

# **LEGALISATION OF THE SEX INDUSTRY in the State of Victoria, Australia:**

The impact of prostitution law reform on the working and private lives of women in the legal Victorian sex industry

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In loving memory of my Grandmother, Nancy Lewis.

## **ABSTRACT**

In 1984 the State Parliament of Victoria began the process of legalising sectors of the Victorian sex industry. Reforming legislation was enacted in 1984, 1986 and 1994. To date there has been no research assessing the changes to the industry that have occurred as a result of the legalisation process, and in particular, the effect it has had on the lives of the women working in the industry.

This research has examined the impact of sex industry law reform on the working and private lives of women in the Victorian sex industry. Interviews were conducted with twenty women, nine of whom had worked in the industry prior to legalisation. All but four of the interviewees had experienced work in the industry before and after reforms.

A number of significant findings were made. Since legalisation brothels have become cleaner and physical surroundings have been improved. However, the owners and managers of industry businesses have increased their level of control over workers by determining services to be offered, fees to be charged and clothes to be worn.

While brothel workers have always felt safe in their workplaces, escort workers now feel safer. The main reason given for this is that the work is now legal and the specific safety regulations contained within the legislation was thought to be of little consequence.

Escort workers now feel that they have more control over the client, whereas brothel workers have always felt a level of control in the relationship. This feeling of control did not however, result from a willingness to report crimes perpetrated by clients against the women. Similarly workers were largely unwilling to report the unethical or illegal behaviour of owners or managers of sex industry businesses. It is argued that legalisation does not increase women's access to the justice system.

Legalisation has created a sex industry where the illegal industry operates alongside the legal industry. This part of the industry includes illegal brothels and individual women

working outside of the requirements for solo operators included in the Prostitution Control Act.

Sex industry employment has a significant impact on women's private lives, and it would appear the changing legal structure surrounding the sex industry, has had little or no effect on this. Interviewees reported the hardest thing about working in the industry was having to hide their profession from those closest to them. This tendency stemmed from the women's perceptions that society, while it had become somewhat more accepting of the industry as a whole, still did not approve of sex work. The women believed that being open about their work could impact on their families, their jobs outside of the industry, their intimate relationships, and their friendships.

This research shows that the Victorian system of law reform and its associated politics have served to reinforce negative views of the sex industry. It is argued that it is not enough to make sex work a legal occupation. Both legislators and the general public need to consider it a legitimate occupation of choice.

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## **CHAPTER ONE: INTRODUCTION**

Prostitution, throughout its long history, is a profession yet to find its position in Western society. It has neither “enjoyed uncontested acceptance nor endured total condemnation” (Jolin 1994: 69). Prostitutes have been burnt at the stake as heretics, forcibly afflicted with diseases, had their children removed and exiled as common criminals, amongst other punishments (Roberts 1992). Yet they have also been worshipped as goddesses and in Ancient Greece were the only women permitted an education (Roberts 1992). For a long time the state has felt that the sale of sexual services and the women providing them warrants its attention and has responded through legislative approaches ranging from total criminalisation to control through regulation. While there has been much written on the ways in which prostitutes, now more commonly referred to as sex workers, have been treated throughout history there has been relatively little written on the ways in which differing legislative approaches have affected their work or their everyday lives.

This research will investigate the impact of legislative reform on the working and private lives of women involved in the Victorian sex industry. The Australian state of Victoria legalised prostitution in brothels as a means of control in 1984. In order to inform the reader of the context from which Victoria's current legislation emerged this chapter will include an overview of prostitution in Victoria and the ways in which it has been treated by the legislators. Following this will be an analysis of previous writings that considered the impact of legalisation and the process of reform in the State. In addition this chapter will examine literature on the topic of sex industry law reform and in particular the perceived consequences of criminalisation, legalisation and decriminalisation. Any analysis of prostitution literature would be remiss if it did not acknowledge the large array of writings emerging from feminist theorists, in particular their views on the impact of legislative models on the lives of sex workers. The chapter will conclude with an analysis of sex workers' views on law reform, including the opinions of organisations or groups established by, or for, sex workers.

As the primary focus of this thesis is to determine the impact of law reform on women in the Victorian sex industry it is necessary for the reader to have an understanding of how the Victorian laws have been shaped and changed over the past fifteen years. As



Neave (1994) has stressed, criminal sanctions do not eradicate or reduce the extent of prostitution but determine the structure of the sex industry and the conditions under which sexual services are sold (Neave 1994: 68).

### **1.1 Prostitution Law reform in Victoria, Australia**

As is the case in most parts of the world, Victorian laws relating to prostitution were once scattered across a selection of Acts. These laws arose out of concerns about public order, morality and the perception that sex workers were vectors of disease (Neave 1994). Perkins (1991) traces Victoria's legislative approach to prostitution reform beginning with the Police Offences Act of 1891 in which 'importuning for immoral purposes was an offence' (s.7[2]). It was also an offence to procure females for the purposes of prostitution under the Crimes Act of 1891. In 1907 additional offences were created under the Police Offences Act which related to living off the earnings of prostitution (s5) and brothel keeping.

The Victorian Government introduced the Conservation of Public Health Act in 1878. This Act provided that:

upon the complaint on oath by a sergeant of police or a higher officer that if a female was reputed to be a 'common prostitute', and that he had reason to believe that she was suffering from a disease (syphilis in all its forms) a police magistrate might require her to prove by the evidence of a medical practitioner that she was free from disease (cited in Perkins 199: 67-87).

This legislation was however never enforced (Arnot 1986). But it did not stop police targeting women that they considered to be diseased using alternative legalisation such as the Vagrancy Act. This is illustrated by a statement by Albert Tucker, a plain clothes police officer who explained to the 1906 Royal Commission on the Victorian Police Force:

When we know that a woman is suffering from syphilis and is soliciting about the streets we get hold of her and lock her up, charge her under the Vagrancy Act and inform the magistrates in the morning and they will send her to the gaol hospital (cited in Frances 1994: 43).

Historians have suggested that harsher attitudes toward prostitutes have coincided with decreased tolerance for “public manifestations of deviance and disorder” (Neave 1994: 70). This may be why, in 1928, the Police Offences Act was again amended to include offences concerning soliciting (s26), prostitutes assembling in refreshment houses (s30), behaving riotously in public places (s69[2]), pimping (s79) and brothel keeping (s80). Consorting with prostitutes (s69[3]) was added in 1931 (Perkins 1991: 109).

Neave (1994: 70) observes that it was usually those who were most blatant in their work, as well as older and poorer women that were targeted and prosecuted. This type of legislation also had the effect of pushing women into brothels where they were less visible and therefore less conspicuous. It must be remembered too that during this time prostitution in Victoria still prospered. Prostitution in Melbourne was extremely visible in the central area of the city. Arnot (1986) writes that any man walking through the eastern part of the city represented potential work for the prostitutes. Street soliciting was rampant, especially in some of the best streets of Melbourne: Collins, Swanston, Bourke and Elizabeth Streets. The city block bounded by LaTrobe, Spring, Lonsdale and Exhibition Streets contained a “red light” area of brothels and bordellos (Perkins 1991). Soliciting was also common in bars and vestibules.

Hotels and even some tobacconists, cigar and fruit shops were involved in the prostitution trade, providing either beds or meeting places. At the Royal Commission Into The Victorian Police in 1883 Sergeant Dalton testified that prostitution was an essential business activity in many city hotels. Some were meeting places only and clients were then taken to a brothel. The ‘Saddling Paddock,’ a bar in the Theatre Royal, was a notorious rendezvous spot and men of all classes gathered there. In 1884 it was discovered that the Greens Victoria Hotel on the corner of Russell and Lonsdale streets was run as a ‘flash’ brothel with practically no bar trade. There was even a brothel that opened at 195 Exhibition Street in the guise of a confectionery shop (Arnot 1986).

A 1884 survey of brothels came to the conclusion that there were at least 162 brothels in the inner suburbs - Carlton, Collingwood, Fitzroy, Richmond and Brunswick - and ‘only’ seventy in the city. Policing was inconsistent and the ‘flash brothels’ were left undisturbed as much as possible. As Police Superintendent Winch explained to the 1878 Inquiry Into Contagious Diseases:

There are plenty of brothels where women live, and those houses are as well conducted as any other house in the place. You never hear of any row or disturbance going on, but in those houses only a superior class of people live, and a superior class of men visit them (cited in Arnot 1986: 35)

At the request of the Government statistician in 1892, Chief Commissioner Chomley requested returns of the number of known prostitutes from all Victorian police districts. It was reported that there were 482 women living in brothels in Melbourne. 491 were earning a living through prostitution but not living in brothels and there were 261 country based workers making a total of 1,234 (Arnot 1986: xi). There were, as there are now, problems with establishing how many women worked in prostitution. It is a very transient industry and quite often private and opportunistic sex workers are not included in the numbers. The Argus thirty three years earlier had written:

Melbourne swarms with prostitutes. Morning noon and night. They are seen exhibiting themselves at the doors and windows, and with all the effrontery of harlotry. In the streets they may be seen at all times, frequently without bonnets, walking arm in arm and three abreast. Around hotels they congregate every evening; they rendezvous at the Theatre Royal bars for special practice at their seductive arts (cited in Perkins 1991: 67-87).

<sup>1</sup>This documentation of Melbourne's thriving sex industry during a period of criminalisation shows how the industry managed to survive. It could even be argued that the legislation aimed at ridding the city of prostitution in some ways shaped the way in which it operated. As was mentioned earlier it was often the women operating in the most conspicuous nature that attracted the attention of the police (Neave 1994). A consequence of this, it could be argued, was the flourishing brothel industry as women sought discreet ways to promote their services. Daniels argues that "criminal sanctions do not eradicate or reduce the extent of prostitution, but determine the structure of the sex industry, and the conditions under which sexual services are sold" (Daniels 1984: 335).

It was not for another 30 years that a further amendment was made in the Police Offences Act (1961) to include loitering for the purpose of prostitution (s3). The Vagrancy Act (1966) contained offences including pimping or living off the earnings of prostitution either wholly or in part (s10[1]). This Act also contained specific offences concerning brothels. It was an offence to keep, manage or assist in the management of a brothel (s11[1]). Workers in brothels were convicted under s12 of the Vagrancy Act (1966) for being an “occupier” of premises used for the purposes of “habitual prostitution”. “Brothel” was defined as any premises “resorted to by people of both sexes ... for the purposes of engaging in prostitution (12A) (Perkins 1991: 110).

The 1966 Summary Offences Act was introduced as omnibus legislation to include most offences in public places. The main offence for street prostitutes was “for the purposes of prostitution to solicit or accost any person in a public place or loiter in a public place” (s18). Twelve months later an offence was added making it illegal for “a person to loiter in or frequent any public place for the purpose of inviting any person to prostitute him/herself for pecuniary reward” (s18A) this was introduced as a response to residents complaints in St Kilda (Perkins 1991: 109).

By 1966 all prostitution related laws could be found in the Vagrancy Act 1966 or the Summary Offences Act 1966. In 1975 an attempt was made to suppress the growing number of so-called “massage parlours” through the Melbourne Metropolitan Planning Scheme. Massage parlours were based on a Californian concept (Neave 1994) and operated on the basis of providing massages for a set fee. It was, however, common knowledge that sexual services were also available at these establishments. The scheme was amended to allow massage parlours as a legitimate land use with the approval of the relevant council, usually in commercial or industrial areas (Neave 1994: 81). Neave writes that in a “triumph of hypocrisy over reality”, massage parlours were defined as “premises used for the purpose of body massage by a person other than a person registered [as a physiotherapist] whether or not it is used solely for that purpose” (cited in Neave 1994: 81). A condition was often placed on the permit that prostitution did not occur but this was virtually impossible to police. It should be noted that amongst all the listed offences there is not one that makes receiving money for a sexual service nor paying money for a sexual service an offence. This is further evidence of Neave’s claim that laws surrounding prostitution are more to do with the maintenance of social order, morality and public health.

Changes to the legislative approach to prostitution in Victoria did not happen again for almost ten years. In the late 1970's a lobby group of St Kilda residents was formed in response to the perceived "problem" of street prostitution. The group, calling themselves 'Westaction,' was supported by the local Mayor. In their public meeting on November 19, 1978 they claimed that "the residents of St Kilda are under seige" from prostitutes, pimps, drug addicts and customers cruising the area in search of sex (Perkins 1991: 111). They also presented a submission to Government with 2000 resident signatures calling for legal action against "massage parlours" in the area (Perkins 1991: 111).

On the other side a lobby group named 'Hetairae' had been established following a meeting of women at the University of Melbourne to discuss the injustices felt by sex workers. The group was made up of professional women including academics, doctors, lawyers, nurses and a small number of sex workers. Labor Party M.P. Joan Coxledge became interested in the issues raised by Hetairae and in 1979, together with the Australian Labor Party Status of Women Policy Committee, convinced the Victorian Labor Party to press for a "decriminalisation of prostitution laws". This was in contrast to the legislative approaches being discussed in parliament and in direct opposition to residents groups wanting continued and increased enforcement of criminal sanctions (Perkins 1991: 110-111). A Working Party to the Minister for Planning and Environment was established in May 1983 to investigate planning issues surrounding the location of what were known as "massage parlours". A large number of these establishments had begun to appear around Melbourne and were known to provide sexual services. In October 1983 this working party made a number of recommendations, which included the legitimisation of brothels with properly controlled land use; a licensing or permit system and prohibition of brothels in residential zones; and called for an amnesty period of up to 12 months to enable adjustments to be made by existing brothels seeking a permit to operate through the planning authorities.

This working party was limited in scope to reporting on planning issues. As a consequence the Planning (Brothel) Act 1984 was passed. Hansard reports that the purpose of the original Bill, then referred to as the Planning (Massage Parlours) Bill, was to allow the government to "regulate and control" the location of massage parlours in Victoria. It was believed that "prostitution is a reality in our society" (Victoria, Second Reading Speech, Assembly, 3 May 1984: 4415).

The public interest arguments for the regulation of brothels in Victoria were: the failure of the existing system to guard against the proliferation of houses of “ill-fame”; suggestions that the existing system had led to possible police and organised crime involvement; failure of the criminal law to police the activity; right of service providers to carry out their business in a professional manner; and the fact that existing laws led to discrimination against women wishing to work in the sex industry “in a society where on-the-job discrimination in other areas militated against their having access to work with (comparatively high) remuneration” (Scutt 1986, 400).

The Government recognised, however, that the Act may not be the optimum response whether from a public benefit stance or any other (Scutt 1986: 400). The opposition only passed the legislation on the proviso that an inquiry into the social, economic, and health aspects of prostitution be conducted (Victorian Government Inquiry Into Prostitution; Options Paper 1984: 82). In addition to this the tasks of the Inquiry were to analyse the extent of prostitution in Victoria and assess the current laws as an appropriate mechanism for regulating it (Perkins 1991: 110).

The subsequent Inquiry has come to be known as the Neave Inquiry and was released in 1985. It was the first and, to date, the last inquiry of its kind to be conducted into prostitution in Victoria. The report of the inquiry estimated that between 3000 and 4000 men, women and transvestites worked on a reasonably regular basis in Victoria. Of these only about 150 worked on the streets. It was estimated that there were 45,000 client visits per week, although it was noted that this did not necessarily represent 45,000 men. The criminal law was found to have been ineffective in suppressing prostitution and less than half of the 115 sex workers interviewed had been charged with a prostitution offence (Neave 1994: 82-83).

The most important recommendations made by this Inquiry were:

✍ Prostitution related activities should be criminal offences only to the extent necessary:

- a) to prevent harm to prostitutes and those at risk of becoming prostitutes; and
- b) to protect the community from demonstrable nuisance caused by prostitution related activities (Victorian Government Inquiry into Prostitution Final Report 1985, para 8.2).

This general recommendation was further defined as follows:

- Criminal law provisions designed to protect prostitutes should be confined to:
  - a) preventing the sexual exploitation of people under the age of 18; and
  - b) protecting adult prostitutes, whether male or female, from violence, intimidation or in certain limited cases, fraud (Victorian Government Inquiry into Prostitution Final Report 1985, para 8.3).

And

- That owners and occupiers of premises used as brothels in contravention of planning laws should be punishable under town planning legislation, rather than under provisions of the Vagrancy Act imposing penalties on prostitution-related activities (Victorian Government Inquiry Into Prostitution Final Report 1985, para. 8.4).

Further specific recommendations were made surrounding the way in which the industry should be structured. These included the location and size of brothels, the ability of women to work independently, advertising, ownership and licensing, and the ability of councils to opt out of street prostitution laws (Victorian Government Inquiry into Prostitution Final Report Recommendations, 1985).

The removal of criminal sanctions was based on the recognition that a “policy of criminalisation does more harm than good”. However it was recognised that there needed to be some controls placed on the location of brothels to prevent community backlash (Neave 1994). In retrospect, Neave came to the conclusion that a recommendation to allow one person to work from their own premises was indeed too restrictive and should have extended to at least two (Neave 1994).

The legislative result of the Neave Inquiry was the Prostitution Regulation Act 1986. While the original Bill contained many of the recommendations found in the Final Report of the Inquiry it was extensively amended in the Legislative Council. The major changes were the removal of the distinction between small-scale ‘freelance’ prostitution and larger brothels (so that town planning permits had to be obtained in all cases); retention of living off the earnings of prostitution laws and making it an indictable rather

than a summary offence; and councils had the right to veto brothels subject to a ministerial power to override this veto (Neave 1994).

Neave believes these amendments effectively undermined the recommendations of the Inquiry and the Labor Party did not proclaim many parts of the Prostitution Regulation Act 1986. Neave subsequently declared the legislative approach in 1986 to be an “irrational patchwork“ (Neave 1994:85) with the old Vagrancy Act being applied to brothels without permits.

Victoria saw a change of Government in 1992 and shortly after being elected the coalition announced a review into prostitution laws (Neave 1994: 86). A working party was established to examine the effectiveness of the Prostitution Regulation Act 1986. Amongst the Government’s concerns were a police declaration of their inadequate enforcement powers; organised crime involvement in the industry; the planning authorities’ belief that they should not be responsible for deciding who should be eligible for ownership; and recognition that the escort industry not be considered in the Prostitution Regulation Act 1986 (Victoria, Second Reading Speech, Assembly, 21 October 1994: 1454).

In 1993 a moratorium was placed on the granting of any new planning permits as a result of “community concern” (Victoria, Second Reading Speech, Assembly, 21 October 1994: 1454). Neave wrote in 1994 that by “artificially limiting the number of legal brothels the government has forced some brothels to remain underground, increased the value of existing legal brothels and created the conditions for escalating conflicts between brothel owners” (Neave 1994: 86).

The Prostitution Control Act 1994 is the current Act governing the Victorian sex industry. The most significant ways in which it differs from the Prostitution Regulation Act 1986 is that it has legalised escort agencies and introduced a licensing system for owners and managers of sex industry business. Its stated objectives are:

- a) to seek to protect children from sexual exploitation and coercion;
- b) to lessen the impact on the community and community amenities of the carrying on of prostitution-related activities;
- c) to seek to ensure that criminals are not involved in the prostitution industry;



- d1) to seek to ensure that brothels are not located in residential areas or areas frequented by children;
- d2) to seek to ensure that no one person has at any one time an interest in more than one brothel license or permit;
- e) to maximise the protection of prostitutes and their clients from health risks;
- f) to maximise the protection of prostitutes from violence or exploitation;
- g) to ensure that brothels are accessible to law enforcement officers, health workers and other social service providers; and
- h) to promote the welfare and occupational health and safety of prostitutes (Prostitution Control Act 1994 s.4).

It is of interest that while the Final Report into Prostitution in 1984 had as its major recommendation to “prevent harm to prostitutes and those at risk of becoming prostitutes” (para 8.2), the Prostitution Control Act places the interests of children and the community before those who are actively employed in the industry.

There is little in the Prostitution Control Act 1994 that differs from the Prostitution Regulation Act 1986 in terms of requirements on those working in the industry as service providers. Street prostitution remains illegal and sanctions were increased. Planning permits must be obtained by independent operators, although they are excluded from the licensing system adopted in the Act. They must, however, register an exemption from licensing with the Business Licensing Authority. This registration means the worker can obtain a Prostitution Control Act (P.C.A.) number which must be displayed in all advertising. The register is accessible by the police, taxation, immigration and social security but not by the general population. One obligation not previously required is monthly testing for sexually transmitted infections and quarterly blood testing for HIV and hepatitis. This is written into the legislation as a defense, meaning that a sex worker cannot be found guilty of knowingly infecting someone with a sexually transmitted disease if they can show that they have been undergoing monthly swab tests and quarterly blood tests.

The Prostitution Control Act 1994 differs significantly to past legislation in its requirements of owners and operators of brothels. While the Prostitution Regulation Act 1986 contained a licensing structure, it was not proclaimed. Under the Prostitution Control Act 1994 owners of sex industry businesses must be licensed with the

Business Licensing Authority and an “approved” manager must be on site at all times. Escort agencies were legalised under the Act, whereas in the past operators could be prosecuted for living off the earnings of prostitution. The workers, while targeted for evidentiary purposes, were committing no offence. Requirements for licensing include probity checks conducted by the Victorian police to determine if the person has any known criminal background or unsavory associates. Any indictable criminal offence in the preceding five years rules any person ineligible to own or manage a sex industry business. Prostitution related charges are excluded. Owners and operators must be able to demonstrate a sound financial background and an understanding of the legislation and their obligations. Owners are limited to an interest in only one business and brothels are not able to exceed six working rooms. Planning requirements have been more clearly defined. Where the Prostitution Regulation Act 1986 used the vague terms of “in or near,” the Prostitution Control Act sets out that a brothel must be at least 100 metres from a residence and 200 metres from a church, school, hospital or place where children congregate. Councils have no right to veto brothels, brothels are not permitted in towns with populations under 20,000, and objections can only be made on planning grounds.

## **1.2 Legislators’ views on the legalisation of the Victorian sex industry**

Throughout the reform process legislators, whether in power or opposition, made it clear that they did not view the sex industry favorably and that reforms were only being undertaken to control an otherwise uncontrollable situation.

In 1984, with the Labor Party in Government, the Liberal/National Party opposition made it clear that they viewed the industry as an exploitive one. They claimed that through legislation “the Government will be giving the practise of prostitution an imprimatur, and thereby the practise will achieve a status in the community which it should not enjoy” (Victoria, Debate, Council, 1 May 1984: 2525). Further into the debate the Opposition stated that “it is not the Parliament’s job to give respectability to prostitution” (Victoria, Debate, Council, 1 May 1984: 2528).

The Government of this time was at pains to make it understood that they did not condone the sex industry:

Let me make it clear that the Government does not condone it [prostitution] but it is taking what I consider to be a courageous step in endeavouring to control a situation in such a way that society can rest easy that the Government is doing what it can; that the agents of the Government, by way of the police and local government, are trying their best to control a situation that has, in the past, seemed to be almost uncontrollable (Victoria, Debate, Council, 1 May 1984: 2574).

When it was suggested that that the Government was giving “a sense of approval” to the sex industry the Government responded that “there is no sense of approval whatever” (Victoria, Debate, Council, 1 May 1984: 2574).

Again, in 1986, with the same parties in power and opposition, the opposition made its views clear about prostitution in particular that it is “immoral” and “exploitative” (Victoria, Debate, Assembly, 21 November 1986: 2494). Again the Government asserted its disapproval by saying “we do not approve of this profession. We accept the reality that the only way to cope with it is to control it” (Victoria, Debate, Assembly, 21 November 1986: 2510).

The Neave Inquiry, too, was believed to disapprove of the industry. “I refer honorable members to the Neave Inquiry, which disapproves of the profession, disapproves exploitation, but which favors control” (Victoria, Debate, Assembly, 21 November 1986: 2510).

During the last period of reform, with the Liberal/National Party coalition in power and Labor in opposition, the Government again made its position clear:

The fact that this government is introducing legislation to control prostitution does not imply government support for prostitution. On the contrary, this government is opposed to prostitution in all its forms (Victoria, Second Reading Speech, Assembly, 21 October 1994: 1454).

The Labor opposition at the time also stated “we as a community have come to accept that prostitution is the order of things and rather than prohibiting it we must try to

regulate it. That does not mean we support it” (Victoria, Debate, Assembly 16 November 1994: 1863).

These views expressed by both sides of Parliament clearly show that while legislators in Victoria were willing to legalise the sex industry, they in no way wanted to legitimise or support the industry. While there was much talk of “controlling” the industry there was little or no discussion about improving it for those working in it. Possibly this could have been construed as some kind of acceptance, something the legislators did not appear to want.

### **1.3 General population views on law reform**

Perkins (1991: 112) reports two surveys that give some insight into the general population’s view of sex industry law reform. A survey conducted by McNair in 1982 showed that 59% of Victorians thought that prostitution should be legal and in 1985 a national survey showed that 72% of Melbourne citizens agreed that prostitution in certain areas should be legal. The information contained in these two surveys relates only to how the Victorian population viewed the legal status of the industry and gave no indication as to how the community felt about the women working in the industry.

