:

- **3. The Drug and Alcohol Authority monitor drug use by prostitutes as part of a continuing assessment of levels of illegal drug use in society, and its effects.**

The cost of a habit

8.7.18 Some of the most devastating effects of a heroin habit result directly from its illegality and consequent cost to the consumer.

8.7.19 The cost of heroin fluctuates to some extent with its availability, and its quality and strength can vary a good deal. In addition tolerance develops quite rapidly, so the user is constantly striving to keep a balance between the amount he/she can afford to purchase, and the

⁴² George Klein, Drug Counsellor and Group Therapist, Bourke Street Drug Advisory Centre, in evidence 26 October 1983:8.

need to avoid the onset of withdrawal. Some prostitutes described how they have to work seven days a week for twelve hours a day and still have scarcely enough spare money for necessities like food, clothes, and rent. Travis interviewed one woman who estimated she worked for 95 hours per week.

8.7.20 The average cost for someone with an established habit was estimated to be between \$1000 and \$2000 per week, (\$200-\$300 per day). One gram (or weight) of heroin costs around \$300-\$350, but may be considerably less if purchased in bulk, or more if purchased in small packages. Klein estimated that in 1982, on average, addicted prostitutes were spending \$50 000 per year on drugs.

8.7.21 The most extreme example given to the Committee was of a transsexual prostitute who, with a colleague, robbed a building society of \$6500 and used all the money on heroin in three days. This person was also addicted to Serepax, and barbiturates, which latter she described as 'worse than heroin'.

8.7.22 Clearly prostitutes are not able to maintain a level of expenditure above \$2000 per week for extended periods without experiencing serious health breakdown, and/or moving into criminal activities to supplement their income. Dealing in drugs, rolling clients, robbery and shop-lifting were all mentioned to the Committee as ways in which income was supplemented.

8.7.23 The costs of prostitute services have remained stable for years; in fact several interviewees commented that earnings had decreased because there were more 'junkies' on the street undercutting prices. Nevertheless it still remains a very dependable source of income for drug-affected women, and indeed for the dependent boyfriends whom many support for a good deal of the time. The nett effect of a heroin habit is to tie the woman into prostitution as the least hazardous and most reliable way of financing the drug.

The compulsion to work on the street comes from the homeostatic nature of narcotic dependency. If you are using \$150 worth of heroin per day, you will experience severe physical withdrawal in the form of nausea, vomiting, diarrhoea, cramps; hot and cold flushes, and insomnia between 24 to 36 hours after you stop. At \$150 per day, you will have to use at least half that amount to prevent withdrawal. ... After a time a vicious cycle is created whereby some women are on the street night and day, using heroin and working to pay for it.⁴³

8.7.24 A very high level of addiction makes it difficult for users even to work effectively as prostitutes. Travis reported that some of her interviewees were nodding off in the street, and a witness referred to prostitutes falling asleep on their clients!

8.7.25 However it must be remembered that not all heroin users are so heavily dependent as these examples suggest. Several of the prostitutes interviewed had had a heroin habit of varying intensity for ten years or more. Nine of the thirteen heroin-dependent women in Travis' survey had used heroin for over five years, and one of the Committee's interviewees claimed she had maintained a steady, respectable job for four years, using heroin only at weekends. A habit which is beginning to get out of control may be reduced by entering a detoxification unit, or by a short period spent with one of the therapeutic communities. Quite often prostitutes are forced to withdraw, or at least greatly reduce their habit by a period in prison, and some voluntarily bring themselves down by going on to methadone for a period. This is made possible through black market supplies, or sometimes by travelling overseas (particularly to South-East Asia) to countries where outsiders are accepted on methadone programmes. Queensland was

also mentioned as a place where it is easy to get methadone illegally. (Queensland has a larger methadone programme than New South Wales and some interviewees suggested that a significant amount finds its way onto the black market.)

8.7.26 The social and personal costs of heroin addiction stem largely from the vicious cycle of working to use and using to work. Addicted prostitutes who spoke to the Committee often described socially isolated lives in which they were cut off from family and former friends, had lost their children to relatives, or into care, and had no time or money even to clothe and feed themselves properly. Some remained cut off with no real friends or contacts, others became totally dependent on the drug/street scene where they were open to exploitation by drug-dependent boyfriends, dealers and pushers, and criminal contacts. Where brothels pay their workers in drugs, or landlords sell drugs on credit to the street prostitutes who use their rooms, the workers quickly become little more than bond slaves to their suppliers.

8.7.27 Some witnesses suggested that if pimps were to be found anywhere in New South Wales it would be with drug-affected prostitutes. Social welfare workers commented that very young people, between the ages of twelve and sixteen, who drift into the Kings Cross street scene may be procured to work as prostitutes off the streets in clubs and parlours, and to run drugs in return for shelter and a certain amount of protection. It was claimed that protectors/procurers often put up bail for young offenders.

The nexus between drugs and prostitution

8.7.28 Since the mid-1960s studies in Australia and overseas⁴⁴ have shown that although there is certainly an association between heroin use and an increase in crime (particularly property crime), there is also a good deal of evidence that many users have been involved in crime, or juvenile crime, before acquiring a habit. In other words drug dependence may be associated with other forms of anti-social behaviour, but not simply be a primary cause of that behaviour.

8.7.29 The association between drugs and prostitution is similarly complex. An American study⁴⁵ has shown that different patterns of drug use are associated with different sectors of the prostitution trade. Whereas a number of legal and illegal drugs were used by individuals in all sectors, heroin use was largely confined to "low-class prostitutes". The same study indicated that nearly as many persons (eleven) were prostitute-addicts as were addict-prostitutes (thirteen). The Victorian Inquiry into Prostitution (1985) also found that there was an approximate balance between addict-prostitutes and prostitute-addicts.

8.7.30 The Committee's overseas delegation, on the other hand, received evidence from a number of sources that drug abuse led people into prostitution, rather than the other way round. Officials in the Netherlands saw heroin as a major factor in leading women into prostitution, and in keeping them there once they had entered the trade. In the UK a pilot survey of 30 women prostitutes in Camden revealed that the four who were heroin-addicted had become prostitutes because of their addiction.

8.7.31 The Committee was told by several well-informed witnesses that the great majority of drug-dependent prostitutes in Sydney had acquired their habit *before* entering the trade.

One witness said: 'Women go into prostitution to support a habit, not the other way around.'⁴⁶

⁴⁴ See G. Wardlaw, *Drug Use and Crime*, Australian Institute of Criminology, Canberra 1978; and I. Dobinson and P. Ward, *Drugs and Crime. A Survey of NSW Prison Property Offenders 1984*, NSW Bureau of Crime Statistics and Research, Attorney-General's Department, Sydney, 1985, for discussion of overseas material and Australian evidence of the relationship between drug use and crime.

⁴⁵ P.J. Goldstein, *Prostitution and Drugs*, Lexington Books, Lexington & Toronto 1979:69-86.

⁴⁶ Roberta Perkins, for the Task Group on Prostitution, in evidence, 4 October 1983:16.

Evidence from the Chairman of the Drug and Alcohol Authority supported this view, as did the Director of Parramatta Drug and Alcohol Service. '... we have obviously also got not just the heroin addicts, who have to prostitute to pay for their habit, but we have also got a small number of prostitutes who have got on to heroin. It is a small number.'⁴⁷ And the police in their submission were strongly of the opinion that prostitution follows addiction rather than the opposite.

8.7.32 It was not possible to make an accurate assessment of whether hard drugs or prostitution came first for most of the workers in the Committee's survey, as the information was not always available. However, of those records which did indicate a chronology, nine turned to prostitution after using heroin, and three were prostitutes first. The evidence from Travis' larger and much more comprehensive survey was less clear-cut. Seventy-seven per cent of drug users said heroin use predates prostitution, and 30 per cent of non-users said it could go either way. A significant 25 per cent of non-users said prostitution comes first.

8.7.33 The apparent differences between Victoria and New South Wales may be explained to some extent by the different pattern of prostitution in the two States. Street soliciting in Victoria is illegal, and takes place on a very small scale. It is not therefore such a viable way of financing a habit as it is in New South Wales. There are also apparently differences in the way brothels and escort prostitution operate in the two States which may account for different patterns of drug-taking.

8.7.34 Either way the majority of heroin users do not become prostitutes, and the majority of prostitutes are not heroin dependent. Rather than seeking to establish a sequential link between prostitution and heavy drug use, the Committee found it more productive to examine the links between several forms of socially disapproved behaviour—criminality, drug-taking, prostitution—and a number of predisposing factors in the backgrounds of involved individuals.⁴⁸ Factors such as family breakdown, homelessness, violence and sexual abuse, institutionalisation and poverty, are present in the backgrounds of a very high percentage of officially designated deviant young people. Evidence from the records at Bourke Street Centre indicate no obvious differences in the backgrounds of prostitute and non-prostitute users. Typically a young person is already in an exposed and vulnerable situation, that is, has already arrived on the street, or been in some sort of trouble, and has experimented with a number of substances before he/she first becomes involved with heroin and/or prostitution. Typically also, both activities are introduced by peers, rather than by 'procurers' or 'pushers' in the classical sense.

Specifically I know from my own clinical experience that quite often a large group of the heroin population comes from broken homes where one or both parents have withdrawn either physically or psychologically. In a significant minority of cases one parent — usually the father — was alcoholic. More frequently we see people starting to use drugs at school as a result of peer modelling, peer support, peer pressure.⁴⁹

8.7.35 In the Committee's survey of Bourke Street clients 32 people had experienced significant trauma in their family relationships. There were 27 cases of separation, desertion, or death of a parent. Nine clients had spent time in institutional care, and violence and incest were mentioned in two and three cases respectively. Eleven clients gave insufficient information to indicate if there were significant background factors present, and nine apparently had a 'normal' childhood with supportive parents. Interestingly there were also ten cases of parents addicted

47 Dr Stella Dalton, Director of Parramatta Drug and Alcohol Service, in evidence, 11 July 1984:4.

48 These factors are dealt with in detail in chapter 6, in relation to the processes of recruitment into prostitution.

49 Klein, in evidence, 26 October 1983:50.

to alcohol or drugs, and six individuals had siblings who were also drug-affected. 'It seems that an alcoholic parent, or a drug addicted parent, models drug abuse to the children.'⁵⁰

8.7.36 Although there is a good deal of experimentation with a variety of drugs at school, narcotic use by school children is rare. In 1983 less than 0.5 per cent of year 10 students reported weekly narcotic use (compared with 50 per cent using alcohol, and 12 per cent using cannabis).⁵¹ It seems that young people who leave school early may be more at risk (especially if they remain unemployed) than their peers.

8.7.37 Given that certain predisposing factors exist in the backgrounds of drug users, a number of 'precipitating' factors (adverse situations immediately preceding the move into hard drugs) were identified to the Committee by prostitutes and drug counsellors.

8.7.38 The links between unemployment, prostitution and heavy drug use were emphasised in Bennett's survey.⁵² Committee interviewees cited other situations which precipitated vulnerable people into hard-drug use, or accelerated a mild habit into heavy dependence. Quite often these involved the breakdown of a valued relationship, or an involuntary change of lifestyle (through unemployment, desertion, or sickness etc.). For some women the entry into prostitution was sufficiently traumatic to precipitate heroin use. Several prostitute drug users explained simply that they were persuaded to use by their friends, lovers, flatmates, or workmates. In relation to peer pressure, a member of the Australian Prostitutes Collective commented that workers in brothels where drugs are tolerated are more likely to acquire a habit through the example of their colleagues than are non-using street prostitutes, who find it easier to distance themselves from other workers.

8.7.39 Clearly there is no easy or predictable course of drug prevention open to this society, but equally clearly it is possible to minimise the risk to individuals by pursuing policies which combat the evils of poverty, unemployment, homelessness, violence, and discrimination. In this context the reader is again referred to the discussion in chapter 6.

8.8 Treatment of Heroin-Dependent Prostitutes

8.8.1 There are a number of treatment options open to drug-affected persons, nearly all of which are available in this State. One option, the supply of legal heroin, however, is not currently available here.

8.8.2 While the Committee was still hearing evidence there was public discussion of the possibility of offering heroin maintenance to hard-core addicts as an alternative to established methods of treatment. Several prominent people, including Justice James McClelland, Justice James Staples, Mr Nick Greiner MP, Leader of the Opposition (NSW),⁵³ and Mr Ian Cunliffe of the Australian Law Reform Commission,⁵⁴ suggested that this was an approach which should be considered, and cited evidence from similar schemes overseas — notably in Britain, Sweden, and the Netherlands — to support their views. At the beginning of 1985 legalised heroin was strongly canvassed as one of the options to be discussed at the Federal Drug Summit in April 1985.

8.8.3 Those advocating free heroin argue that its primary function would be to undercut the black market trade in heroin, thus lowering its price and reducing the level of crime associated

50 *ibid.*:68.

51 *Statistics on Drug Abuse* 1985:2.

52 Bennett, 1983:30.

53 *Sydney Morning Herald*, 20 June 1984, and *Sun-Herald*, 24 June 1984.

54 *Age*, 1 January 1985.

with the drug. Another effect, they argue, would be to entice addicts off the streets to treatment centres where they could receive the drug under supervision and might be persuaded to pursue other forms of treatment. Free heroin might also overcome the problem of those addicts who continue to use even after they are placed on a methadone programme; and of those new users who are attracted by the thrill of using an illicit drug.

8.8.4 However, most opinion in Australia is still firmly against the legalisation of heroin. Overseas, heroin maintenance schemes were abandoned in Hong Kong, and greatly reduced in the UK (see chapter 5). Plans to supply free heroin in Amsterdam met with a lot of opposition from the Dutch Government, and from foreign governments who feared free heroin would find its way into the black markets of their own countries.

8.8.5 There is no evidence that free heroin would achieve any of the objectives claimed for it. In Britain the rate of addiction, the growth of the black market, and drug-related crime, all increased exponentially in spite of the availability of heroin on prescription. There would also be a massive problem of security for premises where heroin was stored and administered. And finally, there is the danger that the drug may become more (rather than less) acceptable to the general public if it could be obtained legitimately.

8.8.6 Administratively and socially, heroin would be far more problematic than methadone. There is a much greater possibility of addicts resuming a normal social life and pursuing a career, on methadone maintenance, than on heroin maintenance.

Methadone acts longer, and needs to be given only once a day in oral form. Heroin is administered by injection, perhaps three to four times a day. People develop a tolerance to it and need more and more, and it is certainly the experience in the United Kingdom that it is very much a problem. That is not the case with methadone. The other advantage with methadone is that if you give the recipient an appropriate dosage and he or she then goes out and experiments with heroin, you can insulate them against that narcotic effect or high, so therefore there is no advantage in going out and experimenting, and you effect a greater stabilization. So pharmacologically there is a greater clinical personal management with methadone.⁵⁵

8.8.7 The Committee concluded that the risks associated with heroin maintenance outweighed any possible benefits and did not consider it as a serious option for the treatment of drug-affected prostitutes.

Detoxification

8.8.8 Detoxification refers to in-patient programmes for withdrawal under medical supervision. Some centres offer medication to counteract withdrawal symptoms. Others are drug-free. Most detoxification centres are in Sydney, and are difficult of access for rural clients. Residence in a detoxification unit is limited to approximately ten days, but after treatment clients are usually directed into a rehabilitation programme involving counselling and group therapy.

There are five main detoxification facilities in Sydney. They are the Langton Clinic, the McKinnon Unit at Rozelle Hospital, Wisteria House at Parramatta Psychiatric Hospital, DC-24 at Riverwood, and a small four bed ward at Mosman Hospital. There is a specialist narcotic detoxification centre in Wollongong (Wollongong Crisis Centre) but no such facility in any other centre outside Sydney. However, detoxification is also done by some therapeutic communities such as Westmount at Katoomba, William Booth in Sydney, and WHOS at Goulburn.⁵⁶

55 Stewart, in evidence, 26 June 1984:7-8.

56 Submission by the NSW Drug and Alcohol Authority:1.

8.8.9 Detoxification is a prerequisite for entry into therapeutic programmes and drug-free halfway houses. The number of detoxification beds in the State is limited and the Committee was told (in 1984) that there was a waiting list of at least six days to enter Langton Clinic. A waiting list for detoxification tends to cause bottlenecks and inefficiencies in admission to therapeutic programmes as arrangements for admission can only be finalised when detoxification is completed.

8.8.10 Because of the shortage of beds some people are allowed to detoxify at home with daily visits from a clinician and supportive counselling. However this is by no means an ideal situation for prostitutes who may face pressures to continue working, and/or from domestic and child-care responsibilities. There is often also a good deal of pressure from friends to continue using and to ignore the advice of 'authority' figures such as counsellors. In general, people locked into the street scene often lack the secure and supportive network necessary to fight a drug problem at home.

8.8.11 The shortage of detoxification beds is further complicated by the fact that most centres offer only non-medicated withdrawal (i.e. 'cold turkey' withdrawal), albeit with a great deal of supportive care, while medicated detoxification is preferred by many patients. Medicated detoxification (using the drug Clonidine to combat the effects of withdrawal) is offered at Langton Clinic, with considerable success, but, the Committee was told,

it is the only medicated detoxification unit in the whole of the Metropolitan Area, apart from Wisteria House. Wisteria House is regionalised, so they will take people from their regions in preference to people from elsewhere. So for the whole of the Northern and Southern Metropolitan regions, there is only Langton Clinic, where there are 12 beds.⁵⁷

You see the problem has been that the consumer ... is demanding medicated detoxification. The organisations that offer detoxification beds are not listening to what the consumer is asking for.⁵⁸

8.8.12 There is a particular need for units with separate facilities for women, and for women with children. The Committee was told women do not react well to group therapy sessions (which accompany detoxification) when the groups are dominated by male clients. It was also mentioned by a doctor at Langton Clinic that women with children quite often failed to complete detoxification because of anxieties about child care while they were in the unit. The Committee noted with approval that since the above interview was conducted in 1984 the State Government has moved to open a detoxification unit for women and children in the western suburbs.

8.8.13 It was further suggested to the Committee that a medicated detoxification unit should be set up at St Vincents Hospital — where there is already a large alcohol unit - and that there is a need for a specialist unit for adolescents, who are notoriously difficult to handle, and who do not interact well with older patients. Newtown was suggested by one social worker as an appropriate location for an adolescent unit.

8.8.14 The extension of such facilities would be beneficial in the treatment of drug-dependent prostitutes. Fourteen women in the Bourke Street Client Survey were supporting children, and fifteen (three male and twelve female) prostitutes were in the age range 15–20 years.

8.8.15 Although detoxification is generally seen as a preliminary to further intensive therapy in the form of counselling, group therapy and supportive rehabilitation, it can have value by itself

⁵⁷ Klein, in interview, 30 October 1984.

⁵⁸ Kevin O'Neill, Team Leader, Drug Advisory Centre, Bourke Street, in interview, 30 October 1984:52.

for heroin-dependent prostitutes. The use of detoxification for 'respite' from the street scene has already been alluded to in this chapter. It is often the only time when, for a few days, prostitutes are in close touch with medical and social workers. The availability of detoxification provides a unique opportunity to present the worker with alternative strategies for coping with her problems, and to discuss her future in the longer term:

For example you might say they are just going to dry out and go straight out onto the street. But I support the view that you should not try to be too controlling with this group of people. You should actually put in all your best shots while they are in detox., and some of the seeds that are planted will grow and some will not.⁵⁹

8.8.16 Noting the common association between street prostitution in particular, and heroin abuse, the Committee recommends that:

- **4. Where the drug advisory services conduct research into drug use by prostitutes, they should inquire specifically into the most appropriate forms of treatment for prostitutes.**
- **5. The State Government further investigate the need for the Department of Health to provide more detoxification beds, and in particular more medicated detoxification beds, throughout the metropolitan area, and in Wollongong, and to establish a detoxification unit in Newcastle.**
- **6. Where new detoxification beds are established consideration should be given to providing separately for the specific needs of women, adolescents, and prostitutes.**

Rehabilitation

8.8.17 These are long-term programmes, often spanning several years, which may be conducted on a residential or out-patient basis. They are designed to support and maintain the patient in a drug-free environment, and involve training in psychological, social and work-oriented skills. Residential communities are generally situated in comparatively isolated rural areas, which makes access by city dwellers more difficult.

8.8.18 There are also however, a small number of residential communities in Sydney. These provide full residential support and a drug-free environment while allowing women to maintain supportive links with the outside world and to build skills which are essential to eventual full reintegration into society. Such programmes seem admirably suited to the needs of women, including prostitutes, who have very strong positive ties with the city and would not settle well into rural life. Halfway houses exist to ease the transition between supervised residential therapy and the return to normal life.

8.8.19 Out-patient programmes offer an alternative to residential therapy. They require the client to keep in regular and close contact with counsellors and medical supervisors and to take part in group therapy sessions, such as those organised by Narcotics Anonymous (NA). However out-patient programmes do demand a high level of motivation and compliance by the client, and are more likely to be effective if he/she has supportive family and friends and economic security.

8.8.20 Prostitutes seldom fit this category, and nearly all the drug counsellors who spoke to the Committee felt that in general prostitute women should be encouraged to join residential

⁵⁹ Klein, in evidence, 26 October 1983:63.

therapeutic communities away from the city street scene. They argued that if the women remained in the city, and especially if they continued to work as prostitutes (which was very likely since very few alternative jobs are available for women) they would find it impossible to avoid contact with illegal drugs. It was explained that according to this viewpoint a totally drug-free environment and integration into a new set of relationships was essential for successful treatment, and that long-term success might ultimately depend on the women being able to live permanently in a rural community.

8.8.21 There is clearly merit in these arguments and a number of prostitutes also expressed (however unrealistically) a long-term ambition to live permanently away from the city. However, quite apart from the difficulty of being able to support themselves in a rural community in the long term, many women have real reservations about the value of residential therapeutic communities.

8.8.22 Programmes generally deny or severely limit access to the client by friends and relatives. They sometimes appear to prostitutes to be judgmental, and/or unnecessarily concerned with religion. Often the attitudes of other clients in the programmes are perceived as being judgmental of prostitutes, and the social and employment skills imparted during the programmes are not felt to be relevant. Traditional male/female roles are encouraged, to the detriment of women.

8.8.23 Health and drug therapists also had reservations about the conduct and effectiveness of some residential programmes, and it was suggested by staff at Bourke Street that only a small number were really suitable and flexible enough to cater for prostitute women. In this context they named Kangaroo Valley (very small, with only ten beds), Killara House, the Buttery at Byron Bay, and Kamira Farm, which was said to provide an excellent service for women with children (on limited resources).

8.8.24 But, it was argued, many of the other residential programmes are structured on a rigid psychiatric medical model which allows little room for innovation or flexibility in meeting the needs of individual clients. Such programmes, which identify clients as having a personality defect, may, it was said, simply encourage the client to become dependent on the programme, rather than to develop personal autonomy and self-reliance. Odyssey House was identified as one such inflexible programme where it was difficult to make the adjustments necessary to accommodate individual needs and meet the treatment requirements of people with very varied backgrounds and types of addiction. It was said 'they tend to take an individual ... throw them into a mold and out comes a very similar sort of result, no matter whether it is in Australia, or New York, or Chicago or somewhere else'.⁶⁰

8.8.25 Drug counsellors interviewed by the Committee were very critical of Odyssey House, and its service was described as being 'grossly inadequate'. WHOS was also criticised for being one-dimensional, and for separating families.

8.8.26 The Committee concluded that client acceptance of the programmes offered was similarly not very high. Even those programmes which were described as good had a high client turnover rate. The Buttery, for instance, had a turnaround of clients every two months, and most had vacancies nearly all the time, indicating that clients were not staying long enough to gain much benefit from the treatment. Two months is not long enough to learn the stress-management skills which counsellors say are necessary to maintain a drug-free existence.

8.8.27 Several prostitutes told the Committee they had left residential programmes after very short periods. One had been accepted for Kamira Farm but changed her mind at the last

60 O'Neill, in interview, 30 October 1984.

minute because she heard 'they read the Bible to you'. Another had been with WHOS in Goulburn and said she had found the programme very satisfactory. However she left after four weeks to visit friends in Sydney, returned, within days, to drugs and prostitution, and did not return to WHOS. A significant number of women will not even consider a residential programme if offered. Of 70 drug-affected women interviewed by the Women in Prisons Task force, 70 per cent said they would prefer a prison sentence to entering Odyssey House.

8.8.28 In general, the Committee was told that there is a need for more, and more flexible residential programmes for prostitute women, for women with children, and for whole families where both parents are drug-affected. It is important to maintain positive supportive relationships which may have been formed before treatment is sought, but this is often difficult under the conditions of isolation imposed by some therapeutic communities.

8.8.29 It was stressed that motivation is extremely important in the successful outcome of drug treatment. Drug-dependent prostitutes must demonstrate that they really wish to give up drugs completely, and they must feel comfortable in the programme to which they are allocated.

8.8.30 Some women felt that they had little say in the sort of treatment offered, and were being guided along without adequate consultation.

8.8.31 There has been no serious evaluation of rehabilitation programmes in Australia, but the Committee was given the general impression that 'success' rates (in the sense of their leading to a long-term drug-free existence) are low. However if success is measured in more relative terms, for example in the sense of restoring physical health, a more responsible attitude towards drugs, better social integration, and a genuine attempt to return to regular employment and a socially acceptable lifestyle, then they can achieve a good deal.

8.8.32 Specifically in relation to women, it seems that many drug-treatment programmes are not well adapted to women's needs but tend to reflect the needs and interests of males who form the majority of clients, and the majority of treatment administrators and counsellors.

8.8.33 This inadvertent bias against female participants is particularly significant in relation to prostitute drug users, for as we have seen, they are almost all women. Moreover many of them have already been severely disadvantaged in their lives, suffer from very low self-esteem, and because of their experiences, find it difficult to relate positively to men.

8.8.34 Shortcomings in the programmes provided for women interfere with the underlying principles of drug-treatment plans which recognise that there are many kinds and stages of addiction, and many psychological and social characteristics of 'addicts' which have to be addressed individually. The special needs of prostitute women, whether they are prostitute-addicts or addict-prostitutes, must be accommodated within any comprehensive plan of drug treatment. The Committee is in general agreement with the findings of the Women in Prison Task Force, in so far as they relate to drug-affected women. Many prostitutes spend time in prison for drug-related and prostitution-related offences.

Research ... has revealed that of 103 sentenced women prisoners who were being held in full-time custody in New South Wales gaols, on 30th June, 1984, 17 (16.5%) had previously been convicted of prostitution ... four (23.5% of those convicted of prostitution or 3.9% of all the women imprisoned on 30th June, 1984) had prostitution as their first conviction.⁶¹

The problems faced by these women in prison are typical of those addressed by the Task Force.

61 Letter from the Honourable John Akister, Minister for Corrective Services, to Mr Pat Rogan, Chairman of the Prostitution Committee, 30 July 1985.

The Committee recommends that:

- **7. The Department of Health provide more:**
 - a) accommodation for women and children;
 - b) family care where both parents are affected;
 - c) accommodation for women participating in small residential therapeutic communities under flexible guidelines developed by the Department of Health.
- **8. Suitable treatment programmes be made available to women in prisons, including prostitutes, or be offered as an alternative to imprisonment.**
- **9. Staff training programmes be developed to explore issues of particular concern to drug-dependent women, and, using existing resources wherever possible, target the special needs of women caught up in the criminal justice system, many of whom are prostitutes. Staff in all agencies who have contact with drug-dependent women should have access to these programmes.**
- **10. Drug and alcohol agencies be encouraged to assess their degree of success in attracting and retaining women and to develop procedures and mechanisms to improve their success rate.**
- **11. A drug-rehabilitation service replacing or incorporating existing services be established which is designed to meet the needs of the young, drug-dependent women, many of whom are prostitutes, who make up the bulk of the current female prison population in this State. This service should**
 - a) accept women on bail and on probation;
 - b) provide child-care facilities for women who attend a day programme. Day programmes are recommended, given the difficulty many women with school-age children have in attending a residential centre;
 - c) provide live-in facilities for pre-school-age children of in-patients;
 - d) provide out-patient counselling services.

Methadone

8.8.35 Methadone is administered on an out-patient basis (most of the outlets are in the metropolitan region). The drug may be administered as a maintenance dose (one which is simply enough to inhibit withdrawal symptoms) or as a blockade dose (which is high enough to block any euphoric effect from an additional intake of illegal opiates). These programmes may last from a few months to three years or more. Maintenance programmes tend to run for shorter periods than blockade programmes. By substituting a legal, long-acting drug for an illegal short-acting one, it is intended to break the nexus between crime and drug-taking, and to allow the client to take up employment and resume a normal social life.

8.8.36 It was generally acknowledged by expert witnesses before the Committee that a properly supervised methadone programme would lead to a reduction in drug-related crime. Some addict-prostitute women also admitted to shoplifting and to more violent forms of property crime to supplement their incomes (particularly during the winter months) and said that if methadone had been available to them they would not have been tempted to risk legal repercussions.

8.8.37 During 1985 the State Government has significantly expanded its methadone programme, increasing the numbers of places available, and increasing the number of dispensing outlets. In August 1985 additional places were made available by permitting some medical practitioners and psychiatrists to prescribe methadone for their patients. This initiative was broadened in November 1985 by the introduction of a 'no frills' programme which allows designated private doctors to prescribe methadone (either blockade, or maintenance) without a preliminary assessment of their clients by Drug and Alcohol Authority counsellors.

8.8.38 There are three assessment centres, one at Westmead Hospital, one at Chatswood, and one (the principal centre) in Bourke Street, Surry Hills. Caseloads have increased greatly in the last few years, following the introduction of the Drug and Alcohol Court Assessment Programme (DACAP) in 1979. Sixty per cent of Bourke Street's clients 'are facing legal charges, and 75 per cent of them have a previous legal history'.⁶²

8.8.39 Appropriate assessment and counselling is essential for an effective methadone programme (and to minimise the diversion of methadone to the black market). Also Stewart pointed out that limited staff resources, and a high turnover of trained staff because of the stress of their workload, has restricted the ability of the Authority adequately to research methadone requirements in the community:

*'If we had ... adequate staff resources to service these programmes ... and we could add resources on a regional basis in the largest areas, namely Newcastle and Wollongong, and we could get better assessments or contractual arrangements ultimately with presenting clients, we would come up with a fairly true indication as to how many people really should be on methadone programmes. It may well be that there should be more, and my guess is that there should be more, but it may very well be that there should be fewer.'*⁶³

8.8.40 There is an continuing debate in the community on the value of methadone as a drug-treatment tool. Opinions expressed to the Committee ranged from those who thought methadone was undesirable under any circumstances - one women health counsellor commented, 'Methadone is the neutron bomb of drug therapy. It kills the soul but leaves the body standing'- to those who advocated its use on a far wider scale, and in much higher doses than is now generally the case.

8.8.41 The stand taken on methadone appeared to depend on the understanding of the nature of addiction. Dr Stella Dalton told the Committee that she believed that people who became addicted would be shown to have a 'physiological need' because narcotic use had permanently suppressed the production of endogenous opiates. She compared this need to an endocrine deficiency such as diabetes, and explained that as a result some people may need treatment for the rest of their lives (in the longer term perhaps not more than 15 per cent would be able to stay off methadone).

8.8.42 Dalton strongly advocated methadone blockade, that is methadone in doses (90 mls and above) high enough to block the euphoric effects of any opiate taken while under treatment. She argued that anything less than this significantly increased the chances that clients would continue to use heroin to obtain a 'high' or euphoric rush. She cited evidence from the USA which indicated that crime statistics dropped after methadone programmes were introduced, and described a survey of her own heroin-dependent female clients who were receiving blockade treatment in 1983. Fifty-five of these 130 women were self-reported prostitutes, but once

62 Reilly, in evidence, 26 June 1984:17.

63 Stewart, in evidence, 26 June 1984:22.

on blockade,'41 per cent of those who had declared they were prostituting were no longer prostituting'.⁶⁴

8.8.43 Counsellors at the Bourke Street Drug Advisory Centre, however, stressed psychological and social factors as being of most significance, and pointed out that although a physiological basis for alcoholism has been sought for many years nothing has so far been discovered.

8.8.44 They questioned whether it was ethical or necessary to supply blockade doses of methadone (a powerful, highly addictive drug, whose very long term consequences are not known) when maintenance doses (of under 60 mls) were enough to counter withdrawal. They claimed there was no satisfactory evidence to indicate that blockade doses were more effective than methadone maintenance, and that blockade doses increased the risk of diversion to the black market because, where such programmes existed,

- they were inadequately staffed and clients were not supervised closely enough to ensure the drug was swallowed before leaving the distribution point.
- weekend take-home doses were allowed, and these could be worth several hundred dollars on the black market.
- break-ins occurred in chemist shops and other places where large quantities of the drug were stored for distribution.

8.8.45 Those who explained addiction in psycho-social terms were less inclined to use methadone for most of their clients, and tended to favour drug-free programmes involving detoxification, counselling and therapeutic communities.

8.8.46 Prostitute interviewees were also divided about the merits of methadone. One member of the APC described methadone as a tool for social control, and felt that it turned clients into 'zombies'. Another, who was actually undergoing methadone treatment, described it as a very unpleasant experience and not one to be undertaken lightly.

8.8.47 However, the great majority of drug-dependent prostitutes who came before the Committee saw methadone as the only form of treatment which would realistically be effective in helping them to come to terms with drug addiction, and to change their lifestyles for the better.

8.8.48 Several women requested interviews with Committee members in order to put their cases for receiving methadone. Most were women in their late twenties or early thirties (a period when many people experience a revulsion against drugs, and about one-third stop using). These women were tired of the cycle of working and using and were finding it increasingly difficult to pay for their addiction from the proceeds of prostitution. Nevertheless they were not all anxious to leave prostitution straight away as they believed that if only their drug problem were taken care of they would be able to save money and, in effect, make a success of working. (All the evidence indicates that that this would not be the case; very few prostitutes manage to save much money whether they are drug-dependent or not — nevertheless it remains a potent pipedream.)

8.8.49 Most of the experts consulted by the Committee thought that ideally the ultimate goal of drug-treatment programmes should be a return to a drug-free existence. To this end they saw methadone as a valuable treatment tool which could usefully be employed for those clients who were unsuited to other treatment methods.

8.8.50 Methadone was described as a drug which could normalise addicts' lives, relieving

⁶⁴ Dalton, in evidence, 11 July 1984:3.

severe economic pressures, and reducing involvement in crime. People on a properly controlled methadone programme could take up normal employment and assume their full social responsibilities.

8.8.51 Methadone is particularly appropriate in the treatment of pregnant women, where withdrawal would be harmful to the foetus, and where continued heroin use exposes both mother and baby to all the dangers of the street scene. A very successful residential programme for mothers on methadone, and their babies, is conducted at Phoebe House in conjunction with the King George V Hospital. Many of the clients have been prostitutes, and the Committee was told that the experience of pregnancy and childbirth often motivates prostitutes to give up illegal drugs.

Interestingly enough, a lot of the prostitutes get out because they get pregnant and decide to go through with the pregnancy ... a lot of these women stop using drugs after they have their babies, and particularly the prostitutes, who are often very motivated towards their babies.⁶⁵

8.8.52 Discussion with representatives from the Drug and Alcohol Authority also led the Committee to believe that there is a valuable place for methadone in the treatment of other prostitutes. The implications of the AIDS epidemic for drug-affected prostitutes has been discussed in chapter 7 in relation to sexually transmissible diseases and recommendations made. The Committee concluded that many drug-dependent women might be induced to leave prostitution, or at least to leave street soliciting, if they were placed on a methadone programme and were thus relieved from the necessity to earn very large sums of money from prostitution. Those whose addiction preceded prostitution, in particular, frequently expressed their distaste for their work, and their desire to stop prostituting as soon as their addiction was controlled. On the whole the Committee believes that all drug-affected prostitutes should be considered for methadone treatment, but that where necessary those who are pregnant, or affected by the AIDS virus, may be given priority placement.

8.8.53 While acknowledging that methadone itself is a drug of addiction and does not offer a cure to heroin addiction, the Committee recommends that:

- 12. **The New South Wales Government continue to monitor the size of the heroin addiction problem in New South Wales, and, if necessary, continue its expansion of a range of methadone treatment programmes so as to ensure the availability of treatment for all those diagnosed as suitable for methadone.**
- 13. **Additional major public hospitals be funded to become dispensing points for an expanded methadone programme, and that such hospitals provide secure premises for the holding and dispensing of methadone.**
- 14. **Assessment of heroin addicts be streamlined and expedited to undercut the heroin market and absorb addicts into suitable treatment programmes including methadone.**

⁶⁵ Klein, in evidence, 26 October 1983:56.

DRUG USE BY PROSTITUTES**APPENDIX 8A*****Survey of Prostitutes appearing for the first time at the Drug Advisory Centre, 703 Bourke Street, in 1984******Sample and methodology***

All available files for the period 1 January 1984 to 31 December 1984 were consulted, and all those relating to persons who earned income from prostitution, and who first visited the Centre in 1984, were extracted.

From a total of approximately 1000 files, 49 fulfilled these criteria, and information from them was recorded on index cards under the following headings:

- 1 Sex
- 2 Age
- 3 Location/type of work
- 4 Drugs used
- 5 Family history - e.g. siblings/parents with drug problems, absent parents, violence, institutionalisation of client, etc.
- 6 Skills/education
- 7 Other income apart from prostitution
- 8 Dependents—children/adults
- 9 Legal history

The results are summarised in Tables 8.1–8.9.

NB. No attempt was made to compare this sample with a sample of non-prostitute drug users, or with a non-drug-using population.

Table 8.1 Numbers

Females	Males	Transsexuals	Total
42	5	2	49

Table 8.2. Ages (range 15-36 years)

Age in years	Females	Males	Transsexuals	Total
Under 21	12	3	—	15
21-25	14	1	1	16
26-30	10	1	1	12
Over 30	6	—	—	6

Table 8.3. Types of prostitution

Age in years	Females	Males	Transsexuals	Total
Escort	2	—	1	3
Callgirl	5	—	—	5
Stripper	2	—	—	2
Brothel	6	—	—	6
Street	11	5	—	16
Not known	16	—	1	17

Table 8.4. Drugs used regularly

Drug	Females	Males	Transsexuals	Total
Heroin	42	4	2	48
Methadone	5	1	1	7
Cocaine	4	—	—	4
Cannabis	9	3	1	13
Amphetamines	7	—	—	7
Barbiturates	4	3	—	7
Serepax	11	1	1	13
Analgesics	4	—	—	4
Alcohol	8	2	—	10
Cigarettes (20+ daily)	22	1	1	24
Other*	8	3	—	11
Poly drug use**	22	3	1	26

* 'Other' drugs included various minor tranquillisers, and hallucinogens.

** Two drugs or more, excluding cigarettes, on a regular basis. One male had no heroin habit, but was dependent on barbiturates, and one female was primarily dependent on barbiturates, using heroin from time to time.

Table 8.5. Family background

Background	Females	Males	Transsexuals	Total
Siblings and/or parents with drug problems	16	2	—	18
Separation/ desertion/ death of a parent	24	3	—	27
Violence/ incest	5	—	—	5
Institution-alisation	9	1	—	10
No information	8	1	2	11

Table 8.6. Skills

	Females	Males	Transsexuals	Total
Job experience/ training	11	1	1	13
No skills or experience	28	4	1	33

Five women and one transsexual had HSC or equivalent or above, and three women gave no information about their qualifications.

Table 8.7. Other income

Source of Income	Females	Males	Transsexuals	Total
Employment (Other than prostitution)	3	—	—	3
Unemployment Benefit	9	2	1	12
Sickness/Invalid Benefit	3	1	1	5
Supporting Mothers Benefit	8	—	—	8
TEAS	1	—	—	1
Dealing in drugs	5	—	—	5
Crime (stealing)	1	—	—	1
Parents/Friends	1	—	—	1
No other income	12	2	—	14
No information	1	—	—	1

Table 8.8. Dependents

14	women were supporting children
11	women were supporting adult males
1	woman was supporting her parents
1	woman was supporting her girlfriend
1	male was being partly supported by his prostitute sister.
4	women had children in the care or custody of another, and there were 12 clients whose circumstances are not known.