### **1.4 Documented Outcomes of the Victorian Approach**

There has been very little research into the consequences of the Victorian approach and confusion over how to define it. Neave (1994: 81) used the term “Decriminalisation with Controls” to define the approach of the Prostitution Regulation Act. But Dobinson (1991: 117) and Overs (1986: 61) both refer to the same legislation as “Legalisation” - as does Hansard. Legalisation has been defined as the use of criminal laws to regulate or control the sex industry by determining the legal conditions under which the sex industry can operate (Perkins 1994). This definition is extremely broad and allows for any number of different systems to emerge. The Criminal Justice Commission in Queensland developed classifications for a number of models using terminology such as “Planning and Licensing Model”, “Limited Licensing Model”, “Registration Model”, and “Planning Model” (Criminal Justice Commission 1991). The “Planning Model” would best describe the type of legalisation in operation in Victoria under the

Prostitution Regulation Act of 1986. It is this Act which has attracted the greatest amount of analysis, which has been theoretical and anecdotal rather than empirical. The only empirical research conducted on the legal Victorian sex industry was released in 1994 and was a 'Profile of Victorian Brothel Workers' (Pyett 1994). The data for this study was collected through a questionnaire administered to 271 women working in legal brothels. The median age of the women was 26 years and the median time in which they had been working in the industry was 2 years (with a range of 1 month to 22 years). Fifteen percent of the women also worked in other sectors of the industry including private work, escort and to a lesser degree, the street. Thirty one percent were married or in defacto relationships and 34 percent were currently supporting dependent children. The reported level of condom use for vaginal and oral sex at work was very high (252/253) but was not as significant with partners outside of the work environment. Other data collected related to injecting drug rates, levels of sexually transmitted diseases and the management of clients with a sexually transmitted disease (Pyett, Haste and Snow 1996). While the demographic information collected from this research can be used as a benchmark for comparison between the samples, this study did not approach the subject of the law or its impact on the women's work. The researchers did, however, note that the high level of condom use and workers' ability to insist on their use may be related to the legalized nature of the work (Pyett et al. 1996).

Pyett also contributed to a 1999 article that contained data collected in 1995/96. This used in-depth interviews with a group of Victorian sex workers (Warr and Pyett 1999). While the topic, 'Difficult relations: sex work, love and intimacy', is of interest to this research, in that it touches upon the impact of sex industry work on women's private lives, the sample used is too specific for generalisation. The research used a sample that was purposively selected on the basis of being perceived as "vulnerable to sexual health risk whilst engaged in sex work" (Warr and Pyett 1999: 292). Half of the interviewees worked on the street and a number of others worked in illegal brothels, sectors of the industry not included in this study. While this research conveyed the difficulties the workers had in reconciling sex work and intimate relationships, the primary focus was on the risk practises that take place within non-work related sexual relationships and in particular attitudes toward condom use.

Of greater relevance to this research is documentation of the way the industry responded to legalisation. Perkins (1991) makes mention of the significant decrease in the number of legal establishments in which women could work following the introduction of the Prostitution Regulation Act 1986:

Following the passage of Prostitution Regulation Act 1986, only 42 brothels had been granted permits. Two-thirds of prostitution premises had gone out of business, and a large number of prostitutes had been forced into an illegal status in a system purportedly designed for their protection from exploitation. By October 1989, 56 brothels had received licenses (Perkins 1991: 124).

Perkins (1991) discusses the impact this legislation has on sex workers. The most significant problem they had was that they were not able to work independently legally, owing to the prohibitive cost of obtaining permits and establishing a suitable working establishment. Some workers indicated that they were better off before legalisation, when the police “did not persecute the working girls” (cited in Perkins 1991: 122) for using their own premises to see clients. They also had the option of defending themselves in court or paying off the police (Perkins 1991). Another consequence of legalisation experienced by workers was the increased competition between women promoted by owners overcrowding shifts (Perkins 1991). This situation presumably arose through the sudden decrease in the number of legal establishments in which women could work.

Perkins (1991) argues that once a system becomes legalised the police are obliged to enforce the law which relates to those parts of the industry deemed to be illegal. Workers are then divided into legal and illegal, which Perkins describes as a “divide and rule” tactic (Perkins 1991:122-123). Perkins argued that:

In a “legalisation” system prostitution is repressed rather than oppressed by a process that alienates prostitutes from one another, and co-opts brothel management in an alliance with the state, maintaining control over the sex workers by the same capitalist hierarchical structure that promotes collaboration of management at the expense of workers in any industry (Perkins 1991: 124-125).

In response to the Prostitution Regulation Act 1986 material was published by the Prostitutes Collective of Victoria, who were also known in the early 1980's as the Australian Prostitutes Collective. Overs refers to the "rich oral history" that the Australian Prostitutes Collective was able to access following the release of the Neave Inquiry in 1986 (Overs 1986). She writes that the Collective offered the workers the opportunity to participate in a discussion without sacrificing their anonymity. Overs (1986) reports a movement of workers into the escort industry (the management and ownership of which remained illegal) although she does not state why this might have been the case. One could assume that it might have been because of the emerging scarcity of jobs available within the legal sector due to a decrease in the overall number of operators that is referred to in other parts of the article. Coinciding with this she reports a "ten-fold increase" in the reports of client abuse and rip-offs by management (Overs 1986: 62). Part of this increase could be attributed to the higher profile of the Collective during the period of reform and therefore workers' knowledge of the organisation, but it does seem significant. For those women who remained in the legal industry, new rules and work conditions applied. Management had previously taken a "hands off" approach to the provision of illegal services, which gave workers wide discretion in determining both services and prices. A new "menu" system was introduced where all services were negotiated directly with management before the client met the worker. Women were expected to provide all services on the menu to all clients who were prepared to pay the price (Overs 1986). Fines were introduced if a worker was late or sloppy, and there was now an obligation to socialise with clients, in order to provide them with a greater choice. All these factors increased competition between the women (Overs 1986). Overs acknowledges that these practises were not introduced universally, but was purely dependent upon the personal principles of the operators. On the whole the industrial rights of workers were jeopardised (Overs 1986). It also indicates a decrease in women's control of their workplaces.

The article cited above was written in the very early days of legalisation and the situation may have altered with the increase in the number of legal establishments and increase in competition between them for staff.

Dobinson (1991) describes the Victorian experience under the Prostitution Regulation Act 1986 as reflecting the "worst form of institutionalised prostitution," in that there is no industrial, occupational health and safety protection in the workplace (Dobinson 1991:

119). Illegal sex work is seen to be a better option financially for sex workers in that they are able to determine the services that they provide, the prices that they charge and hours they work. Illegal work at the time was defined as street work, escort work (although this was only illegal if working for agency owners and the partners of the workers), working from home or illegal massage parlours. One worker is quoted as saying she would “cop it sweet” if caught (Dobinson 1991: 118). It is relatively easy to see how a woman already used to working in an illegal setting prior to legalisation may take her chances in the illegal industry if it proved to be financially viable.

Dobinson (1991) highlights the fact that there were no Workcover arrangements for sex workers. Even though Workcover at the time considered owners to be employers, this was not enforced. In the only two claims she knew of both workers withdrew their complaints after intimidation. The introduction of the tax system PAYE (Pay As You Earn) was also seen to be disastrous, with the tax deducted frequently staying in the hands of the owners. The same tax file number was sometimes used for different workers, and workers supported this practice because of their desire for anonymity. No receipts or group certificates were given. Workers feared lodging claims in case they were audited for back taxes (Dobinson 1991).

Scutt (1986) utilised data received from the Australian Prostitutes Collective and predicted that larger legally owned and operated entrepreneurial brothels would divert business away from solo operators. For workers to become employees of a legal brothel, they would lose control over their conditions of work. They would be joining an industry with no awards, no worker rights, no effective representation and no union. Prostitutes would be exploited more (Scutt 1986).

There has been little published that refers to the changes that resulted from the Prostitution Control Act of 1994. The exception has been the solitary voice of Helen Koureskas, a Melbourne sex worker with over ten years' experience in the Victorian industry (Koureskas 1995). She believes that the harm done to women who work as prostitutes is caused by the stigma associated with the activity, not the activity itself. Koureskas focusses on the Prostitution Control Act 1994 and questions the purposes for which prostitution needs to be controlled. She argues that the need to control prostitution implies that it causes harm, yet she questions what harm will occur if the community witnesses prostitution related activities. She points out that the Act never



specifies what the harmful effects of prostitution are to the community. Koureskas points out that Victorian legislation which has made harm a priority remains in force. This has resulted in the absence of any “legislation which would give women who work as prostitutes better working conditions, the power to control aspects of their chosen occupation, and protection from the law where it is most needed” (Koureskas 1995:103). She illustrates that there is no law to protect women from being forced to carry out work for no pay:

Women who work in (most) brothels in Victoria in 1995 are literally expected to work without pay. The women are expected to be on the premises to provide choice for the clients, to socialise with clients, to clean the toilets, spas and showers, to vacuum, polish, fold and replace towels and clean the kitchen area as part of their job. This is an area of exploitation of these women that is yet to be recognised (Koureskas 1995: 103).

Koureskas also criticises feminist arguments that assert “prostitution remains morally undesirable no matter what reforms are made, because it is one of the most graphic examples of men’s domination over women” (Koureskas 1995:104) as it subjects women prostitutes to the position of subordinate. She suggests that the problem with this subjugation is that it inscribes women with an identity which they themselves cannot and do not identify with.

Koureskas concludes by stating that these feminist positions, and the Prostitution Control Act, do not provide women with:

more control and power to work in an atmosphere where they can define the meaning of their work and their conditions of work, which would then enable a change in the current status of perceptions, welfare and reputation of these women (Koureskas 1995: 107).

As the Victorian approach to legalisation is unique it is not possible to look toward other Australian states or even other countries for research on their effects. A useful comparison here is with the American state of Nevada, which has a legalised and regulated sex industry. Counties with populations less than 250,000 are able to decide whether they will license, tax and regulate houses of prostitution (Scibelli 1987). The

Nevada model, it could be argued, is the other end of the legalisation/regulation spectrum. While Victoria has aimed most of its regulatory powers at owners and management, Nevada has targeted the workers themselves. The workers must be above 21 years of age, they must have a work permit, and they must be fingerprinted, photographed and medically examined. The workers are only permitted outside of the brothel between the hours of 10am and 6pm. One county prohibits workers leaving the brothel on Sundays. In all counties where prostitution is regulated women are explicitly excluded from bars, gaming houses and cannot rent rooms in town centres. Restrictions are also placed on family proximity and employment changes. Some towns also stipulate that workers conform to a dress codes (Scibelli 1987). Although these requirements can be seen to breach the womens' human rights, some sex workers are happy with the system for it means that they have protection from prosecution (Anderson 1994). Other women question the fairness of this trade.

This brief overview of the Victorian and the Nevada experiences of regulation and legalisation demonstrates the range of models available under the banner of legalisation. In this context it is interesting to examine the theoretical arguments surrounding the concept of legalisation as a backdrop to the following analysis of workers views on the Victorian model of legalisation.

### **1.5 Law reform: The debates**

There are a range of arguments both for and against legalisation as a reform strategy. Legalisation is a vastly different approach from decriminalisation, but when arguing for the benefits of law reform in the sex industry it is often difficult to establish what type of model authors would prefer. For this reason the following discussion will begin by examining the perceived negative outcomes of legalisation before analyzing the differences between legalisation and decriminalisation. The benefits proposed by supporters of both strategies will then be analyzed.

### **1.6 Legalisation**

When discussing the negative side of legalisation it is important to be reminded of the different models or systems of legalisation and that negative outcomes are usually a result of the particular laws put in place. For example there would be a number of

negative outcomes resulting from the Nevada model, focussing on the control of individual workers, compared to the Victorian model which focusses on the location of businesses and the licensing of operators.

One of the most common arguments against creating a legal framework within which the sex industry can operate is that it often still leaves an illegal industry. Unregulated prostitution has always coexisted with the regulated (Scibelli 1987). Any business or individual that operates outside of the designated framework is still criminalised and remains subject to many of the problems which legislation sought to improve (Harcourt 1999; Sullivan 1997; Alexander 1988; Scibelli 1987). The Scarlet Alliance, the peak body for sex worker rights and health organizations in Australia, released a document in 2000 on best principles for sex industry law reform. They argue that laws which limit the sectors of the sex industry in which sex workers can legally work fail to recognise that sex workers “choose” the sector of the sex industry that enhances their particular employment needs. Therefore sex workers may ignore laws which restrict their favored choice of work environment regardless of consequences or penalties (Scarlet Alliance 2000).

The other common criticism of legalisation is that it is not usually embarked upon with the benefit of the worker in mind, but rather to enhance state control over the industry and sometimes for the financial benefit of the state (Scibelli 1987; Alexander 1988; Perkins 1991).

One author, who is opposed to all forms of prostitution, suggests that legalisation implies official recognition and acceptance of prostitution as a legitimate occupation. This author then goes on to claim that the state actively benefits from prostitution (in the manner of a pimp), and that the state should be working toward the alleviation of the need for prostitution (Cheney 1988).

The Scarlet Alliance (2000) states that the sex industry is no different from any other service industry and it does not require unnecessary and complicated regulations to comply with conditions of legal operation. It points to the Australian Capital Territory where both advertising for workers and alcohol availability are not restricted under sex industry regulations (as they are in Victoria) and there has been no increase in the rate

of people entering the sex industry, or in the rate of alcohol consumption and related violence.

It has been argued that the local councils which administer planning in Australia have been and are unable to make fair and consistent decisions regarding applications for brothel locations. This means that operators are often subject to lengthy appeal processes. The expense and length of these processes dissuades smaller operators from seeking permits (Harcourt 1999).

Alexander questions the assumption that a well regulated brothel system will control sexually transmitted diseases, and will keep prostitution off the streets and out of sight of children, and that it will “just be better, safer, cleaner, which it is not” (Alexander 1988: 225-226).

## **1.7 Decriminalisation**

Decriminalisation emerged as a strategy for sex industry reform during the 1970's (Perkins 1991) and simplistically refers to the removal of criminal laws with respect to consensual adult prostitution. Supporters of decriminalisation vary in their interpretations, with some supporting the total decriminalisation of the entire sex industry and those who favor removing criminal sanctions that relate to the people working as sex workers and not those profiting from that work such as owners and managers of businesses. As the total decriminalisation of the sex industry is not in operation anywhere in the world, this is a purely theoretical concept. It is often considered impractical and unable to achieve the goal of maximizing sex workers control over their industry; nor does it provide sufficient government control (Shrage and Boyle cited in Banach 2001: 41).

Some supporters of decriminalisation agree that there should be some form of control over the sex industry. It is the level of control and who does the controlling that is in dispute. Most sex industry advocates argue that control should be in the form of Occupational Health and Safety, building and labour regulations, and that these should be enforced with money currently being expended on policing and prosecution (Alexander 1988). What is not made clear in this argument is who would do the enforcing and what penalties noncompliance would attract.

The Scarlet Alliance (2000), which supports decriminalisation, argues that general criminal laws are adequate to address deception, fraud, violence and employment of minors in the industry. These are all issues that the Victorian Government cited as making legalisation and specialized sex industry laws necessary. They therefore assert that there is no necessity to frame specific legislation within sex industry laws to address these issues.

Perkins (1994) defends decriminalisation and argues that effort can be directed at achieving worker control through other established and available industrial legislation. It has also been stated that decriminalisation would rectify the use of the criminal justice system to impose public standards.

While supporters of law reform advocate for different models they are united in their opposition of total criminalisation.

## **1.8 Benefits of law reform and the effect of criminalisation**

Readers must be reminded that the discussions surrounding the perceived benefits of law reform, particularly decriminalisation, are purely theoretical as the systems that most writers advocate for are not in existence anywhere. While the Victorian model of legislation is arguably better than most, there has been no research, until now, to examine its impacts.

Criminalisation, it is argued, limits workers access to the criminal justice system and results in poor working conditions in general. Working conditions are effected through the denial of workplace benefits such as workers compensation in case of injury and adequate controls on cleanliness and safety.

Criminalisation is seen to be responsible for the maintenance and promotion of false stereotypes about sex workers in the public consciousness, creating stigma associated to the industry. Most commonly, a criminalised industry is seen to be hidden or “underground” and with this comes difficulty in relation to access, particularly by educators, to ensure an informed workforce, both on health issues and employment rights.

Since the emergence of HIV, those associated with public health have been amongst the greatest advocates for sex industry law reform. The Final Report of the Legal Working Party of the Intergovernmental Committee on AIDS listed the following health benefits emerging from a decriminalised sex industry:

- Encouraging responsible behaviour by workers and clients and others who have control over their activities, e.g. brothel owners;
- Allowing free flow of information and education on public health preventive measures by removing fear of prosecution and harassment, thereby encouraging attendance for advice, counseling, information, testing and treatment;
- Alleviating the stigma associated with the industry which attaches to sex workers who have been publicly labeled as such (thereby making it more difficult for them to leave the industry);
- Combating the fear of identification which inhibits some sex workers from seeing themselves as part of the industry, thereby making it harder to reach them by targeted education and prevention strategies; and
- Promoting conditions within the “culture” of the sex industry to permit and encourage safer sex activities which must facilitate HIV/AIDS prevention, and generally improving working conditions within the industry currently contributing to disease transmission (Intergovernmental Committee on AIDS 1991: 47).

On a more general level, a movement away from criminalisation is seen to change working conditions. Alexander argues that such a move would make it easier to prosecute those who physically or economically abuse prostitutes. It would also enable prostitutes to join unions and engage in collective bargaining to improve working conditions. Workers would also be able to form professional associations, develop a code of ethics and allow for training of newcomers by experienced workers (Alexander 1988).

Support for radical law reform has come from a range of different sources: academics, lawyers, criminologists, health workers and sex workers themselves. It has also appeared from some unexpected groups in society, including some traditionally thought of as conservative. For instance, the Australian Catholic Bishops Conference supported decriminalisation, although, just as the Victorian Government and the Neave

Inquiry had done before them, they stressed that this should not “infer social approval of clients or managers living off the earnings of prostitution” nor should it encourage an occupation which it saw as “dehumanising and degrading” (cited in Intergovernmental Committee on AIDS 1991: 49). Both the Bishops Conference and the Intergovernmental Working Party stressed that if there were to be controls placed on the location of businesses, as well as operators or owners, the system “should not be so onerous as to drive sectors of the industry underground” (Intergovernmental Committee on AIDS 1991: 49).

To summarise it can be said that advocates for law reform differ in their opinions to what extent the law should be used to control prostitution. Most would agree, however, that the law should focus on those running businesses, such as owners and managers, rather than individual workers. The major benefits of such a system can be outlined as:

- Improved public health and ability by educators to access the industry;
- A greater likelihood of sex workers reporting crimes committed against them;
- Improved workplace conditions including cleanliness, safety and benefits such as workcover and sick pay; and
- Destigmatisation of the industry.

These benefits could be undermined by a system that legalises the industry but is difficult to comply with. The result of this is an underground industry with many of the same problems that exist when the industry is illegal.

Of course, there are those who oppose law reform. One such group is the Presbyterian Women's Association who, in their submission to the working party of the Intergovernmental Committee on AIDS, believed that decriminalisation would lower the status of all women, and regulation would create a new “clean image” for large operator brothels (Intergovernmental Committee on AIDS 1991: 49). As mentioned earlier, those who oppose prostitution argue that the State should be working toward the alleviation of the need for prostitution (Cheney 1988). This is the stance taken by many feminist authors. Any discussion around the sex industry would be remiss if it did not acknowledge the amount of feminist literature that has amassed in recent years. This has coincided with a significant amount of literature produced or advised by those who work or have worked in the sex industry. The final section of this literature review will

be spent analysing feminist views on law reform and the views presented by those working in the industry.

## **1.9 Feminist theory and prostitution**

It is safe to say that feminists are as divided as the population at large in their discussions of prostitution. This conflict begins with the concept of prostitution itself and is illustrated in the discussions around the naming of the women involved: “sex workers” or “prostituted women.”

### **Sex Work and Sex Workers**

Shrage has drawn attention to the fact that in the English speaking world, the term “prostitution” has a double meaning. It designates sexual exchange that is commercially oriented and also the act of debasement for material reward (Shrage 1994: 121).

A deliberate attempt has been made by campaigners of sex worker rights (Alexander 1997; Leigh 1997) as well as certain theorists (Bell 1994; Shrage 1994) to define the ‘social problem’ (rather than the ‘moral problem’) and disassociate it from moral degradation - hence the evolution of the term ‘sex work.’ The term was invented by Carol Leigh, an American sex worker rights activist. She writes that:

Invention was motivated by my desire to reconcile my feminist goals with the reality of my life and the lives of the women I knew. I wanted to create an atmosphere of tolerance within and outside the women's movement for women working in the sex industry (Leigh 1997: 225).

According to Prestage and Perkins, the use of the term has two significant consequences: it avoids the use of a more pejorative term and it emphasizes the relationship between prostitution and waged labour. The implication, therefore, is that although sex work is concerned with sexual behavior, it is merely another form of work and those performing it are primarily motivated by the conditions of their work rather than by sexual interest (Perkins 1994).



The concept of prostitution as work was widely adopted by feminists in Australia during the late 1970's. Even so, some feminists still regarded the abolition of prostitution as their ultimate aim, but this was 'set aside' as immediate industrial issues came to be regarded as the most appropriate focus of a feminist response. This stance resulted in alliances being formed in some States between sex workers and feminists. These alliances were later strained by the abolitionist beliefs underlying the theories of many feminists (Sullivan 1997). Not surprisingly then, a movement away from the 'prostitution as work' theory has been made by some feminist theorists. In Australia this can be seen in the writings of Melbourne based feminist Sheila Jeffreys (1997).

### **Prostituted Women**

Jeffreys chooses not to use the term "sex work" as she considers this language as "normalising" prostitution which then makes it difficult to conceptualize prostitution as a "form of violence, a crime against women" (1997: 5). Instead, the term "prostituted woman" is used and is done so to bring the "perpetrator into the picture". It is argued that someone must be doing something to the woman for her to be prostituted. This is justified because "prostitutes are visible in a way that johns are not" (Jeffreys 1997: 5).

In its fundamental form the "sex work versus prostituted woman" debate describes the polar positions in the ideological divide among contemporary feminists. Those who view prostitution as sex work argue that prostitution *per se* is not different from other work in service industries. Sex workers are selling services, not their bodies. However sex work, as *it is practiced*, is different from other work. This is because women dominate the supply side and men the demand side. It is affected by the law in the way other businesses are not, for instance it is sometimes illegal, sometimes legalised and regulated but very rarely decriminalised. It has a stigma attached to it and many of the market conditions are deplorable however, these are a by-product of the conditions under which the activity is practiced - not the activity itself (Shraver 1994).

On the other hand those who support the "prostituted woman" definition argue that it is bodies, not services, that are being sold. They also argue that prostituted women must distance or alienate themselves from their work, as buying and selling are inherent in sex work in a way that is not inherent in other work. It is the only asymmetric service

industry (women sell, men buy) and individual women who choose to work in the sex industry harm the collectivity of all women (Shaver 1994).

The division illustrated in the above debate is symbolic of the feminist debate in general and an entire thesis could be devoted to it. As Jolin notes “feminists from both sides of the prostitution divide have delivered ample documentation of the flaws in each other's arguments” (Jolin 1994: 77). She believes that one can either believe that true equality will not exist so long as women sell their bodies to men or one can believe that true equality will not exist so long as women are prevented from exercising choice, including the choice to sell their bodies to men. She states that “the chances of resolving this issue, either logically or empirically, are no greater than the chances of resolving the nature-nurture argument” (Jolin 1994: 77).

For the purpose of this thesis, however, prostitution is seen as work. The State of Victoria has chosen to legalise various forms of prostitution, which are the focus of this research. The government, although not wishing to condone or support prostitution, has nevertheless formalised an “industry” and created legal workplaces.

### **1.10 Feminism and Law Reform**

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While most feminists are in support of decriminalisation, some qualify this support as being only for the women involved and advocate the penalisation of the “johns” (Jeffreys 1997: 336). This is perfectly reasonable, it is argued, if prostitution is recognised as a violation of women's human rights. The idea is put forth by those who subscribe to the “prostituted women” school of thought and who believe that the state should be working toward the abolition of prostitution. It is argued that men should not be able to escape responsibility for their actions and the pervading belief around “need” in men's sexuality must be challenged (Jeffreys 1997). While feminist debates remain polarised Jolin (1994: 78) reminds readers that these theories have real consequences for women who work as prostitutes. It is the prostitutes, not the theorists, who have lived and experienced the results of the prevailing attitudes of the time. She laments that “this should continue to be the case after nearly a century and a half feminism is not as surprising as it is regrettable” (Jolin 1994: 78).

While there is support for decriminalisation of women working in prostitution on both sides of the divide, feminist debate has virtually ignored the “other primary approach to prostitution policy: legalisation” (Jolin 1994: 80). Jolin suggests that this appears to be a policy not worth considering. This stance is largely based on a general mistrust that a “male dominated state system could develop women-centred systems of state licensing” (Jolin 1994: 80). The State, being a predominantly male institution, would decide where, when and how prostitution could be pursued which would represent yet another form of male sexual domination over women. Legalisation is therefore seen to be an obstacle to both sexual equality and free choice (Jolin 1994). Jolin argues that prostitution theories do not address the actual problems experienced by prostitutes, and neither do the strategies that flow from them (1994). She also questions feminists' real commitment to law reform, particularly considering that in 1993, when the article was written, prostitution continued to be largely criminalised in the U.S.A, and in fact remains so in 2001. She concludes by stating that “after 150 years of feminism - of women working with women - we as feminists must work with all women” (Jolin 1994: 81).

The following section of this discussion will provide an overview of sex workers' beliefs about sex industry law reform. These views are central to this thesis as it will be reliant upon the voices of those that the legal structure impacts upon. Too often the actual workers, who are affected the most by law reform, are denied this voice.

### **1.11 Sex workers on prostitution**

When reading Australian literature on the subject of prostitution one begins to realise that rarely do we hear the voices of women employed in the industry. One exception of this is Perkins and Bennetts (1985) book ‘Being A Prostitute’. Contained in this book are nineteen interviews with sex workers, nine women and ten men. For the purpose of this review the interviews of the women were of primary interest as this thesis relates only to women working in the industry. All nine women were in New South Wales when interviewed, yet their breadth of experience was impressive. Madams, street walkers, brothel workers, parlour and escort girls, a hotel hooker and a bondage mistress were all represented. They had worked in Kalgoorlie, Perth, Brisbane, Melbourne, New Zealand, Tahiti, USA, France, Germany, Hong Kong and the Philippines as well as Sydney. The interviews were conducted over three months from June to September

1983. The criminalising legal structure under which these interviewees worked can be argued to have impacted on their work life in a number of ways. All of the workers reported contact with law enforcement agencies and some with local councils. The level of this contact varied depending largely on the visibility of the work. Street workers and those working from the front of houses reported the largest amount of police contact whereas those working from brothels or parlours experienced varying degrees of contact with local councils. In most interviews, women reflected upon at least one episode of violence or potentially violent situation. Those who had worked in the industry for extended periods of time reported changes in the expectations of clients, such as wanting more for their money. All women talked extensively of the large amounts of money expected by owners and operators of sex industry businesses (agencies or brothels) and many preferred to work independently of them or to find a cheaper alternative. There was little information relating to the consequences of sex industry employment on the women's non-working lives, however most of the women hid their occupation from their children. Some never revealed what they did, while others had select friends who were aware of their employment in the industry. When asked how things could be improved a wide range of responses were received. Interestingly many of the interviewees suggested a model similar to that in operation in Victoria, including health checks and health inspections of brothels. Most advocated some degree of government control of the industry as "long as they keep their fingers out of the till" (Perkins and Bennett 1985: 133). The majority felt that a board with worker representation should be established to control the industry. Unlike Victoria's system they also felt that women should be allowed to work from their own premises or form collectives and work together. Not surprisingly, considering the high level of violence reported, most workers felt that the police should be offering them more protection and taking their reports of crime more seriously.

### **1.12 Sex Worker Rights Organisations**

In Australia and abroad there are a growing number of organisations established to advocate on behalf of sex workers, and/or provide assistance to sex workers who have displayed an interest in the laws surrounding the industry. Some of these groups are made up of past and present sex workers and others have a mixed membership. The types of reform advocated differ widely, but in some ways reflect the differing feminist beliefs and models for reform. For instance the group WHISPER (an acronym for

Women Hurt in Systems of Prostitution Engaged in Revolt) believe that the State should stop defining prostitution as a “victimless” crime and acknowledge it as a crime committed against women by men (Wynter 1998: 269). Women should not be arrested for engaging in prostitution but laws should be enforced against men who “traffic in women's bodies” (Wynter 1998: 271). This model reflects the thinking of the abolitionist feminists such as Jeffreys mentioned earlier in this chapter.

While it can be said that most other groups such as the English Collective of Prostitutes, US PROStitutes Collective, Coyote (Call Off Your Old Tired Ethics) and Scarlet Alliance share a belief that people who are working in the industry as sex workers should not be criminalised, their underlying beliefs and philosophies about prostitution *per se* may differ quite dramatically. For instance the English Collective of Prostitutes, while supporting the decriminalisation of all prostitution, is not interested in the legitimisation of prostitution but in the legitimising of all prostitutes with their slogan of “for prostitutes - against prostitution” (Lopez-Jones 1998). In contrast Coyote/National Task Force on Prostitution hope to inform the public about the reality of prostitution, and work toward the legitimisation of the industry. They also support the repeal of all prostitution related laws, including those relating to mutually voluntary aspects of prostitution such as ‘living off the earnings’ for sex industry business operators and empowering workers to bargain with employers for improved working conditions.

Some groups do not wish to align themselves with either legalisation or decriminalisation. The US PROStitutes Collective, for instance, has taken this stance for they believe that in some countries decriminalisation has come to mean the same as legalisation. Instead they advocate for women to be able to work as independent businesswomen, controlling their own working conditions (West 1998). Similarly De Rode Draad (The Red Thread) of Holland do not advocate for any specific model but instead only wish for changes if they offer improvements (Verbeek and van der Zijden 1988).

This discussion has shown deep divisions in the way prostitution is viewed by sex workers and this then informs their approaches to law reform. It is not surprising that these divisions exist, for as Zats (1997) reminds us, prostitutes experience their profession in widely varying ways. It is important that this be respected. Queen

acknowledges that “some of us want out of the business, but many of us simply want to see conditions improve with everybody else out of the way” (Queen 1997: 130). It is important then for this research to canvass an array of women with differing experiences in the Victorian sex industry, so that these complexities can be explored. This research also aims to provide a greater understanding of how the legal structure, and the way it has evolved, has impacted upon their lives, both inside and outside the industry.

### **1.13 Summary**

This chapter has provided the reader with a detailed analysis of the legal reforms affecting the sex industry that have taken place in Victoria. As indicated there has been very little published about the outcomes of the reforms to the sex industry in Victoria. Early discussion following the introduction of the Prostitution Regulation Act 1986 raised concerns about the introduction of fines and shift fees and workers' diminishing control in the workplace (Overs 1986), and the lack of occupational health and safety protection or Workcover arrangements (Dobinson 1991). Concern was also expressed about the promotion of large brothels through legalisation that have no industry awards, workers' rights or effective representation and the impact of this on solo operators (Scutt 1986).

There has been very little research relating to the perceived consequences of legalisation in Victoria, so literature discussing the effect of legalisation on a theoretical level has been utilised. Within this literature concerns were raised that legalisation has the potential to create a situation where there is a legal and an illegal industry. This illegal industry then remains subject to the same problems legislation sought to improve (Scibelli 1987, Harcourt 1999, Sullivan 1997 and Alexander 1988). Legalisation is often believed to be the result of legislators need to “control” the industry rather than for the benefit of workers. The positive aspects of legalisation were argued to be improved working conditions, increased access to the criminal justice system by workers and a decrease in the stigma surrounding the work.

The following research will attempt to evaluate female workers knowledge and attitudes toward these changes, as well as determining how the industry has changed with legalisation. Of particular interest is how legalisation has affected occupational health

and safety, as well as women's control in the work place. In addition it will seek to determine current workers' observations about the illegal industry and whether the legal status of the work is an issue for them. Of particular interest is whether or not legalisation has increased women's access to the justice system.

Finally this research will investigate the effect of sex industry employment, before and after law reform, on women's private lives. This topic is of particular interest in light of the legislators' continued condemnation of the industry throughout the reform process.

## CHAPTER TWO:            **METHODOLOGY**

The legalisation of prostitution in Victoria has been a radical departure from the way in which the 'prostitution problem' has been dealt with by many developed nations. However, to date there has been little or no research into how the changes have affected the industry. This research does not seek to offer a full account of the successes and failures of the reforms that have taken place but aims to investigate how Victoria's legislative model and processes have impacted on the lives of a group of women working in the sex industry during periods of reform.

It had become clear to me through my many years of contact with sex workers (which will be discussed later in this chapter) that sex workers make clear distinctions between their 'work lives' and their 'private lives'. I decided that to assess the impacts of prostitution law reform I would then have to assess its impact on both of these 'lives'.

The methodology chosen for this thesis has been informed by feminist research methods that have been described as "contextual, inclusive, experiential, involved, socially relevant, multimethodological, complete but not necessarily replicable, open to the environment, and inclusive of emotions and events as experienced" (Reinharz 1983 cited in Nielsen 1990: 6). It is believed that feminist research fits no accepted tradition but favours qualitative methods and draws inspiration from feminism (Marshall and Rossman 1995). This research utilises qualitative research methods in the form of in-depth interviews and is feminist in the sense that "feminism is in the first place an attempt to insist upon the experience and very existence of women" (Roberts 1981: 15). This belief is the key to this research. I have not set out to establish any universal truths about how law reform has affected everyone in the sex industry. Instead I aim to explore the changes legislative reform has made to the working and private lives of twenty women in the Victorian sex industry as experienced by them. To achieve this, in-depth interviews were chosen as the most efficient method of data collection for they could be used to uncover and describe the participants' perspectives of an event. It has been argued that "when women speak for themselves, they reveal hidden realities: new experiences and new perspectives emerge that challenge 'truths' of official accounts and cast doubt upon established theories" (Anderson, Armitage, Jack, and Wittner 1990: 95). One of the strengths of feminist research stems from a "tendency to choose methods to fit the research problem rather than vice versa" (Westkott 1990: 90).



This chapter will detail the manner in which the research was conducted and will include all information contained in conventional research reporting as outlined by Oakley (1981). This includes the number of interviews; length and time the interviews lasted; whether the questions were asked following some standardised format and how the information was recorded. However it will also contain information that Oakley (1981) believes is not conventional, such as the social/personal characteristics of those doing the interviewing; interviewees' feelings about the interview and the process of being interviewed; interviewers' feelings about interviewees; attempts of interviewees to use interviewers as sources of information and the extension of interviewer-interviewee encounters into more broadly based social relationships. These issues seem very important in light of the research which has been conducted. The sex industry is a small, intimate and protected world. The interviewees in this research were sharing with me their experiences of being involved in this world. In some cases this involvement was not known to their best friends and in some cases their husbands. This meant that a unique relationship existed between the interviewee and myself; one that was different to those of most interviewees and interviewers.

## **2.1 The Interviewer**

Integral to this research has been my experience with the sex industry. In 1994, as part of my Honours year in Criminology, I completed a student placement at the Prostitutes Collective of Victoria. As a consequence of this placement I continued my involvement with the Collective as a volunteer and Committee of Management member until 1995 and was then employed as a project worker. I was employed full time in a position that provided sexual health advice and general referrals to women working in brothels, escort agencies and in private capacities. I continued in this position until 1997 whereupon I took on the role as Program Manager. I eventually left the Collective in 1998. It was during my time at the Collective that I became interested in the impact law reform has on women in the industry. This interest was fuelled by my experience of being in a position with extensive contact with the industry during the implementation of the Prostitution Control Act 1994.

While my connections to the sex industry could be judged by some to constitute a level of bias it is these connections that have granted me access to a group of women

otherwise thought of as inaccessible. Most sex industry research targets those who are most accessible, such as street workers, or utilises questionnaires as the women are reluctant to participate in interviews. On a number of occasions interviewees stated that they would not have been willing to participate in an interview with someone they did not trust and who had not worked in the industry. The reason given for this was that by having worked in the industry I was presumed to have an understanding of the importance of anonymity and a level of knowledge about the industry that someone without industry exposure would not possess. A further reason given was that I would not judge the interviewee and they could trust me. This level of trust was extremely important for the women were telling me about their industry involvement when in some cases no-one else in their lives knew they were a sex worker.

Since 1994 I have also been employed in a variety of capacities in the Victorian sex industry. This involvement has been intermittent however the last three years have seen me relying on sex industry employment as my sole income.

## **2.2 The Periods of Reform**

The first step of the research was to determine the significant periods of change. To do this a detailed literature search was undertaken. Academic literature detailing changes to the Victorian law was relatively scarce. Most of the available literature had been largely generated or informed by staff from the Prostitutes Collective of Victoria. The Collective was an organisation funded by both the State and Federal Health Departments to carry out sexual health education for sex workers, in particular HIV/AIDS education. This was the one group, at the time, that had regular contact with workers in the sex industry.

Also useful in identifying periods of change were the Hansard reports from State Parliament. These reports included the Planning (Brothels) Bill: 1 May 1984 to 3 May 1984; Prostitution Regulation Bill: 21 November 1986 and the Prostitution Control Bill: 21 October 1994, 16 November 1994 and 7 December 1994. These reports were useful not only to pinpoint particular periods but also to determine the thoughts and feelings politicians in the State had regarding the legalisation issue. The first real changes occurred with the Planning (Brothels) Act of 1984, which legalised brothels and stipulated where they could be located. This Bill was passed on the understanding

that there would be an Inquiry into the Victorian sex industry. The Neave Inquiry proceeded and further legislation was introduced at its conclusion: the Prostitution Regulation Act 1986. Interestingly large parts of this Act were never fully proclaimed. After a change of State Government a working party was established in 1992 to examine the effectiveness of the Prostitution Regulation Act 1986. Following this there was a moratorium placed on the establishment of any new brothels in 1993 and another Inquiry was conducted. This Inquiry was by no means as extensive or open as the earlier Neave Inquiry. In fact it could be described as secretive, as its findings have never been publicly released. It did however precede the introduction of the Prostitution Control Act 1994 which did not come into effect until 1995.

In order to adequately discuss the impacts of each legislative phase it was necessary to conduct in-depth interviews with women who could speak authoritatively about the different periods of change. This meant that not only did I need to find women who had worked during the various periods but also women who had worked in the various sectors of the industry affected by the changes. These sectors were identified as brothels (in-house), escort services (visiting services), and private workers. Street sex workers were not included in the research, for while there have been some changes to the levels of punishment surrounding the work, it has remained consistently illegal over time. Changes to the laws affected the different sectors at different times, for instance in 1985 escort agencies still remained illegal whereas brothels were legalised.

The key populations were therefore identified as:

- Women who were working in Victorian brothels both prior to the implementation of the moratorium on brothels or “massage parlours” in 1983 and after the implementation of the Prostitution Regulation Act in 1985.
- Women who were working in escort agencies before and after the reforms of 1985. While the escort industry was not legalised at this time it would seem that the fact they were left out of the changes could have impacted on their industry.
- Women who were working in brothels both prior to and after the implementation of the Prostitution Control Act (1994) in 1995.

- Women working in escort agencies both prior to and after the implementation of the Prostitution Control Act (1994) which legalised the operations of escort agencies.

### **2.3 The sample**

Twenty women were interviewed for this research. This number was chosen in order to keep the amount of data manageable for the project. The sample was not meant to be representative of the industry as a whole but was meant to provide some insight into the changes the industry has undergone.

Despite the small sample size, it was found during recruitment that some of the women fitted within all of the identified categories, for instance they had worked in both brothel and escort situations before and after 1984 as well as before and after 1994. A table has been produced to clearly show the reader the categories each of the interviewees fitted into (Table 1).

Nine of the twenty women interviewed had worked in the industry pre and post 1984 when the first legislation enacting legalisation of brothels came into effect (one of these women was a receptionist). Of these nine, three had worked in both brothels and escort agencies, four had worked in brothels (one as a receptionist) and two had worked in escort agencies. As mentioned above the escort workers experienced no legislative changes to their industry at this time and it remained illegal. It was thought that the fact they had been left out of the process of reform could generate some effect. Six of these nine women were also working pre and post 1994<sup>1</sup>. This meant that of the twenty women interviewed fourteen women had experienced work in the industry pre and post 1994. During this period four of the women experienced work in both brothels and escort agencies, nine worked in brothels and one worked in escort agencies.

While I was interviewing I came to the realisation that all of the women had worked in the industry for a long time and this could influence the way in which they experienced their work. For instance working conditions could be seen as good but only in comparison with poor conditions in the past; a comparison current workers could not

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<sup>1</sup>One of the women included in this nine was a receptionist and while she did not work pre and post 1994 she did begin working in the industry as a sex worker after 1994.

make. The impact of sex industry employment on their private lives may also differ to those entering the industry after legalisation. After sixteen interviews I realised that to make some of the comparisons mentioned above the remaining four interviews would be conducted with women who had entered the industry after the 1994 reforms. (One of these women had worked as a receptionist in a brothel prior to legalisation).

Of the eighteen women who had worked in the industry after 1994 nine had, or were, seeing private clients (this was being done illegally for eight of them did not have Prostitution Control Act numbers and the one person who did was seeing clients at a premises without a permit). One of the women had worked in an illegal brothel.

Seven of the women had also worked in illegal industries outside of Victoria, including Western Australia, Tasmania, Queensland and the Australian Capital Territory. Others had worked illegally in Spain, Italy, Germany and New Zealand.

While the women interviewed had a breadth of industry experience and had been involved in the industry for significant periods of time they cannot be seen as representative of the industry as a whole, as mentioned previously. Pyett et al.'s (1996) research on women working in legalised brothels found that of 271 women the median amount of time they had been engaged in prostitution was two years. Interviewees in this research were often sketchy about the time they had spent in the industry, however only two of the interviewees had been working for less than twelve months at the time of interviewing. The others had all worked for between three and twenty eight years. This bias could not be avoided considering the research being undertaken and it was desirable to include women with extensive sex industry experience, for they would be able to describe changes to the industry over an extended time frame. The median age of the interviewees for this research was 36 whereas the median age of Pyett et al.'s study was 26. The workers in the current study were similar to the female interviewees in Perkins (1985) book, described in the previous chapter, in that they had worked in various sectors of the industry and had also worked both interstate and overseas.

In order to provide the reader with some insight into the working lives and experiences of the women interviewed a profile of one worker has been selected. It is unfortunate that there is not room to profile all of the interviewees as all stories were unique. This

profile however, indicates the breadth of sex industry experience any one individual can have as well as the way in which women move in and out of the industry.

## **2.4 Emily**

Emily was sixteen when she first started working in the sex industry in 1973. She was estranged from her family and could receive no Government support because of her age. She was aware that working in a brothel was not legal. Emily knew of the sex industry through some “hippy girls” who were supporting their studies at Melbourne University by working. While she knew it was illegal she also knew that the place that she had chosen to work was “really well run, really decked out well and there was protection in some form (payments to the police).” Emily added that this was necessary at the time. There was a proliferation of illegal brothels and ten or so of them had started to fight each other. There were bombings and a great deal of violence. The strain of working in this type of environment took its toll and Emily left the industry for about three years.

After having a child she decided to go back into the industry part-time. By now it was 1980 and still illegal. Instead of going back to work in a brothel Emily decided to train to be a dominatrix. She became an apprentice of a 48 year old Mistress who she “learnt everything from” over a 12 month period. The dungeon she worked in was in the home of the Mistress and was in an unassuming house in a Melbourne beachside suburb. Due to illness she took another break.

When Emily recovered sufficiently to go back to work she “decided I wouldn’t go back to domming because I really didn’t want to work with a mistress or to set up my own stuff - to do all that is very expensive”. So instead she went to work for a woman who “has been in this industry for such a long time”. Part of this decision was because this person attracted very little police attention, “everybody else got busted, I worked at Eaton Square and at Mermaids Cave and in all my years I never got busted under Isabelle”. Emily described twelve hour shifts, no natural light, no breaks and unsympathetic management. Most of the women had children and had to arrange and pay for childcare. She was eventually sacked after having to cancel a shift because her son was ill.

Employment in a number of different brothels followed and police pressure intensified. She describes a “if you scrub my back - I’ll scrub yours” relationship with the police where they would expect information on drugs, etc., from the workers to avoid being charged. Emily recalls things starting to change before the Neave Inquiry. There were “underage girls, drugs, owners bombing each other and there were over 120 brothels in town!” Around this time an advocacy group named Hetairae was established. Emily remembers that the workers first thought “nah, fuck off. Because we thought that they were for rights and we all saw our work more on a level of surviving day to day and avoiding being busted for what we were doing and just trying to not work with crooks constantly, you know I have a kid, I have a normal life, I am studying and then I’ve got this life where I’ve got cops at night trying to force information out of me, making my life hell, following me from one brothel to another, criminals that I don’t want to know. I just want to do my service. I really liked my job so I ended up having to go back and work for Isabelle”.

It was now 1983 and the Neave inquiry was beginning. There was a moratorium at this time and no brothel related charges were being laid. Emily was very aware of the Inquiry and noticed things start to change in her work environment immediately. She was working for Isabelle who was able to raise the capital to open a theme parlour - the first of its kind and still in operation today. Even though brothels were not yet technically legal, Emily believes that the owner was “all for trying to set up the perfect brothel and meeting every standard in every way they thought could be thrown their way. The health aspect, the girl aspect, in an industrial area, all of those things”. Condoms also became accepted at this time because of the emergence of HIV. There was a great deal of optimism around as workers became aware that their work may become legal. Emily’s dream was “to open like a little boutique - a little flat, very discreet, a little cottage even. That and also a bit more relaxation and a bit more ... like where I might cook them a lunch and offer a different type of service. A more close intimate service or I might take them to my dungeon if that is required where I could specialise.” Many workers had dreams and finally they could start thinking about “maybe being able to get health insurance, loans for houses, better working conditions - because you know some of the conditions we were expected to work under were just atrocious.”

Emily's dreams, however, were not realised. Following legalisation the number of brothels one could legally work in diminished from more than 120 to 38 in the first year. Management started exerting more control, particularly around pricing and services offered, as well as introducing shift fees of up to \$25, which supposedly were to cover laundry expenses and so on. Workers were now paying half of the booking fee to the house where before it was around 30%. It was time for another break, this time for around 18 months.

When Emily returned to the sex industry it was not to the newly legalised brothel industry but to the still illegal escort sector. She explains that this was because of the increased competition amongst the women that was encouraged by management. Management was also exerting a much greater level of control and were getting away with it because there were a limited number of legal brothels in which women could work. With legalisation also came the attention of the taxation department. Both brothels and the women working in them were under heavy scrutiny and auditing was commonplace. So she chose to work in escort. It was not until some new brothels began to emerge that Emily decided to venture back into this sector. The brothel she decided to work in was located in Collingwood and was "really good in the sense that it had a bit of freedom. They had respect for you, non criminal owners, it came from a professional business perspective and it was a joy to work for". Emily worked at this brothel until the end of her career. She retired due to age and ill health.

## **2.5 Recruitment**

The fact that this research necessitated the interviewing of women with experience in the sex industry sixteen years ago meant that recruitment and selection was difficult. Due to my sex industry involvement over the past eight years, detailed above, I had come into contact with a number of women with long term sex industry involvement. As this was the most difficult group to access I began my interviewing with three women I had met through my work at the Prostitutes Collective of Victoria. I then asked these women to refer me to others. Six other interviews followed from this. Unfortunately, but indicative of the industry, I was acquainted with two of these women, but only on a fleeting basis.



There were many more women available for interviewing who had worked before and after the Prostitution Control Act of 1994 (remembering that six of the 1985 group also fitted this category). Seven women (not including the six who had also worked pre and post 1985) were interviewed from this time. I began this recruitment by asking women known to me from the industry to refer me to women they knew who had worked over this period. After the interview was conducted I asked the interviewee if they knew of anyone else who would be interested in participating in an interview. Through doing this I was aiming to distance myself from those I was interviewing.

This type of sampling is known as 'snowballing'. The technique is useful when a researcher needs to gain access to certain types of people or to a particular group and only knows a small number (Bouma 2000 and Bernard 2000). In this case I knew only a couple of people who had worked when the industry was illegal so I needed the networks of those women to expand my sample size. On the other hand, I did know plenty of people who had worked in the industry before and after 1994 but I did not want to be interviewing those I considered as 'friends'. This type of sampling has been used in research into the sex industry before. Bernard (2000) cites Miller (1986) as using the technique to locate female petty criminals and prostitutes in her study of street women. It has also been found that snowball sampling has the benefit of encouraging otherwise reluctant populations to take part in the research. In accessing elites it was found that they were easy to find, yet difficult to interview. But doors open when one member of an elite group passes you on to another (Kadushin 1968 cited in Bernard 2000). The population for this research was difficult to find as well as difficult to interview. Even though I was interviewing marginalised people and not elites, I experienced the same as Kadushin, in that doors opened when one member of a marginalised group passed me on to another.

One unforeseen consequence of using this method however, was that many of the women had worked in similar establishments and most of these were inner-suburban and at the top end of the market. This did not mean that they had not experienced a wide range of working types and conditions. It could be argued that as the industry is reasonably small it was inevitable that the women would have had worked in similar establishments and that by interviewing women who had worked in the industry for extended periods of time the establishments in which they worked would have a high standard of facilities and conditions.