Table 8.9. Legal history: offences for which clients have been convicted, or await trial

Offence	Females	Males	Transsexuals	Total
Solicit	12	—	2	14
Use/possess	20	1	1	22
Supply	5	1	—	6
Break/enter	4	3	—	7
Forge/utter	3	—	—	3
Steal	6	2	—	8
Assault	2	—	—	2
Drink/drive	2	—	—	2
Armed robbery	2	1	1	4
No offences	3	1	—	4
No information	12	—	—	12

Three people had spent time in prison for unspecified reasons. Eleven clients had been involved with the law before using hard drugs — mostly for juvenile ‘offences’ such as running away, being uncontrollable, stealing cars, etc. Four were prostitutes *before* they became drug-dependent.

9.1.1 In addition to provisions within the Standing Orders of the Legislative Assembly, the Parliamentary Evidence Act 1901, provides the power for a Parliamentary Committee to summons witnesses. Section 4 (2) provides:

Any such person may be summoned to attend and give evidence before a committee by an order of such a committee signed by the chairman thereof and served as aforesaid.

9.1.2 The Act further indicates in s.11 (1) the penalty for subsequent refusal by any witness to answer a lawful question:

If any witness refuses to answer any lawful question during his examination, he shall be deemed guilty of a contempt of Parliament, and may be forthwith committed for such offence into the custody of the usher of the black rod or serjeant-at-arms, and, if the House so order, to gaol, for any period not exceeding one calendar month, by warrant under the hand of the President or Speaker, as the case may be.

9.1.3 The Committee seriously considered using these powers to obtain information about criminal involvement in prostitution. Advantages and disadvantages of calling various well-known crime figures to appear before the Committee were debated. It concluded that any person who had been summoned would be a reluctant witness and in all probability would provide little information.

9.1.4 As part of its terms of reference the Committee was appointed to investigate and report upon the criminal aspects of prostitution in New South Wales. It was never assumed that the Committee should attempt to bring legal proceedings against any person. Rather, it collected information to obtain an overview of prostitution-related crime to form general recommendations in this area.

9.1.5 Many individuals were unwilling to provide the Committee with any information about crime issues relating to prostitution. Other witnesses and informants offered allegations about corruption and organised crime in camera to the Committee and confidentially in discussion with the Chairman and Committee staff.

9.1.6 One witness, Mr James McCartney Anderson, a former business associate of Mr Abraham Saffron, voluntarily appeared before the Committee and made serious allegations concerning criminal aspects of prostitution. At his hearing Mr Anderson stated that he would at a later date offer evidence to substantiate his claims. He never provided the Committee with further material.

9.1.7 Many allegations concerning crime have been made before the Committee. The Committee while interstate,¹ met with the Commissioner and a senior legal adviser to the Royal Commission on the Activities of the Federated Ship Painters and Dockers Union in Melbourne. In Sydney, the Chairman had two meetings with senior staff and legal advisers from the National Crime Authority. Allegations of organised crime and corruption were discussed. Both the Royal Commissioner and staff of the National Crime Authority stated that in their view the Select Committee had neither the resources, the expertise nor the staff necessary to investigate allegations.

9.1.8 This chapter discusses much of the information and allegations collected by the Committee regarding criminal aspects of prostitution. It is divided into three sections. The first considers prostitution-related crimes in general. The second discusses allegations of police corruption and prostitution. The third and final section considers organised crime and patterns of multiple ownership of premises used for prostitution.

¹ In July 1984 the Committee visited Melbourne, Adelaide, Kalgoorlie and Perth to speak with officials, prostitutes, managers and others about prostitution in their respective States.

9.2 Prostitution-related crime

9.2.1 Evidence indicates that there are a variety of crimes associated with prostitution. This evidence includes examples of prostitutes, owners/managers, customers and residents in the roles of victim and of perpetrator.

Prostitutes

9.2.2 Throughout this report (particularly in chapters 1, 2 and 7) references have been made to the hazards experienced by prostitutes in their work.

9.2.3 Prostitutes are often the victims of crimes against their person and property. A survey presented to the Committee as part of a submission indicated that three out of nine women interviewed at length had experienced rape and bashings while at work.²

9.2.4 Women working from the streets or in escort, home, or unit prostitution are at greatest risk. The Committee's evidence indicated that many streetworkers fear for their safety, and see improvements in their working conditions in terms of better safeguards against assault.

9.2.5 A number of specific instances were brought to the Committee's attention. The Committee was notified, through a direct contact with one of its Members, that a woman was being threatened and bashed because she wanted to cease working for a particular brothel. It was said that she was being forced to work five days a week instead of three, but she then became too frightened to confide further in anyone, and nothing more was heard.³

9.2.6 One transsexual prostitute described how she had been severely beaten, and tied up by a brothel owner with whom she had a dispute.⁴ This particular brothel owner had allegations made against him by a number of witnesses including residents and police.

9.2.7 A third incident involved very serious (but undisclosed) threats made to a prostitute which put her in fear of her life and persuaded her to lose touch with the Committee.

9.2.8 Prostitutes also commit crimes against other people. The Officer-in-Charge of the Vice Squad stated in evidence that earlier in the year:

*a newsagent and a chemist at Kings Cross were held up and shot by male prostitutes. Prostitutes do commit other criminal offences. They pass valueless cheques to obtain property and commit armed hold-ups — more so the male prostitutes. But female prostitutes commit criminal offences of stealing, shoplifting, false pretences, armed hold-ups. It does happen, particularly with drug addicts, who become desperate for money, and they commit criminal offences.*⁵

9.2.9 Table 8.9 (appendix A chapter 8) shows the range of criminal activities in which drug-affected prostitutes may be involved. Thirty three of the 49 drug affected prostitutes who were clients at the Bourke Street Drug Advisory Centre in 1984, had offences listed on their record. These included: soliciting (fourteen persons), use/possess drugs (22), supply drugs (six), break/enter (seven), forge/utter (three), steal (eight), assault (two), drink/drive (two), armed robbery (four).

2 R. Perkins, *Female Prostitution in Sydney II*, 1983a, Appendix 4 of the Submission of the Task Group on Prostitution. The Task Group on Prostitution comprised the Australian Prostitutes Collective, Twenty Ten, Gays Counselling Service, Gay Rights Lobby and the Australian Transsexual Association.

3 Confidential interview, 1984.

4 Evidence in camera, 1984.

5 Detective Inspector Ernest Shepard Officer-in-Charge, Vice Squad, 21 November 1983.

9.2.10 The Committee collected several individual histories of criminal activity by prostitutes. One prostitute described how she shoplifted with a friend in the winter, in preference to working on the street. Another drug-affected prostitute gave a detailed account of how she engaged in an armed robbery. Under pressure of not being able to support her addiction, she tried to dry out but did not succeed. Soon afterwards, she considered alternative means of obtaining money. She decided she could not 'mug' anybody:

I had a couple of friends that had been doing armed robberies and had gotten away with it. I thought, 'Well, maybe I'll be lucky and get away with it'. At the time I didn't care if I got away with it or not. I was sick and I just wanted to fix myself up for that day.⁶

She described the first armed robbery:

Well, I was hanging out which gave me more incentive. I just took a handful of serepax, about eight to ten serepax, to try and calm me down. I went into Woolworths up the Cross with the young person that I was with and bought a knife and put it into my bag and went up to Oxford Street, had a look at the shops up and down there. We saw a Building Society there that didn't have glass. I got the other person that I was with to wait across the other side of the road and just walked straight in with the knife and told them to give me the money or I'll cut their throat, which I wouldn't have been able to do ... I tried to make it look convincing!

The Committee also became aware that many prostitutes illegally receive welfare payments while working. Attention was drawn to this fact during the Committee's visits interstate, and several prostitutes admitted, in interviews, that they received various welfare benefits while earning a good income from prostitution. The tables appended to chapter 8 (Table 8.7) show that among a sample of 49 drug affected prostitutes, twelve received unemployment benefit, five sickness benefit, eight supporting parents' benefit, and one received TEAS.

Taxation

9.2.11 The payment and collection of personal income tax is a Federal responsibility, and is thus outside the Committee's terms of reference. However, several witnesses alluded to the non-payment of tax by prostitutes, and to the non-payment of (State) pay-roll tax by brothel owners, and suggested that one of the benefits which would arise from the decriminalisation of the prostitution trade would be to make it more difficult for those deriving an income from prostitution to avoid paying taxes. Given that the trade grosses many millions of dollars annually (see chapter 3), and that some prostitutes may earn over \$1000 per week for several months of the year, the Committee was of the view that the amount of tax foregone is considerable and should be a matter for further discussion and follow-up if prostitution law is amended.

9.2.12 Some non-prostitute witnesses were very indignant about the way workers in the trade avoid paying tax and saw this as a major area for reform. Others (particularly religious groups) put a contrary view. They argued that in effect the Government would be 'living on the earnings' of prostitution if it taxed prostitutes and brothel owners.

9.2.13 Not all prostitutes avoid tax completely. Some workers claimed they paid at least a nominal amount of tax annually, and several prostitutes said they would prefer to pay tax, but only if they could do so without revealing their occupation. Those who paid or wished to pay generally did so because they feared possible investigation and prosecution for tax avoidance. They claimed they would feel much more at ease if they had fulfilled their tax obligations. One manager of a well known brothel said that all her employees paid tax as commission agents, and that she made this a condition of employment.

⁶ Confidential interview, 1984.

9.2.14 Nevertheless the vast majority of prostitutes do not, and do not want to pay tax. For most of them their working life is short, and often sporadic, and the main attraction is the possibility of earning a relatively large sum of money in a short time to meet immediate commitments. Few of them make large savings or accumulate valuable assets. Street workers in particular regarded the fines they had to pay from time to time as a type of tax.

9.2.15 Following a number of references by witnesses and interviewees to the non-payment of tax, the Committee addressed the matter briefly in its deliberations, and invited comment from the Commissioner of Taxation. Subsequently two taxation officers were interviewed informally by the Committee. The Officers confirmed the general picture outlined above. A few prostitutes are known to pay tax, often giving fictitious or 'euphemistic' occupations, such as 'escort, hostess, companion, model and dancer'.⁷

9.2.16 But the majority who do not pay are rarely investigated, because, as it was explained to the Committee, the tax system is based largely on the concept of voluntary compliance and investigative activities are limited by the numbers of staff available, and by the cost-effectiveness of such activities.

9.2.17 The taxation officers argued that 'most of the money is in the operators'. The Tax Commissioner stated, it is 'the owners/operators of establishments providing prostitution, whose taxation affairs ... are generally of more interest to this office than the persons they "employ"'.⁸

A three year study conducted by the Sydney taxation office, into the owners/operators of '60 massage parlours and escort agencies revealed that 20 were total defaulters (ie. not lodging returns or paying any income tax) while a further 25 understated their income'.⁹

9.2.18 The taxation officers, however, believed that more tax would be paid if brothels were given legal recognition.

9.2.19 In relation to (State) pay-roll tax, the Committee was informed by an officer of the Finance Ministry that brothels do come within the definition of businesses liable to pay pay-roll tax, but that there was no record of their ever having done so. Once again, the legal recognition of brothels would facilitate the collection of these State taxes.

The Committee recommends that:

- **1. State and Federal finance departments investigate measures to deal with prostitution-related tax avoidance.**

Owners/managers

9.2.20 Evidence from prostitutes, residents, the police and welfare agencies in Kings Cross indicated to the Committee that a proportion of brothel managers used violent and criminal methods to maintain control over their businesses.

9.2.21 There were references to female prostitutes being 'controlled' and not allowed to speak for themselves, being intimidated and forced to work under totally unsatisfactory conditions, being encouraged to take drugs, and being bashed.

7 Letter from the Commissioner of Taxation, 6 February 1985.

8 *ibid.*

9 *ibid.*

9.2.22 In one instance a woman was apparently being prevented from entering a drug rehabilitation programme because 'she was wanted on the streets'. In another it was suggested that women in a particular brothel were never allowed to speak to outsiders (welfare/drug/spiritual advisers) alone. There was always a third person present when advice was sought.¹⁰

9.2.23 The Committee heard a number of allegations concerning a few brothels, apparently confined mainly to the inner-western suburbs, where drugs were used as payment in kind for the workers. It was alleged by a brothel owner, some prostitutes, and a drug counsellor that there were establishments which only employed drug-affected workers, and where the management either dealt in drugs themselves or encouraged dealers to use their premises.

9.2.24 It was further claimed that some landlords in the inner city, who let single rooms to streetworkers, sold drugs on credit to prostitutes.

9.2.25 These landlords were also accused of charging extraordinarily high rents for single rooms and of trying to dominate the area by buying up more property and controlling a large number of prostitutes. When one landlord who owned some houses was closed down the prostitutes began to hire rooms in a hotel but '... he still — and this is a couple of months that I have been there — he still comes in and threatens my new house that "you've got my girls and I want them back".'¹¹

9.2.26 Rivalry between managers of different brothels has erupted into real violence at times and is potentially very serious. In an interview a resident living near a brothel recalled when a crime figure who was also a brothel owner was killed by rivals.

9.2.27 Some owners/managers in the inner city were said to have threatened and pressurised residents (particularly tenants) so that they became frightened to talk or complain about the influx of prostitutes into the area.

9.2.28 Owners/managers are themselves sometimes the victims of crime, apart from the violence that has arisen from rivalry between brothel owners. Brothels are known to carry large sums of money and to have been the target of armed hold-ups. Two women, (one a brothel owner, and one a 'sitter') mentioned their fear of armed robbery, particularly at night. 'It is very dangerous because brothels have cash and they are popular places to knock off particularly around 2 o'clock in the morning when there is a fair bit of cash around'.¹²

Customers

9.2.29 An overseas study suggests that in the past decade there has been an increase in streetwalkers robbing their customers rather than providing them sexual services. 'Often, a group of prostitutes will work together with one or two going through the customer's pockets while another seductively keeps the customers' attention. In Gray's study of seventeen teenage streetwalkers, only four reported never having robbed a trick'.¹³ A Canadian study suggests similarly that customers of street prostitutes are more likely to be robbed than customers of bar prostitutes extensively working out of particular bars. 'However, in all these settings, some men (for example out-of-towners, highly intoxicated) are defined as safe "marks" by all hookers'.¹⁴

10 Evidence in camera 1983.

11 Confidential interview, 1985.

12 Confidential interview, 1983.

13 C. Simon and A. Witte, *Beating the System: The Underground Economy*, Auburn House Publishing Company, Boston, Massachusetts, 1982:257.

14 R. Prus and I. Stylianoss, *Hookers, Rounders and Desk Clerks: The Social Organization of the Hotel Community*, Gage Publishing, Toronto, Ontario, 1980:59.

9.2.30 As the Committee's information is fragmentary it cannot assess whether the rate of crime against the customer in New South Wales has changed in the recent past. As the Officer-in-Charge of the Vice Squad commented informally to the Committee, there are few customer complaints made to the police.

9.2.31 Information suggests that the most common example of customers as victims of prostitution-related crime involved instances of customers having their personal possessions, money and credit cards stolen by prostitutes.

9.2.32 Evidence offers further isolated examples of crimes against customers such as a customer threatened with a knife by a brothel prostitute during an argument over price¹⁵ as well as attempts to blackmail customers. One witness stated: '... his main job in one of the brothels was to take Polaroid photographs of the sex act. He only worried about well-dressed businessmen. They would be sold on the way out. I see that as a form of blackmail'.¹⁶ Another witness mentioned that two sixteen-year-old male prostitutes were responsible for the murder and mutilation of two male customers.¹⁷

9.2.33 Evidence also offers examples of customers as perpetrators of crime. Prostitutes have suggested that customers pose the greatest threat of physical and sexual assault.

9.2.34 Residents in areas of high-concentration prostitution activity have complained about traffic problems caused by customers because of kerb crawling as well as their disorderly conduct. Customers have been accused of noise, littering, urinating in public, abusing female residents and generally causing public nuisance.

Residents

9.2.35 Over a period of approximately one year (August 1983 to September 1984) the Committee's research staff were informed of eleven instances when inner-city residents believed they had been directly threatened or intimidated by people connected with brothel owners in their neighbourhood. These incidents included nuisance phone calls, threats in the street, and physical violence. Most incidents were associated with the owners and workers in one particular group of brothels.

9.2.36 In two separate submissions to the Committee, residents of East Sydney outlined the negative effect that prostitution has had on their neighbourhood and their personal lives. Many residents stated that prostitution had caused feelings of uneasiness and fear among inhabitants in their area. Some fires, muggings and robberies were blamed on prostitution activity.

9.2.37 As residents of neighbourhoods with high concentrations of prostitutes claim they have been victims of prostitution-related crime, several situations discussed in confidential interviews revealed examples of residents retaliating against managers and prostitutes. One suburban escort agency owner alleged that residents had vandalised his home with graffiti. It was reported to the Committee that residents had hurled food and garbage at street prostitutes and on at least one occasion had physically threatened them with a rifle.

9.3 Corruption

We still would argue that there is no such thing as free-enterprise prostitution in Sydney, or anywhere else. If they claim, as you mentioned, that they were not paying the police, I would say they were paying somebody.¹⁸

15 Submission from residents of East Sydney.

16 Evidence in camera, 1984.

17 Ms A. Crowe, social worker, in evidence 30 August 1983:35.

18 Reverend the Honourable Frederick Nile, Member of the Legislative Council and Representative of the Festival of Light, in evidence, 1 September 1983:77.

9.3.1 Often it is said there is always corruption in relation to illegal prostitution and gambling.

9.3.2 Allegations of corruption concerning prostitution were made to the Committee. Some accusations appeared to involve isolated incidents of bribery. Others suggested a widespread problem.

9.3.3 The vast majority of corruption allegations concerned the police.

Police corruption¹⁹

9.3.4 The Committee throughout its hearings heard many and varied allegations against police. Some were dismissed out of hand. Others, because there was corroboration by other witnesses, were accepted by the Committee as valid. These allegations concerned payments made by brothel managers or proprietors to the police.

9.3.5 The extent to which such corruption was practised however, could not on the basis of the assertions made, be firmly determined by the Committee.

9.3.6 No brothel manager or owner was prepared to state on the record that he or she was currently making payments to police. Prostitutes and businesspersons associated with the trade, however, claimed that police corruption was widespread, particularly in relation to brothel prostitution.

9.3.7 Witnesses were often reluctant to discuss the subject of police corruption. Evidence was provided by several different means: in camera to the Committee and confidentially in discussion with the Chairman and Committee staff. No witness provided the Committee with the name of any corrupt policeman. Witnesses were fearful that mention of the subject of police corruption would cause serious repercussions to their businesses and even their lives. Two witnesses who spoke confidentially with the Chairman stated that their lives were in danger by discussing their knowledge of police payoffs.

9.3.8 Witnesses who did offer information about police misconduct were not surprised that brothel owners and managers would not provide evidence. Owners were described as having little to gain and much to lose from talking with the Committee. It was commented that the Committee could not offer personal protection to individuals. It was alleged that corrupt police might cause extensive financial loss to a witness' business.

9.3.9 The Committee was not able to verify assertions of police misconduct. However in many instances the Committee accepted that witnesses made assertions in good faith.

9.3.10 The Chairman of the Committee met with the Commissioner of Police and other senior police officers to discuss the allegations. The Commissioner requested that the Committee refer informants to the Police Department for further discussion and questioning. The difficulty in meeting this request was that evidence was provided in camera and in confidence.

9.3.11 Immediately following discussions with the Commissioner principal informants were requested by Committee staff to discuss their allegations with police officials. All vehemently refused to co-operate.

9.3.12 The Police Commissioner stated that allegations were vague and required further evidence before meaningful investigation would be possible. The Acting Commissioner wrote in a letter to the Chairman:

¹⁹ Police corruption is defined as the misuse of police power for personal gain.

In the absence of the Commissioner, I thank you for your information which I have referred to the Assistant Commissioner (Internal Affairs) for attention. You will appreciate that the anonymity of the complainants and the vagueness of the claims make investigation near impossible and I would be appreciative if any of these individuals were willing to be interviewed under conditions of confidentiality ...

9.3.13 For these reasons, the accusations concerning police corruption and prostitution remain unsubstantiated allegations.

9.3.14 In general, many witnesses portrayed police corruption as “the crime” connected with prostitution. Ms Roz Nelson stated in evidence: ‘the police especially are very, very much involved in prostitution and the money that is made out of it ...’.²⁰

Allegations concerning the changes in police corruption

The problem of corruption is not new.²¹ Members of the Task Group on Prostitution raised the 1971 situation of the late Shirley Brifman. Ms. Brifman named detectives involved in taking money from prostitutes, among others, to Internal Affairs.

9.3.16 Shirley Brifman stated in a statutory declaration that between 1965-69 she worked as a prostitute and a callgirl in New South Wales and that during this period she made payments to a member of the New South Wales Vice Squad of sums of around \$100 a week. She alleged that some of these payments were made so that she ‘could run a brothel’.

9.3.17 Comments from witnesses suggest that in the past decade there have been changes in the form of police corruption in relation to prostitution. Mature prostitute witnesses alleged that before 1979, under the Summary Offences Act it was common for individual street prostitutes ‘to weigh in’, to pay corrupt police. One transsexual prostitute described her situation in 1970:

*They took us aside when we were arrested and said that they did not like us because of what we were but they said they would like us to weigh in as we said we were determined. They asked me if I would like to weigh in and I said, ‘Yes’. Bail was \$50, a fine was \$100. The police wanted only \$40 per week ...*²²

She alleged that by 1979 she paid 100 dollars per week to corrupt policemen in two separate squads.

9.3.18 Another street prostitute stated in evidence:

*We used to pay the police to work. They would come round once a week. We would give them their \$150. We would be allowed to work for the rest of the week and not get pinched ...*²³

9.3.19 Several mature prostitutes suggested the focus of police corruption had changed in the past decade from the individual (street prostitute) to the manager (of brothels).

9.3.20 Indications are that over the years the Vice Squad has been associated with allegations of corrupt practices. The nature of allegations has changed.

9.3.21 The Committee’s evidence suggests that for a considerable number of years police corruption has been a facet of the trade. Like the practice of prostitution itself, the practice of

20 Ms. Roz Nelson, for the Task Group on Prostitution, in evidence 12 September 1983:53.

21 See, for example, *The Report of O.F. Dixon, on A. The Action Taken by the Police Regarding Allegations of Graft and Corruption within the Police Force and B. What Further Action is Necessary Regarding such Allegations*, Western Australia, 1982.

22 Confidential interview, 1984.

23 Evidence in camera, 1984.

police corruption appears to have adapted to different prostitution legislation as well as to administrative changes in the Police Department.

Current allegations of police corruption

9.3.22 The allegations the Committee received were wide and varied. They concerned brothel, escort, as well as home and unit prostitution. Some gay bars were said to have paid protection money to corrupt policemen. Various policemen were alleged to have been directly or indirectly responsible for the intimidation of several people in relation to prostitution matters.

9.3.23 The most numerous allegations involved brothel prostitution. The Committee gathered many statements from a variety of sources which alleged there is police corruption in relation to the operation of brothels/massage parlours in Sydney.

9.3.24 It was said that some brothel owners were asked to pay money to corrupt police to be 'allowed' to operate a brothel. It was alleged that payment of 'protection' money by brothel management was common. A few prostitutes alleged that one inner-city brothel owner paid \$1,000 per month and that other owners of multiple premises would make similar payments. Many brothel prostitutes stated that some police had received sexual services free of charge in various brothels.

9.3.25 Informants offered suggestions to explain police corruption in regard to brothel prostitution. Alleged reasons included that persons in the trade had been paying corrupt policemen for so long that it was a taken-for-granted aspect of the business. It was suggested that compliance with corrupt police would allow for a smooth running business. Avoidance of charges (including for living off the earnings of prostitution) was mentioned as a possible benefit. One prostitute involved in a 'private situation', in home and unit prostitution, was alleged to have been threatened that illegal drugs would be 'found' on her premises if she did not co-operate with corrupt police. Payoffs were also seen as a means of curtailing market competition. It was alleged that once one pays corrupt police other prostitution businesses would not be 'allowed' to open in the immediate vicinity. In general, payoffs were seen as a way to protect a brothel and management from numerous business problems.

The Committee's response to allegations

9.3.26 The 1981 *Report by Mr Justice Lusher of the Commission to Inquire into New South Wales Police Administration* indicates:

... the capacity for corruption of a police officer individually is limited and localised, not only by the very nature of the limits of the functional and physical areas in which he can operate, but also because of his inability to completely control a given situation to which the corruption may be directed. Thus, the individual policeman can at best, indulge in comparatively minor and probably spasmodic activity, and usually affecting few people and mostly as individuals.²⁴

9.3.27 The Committee received allegations that police corruption in relation to brothel prostitution has existed over an extended period of time and involves a significant number of premises. The Committee is of the opinion that police corruption has been a facet of brothel prostitution for a considerable number of years. The structure and organisation of this corruption cannot on the information available to the Committee be accurately determined but there is little doubt that such corruption exists. In certain areas, in particular Sydney's inner city, there appear to be regular payments made to certain police. There are also indications that brothel

²⁴ Parliament of New South Wales, *Report by Mr Justice Lusher of the Commission to Inquire into New South Wales Police Administration*, Government Printer, New South Wales, 29 April 1981:632.

owners and managers in other areas of New South Wales are also paying corrupt police. The Committee rejects the 'rotten apple' explanation²⁵ as an adequate account for allegations.

9.3.28 The report by Mr Justice Lusher as well as overseas studies argued that the adoption of the 'rotten apple' explanation for police corruption often impedes administrative reform. The Knapp Commission, for example, stated:

*The rotten-apple doctrine has in many ways been a basic obstacle to meaningful reform ... The doctrine also made difficult, if not impossible, any meaningful attempt at managerial reform. A high command unwilling to acknowledge that the problem of corruption is extensive cannot very well argue that drastic changes are necessary to deal with that problem.*²⁶

9.3.29 Rather than adopting the rotten apple doctrine, the Committee is of the view that the Police should consider various structural changes to police procedures and departmental organisation. One aspect, the turnover of police in 'sensitive areas', has been considered by the Department, but there needs to be further consideration of other possible changes.

The Committee recommends that:

- **2. The Commissioner of Police treat evidence of police corruption regarding prostitution as an indication of the need for organisational reform.**
- **3. The Police Board review ways in which the potential for corruption in the Vice Squad and local stations operating in areas where prostitution is concentrated can be decreased.**

Future action

9.3.30 The Committee anticipates that corrupt police practices will decrease under the Committee's proposed legislative changes. As corruption was influenced in 1979 by the decriminalisation of street soliciting, the Committee expects that changes in the area of brothel prostitution will significantly decrease problems of corruption.

9.3.31 Nevertheless, the Committee recognises that, in part, it is the responsibility of the public and particularly those in the prostitution trade to curb corruption. Simultaneously the Committee acknowledges the apprehension of many individuals in reporting incidents of corruption due to fear of reprisal.

9.3.32 The Committee believes that one appropriate role of the Australian Prostitutes Collective (APC) would be to monitor any complaints in the trade. The Committee believes that the APC should encourage individuals to formally lodge any future complaints of corruption with the appropriate departments.

The Committee recommends that:-

- **4. Persons should be encouraged to come forward with any allegations of corruption in the future. The necessary means of protection and amnesty should be considered by the appropriate authorities.**

²⁵ The "rotten apple" explanation suggests that any policeman found to be corrupt must be removed from an otherwise clean barrel.

²⁶ *The Knapp Commission Report on Police Corruption*, George Braziller, New York, 1972:7.

9.4 Organised Crime

9.4.1 'Organised Crime' (crime which involves a high level of planning), and 'syndicated crime' (crime controlled by a group of people who come together for that purpose) are phrases which are frequently used in connection with prostitution. The use of these terms, often loosely defined and vaguely applied,²⁷ suggests that prostitution activities are highly structured and closely linked with other criminal activities. Organised crime was recently defined as follows:

*Organised crime is a product of a self-perpetuating criminal conspiracy to wring exorbitant profits from our society by any means — fair or foul, legal and illegal. It survives on fear and corruption. By one or another means it obtains a high degree of immunity from the law. It is totalitarian in organisation. A way of life, it imposes rigid discipline on underlings to do the dirty work while the top men of organised crime are generally insulated from the criminal act and the consequent danger of prosecution.*²⁸

9.4.2 It is maintained by some that prostitution is run by organised crime figures who may also control the drug distribution, pornography, gambling and other rackets, and who may use prostitution as a means of blackmailing and controlling influential people in our society. A paper presented to the 53rd ANZAAS Congress described prostitution in these terms: 'The rates for services of the "girls" seem to be fixed Australia-wide and although there is an appearance of competition, in truth it would appear that the industry is well-regulated'.²⁹

9.4.3 This interpretation of the way prostitution is organised was endorsed by representatives of the Festival of Light who came before the Committee. They claimed: 'The illegal brothels in Sydney, of which there are alleged to be 130 at the last count, are certainly being conducted by organised crime or its divisions which handle various departments'.³⁰

9.4.4 Nile cited as evidence the fact that street prostitutes in Kings Cross apparently have their own beats which, he said, are guarded by pimps: 'There were reports of bashings and knifings ... It has settled back because it appears the business is being organised by those in authority in organised crime who have the thing under control again'.³¹

9.4.5 He went on to say that East Sydney residents believed that prostitution in their area was controlled by a well-known organised crime figure, and that there was a concerted bid to force down real estate prices in Darlinghurst and East Sydney. The criminals would then buy up premises cheaply for brothels, and sell at a large profit when vice was eventually cleaned out of the area and house values returned to their proper level.

9.4.6 There is no doubt that such views are held strongly in some quarters. The Committee did receive other evidence which indicated that at the very least there were some people involved in running prostitution who were prepared to use strong-arm tactics, including threats of violence and intimidation, and actual violence in order to maintain their control over the people who worked for them. (Some of this evidence of violence against prostitutes, threats to residents, and possible blackmail has been detailed above). But the evidence was piecemeal and the incidents were not sufficient in themselves to suggest that organised crime figures controlled prostitution in New South Wales.

27 The Committee's difficulties in assessing the level of organised crime involvement in prostitution were compounded by the many different interpretations of this phrase in the community at large.

28 *Organised Crime. Papers presented by Mr Douglas Meagher, Q.C., to the 53rd ANZAAS Congress, Perth, W.A. 16-20 May 1983*, AGPS, Canberra 1983:20.

29 *ibid.*:37.

30 Nile, in evidence, 1983:59.

31 *ibid.*:84.

9.4.7 The Committee took note of the specific points raised by Meagher and Nile but was not provided with further evidence to support them.

9.4.8 The Victorian Inquiry into Prostitution rejected the argument that there were uniform prices for prostitution in that State; and it is evident from the figures given in chapter 2 and 3 of this report that prices vary in New South Wales. Any similarities in price structure within particular types of prostitution are readily explained in terms of competition within the trade.

9.4.9 The vast majority of the witnesses before the Committee denied that prostitutes were involved with pimps (see chapters 1, 2 and 4) with the possible exception of some under age, and some drug-affected prostitutes (see chapters 6 and 8). Violence against prostitutes was described as coming from clients, voyeurs and hoodlums, and sometimes from residents, but not from pimps.

9.4.10 The East Sydney residents who spoke to the Committee referred to one or two persons who were 'getting bigger and bigger' through buying up properties for brothels. They referred to a 'take over' of property and to empty houses being 'kept on ice' for use as brothels. Some residents who spoke to the Committee were extremely fearful of violent repercussions if they continued to complain about brothels. However they expressly said they had no evidence of a conspiracy, and did not link their difficulties to the activities of well-known organised crime figures: 'I do not think there is some organised crime person ... I do not think it is somebody from behind like that'.³²

9.4.11 Another resident mentioned 'criminal landlords' and threats to residents who made complaints, but went on to say that the situation did not appear very 'organised'. 'It seems to be more a piecemeal sort of approach'.³³

9.4.12 The police in their submission to the Committee said that it was not the case that two or three 'Mr Bigs' were in full control of prostitution throughout the State. On the contrary they said: 'The maximum number of brothels controlled by the one person or persons in partnership would be four or maybe five'.³⁴

9.4.13 Subsequently other police officers, in formal and informal evidence, in general supported this assessment, although they did make reference to one person who controls over 20 brothels (see 9.4.27). They said that although a small number of people with long criminal records did have interests in prostitution and that criminals were undoubtedly attracted to prostitution as a way of making money, in general there was more money to be made in drugs and pornography than in operating brothels. They claimed that organised crime involvement with prostitution had reduced considerably since the early 1970s and was now at a minimal level.

9.4.14 The Committee's evidence from hearings was fragmentary. To further investigate possible organised crime involvement, the Committee made its own search of premises used for prostitution.

Ownership search

9.4.15 As a result of its survey of prostitution advertisements, described in detail in chapter 3, the Committee compiled a comprehensive list of brothels in the Sydney metropolitan area (as of September 1984). In addition Sydney City Council gave the Committee a list of reputed inner-city brothels which were under investigation by the Council.

³² George Schwarz, in evidence, 10 August 1983.

³³ Francis Littlewood, in evidence, 10 August 1983:16.

³⁴ Submission of the New South Wales Police Department, Vice Squad:10.

9.4.16 In all there were 311 metropolitan phone numbers and 125 inner-city addresses. However the total number of premises investigated was many fewer than this suggests as the two lists overlapped and many premises had more than one phone number.

9.4.17 The telephone numbers from the advertisement survey were first sent to Telecom, which provided telephone subscriber names and addresses to the Committee. Two hundred and seventy two addresses were provided, but these included duplicated addresses which had more than one phone number and others clearly related to premises which had changed hands since the survey was conducted. Several telephone numbers were untraceable as they had obviously been wrongly recorded either during the survey or in the advertisement.

9.4.18 Of the lines which were connected after the survey was completed, some had apparently changed to non-brothel businesses, and private addresses, but others had been re-connected under another escort or 'parlour' trade name.

9.4.19 Many phone numbers were listed under business names and these were sent to the Registrar General's Office, and subsequently to the Metropolitan Water Sewerage and Drainage Board to determine the property ownership. After further checking by the Registrar General's Office a list of property owners was returned to the Committee.

9.4.20 The City Council list and the Committee's list of premises were then combined, and the names of all those with corporate ownership (173 premises) were sent to the Corporate Affairs Commission to determine the names of directors.

9.4.21 All the material from Corporate Affairs, and from the lists of individual names, was sorted to give an alphabetical list of the names and their associates, uncovered during the investigation.

Ownership patterns

9.4.22 The material compiled by the Committee in relation to ownership was very considerable, and it had neither the expertise nor the resources to make an exhaustive analysis. However the Committee was able to make a number of observations on the patterns of ownership of premises used for prostitution.

9.4.23 Overall the Committee's inquiries revealed that while a number of persons have financial interests in two or more premises which contain brothels, no one person or group of persons appears to be predominant in ownership.

9.4.24 However there are some people who own several buildings containing brothels in one suburb or in neighbouring suburbs, and they may be said to be dominant in those areas. There are also instances where members of a family operate under more than one corporate name and own a number of premises containing brothels in one locality.

9.4.25 In other instances of multiple ownership two or more people jointly own premises containing brothels in widely separated suburbs ranging, for example from Parramatta to Waverley and from Fairfield to Cremorne.

9.4.26 Some premises appear to advertise very frequently and very widely, indicating that they are sufficiently well established to afford a large outlay in advertising expenses. The Committee found one group of premises with common ownership were particularly well advertised. Their telephone numbers appeared ninety-one times in a one week period in September 1984.

9.4.27 In the inner city one person with a criminal background, who was the subject of several allegations to the Committee, owns four brothels in Darlinghurst and East Sydney. He is reported to have bought and sold several houses in the last two years.

9.4.28 Some other persons who are listed as owners of premises containing brothels are known to have criminal records, or are identified as associates of crime figures. This is the case with a number of owners in the inner city, and some of the inner suburbs. Although again, no one person appears to be dominant.

9.4.29 In addition to making its own search, the Committee forwarded a copy of its ownership list to the New South Wales Commissioner of Police for his comments. As a result the police provided information on a large number of premises from this list which conformed generally with the observations made by the Committee. They stressed however, that the list, based on 1984 information, was already out of date in many instances. Many of the premises had changed hands and were no longer brothels. In other instances the police had no information on premises listed, and in some cases they believed the premises to contain legitimate massage parlours or health studios.

The Police Commissioner stated in his letter:

There are several instances of individual persons being connected to multiple ownership of brothels, but this can only be regarded as a form of business expansion, rather than organised crime or criminal intervention. ... In summary, very little credence is given to links of the criminal element with the prostitution industry.³⁵

9.4.30 The Committee considers its search to be a preliminary investigation into ownership. No doubt more information could be obtained from a more detailed analysis. The Committee is of the opinion that the recommendations contained in chapter 10 in relation to ownership and management of brothels will reduce further the opportunities for serious criminal involvement in the trade. These recommendations (chapter 10, recommendations 45-48) include limits on the number of brothels owned by one individual or group, a requirement that brothels be registered in the name of individuals and not of companies, and a requirement that owners and operators of brothels be of good fame and character. Nevertheless it may be desirable that in the process of monitoring future developments in prostitution, a more comprehensive and thorough ownership search is made.

Leasing and informal networks

9.4.31 Most persons who make money out of brothels do not own the premises from which they operate. Relatively few brothels are permanently situated in purpose-designed premises, as it is a costly business to purchase, decorate and furnish such establishments, particularly when they may be closed down by a court order after a relatively short period.

9.4.32 The Committee received evidence that brothel leases are bought and sold at prices which approximate their estimated six monthly profit. A price of \$60 000 was quoted for a suburban brothel to change hands.

9.4.33 Many brothel owner/managers appear to change the location of their operations at frequent intervals, and most are prepared to move quickly (sometimes only to the premises next door) when court action is threatened.

9.4.34 The Committee received some evidence that one man who operated under six or more aliases 'operates in excess of 20 brothels' in the metropolitan suburbs. (It was reported later that this number had increased to 32). The Committee, however was not able to confirm these figures by its property search. This person in particular was said to have been involved in court cases under the Disorderly Houses Act, and 'living on the earnings'. It was also reported

³⁵ Letter from J.K. Avery, Commissioner, NSW Police, March 1986.

that he has been largely successful in avoiding prosecution and has been known to move rapidly from one house to another to avoid council action.

9.4.35 It was also suggested to the Committee that the same person used a front man (also a brothel owner, but on a smaller scale) to buy up brothel leases on his behalf, thus further obscuring the real extent of his operations.

9.4.36 One inner-city brothel owner told the Committee (informally) that he was interested in buying suburban brothels.

9.4.37 Other evidence suggested that informal networks linked brothel owners to one another. One prostitute witness claimed she had been sent by the owner/manager of her parlour to work for a friend of his for a few weeks because the friend had some staff vacancies.

9.4.38 Owner/managers also move inter-state, and widely within New South Wales. One submission described a woman who had owned brothels in South Australia, Melbourne, Sydney, and northern New South Wales. Her male partner owned places in Sydney and Brisbane.

9.4.39 While interstate, the Committee was told that Sydney brothel owners with criminal connections had tried unsuccessfully to buy up Adelaide brothels in the early 1980's.³⁶

Conclusions

The overall impression gained by the Committee was that:

- Organised crime figures still have some interest in prostitution, but this interest is limited and probably decreasing;
- A greater number of people with criminal records and/or criminal connections appear to be involved in brothel ownership, but this involvement is piecemeal and relatively small-scale;
- Brothel ownership can extend intra- and inter-state;
- There are many informal links between brothel owners;
- An analysis of the ownership of premises only reveals a small part of the picture, because most brothels are leased or owned separately from the premises in which they operate.

Immigration

9.4.41 The infringement of immigration laws like taxation is another matter which is dealt with at a Federal level, and is therefore also outside the Committee's terms of reference. But again this issue was raised before the Committee (during its interstate investigations), and it was also the subject of media attention while the Committee was sitting. The Committee therefore, addressed the problem of illegal immigration, in order to ascertain if there was any evidence that persons were being brought into the country illegally to work as prostitutes, and further to ascertain if this was being arranged on an organised basis.

9.4.42 Reference to a trade in prostitutes was made by Douglas Meagher, Q.C. in 1983 when he said:

From investigations that have been conducted there is a supply of Australian girls, occasionally unwilling, to brothels in Asian and Pacific areas. There is an even greater supply of girls from those regions to the Australian market.³⁷

³⁶ Confidential interview 1984.

³⁷ Meagher, ANZAAS Papers 1983:38.

9.4.43 During 1984 and 1985 a number of newspaper reports referred to 'white slave trading' involving Australian women and Japanese brothels³⁸ and to the alleged involvement of Australian criminal figures in Manila brothels, and in the supply of adult and child prostitutes.³⁹ In October 1985 Channel 9's 60 Minutes ran a programme about two Filipinas who had allegedly been brought into Australia on tourist visas to work as prostitutes, and were then harassed and detained against their will by their 'employer'. These women were later allowed to leave the country by the immigration authorities.