## 2.6 The Interviews

The data collection method employed for this research involved in-depth interviews. Interviews were chosen over questionnaires because of the depth and detail of the information required from participants. McCracken described 'long interviews' as the "most powerful method in the qualitative armory" (McCracken 1988: 9) for they can:

take us into the mental world of the individual, to glimpse the categories and logic by which he or she sees the world. It can also take us into the life world of the individual, to see the content and pattern of daily experience (McCracken 1988: 9).

As I have discussed previously there was a level of shared experience between myself and the interviewees due to my sex industry experience. This made the 'traditional interview' paradigm which emphasises the maintenance of distance between the interviewee and interviewer impossible. It has been argued by Oakley that the usual interview protocol "assumes a predominantly masculine model of sociology and society" which has led to "an unreal theoretical characterisation of the interview as a means of gathering sociological data which cannot and does not work in practise" (Oakley 1981: 31). She goes on to explain that this "lack of fit between theory and practice of interviewing is especially likely to come to the fore when a feminist interviewer is interviewing women (who may or may not be feminists)" (Oakley 1981: 31). Oakley goes on to suggest that when a feminist interviews women:

the use of prescribed interviewing practise is morally indefensible; general and irreconcilable contradictions at the heart of the textbook paradigm are exposed and; it becomes clear that, in most cases, the goal of finding out about people through interviewing is best achieved when the relationship of interviewer and interviewee is non-hierarchical and when the interviewer is prepared to invest his or her own personal identity into the relationship (Oakley 1981: 41).

Smith (1974) also believes that separation between interviewee and interviewer is not possible particularly when women interview women. It is argued that:

this separation cannot be maintained so long as the knower can be posited as an abstract being and the object can be posited as the 'other' who cannot reflect back on to and affect the knower. Once women are inserted into sociological sentences as their subjects, however, the appearance of impersonality goes. The 'knower' turns out not to be the abstract 'knower' after all, but a member of a definite social category occupying definite positions in society (Smith 1974, cited in Acker, Barry and Esserveld 1991: 140).

While my shared experiences with many of the interviewees may have meant that my level of objectivity was further compromised, it also meant that many of the women reported that they were more open in their accounts of sex industry involvement than they would otherwise have been.

I went into the interviews with the aim of establishing the importance of the sex industries legal structure to the interviewees and whether, in the opinion of the interviewee, their workplace had changed after reforms had taken place. In order to do this I had to consider what the workplaces were like prior to change, therefore descriptions were sought. It was not enough to simply ask how and what had changed so I decided to ask about specific issues related to the workplace. These issues were informed by writings on the expected improvements to be gained through the reforms. When discussing work I was therefore interested in occupational health and safety issues, including cleanliness, safe sex and personal safety. In addition I was also interested in the level of control women felt in the workplace in their interactions with clients and owners/management. The level of control felt in these interactions was seen to be influential in the reporting of crimes committed against themselves and reporting of illegal or unethical behaviour of industry operators.

Considering there were four interviewees who had not worked in the industry during periods of change it was necessary to change focus during these interviews. With this group I was interested in establishing how they viewed the conditions they were working under and their thoughts about the advantages and disadvantages of working in a legal sex industry. I was also interested in whether the fact that the industry was legal influenced their decision to work.

I then brought up the topic of the impact of sex industry involvement on the interviewees' private life and whether this had changed with the changing legal structure. I was also interested in workers' opinions of how the general population viewed the sex industry and whether this had changed with legalisation. Following this I asked the women about their level of disclosure about their sex industry involvement to those outside of the industry and, specifically, within intimate relationships.

As some of the issues to be discussed were more confronting than others a process of "funnelling" was used. This technique involves asking general questions first, followed by increasingly specific and more detailed questions, with the sequence "funnelling down" to the most detailed and in this case sensitive questions last (Judd, Smith and Kidder 1991). This meant that the interviewee had developed some form of relationship or trust in me prior to reaching the most difficult questions which revolved around reporting of crimes and disclosure issues. I attempted to end the interviews on a high note with a brainstorming session of how the industry could be improved. This is suggested by Judd, Smith and Kidder (1991) to help enable a positive outlook toward the interview experience. Quite often a discussion would follow the interview which revolved around the research itself and the topic of interest. As would be expected, some of the interviews were more productive and some of the interviewees more forthcoming with information than others, however there did not appear to be any consistent reason for this. In general the majority of women were very articulate about their sex industry experience. This level of articulation is usually thought to be a result of a high level of education. This was not the case with the women that were interviewed, with only five having completed secondary school. While it is not known how articulate the women were when speaking about other topics, they displayed impressive verbal skills when discussing their industry involvement. Perhaps this is because these women are generally unable to do so outside of work, so they have developed a way of speaking about the impact of their occupation with other workers.

The interviews took between 45 minutes and 2 hours and often required a great deal of planning and negotiation to establish a suitable time. In one case I had to return three times before the time was right. Most women said they had found the interview to be a positive experience. This is consistent with Oakley's research on the transition to motherhood where the women emphasised the "therapeutic effect of talking and getting it out of your system" (Oakley 1981: 50). She also found that generally husbands,

mothers and friends did not provide sufficiently sympathetic or interested audience for a detailed recounting of the experiences and difficulties of becoming a mother (Oakley 1981). I found a similar response from the interviewees in this study. Most of them had a limited number of people with whom they could discuss their involvement in the industry and seemed to be glad of the opportunity to talk about their thoughts, feelings and experiences. Some of the women felt challenged by the questions and felt that they had to think about some issues that they had not considered before.

The interviews themselves were very relaxed and conversational in nature. This meant that there were varying degrees of interaction between myself and the interviewee. This goes against the traditional method of interviewing where minimal interaction is emphasised. Galtung wrote that “when asked what you mean and think, tell them you are here to learn, not to pass any judgement, that the situation is very complex” (Galtung 1967: 161). Similarly Sellitz had written that “if he [the interviewer] should be asked for his views, he should laugh off the request with the remark that his job at the moment is to get opinions, not to have them (Sellitz 1965: 576). These methods of conducting an interview were not deemed appropriate for this project. As I was asking the interviewees to trust me with details of their life not known to some of the people closest to them, it did not seem reasonable to keep my life and experiences a secret from them. In fact Oakley writes that the forming of relationships can be “integral to the quality of responses” (Oakley 1981). Corbin (1971) in a study of managers and their wives observed that:

obviously the exact type of relationship that is formed between an interviewer and the people being interviewed is something that the interviewer cannot control entirely, even though the nature of this relationship and how the interviewees classify the interviewer will affect the kinds of information given ... simply because I am a woman and a wife I shared interests with the other wives and this helped to make the relationship a relaxed one (cited in Oakley 1981: 53).

Oakley had also found in previous interviewing experiences that refusing to answer questions or offer any kind of personal feedback was not helpful in terms of the traditional goal of promoting rapport.

The main interaction that took place between myself and the interviewees involved the clarification of the particular periods of reform and how the law changed, as well as information on the Neave Inquiry and the Inquiry which took place prior to the 1994 reforms. The women were also particularly interested in my academic history and how I came to be researching this topic. I was also asked on a number of occasions what the law actually allowed and did not allow in Victoria.

Interviewees were asked to nominate a location for their interview. This was necessary considering the sensitive issues that were to be discussed and the secrecy surrounding some of the women's industry involvement. It was of utmost importance that the interviewees felt safe and secure in the interview environment.

Thirteen of the interviews were conducted in private residences, one was conducted in a cafe, four took place in brothels, one was conducted over the phone and one was conducted at the University of Melbourne. On a number of occasions lunch or afternoon tea was provided by the interviewee. All interviewees were provided with a plain language statement (Appendix 1) prior to the interview and were asked to sign a consent form (Appendix 2). All interviewees were encouraged to ask any questions they had.

Permission to tape record the interviewees was granted on all occasions but in the case of the telephone interview notes were taken. The interviewees were told that they could stop the tape at any time and were shown how this could be done, however no-one took advantage of this. The recording of the interviews was the one aspect of the process that some of the women felt uncomfortable with. This turned out not to be because of confidentiality reasons, but because they did not like the sound of their voice on tape.

Not surprisingly the maintenance of confidentiality was of utmost importance to all interviewees. The women were assured that all names, including their working names, would be changed. In some cases workplaces could be used to identify women, so where appropriate the names of establishments have also been changed.

Approval was sought and obtained from the Behavioural and Social Sciences Human Ethics Subcommittee prior to beginning the interview process. Interviewees viewed the

interview experience as positive and expressed a continued interest in the outcomes of the research. I have maintained contact with around half of the women who wanted to be kept informed of the status of the project. I have also undertaken to provide all interviewees with a copy of the completed thesis if they wish.

I found the interviewing experience to be a revealing and interesting one. I was continually surprised with the responses I received. The willingness of the women to share so much with me was an honor.

## **CHAPTER 3: WORKING IN THE VICTORIAN SEX INDUSTRY**

This chapter aims to establish the ways in which Victoria's approach to law reform and subsequent legal structures have affected sex workers experiences in the workplace. In order to achieve this, two broad themes have been identified. These are occupational health and safety, and the level of control experienced in the sex industry. In relation to occupational health and safety the research seeks to examine the changes to the physical surroundings of sex workers including cleanliness, staff amenities and enhancement of personal safety. The second area of analysis examines the workers' perception of control in interactions with management and with clients. An argument presented in the available literature suggests that when workers no longer worry about the illegality of their occupation they will be able to establish increased control in the workplace. This will enable them to negotiate for better wages and conditions and to report crimes committed against them by clients and management. The perceived level of control is understood to relate to a worker's feeling of autonomy and security in the workplace which in turn affects their level of self-esteem and the way in which they view their work.

To begin this discussion the feelings and experiences associated with working in an illegal industry will be explored. Of particular interest are experiences of dealing with the authorities, namely police and local councils. These types of interactions are understood to have an impact on workers ability to work in a safe environment, free from fear and harassment. The way in which the industry operated prior to legalisation will be examined. The research is also interested in establishing the level of knowledge workers had of the 1985 and 1994 inquiries into prostitution and the approaching changes to their workplaces.

### **3.1 Work in the illegal Victorian sex industry**

In 1984 there were an estimated 163 'massage parlours' operating all over Melbourne. It was widely known that a range of sexual services were available in these establishments ranging from topless massages to full sex. There were also escort services available operating on the premise of selling time and companionship but anything further was the business of the escort. Women working in the industry at the



time recall that there were two distinct levels of “parlours” at this time: a “high class” and a “low class”:

there wasn't really a middle class - the place that was clean but sparse. There was either a knock shop or a full fantasy type place - where you like enter another world (Emily).

The notorious operator of the time had premises at both ends of the spectrum. Emily reported having worked in “a mansion” in South Yarra, describing it as the “top end” of this person's operations. Jane, who believed that most brothels in Melbourne were clean except for those run by this person, described the other end of his establishments:

it was disgusting. It was filthy. Girls worked on mattresses on the floors in the corners of the rooms. They were all smacked out. It was like a squat (Jane).

The other mode of operation common at this time were small houses or flats used by women in a small cottage type industry. Both Jane and Fiona had worked in this type of set up. Fiona remembers that:

There were lots of little places where people would operate out of little houses and flats. A lot of solo operators or two or three workers. And I mean that was quite an ideal way of working. I think if you asked most workers it is probably the way they would like to work (Fiona).

The physical surroundings of this type of workplace were described as:

basically set up like a house. Very much like a residential house. It was a fairly innovative idea in the sex industry in those days, in the 1970's (Fiona).

When discussing prostitution in Melbourne at this time you cannot avoid discussing Eaton Square or “The Square”. It was one of the most notorious places in town and its mere existence contributed dramatically to the calls for urgent action to control the spread of such land uses. Eaton Square was not one parlour but a cluster of terrace-like houses or mews, each a different parlour, some with the same owners. While all interviewees recalled “The Square” only two actually worked there. Ann talked of going to the Square when she first started working and was deciding between in house (parlour) or out call (escort) work:

I walked in and walked straight back out again. That was disgusting. That was more along the lines of what I thought prostitution was all about, I think. There was lino on the floor, mattresses in the rooms, [it was] really dark. Pretty horrible looking men sitting in waiting rooms. It was so busy down there. But that is what I thought all of them [parlours] would be like so I gave them a miss (Ann).

Ashlee worked in an Eaton Square brothel for a period and recalls her workplace as follows:

The house itself was dark upstairs. I remember mattresses on the floor. I don't remember having a shower - I think the shower was down the end of the hall. There was carpet because it was dimly lit and you never knew what you would find in there! The lady who owned it wasn't there all the time. There was a guy who pretty well ran it and was security. So back in those days security was more highlighted, I think, than the use of condoms (Ashlee).

Emily, Fiona and Ashlee recall that clients saw the workers on a rotation basis unless they requested a particular person. This meant that the client stayed with whomever opened the door. This was common at most establishments.

Ashlee recalled working at "The Square" with fondness: "yeah - the good old days - it was fun." Ashlee recalls these times with the same nostalgia:

The place that I worked in was run by girls who had taken over the end of a six month lease. Because no-one wanted it, because it was only for six months. So they got together all of the girls that they knew (Ashlee).

This parlour had no owner as such and was run:

almost like a collective. It was two girls running it and everyone just came around from places they had worked at and stuff - and it was good (Ashlee)

To fully appreciate the impact of law reform it is necessary to establish how the women involved in the illegal sex industry viewed their work and particularly its illegal nature. Overall women working in the illegal industry displayed little concern that their work was criminalised. Emily remembers:

I knew it was illegal but I also knew that the place was really well run, really decked out well. And there was protection of some kind - payments to the police (Emily).

Jenna and Lilly did not know what the legal status of escort work was when they first entered the industry. Jenna says:

They knew I wasn't very familiar with the law and they did say to me what was permissible and what was not at the time. They pointed out that it was illegal to solicit and that was the only thing that I could be busted on. I just made sure I never broke the law. I never solicited (Jenna).

Fiona and Ashlee were not concerned about the illegal nature of their work. Fiona stated "it was only me here and it didn't worry me in the slightest". Jane also recalls being aware of the illegal nature of the industry and not being particularly worried about it. She did say that when she and a girlfriend rang the doorbell of an illegal brothel it was difficult to persuade the workers to tell them what the work entailed because of its illegal nature.

Workers in the illegal industry were not, however, alone in their lack of concern about the legal structure. Three women who had only worked when it was legal did not know, nor care, about the legal status of their work when they entered the industry. Amy was the only interviewee who felt that she probably wouldn't have started if the work was illegal. However, she says that "now I've been in the industry for quite a while I would probably not allow the law to stop me from practising my profession". When asked why this was the case Amy replied it was because she now knew of ways to avoid or minimise arrest.

The mechanisms employed by sex workers in the illegal industry to avoid and minimise the impact of arrest were explained during the interviews. As part of a worker's initiation into the industry they were routinely informed of what they could get away with. As one worker put it, it often came down to a case of "semantics". One rule was that you never took your clothes off until the client was fully undressed:

you never got undressed completely unless he was. You know if you were down to your knickers and he still had his gear on you stopped and told him to take it off (Ashlee).

Another rule was to never solicit or discuss the service to be provided:

If somebody asked for things, the phone would be slammed down in the poor guy's ear. It was probably just a normal request (Jenna).

These rules were designed to make it difficult for an arresting officer to prove that sexual services were on offer and that the worker was “soliciting”.

Three of the nine interviewees working in the criminalised industry had been charged with prostitution offences. One indicated that this was because she was working for an operator who the police had decided to close down. This is consistent with figures reported in the Neave Inquiry which found that less than half of the respondents had been charged with prostitution related offences. The Inquiry sample also included workers in the most visible sector of the industry - street prostitution, not represented in this study.

Fiona and Jane spoke of arrangements that they had with the Vice Squad who would ring before a raid. Fiona recalls:

They would ring up and say, “look we’ve got to come around and bust someone.” And they would regularly do it and we would take it in turns and they’d come around and you would get charged. Charged with using the premises habitually for the purpose of prostitution. It would go to the local Magistrates Court. You’d never appear; you’d just get sent a fine and individuals would pay it or we would sort of pool in - whatever - depending on the circumstances (Fiona).

She states that this was not a “nasty” experience. Of more concern was the landlord because they would often find out and then the business would have to move.

Jenna describes her experience with the police:

There was one time where I know I was sent out and I know definitely [they were police] because of how they were dressed and how they acted and the questions they asked that it was police. But I didn’t break the rules [and solicit] and they didn’t do anything to nab me because I hadn’t broken the rules (Jenna).

When asked what effect this experience had on her Jenna replied:

It didn’t exactly worry me. On that particular occasion I was a little bit amused because it’s funny. At times you think “Oh well, have you been outsmarted or have you not ...” But I think the police, all the time I have been involved in this industry, have been extremely fair. You know I’ve never found them to not be fair, maybe others have but I can’t speak on anything like that. If I didn’t break

the rules, they didn't even try. They didn't say "look we're not after you, we're after the owners." Which they did with, I believe, one other girl I heard about but then she was carrying a hand gun so ... (Jenna).

All of the women working in the illegal industry knew of others who had been 'busted' and there was much talk of this but the level of concern was negligible.

However not all interviewees took police attention so lightly. Sally was working in escort after the legalisation of brothels, but prior to the legalisation of escort agencies, had been pulled over twice while in a car with her driver. On the first occasion they were let off but on the second time:

They went right through the car and found the lube and condoms and credit card machine. And they just basically told me that I'm a good girl and seem to come from a good family and that I should leave this industry. I think it was the Pollyanna thing, they thought I was very innocent and very sweet and I should give it up (Sally).

Sally found the threat of being pulled up or charged by the police very stressful and she gave this as a reason to leave the escort industry and work in a brothel.

Condom use in the sex industry prior to 1985 was reported to be low. Ashlee mentioned that condoms were available in her workplace when it was illegal, although their use was optional. This choice was not available where Ann worked. She remembers that:

There were no condoms. You didn't use condoms back then. In fact, if you did - and some of the girls had - you got sacked for using them because clients wouldn't see them. It just wasn't even an issue back then. You didn't even think about using condoms. What you did do - it's so horrible - I tell this as a horror story to girls these days - you'd use tampons between bookings to soak up everything. It's so gross now it's just disgusting to think that's what you did. And I was one of the very few - my doctor actually said I must have been immune to gonorrhoea. Which was something that was quite common because I never ever got it and everyone else did (Ann).

Louise remembered that there was little management support for condom use:

Not where I worked and when we were at the Square we were the only workers there making clients use condoms. But only for sex, you didn't do it for oral (Louise).

There was no formal training offered to workers. Ann recalls that “you weren’t told anything, nothing ... you just learnt things from other girls”.

From these interviews we are able to establish that there were a range of conditions under which women worked prior to legalisation. The condition of some of the brothels was appalling with little more than a mattress on the floor. Others were more clean and comfortable. There were a number of small establishments where up to three women worked and the women who worked in this type of business thought of it as ideal. Clients would be shared amongst the women on a rotation basis unless a booking was made to see a specific woman. The use of condoms, while available in brothels, was optional and not widespread.

Overall interviewees reported little concern about the illegality of their work. One reason for this lack of concern could be the fact that the law had very little to do with their daily working lives and their level of contact with authorities was minimal. It is not known whether business operators had more contact, although a number of times arrangements between police and businesses was mentioned, which indicates that this may have been the case.

### **3.2 The Legal Victorian Sex Industry**

In 1984 brothels were legalised for the first time by the Planning (Brothels) Act 1984. There was barely time for this Act to be enforced before the Neave Inquiry into Prostitution was instigated. Of interest to this research is the level of knowledge sex workers had of the upcoming legal changes and particularly their opinions of the parliamentary working group and the Neave Inquiry.

Only one woman spoke of the parliamentary working group and very few of the women involved in the industry at the time of the Neave Inquiry had any detailed knowledge of it. Some said they had heard talk that things might change but it was pretty much business as usual. Those who were aware of its existence were active in sex worker politics at the time or working with others who were:

I was very fortunate to have been in that position [working with Cheryl Overs who was involved in the Working Party to the Minister for Environment and

Planning in 1983.] The average worker wouldn't have had a clue about what was going on, no idea about what was going to happen to their industry (Fiona).

Those who were aware did have hopes about what might be allowed:

We were feeling really optimistic. Like my dream was to open like a little boutique - a little flat, very discreet, a little cottage even. That and also a bit of relaxation and a bit more - like where I might cook them lunch and offer a different sort of service. A more close, intimate service or I might take them to my dungeon if that is what was required. Where I could specialise - a lot of workers had dreams like that. We started to think "Christ, we won't have to be busted" and we can do this and we might be able to get health insurance and we might be able to get loans for houses (Emily).

Yet when the new legislation was introduced there was a feeling of disappointment amongst this same group of workers:

No-one considered dealing with the issues of the individual. The individual was ignored. The right for an individual to work on her own and that the individual, if legalisation was going to happen, that she would have industrial laws behind her (Emily).

Emily goes on to comment that "the same people who had made our lives miserable were in control". However the majority of interviewees showed very little concern about the upcoming legal changes. Most describe just "getting on with business" (Ann).

Ann believes that legalisation in some ways was overshadowed by the beginning of the AIDS epidemic:

It must have been about that time too that AIDS happened. That was the big thing that was going around - that was the big scare thing. That's all that anyone was talking about. That's when I started using condoms and that's when I got fired. It was a really scary thing. I remember it so well. It started off with "oh, it's just a scare thing," and then it was just a boy thing - we thought it was just boys. It was terrible. The girls were terrified and we started using condoms (Ann).

Ashlee remembers this too, and described going to her doctor and sitting there in tears convinced she was going to die of AIDS.

This brings us to the discussion of what happened after legalisation.

### **3.3 Occupational Health and Safety**

**“My God it’s a palace!” - Ann**

As mentioned earlier there were always two levels of brothels: those that were clean and fantasy-like and others that could only be described as “knockshops,” with mattresses on the floors, lino on the ground, dark and dirty. According to women working during the moratorium year prior to legalisation this was at the time that most establishments began to improve their facilities in anticipation of what was to come. During this year none of the existing parlours were being charged and were therefore more secure in their positions. They began to renovate and wanted to show the Inquiry what an ideal brothel should look like. Emily said that the woman she was working for was:

trying to set up the perfect brothel. Meeting every standard in every way she thought could be thrown at her: the health aspect, the girl aspect, in an industrial area, all of those kinds of things. She planned it that way, most people started doing that (Emily).

Post legalisation saw the demolition of Eaton Square where many of the worst examples of “knockshops” existed and others located outside of the Square also closed. Those that remained were very clean and tidy. All interviewees reported that they had to be in order to compete with the others. Emily did however mention that in a proportion of the establishments it was the working women themselves who were expected to do most of the cleaning. This included not only cleaning their room after use but washing and folding towels, vacuuming, dusting and cleaning spas and showers. This was all unpaid.

The real improvements are said to have become apparent around three years later. Renovations had been completed on existing brothels and some new establishments were opening:

What I noticed were the new parlours being built. And that was an amazing thing for working girls. They then had a choice not to work in a place where you had one shower for six rooms - well to Cromwell Heights. I remember the first thing I thought when I walked in the door was “my God, it’s a palace.” You know, it had marble floors. Each room had its own shower, everything matched, there were beautiful clean sheets and beautiful clean towels instead of these ratty things. Even The Palace with its fluffy red walls was crappy compared to it (Ann).



To summarise, interviewees indicated that the physical surroundings of brothels began to improve slightly prior to legalisation during the moratorium years, although cleaning was sometimes left up to the workers. The next section will discuss the impact of legislation on the health of workers and particularly their use of condoms.

## **Health**

Post legalisation of brothels (it must be remembered that escort agencies remained illegal until 1994) condoms became much more accepted and widely used. However legalisation cannot be seen as the sole reason for this. As mentioned earlier legalisation of brothels coincided with the onset of HIV. Although condoms became accepted in brothels and their use was generally supported by management they were still discouraged in escort agencies. This may have been because escort agencies providing sexual services were still illegal and it was feared that condoms could be used as evidence of criminal activity. One worker commented that:

Clients were so stupid that they started complaining because we were using condoms and then it became a huge issue with the escort agencies. They wouldn't employ you if you were going to use condoms. They'd ring up the clients and check afterwards to see if you had or not. And if you had you got sacked. It was ridiculous (Ann).

This situation did, however change prior to the legalisation of the escort industry. Condom use became widespread and encouraged by the escort sector. This adds to the evidence that perhaps the health benefits of law reform have been overstated and that education is the prime motivating force behind condom use.

The Prostitution Control Act brought with it the need to produce certificates of attendance for medical examinations to management of businesses. This was not seen to have much of an impact on the industry as many of the workers were already having sexual health checks on a regular basis. The majority of interviewees felt that this was a good thing for although they personally would do it anyway, they felt others may not:

I think it's a good thing that we have to provide monthly certificates to show we've been to the doctor. I would go anyway but I know that there are girls who wouldn't. There are some girls who are really slack and have to be reminded all the time. At least I know who they are and I won't do bookings with them if they don't have a recent certificate (Ally).

Amy disagreed and said:

I don't need the law to tell me to have a check up! I did it before it was in the law! Workers need to be educated about sexual health and the best way to look after it is to use condoms. A test result means nothing after you have sex again (Amy).

Some of the new establishments went as far as installing special lights to allow easy inspection for any signs of sexually transmitted diseases but this was not the case everywhere. The level of education provided to workers around sexual health appears to vary greatly. Some of the women indicated that when starting in the legal sex industry they were given absolutely no information around sexual health and were simply handed condoms and lubricant with no instruction as to their use. Jessica recalls that when she started in escort:

I was so naive. I was working in escort for a couple of months. I hadn't been taught nothing. "Here is the condom and here is the lube: go." How? Why? What is lube? I had no idea (Jessica).

Jessica goes on to indicate that some establishments were better than others:

I hadn't been taught anything until I came to work at [a brothel.] I was shocked. Actually the first day I went to work in a brothel and I had to be taken into the rooms and explained everything. And I thought "hey, I was working for a couple of months and I know nothing" (Jessica).

It has been shown that condom use became widespread after 1985. While this coincided with legalisation the prime motivating force was argued to be the emergence of HIV/AIDS. Further evidence to support this is the fact that while escort agencies took longer to support the use of condoms, they did so before they were made legal. However, the level of training provided to women which was expected to flow from legalisation does not seem to have occurred in any formal or structured way.

## **Safety**

Another of the hypothesised benefits of legalisation found in the literature is the increased safety of workers.

There were no reports of personal problems with safety amongst brothel workers in the pre-1985 group yet they indicated that it was an issue and security was provided by management in the form of bouncers. Ashlee reported that:

The lady who owned it wasn't there all the time. There was a guy who pretty well ran it and was security. In those days the security was more highlighted, I think, than the use of condoms (Ashlee).

In contrast women working in the escort industry prior to 1994 (when it was legalised), often reported concerns about their personal safety. This was thought to be exacerbated by the illegal nature of their work. One interviewee when asked about what sort of things worried her replied:

I had been in a couple of situations which could have been pretty dangerous with clients. So clients turning on you would have been a major one (Sally).

Another worker was concerned that if anything had happened to her no-one would know, she left the agency to work in legal brothels for this reason: "I'd rung the office and there was no-one there and I'd had a couple of bad experiences" (Ashlee).

The Prostitution Control Act 1994 placed emphasis on the provision of security by owners and managers of brothels and escort agencies. There were no brothel workers who felt that safety had improved after 1985 - for they already believed it to be very good. A number of women recalled police visiting licensed premises to inspect working rooms after the introduction of the Act to ensure alarms were in place as required by the new legislation. The women were quite ambivalent toward this requirement as many had worked in establishments with alarm systems that had never needed to be used. For instance Amy stated:

I started work in 1993 and we had an alarm system in place. I've never known anyone to use it. According to some women who have worked in this place since 1986 there has never been a need for alarms (Amy).

In contrast women who worked in escort agencies believed that the legislation provided them with an added feeling of security:

It took longer for the clients to realise that it was legal. It was easier to turn around when a client has said a particular thing or was a little bit threatening or they would sometimes just enquire and sort of say "oh well don't you feel a little bit insecure" or whatever. And I'd say "oh no, well the police are around the

corner if we need them. You know it's legal now. We can call the police. We don't have a problem with that." I found the clientele picked up [after legalisation] actually. As far as their attitude and that because it was legal (Jenna).

Safety in escort agencies could have improved because negotiation regarding services could now be done upfront, leaving less room for unrealistic expectations on behalf of clients. This took the pressure off the workers when they arrived at the booking because this negotiation had taken place:

I no longer felt any qualms about walking in if they had asked for kissing or if they had asked to do oral or whatever. You could actually say "yes I will do that for you, and this is your cost." Whereas before it would have been soliciting (Jenna).

Under the new legislation escort agencies were not allowed to misrepresent workers being sent out to appointments. They were required to ensure workers carried a two way communication device, for instance a mobile phone, to increase safety. These factors were not referred to at all by escort workers as improvements to safety - most already carried phones and others were not aware about the misrepresentation law. Of more importance was that the attitude of the client changed. The work was now legal and help available if needed.

This section indicates that while safety was not a major concern to brothel workers when the industry was illegal, it was an issue for escort workers. Given this situation it is not surprising that brothel workers did not experience improvements to their safety. Escort workers did feel safer but not because of the specific requirements introduced in the Prostitution Control Act 1994, but rather because the work was now legalised and they could tell clients they had the support of the authorities. It was also believed that now they could be open about the services they offered there was less room for misunderstandings to arise between worker and client. This leads to a discussion about the level of control workers felt over clients after legalisation.

### **3.4 Control and Clients**

All workers interviewed felt that their ability to negotiate services openly with clients following legalisation increased their feelings of control during the service. They could

be open about what they were willing to do without fear of arrest: "I think they [clients] are better because they do know the laws are there now" (Ann).

Although becoming legal meant they felt the police were on their side or had some obligation to them (prior to legalisation they felt the police would just laugh at them), when asked if they would report crimes perpetrated against them many were reluctant to commit to a firm answer. Most said that it would depend upon the severity of the crime. For instance Louise replied:

It's never happened to me so it's hard to say ... I don't dwell on it, really. It's bad enough dwelling on everything else that could happen. It would depend on the harm. Like if somebody raped me I'd probably report it. If it was at work it would be different. It's like you were reporting both - that you'd been raped and you are a prostitute (Louise).

Amy believed that it would depend upon what happened, but that she probably would if it meant someone else could get hurt. Tara found answering the question difficult and replied "it would depend on what happened - nothing has so far. I'd really have to think about it" (Tara).

A reply which was typical of those received was:

I've thought about this, and it's good that you ask because I've not really discussed this with anybody. That's what I miss about not working at LfG [brothel], this sort of getting together. So you'd talk about what you're doing with working. But with this question I would have to say, where I stand right now, I probably wouldn't do anything about it. Which is a great pity because in my mind and in my ideal, yes I would. For two reasons: one, because I am a woman and I don't deserve to be treated like that. And two, because of what happened to my daughter. She never pursued it. I just feel that there would not be enough respect for my personal privacy (Sonia).

The concern for privacy is the main impediment cited against pursuing legal action against a client. For instance Emily stated:

The fact is that if you are going to report something people are just going to laugh at you. And then you've got to go to court. And then Mum and Dad are going to find out and then everything is going to come undone in your life (Emily).

Jenna also believed that she would not have pursued a criminal case before or after legalisation because she would not have wanted her parents to find out she was a sex worker.

Sally said she would not be able to report a crime because her husband does not know that she works as a sex worker, as he believes she is a receptionist.

Significantly, those who said they would pursue the case regardless of public exposure were in a position where significant others were aware of their work in the sex industry and were supported. These women also had a very strong desire for justice. Ally, for instance, replied: "Yes. I would report a crime even it meant going public, because I believe in justice. Definitely" (Ally). Jessica said she would report because she has people around her who know and support what she does for work: "I would probably find it hard but yes - it is a job and you should be respected for what you do" (Jessica). Robyn who has very few in her life who know of her work was an exception:

Absolutely [I would report it], without a second doubt. I would risk it coming out. And if it really came down to it I would disclose publicly. And the reason I would do it is because I have a problem anyway of not being able to disclose. And the only reason I don't disclose is that I don't want to hurt people I love, because of their beliefs and the way they were bought up. It would hurt them, but that wouldn't take precedence over something like that for me. The only thing that would stop me from pursuing it would be natural justice ... As far as I would be concerned karma has taken place. And my main point would be that he would have to know one way or another that what he has done is extreme and not acceptable for me and my life. Whether it is acceptable for society is a different issue. Which is why I would feel a bit of an obligation to chase it up for others that it happened to and to say there are too many who sit back because it is so hard for them to do something. Hey, I've lived through worse things than being known as a hooker, as a prostitute. And the other thing is when it comes down to it I am really proud of what I do. I mean not everyone can do this (Robyn).

It could be argued that non-sex workers are also hesitant to report sex crimes for a wide range of reasons, most often going back to stigma and treatment by the criminal justice system of such crimes. Being a sex worker only magnifies this:

I would be reluctant to report any sexual assault, even now. Because I have been there from my childhood. When I finally reported it, when I was confident enough to disclose what had happened to me and I realised how severely it affected me psychologically and I wanted to report the person because he was and still is a pedophile and ruins young girls' lives. My experience in the legal system was just stuffed and I believe it is very common. You are already

victimised. I found the community I grew up in and that I really wanted to feel comfortable in really polarised against me in support of that guy and I don't know if it would be any different with a sexual assault in a parlour. You'd still be seen. Once the media becomes involved and I imagine even in the patriarchal legal system, there are judgements made about sex workers. So I don't think legalisation has changed that (Kylie).

Most women felt that whether they took action through the legal system or not, the person who committed the crime would somehow be brought to justice. Interestingly the term "natural justice" was used on three occasions. A number of interviewees reported instances when this had actually occurred, both before and after legalisation. The following incident took place when the sex industry was legal in Victoria:

We are dealing with a system that is made by men for men, I reckon. I hate to be terribly feminist and radical but men make the laws. I do want to make the point to show that women do stick up for each other, though, when sexual assault does happen within the industry. A place I worked at had a deal with the laundry person - he got free sex for doing the towels. And there was a lovely girl that I worked with - woman - who was also very vulnerable and presented as a weak kind of character, very beautiful, rather dim witted and weak. She got booked by this laundry person and he proceeded to throw her down on the bed on her stomach and held her down while he raped her basically with no condom. She came out a mess. Management were not prepared to do anything and did not encourage her to report it. And I wouldn't name names but a group of sex workers took their own action against that person. You can do that when you know who that guy is and I believe that direct action gets the goods and that's the sort of thing I advocate for. He chose to violate women and the legal system doesn't help much (Kylie).

This shows that the women banded together in support of the woman assaulted but it also alludes to a lack of support by management.

While women in the industry thought that legalisation had added to their feeling of control over clients, there was a level of reluctance to report crimes committed against them in the workplace. One reason for this was the women's fear of exposure as a sex worker. Other explanations included a general reluctance to report sex related crimes due to past experience and the feeling that alternative justice could be obtained. The women who would report crimes were those who were not hiding their sex industry employment, with only one exception.

The following section of this chapter will discuss women's feelings of control in their workplaces when relating to owners and/or management. It is believed that this feeling of control in managerial relationships would directly impact upon a worker's feeling of

empowerment in the workplace. This then relates to workers' ability to collectively bargain for improved conditions, report unscrupulous operators and feel secure in their workplaces.

### 3.5 Control in the workplace

Fiona believes that:

Management has always had a lot of control in the sex industry. Far more in that industry than probably a lot of other industries. But they grabbed it. They certainly had a lot more control after legalisation. Owners would say that girls had to wear certain clothes, they would have to do certain things, like cleaning duties. In these new brothels you had to do lots of cleaning - changing towels, linen, etc. They started introducing fines. You know, people would be fined if they were late or not dressed properly. The PCV fortunately got rid of that when we realised it was an illegal thing to do. Owners were effectively saying "you want to work in these nice big flash legal brothels, then these are the conditions." (Fiona).

The most talked about direct consequence of legalisation in 1985 was the huge decrease in the number of brothels in which to work. Many that were going to be unable to meet the strict requirements to become legal shut their doors overnight. Most significantly this appeared to be the smaller, more intimate operations. These operations were also the ones that consisted of a small number of women working together, not necessarily with a manager.

The number of brothels effectively shrunk from **150-160 to 50-60** overnight and it is reported that management in the new legal establishments "lorded it over everyone" (Ashlee) and they were "certainly a lot more choosy about who could work for them in a legal brothel" (Emily). Ashlee who had left the industry prior to legalisation and returned after noticed a "huge" difference:

Going in to a brothel after legalisation they tended to have more rules and regulations than I'd ever known before. There were bonds, fines for being late. Absolutely horrific situations, really. No recognition for those who worked well, turned up on time, regular, bought in clientele. There was no difference between her and a fly-by-nighter (Ashlee).

Prior to legalisation most operations worked on a rotation system where workers took it in turns to open the door to the clients and the client would see that worker unless he



specifically requested a particular woman. This mode of operation disappeared with legalisation and line-ups (where the women lined up for the client to make a selection), private introductions (where the women introduced themselves one by one to the clients) and lounges (set up like a nightclub with women mingling and “hustling”) took their place. The effect of this was described by Fiona:

They [the owners] gave the client a lot more choice, which makes it a lot more competitive. If you're not stunning or gorgeous, that makes it incredibly hard to compete with (Fiona).

As well as changing the system of operating, the owners began to be much more directive in terms of the clothing the women were expected to wear. For instance one brothel decided upon a ‘Harem’ theme. Emily tells this story:

I had to buy a harem costume. You are not allowed to make your own or get an outside person to do it, because someone in her [the owner's] corporation is making harem costumes and charging a fortune for them. So here you are having to buy these costumes that I won't be wearing anywhere else. Where the fuck am I supposed to wear “I dream of Jeannie?!” It's not something I would wear down to Woolworths, now is it? In my first year I spent over \$2000 on harem costumes because they are flimsy and fall apart (Emily).

Tara also mentioned management control over the clothing to be worn while working post legalisation:

they pull everyone together and say we're changing the rules and everyone has to wear this and that. And you go out and spend a fortune on certain types of clothes and they set down rules on what everyone should say and do. And a couple of months later it all goes back to normal anyway (Tara).

Another significant shift referred to by Fiona and Emily when talking about the transition period in brothels was that management started taking a bigger “cut”. Fiona explains that:

pre-legalisation the split was always two thirds to the worker and one third to management. After legalisation if the prices didn't go up then management would just take fifty percent. That was one of the big significant things (Fiona).

A further indication of control exerted by management within the interviews was the number of times the phrase “and then I was sacked from there” or “then I lost my shifts there” was used. It seems this happened most often when women phoned in to say

they were sick or had to leave shifts early due to sick children. Kylie tells of one situation she was in:

I had a terrible abscess in my mouth. I was saying "this has to be fixed, I can't work with this and I'm going to see a doctor and a dentist." And management's response was "you are rostered on, we need you and if you don't come in you are out." So I didn't really walk out - I simply rang and said I had to go to the dentist. And the receptionist on that day was very apologetic but said "I've been told by management to tell you that if you don't come in today you're sacked" (Kylie).

Louise talks about starting at one brothel when the owner was away and when she returned she was sacked:

I was there about two weeks. Isabelle came back and sacked me on the spot and she just said "I don't like you." Jenny hired me and I was there working and Isabelle was away somewhere. And she came back and she just said "no - I don't like you" (Louise).

Emily tells of being fired because her son was sick:

She fired me. It was a totally unreasonable act. I didn't get my bond back. I lost everything. My son got sick on a Saturday and I rang her. I had to take him to the doctor and do all of that. And she just told me not to come back. And I thought that that was just appalling. Because I have a kid and she just fired me - just on a whim with no recourse (Emily).

Mia explained that there are differences between brothels and their management:

there are different levels. Some owners and managers cut corners and others don't, in terms of what they provide in the rooms and stuff like that. And differences also in attitude in regards to how much information girls are given, how much respect they are given. I mean the Geelong parlour - if you were sick you were given a really hard time - asked to get a doctor's certificate and that sort of thing. There was one night when I was supposed to work from 6pm to 2am at the parlour in Geelong and I didn't ring until 9pm or so from Anglesea. I was living in Anglesea, an hour out of Geelong. I rang and said "I am really sorry I didn't make it in tonight and I didn't call because I had a family drama and I was actually at my mother's until now and I have just come home - won't be coming in." The owner gave me a really hard time and insisted I come in anyway. I didn't get there until eleven or twelve o'clock and she made me come all the way in from Anglesea. You know, she put such a guilt trip on me and I was quite young. You know, it was the only place I had worked ... That's the intimidations that are put on you in this place and the lack of respect. It was very domineering, the owner. We weren't aware of our rights and we weren't told anything (Mia).

Most of the women who worked in the industry following the introduction of the Prostitution Control Act 1994 and licensing felt that management practises had changed somewhat for the better. Kylie says that:

I haven't walked out because of bad management yet [1997-2000.] I walked out of two places in the past [pre-1994] but that might be because I have found a really good place to work now that I didn't have access to then ... I think these days your fellow workmates encourage you to take time off when you are ill and management doesn't seem to punish people who are genuinely ill (Kylie).

However, it is interesting to note that the incident described by Mia previously occurred after the introduction of the Prostitution Control Act 1994 and probably related to her inexperience in the industry. Mia showed that this can change over time:

I'm a little older. I'm stronger and more aware of my rights than when I started in the industry. I was walked over when I first started in the industry. I am not so much now - I dictate now how I work and when I work - I don't take shit. It's come from maturity and a bit more of an awareness of rights now. I'm now more aware that we rent rooms and that's the way it should work. Particularly where I am now and if I'm sick I'm not capable of working and no-one can argue with that. If I'm in at work and I'm sick - too sick to work - then I will go home. And that's my decision and it's not their place to talk me out of it. I work by my own rules now. Whereas when I first started working I was working by theirs and in fear, in fear of the ramifications if I didn't (Mia).

In 1994 escort agencies became legal. Prior to this they had been notorious for their bonds, fines and the withholding of earnings. Jenna believes that the new legislation did have an impact - at first:

It did have a large impact on some of the places that were less nice. They started to be a bit concerned about ripping the girls off and charging them for jobs because they didn't sign on and fines and things like that. Although I've noticed it's gone back a little bit that way ... I think the girls thought they now had a little bit more ground or simply the operators were afraid that maybe the girls could go to the police in an easier fashion and say "look, this is what this person is doing" (Jenna).

Another of the commonly stated benefits of legalisation is that workers would be able to report bad management practises and crimes committed by managers and owners. Most women said that they would report management for hiring and manipulating of underage women and physical attacks. However, as with the reporting of crimes against themselves the number of women willing to report illegal or unethical practices reduced dramatically if there was a possibility of exposure as a sex worker. Most said

they would talk to the owner about their concerns and that they would probably just leave and work somewhere else. On reporting mismanagement:

It would depend on what it was or I would probably just leave or something. I think the first thing I would do would be to just leave and let them do their own thing (Jessica).

Generally those who would report, were also those who had supportive partners and family who knew of their involvement in the industry. Ally believed that “I would pretty much report them for anything I was aware of because otherwise it’s my safety that’s involved as well as the other girls” (Ally). Paula replied that she would “absolutely” report breaches of the Prostitution Control Act, though she qualified her answer:

I find though I wouldn’t be employed by people who break the rules. They won’t employ people like me. Only legit people will because they work you out in five minutes and people who are breaking the rules want victims in their parlours. They don’t want strong independent women who will go by the rules because that’s not what they are after. So therefore I don’t tend to see that because I am only with good operators (Paula).

To summarise there was consensus that management did increase the level of control following legalisation. There was some discussion that this may have decreased over time since the introduction of the Prostitution Control Act (1994). It was also indicated that the impact of the control exerted by management could relate to the level of experience of individual workers and their ability to assert themselves.

Generally women were reluctant to report illegal or unethical practises of business owners and operators unless it involved the hiring and manipulation of women too young to work in the sex industry or physical attacks. The level of reluctance to report was again influenced by the women's unwillingness to be known as a sex worker.

### **3.6 The illegal sex industry after legalisation**

A common theme raised in the interviews was the large number of illegal brothels that exist today. Immediately after legalisation establishments that were unable to get permits closed down. Over recent years there has been a resurgence of “massage” or “relaxation” centres that allegedly provide sexual services and do not comply with

current legislation, for instance the buildings have no planning permit to operate as a brothel and the owners hold no licenses:

They disappeared [the knockshops] but they are coming back now with all of the illegals. They pretty much disappeared for a while. That was good, but it hasn't had a lasting effect (Louise).

Ann believes that there have always been illegal brothels as well as legal brothels:

The illegal places were there before. They're still there now. People are aware of it and I think it is going to get difficult for them but it hasn't made a great deal of change (Ann).

It is interesting to note, however, that on one occasion it was mentioned by an interviewee that current operators of legal businesses are becoming more complacent and standards appear to be slipping. Jenna said of one escort agency:

I can speak of one place that I know and speaking to girls coming from there they will say that the person who was worst is up to their old tricks, basically. So they've got around it [the laws] somehow (Jenna).

Sally suggested that some of the current owners have very little understanding of what the law allows:

Where I work the owner doesn't seem to have any idea about the legislation. He wants to do all these things that are illegal and I'm thinking "don't you know? Haven't you read the legislation? You can't do that!" (Sally).

One of the concerns of Victoria's system of legalisation raised by Scutt (1986) was its impact upon solo workers and that the legislation was geared toward the promotion of large businesses. This was not something all women wanted:

I would never work privately from my own place. I like the structure. Privately may be more profitable but it would be harder. Not all of them are straight sort of people and I would never work from home, never, ever. Having people knowing that you work and live there. It would be very dangerous (Jessica).

Oh, I can't work privately. I cannot. It is an infringement on my private life and the fact that they are calling me and when I see them I am not in the mood. I have to be - it has to be a strong structure around me to be able to function at all (Tara).

I have thought about the option of working privately. I choose to work in a parlour rather than private. It's a personal thing. I'm a pretty organised person, I like to know where I am going to be on a particular day. It's more like a "job" and my partner prefers me to go to an establishment (Mia).

Yet nine of the women working after 1994 admitted to seeing private clients. Of these only one had obtained a Prostitution Control Act number, but she operated illegally by servicing clients in a residential location that did not have, and was ineligible for, a Town Planning permit. This worker only obtained a Prostitution Control Act number in order to advertise, as all advertisements for sexual services must contain this number. The other eight had no intention of advertising so saw no point in registering to obtain one. These women saw clients in a variety of locations including private premises without permits.

The women were united in their reasoning behind operating outside of the law arguing that it was too difficult to comply with. For some, obtaining a Prostitution Control Act number was not deemed necessary for they had no intention of advertising for clientele - the only time a worker is required to provide anyone with the number. There was also a level of fear about who could access the register. In the case of obtaining Town Planning Permits for premises used for seeing private clients, all of the women felt that the requirements were excessive and that the loss of anonymity through the planning process was a deterring factor. As Amy mentioned, if she was to go through that process she might as well "go all the way" and establish a six room brothel.

The following quote speaks of one woman's experience of working outside the law after legalisation:

I initially thought that I would be able to escort and get enough work through doing escort to work privately. But no, most of the clients that rang automatically assumed that you were working from an apartment or whatever. So I knew that everyone else was doing that so it seemed to be the only option was to set up another apartment and operate illegally. And it was really scary, I found it really scary. I was paranoid about being caught by the police and also a lot of the clients that I saw - in fact most of them. It might have been the vibes that I was sending out and they were picking up on my vulnerability but they seemed to know and play on the fact that you are working illegally. So you are vulnerable. In fact a few of them actually said that, they said things like "don't you feel vulnerable that you are working illegally and you can't do anything if anything happens." There were two or three that blatantly said that, which blew me away. They were in control (Sally).

This worker had money stolen from her by a client when working in this situation. It draws attention to the fact that while Victoria now has a legal sex industry there are those who, for various reasons, are operating outside of the law and are in similar situations to those workers in the industry prior to legalisation.

### **3.7 Current workers views on the Prostitution Control Act**

I asked the post 1994 interviewees if they felt more secure and protected by the fact that there was a piece of legislation governing their industry. Common responses included:

It only affects my life if the owners of the establishments are aware of it and are abiding by them. But it has an indirect effect on me, I guess, depending on whose premises I am working at. So naturally I am going to work at a place that abides by the legislation. Not directly it doesn't affect me (Mia).

Licensing eradicated the black market in as far as if there were any baddies it got rid of them. It was a business [now] and a lot of these old guys were baddies and they couldn't get licenses. I think they lost a lot because the girls did have a lot more power with occupational health and safety and the likes and treating it just like a business (Ashley).

I think some of the guidelines are too strict, but I think in all it has made it tighter, in that people do have to follow the same guidelines. But because of a lack of policing there is a complacency that sets in and some people resort to old ways. I think it really has bettered the industry as far as I am concerned. It's made it more professional and I actually think the community at large is changing a lot in their attitude (Jenny).

Legality and poor attitude toward the girls are not necessarily mutually exclusive concepts. Legality certainly brings certain things with it. It brings the health issues and it also reduces the likelihood of both clients and workers being either blackmailed or harassed. It's a good thing from that point of view (Joanne).

While legalisation was viewed positively by most of the interviewees there were many suggestions as to how work in the industry could be improved. These suggestions included both legal and industrial improvements.

### 3.8 Legal improvements

Most of the women were quite happy with the current structure in regard to brothels and the licensing system:

I think what we have basically in Victoria is not a bad basis. I think legalising the industry, like getting a permit for the building and licensing the owners and operators, I think you have to do that in the early stages because if you want to get the so-called right people in the industry you've got to monitor who actually operates. There are a lot of industries that operate without a licensing structure but I think in the sex industry you have to start off with that. Further down the track it might not be necessary (Fiona).