9.4.44 However the Committee received no direct evidence from its witnesses and interviewees that prostitution/immigration rackets were occurring. It did not come across any direct evidence that Asian (specifically Philippine) women were over-represented in the New South Wales prostitute population, although it was noted that a number of brothels advertised 'Asian' women as their particular speciality.

9.4.45 A number of Australian prostitutes described in interviews how they had travelled and worked in other countries — notably the Philippines, Hong Kong, Thailand, and Europe; and some claimed to have made a great deal of money doing so. A few had been treated to overseas trips by 'sugar daddies' with whom they travelled. But in general these trips appeared to be the results of individually made decisions, and were not the result of enticement by 'white slave' organisers. Prostitutes as a whole are a mobile group and probably the majority of interviewees had travelled interstate and/or overseas at one time or another.

9.4.46 In response to claims that prostitutes (and in particular Filipinas and other Asian women) were being illegally brought into Australia, the Committee consulted with senior officers from the Department of Immigration and Ethnic Affairs. These officers confirmed that:

*Over the past two years officers of the Investigations Branch have had contact with persons illegally in Australia on a number of occasions. Some of these persons were involved in prostitution and some of those were from places such as Bangkok and Manila.*⁴⁰

9.4.47 These appear to have mainly involved individual infringements of the Migration Act. There have however been three recent cases in which an organised attempt to break the law was detected.

9.4.48 In the first of these cases a group of women obtained entry to Australia on the basis that they would train in a particular skill. It was found that they had not done so but they were working in parlours. Their entry permits were cancelled. An Australian professional person was found not guilty of charges under the Crimes Act but offences under the Migration Act relating to the entry of the women were proven.

9.4.49 Another case (in 1985) resulted in the arrest of six women following visits by investigators to a number of Sydney massage parlours. The women were from Thailand, Hong Kong, and Malaysia and were illegally working after posing as tourists. According to the Department of Immigration and Ethnic Affairs: 'Inquiries did not adduce sufficient evidence to warrant prosecution of persons suspected of organising the entry of these persons to Australia'.⁴¹

9.4.50 The third case (in 1984) involved 5 Filipinas with falsified passports, who were detained at Manila airport:

³⁸ *Australian*, 18 and 23 April 1984.

³⁹ *The Daily Telegraph*, 11 September 1984, and *Australian* 1 February 1985.

⁴⁰ Letter from the Secretary of the Department of Immigration and Ethnic Affairs, 7 February 1986.

⁴¹ *ibid.*

Further investigation in Australia resulted in persons involved in the recruitment of these girls being arrested. It was established that the five were being brought to Australia to work in Sydney massage parlours.⁴²

The investigation of this case revealed a well-organised passport falsification racket based on Manila and Sydney. However the Immigration officers were of the opinion that prostitutes were only incidentally involved in this operation, which was primarily an attempt to provide false papers for would-be immigrants. A Sydney organised crime figure was involved in the arrangements to bring the women to Australia. Two of the principals were arrested and later gaoled, but it appears that so far little else has been done to follow up the organised crime connection in this racket. Immigration officers claim details of the criminals involved were passed on to the Federal Police and other authorities.

9.4.51 The Federal Police were unable to confirm to the Committee that they had received any information on this matter from the Immigration Department. However the Committee received confidential information from another source which indicated there may be a more extensive network involving organised crime figures, immigration law violation, and the supply of prostitutes to certain brothels in Sydney.

9.4.52 It was claimed that a 'substantial number' of persons had entered Australia from the Philippines with illegal or irregular documentation, and further, that information is available which demonstrates the organised entry of persons for prostitution purposes.

9.4.53 The same source documented a well established relationship between an Australian, Todor Maksimovich, reputed to be associated with Abraham Saffron and with organised crime, a number of criminals from the Philippines who have criminal records in that country and in Australia, and persons involved in prostitution in Sydney.

9.4.54 The Committee recognises that much of this goes beyond its terms of reference, but wishes to express its concern at any suggestion of a prostitute immigration racket, especially one involving organised crime figures. This is an area which should be carefully monitored into the future to ensure that an international trade in prostitutes does not develop.

10.1.1 The material in this chapter is in three parts. The first deals with the options before the Select Committee, and the history of prostitution policy in this State since 1788.

10.1.2 The second part analyses current legislation relating to prostitution, specifically the Prostitution Act 1979 and its 1983 amendments. It contains recommendations aimed at reducing the role of the criminal law in the regulation of prostitution.

10.1.3 The final part of the chapter discusses ways of regulating prostitution under the Environmental Planning and Assessment Act 1979. It recommends procedures which will enhance the powers of local councils to control prostitution, and will regulate the location and conduct of brothels. An appendix giving prostitution-related laws in other States follows the chapter.

10.2 Part 1: The Background to Prostitution Policy in New South Wales

10.2.1 This part outlines and evaluates the legislative and/or administrative options presented to this Committee and traces prostitution policy in this State since 1788. The history of prostitution together with the evidence discussed in previous chapters suggests the need for a further revision of the existing law. At present criminal sanctions are applied to certain aspects of prostitution, but the criminal law is neither appropriate nor sufficient to deal with those aspects of the trade which have caused most concern, namely corruption and nuisance. The criminalising of an activity for which a demand exists simply drives that activity underground beyond the reach of normal commercial regulation which would ensure neighbourhood amenity and minimum conditions of health and safety.

10.2.2 The sheer volume of the trade and its widespread ramifications mean that associated problems cannot be ignored. The questionable legal standing of prostitution also produces corruption and criminal involvement, and the Committee is of the opinion that controlled decriminalisation would remove the more clandestine aspects of prostitution, and make the trade more amenable to regulation.

10.2.3 For example this is a trade which employs some thousands of people and has a high financial turnover, yet apparently returns very little in personal or business taxes. Decriminalisation with controls is a necessary prerequisite for minimising the widespread evasion of taxation by prostitutes and their employers.

Options considered

10.2.4 The Committee considered several options for dealing with prostitution in this State. They can be summarised as follows:

Suppression - ie. legal suppression;

Legalisation - legal recognition with full government control;

Decriminalisation - removal of all prostitution specific laws, and no government regulation of the trade;

Decriminalisation with controls - legal recognition with government regulation of some aspects of prostitution.

10.2.5 Each of these options was supported by a number of witnesses, and in submissions sent to the Committee, and they were briefly canvassed and discussed at a public seminar held by the Committee in February 1985.

10.3 Suppression

10.3.1 This may involve an attempt to suppress all prostitution wherever it takes place, or to suppress one or more elements of prostitution, leaving the rest to be dealt with in some other way.

10.3.2 The viewpoint which favoured suppressing prostitution completely was expressed most forcibly in the submission from the Festival of Light, and in evidence by its representatives: 'the laws must be worded in such a way certainly as to eliminate [prostitution]'.¹

10.3.3 These witnesses argued that although complete suppression would be difficult to achieve it would be aided by the implementation of enforced rehabilitation (involving 'a degree of coercion')² of prostitutes.

10.3.4 However, the Committee considers that the suppression of prostitution is not an option which is viable in a free democratic society. Such attempts have only been effective under totalitarian conditions, and in societies which guarantee a minimum livelihood to all their citizens. Under other conditions the political, social and economic implications, in terms of police resources and civil liberties, are prohibitive. In the USA, for instance, where suppression has been attempted, police men and police women have been required to pose as prostitutes and the clients of prostitutes, in order to gain evidence that offences are being committed.

*Estimates of the cost involved in prosecuting a single prostitute — from the street to jail — range from \$600 to \$1200. A few years ago Seattle spent \$1 million a year for this purpose, a figure that is probably a good estimate for other cities of comparable size. In 1977 San Francisco spent over \$2 million to process 2,938 people arrested for prostitution.*³

10.3.5 Coercion and suppression may have an impact on visible prostitution, but because they do nothing to stem the demand for prostitution services (see chapter 4) they would, by driving the trade underground, in the longer term increase the potential for corruption and criminal involvement.

10.3.6 Although few witnesses called for the complete suppression of prostitution, there were a significant number who called for partial suppression - identifying street soliciting as that element they would most like to see banned because of its high visibility and its potential for affecting public amenity. In its submission the Police Department suggested: 'soliciting for prostitution on the streets wherever be banned, and deterrent penalties imposed on offenders'.⁴

10.3.7 This attitude is clearly endorsed by a majority of the population of New South Wales. A recent opinion poll showed that 73.2 per cent of respondents in New South Wales thought that street soliciting should not be allowed (while 81 per cent would allow brothel prostitution). It is interesting to note that the citizens of this State were slightly more tolerant of street soliciting than those of Victoria or Queensland. But the level of community disapproval was high.

10.3.8 On the other hand the Committee's evidence shows that a demand presently exists for street prostitution. Experience both here and overseas has shown that policy changes which simply ignore existing demand are counter-productive. The Committee's overseas delegation was warned several times that such changes can drive certain forms of prostitution underground. This is particularly true if significant changes are made abruptly. For example, while

1 Reverend the Honourable Frederick Nile, MLC, and Miss Janet Coombs, representatives for the Festival of Light, in evidence 1 September 1983:51.

2 *ibid.*:65.

3 Carl Simon et al., *Beating the System: The Underground Economy*. Auburn House Publishing Co., Boston 1982:261.

4 Submission of New South Wales Police Department:13.

interstate the Committee was told there had been a rapid proliferation of escort agencies in Adelaide when police began to make a determined effort to close down brothels in the early 1980s.

10.3.9 Prostitution policies, however, should not simply be designed for the client's convenience. The Committee set as a long-term goal a reduction in the level of prostitution and especially street soliciting in New South Wales. This would involve a gradual process of reorganisation and re-education, but the evidence received suggests that this is a feasible strategy. The Women's Electoral Lobby, for example, argued that the street was not the preferred venue for all street customers and prostitutes. They believed that the volume of street traffic would be reduced if other venues were decriminalised, although they agreed that some clients and prostitutes will always prefer the street.

10.3.10 The Committee's client survey lent some support to this argument. Fifteen of the 58 respondents had visited a street prostitute in the last two years, but not all of them had a clear preference for street prostitution. Seven of the fifteen had also made contact with prostitutes by other means.

10.3.11 The testimony of clients and prostitutes indicates that the demand for street prostitution may be reduced but not eliminated. It also suggests that coercion is not the most practical way to achieve this end.

10.4 Legalisation

10.4.1 This option would involve the formal recognition (and by implication — sanctioning) of the prostitution trade. Legalisation might be accomplished in a number of ways through any or all of the following:

- the registration of prostitutes;
- licensing brothel premises or brothel managers;
- establishing one or several red-light districts (while maintaining prohibition elsewhere).

10.4.2 Registration of prostitutes was an option favoured by some prostitutes particularly those older women who had worked in the 1960s under police protection through the system of 'weighing-in'. They saw registration as a device which would offer prostitutes the protection of the law, while restricting competition from drug addicts and 'amateurs'.

10.4.3 The police also suggested that prostitutes 'be licensed or subject to regular medical examinations'.⁵

10.4.4 It was argued by a number of witnesses that registration would be an effective way of supervising the health of prostitutes, and thus minimising the risks of sexually transmissible diseases. Twenty four of the 58 clients who responded to the Committee's client survey specifically requested registration and/or compulsory health checks, when asked what changes they would like to see take place.

10.4.5 It has been claimed that West Germany has a system of registration of prostitutes for health control, but the Committee's overseas delegation found this was not the case when it visited Hamburg and Munich in 1984 (see chapter 5).

10.4.6 The women who favoured registration in Sydney represented a small minority of prostitutes. Many of the others were strongly opposed to such a system and the Committee

⁵ Submission of New South Wales Police Department:13.

formed the opinion that many workers (and their clients — who often demand extra-legal services) would evade registration were it to be introduced.

10.4.7 Licensing of brothels and of brothel managers was similarly advocated by the police. They suggested that brothels 'be licensed and subject to council and police inspection ...'.⁶

10.4.8 Some aldermen were of like mind. In a letter to the Chairman of the Committee the Lord Mayor of Sydney wrote:

*licensing of brothels by the Government is an essential feature of any control mechanism. ... Licensing is necessary not only to control the premises in addition to Council controls but to control the operators and 'staff', a matter which is beyond Council powers. As with hotels, some form of licensing the proprietor as well as the premises is warranted.*⁷

10.4.9 Licensing, it was felt, would help in the control of the spread of brothels, and in the control of the health and drug problems associated with prostitution. Hotel and TAB licensing systems were often quoted as being suitable models for brothel licensing.

10.4.10 However there are sound arguments against the legalisation of prostitution, through registration and/or licensing. The main objections, in the Committee's view, devolve from the fact that legalisation implies the official recognition and acceptance of prostitution as a legitimate occupation. Licensing or registration fees would become part of government revenue, and questions of State pensions for prostitutes, CES advertising etc., would arise.

10.4.11 The undesirability of formal government involvement in the organisation of prostitution was strongly argued by a former Liberal minister.

*There are those who suggest that the problem of prostitution would best be dealt with by setting up licensed houses or by the licensing of the prostitutes themselves... In any event licensing would only make respectable what society regards as immoral and distasteful — and, furthermore, it presumably would necessitate some form of supervision to ensure that no women engaged in prostitution without a licence. What an absurd and impractical situation that would be.*⁸

10.4.12 A further argument against this system is that it would also give considerable powers to the police to control prostitution at all levels, which is contrary to the Committee's view that as far as possible police intervention in the trade should be kept to a minimum. There is strong historical (and contemporary — see chapter 9) evidence that serious corruption has accompanied the policing of prostitution.

10.4.13 Finally it could be said that formal recognition of prostitution through legalisation reduces the likelihood of people being able or willing to move out of the trade into more acceptable employment.

10.4.14 A proposal which recurs in several submissions and in media discussion of prostitution is for the establishment of a 'red-light' area or areas.

10.4.15 Supporters of a red-light area argue that prostitutes and clients would be able to make contact there without harassing or embarrassing others. People who are offended by prostitution would be able to avoid a well-publicised prostitution zone. But it is not always clear if

6 Submission of New South Wales Police Department:13.

7 Alderman D. Sutherland, Lord Mayor of Sydney. Letter dated 25 October 1985.

8 The Honourable Eric Willis, MP, Minister for Labour and Industry, Chief Secretary and Minister for Tourism, second reading speech, Vagrancy, Disorderly Houses and Other Acts (Amendment) Bill, 26 September 1968, Hansard III, 75, 1968-69:1383.

proponents of the red-light solution see this zone as supplementing or completely replacing existing arrangements.

10.4.16 It could be argued that a red-light area would initially supplement but eventually replace other venues by drawing off their custom. The evidence of clients and prostitutes suggests that this is by no means inevitable. Considerations of discretion and convenience would mean that some, perhaps many, clients would continue to visit local operations. The controversy surrounding prostitution in residential areas would, therefore, continue. But it would be no solution to ban prostitution outside the officially designated zone or zones. A single or a few zones would be inadequate and inappropriate to the existing level and nature of demand in New South Wales. It is probable that prostitutes and clients would make clandestine arrangements outside the zones, arrangements which could be dangerous to either or both parties as well as disruptive to residents.

10.4.17 The siting of any red-light area would present major problems. Inner-city residents presented the Committee with numerous and detailed complaints about the environmental impact of prostitution. These complaints deal with the activities of drug-affected prostitutes and more especially the behaviour of drunken clients and voyeurs. Prostitutes and their supporters argue that these claims are exaggerated and clients state that disruptive customers are in the minority. But it seems clear that any attempt to set up a red-light zone near residential housing would provoke renewed conflict between residents, clients and prostitutes. On the other hand a red-light zone might prove unpopular and unsafe if it was located in some isolated and unpopulated area.

10.4.18 The Committee's overseas delegation did not find Hamburg's and Amsterdam's red-light areas to be acceptable models for Sydney (see chapter 5). In spite of the fact that these areas were fairly well controlled, one was dominated by pimps, and the other by illegal hard drugs. The delegates described both as resembling a prostitution 'meat market'. In other overseas examples (e.g. Boston, USA) red-light areas have become completely out of control and have become no-go areas, where every kind of criminality flourishes virtually unchecked. In addition such areas have tended to promote the connection between prostitution and pornography, a connection which this Committee believes is undesirable.

10.5 Decriminalisation

10.5.1 This is an option favoured by members of the Australian Prostitutes Collective and the Council of Civil Liberties. It simply involves the removal of all prostitution-specific laws, such as those relating to disorderly houses/brothels, to soliciting, and to living on the earnings of prostitution.

10.5.2 Its proponents argue that they should be free to earn income, and to dispense it in the way they see fit, without external interference. They also argue that their own capacity for self-regulation is hindered by the powers which the police and other officials currently have over them.

10.5.3 However, many people would not agree that prostitution can be self-regulating in this way, and fear the possibility of uncontrolled growth in the trade if legislation is reduced. The arguments following the legislative changes of 1979 illustrate this concern.

10.5.4 In order to protect the rights of individuals, and to preserve public amenity, it was said, decriminalisation could be accompanied by more stringent general provisions regarding noise, nuisance, intimidation, and force, which would apply across the board and not simply to prostitution.

10.5.5 Nevertheless, the Committee was of the opinion that these pre-existing provisions would not be enough to deal with the problems of under-age prostitutes, or the procuring of young people for prostitution. The Committee heard conflicting evidence on this aspect of the trade. Those advocating decriminalisation said there was no procuring, whereas welfare workers said positively it was a problem with very young prostitutes. There would also be a grave risk of completely losing control over drug use and distribution in the trade.

10.5.6 Further, the Committee recognised that because prostitution is not a business like any other, it can produce excessive nuisance and therefore needs special attention and regulation to restrain prostitutes and their clients from activities which may seriously impair the amenity of others. Several examples were given, for example, of drunken and noisy clients vomiting and urinating in stairwells, lifts, and the approaches to units from which prostitutes worked.

10.6 Decriminalisation with Controls

10.6.1 The Committee concluded that the fourth option, decriminalisation with controls, represented the most reasonable working compromise between clients, prostitutes, residents and the community.

10.6.2 This approach also broadly conforms with the findings of the Seminar on Victimless Crime (Sydney, 1977), and with some of the recommendations of the United Nations Convention for the Suppression of the Traffic in Persons and the Exploitation of the Prostitution of Others (1949).

10.6.3 The Convention, however, was not ratified by the Australian Government because (among other things) although it requires signatories to repeal all laws which tend to penalise prostitutes, it also requires them to reject measures which might be necessary to control prostitution (i.e. licensing, registration, or special supervision of people involved in the trade).

Article 6 states:

Each Party to the present Convention agrees to take all the necessary measures to repeal or abolish any existing law, regulation or administrative provision by virtue of which persons who engage in or are suspected of engaging in prostitution are subject either to special registration or to the possession of a special document or to any exceptional requirements for supervision or notification.

10.6.4 The Committee is concerned to ensure that prostitution is subject to controls where necessary to protect young people and to preserve public amenity.

10.6.5 But the Committee is in agreement with Article 16 of the Convention:

The Parties to the present Convention agree to take or to encourage, through their public and private educational, health, social, economic and other related services, measures for the prevention of prostitution and for the rehabilitation and social adjustment of the victims of prostitution and of the offences referred to in the present Convention.

and with Article 6 of the United Nations Convention on the Elimination of All Forms of Discrimination Against Women adopted by Australia which states:

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

10.6.6 In pursuing the option of decriminalisation with controls it is the Committee's intention to:

- remove prostitution as far as possible from the ambit of the criminal law, while retaining pro-

- visions against the exploitation of minors;
- attempt to reduce levels of demand for, and recruitment into, prostitution through social welfare reform;
 - treat prostitution as a planning matter with regulations to protect public amenity and to control noise and nuisance aspects of the trade;
 - effect a controlled decentralisation of prostitution, as exemplified in the provisions for restricted street soliciting (see below for details), and avoid the formation of red-light areas.

10.6.7 In order to achieve these objectives the Committee recommends a number of changes in the law which in effect, complete a process of controlled decriminalisation begun in 1979.

10.6.8 The review of public-order legislation which gave rise to the Prostitution Act 1979 was the first major reform in this area since the 1908 Police Offences (Amendment) Act which considerably enhanced police powers over street and prostitution offences. The following brief summary of the history of prostitution policies in this State describes the social contexts in which these laws were formulated, and which eventually led to their overhaul.

10.7 Prostitution Law and Enforcement, 1788–1979

10.7.1 In the 1820s it was alleged that there were over twenty brothels in Sydney, although the adult male population of the colony was only 14 344.⁹ Prostitution was widely regarded and generally tolerated as an inevitable aspect of the convict system. The imbalance between the sexes was held to justify the male demand for prostitutes, while female recruitment reflected the fragility of marital and de facto relationships as well as the extremely limited opportunities for women in the contemporary economy. If prostitution was an integral part of the convict system, it easily outlived that system, taking new forms but always being sustained by the demographic and economic conditions of a migrant, mobile society.

10.7.2 Given the nature of nineteenth-century prostitution, it is impossible to estimate the size of the prostitution trade. Women's involvement was often casual and prostitution was essentially unorganised. Many women worked from their own homes, often in collaboration with a husband or male partner. Others resorted to small brothels or assignation houses, while a proportion of freelancers simply worked in parks and paddocks.

10.7.3 Interested parties did, however, offer estimates of the visible prostitute population, estimates which were usually designed to promote public anxiety. In 1908, at the height of agitation for tougher laws on a whole range of street offences, the Central Methodist Mission argued that there were 2–3000 street prostitutes in Sydney.¹⁰ Even if this estimate is taken as a wild exaggeration, it would seem that a 'return to Victorian values' might involve an increase in the current volume of prostitution.

10.7.4 Before 1908 there was no offence of soliciting as such, but 'common prostitutes' who behaved publicly in a 'riotous or indecent manner' could be dealt with under the Vagrancy Act. Recent studies have established that police enforcement of these provisions was highly selective and was directed against the older and poorer sections of the prostitute workforce.¹¹ It has also been suggested that they enforced these provisions more stringently in the suburbs, thus forcing prostitutes into the inner city and encouraging the establishment of a de facto red-

9 This account of nineteenth- and early-twentieth-century prostitution is based on J. Allen, 'The making of a prostitute proletariat in early twentieth-century New South Wales', in K. Daniels (ed.), *So Much Hard Work: Women and Prostitution in New South Wales*, Fontana, Sydney, 1984:192-232; H. Golder and J. Allen, 'Prostitution New South Wales 1870-1932: Re-structuring an Industry', *Refractory Girl*, 18/19, December 1979-January 1980:17-24.

10 Allen, 1984:204.

11 Allen, 1984:199-203; Golder and Allen 1979-80:17-18.

light area. In the nineteenth century brothelkeeping was an indictable, not a summary offence. Convictions were relatively hard to obtain and few prosecutions were attempted.

10.7.5 In 1908 the Police Offences (Amendment) Act increased police powers over public-order offences and the prostitution provisions represent the first attempt to outlaw that trade. Soliciting by common prostitutes became an offence punishable by six months' imprisonment. A male offence of living on the earnings was created and the offence of brothelkeeping could now be disposed of summarily. Finally anyone who knowingly let premises to be used for prostitution was liable to a maximum fine of £20 or six months imprisonment. This Act remained the basis for prostitution law enforcement for most of this century and it will be discussed in some detail.

10.7.6 The workings of the 1908 Act provide a cautionary tale for prostitution law reformers and illustrate the shortcomings of a prohibitionist policy. Historians have concluded that the Act effectively reorganised but did not eliminate prostitution in Sydney.¹² The stated aim of the reformers was to rescue women from the exploitation of male pimps and landlords; they ignored the argument that many women were recruited by economic conditions rather than male pressure. The demand for prostitution was unchecked and women continued to work but under changing conditions.

10.7.7 Armed with their new powers the police issued 1187 summonses for soliciting and made 43 arrests in 1908 (see Table 10.1). Women must have become more dependent on their pimps to organise accommodation with the police or contacts with clients. The rapid decline in soliciting cases after 1908 suggests that some such arrangements were made. But as pimping and letting rooms to prostitutes also carried the risk of fines and imprisonment, the nature of pimping itself changed. Small-time operators tended to drop out and only the larger brothels could afford to pay fines or arrange protection from police scrutiny. Interestingly, police actions against brothels declined once the 1908 Act was passed. During their vigorous campaign for increased powers the police had launched a series of exemplary prosecutions; in 1904 there were 63 arrests and summonses. In 1908 there were only nine rising to 36 in 1911 and declining thereafter. (Unfortunately the police did not record separately their actions against prostitutes' landlords, so that the progress of this new offence cannot be traced.)

10.7.8 The decline in brothel and soliciting cases might suggest that Sydney had undergone a moral revolution, but it is more likely that freelance prostitutes were being driven indoors to become employees of big brothel operators. Overseas studies confirm that attempts to outlaw prostitution tend to strengthen organised pimping.¹³

10.7.9 Changes in police practice are consistent with the argument that police actions were increasingly directed against the remaining independent workers.

10.7.10 Table 10.1 indicates that police abandoned the soliciting provision and relied on the older and more general offence of 'riotous or indecent behaviour'. The police complained that the soliciting provision was restrictive because it was necessary to establish that the offender was a common prostitute. The lesser charge of riotous behaviour presumably drew less scrutiny from magistrates and more guilty pleas from defendants. It could be used more effectively against new workers.

10.7.11 There is evidence of an influx of new workers in the 1920s, especially after the virtual collapse of clothing, textile and millinery industries. In 1928 a female deputation asked the Chief Secretary for more women police to cope with the growing army of streetwalkers. The

12 Allen, 1984:210-26.

13 See, for example, M.A. Jennings, 'The Victim as Criminal: A Consideration of California's Prostitution Law', *California Law Review*, 64, 1976:1246-47.

Table 10.1. Female arrests and summonses for soliciting and riotous or indecent behaviour, 1908-17

	Soliciting		Riotous behaviour	
	Arrest	Summons	Arrest	Summons
1908	43	1187	640	75
1909	120	66	437	45
1910	140	102	192	57
1911	44	35	327	50
1912	55	28	667	36
1913	39	9	820	40
1914	16	1	763	28
1915	—	—	1152	24
1916	26	—	1580	24
1917	6	—	1541	31

Source: Police Department Annual Reports, 1908-17

Table 10.2. Male and female arrests and summonses for brothelkeeping, 1908-17

	Males		Females	
	Arrest	Summons	Arrest	Summons
1908	—	1	2	6
1909	3	3	6	10
1910	7	1	19	—
1911	8	1	19	6
1912	5	1	8	3
1913	2	—	8	5
1914	5	1	8	2
1915	2	5	3	2
1916	—	1	5	—
1917	3	—	1	—

Source: Police Department Annual Reports, 1908-17

Chief Secretary saw 'the decline of home life' as the main cause of increased recruitment.¹⁴ Parliament resisted police pressure to create a simple offence of soliciting, but the Vagrancy (Amendment) Act of 1929 substituted the words 'known prostitute' for 'common prostitute' and made it an offence to consort with reputed prostitutes. Police continued to ignore the soliciting provision but did arrest 62 females for consorting in 1930. The figure rose to 98 in 1932 and declined over the rest of the decade. But the real effects of this new police power should not be sought in arrest statistics: what the police gained in 1929 was the power to warn off newcomers to visible prostitution.

10.7.12 In 1943 Parliament responded to the wartime growth of gambling, sly grog and prostitution with the Disorderly Houses Act. Police could request Supreme Court judges to declare premises a 'disorderly house' if there were reasonable grounds for suspecting that any of a range of illicit behaviours was taking place there. Premises were effectively closed as anyone found there without 'lawful purpose' could face imprisonment. Prostitution was not mentioned, but 'indecent conduct' was a ground for declaration. The police could close brothels

¹⁴ *Sydney Morning Herald*, 17 August 1928:15.

under this provision, although the process was slow and rarely used. In 1945, for example, three disorderly houses were proclaimed. In the years 1960-65 only three declarations were made.

10.7.13 In 1966 this little-used power was cancelled. An application was made for a declaration against premises where one callgirl was operating. Le Gay Brereton J held that such discreet immorality did not constitute disorderly conduct and his judgment was upheld by the Court of Appeal.¹⁵ The ruling virtually legalised the one-woman operation, and this form of prostitution boomed. Marcel Winter estimated that by May 1968 40 houses were operating in the lanes of East Sydney.¹⁶ Many houses were open 24 hours a day but only one woman was present during each shift.

10.7.14 The furore over Brereton's decision was part of a much wider political struggle over prostitution. In part this was a response to the expansion and changing organisation of the trade. In the 1950s the press had periodically 'exposed' the prevalence of prostitution in the inner city. On 2 May 1954 *Truth* claimed that 300 full-time prostitutes 'infested' the city, backed by 'hundreds' of semi-amateurs. Prostitutes themselves reported a growth in demand, attributing this to the influx of single male migrants. The official police response was fairly cautious although the number of prostitution charges grew steadily in the 1950s.

10.7.15 In the 1960s, however, there was a veritable explosion of law enforcement. The brunt of this was borne by prostitutes, although in 1968 200 charges were laid against those who 'suffered premises to be used for the purpose of prostitution' (see Table 10.3).

Table 10.3. Arrest cases for offensive behaviour, soliciting, living on the earnings, and suffering premises to be used for prostitution, 1960-69

	Offensive behaviour (females only)	Soliciting (females only)	L.O.E. (males only)	Prostitution, suffer Males	Females
1960	6335	16	39	1	6
1961	6658	6	55	1	—
1962	7587	4	33	2	9
1963	12981	13	47	11	28
1964	14791	17	44	14	13
1965	12743	21	52	5	13
1966	12173	19	34	10	48
1967	8094	24	43	31	146
1968	2485	60	50	21	179
1969	166*	74	34	24	1634*

Source: Police Department Annual Reports

*Believed to be incorrectly enumerated. See J.A. Aitkin 'Prostitutes in NSW', *Seminar on Victimless Crime*, Sydney, 1977:171.

10.7.16 Clearly there was a real expansion in prostitution in the 1960s. Sydney became an R and R centre for US servicemen and new forms of prostitution—notably massage parlour prostitution—developed. But the arrest statistics also reflect the extent to which prostitution was caught up in party politics as the long Labor ascendancy came to an end. For example, in 1962 the Heffron Government faced a determined campaign by inner-city residents and the Council of Churches; the Government launched a pre-election blitz on prostitution to demonstrate its law-and-order credentials. Arrests for offensive behaviour (really for soliciting)

15 *Ex parte Fergusson* (1966) 84 WN (Pt 1) (NSW) 446; *Fergusson v. Gee* (1967) 86 WN (Pt 1) (NSW) 149.

16 M. Winter, *Prostitution in Australia*, Purtaboi, Balgowlah, 1976:34.

remained high in 1966 when the Askin Government was sworn in, but in 1967–68 police turned their attention to the closure of premises. Interestingly, the great majority of those charged with 'suffering premises to be used for the purpose of prostitution' were females, which might indicate that police actions were largely directed against small-scale operations.

10.7.17 One man was targeted by the police and the press. Joe Borg was credited with owning approximately seventeen brothels in the lanes, which made him the Mr Big of the cheaper end of prostitution.¹⁷ On the eve of the 1968 election police covered the exits from the lanes and then arrested seventeen prostitutes as well as 168 clients and bystanders. Later in the year Borg-style operations were finally outlawed under the Vagrancy, Disorderly Houses and Other Acts (Amendment) Act, but by this time Borg himself had been killed.

10.7.18 The 1968 legislation (substantially re-enacted in the Summary Offences Act of 1970) removed the words 'known prostitute' from the soliciting provision and created a new offence of loitering for the purpose of prostitution in, near or within view of a public place. The law still recognised the category 'known prostitute' since it became an offence for a known prostitute to be found on premises reasonably suspected of being used for prostitution. Soliciting in a massage parlour, sauna, etc. was made an offence and penalties for living on the earnings or permitting premises to be used for prostitution were increased. Prostitution became a ground for declaration under the Disorderly Houses Act. This approach to prostitution was very similar to that taken in 1908.

10.7.19 After the legislation prostitution became less visible, literally and figuratively. Prostitute witnesses whose experience goes back to 1968 alleged that these punitive measures increased the power of pimps and certain brothel owners. For example, when the lanes were closed, one woman managed to operate a number of brothels in the area. According to those witnesses, the police protected her monopoly and she was able to dictate to her workers on pay and conditions.¹⁸

10.7.20 Women who had worked as street prostitutes in this period also pointed out that 'weighing in' was customary.¹⁹ Women regularly paid police to cut down their arrests, although they agreed to a number of often pre-arranged arrests. Not all prostitutes were critical of this system. Some saw their payments and official fines as a form of tax; in return the police provided some protection. By taking action against newcomers and other people outside the system, the police kept down the number of workers and guaranteed the income of the regulars. The police also kept street prostitution within certain geographical limits.

10.7.21 It could be said that prostitution was under control, but many critics questioned the social, political and financial costs of that control. The prostitute population still generated a large but diminishing number of arrests each year. They were now charged with soliciting or loitering rather than offensive behaviour. A study of fines paid at Central Court in 1975–76 showed that 650 women accumulated 4681 fines.²⁰ According to the Women's Advisory Council, the cost of collecting these fines outweighed the revenue produced.²¹ According to the magistrates their deterrent effect was minimal. 'Recidivism' appears to be an inescapable part of policing prostitution. Two hundred and thirty-one women made only one court appearance in the study period; possibly some members of this minority left the trade. But 44 women accumulated over 24 fines each and one woman held the record of 100 fines.

17 Winter, 1976:98.

18 Confidential interview, 1983.

19 Confidential interview, 1984.

20 J. Aitkin, 'Prostitutes in NSW', background paper, Seminar on Victimless Crime, February 24-27, 1977:172.

21 Position paper of the New South Wales Women's Advisory Council on Prostitution, tabled by the Honourable N.K. Wran, 7 November 1978, *Hansard* III, 141, 1978-79:30.

10.7.22 The main criticism of this system was that it touched the practitioners rather than the organisers of prostitution. Also it bore heavily on the most vulnerable sections of the prostitute workforce, notably those who could not or would not pay protection. Much the same point was made about vagrancy laws in general. All these criticisms were explored at a seminar on victimless crime held in 1977.²² The magistrates themselves adopted a more lenient approach to the specific 'offence' of vagrancy (being without lawful support), as the Bureau of Crime Statistics and Research demonstrated by comparing penalties in 1972 and 1975. In 1976 the Bureau noted that this policy change 'could well feed back into police practices in bringing people to court'.²³ Possibly the magistrates' attitude also affected police actions on offences like soliciting. Whatever the reasons, there was a clear downward trend in both vagrancy and prostitution-related appearances in the 1970s.²⁴ Offensive behaviour appearances remained fairly steady. Unfortunately court statistics do not always distinguish between male and female appearances, although they do specify male and female convictions. The female share of offensive behaviour convictions did not rise appreciably in the 1970s, and it seems unlikely that police were returning to the older offence when they dealt with prostitutes.

Table 10.4. Prostitution-related appearances and vagrancy appearances, 1972-78.

	Soliciting	Living on earnings	Allowing premises to be used for prostitution	Vagrancy
1972	4288	46	51	3712
1973	No figures			
1974	3301	17	19	2007
1975	2592	21	24	1221
1976	1930	20	16	1032
1977	2075	19	4	918
1978	1804	13	17	718

Source: N.S.W. Bureau of Crime Statistics and Research, Court Statistics.

Before 1972 statistics were prepared by the Police Department and were case-based. Bureau of Crime Statistics figures are based on appearances. The two series cannot be compared directly. See note 24.

10.7.23 After a decade of declining police and court intervention in vagrancy and prostitution, Parliament comprehensively overhauled public-order legislation in 1979. The Prostitution Act was one aspect of this process. The practice of soliciting was decriminalised, while penalties were retained for those who organised, promoted or profited from prostitution. The workings of each provision of this Act are analysed in the following section.

10.8 Part 2: Proposed Changes in the Current Law relating to Prostitution

10.8.1 This part deals with the Prostitution Act 1979, sections of the Crimes Act 1900, and the Disorderly Houses Act 1943 which, together with some sections of a number of other Acts discussed here, at present regulate prostitution and prostitution-related activities in this State. The effects of current legislation are analysed and recommendations are made where the Committee is of the opinion that a matter should be addressed. In general the recommendations in

22 See for example, P. Murphy, 'Drunkenness and Vagrancy', Background Paper, Seminar on Victimless Crime, Sydney, February 24-27, 1977:3-65.

23 New South Wales Bureau of Crime Statistics and Research, *Court Statistics, 1975*, Sydney, 1976:23.

24 The Bureau of Crime Statistics and Research records court appearances. 'The rule that is usually applied is that only the principal offence is recorded. The principal offence is basically the offence which attracted the most severe penalty, or which would have attracted the most severe penalty if the person had been convicted' (Court Statistics, 1974:2). Statistics prepared by the Police Department before 1972 recorded cases. The statistics for the 1960s and 1970s cannot be compared.

this section tend to remove more aspects of prostitution from the ambit of the criminal law, while strengthening provisions against the use of violence, coercion and exploitation against prostitutes. Special attention is paid to the activities of those who involve young people in prostitution, and some clarification of the street soliciting law is also recommended.

10.9 Prostitution Act 1979

10.9.1 The Prostitution Act became operative on 1 August 1979, with one set of amendments creating the offence of soliciting which became operative on 25 April 1983.

Section 5: Living on the earnings of prostitution

10.9.2 Section 5 provides:

(1) A person shall not knowingly live wholly or in part on the earnings of prostitution of another person.

Penalty: \$800 or imprisonment for 12 months.

(2) For the purposes of subsection (1), a person not being a child or young person within the meaning of the Child Welfare Act, 1939, who—

(a) lives with or is habitually in the company of a reputed prostitute; and

(b) has no visible lawful means of support, shall be deemed knowingly to live wholly or in part on the earnings of prostitution of another person unless he satisfies the court before which he is charged with an offence under that subsection that he has sufficient lawful means of support.

10.9.3 For a more detailed discussion on issues relating to this offence, see chapter 3.

10.9.4 From 1 August 1979 to 31 December 1984, there had been a total of 204 appearances under s.5. Over 66 per cent of all appearances resulted in a fine being imposed, and under 12 per cent resulted in a finding of not guilty. The outcome of appearances made between 1979 and 1984 under s.5 are set out in Table 10.5.

10.9.5 In 1983, 75 per cent of appearances were at the local court at 302 Castlereagh Street, Sydney, 15 per cent were at Sydney suburban local courts and 10 per cent were in country towns. In 1984, 52 per cent of all appearances were at the local court at 302 Castlereagh Street, Sydney, 42 per cent were in Sydney suburban local courts, 3 per cent were in Newcastle and 3 per cent were in country towns. In 1984, 36 per cent of appearances were by women.

10.9.6 The maximum penalty available under s.5 is \$800 fine or twelve months imprisonment. In 1983, one appearance resulted in imprisonment and in 1984 there were two. In 1983, 70 per cent of all appearances resulted in a fine. The range of fines imposed under s.5 in 1983 and 1984 are set out in Table 10.6.

10.9.7 In their submission to the Committee, the NSW Police Department stated:

Sub-Section 1—creates the offence whilst Sub-section 2 contains the 'deeming' provision.

In order to establish this offence without relying upon sub-section 2, it is necessary to produce direct evidence of the fact that the person charged was living on the earnings of prostitution, which can only come from the prostitutes concerned. Only on the rarest of occasions will prostitutes provide Police with information concerning the identity of the person or persons to whom they are paying money, much less be prepared to give evi-

Table 10.5. Appearances in NSW Local Courts under s.5, Prostitution Act 1979-1984 (Percentage shown in parentheses).

	1979	1980	1981	1982	1983	1984	TOTAL
NOT GUILTY	0 (0.0)	1 (2.9)	4 (7.5)	6 (15.4)	9 (22.5)	4 (12.1)	24 (11.8)
WITHDRAWN, DISMISSED	0 (0.0)	1 (2.9)	4 (7.5)	3 (7.7)	1 (2.5)	3 (9.1)	12 (5.9)
S.556A DISMISSAL	0 (0.0)	1 (2.9)	2 (3.8)	1 (2.6)	0 (0.0)	2 (6.1)	6 (2.9)
RISING OF THE COURT	0 (0.0)	1 (2.9)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	1 (0.5)
FINE	3 (7.5)	26 (74.3)	34 (64.2)	26 (66.6)	28 (70.0)	19 (57.6)	136 (66.7)
RECOG. & OTHER	1 (2.5)	2 (5.7)	5 (9.4)	2 (5.1)	1 (2.5)	3 (9.1)	14 (6.7)
IMPRISON- MENT	0 (0.0)	3 (8.6)	4 (7.5)	1 (2.6)	1 (2.5)	2 (6.1)	11 (5.4)
TOTAL	4 (2.0)	35 (17.2)	53 (26.0)	39 (19.1)	40 (19.6)	33 (16.2)	204 (100)

Source: *Court Statistics*, 1979, 1980, 1981, 1982, 1983, 1984, NSW Bureau of Crime Statistics and Research, Department of the Attorney-General.