Joanne believed differently and others also mentioned that exceptions may exist in brothels other than those they had worked in:

certainly the meat market attitude and poor conditions of the girls and management of their staff is not negated by the fact that something is legal. It is certainly a case by case situation, depending on the brothel (Joanne).

There was a strong feeling from some about closing illegal brothels:

I don't know if you could do it, but I think they should shut down all of the illegals. There's too many. You know they've got to get serious about all parts of the legislation. Why are they allowed to flourish? Why? Like, we know where they are. They're operating quite openly (Louise).

We legalised to make it better for the working lady and also that it is controlled for the benefit of workers. An illegal industry brings in illegal immigrants, to disease, to unsafe sex and that is not what we want here (Ashlee).

Illegal brothels I am dead against. They make it difficult for those who work in legal brothels, because there's unsafe practises. This is hearsay, but I'm sure that would be a problem and they are undercutting the rest of the industry. The conditions are not as good as we can offer (Sonia).

There was only one person who saw that street prostitution should be policed more heavily:

I think that they need to wipe out the street workers. I know that is harsh but I have very harsh opinions. But I find that it is just not on. When you have a legal industry then everything should be legal [done legally.] There should be no rights of one person being allowed to and one person not. That's why brothels were legalised to be able to provide that safe environment (Ally).



Others felt that something should be done but were not sure what:

I've not had much experience with street workers and I think they are even more misunderstood and misunderstood by women even in the industry who have never had that experience of standing on the street corner. I think if there was some way we could protect them so they could continue to work in their environment with a little more protection and a little more dignity. I don't know what the answer to that is but that is something that I would wish for the industry that we could do something for those girls. So what if they are drug users? They are not doing it because it is a picnic (Sonia).

Amy agreed with the decriminalisation of street prostitution and was against a red light area:

A red light area would be a bad move. People would still work outside of the areas and then we are in the same situation. And where would it be? No-one talks about that! (Amy).

Not surprisingly the other issue that was commonly raised when talking about law reform was women's ability to work privately. Most of the women believed working from their own premises should at least be an option available to them:

For private workers I think they should be able to work legally from their own home. And if they choose to have security that should be fine and I think more private workers should be able to work together. Two or three at the same time, maybe out of an apartment or a house. And not just because of the legislation, because you go mad working on your own. I think it's good to have others around. I think that if three or four private workers could work together I don't think brothels would be that necessary. I suppose [there are] some people who wouldn't want to market themselves or run a business (Sally).

Not being able to work privately is a big problem for me. You are being shoved more and more into a situation where you've got to be under the control of someone else, rather than your own environment. So definitely I would prefer to work privately and I would if I could and will if I can (Kylie).

I would like more choices of how we could work. For instance if you had a good group of private clients that you trusted and you wanted to see privately you should be able to do so. Without fear of prosecution for them and for yourself. Because any good worker is not going to compromise their surroundings of where they work privately. They are not going to upset anyone. They are doing it because it suits them and it suits their particular clients to do it that way. They are still going to work within the legislation, they are still going to provide safe sex and ensure a safe working environment to themselves and their clients. And they shouldn't fear prosecution because they are using a premises without a permit instead of working for someone who is going to take half of your income (Paula).

Then there were those who felt the whole industry should be decriminalised:

I would have liked to see it decriminalised, street, escort, parlour, whatever. I found it very difficult that the whole industry wasn't just put into one thing. You know, that there were things like brothels taken separately from escort, taken separately from street workers. I mean to me it would be a little like saying well O.K we are going to legalise the escort industry, but only the females (Jenna).

We should definitely not have laws imposing on us what we ourselves want to do or offer or take advantage of. But I think the minute you do that [remove laws] there is going to be a whirlwind because things would have to get worse before they get better. But I think that would be sorted out in the end and when the dust settles we would see what's worked and what hasn't. And society would naturally progress toward something that would work, to a system that does work. But I agree there will be some shit flying in the meanwhile because that's what people don't want to face (Brooke).

### **3.9 Industrial Improvements**

The two areas of greatest concern to workers on the industrial front were the amount of money they received per booking and improved management practises:

As it is at the moment I am being charged \$110 to rent a room for an hour. Now you show me somewhere else in the world where a room costs \$110 an hour - that's what I'm paying. Now I have a problem in as much as the house takes such a huge cut of my income. That grates a little because I think you are making a killing from me (Robyn).

There needs to be a system of price monitoring in terms of keeping up with inflation. I mean really when you look at it I used to get \$40 to have sex with a client [no more than half an hour] - no oral sex so there is not that much difference and everything else has gone up (Fiona).

Mia felt that women needed to be more informed about the law, and that brothels needed to respect women's rights:

At Cromwell Heights there are notices up around the establishment as to what our rights are: how the place is run, people to talk to, good receptionists. It is made very clear that you are renting a room. If you're sick they do not hassle you or give you a hard time about that, if you're crook you can go home. t's run how every parlour should be run. Add an in-house counsellor, take away half hour booking and you have perfection (Mia).

Fiona, who has a particular interest in industrial issues, believed that:

I think there should be a set taxation system within the industry, however that may be. Whether they are self employed people or whether there is an employee/employer relationship. The Government should get on to that. They should get the owner/operators to pay Workcover and compulsory superannuation for their employees. I think it is a bit sad that the industry does not want to be unionised but that has to come from the industry not from [one person.] I gave it a go but it has to come from the heart of the industry. You can't force that on someone (Fiona).

This chapter has demonstrated that there were a range of conditions under which the industry operated when it was illegal. Condoms were optional and their use was not widespread. The women's contact was low and, interestingly, the legal structure surrounding the industry was of little concern to women working in the sex industry both when it was legal and illegal.

Following reforms the physical surroundings of brothels improved and when escort agencies were legalised there were less "rip-offs". The use of condoms became widespread, however, the real reason behind this would appear to be the emergence of HIV/AIDS. While training offered in the industry was expected to increase after legalisation it was not widely available and tended to be performed on an informal basis.

Escort workers reported an increase in their feeling of safety following law reform, not because of the safety provisions contained in the act but because the work was now legal, which meant that the authorities could now be called upon. They also felt that they could now discuss their services openly and there was less risk of misunderstandings arising. Brothel workers indicated they felt safe when their work was illegal and continued to do so.

There was little difference in workers' attitude to reporting whether they worked in the legal or illegal industry. While workers expressed a feeling of increased control over their clients after legalisation this did not translate to a willingness to report crimes committed against themselves. The main reason for this being that they did not wish to risk exposure as a sex worker. Significantly those who would report had supportive partners or people around them who were aware of their sex work, with the exception of Robyn. There was a strong feeling that even if crimes were not reported some level of justice would be sought.

In terms of unethical or illegal behaviour by industry operators women were reluctant to report this unless it involved underage women or physical attacks. Again, willingness to report these incidents revolved around workers willingness to publicly disclose their occupation.

Another issue raised in this chapter was the existence of an illegal industry operating alongside the legal industry, in which many solo operators are represented. Generally the legislation was viewed to have a positive effect on the industry although some workers believed it to be of little benefit to them or were quite indifferent towards it. The women did mention a number of ways the industry could be improved through legislation. These included ridding the industry of illegal brothels, making it easier to see clients privately and reform in the area of street prostitution. On an industrial level workers expressed dissatisfaction with the fee structure in the industry and the need to inform workers of the rights and improve management practises.

The following chapter will assess the impact of industry law reform on women's private lives.

## **CHAPTER FOUR: THE IMPACT OF SEX INDUSTRY EMPLOYMENT ON WOMEN'S PRIVATE LIVES**

In the previous chapter the impact of law reform on the structure of the sex industry and the women's working conditions was discussed. This chapter aims to analyse the impact of prostitution law reform on Victorian sex workers' private lives. As was mentioned in the first chapter, Hansard parliamentary reports showed that throughout the reform process politicians have continued to stress that they do not support or condone the sex industry, nor do they view it as a desirable employment option. I was therefore interested in perceptions the women had of the general population's view of the sex industry and if, in their opinion, legalisation influenced these views. Furthermore I sought to discover if legalisation meant that women were able to disclose their occupation more freely, what influenced their decisions to disclose or not, and the actual and perceived consequences of disclosure and non-disclosure. To conclude I was interested in the views the women themselves had of their work and whether, like the politicians, they saw the industry as an undesirable occupation. The women were also given the opportunity to speak of what they thought would lessen the negative impact sex work has on their private lives.

### **4.1 Society's opinions of the sex industry and sex workers**

A variety of responses were received on the topic of the general population's views of the industry and the women that work in it. Sally believed that the industry was viewed "with disdain" but that opinions were based "on ignorance". Tara stated that the negative image that is held by most people is based on a "complete lack of understanding". Complementing this theme is Caroline's opinion that generally people "do not have a high opinion of the industry" but that "some people change once they have got to know a worker". Amy's comment reflects the same belief:

The general population is largely ignorant. I don't accept opinions based on ignorance. I have seen opinions change just by people being confronted by someone who does not fit the stereotype (Amy).

Lilly felt that people were afraid of the sex industry saying: "I think they are terrified of it. It is fear and fear of their own relationships and fear of their own sexuality".

A common belief was that the media played a significant role in influencing people's opinions about the sex industry. Mia stated that the "media presentation of the stereotype" had a large impact on the way people viewed the sex industry. Paula believed that people "only have media perceptions to make judgements" because they have no other way of knowing about the industry. Other women believed that just as the media could inspire negative views of prostitution it was additionally able to promote a more positive picture. Jenna commented that she thinks the general population "see it as work and I think there has been quite a lot of media on different things and for a change it has not been all negative". She attributes some of this change in focus to law reform and believes that "the media doesn't just go after deviants". Kylie expressed the view that "women's business stuff" is now more often in the media generating "a bit more sympathy".

Surprisingly in response to this question the women expressed a belief that there were gender differences in responses to the sex industry with men being more positive:

Women are worse. A good percentage of guys have been to brothels at one stage and most of them know the other side of the stereotype, whereas most women have never been touched by it (Paula).

There is an awareness that it exists and always has and will. It is regarded poorly particularly by other women. Men who use pros usually view it favorably. Others are not 'in favor' but have 'an acceptance' (Joanne).

Nobody agrees with it, although people and even your friends may say they accept it. But deep down they will never accept it. Females feel they can't provide that [sex] as well - it is their insecurities that come out (Ally).

Kylie, too, felt that people may be duplicitous in their response:

I think there is a thing of tolerance in a way but I also believe that when your back is turned you are still a whore (Kylie).

Kylie suggested that there may be generational differences in opinions:

Young people seem to be more interested and want to know about it. Whereas people who are older have obviously made up their minds about what is acceptable and not acceptable in society and usually you get patronising responses (Kylie).

Ann agreed that the “younger generation are far more (not tolerant) just more aware they know what it is about” (Ann).

Most interviewees believed that people now saw prostitution as work, whereas in the past it may have been viewed more as deviant behaviour. Fiona clarified this by saying that the general population saw it as:

not a particularly desirable occupation and people who do it are wrong. I think society's view has changed a lot and I think there are a lot of reasons for this. Legalisation has helped and I think feminism - the feminist movement - has helped. I think people's attitude toward sexuality ... they are more broadminded about things to do with sex. I think legalisation has certainly helped that. Because it is legalised it is then considered a job or an occupation people do. I don't call it a profession. I call it an occupation. I just think that helps society to view it as not such a weird odd thing for someone to do or something wrong. (Fiona).

Emily supports the notion that while it is seen as an occupation it is not really accepted and believes that there has been:

a real backlash recently around the whole issue of sex work. That's because groups are coming out - because people don't want to hear what we say. Because it is unacceptable to enjoy your work and it's unacceptable to want to do this profession. It's acceptable to be a victim so victims get heard. So groups like WHISPER (Women Hurt In Systems of Prostitution Engaged in Revolt), they get the money and they get the outlet for their voice because that is what people want to hear, they don't want to hear what I have to say. Because what I have to say threatens the way they view sex and money and that empowerment thing of good and bad women will not go away as an issue because that is what we are all divided into (Emily).

Some different responses to this topic came from Jane who felt that the general population did not have really strong feelings because “it doesn't affect them”, and Ann said that:

I honestly think that they are getting bored with it. They are far more accepting of it now but I think they are getting bored. I think they are becoming a little more - I don't know what the word would be - it's just in the papers so much now that it is not shocking anymore that's for sure. It doesn't have the shock value that it used to have (Ann).

Finally Joanne:

I think Victoria has always been quite a liberal State. We've had an acceptance of homosexuality in this State on various levels. Things have been relatively open. Certainly during the Cain/Kirner years that was pushed even further ... I suppose it comes back to the fact that many of the early settling women here were prostitutes and there's been an understanding of the role of prostitution in society for a long time. A place like Victoria, as opposed to more conservative places like the Bible Belt in America (Joanne).

Very few of the interviewees held out much hope of the industry and its workers ever becoming fully accepted. Even those who felt things had changed and were continuing to change acknowledged that there were particular groups in society, specifically religious people, who would never accept the occupation. Some displayed optimism, however:

I am, I am [optimistic.] I think young people are really cool, a lot of them. I think there is hope and there are a lot of really good people about doing really good things and I think that is great. I think all of these little things open up fantastic possibilities that can be taken up by whoever, whenever you just don't know. I think people use bits from this area and bits from that and put things together and things change (Lilly).

I don't know, obviously, I don't think it within my lifetime. But you remember hundreds of years ago it was accepted and they were respected and so it might turn around again (Sally).

I think as we evolve as a society yes, I would like to think that in answer to your question, it will change. I would like to be an optimist and say that we are working toward enlightenment. Maybe we won't see it - hopefully we will - things will have to change and that they will! (Brooke).

Of interest to this part of the research was how perceptions of the general population's views and beliefs affected the women interviewed: did they find it hurtful or stressful? Both Joanne and Ashlee did not think so: "it does not bother me at all. Not in the slightest. Not in any shape or form. It never has" (Joanne).

No, not stressful. It doesn't worry me in the slightest because I come here [the brothel] to get away from life now. It's like having a double life: into the city, work and then I'm out. So my home life is very separate (Ashlee).

Others expressed feelings of hurt but also anger:

Sometimes I try to laugh and sometimes it gets you really upset because somebody who has no idea what it is has the right to talk about it ... I can't judge something which I don't know what it is (Jessica).



It does make me angry and I try to educate people which probably gets me in to more trouble than it's worth. I try to explain to them and I love it when they say "but you don't look like a hooker." It's like, well, you show me a what a hooker looks like and I'll show you ten girls who are hookers who don't look like that (Paula).

It makes me so frustrated because it is just so dumb. It shows a complete lack of understanding (Tara).

This section has shown that workers' perceptions of the general population's views are wide-ranging. However, only two believed that law reform had any impact on this. There were those who believed that society did not approve of the sex industry at all. Many were of the view that the media had a large impact in this area and as their portrayal has contained more positive images opinions have been changing. The interviewees believed there were both gender and generational differences to society's views. It was widely thought that while the general population may be more willing to conceptualise prostitution as work they did not necessarily approve of the occupation.

Very few of the women held out little hope of the sex industry ever being fully accepted for there would always be different groups that didn't approve. The impact of society's views ranged from little or no effect to creating anger and others hurt.

#### **4.2 Disclosure**

I thought that perceptions of the general population's view of prostitution could impact on the level to which the women chose to disclose their occupation. I was therefore interested in establishing who knew of the interviewees' involvement in the industry.

Ashley said that when she first started working no-one knew that she was involved in the industry: "I came from New Zealand so I didn't have family or anything here, I lived by myself. So no, I didn't tell anyone" (Ashley).

Similarly Sonia had very few people outside of the industry who were aware of her sex work:

my girlfriend and her husband, who is my art therapist (I have been in art therapy for just over three years) and are supportive. There are a few people associated with Tony and Polly [brothel owners] that know what I do, because I have been invited to quite a few of their functions in a personal capacity. But it

has never been discussed. I had my hairdresser friend whom I told and two gay friends, really good friends. One I see regularly and the other I don't and that's the sum total of it (Sonia).

Some women have gradually increased the number of friends aware of their industry involvement. Mia reflected that:

The first couple of years I worked I pretty much didn't tell anyone. It's only been in the last few years that I have become - I've accepted it in myself and not judged myself - therefore I'm not scared of being judged by others. It's right in my head so then I became cool with telling others. The reaction has been very good from each person I have told. Which makes you do it more so. It encourages you to keep doing it (Mia).

In Tara's life:

Most of my friends now know that I work. It's almost a measure of how close they are, the ones who know and the ones who don't. The majority know but that can be a little bit abused at times because sometimes someone will tell people that you are working girl. You can't undo that (Tara).

Nine of the interviewees' parents knew of their work and their attitudes were mixed. Fiona's father had "disowned" her and Emily's mother did not speak to her for a number of years. Amy mentioned her father as being particularly supportive, yet although her mother knows she has worked, she is not aware of her current involvement in the industry. Similarly Ally's parents, who have supported her sex work in the past, are not currently aware of her work status - she is not comfortable with them knowing given her current relationship and recent birth of her second child. Joanne's mother is very supportive and assisted her in the decision to start working. Jenna talks of her family's knowledge of her work:

All of my family know. I've got - well I did have five brothers and now I have four - and two sisters. Mum, Dad, most of my in-laws know because I've never really tried to hide it from my family. I guess I was one of the lucky ones in that regard. For instance, when I told my mother I was working as an escort she said "well you are the same lady I have always loved all these years and that doesn't change a thing. Are you safe?" So her only real concern was my safety. My father never blinked an eyelid (Joanne).

It was, however, rare for women to be completely open about their work. One exception was Fiona. Although she had not told her father about her industry involvement until recently; she was otherwise very open about her work:

Basically from day one I told my close friends - everyone except my family. Because I was quite proud of what I did. I used to go to parties and meeting new people I'd say what I did. I used to love it. They'd say "what do you do?" And I'd say "prostitute." I was quite proud of what I did, but I think that is really the sort of place I worked at and the sort of people I worked with (Fiona).

Fiona's experience was shared by Ann (although this changed for Ann later in life as her circumstances changed and will be discussed later) but was otherwise unique.

While all of the women had at least a couple of people outside of the industry who knew about their work, apart from Fiona and, at times, Ann, none of them openly stated their occupation to strangers.

The interviews indicated that most women had certain friends or family who knew of their work yet they were rarely completely open and very few disclosed to strangers.

#### **4.3 Conditions of disclosure**

I was interested in what influenced women's decision to disclose. Jenna discussed this issue at length and her response was quite typical of those received:

I am myself certainly secretive. It's got nothing to do with the changing of the law either but I've always been quite protective of who I am. I certainly wouldn't - if someone did ask me in say a school fete situation "oh, what do you do?" - I certainly wouldn't come out and say I'm involved in the prostitution industry. I don't feel any shame about it. There's none of that. It's just that again what will sometimes happen because of there being so much mystery around this industry is that people become interested to know and it will dominate the whole conversation. I go out, say, to a party and I'm in a private situation and I have a private life and I've got other things in my life - that's not my entire life. Once you open your mouth and say "this is what I do" - because of the lack of knowledge, I guess, being able to get knowledge of the industry from other areas, they think "oh gee, I'll be able to ask all those questions I've always wanted to ask." I do find it stressful. Even the fact that if I'm with my partner somewhere and I'm asked it, or we are asked "what do you do?" Which is a commonly asked question when you meet people. And then he will say "oh, I do such and such," because he has a regular job - well I call my job regular too but differing in what most people think. But I certainly can't stand there, although he would be there for me, but I tend to say "oh, I do such and such" which is another job I do but it is a small part of what I do. So I will use my other job, which is about two hours a week, compared to 50-60 hours a week in the other (Jenna).

It was quite common for the women to have other jobs and this influenced their decision to tell others:

The biggest thing that affects me disclosing is my other job. I would not work. I won't be able to find work if I publicly disclose, [it's] really simple. I have done thirteen years working with young people - now I could pull to a complete halt, especially now that I am doing private consultancy. I walked through the door the other day into a meeting in my new job and it went through my head - "what would you do? What would you do if you knew?" There is no way I would be considered because they worry so much about image. And they'd also be worried - the same sort of thing as the sex education, if they were to know what I do in my other life, one of their major concerns would be that I would be encouraging young people to go out and work (Robyn).

Sonia runs her own business and this affects her decision to be secretive about her work in the industry:

I think it is a little bit of fear and my business is based on women and I want to do that until whenever. I wouldn't like to see that jeopardised in any way and I think society still perceives us as not such nice people. I'd like to help dissipate that in some way and I guess if I were ever put in the position of denying or admitting I'd probably admit because I'm not ashamed of what I do. And I suppose in a way you have to let life be its natural self, I mean, I wouldn't talk openly to people who it was none of their business (Sonia).

All of the women with children mentioned this as a reason for being selective in their disclosure:

I'm so cautious because it always gets to that point where you get to know someone. There are also difficulties with my own son because over the years he's asked to go into my work several times and I've had to say no. He can't understand why because he doesn't know what I do (Tara).

Ann said:

Now that I have a daughter I'm a little bit - you know I certainly won't tell them at the school - I'm careful, I'm pretty choosy. Before I didn't care who I told as long as it wasn't my family - I never tell them. Now I have to be careful with people who are going to be in contact with my daughter. I need to hedge around it. It's almost gone back to the days of lying. Having the two lives thing, which is very difficult. And that - in all my years of working - is the hardest thing to deal with (Ann).

The women with partners who knew about their work were also protective when it came to disclosing outside of that partnership or close circle of friends. Joanne states that:

I tell no-one. I have absolutely no problem at all with being a worker. To me, as I said before, I wish I'd known about it earlier because it would have solved a lot of problems for me. However people can use all kinds of things against you. That could be used against you or other people around me. It's just not a risk that I want to take or are prepared to take (Joanne).

Brooke mentions that while she is quite open about her work in the industry she is now probably more careful about who she tells because she values her privacy and has been "taken advantage of". She also believes that:

another factor that stops me from telling people is my boyfriend. Not necessarily that I don't want people to know, but I am protecting him from people knowing. I've probably done that before just out of respect and expected that if my partner wanted to tell people that was up to him. I wouldn't impose that on him if he didn't want his affairs as open as me, but to be honest I've realised that it is not just up to him. Because I had a boyfriend who ended up doing that [telling people], but for all the wrong reasons. Now I think, OK I'm happy not to tell people in interest of my partner. But if he wants to tell them he needs to discuss it with me first as I think it is a "we" decision (Brooke).

In talking about this decision to disclose Ally also referred to her partner:

it depends on the whole situation. Sometimes you feel like you really want to talk to somebody about it ... I know my partner would prefer no-one else to know either. It's because of people's reaction and my security, too. He's worried it could come back on me. Deep down with the situation we are in at the moment that it could backfire, and it could come back and people can hold that against you (Ally).

Ally's belief that sex industry involvement could be held against you raises the topic of the consequences of disclosure.

#### **4.4 Hiding sex industry involvement and consequences of disclosure**

The actual and perceived consequences of disclosure were discussed widely as were the effects of the women hiding their occupations.

One consequence of workers' reluctance to disclose their occupation was their reluctance to report work related crimes, either perpetrated against them or committed by industry operators. This issue was discussed in the previous chapter.

The desire to tell people about sex industry employment was strong, but so was a fear of ostracism. Ashlee said:

Oh, I would just love to tell but I would probably be stoned down the street! I'd be ostracised at the school. There's just no way ... Outside of the industry I am very protective. The reason being is that I have children and if they ever want to be involved in a public life and they could dig dirt on me and that is not fair (Ashlee).

Kylie also expressed a fear of other's reactions and misunderstandings:

I am becoming more open about it. I'm becoming more proud about it as time goes on. I am more comfortable with it, but it's never a generally known thing. It is still quite secretive. You only tell people you trust because you don't want to be attacked, you don't want to lose friends, you don't want your family to think the worst. I know only too well that before you walk through the threshold of a parlour you've got heaps of myths in your head ... It's a really secretive world amongst the clients and the workers and if you are not one of those, you don't know. I'm scared to confront the myths with everyone unless I can hold their hand and walk them through a parlour ... I'm proud of what I do and I wish I could tell more people about it. I wish I could wear a badge and carry a banner at the Trade Union rallies and be out there and proud (Kylie).

The effect a woman's sex industry involvement had on children was another topic raised. Most of the women's children were too young to have an opinion about their mother's work, even if they were to know. So the consequences of their disclosure or non-disclosure were not yet apparent. It was clear that their decision not to disclose related directly to their fear that it would somehow hurt their children. Both Jessica and Sonia's daughters were old enough to know what the sex industry and sex work were and are old enough to express opinions. Jessica's daughter found documentation from her workplace which confirmed her suspicions that her mother was working as a sex worker. This has contributed to a great deal of trauma in their relationship. Sonia ended up disclosing to her daughter and relayed this story about the event:

I was lying to her [Sonia's daughter] for the first time in my life and I felt very uncomfortable so I made the decision, rightly or wrongly. Probably it was wrong but in the end it has turned out to be all right. As a rape victim she found it impossible to grasp that I would do anything like that. Having been a university

student for a couple of years she was very much of the understanding that sex workers were abused women. [They] were used by men and she saw that what I was doing was almost like rape to her. It was a really difficult time. For a while she didn't want to talk to me ... I was not apologising for what I do. If she chooses or if she had chosen to never see me again, I would have accepted it, because it is her right to deal with it any way she likes. But I would love her as my daughter from now until doomsday. It wouldn't matter what she did ... a couple of months later we just sat up all night and talked and cried together. She felt she had judged me in a way that wasn't fair, she judged me as something that had nothing to do with me as her mother. I wasn't disappointed or anything I was just glad we were able to fix it (Sonia).

For all the women whose parents and families were unaware of their occupation some degree of stress has been caused. Sonia relayed a story about a girl she knew from work who lived in the same area as Sonia's family and unknowingly began dating her brother. At Christmas they had to meet "as strangers" she said: "that put a bit of pressure on me at that moment, that time was very difficult in my family". Sonia and her colleague "had a moratorium between us that we didn't discuss him" but he became very suspicious of his girlfriend. Eventually he found out about her work and followed her. He ended up in the car park at the back of the brothel. "Thank God it was a day I wasn't there", Sonia said. Sonia later had dinner with her brother and he told her about his girlfriend who was a "prostitute" and who "sold her body". Sonia told him that she made clothes for two women and that they "were not prostitutes but sex workers". She found the whole situation very distressing and he did not appreciate her opinion.

For two of the women the consequences of their parents finding out about the work was negative:

I had just done a film and *Picture* had just done a story on me. I was doxed right in. It was really bad. My agent dropped me because of it and I started getting phone calls at home, threatening phone calls and just horrific shit ... It affected my health. I had no support from anybody ... I was not able to work in any other straight job in society because of my outing. It impacted on my son and to this day we are still trying to resolve it. The impact it had on my kid and my mother. We didn't speak for twelve years (Emily).

Fiona had a similar experience with her father:

my father completely disowned me when I finally told him. So I think that's the worst thing [about working in the sex industry] because it is more for my son's sake (Fiona).

For Joanne, inability to widely disclose her occupation has no consequence on her life as she feels that the relationships developed with other working women acts as some form of compensation:

You develop unique sorts of relationships with other women that cannot be replicated outside of a place like this. There is a situation where you might get six women lying around - they are all very relaxed amongst each other. They are not necessarily - they don't necessarily like each other but there is a great deal of openness, acceptance and understanding of very intimate matters that we discuss ... I notice that I have no need for female friends outside of here. No need for female support. I'm not interested in it. I have no need for it. Why would I? (Joanne).

Others, however, believed that the secrecy surrounding the industry and their inability or unwillingness to disclose their involvement with it was one of the negative aspects of being a sex worker. For Jenna it was the only drawback:

Having to have it hidden, that to me is the only drawback. I love the industry, I love the people. Yes, it can be difficult, but basically I love the women in this industry and I love the clients and I understand them. It's very natural for me (Jenna).

Both Ally and Jessica agreed:

The only [negative] thing [about working in the sex industry] is not being able to tell everyone exactly what you do ... it can cause stress and it can be awkward, it can put you in situations of having to lie to people (Ally).

Sometimes you can't tell everybody what you do for a living so the fact that you live your life as a lie ... it makes a big difference. That is very stressful and difficult (Jessica).

Other consequences of hiding sex industry involvement included a feeling of paranoia:

It induces a paranoia, a schizophrenia and panic attacks and the fear of introducing yourself to your father, your brother, your uncle, your cousin, your next door neighbour is always there. The only thing we have to reassure ourselves is that generally the clients don't like it well known that they visit parlours and it's a pride thing. It's a mutual obligation that makes me confident enough to walk into any booking or introduction (Kylie).

Mia also expressed this:



I'm pretty cool now but when I first started I used to walk through shopping centres and that and just think - my self talk was so bad. I used to walk through public places and think "you're a hooker, you're a prostitute and none of these people know and if they knew they would kick you out," and stuff like that. I was so negative with my own self talk that it drove me down for awhile. So there is a drawback if you can't handle it in your own head - it could fuck you up, it could really mess with your mind (Mia).

The consequences of industry disclosure or hiding industry involvement in intimate relationships was of particular interest. It was found that the impact of working in the sex industry on relationships varied greatly as did the women's level of disclosure to their partners. Amy, Ashlee and Joanne all had husbands who knew of and supported their work in the industry and said that their work added some "spice" to their relationships. In Amy's case she was with her partner when she started working and describes it as a "joint decision" but "they don't discuss the intimate details". At the other extreme Sally has never told her partner about her work, and she has always found this very stressful. Over the years he has always believed she was a receptionist. At the time of interviewing Sally was in the process of moving out of the industry and the main reason for this was:

wanting to be honest with my husband, completely honest with him, not hiding anything. Otherwise I could quite happily work in this industry for the rest of my life (Sally).

Moving out of the industry for the sake of relationship was mentioned a number of times. Louise said "I have stopped work for guys in the past". Sonia thought that rather than disclosing she would leave the industry:

I haven't been in that position [deciding to tell a partner] so I can't answer. I would probably choose to give up work at this stage (Sonia).

Most of the women reported difficulties in maintaining a good relationship whilst working. When I asked Louise about her ability to form relationships in her private life her response was typical of those given about this. In discussing the failure of past relationships it was not only her reluctance to disclose and her partners ability to accept the work but:

I always get sucked in - like I would still tell someone, you know. Even though it's the worse thing I could possibly do and every time I have done it backfires and creates hell. I think you get to a stage where you have to be honest, you

know, in relationships, I think. I always get to that stage anyway and I always bloody regret it, so ... Maybe one day I will learn. I mean that's another Catch-22, the whole thing is a bloody Catch-22. Like I think you can't have a relationship with them knowing. If anywhere you get the bloody personal divide the schizophrenia into like your working self and your personal self it is then! (Louise).

Tara commented that she doesn't have relationships any more:

[work] certainly ruined relationships for me. I basically don't have them. I've had a couple and they have been disastrous and so I just don't have them (Tara).

Ann relayed an interesting experience with a relationship and disclosure:

I lied a lot. I didn't have many relationships, really. I was married, met the guy I married and never told him I was working. I told him I was receptioning. Did the old receptionist thing. Then I had a bit of an attack of the guilts and thought I had better ease him into the idea that I might be working. So I discussed maybe going into the rooms for a while and he was great about that. He didn't mind as long as it didn't change our relationship. So he was OK with it but I wasn't OK when he knew that I was working. I changed so I eventually said I was going back on the desk, even though I wasn't. I was working but I just had to say that so then I felt better about it, whether he believed me or not. But he never questioned me. He was just one of those guys who would believe anything I said (Ann).

Mia's attitude toward work and relationships has changed over time:

In the past it was very difficult. When I first started working I went through a string of boyfriends that didn't last. I wasn't able to hold one down. I didn't trust people. I didn't let them get too close and then when they would try to get close I walked away. [It was] fear of myself, psychological stuff there. But I don't know if that would have been the case if I wasn't working in the industry, if I'd have gone through all that. But the last year or two I've held down a steady relationship and been very open in that and in the last couple of years I've told most of my friends that I work. So now it doesn't really affect my relationships. As long as you communicate to those close to you and keep that up you can have both (Mia).

A further consequence of not being totally open about the work was a feeling of isolation:

You can't be open when you are asked how your day was. You know, from the local shop assistant to your mother you can't actually go "well actually it was pretty shitty, I had a bad client" or "oh it was really good, I made a lot of money."

The hidden part of yourself - sometimes that's kind of hard to keep that way, to deal with it on your own. A feeling of being very much *on your own* (Mia).

Amy and Robyn also expressed this feeling of isolation. Even though their partners were aware of their work they felt they could not discuss all of the details:

sometimes, apart from some shared experiences with other workers (but even then we all work differently and experience work differently) you feel very alone in what you do. You think no-one else can understand. Even though my husband is really supportive I can't say "I had a really bad client, he said 'x, y and z' or did x, y and z." It would make him really angry and then he has nowhere to direct that anger (Amy).

Robyn, too, speaks of this isolation:

I can't come home and say "oh jeez, I had a shit day. I had a couple of clients asking for fucking oral without a condom." He'll be more interested in my response to that and he'll say "and what did you do?" And I don't like that because there is an implication there from him that I might have done it (Robyn).

From this it would seem that while some women feel they can disclose their occupation there are limits to the extent to which intimate details of the work can be discussed.

Apart from women not reporting work related crimes through fear of exposure there were a range of real and perceived consequences related to coming out as a sex worker. Some women believed that by disclosing they would be risking ostracism, the loss of friends and attack. Women who had jobs outside of the sex industry or their own businesses feared the effect their sex industry involvement, if it became known, would have on this. Others were concerned that people knowing of their sex industry work could cause some unspecified harm to their family, particularly their children. Their sex industry involvement needed to be kept secret to protect them.

One interviewee felt that due to the unique relationships developed within the sex industry they had no need for friends outside of work thereby avoiding the disclosure issue altogether. Others felt that having to hide their sex industry involvement was the worst thing about their work.

Women felt that having to hide their work induced a feeling of paranoia and affected their ability to form intimate relationships. Isolation was also seen to be a consequence

of working in the sex industry and this was exacerbated by women's ability to fully disclose their industry involvement. However this feeling of aloneness was also expressed by women with partners for there were still things they felt they could not discuss.

The following section will discuss the effect of the legal status of sex work on disclosure.

#### **4.5 Disclosure and legal status**

I was interested in any differences that may have existed between women starting in the industry after legalisation to those who began work when the industry was illegal. Of the nine women working prior to legalisation four kept their involvement almost completely hidden. Two had friends outside of the industry who knew of their work, three were open about their involvement with friends and strangers and one had family and friends who knew but was reluctant to tell strangers. In comparison, of the eleven women who started in the industry after legalisation three kept their involvement almost completely hidden, one did not tell friends but her partner and mother knew, four had friends outside of the industry who knew of their work and three had family and friends who knew of their work. None of this group were willing to disclose to strangers. This meant that the only women who disclosed to strangers did so when it was illegal. Of these, two would no longer do so because of their partners and children. Earlier we saw that Mia said that her level of disclosure has increased over time. There is some evidence that women's disclosure levels are not fixed and are somewhat dependent upon where women are at in their lives.

To bring this discussion to a close I would like to relay what the women saw as being the benefits that came from their work in the industry. Of course when talking of benefits it is important to also acknowledge the drawback. To conclude the interviews I asked the women what they thought could be changed to improve the industry.

#### **4.6 The benefits of sex industry employment**

Not surprisingly the first and foremost benefit identified was the amount of money that could be earned. I had, of course, come across this response in the literature and

research studied however upon delving deeper I found that it was not just the money but the amount of time in which the money could be earned. Amy stated that:

To me working in the industry is great because I only have to work twenty to thirty hours to earn \$1200 - \$2000. There are not many jobs you can do that. It means I can spend good quality time with my family and have other interests and hobbies (Amy).

Sonia also identifies the time and money:

The benefit is the time. You know, I only need to work three days a week. Sometimes, if I want to work four I can just ring up and say "can I do an extra day?" "No problem" (Sonia).

Time was particularly seen to be a benefit for women with children. Robyn says:

I can spend time with my son. That is a big thing for me, is having the time at home and having the time and option to be able to take a day off and bum around with him. I really did not give birth to him so I could shove him into school and after school care (Robyn).

Ashlee summed this up by saying:

it really does suit you if you are a single mother or a working mother because you can't really get better conditions. You can always get work and it is flexible (Ashlee).

Many of the women identified money not only as a benefit but as a reason for starting work in the sex industry and some of those women were in debt:

I remember I had \$670 worth of debt when I started and I had it paid off in two weeks. And I'd been out to a bar for two nights drinking, and I'd been out to dinner and I'd bought my daughter a going away present (Sonia).

Brooke believed that a benefit of working in the industry was "I could pay all my debt off in a matter of six weeks rather than six months".

Robyn also mentioned debt:

I originally got into it because I was so heavily in debt and my partner and I had broken up. I had to do something quickly to get the money, to stop us being homeless. When I started that's how I was. I'm no longer in that position. I'm not

secure yet, by any stretch of the imagination, but I'm not in debt. That was fixed up after a month or two (Robyn).

An interesting notion arising from these three quotes is not that the women entered prostitution mainly because of their debts but that they remained working in the industry long after their debts were repaid. It can be assumed that there are other benefits coming into play other than purely financial gain.

Perhaps the response that concisely reflected the benefits referred to by all interviewees was Joanne, who stated that the benefits were: "money, flexibility and freedom and on a different level altogether - personal and sexual liberation" (Joanne). "Personal liberation" can be seen in terms of self-esteem and improved self-esteem was stated as a benefit by most of the interviewees. Of course this is something that is difficult to measure and when talking about "improvement" it is impossible know the interviewee's self-esteem levels prior to working. However it was mentioned so often it cannot be ignored. It is also of interest given the continued assumption that sex work must be bad for self-esteem. In the words of some of the interviewees:

It really built up my self-esteem at a time when I felt really pissed off with the world and men and everything was pointless. It gave me a sense of achievement again, autonomy and I guess achievement. It gave me a chance to pick my life up and at least not have that stress of money when I was trying to reorganise my life and it was great in a lot of ways (Brooke).

Yeah, it's terrible to be paid. You know, they pay \$220 an hour to tell me how beautiful I am and how sexy I am and how wonderful I am to talk to and what a nice person I am and how lucky my partner is and I'm erotic and I'm beautiful and I've got a great body and I've got wonderful skin and it's lovely to cuddle up to you and it's really good to talk to you and I love spending time with you. Well, Jesus, that's really hard to take! I mean I come home feeling like shit about myself - I really do! And believe it or not it is not about me deriving my self-esteem from my customers. It's just I feel really appreciated. I feel so appreciated ... maybe it's my clientele (Robyn).

Incredibly enough my self-esteem is very high and when I wasn't working in the sex industry it was generally low. My experience of childhood sexual assault left me with very low self-esteem and I feel in control, in power I am determining the sexuality that occurs in bookings, I am, and I will assault anyone who tries to direct it anywhere else that is harmful to me. That gives you a sense of power. Making people feel good, as a female and someone who relates to the nurturing spirit. I feel good if I make others feel good. That's just me and I think that is quite natural and a good way to be ... I have worked in a big variety of jobs: community work, traditional industry work, public transport and I've never felt so

rewarded - both financially and in my heart and soul. So it does work on my self-esteem (Kylie).

I always remember that prior to my initial working career I wasn't very confident at all. I was quite shy and insecure and once I started working I suddenly felt a complete change. I was a lot more confident, a lot more proud of myself. It gave me more strength, inner strength, that I didn't have (Fiona).

The other major benefits or positives identified arising from working in the industry referred to by most interviewees were the friendships that developed amongst the women and the personal contact with a range of people. Some interviewees went on to expand upon this to suggest that it enabled them to be a better judge of character and more accepting of people's diversity:

It has given me a more realistic view on life to some degree, too - just human failings and the acceptance of people ... for instance you take someone in a wheelchair who still has the sexual urges and still wants a sexual life. Therefore it is a little more difficult for someone to find a partner. An old man who still has a sexual urge but can no longer go out to a bar or dancing to find a partner so the loneliness of people and the loneliness of older people and those with disabilities becomes apparent. Before I went into the industry I wouldn't have even thought about ... I wouldn't have even been totally aware of them so to me it's benefited me and I feel no shame (Jenna).

I love the time I spend with other working girls. I talk about this a lot: walking into a parlour you are walking into an inhibition free, moral free zone. We may have our own working morality but it is unlike any other workers ... When we are there on the job together there is incredible, beautiful, you know, spirit building, healing, you know, working on each other and pulling each other up if we're a bit down or low in our working lives or in our personal lives. That solidarity is just not achievable. I've never had it anywhere else. I've had things like that but coupled with the financial reward makes you a very free woman in our unfree society (Kylie).

I've met some wonderful people: clients and girls. I've learnt a lot about a lot of things - probably people who weren't so good as well - clients and girls. It's taught me a lot. It's been a great experience. I've loved it, just loved it (Brooke).

In addition to the financial rewards, the flexibility, the freedom, the improved self-esteem and the friendships some also mentioned, as Joanne put it the "sexual liberation".

Sexually, that is the other benefit, it really does make me incredibly confident about my own sexuality. Not smartass but I feel really good sexually, as a sexual person or in terms of sexuality (Robyn).

The sexual experiences ... curiosities I am able to fulfill in a safe environment and not have any repercussions, like the label 'tart' from picking up at the local pub (Ally).

To sum up this section workers saw the positive aspects of their work as being; the money that could be earned and the time in which it could be earned, improved self-esteem and confidence, unique friendships and positive sexual experiences. The negative side of working in the sex industry will now be discussed.

#### **4.7 Negative aspects of sex industry work**

As has been mentioned previously the most commonly stated drawback of the industry is the need to hide sex industry involvement. Other negatives included a feeling of being trapped in the industry. Although they did not list this as a drawback one could presume it is not a positive aspect of the work. Based on the interviewees' responses the women were not trapped in the sense that they were unable to obtain other work (for most of them had other marketable skills) but the fact that the other work was so unappetising because it lacked the financial reward. Tara expressed this clearly:

It's hard to move out. I went and did a refresher course back in 1995 in hairdressing, with the thought of getting back into it full-time. I got offered two jobs, one for \$300 take home a week and the other for \$350 a week and I thought "I cannot." I actually spend \$450 a week just to survive. I can't live on that so there was no choice. I stayed. I thought "how do people actually ever survive on those kind of wages?" You have to be married. You have to have a partner. It really irritates me because I'm not very well educated, formally, you know. So I'm limited. It shits me (Tara).

Louise has also found it difficult to stop work:

Once, when I stopped, James did my budget on how I was going to live on the dole. And he wiped out my \$100 entertainment column, and my \$100 alcohol column and I was left with food and bills and rent. And, you know, I started crying. I was so sad, I was like "Oh God!" Then I got a real job and it was awful! (Louise).

Jessica expressed a fear of future employers finding out what she had been doing for a living:

I've been offered a job actually, in the city. I thought I should tell him what I do for a living. If I don't tell him there will come a time when you have a customer



who walks in and knows you did something for a living. To deal with that - I don't know. To work for someone else now would be harder. That's why I'm in a bit of a dilemma now. Even though I don't have to do it right now, but in the next couple of years I have to do something just to get to know people outside of this world because it is a completely different world. Because of the discrimination it is hard to go and work for someone else I think (Jessica).

Interestingly none of the women mentioned working conditions as drawbacks to their work. One explanation for this may be that they had already discussed the topic and its problems earlier in the interview. I had also expected more women to discuss difficult or unattractive clients during this part of the interview. However, this topic did not come up. The exception to this was Robyn saying: "I don't see clients that gross me out as a negative, because I just don't see them" (Robyn).

Robyn was also the only person to bring up health when talking of negatives but not in the way one would expect:

A negative is the health side. I tend to get sick more often, get flus and colds. I find that I get sick a lot more than I used to, so I'm really aware of that. Exposure to things like glandular fever. The sexual diseases don't worry me that much funnily enough because of the safe sex practises (Robyn).

Other than the negative effect of having to hide sex industry work the feeling of being trapped in the industry was cited as a problem associated with sex industry work (mainly due to the lifestyle it affords) and fear of future employers finding out about past employment. Finally interviewees were asked what would improve the industry's impact on their private lives.

#### **4.8 Improving the impact of sex industry involvement on private lives**

The main way in which women's experiences of working in the sex industry could be improved, not surprisingly, involved a change in society's, opinions of them:

So if I could change anything I would really like people's intentions to be honorable and accepting of other people as well. I would like everyone to have the autonomy to decide whether they work or not, and everybody to decide on whether they wanted to utilise the services or not, and everybody to be accepting of one another (Brooke).

Wouldn't it be lovely to have a society that didn't perceive prostitution as being a bad and terrible thing, and treating people who do prostitution as second

class citizens. It would be so nice to live in a world where I could be honest. I am basically an honest person (Robyn).

If society wasn't judgmental of us and we could live openly in society as do people who work in other industries, not having to hide what they do it would mean I wouldn't have to lie to friends and family. It's funny - they always know when you are not being totally open. You're not forthcoming with those little extra snippets of information so it becomes sort of an enigma to them. I think that would be one thing. It would be as if I worked as a graphic designer or a street sweeper or a garbo or whatever. It would be great if that changed and I could live my life openly and run it as a business properly, you know, with dignity. I do act with dignity now but under a cloud of secrecy (Sonia).

Legalisation of the sex industry appeared to have very little or no effect on the way in which working in the industry impacted upon the women's private lives. The main consequence of working in the industry appeared to be the pressure on women to hide their occupation. This pressure seemed to stem from the women's feeling that sex industry work was not viewed by society as an acceptable occupation.

There were a wide range of real and perceived consequences attributed to sex industry disclosure and a range of impacts of hiding the work were discussed.

Finally this chapter examined the benefits women thought were available in sex industry work. They included the money that could be earned and the time in which it could be earned, improved self-esteem, development of unique friendships and sexual liberation. The negative experiences associated with working in the industry were believed to be the need to hide the work due to stigma and a feeling of being trapped.

## **CHAPTER FIVE: CONCLUSION**

This thesis examined the impact of prostitution law reform in Victoria on the working and private lives of women employed in the legal Victorian sex industry. Interviews were conducted with twenty women, nine of whom had been working in the industry when it was illegal. All but four of the interviewees had experienced work in the industry before and after reforms. Overall the findings indicate that the Victorian system has improved some occupational health and safety aspects of the industry but has failed in terms of its own primary objective, to control the industry. Law reform has not lessened the negative impact that sex industry employment has on women's private lives. Sex work is perceived by the women to be viewed negatively by society. In turn women are unwilling to disclose their occupation creating anxiety, isolation and difficulty with intimate relationships. This non-disclosure can also limit their access to the justice system.

Since 1984 Victoria has experienced unprecedented sex industry law reform. These reforms were contained in three pieces of legislation: the Planning (Brothel) Act 1984, the Prostitution Regulation Act 1986 and the Prostitution Control Act 1994.

These three Acts introduced different elements of reform. The Brothel (Planning) Act 1984 arose out of the Parliamentary Working Party mentioned above and was the first to allow brothels to legally operate if they had a Town Planning Permit issued by local council. This Act was passed on the understanding that there would be a Parliamentary Inquiry into prostitution in the State which has since become known as the Neave Inquiry.

The legislative response to the Neave Inquiry was the Prostitution Regulation Act 1986. While it did not incorporate all of the Inquiry's recommendations, this Act continued to legislate for the ability to legally own and operate a brothel if relevant permits were obtained. In this legislation a brothel was defined as a premises where one or more people provided sexual services which meant that women working independently were required to obtain the same permit as someone wishing to operate a large scale business. While the Act contained provisions for the licensing of sex industry businesses it was never fully proclaimed. This meant that large parts of the Act, including licensing, never came into effect.

The current piece of legislation governing the sex industry is the Prostitution Control Act 1994. This Act is the result of a parliamentary working party established to assess the effectiveness of the Prostitution Regulation Act 1986. Within the Act planning requirements for brothels have been further defined and premises have been limited to six working rooms. This Act also legalised the escort industry. Furthermore it established a licensing system for owners and operators including operators who were self employed.

This research has concentrated upon the impacts of the Prostitution Regulation Act 1986 and the Prostitution Control Act 1994 on the interviewees' lives. To date there has been no such research conducted.

Much of the literature produced relating to Victoria's system of legalisation emerged following the introduction of the Prostitution Regulation Act 1986. In particular concerns were raised about the increasing control of owners and managers and the resulting impact on workers. This control centred around owners stipulating what service the workers would offer when the negotiation had previously occurred between the worker and her client, as well as fees to be charged and clothes to be worn (Overs 1986). Industry operators were criticised for becoming greedy and overloading shifts to allow clients a greater choice and thereby increasing competition amongst workers (Perkins 1991). Competition was also increased through allowing clients to choose their service provider whereas in the past this occurred on a rotation basis (Overs 1986). Additionally, concern was expressed over the introduction of shift fees and fines (Overs 1986). Other perceived problems with the legislation included the lack of industrial occupational health and safety protection or control in the workplace (Dobinson 1991). It was also argued that workers' ability to work independently had been restricted through the application of strict planning controls, meaning that if they wanted to work legally they had to work for large businesses (Scutt 1986 and Perkins 1991). Perkins argued that a system that legalised some aspects of the women's work and continued to criminalise other aspects had the effect of dividing the women working in the industry along the lines of legal and illegal (Perkins 1991).

The one piece of literature directly related to this research was published in 1995, the year the Prostitution Control Act 1994 came into effect. Koureskas, a worker in the

Victorian sex industry questioned the need to “control” the sex industry. She argues that the need to control suggests the industry causes some kind of harm yet we are never told what this harm is (Koureskas 1995). Koureskas concludes that because both the legal and feminist positions do not provide workers with more “control and power” in regard to the way they choose to work they are unable to define the meaning of their work and their conditions of work which would then “enable a change in the current status of perceptions, welfare and reputation” of the workers (Koureskas 1995: 107).