Table 10.6. Range of fines as penalty in NSW Local Courts under s.5., Prostitution Act 1983, 1984.

FINE (\$)	1983		1984	
	No	%	No	%
0 — 9	—	—	—	—
10 — 25	2	7	—	—
26 — 50	—	—	—	—
51 — 100	2	7	2	11
101 — 150	2	7	3	16
151 — 200	4	14	1	5
201 — 250	4	14	4	21
251 — 300	6	21	3	16
301 — 400	5	18	2	11
401 — 500	2	7	1	5
501 — 1000	1	4	3	16
TOTAL	28	100	19	100

Source: *Court Statistics*, unpublished, 1983, 1984, NSW Bureau of Crime Statistics and Research, Department of the Attorney-General.

dence of the transactions. The operators of premises used for prostitution rarely attend the premises and then only infrequently to collect proceeds. The prostitutes involved will almost invariably claim they do not know the identity of the operator.

Sub-Section 2 — Many persons obviously gain considerable wealth from the activities of prostitutes but these people are often property owners who allow or organise the use of their premises by prostitutes for which they are paid money. However, such persons do not come within the ambit of the sub-section as they do not live with or are not habitually in the company of a reputed prostitute and in any event have more than ample means of support. Even when detected living with or acting as a pimp for a prostitute, a person has the statutory defence available if in receipt of a lawful income, be it from employment or Government unemployment benefits.

Section 5 is for all practical purposes identical to Sections previously contained in the repealed Summary Offences Act and the Vagrancy Act. It may be argued that if the repealed Sections were adequate so should Section 5 be considered sufficient for its purpose. However, such an argument ignores the fact that whereas once a large number of those persons who lived on the earnings of a prostitute were domiciled with the prostitute and had no other visible means of support, the present situation is quite different. Government unemployment benefit is now so readily available that persons living with prostitutes can easily avoid the provisions of sub-section 2 of Section 5.²⁵

10.9.8 In commenting on these statements, Deputy Chief Magistrate Bruce Brown stated:

My contention is that subsection (2) does not increase the burden on the police. It simply means if a person charged satisfies the court—and that is a civil onus only on the balance of probabilities—that he has a sufficient lawful means of support, then that person shall not be deemed knowingly to live wholly or in part upon the earnings of prostitution. The prosecution then cannot have the benefit of subsection (2) but must go back to other evidence that it can adduce in support of establishing the offence as set out under subsection (1). It is an erroneous view of the law to suggest that subsection (2) provides per se a defence to a charge under subsection (1). All it means is that if a satisfactory answer is given to those matters on the question of means of support, then there shall not arise the deeming provisions that they are living wholly or in part upon the earnings of prostitution. All it means is that that has gone and it is back to square one. The police must prove by direct evidence of either seeing the payments or admission made, that a person is living wholly or in part on the earnings of prostitution.²⁶

10.9.9 As a matter of legal interpretation, it would appear that Mr Brown's interpretation is correct. However, both submissions raise the difficulties of using the section to deal effectively with the people who mainly profit from prostitution.

10.9.10 The Committee has examined the issues relating to ownership of premises, managers of brothels and parlours and the activities of pimps in chapter 4 of this report. In line with this examination, the Committee is of the opinion that the current operation of s.5 is unsatisfactory for several reasons.

10.9.11 If the section was strictly policed and enforced, it would prevent prostitutes from engaging voluntarily in domestic relationships with others, and such matters as shared rental of a home could be used in evidence against a spouse or live-in companion. This is undesirable as it

25 NSW Police Department submission, September 1983:3.

26 Bruce Brown, DCM, in evidence, 15 December 1983:41.

would prevent prostitutes from making decisions about their personal life which should not be affected by their working life as a prostitute. It means that prostitutes are subjected to greater legal limitations than any other members of the community, which means they are discriminated against and disadvantaged. Such restrictions are unnecessary and could be used to harass prostitutes unreasonably.

10.9.12 The section does not appear to be an effective provision against the use of violence, coercion or other forms of exploitation which could be used against prostitutes, either to force them to continue in prostitution or to continue at a particular workplace or in particular working conditions.

10.9.13 The Committee is of the opinion that it is the area of violence, coercion and exploitation against prostitutes to which the criminal law should rightly be addressed. This is in accordance with the underlying principles expressed throughout this report. Therefore, the Committee recommends that:

- **1. Section 5 of the Prostitution Act be repealed and be replaced with a new section.**
- **2. The new section 5 provide that it is an offence for any person to use violence or coercion or other forms of exploitation against any person or to supply an illegal drug of addiction in order to live wholly or in part on the earnings of prostitution.**
- **3. The penalty for the new section 5 shall be imprisonment for twelve months or a fine of up to \$2000 or both.**

10.9.14 The Committee is of the opinion that in the majority of cases imprisonment would seem to be the most appropriate penalty.

10.9.15 The Committee recognises that there may be difficulties for a prostitute who agrees to give evidence for the prosecution in a case under a new s.5. Therefore, the Committee recommends:

- **4. The NSW Police Department provide protection to any prostitute who agrees to give evidence for the prosecution of any person under a new section 5 before the case is heard.**

Section 6: Prostitution or soliciting in massage rooms, etc.

10.9.16 Section 6 provides:

A person shall not use, for the purpose of prostitution, or of soliciting for prostitution, any premises held out as being available for the provision of massage, sauna baths, steam baths, facilities for physical exercise, or services of a like nature, or held out as being available for the taking of photographs or as a photographic studio.

Penalty: \$400 or imprisonment for 6 months.

10.9.17 From 1 August 1979 to 31 December 1984, there had been a total of 340 appearances under s.6. Over 50 per cent of these occurred in 1980 and 1981, and there was a substantial decrease in 1983 and 1984 (see Table 10.7). Over 50 per cent of all appearances resulted in a fine being imposed, and under 3 per cent resulted in a finding of not guilty. The outcome of appearances made between 1979 and 1984 under s.6 are set out in Table 10.7.

10.9.18 In 1983, 50 per cent of appearances were at the local court at 302 Castlereagh Street, Sydney and 50 per cent were at Sydney suburban local courts. In 1984, 41 per cent of appearances were at 302 Castlereagh Street, Sydney, 41 per cent were at Sydney suburban local courts and 18 per cent were in country towns. In 1984, 85 per cent of appearances were by women.

Table 10.7. Appearances in NSW Local Courts under s.6, Prostitution Act 1979-1984 (Percentage shown in parentheses)

	1979	1980	1981	1982	1983	1984	TOTAL
NOT GUILTY	0 (0.0)	2 (2.1)	1 (1.2)	3 (4.5)	0 (0.0)	3 (11.1)	9 (2.6)
WITHDRAWN, DISMISSED	24 (55.8)	31 (32.9)	28 (33.3)	20 (30.3)	6 (23.1)	6 (22.2)	115 (33.8)
S.556A DISMISSAL	1 (2.3)	2 (2.1)	7 (8.3)	3 (4.5)	4 (15.4)	5 (18.5)	22 (6.5)
RISING OF THE COURT	0 (0.0)	1 (1.1)	1 (1.2)	0 (0.0)	0 (0.0)	0 (0.0)	2 (0.6)
FINE	18 (41.9)	56 (59.6)	43 (51.2)	36 (54.5)	16 (61.5)	12 (44.4)	181 (53.2)
RECOG. & OTHER	0 (0.0)	1 (1.1)	4 (4.8)	3 (4.5)	0 (0.0)	0 (0.0)	8 (2.3)
PERIODIC DETENTION	0 (0.0)	0 (0.0)	0 (0.0)	1 (1.5)	0 (0.0)	0 (0.0)	1 (0.3)
IMPRISON- MENT	0 (0.0)	1 (1.1)	0 (0.0)	0 (0.0)	0 (0.0)	1 (3.7)	2 (0.6)
TOTAL	43 (12.6)	94 (27.6)	84 (24.8)	66 (19.4)	26 (7.6)	27 (7.9)	340 (100)

Source: *Court Statistics*, 1979, 1980, 1981, 1982, 1983, 1984, NSW Bureau of Crime Statistics and Research, Department of the Attorney-General.

10.9.19 The maximum penalty available under s.6 is \$400 fine or six months imprisonment. In 1983, no appearances resulted in imprisonment and in 1984 there was one. In 1983, 62 per cent of all appearances resulted in a fine. The range of fines imposed under s.6 in 1983 and 1984 are set out in Table 10.8.

Table 10.8 Range of fines as penalty in NSW Local Courts under s.6., Prostitution Act, 1983, 1984.

FINE (\$)	1983		1984	
	No	%	No	%
0 — 9	—	—	—	—
10 — 25	—	—	1	8
26 — 50	3	19	1	8
51 — 100	8	50	6	50
101 — 150	2	12	—	—
151 — 200	3	19	1	8
201 — 250	—	—	1	8
251 — 300	—	—	—	—
301 — 400	—	—	2	17
TOTAL	16	100	12	100

Source: *Court Statistics*, unpublished, 1983, 1984, NSW Bureau of Crime Statistics and Research, Department of the Attorney-General.

10.9.20 Section 6 is directed against people holding out premises to be available for one purpose when they are in fact used for another purpose, which is prostitution. The effect of this section is that it is not an offence to use premises for the purpose of prostitution. The elements of the offence only arise when there is a holding out of premises to be available for another purpose. Section 6 is aimed at the activities of prostitutes themselves, which is reflected in a lesser penalty than in either s.5 or s.7.

10.9.21 In line with the report's other recommendations, the Committee is of the opinion that this offence should remain, as premises which are being used for the purpose of prostitution should be advertised as such, and not by any subterfuge. Therefore the Committee recommends:

● **5. Section 6 of the Prostitution Act not be repealed or amended.**

Section 7: Allowing premises to be used for prostitution

10.9.22 Section 7 provides:

(1) A person, being the owner, occupier or manager or a person assisting in the management, of any premises held out as being available for the provision of massage, sauna baths, steam baths, facilities for physical exercise, or services of a like nature, or held out as being available for the taking of photographs or as a photographic studio, shall not

Table 10.9. Appearances in NSW Local Courts under s.7, Prostitution Act 1979-1984 (Percentage shown in parentheses)

	1979	1980	1981	1982	1983	1984	TOTAL
NOT GUILTY	0 (0.0)	0 (0.0)	1 (4.8)	4 (23.5)	0 (0.0)	2 (11.8)	7 (6.1)
WITHDRAWN, DISMISSED	3 (30.0)	8 (28.6)	4 (19.0)	4 (23.5)	5 (23.8)	0 (0.0)	24 (21.0)
S.556A DISMISSAL	0 (0.0)	0 (0.0)	2 (9.5)	1 (5.9)	0 (0.0)	3 (17.6)	6 (5.3)
RISING OF THE COURT	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	1 (4.8)	0 (0.0)	1 (0.9)
FINE	7 (70.0)	19 (67.9)	13 (61.9)	8 (47.1)	14 (66.7)	11 (64.7)	72 (63.2)
RECOG. & OTHER	0 (0.0)	1 (3.6)	1 (4.8)	0 (0.0)	0 (0.0)	0 (0.0)	2 (1.8)
C.S.O.	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	1 (5.9)	1 (0.9)
IMPRISON- MENT	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	1 (4.8)	0 (0.0)	1 (0.9)
TOTAL	10 (8.8)	28 (24.7)	21 (18.4)	17 (15.0)	21 (18.4)	17 (15.0)	114 (100)

Source: *Court Statistics*, 1979, 1980, 1981, 1982, 1983, 1984, NSW Bureau of Crime Statistics and Research, Department of the Attorney-General.

knowingly suffer or permit the premises to be used for the purpose of prostitution, or of soliciting for prostitution.

Penalty: \$800 or imprisonment for 12 months.

(2) A conviction under subsection (1) does not exempt the offender from any penalty or other punishment to which he may be liable for keeping or being concerned in keeping a brothel or disorderly house, or for the nuisance thereby occasioned.

10.9.23 From 1 August 1979 to 31 December 1984, there had been a total of 114 appearances under s.7. Over 60 per cent of all appearances resulted in a fine being imposed, and 6 per cent resulted in a finding of not guilty. The outcome of appearances made between 1979 and 1984 under s.7 are set out in Table 10.9.

10.9.24 In 1983, 71 per cent of appearances were at the local court at 302 Castlereagh Street, Sydney, 19 per cent were at Sydney suburban courts and 10 per cent were at Newcastle local courts. In 1984, 35 per cent of appearances were at 302 Castlereagh Street, Sydney, 59 per cent were at Sydney suburban local courts and 6 per cent were in country towns. In 1984, 41 per cent of appearances were by women.

10.9.25 The maximum penalty available under s.7 is \$800 fine or imprisonment for twelve months. In 1983, one appearance resulted in imprisonment and there were none in 1984. In 1983, 67 per cent of all appearances resulted in a fine. In 1984, 65 per cent of all appearances resulted in a fine. The range of fines imposed under s.7 in 1983 and 1984 are set out in Table 10.10.

10.9.26 Section 7 is directed against people who own and operate premises which are used for the purpose of prostitution, and so the maximum penalties for the offence are higher than are available under s.6, and the actual penalties which have been imposed by the courts are higher. The section requires the prosecution to be able to prove that the person 'knowingly' suffered or permitted the premises to be so used. The Committee has decided that, in light of its

Table 10.10 Range of fines as penalty in NSW Local Courts under s.7., Prostitution Act, 1983, 1984.

FINE (\$)	1983		1984	
	No	%	No	%
0 — 9	—	—	—	—
10 — 25	6	43	1	9
26 — 50	—	—	—	—
51 — 100	4	29	2	18
101 — 150	—	—	2	18
151 — 200	—	—	—	—
201 — 250	1	7	1	9
251 — 300	—	—	3	27
301 — 400	2	14	1	9
401 — 500	1	7	—	—
501 — 1000	—	—	1	9
TOTAL	14	100	11	100

Source: *Court Statistics*, unpublished, 1983, 1984, NSW Bureau of Crime Statistics and Research, Department of the Attorney-General.

other recommendations, it is appropriate that the offence created by s.7 (1) should remain. Therefore, the Committee recommends that:

● **6. Section 7 (1) of the Prostitution Act not be repealed or amended.**

10.9.27 The Committee has also made recommendations in relation to the Disorderly Houses Act and common-law offences relating to prostitution and brothels or disorderly houses. In line with those recommendations and the other principles of this report, the Committee is of the opinion that s.7(2) is unnecessary as when those recommendations are implemented those offences referred to in s. 7 (2) will cease to exist. Therefore, the Committee recommends that:

● **7. Section 7 (2) of the Prostitution Act be repealed.**

Section 8: Advertising premises used for prostitution

10.9.28 Section 8 provides:

A person shall not, in any manner, publish or cause to be published, an advertisement, or erect or cause to be erected any sign, indicating that any premises are used, or are available for use or that any person is available, for the purposes of prostitution.

Penalty: \$400 or imprisonment for 6 months.

10.9.29 There have been few prosecutions under s.8. In 1980, there were four appearances in NSW local courts, and two of these resulted in a finding of not guilty and two were withdrawn or dismissed. In 1983, there were eight appearances, and six of them resulted in a fine. Five of those fines were between \$51 and \$100 and one was between \$201 and \$250. However, as the material in chapter 4 indicates, there is a considerable amount of advertising for sexual services which appears regularly in a variety of different newspapers and magazines.

10.9.30 Police witnesses before the Committee argued that most prostitution-related advertising works by implication and that the wording is sufficiently ambiguous to avoid prosecution under s.8. This assertion is reflected by the statistic that there were only eight appearances on advertising charges in 1983.

10.9.31 Sections 6 and 7 of the Prostitution Act do not touch on the question of misleading advertising since they penalise owners, managers and prostitutes who offer sexual services on premises which have been 'held out' as massage parlours, health studios etc. In 1984 there were 27 appearances under s.6 and 17 appearances by owners/managers under s.7. Such prosecutions are costly in terms of police time and resources. To establish the fact that a so-called massage parlour is offering sexual services, a police officer may have to assume the role of agent provocateur. Both police and prostitute witnesses objected to this.

10.9.32 Clearly ss. 6 and 7 cannot compensate for the inadequacies of s.8, especially as they concentrate upon premises used for prostitution and do not deal with the promotion of escort services. The advertising of sexual services is not being effectively controlled through existing criminal law. Control, such as it is, rests with the organisations which accept prostitution-related advertising and impose their own guidelines. At least one prostitute witness alleged that this unregulated system has hidden side effects as some organisations apparently exploit the dubious legality of this kind of advertising and set higher charges.

10.9.33 The Committee considered two possible responses to this situation. Some submissions called for tougher laws and more rigorous enforcement. The Committee's overseas delegation learnt that in Sweden the authorities regard advertising as a form of pimping. Swedish law is directed consistently against the profiteer rather than the prostitute and in the late 1970s certain newspaper editors received the same treatment as street pimps and landlords. A series of prosecutions appear to have had some effect as in the 1980s 'journals had voluntarily stopped publishing ads from prostitutes'.²⁷ It was argued that prostitution had to be seen 'as a market' and that advertising had to be banned because it stimulated demand.

10.9.34 The same point was made in submissions from organisations in New South Wales. The Women's Co-ordination Unit and the Women's Advisory Council both favoured the relaxation of prostitution laws, but warned that decriminalisation should not be able to encourage the proliferation of sexual and sexist advertising. Council members argued that prostitution advertising does not merely promote particular premises but promotes and legitimises the very idea of prostitution.

10.9.35 The Catholic Women's League particularly objected to prostitution-related advertising in free local papers. The League complained that the public is involuntarily exposed to offensive advertising and that young boys, picking up the paper, will receive the message that prostitution is quite acceptable.

10.9.36 Another group of witnesses defended advertisements in local papers on the grounds that they provide a relatively inexpensive and inoffensive way for prostitutes and clients to make contact. If this form of advertising was banned, they argued, there might be an increase in the level of street prostitution. These witnesses suggested that certain forms of advertising in the print medium should be decriminalised.

10.9.37 The Committee had to balance its commitment to reducing demand against its general policy of decriminalisation. It considered that the advertising of prostitution is in many ways analogous to the advertising of cigarettes. Some form of control is necessary and prostitution is not an appropriate subject for television or even cinema advertising. If State and Federal governments ensure that prostitution cannot be promoted to mass audiences through these media, then the main objections of the Women's Advisory Council would be met. On the other hand, the Committee felt that there is a place for discreet advertising in print.

10.9.38 There are obvious problems in defining and enforcing discretion, although these problems have not proved insuperable in other jurisdictions. For example, in Hamburg, prostitutes are allowed to advertise but the advertisements contain no pictures.

10.9.39 The Committee decided that partial decriminalisation is one solution to the present impasse in enforcement. If prostitutes, owners and managers are informed exactly where and how they may advertise legally, there will be less incentive to advertise illegally. New legislation is required to cover the advertising of sexual services, which should define those services as broadly as possible, while specifying quite precisely the regulation of the sexual explicitness of the copy and artwork.

10.9.40 The question of discretion also involves the way in which premises and people are identified in advertisements. Certain witnesses objected to addresses being included in some current advertisements, which resulted in clients and voyeurs being attracted to certain neighbourhoods. The Committee saw the justice of these complaints and concluded that advertising legislation should be consistent with the zoning and planning arrangements discussed later in

27 Ms Hannah Ollsen, Secretary, Swedish Committee on Prostitution, overseas delegation:98.

this chapter. Premises which meet zoning requirements, that is premises which are located outside residential areas and which have the necessary authorisations under the Environmental Planning and Assessment Act, should be allowed to include their addresses in advertising. Other persons should not be allowed to advertise a breach of the Act by an unauthorised use and so they should not advertise that sexual services are available on the premises but might advertise escort services and include a contact telephone number. This distinction could raise certain difficulties as Telecom at present accepts escort and massage parlour advertising but insists that all advertisements carry addresses.

Taking all these factors into account, the Committee recommends that:

- **8. Section 8 of the Prostitution Act be amended to permit the discreet advertising of sexual services in the print media where the use of the premises as a brothel is an authorised use under the Environmental Planning and Assessment Act, and that such premises be authorised to provide an address, while other premises used as escort agencies only be able to advertise a contact telephone number.**
- **9. The New South Wales Attorney-General's Department consult with all relevant State and Federal departments and agencies to ensure that broadcasting, advertising and trade practices legislation will not permit advertising of sexual services in New South Wales to be broadcast by either the electronic media or in cinemas.**
- **10. The New South Wales Attorney-General's Department consult with all relevant State and Federal departments and agencies to ensure that Telecom and other statutory authorities comply with the requirements of the amended Prostitution Act or cease to advertise sexual services in New South Wales.**

10.9.41 Once certain prostitution-related advertising is not a criminal offence, it will become subject to the normal processes of regulation. The Media Council of Australia may be invited to publicise the new laws and regulations and to devise advertising guidelines. The Select Committee decided, however, that self-regulation by the advertising industry was not a sufficient safeguard. The partial decriminalisation of prostitution-related advertising should be regarded as an experiment and should be monitored by the Government. Therefore, the Committee recommends that:

- **11. The NSW Bureau of Crime Statistics and Research be directed to monitor and evaluate the working of the new advertising provisions for the twelve months following their enactment and to report to Cabinet on their effectiveness.**

10.9.42 Different forms of advertising are covered by the Local Government Act and the Indecent Articles and Classified Publications Act and these are discussed below.

Section 8A: Soliciting

10.9.43 Section 8A provides:

(1) A person in a public street shall not, near a dwelling, school, church or hospital, solicit another person for the purpose of prostitution.

Penalty: \$500.

(2) A person shall not, in a school, church or hospital, solicit another person for the purpose of prostitution.

Penalty: \$500.

(3) *The provisions of this section are in addition to, and do not derogate from, the provisions of any other law (including section 5 of the Offences in Public Places Act, 1979).*

(4) *In proceedings for an offence under this section, evidence that a certain place appeared at the time of the alleged offence to be a public street or a dwelling, school, church or hospital shall be prima facie evidence of that fact.*

(5) *In this section—*

'building' means a building or structure, or any part of a building or structure; 'church' means—

- (a) *any building ordinarily used for Divine worship; and*
- (b) *any land occupied or used in connection with such a building;*

'dwelling' means—

- (a) *any building intended for occupation as a residence and being or capable of being so occupied, except where it is above or attached to a shop or commercial premises; and*
- (b) *any land occupied or used in connection with such a building;*

'hospital' means—

- (a) *a hospital whose name is included in the Second, Third or Fifth Schedule to the Public Hospitals Act, 1929, or a private hospital or nursing home within the meaning of the Private Hospitals Act, 1908; and*
- (b) *any land, building or structure occupied or used in connection with such a hospital or home;*

'prostitution' includes acts of prostitution between persons of different sexes or of the same sex, and includes—

- (a) *sexual intercourse as defined in section 61A of the Crimes Act, 1900; and*
- (b) *masturbation committed by one person on another, for payment.*

'public street' means a street, road, lane, thoroughfare or footpath, in each case open to or used by the public;

'school' means—

- (a) *a school providing education at a pre-school or infants' school level or at a primary or secondary level; and*
- (b) *any land, building or structure occupied or used in connection with such a school.*

10.9.44 Section 8A was inserted in the Prostitution Act in 1983, after some public controversy about prostitution, and particularly soliciting in the East Sydney-Darlinghurst area. The issue of street soliciting is discussed in detail in chapter 1.

In the Second Reading Speech it was said:

The aim of this legislation is to ensure that persons who reside in basically residential areas are not subjected to the flagrant and unseemly aspects of prostitution, which cause severe inconvenience. Prostitution is an activity that has traditionally been confined to commer-

*cial areas. The effect of creating an offence of soliciting in the terms of the proposed section 8A, will be to redirect what is essentially a commercial activity back into commercial and industrial areas.*²⁸

10.9.45 According to the *Court Statistics* for 1983 and 1984 published by the NSW Bureau of Crime Statistics and Research there were 629 appearances in NSW local courts from 25 April 1983 to 31 December 1984. There were 210 appearances in 1983, which is lower than the statistics analysed in chapter 3 which are based on a thorough survey of local court files. This disparity seems to be due to some clerical omissions in the recording of appearances once the new provision had begun, that is, some appearances were not recorded or were not recorded with the correct computer code after the section became operative. Some of the difference is because the *Court Statistics* account for the principal offence at each appearance. Consequently, if there was more than one charge heard at one appearance, then these would only be counted once. Despite the disparity and the substantial number of appearances not counted in 1983 and the smaller number not counted in 1984, the analysis of the *Court Statistics* is important as it demonstrates the general pattern in the appearances and in fines imposed.

10.9.46 In the first twenty months of the operation of s.8A, over 90 per cent of all appearances resulted in a fine being imposed and 2 per cent resulted in a finding of not guilty. The outcomes of all appearances in NSW local courts in 1983 and 1984 under s.8A are set out in Table 10.11.

Table 10.11. Appearances in NSW Local Courts under s.8A, Prostitution Act 1983-1984 (Percentages are in parentheses)

	1983	1984	TOTAL
NOT GUILTY	6 (2.9)	8 (1.9)	14 (2.2)
WITHDRAWN, DISMISSED	11 (5.2)	20 (4.8)	31 (4.9)
S.556A DISMISSAL	5 (2.4)	4 (1.0)	9 (1.4)
RISING OF THE COURT	1 (0.5)	1 (0.2)	2 (0.3)
FINE	187 (89.0)	384 (91.6)	571 (90.8)
RECOG. & OTHER	0 (0.0)	2 (0.5)	2 (0.3)
PERIODIC DETENTION	0 (0.0)	0 (0.0)	0 (0.0)
IMPRISON- MENT	0 (0.0)	0 (0.0)	0 (0.0)
TOTAL	210 (33.4)	419 (66.6)	629 (100)

Source: *Court Statistics*, 1983-1984 unpublished, NSW Bureau of Crime Statistics and Research, Department of the Attorney-General. The reasons for the disparity between these statistics and those for the 12-month period from 25 April 1983 are discussed above.

10.9.47 In 1983, 99 per cent of all appearances were at the local court at 302 Castlereagh Street, with 0.5 per cent at both a Sydney and a Newcastle suburban local court. In 1984, 76 per cent of all appearances were by women.

10.9.48 The maximum penalty available under s.8A is a fine of \$500. In 1983, 89 per cent of all appearances resulted in a fine being imposed and in 1984 it was 91 per cent. The range of fines imposed in 1983 and 1984 is set out in Table 10.12. As Table 10.12 demonstrates, almost 50 per cent of fines in each year were between \$51–\$100.

Table 10.12 Range of fines as penalty in NSW Local Courts under s.8A, Prostitution Act 1983, 1984.

FINE (\$)	1983		1984	
	No	%	No	%
0 — 9	—	—	—	—
10 — 25	59	32	14	4
26 — 50	15	8	119	31
51 — 100	91	49	183	48
101 — 150	19	10	44	11
151 — 200	2	1	21	5
201 — 250	1	0.5	3	0.5
TOTAL	187	100	384	100

Source: *Court Statistics*, unpublished, 1983, 1984, NSW Bureau of Crime Statistics and Research, Department of the Attorney-General.

Note: In 1983, one appearance resulted in a fine over \$200 as it was for multiple charges, and in 1984 the same occurred in three appearances.

10.9.49 In evidence before the Committee, one senior police officer stated that the 'Anzac Day' amendments had 'improved the situation with traffic and noise and various other problems we had before'.²⁹ Both police officers and prostitutes have referred to some difficulties associated with s.8A, particularly the interpretation of the term 'near'.

10.9.50 The Committee was of the opinion that there was no need to make substantial amendments to s.8A as it appears to be operating in a reasonable manner. However, the Committee thought that several minor changes could be made to the section to clarify interpretation and to help in administration.

10.9.51 Some evidence indicated that prostitutes had asked police officers whether a particular place was considered 'near' a school etc., and were told that it was not, but a woman was later arrested for soliciting at that place by a different police officer on a different shift. There was evidence of a prostitute being arrested when she was walking in front of a church, even though she was on her way home at the time and had not been working that day. She was known to the police as a prostitute and had been arrested close to that place before. Police witnesses indicated that they sometimes had difficulties deciding whether a particular place was 'near' to one of the designated establishments.

10.9.52 In their submission, the NSW Police Department stated that 'the word "near" ... is not defined and is open to a variety of interpretations and this aspect will lead to much legal

²⁹ Ernest Shepard, Officer-in-Charge of the Vice Squad, in evidence, 21 November 1983:10.

argument'.³⁰ This prediction has not been realised as it appears that there have been no appeals against any convictions under s.8A, and most prostitutes appear to have pleaded guilty to the charge and been fined.

10.9.53 The Committee considered several approaches to clarifying the meaning of the word 'near'. One approach was that a distance be specified in the legislation, for example, 50 metres. However, the Committee thought that this would impose a number of difficulties for both police and prostitutes over such matters as the start of the point of measurement and the method of obtaining acceptable evidence. It could have the result of police officers being required to be issued with a tape measure and to have to use it before to making an arrest.

10.9.54 In the interests of clarity of interpretation for all parties involved in the administration of s.8A, the Committee recommends that:

- **12. In order to clarify the operation of section 8A(1), section 8A(5) be amended by inserting a definition of the term 'near', stating that it means 'directly in front of or in close proximity to or directly opposite'.**

10.9.55 This would mean that the prostitutes could find out precisely where they could legally solicit, and the opinions of police officers would not be able to vary between shifts. Also, the police officers responsible for the administration of the section would not be faced with difficulties in exercising their discretion on whether a place came within s.8A(1).

10.9.56 Another issue raised with the Committee by several witnesses was the difficulty of interpretation of the terms 'church' and 'school', particularly when they were not in operation. One witness suggested that standing outside a church on a Saturday night when it was closed should not be considered to be as serious an offence as standing outside it immediately before and during the Sunday morning service. The Committee agrees with this view and is of the opinion that s.8A should be amended to ensure clarity. Therefore, it recommends that:

- **13. Section 8A be amended so that it is an offence for a person to solicit another person for the purpose of prostitution when near a dwelling, school, church or hospital when the premises are in use or being occupied as a dwelling, school, church or hospital.**

10.9.57 The enactment of this recommendation would mean that when people were entering or leaving premises or were on the premises, then it would be an offence to solicit near them. In practical terms, it would mean that as St Vincent's Hospital in Darlinghurst is in constant occupation and use, it would be covered by the definition. Similarly, any school being used for evening classes or meetings would be covered as being occupied or used at that time and so would premises used as boarding schools. It would not increase the difficulties for police as the main areas of concern have been the use of schools and churches in the late evening and early morning, and these premises are rarely, if ever, occupied or in use during those periods.

10.9.58 Another issue raised with the Committee by several witnesses was the discriminatory enforcement of s.8A, as police officers had only been arresting and charging prostitutes, and not their clients. One senior police officer, in evidence before the Committee, said:

That new legislation that came into effect on 25th April, for soliciting near a school, a dwelling or a hospital, does not refer to a prostitute soliciting; it says 'any person'. We have not yet given it a test and arrested the client, the customer, but I cannot see any reason why we could not do so if we can get the evidence of a person walking up to a prostitute and soliciting her.

I do not think the legislation was designed for that purpose and probably we would be criticized by the courts if we took that action. The courts often say that the legislature did not have something in mind when it designed legislation.

Section 8A of the Prostitution Act does not refer to a 'prostitute' soliciting near a school, church, dwelling or hospital. It will be interesting if and when we charge the customer under that section, it will be interesting to see the attitude taken by the court.³¹

10.9.59 Superintendent Shepard's caution is clearly reflected in current police practice. As of July 1985, the Vice Squad had arrested only one client under s.8A. The Committee is of the opinion that there is no logical or legal reason for the police to adopt the interpretation they have as the legislation refers to 'a person' soliciting another person, and so it appears that the correct interpretation is that it could apply to either a client or a prostitute who engaged in an act of soliciting for the purpose of prostitution. There is nothing in the Minister's second reading speech of 29 March, 1983 or the subsequent debate in the Legislative Assembly or the Legislative Council which indicates that the Legislature intended to cover soliciting only from the prostitute. Therefore, the Committee recommends:

- **14. The NSW Police Department be directed to enforce section 8A of the Prostitution Act against clients so that the ambit of this section may be established in the courts.**
- **15. The NSW Police Department review the laws on clients, in consultation with the Criminal Law Review Division, and draw up a code of practice to be included in cadet and in-service training.**
- **16. The Minister for Police should order a regular review of police practice with respect to clients and public order.**

10.9.60 The Committee's recommendations on s.8A are made in the light of current practices and places of soliciting. If there is any alteration to the present situation, then there may need to be some restrictions introduced to eliminate any warranted public concern. However, the enforcement of s.8A would appear to meet any future developments. For example, if there was soliciting in suburban streets then this would be an offence under the current provisions as being near a dwelling. However, the Committee is of the opinion that the administration and enforcement of s.8A should be closely monitored to ensure that it is effective. Therefore, the Committee recommends that:

- **17. The NSW Bureau of Crime Statistics and Research be directed to monitor and evaluate the administration and enforcement of s.8A and report to Cabinet on its effectiveness.**

10.10 Crimes Act 1900

10.10.1 There are a number of provisions in the Crimes Act 1900 which could cover activities of some prostitutes which fall into categories of offences not related to prostitution, and others which provide protection for prostitutes, and the community in general, with protection against the actions of other people. There are two sections which relate specifically to prostitution: s.91A which is concerned with procuring and s.91B which is concerned with the procuring by the use of drugs etc.

Section 91A: Procuring for purposes of prostitution.

10.10.2 Section 91A provides:

Whosoever procures, entices or leads away any person (not being a prostitute), whether

31 Ernest Shepard, *ibid.*:20

with that person's consent or not, for purposes of prostitution, either within or without New South Wales, shall, notwithstanding that some one or more of the various acts constituting the offence may have been committed outside New South Wales, be liable to penal servitude for seven years.

10.10.3 In 1984, there was one appearance under this section, which was withdrawn or dismissed.

10.10.4 Section 91A covers both consensual and non-consensual actions by the person being procured, which creates an indictable offence for two people when both could be in agreement with the nature and consequences of their action.

Section 91B: Procuring for purposes of prostitution by drugs, fraud, violence etc.

10.10.5 Section 91B provides:

Whosoever by means of fraud, violence, threat, or abuse of authority, or by the use of any drug or intoxicating liquor, procures, entices, or leads away any person for purposes of prostitution, either within or without New South Wales, shall, notwithstanding that some one or more of the various acts constituting the offence may have been committed outside New South Wales, be liable to penal servitude for ten years.

10.10.6 There were no appearances in 1984 for charges under s.91B.

10.10.7 Both these sections appear now to be outdated. The Crimes Act contains other provisions which cover offences which involve violence or intimidation. For example, s.545B makes it an offence to intimidate or use violence against another person to compel them to abstain from doing or doing any act. The penalty for such an offence is imprisonment for up to six months or a fine of up to \$500, or both. Section 248A makes it an offence to make a false statement which tends to give rise to fear for the safety of any person, with a penalty for a summary conviction of a fine of \$1000 or imprisonment for twelve months, or both, or an indictable conviction of imprisonment for five years.

10.10.8 As the material in chapter 6 on the recruitment of prostitutes indicates, and the small number of charges brought in recent years also indicates, these sections have no real or practical impact on controlling the entry of people into prostitution. As the Committee considers that there are other provisions in the Crimes Act which make any violence or intimidation associated with entry into prostitution a criminal offence with suitably serious penalties, it recommends that:

● **18. Section 91A and section 91B of the Crimes Act be repealed.**

10.10.9 However, the Committee is of the opinion that there needs to be a special provision which covers the procurement of a child or young person for the purposes of prostitution. While sexual assault of a child or young person is a serious offence, a person could procure a child or young person for prostitution with another person and avoid the assault provisions. Therefore, the Committee recommends that:

● **19. The Crimes Act be amended to insert an offence for any person to procure a child or young person under the age of sixteen, by fraud, violence, threat, abuse of authority, by the use or supply of an illegal drug or intoxicating liquor, for the purposes of prostitution, and the penalty shall be penal servitude for four years.**

10.11 Disorderly Houses Act 1943

10.11.1 The background to the passage of the Disorderly Houses Act 1943 and its subsequent history are discussed above.

10.11.2 The Act was amended in 1968 to refer specifically to premises habitually used for the purpose of prostitution.

10.11.3 Section 3 provides:

(1) Upon the affidavit of a Superintendent or Inspector of Police showing reasonable grounds for suspecting that all or any of the following conditions obtain with respect to any premises, that is to say ...

(a) that drunkenness or disorderly or indecent conduct or any entertainment of a demoralising character takes place on the premises, or has taken place and is likely to take place again on the premises; or

(e) that the premises are habitually used for the purpose of prostitution, or that they have been so used for that purpose and are likely again to be so used for that purpose;

any judge of the Supreme Court may declare such premises to be a disorderly house.

(2) Such declaration shall be in force until rescinded.

10.11.4 The Act provides for the declaration to be published in the Gazette and a relevant newspaper, and to be served on the owner and occupier of the premises (ss. 5, 6). After a declaration has been published it is an offence for any person to be in, on, entering or leaving the premises without a lawful excuse (s.7). The penalty is a summary conviction for and imprisonment for a term of up to six months (s.7).

10.11.5 An owner of such premises commits an offence unless 'all reasonable steps' have been taken to evict the occupier (s.8). The penalty is a summary conviction with a fine of not less than \$60 and not over \$600 (s.8).

10.11.6 An occupier of such premises commits an offence unless 'reasonable steps' to prevent such events have been taken (s.9). The penalty is a summary conviction and imprisonment for a term of up to six months (s.9).

10.11.7 While a declaration is in force, the police have extensive powers of entry and seizure without a warrant, including forcible entry (s.10). It is an offence to obstruct a police officer exercising any powers under this Act, with a penalty of a summary conviction with a fine not exceeding \$50.

10.11.8 After the repeal of the Summary Offences Act and the enactment of the Prostitution Act in 1979, the NSW Police Department began a number of actions under the Disorderly Houses Act as they perceived that there was a 'lack of effective legislation to control the activities of prostitutes'.³²

10.11.9 The Police Department sought declarations in relation to three premises at first. Later, a further eleven applications were made to the Supreme Court.

10.11.10 The first case was concerned with the issue of whether s.3(1)(e) had been repealed by the Prostitution Act and the other related legislation passed in 1979.

10.11.11 In *Re Applications of Shepard (No. 1)* ([1983] 1 NSWLR 96), Yeldham J decided

32 Submission from the NSW Police Department, September 1983:6.

that the provision had not been impliedly repealed and so could continue to operate, even though the effect of a declaration did not have various, proposed consequences as the activities occurring on the premises were lawful. In analysing the relationship between the Prostitution Act and the Disorderly Houses Act, he held:

I have not found the ultimate question which I am called upon to decide, namely whether there has been an implied repeal of the Disorderly Houses Act, s.3(1)(e), at least in connection with premises not coming within the Prostitution Act, ss. 6 and 7, easy to determine.

... If the effect of the declaration of premises as a disorderly house because they are habitually used for the purpose of prostitution or because they have been so used and are likely again to be used for that purpose, was that none of the consequences of such a declaration for which the Disorderly Houses Act itself provides could be enforced or made relevant, having regard to later statutory provisions, and in particular the removal of a number of provisions formerly found in the Summary Offences Act, 1970, then I think that the test of implied repeal would have been satisfied.

... Of these various consequences which the Disorderly Houses Act envisages may follow from the making of a declaration under s.3, those contained in s.7 (where the premises are not a massage parlour, etc.) can have no application where the declaration is made under s.3(1)(e) as any person found thereafter in such premises would be there for a lawful purpose (which, in my opinion means, in this context, a purpose which is not unlawful). Section 8, however, is still capable of application, notwithstanding that the principal summary means by which an owner might evict an occupier of premises declared a disorderly house have been taken from him. Nonetheless, there will still be many situations in which, whether the premises are 'prescribed premises' or whether they are not, an owner may recover possession from a tenant. This is so especially where the premises are not the subject of a lease, or of a lease other than for a short period, or where a covenant in any lease has been broken by the use of premises as a brothel. So also s.9 may still operate and require an occupier to remove those whose conduct has led to the making of the declaration. In relation to s.10, it is difficult to see any justification for the retention of a power for police officers to enter a brothel without warrant, unless it happens to be conducted in premises referred to in the Prostitution Act, ss. 6 and 7, or any occasion for its use. If the activity conducted in the premises is no longer prohibited by law, then it is difficult also to see any need for the use of powers such as are contained in the Disorderly Houses Act, ss.10, 11, 13 and 13A.

The conclusion at which I have arrived is that, because some at least of the sections to which I have adverted retain a scope for operation where premises are declared a disorderly house under s.3(1)(e), there has not been an implied repeal of that provision by the legislation to which I have referred, which was passed in 1979. I should add also that I do not consider that the provisions of the Prostitution Act constitute a code, as was submitted by senior counsel for some of the respondents, any more than did the Summary Offences Act, 1970, contain a code concerning prostitution.

In *Re Application of Shepard (No. 2)* ([1983] 1 NSWLR 265), the premises which were the subject of the application for a declaration had been tenanted by a 'male transvestite prostitute, for the commission of physical acts of indecency upon other men for their sexual gratification and for payment in return'.³³ The tenant was no longer in occupation of the flat at the time of the hearing and the owners opposed the declaration. In declining to make the declaration, Hunt J held:

In my view, it is particularly significant that the owners were receiving no more by way of rental from this tenant than they had received from the three previous tenants, and that none of the previous four tenants to whom they had leased the premises for any substantial period could in any way be regarded as of questionable repute. I have no doubt that these present proceedings will have made the owners aware of what will happen if they allow any other tenant habitually to use the premises for the purpose of prostitution, and I can see no basis upon which the drastic consequences of a declaration as sought by the applicant could be justified in this case. In particular, I am not satisfied that the owners would be prepared to permit the premises again habitually to be used for the purpose of prostitution. Indeed, I am prepared to state positively that I am satisfied that they will not be prepared to permit such use in the future. I am also satisfied that the premises themselves will not habitually be used in the future for the purpose of prostitution.

The applicant, a superintendent of the Police, was ordered to pay the owner's costs as 'the altered factual situation had become sufficiently clear prior to the hearing'.

10.11.12 In their submission to the Committee, the NSW Police Department stated:

Senior Police have consistently contended that the Disorderly Houses Act is not an effective means of controlling the activities of prostitutes and certain of the observations of Mr Justice Yeldham reinforce that view. In the opinion of Yeldham J. Police cannot proceed against prostitutes or their customers under Section 7 of the Disorderly Houses Act. Mr Brown, S.M., in a recent hearing, confirmed the opinion of Yeldham J. in dismissing charges. It would also appear from the same judgment that the majority of prosecutions under Sections 8 or 9 would have little chance of success.

The futility of seeking declaration under the Disorderly Houses Act of premises used for prostitution is further demonstrated by the fact that in most cases by the time the application reaches a hearing the prostitutes have vacated the premises concerned and simply moved to other premises in the same neighbourhood.

In the 11 applications initially before Yeldham J. declarations of four premises ha[ve] been made, three other applications rejected, one part-heard, one withdrawn and the remaining two applications are still awaiting a hearing. The exercise of making the various applications has been long and costly but served to clearly demonstrate that the Disorderly Houses Act is an ineffective tool for the control of prostitution.³⁴

10.11.13 The Committee has recognised that the procedures under the Disorderly Houses Act are not suitable for controlling the use of premises for the purposes of prostitution. The original enactment and the 1968 amendments to the Act were made during different legal and social conditions. The Act is now outdated and its use is inappropriate. The Committee considers that some of its other recommendations, particularly in relation to the Environmental Planning and Assessment Act, will provide appropriate avenues for local councils to control the unauthorised use of premises which are being used for the purposes of prostitution.

10.11.14 Therefore, the use of the Disorderly Houses Act and the involvement of police officers in these procedures would be unnecessary and would have a contradictory effect on the other recommendations which would permit the authorised use of brothels in specified areas, where certain other criteria are used. The Committee therefore recommends that:

- **20. Section 3(1)(a) and 3(1)(e) of the Disorderly Houses Act be repealed.**

³⁴ Submission from the NSW Police Department, September 1983:7.

10.12 Offences in Public Places Act 1979

10.12.1 The Offences in Public Places Act was passed at the same time as the Prostitution Act in 1979 as part of the package of legislation concerned with public order. Section 5 was amended in 1983, and now creates the offence of offensive conduct, s.6 creates the offence of obscene exposure and s.7 creates the offence of obstructing traffic.

10.12.2 The Committee received evidence from residents of inner-city areas about various aspects of client behaviour, including noise, traffic congestion, urinating in the streets, indiscriminate and aggressive soliciting and kerb-crawling.

10.12.3 'Kerb-crawling', that is driving cars slowly in order to solicit prostitutes who are standing in the streets, was one of the chief causes of residents' concerns. Since the 1983 amendments to the Prostitution Act introduced the offence of soliciting, this concern appears to have significantly diminished in the residential inner-city areas. The Committee considered the Victorian approach, contained in s.18A of the Summary Offences Act, which creates a client-specific offence, relating to soliciting and loitering by clients in public places. In 1983, charges under s.18A were brought against 148 men and two women.³⁵

10.12.4 In 1982, the English Criminal Law Revision Committee proposed to criminalise the practice of 'kerb-crawling' in England and Wales. They argued that the kerb-crawler who accosts a woman for sexual purposes may cause her fear or annoyance, and that this conduct should be brought within the ambit of the criminal law. The English Committee admitted that it would be extremely difficult to prove either fear or annoyance unless the woman concerned was prepared to testify. In addition, certain members of that Committee were anxious to deal with the man who cruises the streets looking for prostitutes and sometimes accosts non-prostitute women. They suggested that a new offence should be created of accosting a woman from a car for the purposes of prostitution.³⁶ So far these proposals have not been enacted.

10.12.5 Kerb-crawling legislation can be used in two ways. It can be invoked against men who are simply soliciting or bargaining with street prostitutes. In other words it can be used against street prostitution itself. This approach would not be acceptable in New South Wales where street soliciting is permitted in certain areas. Presumably, clients should be able to enjoy the same rights as prostitutes. A law on kerb-crawling, can, however, be used to punish or prevent drivers who accost women — whether prostitutes or non-prostitutes — in an offensive or threatening manner. This was clearly one of the intentions of the English Criminal Law Revision Committee.

10.12.6 The New South Wales Select Committee considers that threatening or violent behaviour should be discouraged in all areas and all circumstances related to prostitution. However, it was of the view that existing provisions in the Crimes Act and the Offences in Public Places Act were sufficient to protect prostitutes and non-prostitutes.

Section 5 of the Offences in Public Places Act provides:

(1) A person shall not conduct himself or herself in, near or within view or hearing from a public place or school in such a manner as would be regarded by reasonable persons as being, in all circumstances, offensive.

Penalty: \$200.

35 M. Neave, *Options Paper*, Victorian Government Inquiry into Prostitution, November 1984:18, 59-60.

36 Home Office (United Kingdom) Criminal Law Revision Committee, *Working Paper on Offences relating to Prostitution and allied Offences*, December 1982:50.

(2) It is a sufficient defence to a prosecution for an offence under this section if the defendant satisfies the court that the defendant had a reasonable excuse for conducting himself or herself in the manner alleged in the information for the offence.

10.12.7 The type of behaviour which occasioned residents' concern, particularly urinating in the street, would clearly be covered by this section. It could also be used in relation to clients soliciting non-prostitutes, as could s.8A of the Prostitution Act. So far it appears that s.5 has not been extensively used against disruptive clients or tourists.

10.12.8 After reviewing the relevant provisions of the Offences in Public Places Act, the Committee has concluded that the statutory provisions are adequate to deal with all matters raised in relation to client and tourist behaviour; however, they are not being enforced or are only being enforced selectively.

The Committee recommends that:

- **21. The NSW Police Force enforce sections 5, 6 and 7 of the Offences in Public Places Act against the activities of clients and tourists where breaches of that Act occur.**
- **22. Sections 5, 6 and 7 of the Offences in Public Places Act not be repealed or amended.**

10.13 Intoxicated Persons Act 1979

10.13.1 The Intoxicated Persons Act was passed as part of the package of legislation relating to public order. The result of the package was that it is no longer an offence to be an intoxicated person in public. However, the police are provided with certain powers to take an intoxicated person, in certain circumstances, to a proclaimed place for up to eight hours.

10.13.2 Under s.5 of the Act, one of the circumstances is that the person is intoxicated in a public place and is 'behaving in a disorderly manner' (s.5(1)(a)(i)). This provision would clearly cover a substantial proportion of residents' complaints against clients and tourists. It would enable the police to remove the intoxicated persons to a proclaimed place. There are several proclaimed places in the inner-city area which could be used. This would enable client behaviour to be controlled without the use of criminal sanctions.

The Committee recommends that:

- **23. The NSW Police Force enforce the Intoxicated Persons Act against the activities of clients and tourists where breaches of that Act occur.**
- **24. The provisions of the Intoxicated Persons Act not be repealed or amended.**

10.14 Liquor Act 1912

10.14.1 In relation to the improper use of licenced premises, s.45 of the Liquor Act provides:

(1) Any person who uses or engages, for the purposes of prostitution, any portion of any licensed premises, may be forthwith ejected from such premises by the licensee or the person for the time being the manager or in charge of the said licensed premises, and shall, on conviction of having so used or engaged such portion of any such premises, be liable to a penalty not exceeding two hundred dollars.

(2) If any licensee permits his licensed premises, or any portion thereof, to be used for purposes of prostitution, he shall be liable to a penalty not exceeding two hundred dollars.

10.14.2 Section 124 relates to the cancellation of a liquor licence. One ground for cancellation, under s.124(1)(b) is that the holder of the liquor licence permitted the licensed premises 'or any portion thereof to be used for purposes of prostitution'.

10.14.3 The activities being controlled by ss.45 and 124 are those involved in prostitution itself. They enable a licensee to exercise control over the use of the licensed premises, and the licensing police to exercise control over the licence holder. In the light of its other recommendations, the Committee considers that these provisions should remain. Therefore, the Committee recommends that:

● **25. Sections 45 and 124 of the Liquor Act not be repealed or amended.**

10.14.4 Section 166 provides:

Every holder of a licence or permit of any description whatsoever under this Act who knowingly suffers or permits any common prostitutes, thieves, drunken or disorderly persons, or persons of notoriously bad character, to assemble or continue upon the premises in respect of which such licence or permit is held, or the appurtenances thereto, shall for every such offence be liable to a penalty not exceeding one hundred dollars.

10.14.5 This provision is outdated and potentially denies 'common prostitutes' and 'thieves' the right to enter licensed premises for a social drink without causing the licence holder to commit an offence. The concept of a 'common prostitute' is no longer acceptable under New South Wales law and the effect of the provision is contrary to the principles expressed elsewhere in this report. Therefore the Committee recommends that:

● **26. Section 166 of the Liquor Act be repealed.**

10.15 Landlord and Tenant (Amendment) Act 1948

10.15.1 The Landlord and Tenant (Amendment) Act is mainly concerned with establishing and maintaining protected tenancies through a system of rent control and eviction control. There are only a small number of premises which are now covered by this Act.

10.15.2 The 'prescribed grounds' for being able to evict a lessee are set out in the Act, and include 'that the premises are being used for the purpose of prostitution or of soliciting for prostitution' (s.62(5)(d1)).

10.15.3 This provision is in line with other recommendations in this report in relation to brothels not being permitted to operate in residential areas, and with the current law on soliciting, which makes it an offence to solicit near a dwelling. Given the small number of premises covered by this provision, and its compatibility with the Committee's other recommendations, the Committee recommends that:

● **27. Section 62 (5) (d1) of the Landlord and Tenant (Amendment) Act not be amended or repealed.**

10.16 Strata Titles Act 1973

10.16.1 The Strata Titles Act sets out a system of management and control of blocks of flats or home units which come within its terms. It sets out the method of establishing a body corporate to manage the building, and the powers and duties of a body corporate (ss. 54-70). It also sets out the duties of proprietors and other occupiers (e.g. lessees), and section 80 provides:

A proprietor, mortgagee in possession (whether by himself or any other person), lessee or occupier of a lot shall not:-

...

(b) use or enjoy that lot, or permit that lot to be used or enjoyed, in such a manner or for such a purpose as to cause a nuisance or hazard to the occupier of any other lot (whether that person is a proprietor or not); or

(c) use or enjoy the common property in such a manner or for such a purpose as to interfere unreasonably with the use or enjoyment of the common property by the occupier of any other lot (whether that person is a proprietor or not) or by any other person entitled to the use and enjoyment of the common property.

10.16.2 This section would appear to be sufficient to deal with the type of complaints raised with the Committee about behaviour relating to prostitutes in home units, particularly noisy and drunken behaviour of clients. Other recommendations in this report would deal with the problems arising from the use of residential premises as brothels. The Committee does not consider that any useful purpose would be served by amending the Strata Titles Act, as there appears to be adequate provision already for the difficulties that could arise in units with a considerable amount of client movement. Therefore, the Committee recommends that:

- **28. The Strata Titles Act not be amended in relation to the use of premises for the purpose of prostitution.**

10.17 Indecent Articles and Classified Publications Act 1975

10.17.1 This Act is designed to maintain 'standards of decency in the circulation and display of publications and certain other articles'.

10.17.2 Section 10 makes it an offence to exhibit or display any 'article, material, compound, preparation, device or other thing' that 'is primarily concerned with, or is used or intended to be used in connection with, sexual behaviour but is not printed matter'. The offence occurs if the exhibition or display is 'visible from a public place, or visible to a person who has not consented to or requested the exhibition or display'. The penalty for an offence is a fine of up to \$5000 for a corporation and \$2000 or imprisonment for twelve months in any other case (s.10(5)). This section is aimed at the activities of sex shops rather than brothels or prostitutes.

10.17.3 Other provisions in the Act set out the various categories of publications and the restrictions which apply to the advertising and sale of such publications depending on the category they belong to.

10.17.4 The Act is designed to deal with publications which may be associated with some forms of prostitution, particularly the display and sale of different types of pornography. The Committee did not receive any evidence which commented adversely or otherwise on the operation of this Act. Therefore, the Committee recommends that:

● **29. The Indecent Articles and Classified Publications Act not be repealed or amended.**

10.18 Local Government Act 1919

10.18.1 Some sections of the Local Government Act control advertising by giving local councils some power in relation to billboard and outside advertising. Under s.309(1)(e), local councils may seek to have the erection or use of advertising hoardings prohibited in the area, or in certain parts of the area. Section 510 provides councils with the power to regulate 'advertisements and structures used or to be used for the display of advertisements'. Ordinance 55 spells out further details with regard to on-site advertising. In effect, it means that councils can control the size and type of advertising, but it appears they have no control over the actual content of the advertisement. However, under the Committee's recommendations in relation to the Environmental Planning and Assessment Act, a council would be able to impose conditions for on-site advertising as part of a development consent. As there are these other, adequate avenues of control, the Committee recommends that:

● **30. Sections 309 and 510 of the Local Government Act not be repealed or amended.**

10.19 Child Welfare Act 1939 and Community Welfare Act 1982

10.19.1 The Child Welfare Act set out a number of provisions which related to children in need of care, and defined a 'neglected child' who could become a ward of the State. The definition of 'neglected child', in s.72, included a child or young person 'who is in a brothel, or lodges, lives, resides or wanders about with reputed thieves or with persons of no visible means of support, or with common prostitutes, whether such reputed thieves, persons or prostitutes are the parents of such child or not'. The Act sets out special provisions for police to obtain a warrant to search a brothel if there is 'reasonable cause to suspect' that a child or young person is there (s.75). A police officer can apprehend a child or young person who is in a brothel (s.76). An offence is committed by a person in charge of a brothel where a child or young person is found (s.77).

10.19.2 The Community Welfare Act has repealed these outdated provisions. It provides that a child is in need of care and is provided with assistance and supportive services in certain circumstances, and there are a number of legislative guidelines, including that 'children should be protected against all forms of neglect, cruelty and exploitation'. In the area of prostitution, including the entry into prostitution and the continuation in prostitution, the Committee is of the opinion that young people are in particular need of being protected from exploitation.

10.19.3 The Crimes (Child Assault) Amendment Act 1985 amends the existing range of sexual assault offences in relation to children and young persons and harsher penalties are provided if the offender is in a position of care, supervision or authority over the child or young person. These and the related amendments provide a comprehensive approach to the issue of child sexual assault. For example, it is an offence for any person to have sexual intercourse with a child between the age of ten and sixteen, and the penalty is penal servitude for eight years, (s.66C(1)). If the child was under the authority of the offender, then the penalty is penal servitude for ten years (s.66C(2)). It is an offence for any person to have sexual intercourse with a child who is under ten years, and the penalty is penal servitude for twenty years (s.66A).

10.19.4 As these amendments have been recently enacted, the Committee does not consider that any further measures need to be taken in this regard.

10.19.5 However, the Committee does consider that any person who is living on the earnings of the prostitution of a child or young person should be subject to a harsher penalty than if an adult was involved. This would mean that a person who does not have sexual intercourse with the child or young person, and hence is not in breach of the Crimes Act, can be subject to a penalty for benefiting from the young person's prostitution by exploiting that person in some way.

10.19.6 The Committee is of the opinion that such an offence is extremely serious and as such should be an indictable offence and be included in the Crimes Act, rather than in the Prostitution Act where the similar offence in relation to adults is contained. Therefore the Committee recommends that:

- **31. The Crimes Act be amended to insert a new section to make it an indictable offence for any person to use violence or coercion or other forms of exploitation or to supply an illegal drug of addiction in order to live wholly or in part on the earnings of the prostitution of any child or young person under the age of sixteen years.**
- **32. The penalty for the new offence of living on the earnings of prostitution of a child or young person under age sixteen shall be penal servitude for four years.**

10.20 Common-law Offences

10.20.1 There are still some common-law offences in relation to prostitution and brothels. It appears that there is a common law offence of keeping a common, ill-governed and disorderly house. The existence of this offence is referred to in *Sydney City Council v. Ke-Su Investments Pty Ltd. (No. 2)* ([1985] 51 LGRA 187), and in *Lee v. The Council of the City of Sydney* (Land & Environment Court, unreported, No. 40086 of 1983).

10.20.2 The Committee is of the opinion that all common law offences in relation to prostitution and brothels should be repealed as their existence and use could undermine the effect of the other recommendations in this report. They are all old offences which are outdated and inconsistent with other prostitution-related offences. Therefore, the Committee recommends that:

- **33. All common-law offences in relation to prostitution and keeping or running of brothels or disorderly houses be statutorily repealed.**

10.20.3 This provision could be in similar terms to s.580 of the Crimes Act, which repeals certain common-law offences in relation to male homosexual behaviour.

10.21 Part 3: The Regulation of Prostitution through Planning Law

10.21.1 In this part the Environmental Planning and Assessment Act is analysed and recommendations are made which will increase the power of local councils to control and regulate brothels, and prostitution-related activities in their areas. The location and conduct of brothels is discussed, including questions of ownership and management. In the Committee's opinion its stated objective of decriminalisation with controls would be achieved most effectively by the implementation of a State Environmental Planning Policy for the regulation of brothels under the Environmental Planning and Assessment Act, and recommendations are made to this effect. (The section concludes with a summary of laws in other States.)

10.22 Environmental Planning and Assessment Act 1979

10.22.1 The Environmental Planning and Assessment Act 1979 (EPA Act) was designed to institute a system of environmental planning and assessment for New South Wales and it sets out the procedures for planning controls to be administered and enforced. The Land and Environment Court Act 1979 (L & EC Act) creates the Land and Environment Court and its jurisdiction, as the enforcement mechanism for the EPA Act. There are five classes of proceedings which can be brought in the Land and Environment Court. Class 4 proceedings are for the civil enforcement of environmental planning and protection (s.20 L & EC Act).

Class 4 proceedings

10.22.2 Some local councils have instituted Class 4 proceedings for a declaration that certain premises are being used as a brothel and this is contrary to the zoning of the area or is occurring without development consent and so is an unauthorised use of premises. As these are civil proceedings, the standard of proof to be met by the council is on the balance of probabilities that the premises are being used in an unauthorised manner. After filing an initial application, it is possible for a council to request the court to issue an interlocutory order restraining the use of the premises from an unauthorised use, and this can be obtained from the court within several days of filing (s.23 L & EC Act). The matter is listed for hearing, after an initial appearance, if the respondent indicates that they will oppose the council's application. The court may grant the declaration sought by the council, or may do so on such terms and conditions as it thinks fit (s.22 L & EC Act). There is a right of appeal from the Court to the Supreme Court in Class 4 proceedings (s.58 L & EC Act).

10.22.3 If the Land and Environment Court makes an order, as sought by a council, and that order is not complied with, then proceedings may be brought for contempt of court. These proceedings are criminal in nature, and so the standard of proof to be met is that of beyond reasonable doubt. Contempt proceedings may also be brought for a breach of an interlocutory order.

Relevant cases

10.22.4 In two cases before the court, the Sydney City Council sought to restrain the owners of a brothel, 'A Touch of Class', from using, causing or permitting the premises to be used for the purpose of prostitution or entertainment by women escorts or associated activities. The first case, *Sydney City Council v. Ke-Su Investments Pty. Ltd.* ([1983] 48 LGRA 381), was determined on a number of matters, including whether a particular use was a 'development' under an interim development order. McClelland CJ held:

The nett result of this case is that as the law stands the owners of 'A Touch of Class' are entitled to a victory which may, however, turn out to be pyrrhic. As I have said in a previous case this is not a court of morals nor is it concerned with making any judgment on the wisdom of the council, already notoriously plagued by the problem of prostitution on the streets within its bailiwick, in seeking to make use of planning legislation to shut down what is evidently a well-conducted brothel. The decision of the court is based on the narrow ground that the current use as a brothel of premises at 375-379 Riley Street, Surry Hills is not prohibited by the relevant planning legislation.

10.22.5 Following this decision, the Minister for Planning and Environment made certain amendments to the relevant development order and then informed the owners of 'A Touch of Class' that the use of the premises as a brothel was prohibited and that such use must cease. The owner did not comply with the demand, and a second case was begun. In his decision in that case, *Sydney City Council v. Ke-Su Investments Pty. Ltd. (No. 2)* ([1985] 51 LGRA 187)),

McClelland, CJ found that the amendment of the development order by the Minister was valid, but that the use of the premises as a brothel was an 'existing use' within the meaning of s.106 of the EPA Act, and that use could be continued. The Council filed an appeal in the Court of Appeal but did not proceed to argument on the substantive issues.

In arriving at his decision, McClelland CJ found:

Section 5 of the Environmental Planning and Assessment Act, in which the objects of the Act are described, refers to the proper management, development and conservation of natural and man-made resources and related considerations. It does not advert to the protection of public morals or the discouragement of man's carnal propensities. In my view, 'uncertainty, friction or confusion' would ensue if the word 'unlawful' in s.106 were construed in the wide sense ... To hold that planning law does not forbid the use as a brothel of certain premises in Riley Street is not to abolish the common law misdemeanour of conducting a brothel. It merely means that planning law in its present state may not be availed of to close down 'A Touch of Class'.

10.22.6 It appears that the effect of this decision is that where it can be established that particular premises were being used for the purpose of prostitution before the start of the EPA Act and there has been continuous use for that purpose since 1 September 1980, then consent is not required for the premises to continue to be used for that purpose (ss. 106-109 EPA Act).

10.22.7 However, the effect of this decision for other premises will be altered by the enactment of s.109A, which is in the EPA (Amendment) Bill 1985 (No. 2). The effect of s.109A is that a use which was unlawfully begun is not rendered lawful by any subsequent event, except the start of an EPI permitting the use without consent or the granting of a development consent.

10.22.8 In *Council of the City of Sydney v. Mailey* ([1983] 51 LGRA 207), the Council had begun proceedings seeking an order that Mailey be restrained 'from using or causing or permitting to be used the whole of the premises ... as an escort agency or a brothel or for any other purpose for which development is prohibited under Sydney Local Environmental Plan No. 19, or for which development is prohibited without development consent'.

In dismissing the application, Cripps J held:

The evidence satisfies me that the premises have been used for the purpose of prostitution since sometime in 1971 ... [T]he use of the premises in August 1975 was relevantly the same as the use on 28 August, 1982 and at the present time ... In my opinion, the fact that customers are attracted by business cards and newspaper advertisements instead of being picked up in bars does not alter the use to which the premises are put ... [A]uthority in this Court requires a conclusion that the use of the premises for the purpose of prostitution is an existing use within the meaning of s.106 of the Environmental Planning and Assessment Act and may therefore be continued pursuant to s.107 of that Act".

10.22.9 In following *Ke-Su* (No. 2), the Court found that the term 'lawful' in ss.106 and 107 of the EPA Act does not mean lawful under the general law, but it means not prohibited by planning law.

10.22.10 In *Sydney City Council v. Williams and another* (Land and Environment Court, unreported, No. 40035 of 1982, 27 May 1985), the Council had obtained an order from the Court in July 1982 that the parties 'be restrained from using or causing or permitting to be used ... as a guest house, health studio or massage parlour or for any purpose for so long as consent has not been obtained therefore under Part IV of the Environmental Planning and Assessment Act'. These proceedings were begun to enforce compliance with the Court's order and were 'proceedings seeking punishment for criminal contempt'.

10.22.11 Before deciding some procedural matters, Cripps J considered whether the criminal charges against Williams and Jedman Pty Ltd had been established. In finding the parties not guilty of the charges, Cripps J held:

In my opinion, it has been established beyond reasonable doubt that the premises have been used for the purpose of prostitution. That is, that the premises are used by prostitutes resorting there for the purpose of having sexual intercourse for reward with their male customers ... In 1984, each prostitute paid \$40 per day for the use of a room ... They all live elsewhere. The rooms are rented on a daily basis. Prostitutes take whichever room happens to be available ... No meals are served on the premises, although alcoholic refreshments are made available to males free of charge. Men accompanying prostitutes are afforded credit facilities. Diners Club cards, Bankcard and MasterCards are acceptable. The cash received by the men is for the purpose of paying the prostitutes ... I am convinced beyond reasonable doubt that the premises are being used for the purpose of prostitution ... the premises are being used for an illegal purpose.

10.22.12 Cripps J held that the Council needed to establish that Williams and/or Jedman used or caused to be used the premises for the purpose of prostitution and that their conduct was criminal. He found that 'the word "cause" involves the notion of control, dominance or compulsion of the activity by the person said to cause it'. Consequently, he found that he was not satisfied beyond reasonable doubt that they had caused the premises to be used for the purpose of prostitution or to use the premises for the purpose of prostitution, as Williams was the lessee of the premises. He therefore found them not guilty of the charges.

A survey of Land and Environment Court proceedings

10.22.13 A survey was made of a twelve-month period for Class 4 proceedings in the Land and Environment Court to find the number of applications made by local councils which involved the unauthorised use of premises for the purpose of prostitution and the time taken for these proceedings to be resolved. The survey reviewed all applications to begin Class 4 proceedings during the twelve-month period from 1 November 1984 to 31 October 1985. Of a total of 244 Class 4 proceedings begun during that period, eight involved applications to restrain the respondents from using the specified premises for the purpose of prostitution or as a brothel. By 1 February 1986, one matter was in the list for hearing shortly, one had been stood over generally with seven days' notice to restore to the list, orders had been issued in four cases, one case was held over pending a development application, and in one case the applicant had discontinued proceedings.

10.22.14 In a letter to the Committee from one Sydney council, it was stated that with regard to proceedings under the EPA Act, 'This Council has had sufficient experience to know that even with Injunction proceedings, action is protracted and expensive'.³⁷ The survey found that in the four cases where orders had been made, these orders were made fifteen weeks (Case 2), nineteen weeks (Case 3), seven weeks (Case 5) and eighteen weeks (Case 7) from the date of the filing of the original application. This period covers the entire proceedings, and when viewed from that perspective it can be seen that there was no delay in the proceedings before the court. Also, it is interesting to note that none of the councils applied for an interlocutory order from the court at the time of filing of the applications. The granting of an interlocutory order would have gained interim relief for the applicant in a matter of days.

10.22.15 The affidavits filed in some of the cases indicated that there had been lengthy delays from the first council inspection to the proceedings being started. However, these delays

³⁷ Letter from Alderman D. Sutherland, Lord Mayor of Sydney, 25 October 1985.

appeared to be due to the mechanisms of the operations of the individual councils rather than to any shortcomings of the EPA Act or the L & EC Act. In Case 2, the first inspection of the premises by the building surveyor had occurred twelve and a half months before the filing of the application, and a compliance notice had been served almost exactly twelve months before the proceedings were begun. In Case 3, the first attempted inspection occurred twelve and a half months and the first actual inspection occurred eleven months before the filing of the application, when a notice to comply was served. The premises in Case 3 had been in use for 'decoration and entertainment' and as an escort agency for four years before the serving of the notice to comply.

10.22.16 In Case 4, the first inspection was carried out twenty and a half months before filing, and although the new owner had only been the proprietor for two weeks, it was alleged that the premises had been operating for nine years as an oriental massage and fitness studio. A notice to comply was then issued as a massage parlour was an unauthorised use. The respondent lodged a development application seven and a half months before filing, and the matter was stood over until that application was determined. In Case 5, the first inspection by the building surveyor had been 21 months and the first notice to comply served ten months before filing. At the first hearing seven weeks after this filing, the owner consented to paying the applicant's costs and the application was dismissed, with the court noting an undertaking from the owner that the premises would not be used for the purpose of prostitution, sexual therapeutic salon, or related purpose without development consent.

10.22.17 In Case 6, the lessees had applied to the council for permission to change the use of the premises from a grocery store to a photographic studio and a residence and this was refused. An inspection was carried out thirteen months before filing, and an order to close the premises from the council to the owner and the lessees was issued a week later. The matter had not yet been determined by the court. In Case 8, the first notice to comply and inspection had taken place twelve months before filing and the first hearing date had been five weeks after filing, but the matter was stood over a further eight weeks, when the case was eventually discontinued by the applicant.

10.22.18 Another matter which has been raised is the assertion that there is difficulty in gaining evidence for these proceedings.³⁸ Some councils have been using private inquiry agents to attend at the premises and to engage a woman for the purpose of prostitution and this evidence is then filed, in an affidavit, in the proceedings (Cases 4, 6, 7). However, as the basis of the council's proceedings is usually that the premises are being used for an unauthorised use, there being no council consent, the purpose of such evidence would seem to be doubtful. It would appear that it is enough for a council to allege that there is no consent for those premises to be used at all, or that they are not being used for the purposes for which there is consent, without obtaining this type of evidence. It is also possible to proceed against the owner and the lessee, and this ensures the lease is not able to be assigned to a new lessee to avoid the effect of the court's orders. Naturally, the court does not have the power to prevent a lessee from moving to other premises, as that is beyond the court's jurisdiction.

Development applications

10.22.19 The EPA Act sets out the procedures for an owner or another person with the owner's consent to make a development application (s.77). The consent authority for a development application is usually the relevant local council. The consent authority is required to take a number of matters into account when determining a development application, including the provisions of any environmental planning instrument, the impact on the environment and the 'social

³⁸ Letter from Alderman D. Sutherland, Lord Mayor of Sydney, 25 October 1985.

effect and economic effect of that development in the locality' (s.90 (1), especially s.90(1)(d)). Other matters are the amount of traffic to be generated, the existing and likely future amenity of the neighbourhood, the circumstances of the case and the public interest (s.90 (1)(j), (o),(q),(r)). A development application may be consented to, either unconditionally or subject to conditions, or be refused (s.91 (1)). A development application is deemed usually to have been consented to if the consent authority has not determined the application within 40 days after lodgement (s.96 (1)). An applicant has twelve months to appeal to the Land and Environment Court if dissatisfied with the consent authority's determination (s.97 (1)). Certain rights are established for an objector to begin proceedings in that court where either unconditional or conditional consent is granted (s.98).

10.22.20 In June 1983, the Council of the City of Sydney refused to accept a development application to use certain premises as a brothel, and the resolution noted that 'the Council refuses to be enjoined in an illegal act or use'. In January 1983, the Council had rejected a development application for the premises to be used as 'an escort agency - office and introductory service' as it regarded the application as a 'sham' as the premises were to be used for the purposes of prostitution.

10.22.21 In *Lee v. The Council of the City of Sydney* (Land and Environment Court, unreported, No. 40086 of 1983, 13 September 1983), the applicant sought an order that the Council consider the development application 'for the use of the premises No (X) Pitt Street, Sydney as a brothel in accordance with the Council's duty, obligation and functions imposed on it under s.90 of the Environmental Planning and Assessment Act 1979'. During the case, the applicant's counsel conceded that Yeldham J in *Re Applications of Shephard (No. 1)* ([1983] 1 NSWLR 96), was stating current New South Wales law when he stated that 'Keeping a brothel is a misdemeanour at common law'.

In dismissing Lee's application, Cripps J found:

In my opinion, the making of an application for use of the premises as a 'brothel' and the concession that the keeping of a brothel is a common law misdemeanour conclude the case against the applicant ... The application made to the Council was for use of the premises as a brothel. That use would be, as has been conceded by the applicant, a criminal offence. Whatever might be the obligations of councils in respect of other applications concerning prostitution, the Council of the City of Sydney was entitled to refuse to consider the application of Mr Lee.

Environmental planning instruments

10.22.22 Under the EPA Act, provision is made for three different forms of environmental planning instruments to be made: State, regional and local. An environmental planning instrument (EPI) may be made to achieve any of the objects of the Act (s.24), and these objects include the encouragement of 'the proper management, development and conservation of ... resources ... for the purpose of promoting the social and economic welfare of the community and a better environment' (s.5 (a)(i)). An EPI may provide for a number of matters, including 'controlling (whether by the imposing of development standards or otherwise) development' (s.26(b)).

10.22.23 A State Environmental Planning Policy (SEPP) can apply throughout the whole State, or to a certain specified part of the State (s.39 (5)). The Director of the Department of Environment and Planning has the power to prepare a draft SEPP for submission to the Minister, after consultation with such public authorities as the Director determines (s.37 (1)). The Minister has the power to cause the Department to prepare a draft SEPP for submission to the Minister, after the Minister has consulted with such other Ministers as the Minister determines

(s.37 (2)). Both the Director and the Minister must be of the opinion that the matter is 'of significance for environmental planning of the State'. The Minister then recommends to the Governor the making of a SEPP in accordance with the draft SEPP as submitted by the Director or with such alterations as the Minister thinks fit (s.39 (1)). The Minister may publicise a draft SEPP and seek and consider submissions from the public before making a recommendation to the Governor (s.39 (2)).

10.22.24 The Minister can issue Model Provisions, by an order published in the *Gazette* (s.33). In September 1980, the Environmental Planning and Assessment Model Provisions 1980 were published. The Model Provisions set out a number of definitions and other matters which then apply in a local environmental plan. They set out the requirements for the consent authority to take into consideration when assessing an application for a certain type of premises, for example, traffic flow, removal of waste material or refuse, foreshore building lines, preservation of trees etc. The Governor, on the Minister's recommendation, has made thirteen SEPPs. SEPP No. 5, Housing for Aged or Disabled Persons, was first gazetted in February 1982 and was amended twice in 1983. Clause 3 of the Policy states:

The aims, objectives, policies and strategies of this Policy are:

- (a) to enable development for the purpose of housing for aged or disabled persons throughout the State so as to increase availability of that type of accommodation and to provide a wider choice of residential accommodation for aged persons or disabled persons;*
- (b) to establish development standards which, if met, cannot be grounds for refusal of development consent; and*
- (c) to ensure that applicants and councils take into consideration the availability of support services for aged persons or disabled persons when a development application to which this Policy applies is submitted for determination.*

10.22.25 The Policy sets out the land where development may be carried out and certain development standards in relation to density, landscaped area, parking etc.

10.22.26 SEPP No. 9, Group Homes, was gazetted on 7 October 1983 and is designed to facilitate the establishment of permanent group homes and transitional group homes for certain disabled or disadvantaged persons (Clause 3). The effect of the policy is that an application for consent to use premises as a permanent group home is not required if the house has five bedrooms or less and the number of residents is not more than two per bedroom (Clause 8).

10.22.27 Both SEPP No. 5 and SEPP No. 9 apply throughout New South Wales. However, some SEPPs apply to a specific area or two areas but the matters which they cover are still considered to be of significance for the State, for example, the disposal of waste.

10.23 Recommendations

10.23.1 The Committee has reviewed the operation of the environmental and planning laws and the criminal law and has concluded that, in line with its acceptance of the principles of decriminalisation with controls, that the current situation in relation to planning needs clarification. The actions being taken by various councils mean that there has not been any development of acceptable zoning areas or development standards for premises used for the purpose of prostitution, and that the type and outcome of council action varies between locations. The Committee recommends that:

- **34. A system of planning controls and supervision of premises used for the purpose of prostitution be developed.**
- **35. Having regard to the principles of planning law and the desirability of local decision-making on the siting and other relevant factors of such premises, local councils be the authority in the first instance to be involved in assessing the situation of individual premises.**

10.23.2 To ensure that this recommendation is carried out in a manner which is fair and effective for all parties concerned, there are several matters which must be covered by any proposed amendments to planning law. These are set out below.

10.23.3 *Definitions:* To facilitate clarity and the decision-making processes of council, some of the terminology used will have to be defined. The main terms are 'prostitution' and 'brothels'. In line with the discussion and recommendations in the remainder of this Report, the Committee recommends that:

- **36. The term 'prostitution' be defined to cover all acts of sexual gratification for payment between persons of different sexes or of the same sex, and to include sexual intercourse, masturbation committed by one person on another, acts of sadomasochism and acts of bondage and discipline.**
- **37. The term 'payment' in the definition of 'prostitution' include the exchange of money or goods or services.**

10.23.4 The term 'payment' has had a wide range of meanings ascribed to it in the course of judicial proceedings, depending on the context. One definition is: 'the word "payment" in itself is one which ... may cover many ways of discharging obligations. It may even ... include a discharge, not by money payment at all, but by what is called "payment in kind".'³⁹

10.23.5 The term 'brothel' has had ascribed to it a common-law definition of premises which are used for the purpose of prostitution by two or more prostitutes. It has been held that 'a brothel is the same thing as a "bawdy house" ... In its legal acceptation it applies to a place resorted to by persons of both sexes for the purpose of prostitution. It is certainly not applicable to ... this case, where one woman receives a number of men'.⁴⁰ This statement has been upheld more recently by the English courts, for example, 'Accordingly, it would seem clear that, before premises can be said to be a brothel, people of both sexes, in the plural, must go there'.⁴¹

10.23.6 The Committee considered the possibility of changing the term 'brothel' to another term, but decided that it was more appropriate to continue with the well-known and well-understood term which covers premises used for the purpose of prostitution. The Committee therefore recommends that:

- **38. The term 'brothel' be defined as premises or part of premises used for the purpose of prostitution.**

39 *White v. Elmdene Estates* (1959) 3 WLR 185, (1960) AC 528.

40 *Singleton v. Ellison* (1895) 1 QB 607, 608, Wills J.

41 *Gorman v. Standen* (1963) 3 All ER 627, 630, Lord Parker CJ.

10.23.7 One member of the Committee wanted to follow the common-law definition of 'brothel'. The majority of the Committee thought that the definition was not in keeping with the changes that have taken place in the organisation of prostitution and the use of premises for the purpose of prostitution. Therefore the Committee recommends that:

- **39. A 'brothel' be defined as covering premises or parts of premises which are used for the purpose of prostitution, including premises where only one person engaged in prostitution is on those premises at any time.**

10.23.8 The Committee has adopted this recommendation as it is of the opinion that premises used by sole operators should be subject to the same regulation and planning system as premises which are occupied by more than one prostitute.

10.23.9 Given the proliferation of sole operators in home units, flats and houses and the evidence received by the Committee on the problems that these can cause to the neighbours and the amenity of the locality, the majority of the Committee considered a uniform approach to all premises used for the purpose of prostitution was the most appropriate. One member of the Committee thought that there was a need for different types of controls to apply to brothels and other places where prostitution occurs, including private homes, hotels and motor vehicles.