Empirical research in Victoria has concentrated predominantly on the health implications of working in the sex industry, particularly in relation to sexual health (Pyett 1996, Warr and Pyett 1999).

It was not possible to analyse literature produced on attempts to legalise the industry in a general sense as structures vary so deeply. The only other literature available was that which contained hypothetical assessments of differing legal structures. While decriminalisation emerged as the most preferred option a number of benefits were attributed to people’s ability to work in the industry legally. It is argued that criminalisation limits workers’ access to the criminal justice system and results in poor working conditions in general. Criminalisation has also been said to be responsible for the maintenance of false stereotypes about sex workers in the public consciousness creating stigma associated to the industry (Intergovernmental Committee on AIDS 1992).

Systems of legalisation are perceived to have less beneficial outcomes for sex workers than decriminalisation. One of the most common concerns raised in relation to legalisation is that it often leaves an illegal industry (Scibelli 1987). This is even more likely to be the case if the legislation is overly restrictive (Intergovernmental Committee on AIDS 1992). It has also been suggested that while society assumes a well regulated brothel system will control STIs, prostitution will be kept off the streets and out of sight of children, this is not the case (Alexander 1988).

From the beginning the legalisation of the sex industry in Victoria had as its primary aim to regulate and control the location of brothels in the State. The Minister for Planning at the time saw the Government as “endeavouring to control a situation that in the past has seemed almost uncontrollable” (Victoria, Assembly, Second Reading

Speech, 2 May 1984: 2574). There were also public interest arguments cited for legalisation of brothels, (other than guarding against their proliferation and controlling their location), which included concerns about criminalisation, encouraging police corruption and organised crime, failure of the criminal law to adequately police the industry and the right of sex industry businesses to operate in a professional manner (Scutt 1986).

The Prostitution Control Act 1994, like its predecessors, was concerned with limiting the impact of the sex industry on the general community by restricting the location of brothels to certain areas. This Act however extended its objectives to include the protection of children from sexual exploitation and coercion, to ensure criminals are not involved in the industry, to ensure people have an interest in only one sex industry business, to maximise protection of prostitutes and their clients from health risks, protection of workers from violence or exploitation, to ensure brothels are accessible to law enforcement officers, health workers and social service providers and lastly to promote the occupational health and welfare of prostitutes (Prostitution Control Act 1994).

While a common theme emerging throughout the reform process was the desire to control the sex industry and limit its impact upon the wider community another was that the industry was neither supported or condoned by the reformers. Throughout the parliamentary debates surrounding the three pieces of legislation both sides of parliament clearly expressed their disapproval on the one hand but their desire for legislative control on the other. This reluctance to legitimise the industry was also expressed within the Final Report of the Neave Inquiry Into Prostitution (1985).

While the sex industry in Victoria has undergone extensive legislative reforms over the last eighteen years and discussion continues around the implications of different types of legal structures, there has been no research into the ramifications of the Victorian system on its workers. The following discussion will analyse the extent to which Victoria's model of legalisation has succeeded in realising the objectives set out during the reform process and the impact these reforms have had on the women employed in the industry. Particular attention will also be paid to the hypothesised consequences of legalisation mentioned above and whether the predictions have been correct.

Legislators' and health professionals' beliefs that legalisation would improve health and safety across the industry have, to some extent, been realised. The women interviewed in this research indicated that the cleanliness of brothels improved after the introduction of the Brothel Regulation Act in 1986. It is assumed that operators were able to pay more attention to the physical surroundings of establishments compared to when they were in fear of being closed down at any given time. It is worth noting, however, that in some establishments it became the responsibility of the sex workers themselves to carry out this cleaning. Further evidence that this practice was widespread is the inclusion in the Prostitution Control Act Regulations 1995 of a provision whereby management 'must ensure that no person is required to clean or disinfect any bath or shower' unless they were the last to use it and protective clothing is provided [r.19(4a-b)]. Additionally it provides that if a bath, shower toilet or spa are to be cleaned by a sex worker they must be employed or contracted as a cleaner and adequate clothing must be provided [r.19(5a-b)]. Interestingly these Regulations appear under the heading of 'safety requirements' and relate only to the cleaning of bath, showers, toilets and spas. This gives the appearance that it is of little concern that workers may be required to dust, vacuum and do laundry with no financial remuneration. It can therefore be argued that while brothels may have become cleaner since legalisation this can be partly attributed to the unpaid work of the women themselves.

The use of condoms has increased since legalisation as has sexual health awareness. However, the level to which this can be attributed to legislative reform is debatable. In the opinion of the interviewees the significant contributing factor to condom use was the discovery of HIV which coincided with, and somewhat overshadowed, the legalisation of brothels. With the advent of HIV came education campaigns about safe sex aimed at the general community and funding for organisations such as the Prostitutes Collective of Victoria to educate workers in all sectors of the sex industry. Significantly, sex workers in States that continue to criminalise prostitution report high rates of condom use. A simple explanation for this would be that sex workers, like other people in the general community, are concerned for their health and do not wish to get sick, therefore they do not need the law to encourage them to use condoms. This supports the view of Scarlet Alliance (2000) that provisions relating to condom use within sex industry legislation are not necessary. There is no directive in the Victorian legislation that condoms must be used yet this research and that of Pyett et al (1996)

would suggest that their use is widespread. Education, it would seem is of greater importance.

Most of the women interviewed were supportive of provisions within the Prostitution Control Act 1994 which sets out that if workers are undergoing monthly swabs and quarterly blood tests for Sexually Transmitted Infections (STI) they cannot be accused of knowingly passing on an STI. I would argue that this type of provision, which is deemed to be protecting the health of sex workers and clients, is of little effect. As one interviewee stated, the results of a test for STIs are irrelevant after a person's next sexual contact. While this research did not assess the workers' level of compliance, most said they would undergo regular testing regardless of legislation and there was some indication that the women prior to legalisation were having regular check ups.

Alexander argued that if the sex industry was not illegal, improvements could be made to occupational health and safety through the training of sex workers. This would then make their working life safer physically and emotionally (Alexander 1988). While some workers did mention training in both the escort and brothel sides of the industry following legalisation it did not seem that this training was particularly widespread and the quality of it varied. However, it could be argued that this is an improvement given that training was uncommon when the industry was illegal. Prior to legalisation, training was left up to the women to do amongst themselves, and was very much dependent upon how generous the other women were with their acquired knowledge. What is required is the development of a formal training package containing information, for example, on workers' legal rights and responsibilities, safe sex practises and the identification of visible STIs, negotiation of condom use and services as well as other relevant information. This would help to ensure that training is consistent and of a suitable quality.

It was apparent that the consequences of Victoria's approach to law reform on the working lives of the women were consistent with concerns raised by Overs (1986), Scutt (1986), Dobinson (1991), Perkins (1991) and Koureskas (1995) in their discussions surrounding the Prostitution Regulation Act 1986 and the Prostitution Control Act 1994. While premises are cleaner and more opulent, owners and managers are more directive of services to be offered. While not as domineering as in the period immediately following legalisation, they still determine pricing, services, clothes to be



worn and rules of the house. Workers have been forced to either work for large businesses or to see private clients illegally.

Given the available literature I was particularly interested in the level of control women felt in their workplace, particularly in their negotiations with both owners/managers and clients. In terms of worker's relations with management there were mixed results. It was felt that when brothels were first legalised there was a decrease in the level of control felt. This was attributed to the fact that there was a sharp decline in the number of brothels available to work in due to the difficulties associated with obtaining Town Planning Permits. Legalisation has meant that operators are able to be more directive of the types of services to be on offer if a woman wants to work for that business. This is primarily because they are now able to talk openly about what they do and not hide behind the 'massage' pretense. While some 'massage parlours' enforced dress codes when prostitution was illegal this became more widespread under legalisation. Interestingly women who started work in the legal industry after 1986 did not mention the rules imposed by management as problematic, other than to mention that they were often fickle and subject to change. This is not unexpected as they had not known the industry to operate in any other way. While this same group of women thought that they should be receiving a greater share of the booking price they did not mention their lack of ability to negotiate their service and fees with the client as a problem. Again this is probably due to the fact that they had never experienced the ability to do this, whereas those who worked in the illegal industry had.

This loss of control in workplace relations through legalisation is contradictory to a suggestion made by Alexander (1988) that through the removal of criminal sanctions workers would be able to organise, enabling them to collectively bargain for improved conditions. The Liquor Hospitality and Workers Union began accepting workers from the Victorian sex industry but later withdrew their support due to the lack of sex workers wishing to join. One of the interviewees was involved in this attempt at unionisation and was disappointed by its failure. I did not ask interviewees about their views on unionisation and in hindsight this would have been an interesting issue to explore. One obstacle that I believe exists when considering unionisation of the sex industry is the impact it would have on the way the industry operates. Unionisation is generally applicable only where an employee and employer relationship exists and tends to encourage full time employment. From the reports of current workers one of the

attractions of sex industry employment is the flexibility it affords. Workers indicated that they could work as little or as much as they desired. Most of the interviewees worked around twenty hours a week. As an employee their bosses would have more control over the hours they worked and their level of flexibility would diminish. It is difficult to ascertain whether the benefits of employee status, for instance leave entitlements, would compensate for a decrease in flexibility and a possible increase in hours.

Women working since the 1994 reforms felt that management had relinquished some level of control and there were fewer stories of sackings when workers or their children were sick. Some of this may be attributed to the Prostitution Control Act 1994 which states that management of sex industry businesses are not able to direct sex workers as to the services they are to perform (other than the obvious, of course) and they are not able to force a woman to work if she does not want to. It is difficult to say whether this is why attitudes have changed or whether it has to do with the growing number of sex industry businesses vying for workers when employment advertising is prohibited. There are currently 85 legal brothels operating in Victoria and escort agencies are now legal. There have been no limits placed on the number of licenses that can be issued, which allows the industry to continue to grow. With the presumed expansion of the industry could come an improvement in workers' ability to negotiate better conditions. This is particularly the case if the number of workers does not increase exponentially.

The interviewees expressed a belief that while they worked under good management, some other places were not so good. This raises an interesting point. The women interviewed for this research had all worked in the industry for a considerable amount of time. It could be argued that they were then more likely to see their work as a career and seek out optimum working conditions in which they could pursue this chosen career. It is unlikely that they would tolerate working in a business that was unprofessional, unethical or inclined toward criminal activities.

In terms of safety women working in the escort industry did feel safer after their work was legalised in 1994. The reasons given for this did not relate to the security provisions contained in the Act. Their feeling of increased safety stemmed from their ability to be more open about the services that they offered and what their limitations were. It was also felt that the simple fact that the work was now legal increased their security because seeking the assistance of the authorities was now an option for them

and it is thought that this had a deterring effect on clients. Brothel workers reported no significant change and felt that there had always been adequate security provided for them.

When discussing the women's level of control over clients women working in the escort business did believe that legalisation had increased their control over clients and their safety. Workers in brothels had always felt this control. This difference could be explained by escort workers increased feeling of vulnerability because they are going out to a client's premises and the work is very much one-on-one in his 'territory'. On the other hand there are a number of people around in a brothel, the client is on the worker's 'turf', he is unaware of the level of security and the number of other people on the premises.

An often cited reason for making prostitution legal is so that sex workers can report crimes committed against them and crimes committed by industry management. Most women interviewed believed that they would not pursue a client through the legal system if he committed a crime against them while at work, particularly a sexual crime. The primary reason for this was not because they did not think they would be believed, but was because they were hiding their occupation from family and friends and did not wish to risk exposure. With one exception, those who thought they would pursue legal recourse were those who had supportive family and friends who knew of their industry involvement. I had thought that this reluctance would decrease the level of control felt by the workers over clients, but this was obviously not the case. One reason for this may be that they felt something could be done without involving the police and a number of cases where this had occurred were reported during the interviews. A worker's willingness to report a crime or not is not known to the client, therefore just the fact that she 'could' because her work is now legal may have a positive effect on his behaviour. While the question of reporting crimes or not was one which made many of the women feel uncomfortable there appears to be very few crimes committed against women in the legal industry. So it is not an issue which is a priority to them nor is it something that they are regularly confronted with. Similarly when it came to reporting crimes committed by management very few women were willing to go through with this if it meant the possibility of their occupation being publicly exposed. Most women felt that they would simply go and work somewhere else.

This shows that the belief that workers would be more likely to report crimes if their work was legal was unsubstantiated. The main factor on whether to report crimes appeared to be the level to which the women were open about their work. Therefore it appears the stigma attached to sex industry employment which limits women's ability to be open about their work, is more influential than the law.

The primary objective of legislators throughout the reform process has been to minimise the impact of the sex industry on the general population by controlling the location of brothels. Interviewees noted however, that illegal brothels, those operating without permits, began to emerge soon after 1986 and have steadily increased since then. In 1999 police estimated that there were over 100 brothels without permits or licenses operating in Victoria (Forbes; *The Age* 1 March 1999: 1). In comparison there are 85 legal brothels operating in 2001. Whether this has occurred because permits were deemed too difficult to obtain, the odds of prosecution were not considered great, or after 1994 the operator would be ineligible for licensing due to a criminal record or connection could not be established through this research. While interesting, research into this would be difficult as it would require these operators to admit to illegal activities. This study has also found however, that eight of the interviewees had or have private clients without obtaining Prostitution Control Act numbers. Additionally they often see these clients at premises organised by themselves without Town Planning Permits.

With illegal brothels outnumbering legal brothels, private workers operating without Prostitution Control Act numbers and servicing clients in premises without permits, the law reform strategies put in place have served only to control the location of businesses that choose to be part of the legal industry. The effectiveness of the planning restrictions set out in the Prostitution Control Act 1994 are therefore questionable. This is not an unexpected outcome, as the opponents of legalisation warned that a consequence of this type of system was the creation of a legal and illegal industry (Scibelli 1987). The Scarlet Alliance also warned that laws which limit the sectors of the industry in which women can legally work fails to recognise that workers "choose" the sector of the industry that fits with their employment needs. This can result in workers ignoring laws which restrict their favored choice of work environment, regardless of consequences or penalties. The problem with this of course is that individuals who operate outside of the law, whether independently or for a business,

remain subject to many of the problems legalisation sought to improve (Harcourt 1999, Sullivan 1997, Alexander 1988 and Scibelli 1987).

This situation may have arisen from the legislators' lack of consultation with sex workers, resulting in a lack of understanding of the ways in which individual women work. Very few of the women interviewed knew of either of the Parliamentary Working Groups reviews of the industry or the Neave Inquiry. Nor were they particularly interested, even though they had a number of suggestions for law reform. Through not including the workers of the industry in the reform process, a false structure can be created that does not fit with a preferred way of working. This then works against compliance.

This lack of involvement of workers in the reform process may have also contributed to workers' lack of general knowledge about the laws that surround their work. I was surprised by this lack of understanding and spent quite a large amount of time talking with interviewees about what the law set out. One reason for this could be that Victoria's system of legalisation requires little of individual workers. It would be interesting to investigate if women employed in a legalised industry such as Nevada's (which requires the registration of workers and imposes strict regulations on them) were better informed about the legal structure surrounding their work.

It is the impact of working in the sex industry on the women's 'private lives' that appears to have the largest consequences. Whether the industry is legal or not appears to have very little influence upon this. While concern was expressed in Parliament that through legalisation the sex industry could achieve "a status in the community which it should not enjoy" (Victoria, Council 1 May 1984: 2528) these fears have not been realised as the industry continues to have a negative status. Some interviewees believed that while society's attitude toward the industry may have become slightly more accepting, almost all women thought that this acceptance did not extend to those who carry out the work. These women are still seen to be, and are sometimes treated as, being morally compromised, and the consequences of 'coming out' as a sex worker have been extreme for some.

Many of the women felt that their ability to form relationships with men was severely compromised by their sex industry involvement. These women either did not tell their

partners or potential partners about their work or left the industry when a relationship began to get serious. The women who had partners that were aware and supportive of their work were distinguished by their ability to separate out the sex and understand that what their partner was doing was work. There were also partners who knew of the interviewee's work, but who could not accept it. This caused considerable conflict. These findings were consistent with the study by Warr and Pyett (1999) described in the first chapter. I originally assumed that because the sample used by Warr and Pyett was so different to that of the current research comparisons would be difficult to make. I now believe that the fact the findings are so similar and the samples so different is a significant finding, particularly as half of the Warr and Pyett sample were working in the illegal industry. This shows that the legality of the work has no bearing upon the way in which it can affect relationships.

All of the sex workers interviewed felt that the worst thing about working in the sex industry was the secrecy and the lying. This subterfuge had a huge impact on some lives. While not all discussed this impact as stressful the consequences of the subterfuge resonated throughout the women's non-working lives. When you consider how often the question of occupation arises the impact of this must be enormous. When you go out socially or meet new people it is never long before you are asked "what do you do?" when applying for loans or credit cards you are asked your occupation. If you are wanting to rent a property details of employment and employers are always required. The lying must sometimes seem neverending.

An added pressure seemed to exist for those women with children and most desperately wanted to "protect" their children from their sex industry involvement. Those who had children who knew of their work discussed at length the difficulties this had caused.

Disclosure was an issue that women readily spoke about and it was always prefaced with a comment emphatically stating that they were proud of the work they do and would love to be in a situation where they did not have to hide. The workers' reluctance to divulge their sex industry employment was justified in light of some of the stories shared by the women who were 'out or outed' such as family and relationship breakdown, job losses, and difficulty securing other employment.

It was obvious that the legal status of the work had no bearing on the number of women disclosing sex industry employment. The one person who was totally open about their sex industry employment was involved in the industry when it was illegal and also felt that she would have reported any crimes committed against her even when the industry was illegal. As mentioned previously, the main reason workers would not report such crimes was because they feared exposure and this fear existed because of their inability to disclose their work.

Based on the interviews conducted it can be argued that legalisation has done very little to reduce the stigma that surrounds those working in the industry and it is this stigma that decreases women's ability to disclose. Through analysing the politics occurring around the times of law reform it would appear that legislators were not interested in the destigmatisation of prostitution this can be seen in comments such as "the fact that this government is introducing legislation to control prostitution does not imply government support for prostitution. On the contrary, this government is opposed to prostitution in all its forms" (Victoria, Assembly, Second Reading Speech 21 October 1994: 1454).

The legislators' negative view of sex industry employment was in no way shared by the women interviewed. Sex industry employment was generally viewed positively by the workers who cited the money that could be earned and the time it can take in which to earn it. The improved self-esteem and confidence, increased confidence with men and sexual freedom as being some of the benefits coming from their work. They all expressed a pride in their work.

It can be argued that Victoria's system of legalisation has been successful to the extent that it has improved some working conditions, particularly physical surroundings, and the feeling of safety and control over clients experienced by escort workers. It must, however be considered only a first step toward improving the working and private lives of Victorian sex workers. With legalisation has come an increase of control over workers by owners and management in the industry. These owners have been somewhat legitimised through licensing, however, workers continue to be stigmatised, increasing the potential power of owners over them. The primary objective of the legislation, to control the location and ownership of brothels, has failed as there is a large section of the sex industry that is operating outside of the law. Whether

legalisation has lessened the impact of the industry on the general population is not known, as the legislators have never defined the impact of an illegal industry on the community.

Legalisation has not lessened the negative impact industry involvement has on worker's private lives. This is because legalisation does not decrease stigma and in the case of Victoria the legislators perpetuate stigma by continually reinforcing the belief that they do not support or condone prostitution. The most serious consequence of this stigma is the reluctance of workers to report crimes committed against them or by industry operators and the stress that it places on their lives. It is necessary to ask whether there is a legal structure that would be of greater benefit to workers to solve some of the problems raised in the preceding discussion.

As mentioned previously most advocates for law reform, including (most) sex worker rights groups, believe that decriminalisation is the preferred approach when considering the legal status of the sex industry. After analysing the concerns raised by the interviewees relating to the current legal structure's impact on their work decriminalisation would be beneficial to them in terms of providing a greater range of work choices. For instance they would be able to see clients on their own terms on their own premises.

Decriminalisation in itself would not increase the control individual workers experience in the workplace, although it could be argued, that it would increase the number of places in which women could work. This increase in businesses would then increase competition amongst operators to attract workers, giving workers greater bargaining power. Decriminalisation would also mean that operators could advertise for workers, allowing workers to make a better informed choice of who they work for and the conditions they work under.

It is difficult to know the effect decriminalisation would have on decreasing stigma, the one thing that had the greatest impact on the interviewees' lives. To determine this it would be necessary to establish how much influence the legal structure has on people's beliefs and values.



The women involved in this research believed that the legal structure had little influence over peoples views of the industry. I would argue, however, that a system which at least decriminalises all aspects of the women's work is required. As long as it is perceived that the provision of sexual services needs to be controlled and warrants the special attention of legislators (and its own piece of legislation), significant changes to societal opinions cannot be made. However, given the views of the sex industry expressed around the times of reform it is difficult to envisage wide ranging support for decriminalisation in the near future.

In the meantime amendments could be made to the current legislation allowing one or two women to work from their own premises without having to obtain Town Planning Permits. This amendment would be in line with recommendations made in the Neave Inquiry. Arguments against this usually centre around the impact that such land usage would have on surrounding residences. However, as this research has indicated, a large number of women are doing this anyway, presumably unnoticed as none reported police or council contact. Also in line with recommendations contained in the Neave Inquiry local councils could be given the choice of opting out of street prostitution laws. In terms of illegal brothels it is difficult to know what could be done given the present legislation. It would first need to be determined why the operators of these businesses are choosing to operate illegally, for instance, if it is because they would not be able to obtain licenses or if it is a planning issue. There would also need to be research into the level of policing of such businesses. It would appear on the surface, however, to be an enforcement issue and perhaps greater attention needs to be directed toward this. Their existence continues to be problematic as it divides workers into those who are legal and those who are illegal. Workers in the illegal industry remain susceptible to many of the same problems found in the industry prior to legalisation.

In terms of reducing the stigma surrounding the sex industry the media was thought by some women to have some degree of influence over people's opinions and was thought to be presenting a more balanced image of sex workers. Promoting a better image of the industry through the media could go some way toward changing societal views. However, I would argue that stereotypical views of 'the prostitute' will continue to predominate until more women, such as those interviewed, come forward publicly as sex workers and society can see they are 'normal'. As this research has shown there are legitimate reasons for this not to occur. We are therefore caught in a cycle -

opinions will not change until sex workers publicly disclose and workers will not publicly disclose because of societal opinions about them. Yet, if society's opinion about the industry as an institution has improved over time there should be no reason why their opinions of the workers themselves cannot also change.

Unfortunately the Victorian experience of law reform and its associated politics have only served to reinforce the negative views of the general population toward sex workers. This undermines what should be the most important reason for reform, which is the well-being of people working in the industry. This research has shown that it is not enough to make sex work a legal occupation. Both legislators and the general public need to consider it a legitimate occupation of choice.

## **Appendix 1.**

### **RESEARCH TITLE:**

**The impact of prostitution law reform on the working and private lives of women working in the legalised Victorian sex industry.**

**This research is being conducted as part of a Masters of Arts by Major Thesis through the Department of Criminology at the University of Melbourne.**

You are invited to participate in a research project examining how changes to prostitution laws have (or have not) impacted on your working and private lives.

Your participation will involve an interview where you will be asked about your experiences in the sex industry. Following this you will be asked to consider the effect of working in the sex industry on your private life. The interview is expected to take between sixty and ninety minutes. We would like your permission to tape record the interview. If you agree, you can stop the tape at any time during the interview.

Your participation in the interview is voluntary. You can refuse to answer any questions or stop a line of questioning. You can end the interview at any time and at that point you may withdraw any information you have provided in the course of the interview that has not yet been processed. Information you disclose in the interview may be eventually published in a form that maintains your anonymity and the anonymity of all other relevant parties.

Your participation in the project is entirely confidential. Any information that could be used to identify you will be deleted from the transcripts and the interviews will be coded to ensure anonymity. The tapes and transcripts will be used only by the researchers and will be kept securely.

Unfortunately we are not able to protect any research material if it is requested by a court order. We therefore ask that you not talk specifically or give details of any acts of an illegal nature.

You will be asked to sign a consent form before the interview commences, which will be witnessed by another person.

If you have any questions about the project you can contact the principal researchers:

**Dr. Christine Alder, Associate Professor, Department of Criminology,  
University of Melbourne or;**

**Dr. Adam Sutton, Department of Criminology University of Melbourne**

**Phone: 8344 9440**

**Fax: 9349 4259**

Alison Arnot-Bradshaw can be contacted through the Department of Criminology on the number above.

Should you have a complaint concerning the manner in which this research is being conducted, please do not hesitate to contact the Human Research Ethics Committee at the following address:

**Human Research Ethics Office  
Office of Research and Graduate Studies  
University of Melbourne  
Parkville, Vic 3052**

**Phone: 03) 8344 4000**

**Fax: 03) 8344 5104**



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