10.23.10 The majority of the Committee was of the opinion that the distinction between one, two or more than two prostitutes operating from specific premises was no longer valid and would create confusion and uncertainty for those who had to enforce the planning regulations. For example, if single operators were exempt it would mean that one owner could buy or lease all the home units on a floor and then rent them to individual prostitutes. The area would then operate as a brothel but enable the planning provisions to be breached.

10.23.11 The Committee did not consider that escort agencies which operate solely by telephone should be within this definition as the premises themselves are not being used for the purpose of prostitution. Different factors operate as the escorts only occasionally visit the premises to bring the cash or credit charge documents to the manager, and clients are not usually taken to the premises at all. This means that matters which affect the local amenity, such as an increase in traffic and noise, do not arise where an escort agency is operating. In a minority of cases, some escort services offer some forms of entertainment or accommodation on the premises. Where this occurs, the Committee considers that they should be treated as brothels as they are no longer operating simply as a telephone contact point. Therefore, the Committee recommends that:

- **40. Escort services which offer any form of entertainment or accommodation on the premises should be treated as brothels.**

10.23.12 *Zoning:* Evidence before the Committee has detailed the disturbance to a local amenity which can occur when a brothel begins operation in a residential area, whether in a block of home units, a house or a flat. As the activities occurring in a brothel are, by their very nature, commercial, it is inappropriate that these should occur in any area which has been zoned 'residential'.

The Committee recommends that:

- **41. Brothels should not be permitted in any areas zoned 'residential'.**

10.23.13 The terminology used in zoning sometimes varies between local councils, but the term 'residential' is a reasonably consistent term which covers areas which have one or two corner stores, with or without a dwelling attached and other necessary support services, to those with only dwellings of similar or different types.

10.23.14 The Committee recognises that the zoning recommendation could have the effect of allowing development consent for brothels in commercial shopping centres, where there is a considerable amount of pedestrian traffic of both sexes and all ages. The Committee is of the opinion that a brothel with a shopfront in among other shops could have an undesirable effect on other commercial activities with shopfronts in the vicinity and on customers and other activities. Therefore, the Committee recommends that:

● **42. A brothel not be permitted at street level in commercial shopping centres.**

10.23.15 The Committee recognises that there are other buildings which may not be in a residential zone, but where it would be inappropriate for a brothel to be permitted to exist next to, adjoining or opposite such a building. It appears that it would be inappropriate for a brothel to be sited next to, adjoining or opposite a school, church or hospital. This would be in line with s.8A of the Prostitution Act, which relates to the offence of soliciting.

The Committee recommends that:

● **43. A brothel not be permitted in any premises which are situated next to, adjoining or opposite a school, church or hospital.**

10.23.16 The Committee is of the opinion that a brothel should not be able to be permitted immediately next to premises in a residential zone, and that this should be prevented by a 'buffer zone' of either one building or a specified distance, for example, 40 metres. Therefore, the Committee recommends that:

● **44. A brothel should not be permitted immediately next to the building on the boundary of a residential zone and that this be prevented by the creation of a small buffer zone of either one building or 40 metres.**

10.23.17 *Ownership and operation of brothels:* The question of ownership and operation of brothels is one which has been raised before the Committee for a number of different reasons. Some police officers and local councils raised the problem of locating the operators of a brothel in order to start judicial proceedings, and the tendency for operators to change in order to circumvent the impact of any such proceedings. In both criminal and civil proceedings, to include the legal owner as determined by a land title search is often the only way of ensuring that any court order can be effectively enforced.

10.23.18 Another issue raised was the problem of nominee companies, where the directors and shareholders were straw people and it is not possible to find out the identity of the people who are promoting or investing in brothels and prostitution. This difficulty limits any inquiries on the involvement of 'organised crime' or of few people in a large number of premises.

10.23.19 Evidence from some prostitutes and others familiar with the organisation of prostitution presented information on the increase of prostitutes working in small, co-operative groups without the use of a manager, who usually takes around 50 per cent of the fees. These co-operatives mean that the prostitutes have a direct control over their day-to-day activities and their working conditions, including payment and hours of work. The Committee considers that any development which reduces the possibility of individual prostitutes being subjected to violence, coercion or intimidation by others to be a desirable aim and hence considers these co-operatives a positive development.

10.23.20 The Committee does not support the ownership and operation of brothels being in the hands of a limited range of people, as this increases the opportunity for violence, coercion and intimidation of prostitutes by decreasing their overall employment opportunities through different operators.

The Committee recommends that:

- **45. Ownership or operation of brothels be limited to three separate premises or parts of premises which operate as a brothel by any individual or by any group of individuals or by any directly-related individuals, e.g. spouses, children, etc.**

10.23.21 The Committee is of the opinion that family networks should not be used to avoid the impact of the proposals in relation to ownership.

10.23.22 In order to ensure that the ownership or operation of brothels is related to identifiable individuals who have some actual involvement in the running of establishments and to ensure that the real operators do not hide behind nominee or trust companies, the Committee recommends that:

- **46. The ownership and operation of a brothel must be registered in the name of an individual resident in New South Wales and not in the name of a business or a company registered under any appropriate legislation by the Corporate Affairs Commission of New South Wales, or in any State or Territory of Australia or any other country.**

10.23.23 Difficulties could arise if these principles were applied to the registered proprietor of a building, who may unknowingly be leasing premises which are used as a brothel. Therefore, the recommendation only applies to the control of the brothel and not to the actual premises.

10.23.24 In order to effectively control the day-to-day management of the brothel the individual must be a resident in New South Wales. Also, in dealing with local councils and other appropriate authorities, it is important that notices be able to be served on the individual who has to respond to them. The use of a solicitor or an accountant as a 'letter-box' in these circumstances is not appropriate.

10.23.25 The Committee considers that a person who owns or operates a brothel should be of good fame and character, and should not have any convictions for a serious criminal offence for at least ten years previously. The Committee is of the opinion that this requirement will reduce the involvement of 'standover men' and other undesirable people and enable the prostitutes to control their own working environment.

The Committee recommends that:

- **47. Any person lodging a development application for consent as an owner or operator of a brothel be of good fame and character.**
- **48. A person should be deemed not to be of good fame and character if that person has been convicted of any serious criminal offence in the ten years before the application, and these offences shall include any crime involving violence against another person (e.g. murder, assault), sexual assault, supply or sale of any scheduled drug, fraud, etc.**

10.23.26 The Committee is of the opinion that the impact of these proposals will be of considerable benefit to prostitutes working in brothels, to clients and to the community in general by reducing the possibility of violence, coercion or exploitation.

Considerations of options

10.23.27 The Committee has considered a number of different approaches which could be adopted in order to effectively implement Recommendation No. 34, which relates to the development of a system of planning controls and supervision of premises used for the purpose of prostitution, and these approaches are set out below.

Option No. 1: A New Act

10.23.28 A new Act could be passed by the New South Wales Parliament which would set out the requirements for planning regulation of brothels. The Act could set out the system of planning controls and refer jurisdiction to the Land and Environment Court for appeals from local council decisions. This would mean that there would be one separate, identifiable piece of legislation which would deal only with the planning requirements in relation to brothels.

Option No. 2: Amend the Prostitution Act

10.23.29 Other recommendations of the Committee would require some amendments to be made to the Prostitution Act. The system of planning regulation could also be included in those amendments. As the Prostitution Act presently incorporates the main provisions in relation to prostitution-related offences and details some of the behaviour which could constitute a criminal offence, then it may be appropriate. Its current focus, however, is solely criminal and it proscribes, rather than prescribes, behaviour.

Option No. 3: Amend the Environmental Planning and Assessment Act

10.23.30 The EPA Act is concerned with planning and controls the use of land and premises. It does not control the activities of people within those premises, except as far as their activities comply with a relevant zoning regulation. As such, it legislates in the areas which the Committee regards as necessary to regulate brothels.

Option No. 4: Regulations under the Prostitution Act

10.23.31 Provision could be inserted in the Prostitution Act to enable regulations to be made for the planning regulation of brothels. The Act would need some of the major provisions incorporated into it, and the remainder could be covered by the regulations.

Option No. 5: Regulations under the EPA Act

10.23.32 Section 157 (1) permits the Governor to make regulations not inconsistent with

the EPA Act. Regulations could be made for the planning regulation of brothels.

Option No. 6: State Environmental Planning Policy

10.23.33 A SEPP has a similar status as regulations made under the EPA Act, as it is made by the Governor, although it does not lie on the Table of Parliament to allow for its possible disallowance by Parliament. However, it uses an established mechanism under the EPA Act (ss.37, 38), which is designed to deal with similar types of issues. The Minister for Planning and Environment could cause the Director of the Department of Environment and Planning to submit a draft SEPP on the regulation of brothels to the Minister, and the Minister could then recommend to the Governor that a SEPP be made in accordance with the draft SEPP.

Having considered the above options, the Committee recommends that:

- **49. Option No. 6, a State Environmental Planning Policy on Brothels, is the most appropriate avenue to proceed along to institute a system of planning controls and supervision of premises used for the purpose of prostitution.**

10.23.34 The Committee does not believe that either a new Act or amendments to an existing Act is appropriate as some of the matters the Committee has recommended should be covered do not appear to be appropriate to be included in an Act. Such details are more appropriate to be included in some other measure, which has the advantage of being more flexible and able to be amended more easily to ensure that it is able to deal with future developments if and when they arise. As the mechanisms have already been created for developing a SEPP within the EPA Act, and as the regulation of brothels appears to be an issue of 'significance for environmental planning for the State' as brothels are in a range of localities, and not just in the inner-city area, the implementation of a SEPP would seem to be the most appropriate avenue. Also, it would mean that local councils would be able to make decisions having regard to all the local factors, but that there would be a unified system of controls and supervision and a standard set of criteria which would be applied across the State. Therefore the Committee recommends that:

- **50. The Minister for Planning and Environment cause the Director of the Department of Environment and Planning to submit a draft State Environmental Planning Policy to the Minister, and that the Minister then recommend to the Governor that a State Environmental Planning Policy on Brothels be made in accordance with the draft Policy.**

10.23.35 The EPA Act provides that the Minister may 'take such steps as he considers appropriate or necessary to publicise a draft SEPP' and to 'consider and seek submissions from the public' before making any recommendation to the Governor (s.39(2)). The usual procedure adopted by the Minister, through the Department, is to exhibit the draft SEPP and request comments from the public. Councils and interested organisations and individuals are then able to submit their views, and the Minister makes any alterations he deems necessary or desirable in the light of these submissions. However, there is no opportunity for a parliamentary debate on the content of a draft SEPP as the matter is essentially administrative. The Select Committee believes that a full parliamentary debate on the contents of a draft SEPP on brothels is essential, given the nature of the proposals. The Committee recommends:

- **51. The Minister for Planning and Environment exhibit the draft State Environment Planning Policy on Brothels and seek submissions from the public.**

- **52. After the Minister has considered these submissions, such amendments and alterations as the Minister thinks fit should be made to the draft SEPP on Brothels.**
- **53. Before making any recommendation to the Governor, the Minister shall cause the draft SEPP on Brothels to be presented to Parliament to enable a full parliamentary debate in both Houses to be conducted on its content.**

10.23.36 Such a parliamentary debate would be additional to any debate which may occur during amendment to the Prostitution Act, Crimes Act, Disorderly Houses Act and other Acts which are recommended above. This debate would enable the issues relating to planning regulation to be fully canvassed by all Members of Parliament.

10.23.37 A SEPP would be able to cover all the matters which the Committee believes are important and appropriate to be covered in the regulation, by planning, of brothels. The format of existing SEPPs indicates that they have been prepared in such a manner that they are able to be understood by the people they affect, and are not complicated documents requiring interpretation by lawyers. The Committee believes that this is an advantage in all areas, including the planning regulation of brothels.

10.23.38 The procedures under a SEPP would be that an owner or lessee of premises to be used for the purposes of prostitution would lodge a development application with the appropriate local council, in the normal manner. Council would then consider it in the normal manner. If an application was refused, or the conditions placed on an approval were not acceptable, the owner or lessee would be able to appeal to the Land and Environment Court for the matter to be reconsidered. This process would enable councils to control where brothels are permitted, and would enable owners or lessees to operate with planning permission, thus avoiding the present situation where proceedings are begun to restrain premises operating without development consent. If premises were operating in a residential zone then the council would be able to stop that use occurring.

10.23.39 The Committee anticipates that Local Government will claim that the proposed changes to the planning laws will be an extra financial impost on council administration. This matter was raised as a possibility by Victorian planners when the Committee visited Melbourne in 1984. It was suggested that councils are not 'generally geared up for the job', and there may be a need for extra staff to be employed. However subsequently (late 1985) information from an officer of the Ministry for Planning in Victoria indicated that this had not been a significant problem in that State, and councils had not complained of added costs, or of the need for extra staff to carry out their responsibilities under the Planning (Brothels) Act. But some had complained of the special difficulties encountered by staff in brothel inspection and supervision.

10.23.40 Nevertheless, in recognition of the transfer of planning controls and supervision of premises used for prostitution the Committee concluded the State government should set aside specific funds to local councils to enable effective implementation of such proposed new planning laws. These funds would only become available to a council if it could demonstrate that significant extra costs were involved.

The Committee recommends that:

- **54. Where it is demonstrated that the transfer of planning controls and supervision of premises used for prostitution has placed significant extra burdens on the resources of a local council the State Government will make available specific funds to ensure effective implementation of such proposed new planning laws.**

10.23.41 The Committee believes that there are some matters which, as a minimum set of requirements, must be included in the draft SEPP. Therefore, the Committee recommends:

- **55. In consideration of the draft State Environmental Planning Policy on Brothels, the Minister for Planning and Environment ensure that at least the following matters are included:**

(a) that the aims and objectives are to institute a system of planning controls and supervision of premises to be used for the purpose of prostitution; to enable development of brothels in a manner which is fair and equitable to all parties; to ensure that local councils do not approve development applications unless they are satisfied that the premises are not in a residential zone and to ensure that applicants and councils take into account the social effect of the brothel in the locality and the existing and likely future amenity of the neighbourhood;

(b) that the council for the appropriate local government area in which the development is proposed be the consent authority;

(c) that the terms 'prostitution', 'prostitute' and 'brothel' be defined in the Policy;

(d) that a brothel include all premises used for the purposes of prostitution, regardless of the number of prostitutes operating on the premises at any one time;

(e) that escort services which offer any form of entertainment or accommodation on the premises should be treated as brothels.

(f) that brothels not be permitted in residential zones; at the street level of commercial shopping centres; next to, adjoining or opposite a school, church or hospital, and there be a buffer zone of one building or 40 metres between the boundary of a residential zone and a brothel;

(g) that the ownership or operation of brothels be limited to three separate brothels by any individual or any group of individuals or by any directly-related individuals;

(h) that ownership or operation of brothels be in the name of an individual resident in New South Wales and not in any registered business or company name;

(i) that any person lodging a development application for consent as an owner or operator of a brothel be of good fame and character, including not having been convicted of any serious criminal offence in the ten years before the application.

The laws on prostitution-related offences vary throughout Australia. A summary of the law current in each State or Territory is set out below.

Australian Capital Territory

Under the *Police Offences Ordinance 1930*, it is an offence for a 'common prostitute' to solicit or loiter for the purposes of prostitution in or near a public place or within view or hearing of any person passing in a public place (s.17A). The penalty is a fine of up to \$10. The court can impose a recognisance, with or without sureties, for good behaviour of up to twelve months. If the person convicted defaults on the recognisance, they can be imprisoned for a period of up to six months (s.17B).

Also it is an offence to manage or conduct a brothel, or be knowingly concerned in the management or conduct of a brothel (s.18). The penalty is imprisonment for up to twelve months. If a person is convicted, an owner must terminate any lease and it is an offence to know of a conviction and to fail to terminate (s.19A).

It is an offence to knowingly permit a premises, a vehicle or caravan to be used as a brothel or to lease, let or sublet premises knowing they are to be used as a brothel (s.19). The penalty is imprisonment for up to six months.

The *Crimes Act 1900* (NSW) was adopted in the ACT, and a number of subsequent amendments made in New South Wales have not been made in the ACT. Consequently in the ACT it is an offence for a male to live on the earnings of prostitution after conviction for a previous offence of knowingly living in whole or in part on the earnings of prostitution (s.91C). The penalty is imprisonment for up to three years. It is an offence for a person to employ a girl under eighteen years in a brothel or house of ill-fame, or to knowingly allow her to be on the premises (s.91D). The penalty is imprisonment for up to five years.

Northern Territory

In the Northern Territory, some old laws which were in force in South Australia are still in operation and have not been updated since passage. The *Suppression of Brothels Act 1907* is one such Act and it creates various prostitution-related offences. It is an offence to be a brothelkeeper, either as a manager, tenant or landlord. The penalties range from conviction for a first offence of \$40 or up to three months' imprisonment to harsher penalties of \$80 fines and a recognisance of up to twelve months not to commit any offence under the Act for a third and subsequent offence (s.3). A woman is deemed to be the manager of a brothel if she is found in a brothel and refuses to disclose the manager, and her husband, if any, is deemed to be living on the earnings (s.7). Provision is made for a contract to be declared null and void if the lessor appears to have known the premises were to be used for prostitution (s.8), and to be rendered null and void if the premises start to be used as a brothel (s.9). The police are provided with wide powers of entry to premises which are believed to be being used as a brothel (s.10).

Section 136 of the *Criminal Code* (NT) makes it an offence to procure a person to become a prostitute, either in the Territory or elsewhere, or to leave the Territory or to leave the usual place of abode to enter into prostitution. The penalty is imprisonment of up to three years.

Queensland

The *Vagrants, Gaming and Other Offences Act* (Queensland) creates a number of offences in relation to prostitution. These offences including soliciting, knowingly live on the earnings, occupying or residing in a house frequented by prostitutes and if these occur, then the person is deemed to be a vagrant and the penalty is a fine of up to \$400 or imprisonment up to six months. (s.5(1)). Further provision is made for the imprisonment or suspension of an imprisonment sentence if the person is a woman (s.5(2)). It is an offence to be a manager, lessee, lessor or owner of premises used for prostitution, with a phased penalty range depending on the number of

convictions (s.8(1)). An answer is provided with the power to evict a tenant where there are reasonable grounds to believe the premises are being used for prostitution (s.8(3)), (4), (5)). It is an offence to hold premises out as being for massage etc. when they are being used for prostitution (s.8A). The penalty is a fine of up to \$400 or imprisonment for up to six months. This section is similar to s.6 of the Prostitution Act (NSW). There are wide powers of entry and search if a contravention of s.8A is suspected (s.8B).

The *Liquor Act* (Queensland) makes it an offence for a licensed victualler to allow prostitutes and other groups on the premises. This is similar to the *Liquor Act* (NSW).

The *Criminal Code* (Queensland) makes procurement for prostitution an offence, with a penalty of up to two years' imprisonment (s.217). It is an offence to procure the defilement of a woman or girl by threats, fraud or the administration of a drug, with a penalty of up to two years (s.218). It is an offence to unlawfully detain a woman or girl with intent to defile her or by detaining her in a brothel with a penalty of imprisonment of up to two years (s.220). It is an offence to conspire, by fraud, to permit a man to have unlawful carnal knowledge of a woman or girl with a penalty of imprisonment of up to three years (s.221). It is an offence to keep premises for the purpose of prostitution with a penalty of imprisonment of up to three years (s.231). There is special provision where a girl or woman is being detained for immoral purposes, for the issue of a warrant to enable her to be brought before a justice (s.684).

South Australia

Under the *Criminal Law Consolidation Act 1935*, it is an offence to procure any person to become a common prostitute or procure any person to leave South Australia or to leave the usual place of abode to become an inmate of a brothel, with a penalty of up to seven years' imprisonment (s.63). It is an offence to procure, by threats, intimidation or fraud, any person to have sexual intercourse, with a penalty of imprisonment for up to seven years (s.64). It is an offence for a person to induce or knowingly suffer a person under seventeen years to be on premises for the purpose of having sexual intercourse, with a penalty of imprisonment of up to seven years (s.65).

Under the *Police Offences Act 1953*, there are a number of prostitution-related offences. It is an offence for an occupier of premises or any person to be on premises with prostitutes and other groups of persons (s.21). The penalty is a fine of up to \$100 or imprisonment of up to three months. It is an offence to solicit or loiter for the purpose of prostitution in any public place, with a penalty of up to \$40 or imprisonment for up to two months (s.25). It is an offence to knowingly live wholly or in part on the earnings of prostitution of another person, with a penalty of a fine of up to \$200 or imprisonment for up to six months (s.26). It is an offence to keep or manage a brothel (s.28) and to permit premises to be used as a brothel (s.29). After any such conviction, the lessor may terminate a lease of any tenant (s.31). There is a power of entry and search by police where there are reasonable grounds to suspect premises are a brothel (s.32).

Tasmania

Under the *Police Offences Act 1935* (Tasmania) it is an offence to habitually consort with known prostitutes, with a penalty of up to six months' imprisonment (s.6(1)). It is an offence for a common prostitute to solicit in a public place, with a penalty of a fine of up to \$100 or up to six months' imprisonment (s.8(1)(c)). It is an offence for a male person to solicit in a public place, with the penalty of a fine of up to \$200 or up to twelve months' imprisonment (s.8(1A)(a)). It is an offence to knowingly live wholly or in part on the earnings of prostitution, with a penalty of a fine of up to \$200, or up to twelve months' imprisonment (s.8(1A)(b)).

It is an offence to knowingly let a house be used as a disorderly house or to fail to determine such a tenancy after receiving a notice from a superintendent of police, with a penalty of a fine of up to \$40 (s.11).

It is an offence to harbour prostitutes or to lodge, entertain or harbour, to the annoyance of the inhabitants, any prostitute, with a penalty of a fine of up to \$200 or up to six months' imprisonment (s.10(1)).

Under the *Criminal Code Act 1924*, it is an offence for a person to procure another person to be a prostitute (s.128). It is an offence to detain a female against her will in a brothel (s.130(1)). It is an offence to cause or encourage the defilement of a girl under seventeen years (s.132(1)).

Victoria

Under the *Summary Offences Act 1966*, it is an offence to loiter or solicit in a public place for the purpose of prostitution, or for an immoral sexual purpose, with a penalty of \$500 or one month's imprisonment for a first offence, \$1500 or three months' imprisonment for a second offence, or \$2500 or six months' imprisonment for a third offence (s.18). It is also an offence to loiter in a public place to obtain the services of a prostitute (s.18A). This section applies to drivers ('gutter-crawlers') and pedestrians. It is an offence to 'solicit or actively encourage a young person under one's care, supervision or authority to take part in an act of sexual penetration or gross indecency' (s.18C)⁴² and it is an offence for a person to allow prostitutes to frequent premises used for the provision of liquor or other refreshments.

Under the *Liquor Control Act 1968* it is an offence for a licensee of premises to suffer prostitutes to be on any part of licensed premises.

The *Vagrancy Act 1966*. The provisions of this Act do not apply to brothels with town planning permits. Under the Act it is an offence for a person to live wholly or in part on the earnings of male or female prostitution. There is a penalty of up to \$1000, or imprisonment for up to two years (s.10). It is also an offence to keep, manage or assist in the management of a brothel (defined as a place used for purposes of prostitution by people of both sexes or either sex), with a penalty of \$1000 or imprisonment up to two years (s.11(1)). It is an offence to lease premises for habitual prostitution, with a penalty of a fine of up to \$1000 (s.12).

Under the *Crimes Act 1958*, it is an indictable offence to procure

- a person under eighteen for sexual penetration with a third person in any part of the world;
- any other person to take part in sexual penetration with a person under the age of eighteen;
- a person to become a prostitute in any part of the world;
- a person who is not an inmate of a brothel, to become the inmate of a brothel in any part of the world.⁴³

The penalty for these offences is imprisonment for not more than five years (s.59). It is an indictable offence to publish a statement which is intended or likely to induce a person to seek employment in a brothel, with a penalty of a fine of \$1000 (s.59A). It is also an offence to detain a person against his or her will in a brothel. The penalty is imprisonment for not more than five years (s.61). The *Crimes Act* also makes it an offence to attempt or effect the sexual penetration of young persons under the age of ten years (s.47), to effect the sexual penetration of young persons 10-16 years (s.48), and 16-18 (s.49). Penalties vary with the age of the victim. An offence of gross indecency is committed if sexual acts other than penetration take place with or in the presence of a young person under sixteen years (s.50).

The *Planning (Brothels) Act 1984* amends the *Town and Country Planning Act 1961*, the *Crimes Act 1958*, the *Vagrancy Act 1966* and the *Summary Offences Act 1966* with respect to brothels and for other purposes. The 'Act recognises brothels as a form of land use which may be dealt with by planning controls [but] it does not regulate their location. This is determined by

42 [Victoria] *Inquiry into Prostitution: Final Report*, 2 vols., Government Printer, Melbourne, 1985:128.

43 *ibid.*:125.

the specific planning controls operating in the area in question just as other forms of land use are regulated'.⁴⁴

Under the Act it is an offence to operate a brothel without a planning permit, with a penalty of not more than \$6000 for a first offence and not more than \$9000 for a second and subsequent offences. The offender may also be declared ineligible to obtain a permit for a period of up to ten years. These penalties apply in addition to penalties under the *Vagrancy Act 1966*. The *Planning (Brothels) Act 1984* enables a planning officer or police officer to enter without notice a property which he suspects on reasonable grounds to be operating as a brothel without a permit. A brothel operating without a permit or in which certain offences have been committed may be 'quarantined' by the Supreme Court on an affidavit from a police officer. Breaches of the quarantine declaration constitute offences. The Act also makes it an offence for the owner or occupier of a brothel with a permit to authorise or permit a person under the age of eighteen years to enter or remain in the brothel. The Act prohibits any person who has been convicted of a drug offence or any indictable offence punishable by imprisonment for twelve months or more from obtaining a planning permit for a brothel, and makes it an offence for a person to have an interest in more than one permit. Where a permit is revoked criminal sanctions under other relevant Acts become effective.

The Victorian Inquiry into Prostitution

The Victorian Law in relation to prostitution is still under review. In September 1984 the government appointed an Inquiry into Prostitution, with Ms Marcia Neave as Inquirer, 'to examine the social, economic, legal and health aspects of prostitution for the purposes of making recommendations to the Government on whether existing laws and town planning practices regulating prostitutes should be changed'.⁴⁵

The Inquiry was completed in September 1985 and its recommendations in relation to the law are briefly summarised below.

The Inquiry recommends that criminal penalties should be retained only against exploitation and public-nuisance aspects of prostitution. Exploitation charges should be limited to cases of violence, intimidation and fraud, and to cases where young people under eighteen years are involved. Where prostitutes under eighteen years are involved, it is recommended there should be a reverse onus of proof of knowingly living on the proceeds of that person's prostitution. Penalties for the above offences should be imprisonment for not more than five years. Apart from minors, there should be no offence of simply 'living on the earnings'. A special police unit (not the Vice Squad) should be set up to investigate cases of exploitation of prostitutes.

The Summary Offences Act 1966 should be amended and provision inserted in the Local Government Act 1958 to enable by-laws to be made permitting street prostitution in defined areas.

The Police Offences Act 1958 should be amended to make it an offence to publish explicit advertisements for prostitution, to regulate the size, form and content of advertisements for prostitution services, and to prohibit the advertisement of prostitution services in any publication sponsored by a government or semi-government body.

Amendments to the *Town and Country Planning Act 1961* should be made to prevent nuisance, and 'clustering' of brothels, and to prevent the establishment of red-light areas. The definition of brothel should *not* include a single person operating from a detached dwelling. Urban centres with a population of less than 20 000 should be permitted to prohibit brothels. The Act should also be amended to simplify the method of declaring a proscribed brothel and to enable a Magistrates' Court to make the declaration rather than the Supreme Court.

⁴⁴ *ibid.*:154.

⁴⁵ *ibid.*:(vii).

The Inquiry further recommends the 'removal from Town Planning Legislation of Provisions Imposing Personal Requirements on Permit Applicants'.⁴⁶

However controls on management (as opposed to ownership) should be strengthened. It is recommended that an operator of a brothel must be licensed, and the brothel must be supervised at all times by an approved manager. The system should be administered by an independent Licensing Board. Failure to supervise a brothel adequately should incur a penalty of \$2000. A licence to operate a brothel should be required for all premises with three or more persons. A licence to operate a brothel should not be granted to anyone convicted of or associating with anyone convicted of an indictable offence punishable by imprisonment for twelve months or more, in the last five years.

Penalties for operating a brothel without a licence should be not more than \$6000 for a first offence, or not more than \$9000 for a second or subsequent offence.

Finally, in relation to the law, it is recommended that a manager or licensee of a brothel commits an offence if he/she knowingly permits a prostitute to work while infected with a sexually transmitted disease, with a penalty of \$2000.

Western Australia

Under the *Local Government Act (W.A.) 1960*, councils may make by-laws to suppress and restrain brothels and to prohibit a person from keeping or managing a brothel and for preserving public decency (s.206).

Under the *Police Act 1892 (W.A.)*, police have the power to enter theatres etc. and remove any common prostitute and it is an offence if such a person refuses to leave, with a penalty of a fine of up to \$100 or imprisonment of up to one month (s.42).

It is an offence for a common prostitute to solicit in a public place, with a penalty of a fine of up to \$40 and imprisonment of up to one month (s.59). It is an offence for the occupier of a house to be frequented by prostitutes etc. and it is an offence to be a common prostitute wandering in public streets and behaving in a riotous or indecent manner, or to be a person who habitually consorts with known prostitutes, with a penalty of a fine of up to \$500 or imprisonment of up to six months (s.65)(7),(8),(9)).

It is an offence to keep or manage a brothel, to be a tenant or the lessor of a brothel with a range of penalties depending on whether it is a first or a second or subsequent conviction (s.76F).

It is an offence to knowingly live wholly or in part on the earnings of prostitution, or to solicit for the purpose of prostitution (s.76G). It is an offence to procure a girl or woman to be a common prostitute etc. with a penalty of imprisonment of up to two years (s.191).

It is an offence to procure the defilement of a woman or girl by threats, fraud or the administering of drugs, with a penalty of imprisonment of up to two years (s.192). It is an offence to detain a woman or girl against her will in a brothel, or being a brothelkeeper to suffer a woman under 21 years to be in a brothel, with a penalty of imprisonment of up to two years (s.194). It is an offence for an owner or occupier of a brothel to knowingly suffer a male under eighteen years to be on the premises for the purposes of prostitution (s.195). It is an offence to keep premises for the purposes of prostitution, with a penalty of imprisonment for up to three years (s.209).

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF THE LEGISLATIVE ASSEMBLY

Entry No. 7, Votes and Proceedings No. 48, 30 March 1983

SUSPENSION OF STANDING ORDERS - Ordered, on motion of Mr Walker (*by leave*), That so much of the Standing Orders be suspended as would preclude

* * * *

and the Parliamentary Committees Enabling Bill being brought in and passed through all their stages in one day.

Entry No. 14, Votes and Proceedings No. 48, 30 March 1983

SELECT COMMITTEE UPON PROSTITUTION - Mr Walker moved, pursuant to Notice -

(1) That a Select Committee be appointed to investigate and report upon the public health, criminal, social and community welfare aspects of prostitution in New South Wales.

(2) That such Committee consist of Mr Rogan, Mr Miller, Mr Bowman, Mr Dowd and Mr West.

(3) That the Committee have leave to sit during the sittings or any adjournment of the House, to adjourn from place to place and to make visits of inspection within the State of New South Wales and other States of Australia and the Australian Capital Territory.

And Mr West requiring that the members of the Committee be appointed by ballot -

Debate adjourned (*Mr Dowd*) and the resumption of the debate stand an Order of the Day for a later hour of the Day.

Entry No. 15, Votes and Proceedings No. 48, 30 March 1983.

PARLIAMENTARY COMMITTEES ENABLING BILL:

Mr Walker, *on behalf of* Mr Wran, moved, pursuant to Notice, That leave be given to bring in a Bill for an Act to enable certain Committees of the Legislative Council and Legislative Assembly to function during the prorogation of Parliament and during the fourth session of the forty-seventh Parliament.

Question put and passed.

Bill presented and read a first time.

Mr Walker moved, That this Bill be now read a second time.

Debate adjourned (*Mr Moore*) and the resumption of the debate made an Order of the Day for a later hour of the Day.

Entry No. 37, Votes and Proceedings No. 48, 30 March 1983.

SELECT COMMITTEE UPON PROSTITUTION:

The Order of the Day having been read for the resumption of the adjourned debate, on the motion of Mr Walker-

(1) That a Select Committee be appointed to investigate and report upon the public health, criminal, social and community welfare aspects of prostitution in New South Wales.

(2) That such Committee consist of Mr Rogan, Mr Miller, Mr Bowman, Mr Dowd and Mr West.

(3) That the Committee have leave to sit during the sittings or any adjournment of the House, to adjourn from place to place and to make visits of inspection within the State of New South Wales and other States of Australia and the Australian Capital Territory.

Mr Speaker stated that in view of the request for a ballot he would propose as one question only paragraphs (1) and (3) of the motion, and in the event of that question being agreed to, a ballot would be held.

Question proposed - That paragraphs (1) and (3) of the motion be agreed to.

Debate ensued.

Mr Schipp moved, That the Honourable Member for Bass Hill, Mr Wran, be not further heard.

Question put.

The House divided.

Ayes, 24

Mr Arblaster	Mrs Foot	Mr Schipp
Mr Armstrong	Mr Greiner	Mr Singleton
Mr Boyd	Mr Moore	Mr Smith
Mr Brewer	Mr Murray	Mr West
Mr Brown	Mr Park	
Mr Clough	Mr Peacocke	
Mr Collins	Mr Pickard	Tellers,
Mr Dowd	Mr Punch	Mr Catterson
Mr Fisher	Mr Rozzoli	Mr Fischer

Noes, 67

Mr Akister	Mr Cahill	Mr Durick
Mr Anderson	Mr Cavalier	Mr Egan
Mr Aquilina	Mr Christie	Mr Face
Mr Bannon	Mr Cleary	Mr Ferguson
Mr Beckroge	Mr R.J. Clough	Mr Gabb
Mr Bedford	Mr Cox	Mr Gordon
Mr Booth	Mrs Crosio	Mr Haigh
Mr Bowman	Mr Day	Mr Hatton
Mr Brading	Mr Debus	Mr Hills
Mr Brereton	Mr Degen	Mr Hunter

Mr Jackson	Mr Mulock	Mr Sheahan
Mr Johnson	Mr J.H. Murray	Mr Stewart
Mr Jones	Mr Neilly	Mr K.J. Stewart
Mr Keane	Mr O'Connell	Mr Walker
Mr Knight	Mr O'Neill	Mr Walsh
Mr Knott	Mr Paciullo	Mr Webster
Mr Knowles	Mr Page	Mr Whelan
Mr McGowan	Mr Petersen	Mr Wilde
Mr McIlwaine	Mr Quinn	Mr Wran
Mr Mack	Mr Ramsay	
Mr Miller	Mr Robb	Tellers,
Mr Mochalski	Mr Rogan	Mr Flaherty
Mr H.F. Moore	Mr Ryan	Mr Wade

And so it passed in the negative.

Debate continued.

Mr Flaherty moved, That the Question be now put.

Question put - "That the Question be now put."

The House divided.

Ayes, 65

Mr Akister	Mr Face	Mr O'Connell
Mr Anderson	Mr Ferguson	Mr O'Neill
Mr Aquilina	Mr Gabb	Mr Paciullo
Mr Bannon	Mr Gordon	Mr Page
Mr Beckroge	Mr Haigh	Mr Petersen
Mr Bedford	Mr Hills	Mr Quinn
Mr Booth	Mr Hunter	Mr Ramsay
Mr Bowman	Mr Jackson	Mr Robb
Mr Brading	Mr Johnson	Mr Rogan
Mr Brereton	Mr Jones	Mr Ryan
Mr Cahill	Mr Keane	Mr Sheahan
Mr Cavalier	Mr Knight	Mr Stewart
Mr Christie	Mr Knott	Mr K.J. Stewart
Mr Cleary	Mr Knowles	Mr Walker
Mr R.J. Clough	Mr McGowan	Mr Walsh
Mr Cox	Mr McIlwaine	Mr Webster
Mrs Crosio	Mr Miller	Mr Whelan
Mr Day	Mr Mochalski	Mr Wilde
Mr Debus	Mr H.F. Moore	Mr Wran
Mr Degen	Mr Mulock	Tellers,
Mr Durick	Mr J.H. Murray	Mr Flaherty
Mr Egan	Mr Neilly	Mr Wade

Noes, 26

Mr Arblaster	Mrs Foot	Mr Punch
Mr Armstrong	Mr Greiner	Mr Rozzoli
Mr Boyd	Mr Hatton	Mr Schipp
Mr Brewer	Mr Mack	Mr Singleton
Mr Brown	Mr Moore	Mr Smith
Mr Clough	Mr Murray	Mr West
Mr Collins	Mr Park	Tellers,
Mr Dowd	Mr Peacocke	Mr Caterson
Mr Fisher	Mr Pickard	Mr Fischer

And it appearing by the Tellers' Lists that the number in favour of the motion, being a majority, consisted of "at least thirty Members" -

Question put - That paragraphs (1) and (3) of the motion be agreed to.

The House divided.

Ayes, 67

Mr Akister	Mr Ferguson	Mr O'Connell
Mr Anderson	Mr Gabb	Mr O'Neill
Mr Aquilina	Mr Gordon	Mr Paciullo
Mr Bannon	Mr Haigh	Mr Page
Mr Beckroge	Mr Hatton	Mr Petersen
Mr Bedford	Mr Hills	Mr Quinn
Mr Booth	Mr Hunter	Mr Ramsay
Mr Bowman	Mr Jackson	Mr Robb
Mr Brading	Mr Johnson	Mr Rogan
Mr Brereton	Mr Jones	Mr Ryan
Mr Cahill	Mr Keane	Mr Sheahan
Mr Cavalier	Mr Knight	Mr Stewart
Mr Christie	Mr Knott	Mr K.J. Stewart
Mr Cleary	Mr Knowles	Mr Walker
Mr R.J. Clough	Mr McGowan	Mr Walsh
Mr Cox	Mr McIlwaine	Mr Webster
Mrs Crosio	Mr Mack	Mr Whelan
Mr Day	Mr Miller	Mr Wilde
Mr Debus	Mr Mochalski	Mr Wran
Mr Degen	Mr H.F. Moore	
Mr Durick	Mr Mulock	Tellers,
Mr Egan	Mr J.H. Murray	Mr Flaherty
Mr Face	Mr Neilly	Mr Wade

Noes, 24

Mr Arblaster	Mr Collins	Mr Murray
Mr Armstrong	Mr Dowd	Mr Park
Mr Boyd	Mr Fisher	Mr Peacocke
Mr Brewer	Mrs Foot	Mr Pickard
Mr Brown	Mr Greiner	Mr Punch
Mr Clough	Mr Moore	Mr Rozzoli

Mr Schipp
Mr Singleton
Mr Smith
Mr West

Tellers,
Mr Caterson
Mr Fischer

And so it was resolved in the affirmative.
Whereupon the House proceeded to the ballot.

Entry No. 40, Votes and Proceedings No. 48, 30 March 1983.

PARLIAMENTARY COMMITTEES ENABLING BILL:

The Order of the Day having been read for the resumption of the adjourned debate, on the motion of Mr Walker, *on behalf of* Mr Wran, "That this Bill be now read a second time"-

And the Question being again proposed -

The House resumed the said adjourned debate.

Question put and passed.

Bill read a second time.

Bill, on motion of Mr Walker, read a third time.

Entry No. 44, Votes and Proceedings No. 48, 31 March 1983 a.m.

SELECT COMMITTEE UPON PROSTITUTION:

Mr Speaker declared the following to be the Committee duly appointed - Mr Bowman, Mr Dowd, Mr Miller, Mr Rogan and Mr West.

Entry No. 47, Votes and Proceedings No. 48, 31 March 1983 a.m.

MESSAGES FROM THE LEGISLATIVE COUNCIL - Mr Speaker reported Messages from the Legislative Council, dated 31 March, 1983, a.m., returning the following Bills, without amendment-

* * * *

Parliamentary Committees Enabling Bill

* * * *

Entry No. 3, Votes and Proceedings No. 1, 16 August 1983.

MESSAGES FROM THE GOVERNOR - Mr Speaker reported Messages from His Excellency the Governor assenting to the following Bills:

* * * *

4 May, 1983 -

* * * *

No. 60. Parliamentary Committees Enabling Bill.

* * * *

Entry No. 10, Votes and Proceedings No. 2, 17 August 1983.

SELECT COMMITTEE UPON PROSTITUTION - Mr Speaker informed the House that he had received the following communication from the Honourable Member for Orange, Mr West, dated 14 April, 1983 -

"Mr Speaker -

I hereby formally confirm my previous statement to the Legislative Assembly to the effect that I am not prepared to serve as a member of the Select Committee upon Prostitution in New South Wales.

I would be grateful if you would convey my position to the House.

Yours sincerely,
G.B. WEST, M.P.
Member for Orange."

Entry No. 6, Votes and Proceedings No. 5, 24 August 1983.

SELECT COMMITTEE UPON PROSTITUTION - Ordered, on motion of Mr Walker (*by leave*), That Mr Garry Bruce West be discharged from attendance upon the Select Committee of the Legislative Assembly upon Prostitution and that Mr Robert Bruce Duncan be appointed a member of such Committee.

Entry No. 7, Votes and Proceedings No. 6, 25 August 1983.

SELECT COMMITTEE UPON PROSTITUTION - Ordered, on motion of Mr Walker (*by leave*), that the following Message be sent to the Legislative Council:

MR PRESIDENT -

The Legislative Assembly having appointed a Select Committee upon Prostitution, and that Committee being desirous to examine the Honourable Elisabeth Kirkby and the Reverend the Honourable Frederick John Nile, E.D., L.Th., Members of the Legislative Council in reference thereto, requests that the Legislative Council will give its leave to the said Honourable Members to attend and be examined by the said Committee on such day and days as shall be arranged between them and the said Committee.

*Legislative Assembly Chamber,
Sydney, 25 August, 1983.*

L.B. KELLY,
Speaker.

Entry No. 14, Votes and Proceedings No. 6, 25 August 1983.

SELECT COMMITTEE UPON PROSTITUTION - Mr Speaker reported the following Message from the Legislative Council:

MR SPEAKER -

The Legislative Council having had under consideration the Legislative Assembly's Message dated 25 August, 1983, requesting leave for the Honourable Elisabeth Kirkby and the Reverend the Honourable Frederick John Nile, E.D., L.Th., Members of the Legislative Council, to attend and be examined before the Select Committee of the Legislative Assembly upon Prostitution - acquaints the Legislative Assembly that leave has been granted to the said Members to attend and be examined by the Select Committee, if they think fit.

*Legislative Council Chamber,
Sydney, 25 August, 1983.*

JOHN JOHNSON,
President.

Entry No. 5, Votes and Proceedings No. 3, 3 May 1984.

COMMITTEES - Ordered, on motion of Mr Sheahan (*by leave*), That so much of the Standing Orders be suspended as would preclude certain documents relating to the proceedings of Select and Standing Committees appointed during the Forty-seventh Parliament being tabled and those documents being referred to any committee that may be appointed for a similar purpose during the currency of the present Parliament.

* * * *

Mr Rogan brought up: Minutes of Proceedings and Evidence taken before the Select Committee of the Legislative Assembly upon Prostitution.

Referred the the Printing Committee.

* * * *

Entry No. 15, Votes and Proceedings No. 6, 10 May 1984.

SELECT COMMITTEE UPON PROSTITUTION - Mr Sheahan moved, pursuant to Notice -

(1) That a Select Committee be appointed to investigate and report upon the public health, criminal, social and community welfare aspects of prostitution in New South Wales.

(2) That such Committee consist of Mr Bowman, Mr Collins, Mr Duncan, Mr J.H. Murray and Mr Rogan.

(3) That the Committee have leave to sit during the sittings or any adjournment of the House, to adjourn from place to place and to make visits of inspection within the State of New South Wales and other States of Australia and the Australian Capital Territory.

Debate ensued.

Question put and passed.

Entry No. 9, Votes and Proceedings No. 11, 23 May 1984.

PARLIAMENTARY COMMITTEES ENABLING BILL:

Mr Wran moved, pursuant to Notice, That leave be given to bring in a Bill for an Act to enable certain Committees of the Legislative Council and Legislative Assembly to function during the prorogation of Parliament and during the second session of the forty-eighth Parliament.

Question put and passed.

Bill presented and read a first time.

Mr Wran moved, That this Bill be now read a second time.

Debate adjourned (*Mr Fischer*) and the resumption of the debate made an Order of the Day for a future day.

Entry No. 9, Votes and Proceedings No. 12, 24 May 1984.

PARLIAMENTARY COMMITTEES ENABLING BILL:

The Order of the Day having been read for the resumption of adjourned debate, on the motion of Mr Wran, "That this Bill be now read a second time" -

And the question being again proposed -

The House resumed the said adjourned debate.

Question put and passed.

Bill read a second time.

Leave granted for the third reading to be moved forthwith.

Bill, on motion of Mr Sheahan, *on behalf of Mr Wran*, read a third time.

Entry No. 23, Votes and Proceedings No. 12, 24 May 1984.

SELECT COMMITTEE UPON PROSTITUTION - Ordered, on motion of Mr Sheahan (*by leave*), That notwithstanding anything contained in the Standing Orders, the resolution of 10 May, 1984, appointing a Select Committee to investigate and report upon various aspects of Prostitution be varied by inserting after paragraph (3) the following new paragraph -

(4) That the Committee have leave to appoint a delegation of two of its members and the Clerk to the Committee to make visits of inspection to overseas countries.

Entry No. 24, Votes and Proceedings No. 12, 24 May 1984.

MESSAGES FROM THE LEGISLATIVE COUNCIL - Mr Speaker reported Messages from the Legislative Council, dated 24 May, 1984, returning the following Bills, without amendment -

* * * *

Parliamentary Committees Enabling Bill.

Entry No. 4, Votes and Proceedings No. 1, 14 August 1984.

MESSAGES FROM THE GOVERNOR - Mr Speaker reported Messages from His Excellency the Governor assenting to the following Bills:

13 June, 1984

* * * *

No. 12. Parliamentary Committees Enabling Bill.

* * * *

Entry No. 9, Votes and Proceedings No. 47, 23 April 1985.

SELECT COMMITTEE UPON PROSTITUTION: Ordered, on motion of Mr Sheahan, That should the House stand adjourned and the Select Committee upon Prostitution agree to a Report before the House resumes sitting -

- (1) The Committee have leave to send the Report, Minutes of Proceedings and Evidence taken before them to the Clerk of the House;
- (2) The documents shall be printed and published and the Clerk shall forthwith take such action as is necessary to give effect to the Order of the House; and
- (3) The documents shall be laid upon the Table of the House at its next sitting.

Entry No. 12, Votes and Proceedings No. 71, 21 November 1985.

SELECT COMMITTEE UPON PROSTITUTION:

Ordered, on motion of Mr Sheahan (*by leave*), That the Select Committee of the Legislative Assembly upon Prostitution have power to report from time to time.

Entry No. 9, Votes and Proceedings No. 1, 19 February 1986.

MESSAGES FROM THE LEGISLATIVE COUNCIL

Mr Speaker reported messages from the Legislative Council, returning the following bills, without amendment -

28 November 1985

* * * *

Parliamentary Committees Enabling

* * * *

Entry No. 10, Votes and Proceedings No. 1, 19 February 1986.

MESSAGES FROM THE GOVERNOR

Mr Speaker reported messages from His Excellency the Governor assenting to the following bills:

10 December 1985

* * * *

Parliamentary Committees Enabling

* * * *

* * * *

PROCEEDINGS OF THE SELECT COMMITTEE UPON PROSTITUTION

Forty-seventh Parliament

No 1

Tuesday, 19 April, 1983

At Parliament House, Sydney at 12 noon

MEMBERS PRESENT

Mr Bowman, Mr Dowd, Mr Miller, Mr Rogan

Mr P.J.McHugh informed the Committee of his appointment for the time being as Clerk to the Committee.

The Clerk read Entries Nos. 14, 37 and 44 from Votes and Proceedings No. 48, Wednesday, 30 March, 1983.

The Clerk advised the meeting that Mr Speaker had received a letter from Mr West advising that he was not prepared to serve as a member of the Committee and requesting that his position be conveyed to the House.

On motion of Mr Bowman, seconded by Mr Miller, Mr Rogan was called to the Chair and thereupon made his acknowledgements.

Mr Bowman moved, That the following procedures be adopted:

- i) Unless otherwise ordered, parties appearing before the Committee shall not be represented by any member of the legal profession.
- ii) Unless otherwise ordered, the press and public (including witnesses after examination) be admitted to the sittings of the Committee.
- iii) Departmental officers and other persons as deemed appropriate, may be invited to assist the Committee.
- iv) Press statements concerning the Committee be made only by the Chairman.
- v) Unless otherwise ordered, transcripts of evidence taken by the Committee be not made available to any person, body or organisation: provided that witnesses previously examined shall be given a copy of their evidence.
- vi) Arrangements for the calling of witnesses and visits of inspection be left in the hands of the Chairman and the Clerk to the Committee.
- vii) The Chairman and the Clerk make arrangements for visits of inspection by the Committee as a whole and that individual members wishing to depart from these arrangements be required to make their own arrangements.
- viii) Upon the calling of a division or quorum in the House, the proceedings of the Committee shall be suspended until the termination of the division and the Committee again has a quorum.
- ix) The Clerk to the Committee be empowered to write to interested parties requesting written submissions within the Terms of Reference and to place such public advertisements as may be reasonably necessary to the inviting of submissions.

Debate ensued.

Mr Dowd moved, That the Question be amended by the addition of the following paragraphs,

- “x) That individual members of the Committee be entitled to require the calling of witnesses, both police and those involved in organised crime reasonably incidental to the examination of the problem of prostitution and the illegal related drug trade.
- xi) That a member who has views inconsistent with or additional to the recommendations of the Committee, shall be entitled to have included in the body of the Report, a statement of those views.”

Question proposed, That the words proposed to be added, be so added.

Debate ensued.

Point of Order: — The Chairman stated that in his view, the proposed paragraph (xi) fell outside the constraints placed upon Select Committees by the Standing Orders and practices of the Legislative Assembly, which preclude the Committee from including in its report any observations which the minority or any individual member desires to offer but which are not subscribed to by the majority.

The Chairman also stated that the proposed paragraph (x) probably also fell outside the Standing Orders and was certainly contrary to Committee practice.

He ruled the amendment out of order.

Original Question put and passed.

Mr Dowd moved, That the Committee dissents from the ruling of the Chairman given this day, when he ruled that an amendment moved by Mr Dowd to a motion moved by Mr Bowman relating to procedures of the Committee, was out of order.

Debate ensued.

Question put and negatived.

Resolved, on motion of Mr Miller, That the official name of the Committee be the “Select Committee of the Legislative Assembly upon Prostitution”.

Resolved, on motion of Mr Miller,

- i) That the Chairman and the Clerk be empowered to negotiate with the Premier for the provision of funds to meet expenses in connection with travel, accommodation, advertising and approved incidental expenses of the Committee.
- ii) That this Committee requests the Premier to approve payment of the following:
 - a) A daily allowance to each member when he attends a meeting of the Committee on a day on which the House is not sitting, and for each day he is present at an official visit of inspection;
 - b) The cost of air travel for visits of inspection when other modes of transport are impracticable;
 - c) The cost of air travel between electoral district and Sydney for Mr Bowman and Mr West, for the purpose of attending meetings of the Committee.

- iii) That allowances for the Chairman and members be paid at the end of each calendar month.

Consideration was given to the means of advertising and to persons and organisations to whom written invitations for submissions should be sent.

The Committee deliberated.

Resolved, on motion of Mr Miller, That the Chairman be empowered to approach the Premier as a matter of urgency to provide for two research officers to assist the Committee.

The Committee adjourned at 1.40 p.m., *sine die*.

No 2

Wednesday, 3 August, 1983

At Parliament House, Sydney, at 2.00 p.m.

MEMBERS PRESENT

Mr Rogan (in the Chair)

Mr Bowman, Mr Dowd, Mr Miller

The minutes of the meeting held on 19 April 1983, as circulated, were confirmed.

Mr Dowd stated that following discussion with the Chairman and in view of advice from the Clerk to the Committee regarding the recording of amendments moved to paragraphs of a Committee Report, and in view of the assurance given to him by the Chairman that the Chairman could not see any problem at that stage about the calling of witnesses, he believed that the conditions under which he was prepared to serve on the Committee had been substantially met.

The Chairman introduced GAIL TRAVIS and MARIANNE HOYD and advised that they had been appointed as researchers with the Committee. Ms TRAVIS and Ms HOYD advised the Committee of their work to date.

The Committee deliberated.

The Committee adjourned at 4.22 p.m., until 6 August, 1983, at 11.00 p.m.

No 3

Saturday, 6 August, 1983

At Parliament House, Sydney at 11.00 p.m.

MEMBERS PRESENT

Mr Rogan (in the Chair)

Mr Bowman, Mr Dowd, Mr Miller

The Committee met and proceeded to Macleay Street, Kings Cross.

Together with Mr GARRY BENNETT and Ms ROBERTA PERKINS, the Committee inspected street areas of Kings Cross, Darlinghurst and East Sydney, spoke with prostitutes in various locations and inspected two houses being used as brothels.

The Committee adjourned at 3.00 a.m., until 10 August, 1983, at 10.00 a.m.

No 4

Wednesday, 10 August, 1983

At Parliament House, Sydney at 10.00 a.m.

MEMBERS PRESENT

Mr Rogan (in the Chair)

Mr Bowman, Mr Dowd, Mr Miller

The minutes of the meeting held on 3 August, 1983, as circulated, were read and amended. Minutes, as amended, confirmed.

The minutes of the meeting held on 6 August, 1983, as circulated, were confirmed.

ERNEST GEORGE SCHWARZ, Lecturer, and CHARIS ELIZABETH SCHWARZ, Nurse, sworn and examined.

The Chairman having been unavoidably called from the Committee —
Mr Bowman, on motion of Mr Miller, elected as Acting-Chairman.

Evidence concluded, the witnesses withdrew.

FRANCIS LITTLEWOOD, Teacher, and WENDY LENORE LITTLEWOOD, Housewife and Freelance Artist, sworn and examined.

Evidence concluded, the witnesses withdrew.

The Chairman resumed the Chair.

At the direction of the Chairman, the Committee proceeded to take certain evidence in camera.

Two female prostitutes were sworn and examined.

Evidence concluded, the witnesses withdrew.

The Committee deliberated.

The Committee adjourned at 4.18 p.m., until Thursday, 11 August, 1983, at 2.15 p.m.

No 5**Thursday, 11 August, 1983****At Parliament House, Sydney at 2.30 p.m.****MEMBERS PRESENT****Mr Rogan (in the Chair)
Mr Bowman, Mr Dowd, Mr Miller**

The minutes of the meeting held on 10 August, 1983, as circulated, were confirmed.

The Committee deliberated.

The Committee adjourned at 4.00 p.m., until Tuesday, 30 August, 1983, at 10.00 a.m.

No 6**Tuesday, 30 August, 1983****At Parliament House, Sydney at 10.00 a.m.****MEMBERS PRESENT****Mr Rogan (in the Chair)
Mr Bowman, Mr Dowd, Mr Miller**

An apology was received from Mr Duncan.

The minutes of the meeting held on 11 August, 1983 as circulated, were confirmed.

JULIE HARRIS, prostitute and JUANITA WAIGHT, prostitute, sworn and examined.

Evidence concluded, the witnesses withdrew.

JOHN CHARLES BOYD, Member of Parliament, sworn and examined.

Evidence concluded, the witness withdrew.

ANNETTE MARIA CROWE, Social Worker, sworn and examined.

Evidence concluded, the witness withdrew.

The Committee deliberated.

The Committee adjourned at 4.10 p.m., until Thursday, 1 September, 1983, at 10.00 a.m.

No 7

Thursday, 1 September, 1983

At Parliament House, Sydney at 9.00 a.m.

MEMBERS PRESENT

Mr Rogan (in the Chair)

Mr Bowman, Mr Dowd, Mr Duncan, Mr Miller

The minutes of the meeting held on 30 August, 1983 as circulated, were confirmed.

The Committee viewed a video recording of "Playing the Game" which was originally recorded as part of the English television programme "Brass Tacks".

The Reverend the Honourable FREDERICK JOHN NILE, E.D., L.Th., Member of the Legislative Council of New South Wales, Director and National Co-ordinator of the Australian Federation of the Festival of Light and JANET VIOLA COOMBS, Legal Adviser for the Federation, sworn and examined.

Evidence concluded, the witnesses withdrew.

ELIZABETH WILMA KIRKBY, Member of the Legislative Council of New South Wales, sworn and examined.

Evidence concluded, the witness withdrew.

LOUISE JOSEPHINE WEBB, social worker, sworn and examined.

Evidence concluded, the witness withdrew.

The Committee adjourned at 4.21 p.m. until Friday, 2 September, 1983, at 7.30 p.m.

No 8

Friday, 2 September, 1983

At Parliament House, Sydney at 7.30 p.m.

MEMBERS PRESENT

Mr Rogan (in the Chair)

Mr Bowman, Mr Dowd, Mr Miller

An apology was received from Mr Duncan.

The Committee met and proceeded to East Sydney.

Together with various local residents, the Committee inspected street areas of East Sydney and Darlinghurst and spoke with residents in several of their houses.

The Committee adjourned at 11.35 p.m., until Monday, 12 September, 1983 at 10.00 a.m.

No 9**Monday, 12 September, 1983****At Parliament House, Sydney at 10.00 a.m.****MEMBERS PRESENT****Mr Rogan (in the Chair)****Mr Bowman, Mr Dowd, Mr Duncan, Mr Miller**

The minutes of the meeting held on 1 September, 1983, as circulated, were confirmed.

The minutes of the meeting held on 2 September, 1983, were read and amended. Minutes, as amended, confirmed.

ROSLYN NELSON, Student Welfare Worker, sworn and examined.

At the direction of the Chairman, the Committee proceeded to take certain evidence *in camera*.

Evidence concluded, the witness withdrew.

RODNEY PAUL JONES, M.B., B.S. (Syd), Dip. Ven. (Lond)., Senior Medical Officer, (Clinical), Sexually Transmitted Diseases Clinic, sworn and examined.

Evidence concluded, the witness withdrew.

GARRY PAUL BENNETT, Student and representative of Twenty-Ten and the Task Group on Prostitution, sworn and examined.

At the direction of the Chairman, the Committee proceeded to take certain evidence *in camera*.

Evidence concluded, the witness withdrew.

The Committee deliberated.

The Committee adjourned at 5.05 p.m., until Monday, 19 September, 1983 at 2.15 p.m.

No 10**Monday, 19 September, 1983****At Parliament House, Sydney at 2.15 p.m.****MEMBERS PRESENT****Mr Rogan (in the Chair)****Mr Bowman, Mr Dowd, Mr Duncan, Mr Miller**

The minutes of the meeting held on 12 September, 1983, as circulated, were confirmed.

The Committee deliberated.

Resolved, on motion of Mr Duncan, that the Chairman meets with the Chairman of the Interdepartmental Task Force on Drug Dependent Prostitutes to discuss common objectives and determine whether there is merit in a meeting of the two Committees.

The Committee deliberated.

The Committee adjourned at 4.25 p.m., until Friday, 23 September, 1983, at 10.00 a.m.

No 11

Friday, 23 September, 1983

At Parliament House, Sydney at 10.00 a.m.

MEMBERS PRESENT

Mr Rogan (in the Chair)

Mr Bowman, Mr Dowd, Mr Miller

An apology was received from Mr Duncan.

The minutes of the meeting held on 19 September, 1983, as circulated, were confirmed.

CRAIG JOHNSTON, Student, and Secretary, East Sydney Branch, Australian Labor Party, sworn and examined.

Evidence concluded, the witness withdrew.

JOAN ETHEL MARGARET COCKS, State President, Women's Christian Temperance Union of N.S.W. Inc., sworn and examined.

Evidence concluded, the witness withdrew.

MARY ELIZABETH MURRAY, Home Duties, RONALD LUCAS MURRAY, Gardener, Residents of Darlinghurst, sworn and examined.

At the direction of the Chairman, the Committee proceeded to take certain evidence *in camera*.

Evidence concluded, the witnesses withdrew.

The Committee deliberated.

The Committee adjourned at 3.25 p.m., until Tuesday, 4 October, 1983, at 10.00 a.m.

No 12

Tuesday, 4 October, 1983

At Parliament House, Sydney at 10.00 a.m.

MEMBERS PRESENT

Mr Rogan (in the Chair)

Mr Bowman, Mr Dowd, Mr Duncan, Mr Miller

The minutes of the meeting held on 23 September, 1983 as circulated, were confirmed.

ROBERTA SALLY PERKINS, Volunteer Social Worker, sworn and examined.

At the direction of the Chairman, the Committee proceeded to take certain evidence *in camera*.

Evidence concluded, the witness withdrew.

CAROLINE MAY DE COSTA, Medical Practitioner and representative of the Doctors Reform Society, sworn and examined.

Evidence concluded, the witness withdrew.

The Committee deliberated.

The Committee adjourned at 3.50 p.m., until Wednesday, 5 October, 1983 at 10.00 a.m.

No 13

Wednesday, 5 October, 1983

At Parliament House, Sydney at 10.00 a.m.

MEMBERS PRESENT

Mr Rogan (in the Chair)

Mr Bowman, Mr Dowd, Mr Duncan, Mr Miller

The minutes of the meeting held on 4 October, 1983, as circulated, were confirmed.

MAJOR EDWARD JOSEPH DAWKINS, Minister of Religion, Salvation Army and CAPTAIN DAVID BRUNT, Minister of Religion, Salvation Army, sworn and examined.

By direction of the Chairman, the Committee proceeded to take certain evidence *in camera*.

Evidence concluded, the witnesses withdrew.

FAY LOPO, Teacher, BARBARA CODDINGTON and CHRISTINE DAWSON KIBBLE, Chartered Accountant, all representatives of the New South Wales Women's Advisory Council, sworn and examined.

Evidence concluded, the witnesses withdrew.

The Committee deliberated.

The Committee adjourned at 4.25 p.m., until Tuesday, 25 October, 1983, at 10.00 a.m.

No 14

Tuesday, 25 October, 1983

At Parliament House, Sydney at 10.00 a.m.

MEMBERS PRESENT

**Mr Rogan (in the Chair)
Mr Dowd, Mr Duncan, Mr Miller**

An apology was received from Mr Bowman.

The minutes of the meeting held on 5 October, 1983, as circulated, were confirmed.

The Chairman advised the Committee of the change of the Clerk to the Committee; that Mr M.H. Sheather would take over as Clerk from Mr P.J. McHugh.

MR NEVILLE NIELSEN APITZ, Regional Manager - Sydney Central, Department of Planning and Environment and MR KELVIN CLIFFORD AULD, Town Planner, Central Policy Division, also of the above Department, sworn and examined.

Evidence concluded, the witnesses withdrew.

DR PAUL SIEGFRIED ENDERS, Sexually Transmitted Diseases Clinic, sworn and examined.

Evidence concluded, the witness withdrew.

The Committee deliberated.

The Committee adjourned at 3.40 p.m., until Wednesday, 26 October, 1983, at 10.00 a.m.

No 15

Wednesday, 26 October, 1983

At Parliament House, Sydney at 10.00 a.m.

MEMBERS PRESENT

**Mr Rogan (in the Chair)
Mr Dowd, Mr Duncan, Mr Miller**

An apology was received from Mr Bowman.

The minutes of the meeting held on 25 October, 1983, as circulated, were confirmed.

Mr GEORGE WOLFRED KLEIN, Counsellor and Group Therapist, Bourke Street Drug Advisory Clinic, Surry Hills, sworn and examined.

At the direction of the Chairman, the Committee proceeded to take certain evidence *in camera*.

Evidence concluded, the witness withdrew.

The Committee deliberated.

Ms JESSIE ELLEN BARTOS, Liberal Network, sworn and examined.

Evidence concluded, the witness withdrew.

The Committee deliberated.

The Committee adjourned at 3.08 p.m., until Tuesday, 15 November, 1983, at 10.00 a.m.

No 16

Monday, 14 November, 1983

At Parliament House, Sydney at 10.30 a.m.

MEMBERS PRESENT

Mr Rogan (in the Chair)

Mr Bowman, Mr Dowd, Mr Miller

An apology was received from Mr Duncan.

The minutes of the meeting held on 26 October, 1983, as circulated, were confirmed.

INSPECTOR NEVILLE ARTHUR STANFORD, Police Prosecuting Branch, New South Wales Police Department, sworn and examined.

Evidence concluded, the witness withdrew.

TERRY GOULDEN, Director, Gays Counselling Service of New South Wales, sworn and examined.

Evidence concluded, the witness withdrew.

The Committee deliberated.

The Committee adjourned at 3.42 p.m., until 15 November, 1983, at 10.00 a.m.

No 17

Tuesday, 15 November, 1983

At Parliament House, Sydney at 10.00 a.m.

MEMBERS PRESENT

Mr Rogan (in the Chair)

Mr Bowman, Mr Dowd, Mr Duncan

An apology was received from Mr Miller.

The minutes of the meeting held on 14 November, 1983, as circulated, were confirmed.

The Right Honourable the Lord Mayor Alderman DOUGLAS WILLIAM SUTHERLAND, A.M., sworn and examined.

Evidence concluded, the witness withdrew.

JAMES McCARTNEY ANDERSON, sworn and examined.

At the direction of the Chairman, the Committee proceeded to take certain evidence *in camera*.

The Committee adjourned at 5.16 p.m., *sine die*.

No 18

Monday, 21 November, 1983

At Parliament House, Sydney at 10.30 a.m.

MEMBERS PRESENT

Mr Rogan (in the Chair)

Mr Bowman, Mr Dowd, Mr Duncan, Mr Miller

The minutes of the meeting held on 15 November, 1983, as circulated, were confirmed.

DETECTIVE INSPECTOR ERNEST SEPTIMUS SHEPARD, Officer in Charge, Vice Squad, sworn and examined.

At the direction of the Chairman, the Committee proceeded to take certain evidence *in camera*.

Evidence concluded, the witness withdrew.

DETECTIVE INSPECTOR JAMES MICHAEL WILLIS, Officer-in-Charge, Drug Squad, DETECTIVE SERGEANT THIRD CLASS JOHN HANDBRIDGE, Drug Unit, Kings Cross and DETECTIVE ROBERT GEORGE DICKSON, Drug Unit, Kings Cross, sworn and examined.

At the direction of the Chairman, the Committee proceeded to take certain evidence *in camera*.

Evidence concluded, the witnesses withdrew.

DETECTIVE SENIOR CONSTABLE WILLIAM LESLIE BRANDER, Juvenile Crime Squad, sworn and examined.

Evidence concluded, the witness withdrew.

The Committee adjourned at 4.56 p.m., *sine die*.

No 19**Thursday, 15 December, 1983****At Parliament House, Sydney at 10.00 a.m.****MEMBERS PRESENT****Mr Rogan (in the Chair)
Mr Bowman, Mr Dowd, Mr Miller**

An apology was received from Mr Duncan.

The minutes of the meeting held on 21 November, 1983, as circulated, were confirmed.

Mr BRUCE RAYMOND BROWN, Deputy Chairman of the Bench of Stipendiary Magistrates, sworn and examined.

Evidence concluded, the witness withdrew.

DEBBIE HOMBURG, Member of the Australian Prostitutes Collective, sworn and examined.

At the direction of the Chairman, the Committee proceeded to take certain evidence *in camera*.

The Committee adjourned at 4.30 p.m., *sine die*.

No 20**Wednesday, 8 February, 1984****At Parliament House, Sydney at 2.00 p.m.****MEMBERS PRESENT****Mr Rogan (in the Chair)
Mr Bowman, Mr Dowd, Mr Miller**

An apology was received from Mr Duncan.

The minutes of the meeting held on 15 December, 1983, as circulated, were confirmed.

The Committee deliberated.

The Committee adjourned at 3.50 p.m., *sine die*.

Forty-eighth Parliament**No 1****Thursday, 17 May, 1984****At Parliament House, Sydney at 4.15 p.m.****MEMBERS PRESENT****Mr Bowman, Mr Collins, Mr Duncan, Mr Murray, Mr Rogan**

Mr P.J. McHugh informed the Committee of his appointment as Clerk to the Committee.

The Clerk read Entry No. 15 from Votes and Proceedings No. 6, Thursday, 10 May, 1984.

On motion of Mr Bowman, seconded by Mr Duncan, Mr Rogan was called to the Chair and thereupon made his acknowledgements.

Mr Duncan moved, That the following procedures be adopted:

- i) Unless otherwise ordered, parties appearing before the Committee shall not be represented by any member of the legal profession.
- ii) Unless otherwise ordered, the press and public (including witnesses after examination) be admitted to the sittings of the Committee.
- iii) Departmental officers and other persons as deemed appropriate, may be invited to assist the Committee.
- iv) Press statements concerning the Committee be made only by the Chairman.
- v) Unless otherwise ordered, transcripts of evidence taken by the Committee be not made available to any person, body or organisation: provided that witnesses previously examined shall be given a copy of their evidence.
- vi) Arrangements for the calling of witnesses and visits of inspection be left in the hands of the Chairman and the Clerk to the Committee.
- vii) The Chairman and the Clerk make arrangements for visits of inspection by the Committee as a whole and that individual members wishing to depart from these arrangements be required to make their own arrangements.
- viii) Upon the calling of a division or quorum in the House, the proceedings of the Committee shall be suspended until the termination of the division and the Committee again has a quorum.
- ix) The Clerk to the Committee be empowered to write to interested parties requesting written submissions within the Terms of Reference and to place such public advertisements as may be reasonably necessary to the inviting of submissions.

Resolved, on motion of Mr Bowman, That the official name of the Committee be the "Select Committee of the Legislative Assembly upon Prostitution".

Resolved, on motion of Mr Collins,

- i. That the Chairman and the Clerk be empowered to negotiate with the Premier for the provision of funds to meet expenses in connection with travel, accommodation, advertising and approved incidental expenses of the Committee.
- ii. That this Committee requests the Premier to approve payment of the following:

- a) A daily allowance to each member when he attends a meeting of the Committee on a day on which the House is not sitting, and for each day he is present at an official visit of inspection;
 - b) The cost of air travel between electoral district and Sydney for Mr Bowman and Mr Duncan, for the purpose of attending meetings of the Committee.
- iii. That allowances for the Chairman and members be paid at the end of each calendar month.

Resolved, on motion of Mr Collins, That the Chairman be empowered to approach the Premier as a matter of urgency to provide for research officers to assist the Committee.

The Committee deliberated.

The Committee adjourned at 5.10 p.m., *sine die*.

No 2

Tuesday, 26 June, 1984

At Parliament House, Sydney at 10.00 a.m.

MEMBERS PRESENT

Mr Rogan (in the Chair)

Mr Bowman, Mr Duncan, Mr J .H. Murray

An apology was received from Mr Collins.

The minutes of the meeting held on 17 May, 1984, as circulated, were confirmed.

BRIAN DESMOND STEWART, Chairman, Drug and Alcohol Authority of New South Wales and DAVID KEITH REILLY, Clinical Psychologist, Bourke Street Community Drug and Alcohol Advisory Service, jointly sworn as witnesses and examined.

Evidence concluded, the witnesses withdrew.

The Reverend BRUCE ALBERT BALLANTINE-JONES, immediate past President, New South Wales Council of Churches and PETER GRAEME DIXON, Assistant Secretary of the same organisation jointly sworn as witnesses and examined.

Evidence concluded, the witnesses withdrew.

The Committee deliberated.

The Committee adjourned at 4.01 p.m., until Wednesday, 27 June, 1984 at 10.00 a.m.

No 3

Wednesday, 27 June, 1984

At Parliament House, Sydney at 10.00 a.m.

MEMBERS PRESENT

Mr Rogan (in the Chair)

Mr Bowman, Mr Collins, Mr Duncan, Mr J.H. Murray

The minutes of the meeting held on 26 June, 1984, as circulated, were confirmed.

JANE BRADFIELD and MARGARET CATHERINE BAIL, both of the Department of Youth and Community Services, jointly sworn as witnesses and examined.

Evidence concluded, the witnesses withdrew.

The Committee deliberated.

ROZALIND NELSON, Health Worker and ROBERTA PERKINS, Co-ordinator, Teresias House, both representing the Task Group on Prostitution, jointly sworn as witnesses and examined.

Evidence concluded, the witnesses withdrew.

The Committee deliberated.

The Committee adjourned at 5.26 p.m., until Thursday, 28 June, 1984 at 10.00 a.m.

No 4

Thursday, 28 June, 1984

At Parliament House, Sydney at 10.00 a.m.

MEMBERS PRESENT

Mr Rogan (in the Chair)

Mr Bowman, Mr Collins, Mr Duncan, Mr J.H. Murray

The minutes of the meeting held on 27 June, 1984, as circulated, were confirmed.

JOHN ROBERT MARSDEN, President, New South Wales Council for Civil Liberties, sworn and examined.

Evidence concluded, the witness withdrew.

JAN AITKIN, Member of the Women's Electoral Lobby, sworn and examined.

Evidence concluded, the witness withdrew.

The Committee deliberated.

The Committee adjourned at 4.20 p.m., until Tuesday, 10 July, 1984 at 10.00 a.m.

No 5**Tuesday, 10 July, 1984****At Parliament House, Sydney at 10.00 a.m.****MEMBERS PRESENT****Mr Rogan (in the Chair)****Mr Bowman, Mr Collins, Mr J.H. Murray**

An apology was received from Mr Duncan.

The minutes of the meeting held on 28 June, 1984, as circulated, were confirmed.

ANTHONY IRVINE ADAMS, Acting Chief Health Officer and CHRISTINE THOMAS, Assistant Secretary, both of the Department of Health, jointly sworn and examined.

Evidence concluded, the witnesses withdrew.

JOHN DEREK RICHARDSON, Medical Practitioner and President of the Australian Society of Sex Educators, Researchers and Therapists, sworn and examined.

Evidence concluded, the witness withdrew.

ESTHER DOYLE, General President and DOROTHY NICHOL, Honorary General Secretary both of the Catholic Women's League, jointly sworn and examined.

Evidence concluded, the witnesses withdrew.

The Committee deliberated.

The Committee adjourned until a later hour of the day.

The Committee met and inspected several street areas of Kings Cross and surrounding areas.

The Committee adjourned at 12.05 a.m., on Wednesday, 11 July, 1984, until 11.00 a.m. this day.

No 6**Wednesday, 11 July, 1984****At Parliament House, Sydney at 10.00 a.m.****MEMBERS PRESENT****Mr Rogan (in the Chair)****Mr Bowman, Mr Collins, Mr Duncan, Mr J.H. Murray**

MARIS STELLA YVETTE NEUVILLE DALTON, Psychiatrist, Medical Director, Parramatta Drug and Alcohol Service, sworn and examined.

Evidence concluded, the witness withdrew.

SIMONE, Transsexual Prostitute and BRONWYN, Transsexual Prostitute, sworn and examined.

Evidence concluded, the witnesses withdrew.

The Committee deliberated.

The Committee adjourned at 4.00 p.m., until Wednesday, 18 July, 1984 at 4.00 p.m.

No 7

Thursday, 12 July, 1984

At Parliament House, Sydney at 10.00 a.m.

MEMBERS PRESENT

Mr Rogan (in the Chair)

Mr Bowman, Mr Collins, Mr Duncan, Mr J.H. Murray

The minutes of the meeting held on 10 and 11 July, 1984 as circulated, were confirmed.

BASIL JOHN DONOVAN, Medical Practitioner, Vice President of the Venereology Society of New South Wales and Vice President of the National Venereology Society, sworn and examined.

Evidence concluded, the witness withdrew.

WILLIAM CHARLES ABELA, Escort Agency Operator, sworn and examined.

Evidence concluded, the witness withdrew.

RICHARD MATTHEWS, GAY RUTHERFORD, and FAY ELLEN RUSSELL, all of the Darlinghurst Residents Rights Group, sworn and examined.

Evidence concluded, the witnesses withdrew.

The Committee deliberated.

The Committee adjourned at 4.50 p.m., until Wednesday, 18 July, 1984 at 2.00 p.m.

No 8

Wednesday, 18 July, 1984

At Sydney Airport at 2.00 p.m.

MEMBERS PRESENT

Mr Rogan (in the Chair)

Mr Bowman, Mr Collins, Mr Duncan, Mr J.H. Murray

The Committee met and travelled to Melbourne.

Discussions were held with Mr FRANK COSTIGAN, Royal Commissioner and Mr DOUGLAS MEAGHER, Counsel Assisting the Royal Commissioner.

The Committee adjourned at 6.15 p.m. until 19 July, 1984 at 9.30 a.m.

No 9**Thursday, 19 July, 1984****At Ministry for Planning and Environment, Melbourne at 9.30 a.m.****MEMBERS PRESENT****Mr Rogan (in the Chair)****Mr Bowman, Mr Collins, Mr Duncan, Mr J.H. Murray**

The Committee met with Mr JOHN BUCKLEY of the Ministry for Planning and Environment and members of the former Working Party on Location of Massage Palours — Ms CONNIE BENN (Chairman), Premier's Department; Mr JOHN MURRAY, Local Government Department; Ms ANGELA SMITH, Law Department and Mr ROBERT McALPINE, Ministry for Planning and Environment. Also present was Ms MARY DRAPER, Co-ordinator of Women's Affairs, Premier's Department, as a member of the Monitoring Committee on the Planning (Brothels) Act.

Discussions were held with Mr MICHAEL BERESFORD-SMITH, Project Director, Inner City Street Kids Project.

At Russell Street Police Station, the Committee met with Chief Superintendent K.P. WALTERS and members of the Delta Task Force.

Ms BEBE LOFF, Ms MARIANNE PHILLIPS AND Ms CHERYL OVERS of the Australian Prostitutes Collective, Melbourne, spoke with the Committee at the premises of the Fitzroy Legal Service.

The Committee adjourned at 6.48 p.m., until Friday, 20 July, 1984 at 9.00 a.m.

No 10**Friday, 20 July, 1984****At Hilton Hotel, Melbourne, at 9.00 a.m.****MEMBERS PRESENT****Mr Rogan (in the Chair)****Mr Bowman, Mr Collins, Mr Duncan, Mr J.H. Murray**

The Committee met and inspected a brothel at South Yarra.

At the Department of Planning and Environment, the Committee met with planning officers from the local government areas of Collingwood, Fitzroy, Melbourne, Richmond, St Kilda and South Melbourne.

At the Planning Appeals Board, the Committee met with Mr PHIL OPAS, Chief Chairman of the Board.

Discussions were held with Mr MICHAEL HENRY, Ministerial Adviser to the Minister for Planning and Environment and Mr DAMIEN MURPHY, Ministerial Adviser to the Attorney General.

The Committee adjourned at 6.12 p.m., until Saturday, 21 July 1984, at 1.00 p.m.

No 11

Saturday, 21 July, 1984

At Hilton Hotel, Melbourne at 1.00 p.m.

MEMBERS PRESENT

Mr Rogan (in the Chair)

Mr Bowman, Mr Collins, Mr Duncan, Mr J.H. Murray

The Committee met and proceeded on an inspection of premises in South Melbourne, St Kilda, Carlton and North Melbourne.

In the evening, the Committee inspected areas of St Kilda.

The Committee adjourned at 11.55 p.m., until 23 July, 1984 at 9.15 a.m.

No 12

Monday, 23 July, 1984

At Parliament House, Adelaide at 9.15 a.m.

MEMBERS PRESENT

Mr Rogan (in the Chair)

Mr Bowman, Mr Collins, Mr Duncan, Mr J.H. Murray

The Committee met with Ms MARY MACLEOD, formerly Executive Officer to the South Australian Parliamentary Select Committee on Prostitution.

At Police Headquarters, the Committee had discussions with CHIEF SUPERINTENDENT JOHN BECK, CHIEF SUPERINTENDENT NEIL MCKENZIE, SUPERINTENDENT ROB LEANE AND CHIEF INSPECTOR PETER MILDREN.

Discussions at Parliament House were held with Mr MICHAEL WILSON, M.H.A., formerly Chairman of the South Australian Parliamentary Select Committee on Prostitution.

At the Local Government Association of South Australia offices, the Committee met with Mr JIM HULLICK, Secretary of the Association and Mr JOHN ELLIS of Wallman Planning Consultants Pty. Ltd.

The Committee adjourned at 5.25 p.m., until 24 July, 1984 at 8.45 a.m.

No 13**Tuesday, 24 July, 1984****At South Australian Health Commission, Adelaide at 8.45 a.m.****MEMBERS PRESENT****Mr Rogan (in the Chair)****Mr Bowman, Mr Collins, Mr Duncan, Mr J.H. Murray**

The Committee had discussions with DR AILEEN CONNON, Medical Co-ordinator (Services for Women and Children), South Australian Health Commission.

An inspection was made of a brothel in Adelaide.

The Committee had discussions with an operator of an Adelaide escort agency.

At Norwood, the Committee met with Dr TONY SACKS, Staff Specialist in charge of the Osmond Terrace Drug Dependence Clinic and Dr BRIAN STOTHARD and Ms KATHRYN MORRISON, both social workers at the clinic.

The Committee met with a representative of the Australian Prostitutes Collective and the Honourable ANN LEVY M.L.C., of the South Australian Parliament.

The Committee adjourned at 6.25 p.m., until 25 July, 1984 at 10.50 a.m.

No 14**Wednesday, 25 July, 1984****At Adelaide airport at 10.50 a.m.****MEMBERS PRESENT****Mr Rogan (in the Chair)****Mr Bowman, Mr Collins, Mr Duncan, Mr J.H. Murray**

The Committee met and travelled to Kalgoorlie.

The Committee spoke with the owner and operator of a brothel in Kalgoorlie.

An inspection was made of a brothel operating in Kalgoorlie and the Committee had discussions with the owner and operator of the brothel together with some of the prostitutes working on the premises.

The Committee adjourned at 6.48 p.m., until 26 July, 1984 at 9.00 a.m.

No 15

Thursday, 26 July, 1984

At Kalgoorlie City Council Chambers at 9.00 a.m.

MEMBERS PRESENT

Mr Rogan (in the Chair)

Mr Bowman, Mr Collins, Mr Duncan, Mr J.H. Murray

The Committee met with Mayor RAY FINLAYSON and officers of the Kalgoorlie City Council.

Discussions were held with Mr ALF BARWICK and Mr G. BARR of the Australian Workers Union.

The Committee adjourned at 1.18 p.m., until 27 July, 1984 at 8.00 a.m.

No 16

Friday, 27 July, 1984

At Parmelia Hilton, Perth at 7.45 a.m.

MEMBERS PRESENT

Mr Rogan (in the Chair)

Mr Bowman, Mr Duncan, Mr J.H. Murray

The Committee met and had discussions with the Honourable J.J. CARR, M.P., Minister for Police.

At Police Headquarters, the Committee met with Senior Assistant Commissioner ROY GUEST and officers of the Vice Squad.

Discussions were held with Dr MAURICE GOLLOW, Venereal Diseases Clinic, Perth.

The Committee adjourned at 4.45 p.m., *sine die*.

No 17

Tuesday, 2 October, 1984

At Parliament House, Sydney at 10.00 a.m.

MEMBERS PRESENT

Mr Rogan (in the Chair)

Mr Bowman, Mr Collins, Mr Duncan, Mr J.H. Murray

The Committee viewed a BBC documentary, "Inside Story".

The Chairman and Mr Collins reported on the overseas visits by them as a delegation from the Committee.

The Committee deliberated.

The Committee adjourned at 1.44 p.m., until 3 October, 1984 at 10.00 a.m.

No 18

Wednesday, 3 October, 1984

At Parliament House, Sydney at 10.00 a.m.

MEMBERS PRESENT

Mr Rogan (in the Chair)

Mr Bowman, Mr Collins, Mr Duncan, Mr J.H. Murray

HELEN L'ORANGE, Director, ELISABETH ANNE JACKSON, Research Officer and LORRAINE CATHERINE PHILLIPS, Special Projects Officer, all of the Women's Co-ordination Unit, Premiers' Department, sworn and examined.

Evidence concluded, the witnesses withdrew.

ELMA GEORGINA MATTHEWS, sworn and examined.

Evidence concluded, the witness withdrew.

The Committee deliberated.

The Committee adjourned at 3.40 p.m., until 9 October, 1984 at 10.00 a.m.

No 19

Tuesday, 9 October, 1984

At Parliament House, Sydney at 10.00 a.m.

MEMBERS PRESENT

Mr Rogan (in the Chair)

Mr Bowman, Mr Duncan, Mr J.H. Murray

An apology was received from Mr Collins.

The minutes of the meetings held on 2 October, 1984 and 3 October, 1984, as circulated, were confirmed.

TERRENCE GEOFFREY HUNTER and MARILYN HUNTER sworn and examined.

Evidence concluded, the witnesses withdrew.

EDWARD CARRINGTON MACK, Member for North Shore, examined.

Evidence concluded, the witness withdrew.

LES JOHN MOROKA, Alderman, Sydney City Council, sworn and examined.

Evidence concluded, the witness withdrew.

The Committee adjourned at 3.45 p.m., until Wednesday, 10 October, 1984.

No 20

Wednesday, 10 October, 1984

At Parliament House, Sydney at 10.00 a.m.

MEMBERS PRESENT

Mr Rogan (in the Chair)

Mr Bowman, Mr Collins, Mr Duncan, Mr J.H. Murray

The minutes of the meeting held on 9 October, 1984, as circulated, were confirmed.

JANE FRANCES MARY UNWIN, MELINDA SUE SPINK, and KERRY ELISABETH PEARSE, Members of Women Against Violence and Exploitation, (W.A.V.E.), sworn and examined.

Evidence concluded, the witnesses withdrew.

'JERRY' a client of prostitutes, sworn and examined.

Evidence concluded, the witness withdrew.

The Committee deliberated.

Resolved, on motion of Mr Collins, that the Committee conduct a one-day seminar in the Parliamentary Theatre for a wide range of speakers, open to the media and organisations contributing to the Committee.

The Committee deliberated.

The Committee adjourned at 3.34 p.m., until Thursday, 11 October, 1984 at 10.00 a.m.

No 21

Thursday, 11 October, 1984

At Parliament House, Sydney at 10.00 a.m.

MEMBERS PRESENT

Mr Rogan (in the Chair)

Mr Bowman, Mr Collins, Mr Duncan, Mr J.H. Murray

The minutes of the meeting held on 10 October, 1984, as circulated, were confirmed.

WILLIAM JOSEPH CHALLENGOR and LAURENCE JAMES McNAMARA, both Roman Catholic Priests representing the New South Wales Catholic Social Welfare Committee sworn and examined.

Evidence concluded, the witnesses withdrew.

The Committee deliberated.

WILLIAM HUGH PATTERSON, Medical Practitioner, representing the Australian Medical Association, New South Wales Branch, sworn and examined.

Evidence concluded, the witness withdrew.

The Committee deliberated.

The Committee adjourned at 3.36 p.m., until 6 November, 1984 at 10.00 a.m.

No 22

Thursday, 18 October, 1984

At Parliament House, Sydney at 2.30 p.m.

MEMBERS PRESENT

Mr Rogan (in the Chair)

Mr Bowman, Mr Collins, Mr Duncan, Mr J.H. Murray

The minutes of the meeting held on 11 October, 1984, as circulated, were confirmed.

The Committee deliberated.

The Committee adjourned at 3.50 p.m., *sine die*.

No 23

Wednesday, 24 October, 1984

At Parliament House, Sydney at 5.30 p.m.

MEMBERS PRESENT

Mr Rogan (in the Chair)

Mr Bowman, Mr Collins, Mr Duncan, Mr J.H. Murray

The Committee deliberated.

The Committee adjourned at 5.54 p.m., until 6 November, 1984 at 10.00 a.m.

No 24

Tuesday, 6 November, 1984

At Parliament House, Sydney at 10.00 a.m.

MEMBERS PRESENT

Mr Rogan (in the Chair)

Mr Bowman, Mr Collins, Mr J.H. Murray

An apology was received from Mr Duncan.

The minutes of the meeting held on 18 and 24 October, 1984, as circulated, were confirmed. Informal discussions were held with Chief Inspector Williamson, Vice Squad, New South Wales Police.

The Committee deliberated.

The Committee adjourned at 12.50 p.m., until 7 November, 1984 at 2.15 p.m.

No 25

Wednesday, 7 November, 1984

At Parliament House, Sydney at 2.15 p.m.

MEMBERS PRESENT

Mr Rogan (in the Chair)

Mr Bowman, Mr Collins, Mr J.H. Murray

An apology was received from Mr Duncan.

The minutes of the meeting held on 6 November, 1984, as circulated, were confirmed.

The Committee deliberated.

The Committee adjourned at 3.50 p.m., until 13 November, 1984 at 10.00 a.m.

No 26

Tuesday, 13 November, 1984

At Parliament House, Sydney at 10.00 a.m.

MEMBERS PRESENT

Mr Rogan (in the Chair)

Mr Bowman, Mr Collins, Mr Duncan, Mr J.H. Murray

The minutes of the meeting held on 7 November, 1984, as circulated, were confirmed.

The Committee deliberated.

The Committee adjourned at 4.05 p.m., until 14 November, 1984 at 9.30 a.m.

No 27**Wednesday, 14 November, 1984****At Parliament House, Sydney at 9.30 a.m.****MEMBERS PRESENT****Mr Rogan (in the Chair)****Mr Bowman, Mr Collins, Mr Duncan, Mr J.H. Murray**

The minutes of the meeting held on 13 November, 1984, as circulated, were confirmed.

The Committee travelled to the Wayside Chapel, Kings Cross and had discussions with the Reverend TED NOFFS and workers at the Chapel.

At the Outreach Service of the Salvation Army, at Darlinghurst, the Committee spoke with Captain DAVID BRUNT.

Following arrival at St. Vincent's Hospital, the Committee spoke with Dr ALEX WODIAK, Sister HELEN FELTON, Dr RUSSELL CLARKE and Mr ROSS JOHNSON, about the operation of the methadone maintenance programme operated at the Hospital.

The Committee deliberated.

The Committee adjourned at 5.20 p.m., until 15 November, 1984 at 10.00 a.m.

No 28**Thursday, 15 November, 1984****At Parliament House, Sydney at 10.00 a.m.****MEMBERS PRESENT****Mr Rogan (in the Chair)****Mr Bowman, Mr Collins, Mr Duncan, Mr J.H. Murray**

The minutes of the meeting held on 14 November, 1984 as circulated, were confirmed.

MICHAEL ROBERT YABSLEY, Member for Bligh, was invited to address the Committee. Discussion with the Committee followed.

The Committee deliberated.

The Committee adjourned at 11.20 a.m., until 27 November, 1984 at 10.00 a.m.

No 29

Tuesday, 27 November, 1984

At Parliament House, Sydney at 10.00 a.m.

MEMBERS PRESENT

Mr Rogan (in the Chair)

Mr Bowman, Mr Collins, Mr Duncan, Mr J.H. Murray

The minutes of the meeting held on 15 November, 1984 as amended, were confirmed.

The Committee deliberated.

The Committee adjourned at 12.48 p.m., until 28 November, 1984, at 10.00 a.m.

No 30

Wednesday, 28 November, 1984

At Parliament House, Sydney at 10.00 a.m.

MEMBERS PRESENT

Mr Rogan (in the Chair)

Mr Bowman, Mr Collins, Mr J.H. Murray

An apology was received from Mr Duncan.

The minutes of the meeting held on 27 November, 1984, as circulated, were confirmed.

The Committee deliberated.

The Committee adjourned at 12.02 p.m., until 11 December, 1984 at 9.00 a.m.

No 31

Tuesday, 10 December, 1984

At Parliament House, Sydney at 9.00 a.m.

MEMBERS PRESENT

Mr Rogan (in the Chair)

Mr Bowman, Mr Collins, Mr Duncan, Mr J.H. Murray

The Committee deliberated.

The Committee visited the Sexually Transmitted Diseases Clinic, Macquarie Street, Sydney and had discussions with the Director, Dr ROSS PHILPOTT and staff.

The Committee adjourned at 2.05 p.m., until 13 December, 1984, at 9.15 a.m.

No 32**Thursday, 13 December, 1984****At Parliament House, Sydney at 9.15 a.m.****MEMBERS PRESENT****Mr Rogan (in the Chair)****Mr Bowman, Mr Collins, Mr Duncan, Mr J.H. Murray**

The Committee deliberated.

A group discussion was held with the following people:-

Mr M. SPENCER of the Local Government Planners Association; Mr R.B. SMYTHE AND Mr P. FITZGERALD of the Department of Environment and Planning; Mr P.J. O'NEILL AND Mr T. BALDWIN of the Department of Local Government and Mr P.J. WEBB AND Mr R. HOWIE of the Criminal Law Review Division of the Department of the Attorney General.

The Committee deliberated.

The Committee adjourned at 2.10 p.m, *sine die*.**No 33****Tuesday, 29 January, 1985****At Parliament House, Sydney at 2.00 p.m.****MEMBERS PRESENT****Mr Rogan (in the Chair)****Mr Bowman, Mr J.H. Murray**

Apologies were received from Mr Collins and Mr Duncan.

The minutes of the meeting held on 13 December, 1984, as circulated, were confirmed.

CHRISTOPHER ROSS PHILPOT, Medical Practitioner and Director, Sydney Hospital Sexually Transmitted Diseases Clinic, sworn and examined.

Evidence concluded, the witness withdrew.

The Committee adjourned at 4.20 p.m., until 31 January, 1985 at 10.00 a.m.

No 34

Thursday, 31 January, 1985

At Parliament House, Sydney at 10.00 a.m.

MEMBERS PRESENT

Mr Rogan (in the Chair)

Mr Bowman, Mr Collins, Mr Duncan, Mr J.H. Murray

The minutes of the meeting held on 29 January, 1985, as circulated, were confirmed.

The Committee had discussions with the Hon. E.A. SYMONDS, M.L.C.

ANTHONY IRVINE ADAMS, Medical Practitioner and Chief Medical Officer, Department of Health, on former oath, further examined.

Evidence concluded, the witness withdrew.

The Committee deliberated.

The Committee adjourned at 3.35 p.m., until 5 February, 1985 at 9.15 a.m.

No 35

Tuesday, 5 February, 1985

At Parliament House, Sydney at 9.15 a.m.

MEMBERS PRESENT

Mr Rogan (in the Chair)

Mr Bowman, Mr Collins, Mr J.H. Murray

An apology was received from Mr Duncan.

A Seminar on Prostitution was conducted by the Committee. Speakers were heard on the topics of "Suppression", "Legalisation", "Decriminalisation" and "Decriminalisation with Controls". Discussion followed each topic.

Workshops dealing with "Health", "Social Welfare", "Crime" and "Planning/Zoning" were conducted in the afternoon.

The Committee had discussions with Ms MARCIA NEAVE from the Victorian Inquiry into Prostitution.

The Committee adjourned at 6.30 p.m., until 6 February, 1985 at 2.00 p.m.

No 36**Wednesday, 6 February, 1985****At Parliament House, Sydney, at 10.00 a.m.****MEMBERS PRESENT****Mr Rogan (in the Chair)****Mr Bowman, Mr Duncan, Mr Collins, Mr J.H. Murray**

The Committee met and deliberated.

The Committee adjourned at 4.50 p.m., until 19 February, 1985 at 6.00 p.m.

No 37**Thursday, 19 February, 1985****At Parliament House, Sydney at 6.00 p.m.****MEMBERS PRESENT****Mr Rogan (in the Chair)****Mr Bowman, Mr Collins, Mr Duncan, Mr J.H. Murray**

The Committee met and travelled to Kings Cross, Sydney.

Committee members inspected bookshops, entertainment centres, cinemas, night clubs and other premises in the area.

The Committee adjourned at 12.30 a.m. on Wednesday, 20 February, 1985, *sine die*.**No 38****Wednesday, 3 April, 1985****At Parliament House, Sydney at 10.00 a.m.****MEMBERS PRESENT****Mr Rogan (in the Chair)****Mr Bowman, Mr Collins, Mr Duncan, Mr J.H. Murray**

The minutes of the meetings held on 31 January, 1985, and 5, 6 and 19 February, 1985 were confirmed.

The Committee deliberated.

The Committee adjourned at 3.24 p.m., *sine die*.

No 39

Tuesday, 30 April, 1985

At Parliament House, Sydney, at 5.00 p.m.

MEMBERS PRESENT

Mr Rogan (in the Chair)

Mr Duncan, Mr J.H. Murray

Apologies were received from Mr Bowman and Mr Collins.

The Committee met and proceeded to inspect premises in the city centre and at Kings Cross where prostitution occurred. Discussions were held with the management of most of the premises visited.

The Committee adjourned at 12.20 a.m., on Wednesday, 1 May, 1985, *sine die*.

No. 40

At Parliament House, Sydney at 10.00 a.m.

Tuesday, 9 July, 1985

MEMBERS PRESENT

Mr Rogan (in the Chair)

Mr Bowman, Mr Collins, Mr J.H. Murray

An apology was received from Mr Duncan.

The minutes of the meetings held on 3 and 30 April, 1985, as circulated, were confirmed.

The Committee deliberated.

A copy of that section of the draft report relating to health having been sent to each member of the Committee, the draft was accepted as having been read.

The Committee proceeded to consider the draft.

Section read and amended.

Section, as amended, agreed to.

The Committee adjourned at 4.35 p.m., until 30 July, 1985 at 10.00 a.m.

No 41**Tuesday, 30 July, 1985****At Parliament House, Sydney, at 10.00 a.m.****MEMBERS PRESENT****Mr Rogan (in the Chair)****Mr Bowman, Mr Collins, Mr Duncan, Mr J.H. Murray**

The minutes of the meeting held on 9 July, 1985, as circulated, were confirmed.

JAN AITKIN, Project Officer and MARGARET CATHERINE BAIL, Assistant Director, Youth and Supportive Accommodation, both of the Department of Youth and Community Services, both on their former affirmation of 28 and 27 June, 1984, respectively, examined.

Evidence concluded, the witnesses withdrew.

The Committee deliberated.

Visits of inspection were made to brothels and escort services in Darlinghurst and Paddington.

The Committee adjourned at 5.05 p.m., until 31 July, 1985 at 10.00 a.m.

No 42**Tuesday, 31 July, 1985****At Parliament House, Sydney, at 10.00 a.m.****MEMBERS PRESENT****Mr Rogan (in the Chair)****Mr Bowman, Mr Collins, Mr Duncan, Mr J.H. Murray**

The minutes of the meeting held on 30 July, 1985, as circulated, were confirmed.

A copy of that section of the draft report relating to the demand for prostitution having been sent to each member of the Committee, the draft was accepted as having been read.

The Committee proceeded to consider the draft.

Section read and amended.

Section, as amended, agreed to.

The Committee adjourned at 4.02 p.m., until 27 August, 1985 at 10.00 a.m.

No 43

Tuesday, 17 September, 1985

At Parliament House, Sydney at 10.00 a.m.

MEMBERS PRESENT

Mr Rogan (in the Chair)

Mr Bowman, Mr Collins, Mr Duncan, Mr J.H. Murray

Consideration of the minutes of the previous meeting was postponed.

A copy of that section of the draft report relating to a description of those living off the earnings having been sent to each member of the Committee, the draft was accepted as having been read.

The Committee proceeded to consider the draft.

Section read and amended.

Section, as amended, agreed to.

The Committee deliberated.

The Committee adjourned at 12.31 p.m., until Tuesday, 8 October, 1985, at 10.00 a.m.

No 44

Tuesday, 5 November, 1985

At Parliament House, Sydney at 10.00 a.m.

MEMBERS PRESENT

Mr Rogan (in the Chair)

Mr Bowman, Mr Collins, Mr Duncan, Mr J.H. Murray

Consideration of the minutes of the previous meeting was postponed.

A copy of that section of the draft report relating to the Estimated Size of the Prostitution Trade having been sent to each member of the Committee, the draft was accepted as having been read.

The Committee proceeded to consider the draft report.

Section read and amended.

Section, as amended, agreed to.

The Committee deliberated.

A copy of that section of the draft report relating to Drug Use by Prostitutes having been sent to members of the Committee, the draft was accepted as having been read.

The Committee proceeded to consider the draft report.

Paragraphs 1 to 122 read and amended.

Paragraphs, as amended, agreed to.

Paragraphs 123 to 127 read and amended — to be further considered.

Further consideration of the draft report was adjourned until the next meeting.

The Committee adjourned at 5.02 p.m., until Wednesday, 6 November, 1985 at 10.00 a.m.

No 45

Wednesday, 6 November, 1985

At Parliament House, Sydney at 10.00 a.m.

MEMBERS PRESENT

Mr Rogan (in the Chair)

Mr Bowman, Mr Collins, Mr Duncan, Mr J.H. Murray

The minutes of the meetings held on 31 July, 1985, 17 September, 1985, and 4 November, 1985, as circulated, were confirmed.

The Committee proceeded to further consider the draft report relating to Drug Use and Prostitutes.

Paragraphs 123 to 184 read and amended.

Paragraphs, as amended, agreed to.

A copy of that section of the draft report relating to Social and Community Welfare having been sent to each member of the Committee, the draft was accepted as having been read.

The Committee proceeded to consider the draft report.

Section read and amended.

Section, as amended, agreed to.

The Committee deliberated.

The Committee adjourned at 5.20 p.m., until 18 November, 1985 at 12.30 p.m.

No 46

Monday, 18 November, 1985

At Parliament House, Sydney at 12.30 p.m.

MEMBERS PRESENT

Mr Rogan (in the Chair)

Mr Bowman, Mr Collins, Mr J.H. Murray

An apology was received from Mr Duncan.

The minutes of the meeting held on 6 November, 1985, as circulated, were confirmed.

The Committee deliberated.

The Committee adjourned at 2.25 p.m., until Monday, 2 December, 1985 at 10.00 a.m.

No 47

Monday, 2 December, 1985

At Parliament House, Sydney at 10.00 a.m.

MEMBERS PRESENT

Mr Rogan (in the Chair)

Mr Bowman, Mr Collins, Mr J.H. Murray

An apology was received from Mr Duncan.

The minutes of the meeting held on 18 November, 1985, as circulated, were confirmed.

The Committee deliberated.

The Committee adjourned at 12.48 p.m., until Thursday, 12 December, 1985 at 9.30 a.m.

No 48

Monday, 12 December, 1985

At Parliament House, Sydney at 9.30 a.m.

MEMBERS PRESENT

Mr Rogan (in the Chair)

Mr Bowman, Mr Collins, Mr Duncan, Mr J.H. Murray

The minutes of the meeting held on 2 December, 1985, as circulated, were confirmed.

The Committee proceeded to further consider the draft report.

A copy of the available material in the section of the draft report relating to the Law, having been sent to each member of the Committee, the draft was accepted as having been read.

Paragraphs 1 to 209 read and amended.

Paragraphs, as amended, agreed to.

Mr Rogan moved, That paragraph 210 (recommendations 34 and 35) as read, stand part of the Report.

Question put.

The Committee divided.

Ayes, 3

Noes, 1

Mr Bowman

Mr Duncan

Mr Collins

Mr Murray

And so it was resolved in the affirmative.

Paragraphs 211 to 216 read and agreed to.

Mr Rogan moved, That paragraph 217 (Recommendation 38), as read, stand part of the Report.

Question put.

The Committee divided.

Ayes, 3	Noes, 1
Mr Bowman	Mr Collins
Mr Duncan	
Mr Murray	

And so it was resolved in the affirmative.

Paragraph 218 read and agreed to.

Mr Rogan moved, That paragraph 219 (Recommendation 39), as read, stand part of the Report.

Question put.

The Committee divided.

Ayes, 3	Noes, 1
Mr Bowman	Mr Collins
Mr Duncan	
Mr Murray	

And so it was resolved in the affirmative.

Paragraphs 220 to 251 read and amended.

Paragraphs, as amended, agreed to.

Mr Rogan moved, That paragraph 252, as read, stand part of the Report.

Question proposed, That the paragraph, as read, stand part of the Report.

Mr Collins moved, That the paragraph be amended by inserting the following words to stand as recommendation 49:

“That, recognising the need for a full Parliamentary debate on the major legislative reforms proposed by this Report, the Committee has concluded that the Prostitution Act and Environmental Planning and Assessment Act be amended accordingly and that pursuant to such legislative changes, a draft State Environmental Planning Policy be drawn up by the Director of the Department of Environment and Planning”.

Question put, That the words proposed to be inserted, be so inserted.

The Committee divided.

Ayes, 1	Noes, 3
Mr Collins	Mr Bowman
	Mr Duncan
	Mr Murray

And so it passed in the negative.

Original Question put and passed.

Paragraph 253 read and agreed to.

Mr Rogan moved, That paragraph 254 (Recommendation 50), as read, stand part of the Report.

Question put.

The Committee divided.

Ayes, 3	Noes, 1
Mr Bowman	Mr Collins
Mr Duncan	
Mr Murray	

And so it was resolved in the affirmative.

Paragraph 255 read and agreed to.

Mr Rogan moved, That paragraph 256 (Recommendations 51, 52 and 53), as read, stand part of the report.

Question put.

The Committee divided.

Ayes, 3	Noes, 1
Mr Bowman	Mr Collins
Mr Duncan	
Mr Murray	

And so it was resolved in the affirmative.

Paragraphs 257 to 261 read and amended.

Paragraphs, as amended, agreed to.

The Committee deliberated.

The Committee adjourned at 12.49 p.m., until Friday, 10 January, 1986, at 10.00 a.m.

No. 49

Friday, 10 January, 1986

At Parliament House, Sydney at 10.00 a.m.

MEMBERS PRESENT

Mr Rogan (in the Chair)

Mr Bowman, Mr Collins, Mr Duncan, Mr J.H. Murray

The minutes of the meeting held on 12 December, 1985, as circulated, were confirmed.

The Committee deliberated.

The Committee proceeded to further consider the draft report relating to the Law.

New paragraphs 151 to 188 read and agreed to.

A copy of the draft report relating to A Profile of the Trade in New South Wales having been sent to each member of the Committee, the draft was accepted as having been read.

The Committee proceeded to further consider the draft report.

Section, as read, agreed to.

The Committee deliberated.

The Committee adjourned at 11.58 a.m., until Thursday, 23 January, 1986 at 10.00 a.m.

No 50

Thursday, 23 January, 1986

At Parliament House, Sydney at 10.00 a.m.

MEMBERS PRESENT

Mr Rogan (in the Chair)

Mr Bowman, Mr Collins, Mr Duncan, Mr J.H. Murray

The minutes of the meeting held on 10 January, 1986, as circulated, were confirmed.

A copy of the introduction to the draft report having been sent to each member of the Committee, the draft was accepted as having been read.

The Committee proceeded to consider the draft.

Section read and amended.

Section, as amended, agreed to.

The Committee deliberated.

The Committee adjourned at 12.21 p.m., *sine die*.

No 51

Wednesday, 5 March, 1986

At Parliament House, Sydney, at 10.00 a.m.

MEMBERS PRESENT

Mr Rogan (in the Chair)

Mr Bowman, Mr Collins, Mr Duncan, Mr J.H. Murray

The minutes of the meeting held on 23 January, 1986, as circulated, were confirmed.

The Committee deliberated.

Mr Collins moved, That the following paragraphs be adopted as a recommendation of the Committee —

“That heroin-addicted prostitutes, found to be soliciting contrary to provisions of the Prostitution Act, be detained in a prescribed treatment facility for a period not exceeding twelve hours.

That a prescribed treatment facility shall include drug rehabilitation units and suitably equipped public hospitals with particular emphasis on methadone programmes as an alternative to heroin use.”

Debate ensued.

Question put.

The Committee divided.

Ayes, 1	Noes, 3
Mr Collins	Mr Bowman Mr Duncan Mr Murray

And so it passed in the negative.

Mr Collins moved, That the following paragraphs be adopted as a recommendation of the Committee—

“That the Strata Titles Act be strengthened to enable residents or a representative of the local council to obtain an order to desist in the first instance and then to obtain a closure order from a magistrate within 48 hours of it being proved—

(a) that premises are being used for business purposes (in this case prostitution) without permission from local council; and

(b) that a public nuisance is being caused from such usage so as to disturb the amenity of neighbours.

That such action might be commenced either by the body corporate, or by any two members thereof, or by the agent of the body corporate, or by a representative of local council.”

Debate ensued.

Question put.

The Committee divided.

Ayes, 1	Noes, 3
Mr Collins	Mr Bowman Mr Duncan Mr Murray

And so it passed in the negative.

Mr Collins moved, That the following paragraph be adopted as a recommendation of the Committee—

“That premises used for purposes of prostitution in residential areas be liable to the same controls as outlined in relation to the Strata Titles Act, except that such action may be initiated by any nearby resident or a representative of the local council.”

Debate ensued.

Question put.

The Committee divided.

Ayes, 1	Noes, 3
Mr Collins	Mr Bowman Mr Duncan Mr Murray

And so it passed in the negative.

The Committee deliberated.

The Committee adjourned at 1.20 p.m., until 11 March, 1986, at 5.00 p.m.

No 52

Thursday, 13 March, 1986

At Parliament House, Sydney at 2.30 p.m.

MEMBERS PRESENT

Mr Rogan (in the Chair)

Mr Bowman, Mr Collins, Mr Duncan, Mr J.H. Murray

The minutes of the meeting held on 5 March, 1986, as circulated, were confirmed.

The Committee deliberated.

Mr Collins moved, That James McCartney Anderson be recalled to answer further questions relating to the ownership and control of premises used for the purposes of prostitution.

Debate ensued.

Question put.

The Committee divided.

Ayes, 1	Noes, 3
Mr Collins	Mr Bowman Mr Duncan Mr Murray

And so it passed in the negative.

Mr Collins moved, That Abraham Saffron be summoned to give evidence to the Committee relating to the ownership and control of premises used for purposes of prostitution either by himself or business associates.

Debate ensued.

Question put.

The Committee divided.

Ayes, 1	Noes, 3
Mr Collins	Mr Bowman Mr Duncan Mr Murray

And so it passed in the negative.

The Committee deliberated.

The Committee adjourned at 4.18 p.m., *sine die*.

No 53

Thursday, 20 March, 1986

At Parliament House, Sydney at 3.00 p.m.

MEMBERS PRESENT

Mr Rogan (in the Chair)

Mr Bowman, Mr Collins, Mr Duncan, Mr J.H. Murray

The Committee deliberated.

Mr Duncan moved, That no names be included in the chapter of the report relating to Criminal Aspects of Prostitution.

Debate ensued.

Question put.

The Committee divided.

Ayes, 3	Noes, 1
Mr Bowman Mr Duncan Mr Murray	Mr Collins

And so it was resolved in the affirmative.

The Committee deliberated.

The Committee adjourned at 4.37 p.m., until 27 March, 1986, at 10.00 a.m.

No 54**Thursday, 27 March, 1986****At Parliament House, Sydney at 11.00 a.m.****MEMBERS PRESENT****Mr Rogan (in the Chair)****Mr Bowman, Mr Collins, Mr Duncan, Mr J.H. Murray**

The minutes of the meeting held on 13 March, 1986 as circulated, were confirmed.

The minutes of the meeting held on 20 March, 1986, were read and amended. Minutes, as amended, agreed to.

The Committee deliberated.

Mr Collins moved, That the motion of the Committee to exclude names of brothel owners and operators be rescinded with a view to:

- (a) Recommitting that section of the report dealing with the ownership of premises used for purposes of prostitution;
- (b) conducting further research and rewriting that part of the report so as to include ownership details;
- (c) summoning certain brothel owners to appear before the Committee to give evidence;
- (d) requesting further information from the New South Wales Police regarding ownership; and
- (e) completing such further investigations within six weeks.

Debate ensued.

Question put.

The Committee divided.

Ayes, 1

Noes, 3

Mr Collins

Mr Bowman

Mr Duncan

Mr Murray

And so it passed in the negative.

Mr Collins moved, That the Committee note the need for specific documentary information regarding brothel ownership and possible criminal links requested of the New South Wales Police Department by the Committee Chairman.

Debate ensued.

Mr Murray moved, that this debate be adjourned until the next meeting.

Question put and passed.

The Committee deliberated.

The Committee adjourned at 12.19 p.m., until Monday, 7 April, 1986.

No 55**Monday, 7 April, 1986****At Parliament House, Sydney at 2.30 p.m.****MEMBERS PRESENT****Mr Rogan (in the Chair)****Mr Collins, Mr Duncan, Mr J.H. Murray**

An apology was received from Mr Bowman.

The minutes of the meeting held on 27 March, 1986, as circulated, were confirmed.

The Committee deliberated.

Debate was resumed on the motion of Mr Collins, That the Committee note the need for specific documentary information regarding brothel ownership and possible criminal links requested of the New South Wales Police Department by the Committee Chairman.

Motion, by leave, withdrawn.

The Committee deliberated.

The Committee adjourned at 2.55 p.m., *sine die*.**No 56****Wednesday, 9 April, 1986****At Parliament House, Sydney at 8.00 p.m.****MEMBERS PRESENT****Mr Rogan (in the Chair)****Mr Collins, Mr J.H. Murray**

Apologies were received from Mr Bowman and Mr Duncan.

The minutes of the meeting held on 7 April, 1986, as circulated, were confirmed.

Resolved, on motion of Mr Murray, That the draft report, as amended, be the report of the Committee.

The Chairman thereupon signed the Report.

Resolved, on motion of Mr Murray, That this Committee place on record its appreciation of the able Chairmanship of Mr P.A. Rogan, and acknowledges that his leadership of the Committee was invaluable in producing a comprehensive report with which it is a pleasure to be associated.

Resolved, on motion of Mr Collins, That the Committee wishes to place on record:

(1) Its appreciation of the dedicated and invaluable contribution of its research staff, namely Ms Gail Travis, Dr Hilary Golder, Ms Christine Harcourt, Ms Marianne Hoyd and Ms Christine Ronalds.

(2) The Committee would particularly like to acknowledge the assistance of Mr Peter McHugh, Second Clerk-Assistant of the Legislative Assembly, who was Secretary to the Committee for the major period of its operation. Mr McHugh's assistance and dedication was greatly appreciated by the Committee. His role was capably taken over by Mr Mervyn Sheather for four months during an absence by Mr McHugh due to other Parliamentary duties.

(3) The thanks and appreciation of the Committee is extended to each of these staff members for their dedicated and efficient assistance and co-operation.

The Committee adjourned at 8.30 p.m., *sine die*.

LIST OF WITNESSES¹

ABELA, William (Escort Agency Operator)

ADAMS, Dr Anthony Irvine (Chief Medical Officer, Department of Health)

AITKIN, Jan (1. Representative, Womens Electoral Lobby and 2. Project Officer, Department of Youth and Community Services)

ANDERSON, James McCartney

APITZ, Neville Nielsen (Regional Manager, Sydney Central, Department of Planning and Environment)

AULD, Kelvin Clifford (Town Planner, Central Policy Division, Department of Planning and Environment)

BAIL, Margaret Catherine (Assistant Director, Youth and Supportive Accommodation, Department of Youth and Community Services)

BALLANTINE-JONES, Reverend Bruce Albert (Past President, NSW Council of Churches)

BARTOS, Jessie Ellen (Representative of the Liberal Network)

BENNETT, Garry Paul (Representative of Twenty-Ten and the Task Group on Prostitution)

BOYD, John Charles, M.P.

BRADFIELD, Jane (Department of Youth and Community Services)

BRANDER, Detective Senior Constable William Leslie (Juvenile Crime Squad, NSW Police)

'BRONWYN', (Transsexual Prostitute)

BROWN, Bruce Raymond (Deputy Chairman, Bench of Stipendiary Magistrates)

BRUNT, Captain David (Minister of Religion, Salvation Army)

CHALLENGOR, Reverend William Joseph (Roman Catholic Priest, NSW Catholic Social Welfare Committee)

COCKS, Joan Ethel (State President, Women's Christian Temperance Union of NSW Inc.).

CODDINGTON, Barbara (Representative of the Women's Advisory Council)

COOMBS, Janet Viola (Legal Adviser, Australian Federation of the Festival of Light)

CROWE, Annette Maria (Social Worker, 'Street Network')

DALTON, Maris Stella Yvette Neuville (Psychiatrist and Medical Director, Parramatta Drug and Alcohol Service)

DAWKINS, Major Edward Joseph (Minister of Religion, Salvation Army)

DE COSTA, Caroline May (Representative of the Doctors Reform Society)

¹ Only the names of those witnesses who gave open formal evidence to the Committee are listed. Those people who gave evidence only in camera have not been included. The occupation of each witness or capacity in which they gave evidence has been noted where relevant.

- DICKSON, Detective Robert George (Drug Unit-Kings Cross, NSW Police).
- DIXON, Peter Graeme (Assistant Secretary, NSW Council of Churches)
- DONOVAN, Dr Basil John (Vice President, Venereology Society of NSW and Vice President, National Venereology Society)
- DOYLE, Esther (General President, Catholic Women's League)
- ENDERS, Dr Paul Siegfried (Director, Sexually Transmitted Diseases Clinic)
- GOULDEN, Terry (Director, Gays Counselling Service of NSW)
- HANDBRIDGE, Det. Sgt. Third Class John (Drug Unit-Kings Cross, NSW Police)
- HARRIS, Julie (Prostitute)
- HOMBURG, Deborah Joan (Member of the Australian Prostitutes Collective)
- HUNTER, Marilyn (Prostitute)
- HUNTER, Terrence Geoffrey
- JACKSON, Elisabeth Anne (Research Officer, Women's Co-ordination Unit, Premier's Department)
- 'JERRY' (Client of Prostitutes)
- JOHNSTON, Craig (Secretary, East Sydney Branch, Australian Labor Party)
- JONES, Dr Rodney (Senior Medical Officer (Clinical), Sexually Transmitted Diseases Clinic)
- KIBBLE, Christine Dawson (Representative of the NSW Women's Advisory Council)
- KIRKBY, Elizabeth Wilma, M.L.C.
- KLEIN, George Wolfred (Counsellor and Group Therapist, Bourke Street Drug Advisory Clinic)
- L'ORANGE, Helen (Director, Women's Co-ordination Unit, Premier's Department)
- LITTLEWOOD, Francis
- LITTLEWOOD, Wendy Lenore
- LOPO, Faye (Representative of the NSW Women's Advisory Council)
- MACK, Edward Carrington, M.P.

McNAMARA, Reverend Laurence James (Roman Catholic Priest, NSW Catholic Social Welfare Committee)

MARSDEN, John Robert (President, NSW Council for Civil Liberties)

MATTHEWS, Dr Richard (Representative of the Darlinghurst Residents' Rights Group)

MATTHEWS, Elma Georgina (Australian Union of Women)

MORKA, Les John (Alderman, Sydney City Council)

MURRAY, Mary Elizabeth

MURRAY, Ronald Lucas

NELSON, Rozalind (Health and Welfare Worker, Member of the Australian Prostitutes Collective and the Task Group on Prostitution)

NICHOL, Dorothy (Honorary General Secretary, Catholic Women's League)

NILE, Reverend the Honourable Frederick John, M.L.C.(Director and National Co-ordinator, Australian Federation of the Festival of Light)

PATTERSON, Dr William Hugh (Representative of the Australian Medical Association, New South Wales Branch)

PEARSE, Kerry Elisabeth (Representative of Women Against Violence and Exploitation)

PERKINS, Roberta Sally (Social worker, member of the Australian Prostitutes Collective and member of the Task Group on Prostitution)

PHILLIPS, Lorraine Catherine (Special Projects Officer, Women's Co-ordination Unit, Premier's Department)

PHILPOT, Dr Christopher Ross (Director, Sydney Hospital Sexually Transmitted Diseases Clinic)

REILLY, David Keith (Clinical Psychologist, Bourke Street Community Drug and Alcohol Advisory Service)

RICHARDSON, Dr John Derek (President, Australian Society of Sex Educators, Researchers and Therapists)

RUSSELL, Fay Ellen (Representative of the Darlinghurst Residents' Rights Group)

RUTHERFORD, Gaye (Representative of the Darlinghurst Residents' Rights Group)

SCHWARZ, Charis Elizabeth

SCHWARZ, Ernest George

SHEPARD, Detective Inspector Ernest Septimus (Officer in Charge, Vice Squad, NSW Police)

'SIMONE' (Transsexual Prostitute)

SPINK, Melinda Sue (Representative of Women Against Violence and Exploitation)

STANFORD, Inspector Neville Arthur (Police Prosecuting Branch, NSW Police)

STEWART, Brian Desmond (Chairman, Drug and Alcohol Authority of NSW)

SUTHERLAND, Douglas William (Lord Mayor of Sydney)

THOMAS, Christine (Assistant Secretary, Department of Health)

UNWIN, Jane Frances Mary (Representative of Women Against Violence and Exploitation)

WAIGHT, Juanita (Prostitute)

WEBB, Louise Josephine (Social Worker)

WILLIS, Inspector James Michael (Officer In Charge, Drug Squad, NSW Police)

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