

The aim of this document is to set out in plain language the workings of the *Prostitution Regulation Act*.

The document contains a series of questions and answers. If there are any other questions about how the Act is to be applied by the Northern Territory Licensing Commission to you please contact:

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This document contains an understanding of the legislation from the points of view of the Northern Territory Treasury and the Northern Territory Licensing Commission. It does not purport to form the basis of legal advice.

You should consult your solicitor or read the Act if you are in any doubt as to how the Act applies to you.

Index:

		Page
Q1 - 16	Applications for escort agency licences	2 - 11
Q17 - 25	Provision of prostitution services	12-16
Q27 - 45	Advertising requirements for prostitution services	17-18

Applications for Escort Agency Licences

Q1 *Is there a need to apply for a licence to run an escort agency business?*

Answer: Yes, a person who wants to either operate or manage an escort agency business must first obtain an appropriate licence from the Northern Territory Licensing Commission.

The only short term exception to this is that persons in business on 8 May 1992 are deemed to be licensed until 7 August 1992 or until the time when the licence application, if lodged prior to 7 August 1992, is considered and finalised by the Northern Territory Licensing Commission.

Applications should be submitted to: **DARWIN**

Territory Business Centre
Development House, Ground Floor
76 The Esplanade, Darwin NT
GPO BOX 4160 Darwin NT 0801
Phone (08) 8924 4280 Fax (08) 8924 4290

ALICE SPRINGS

Territory Business Centre
Peter Sitzler Building
North Stuart Highway
GPO Box 2134 Alice Springs NT 0871
Phone:(08) 89518458 Fax: (08) 89518458

Q2 *What is an escort agency business?*

Answer: The key elements to an escort agency business are:

- ✍ the provision of prostitution services [see answer to question 3] at a place other than the place of business of the agency
- ✍ the clients do not, in person, go to the place of business of the agency for the purpose of either arranging for the prostitution services or being provided with the service.
- ✍ the involvement of 2 or more persons

Q3 *What are "prostitution services"?*

Answer: Prostitution services are sexual services of any description provided for payment or reward.

Q3A *Are persons providing "peep shows" providing prostitution services?*

Answer: The department's view is that the words "sexual services" as used in the definition of "prostitution" may be read widely by the Courts. Thus a prosecution can not be ruled out. Accordingly the view is that no advice should be provided to escort agents, peep show participants or organiser or newspapers as to whether or not peep shows are prohibited by the Act.

Similarly, no advice can be provided on the issue of whether or not it is valid for peep show operators to advertise for workers for peep shows.

Q4 *What type of licence is required?*

Answer: Each person (including companies) who owns an escort agency business must obtain an "operator's licence".

If the owner of the business does not manage the day-to-day operations of the business then she or he must employ a person as manager. That person must have a manager's licence.

If the owner of the business is a company then it must employ a person who has a manager's licence.

Q5 ***Can the owner of an escort agency business carry on that business in partnership or association with another person?***

Answer: No, unless the partner is also licensed as an operator.

The provisions of section 7 of the Act should be carefully noted. These prohibit the carrying of a business in "association or in conjunction" with a person who is not licensed.

The Northern Territory Licensing Commission considers that the relationship between escort operators and drivers may often constitute some kind of business association.

If a driver is not licensed care should be taken to ensure that he or she is either:

✍ an employee and as such paid a set wage

✍ a person whose services as a driver can be used by sex workers at the discretion of the workers.

Q6 ***Can a licensed escort agency conduct a brothel?***

Answer: No. Brothels remain illegal

This means that premises cannot be set aside by a provider of sexual services as the place where those services are provided. A worker cannot, for example, use his or her home.

The place at which sexual services are provided must be a place nominated by the client. The only exception to this is that of hotel rooms. Hotel rooms can be used so long as the arrangement for the provision of the sexual services was made outside of the hotel.

Q7 ***Can a person operating independently carry on an escort agency business without needing to hold a licence?***

Answer: Yes, so long as the person has no association with anyone else in the conduct of the business.

There can, for example, be:

✍ no receptionist or outside answering service.

*✍ no co-operative arrangement between 2 persons who provide prostitution services.
Businesses constructed along these lines would be escort agencies for the purposes of the Act*

Q8 ***What qualifications are required in order for a person to be granted an operator's licence or a manager's licence?***

Answer: In brief, a licence will be granted to a person who:

- ✍ is 18 years of age or over;
- ✍ lives in the Northern Territory;
- ✍ has not been convicted of a "disqualifying offence" (the details of such offences are set out in the answer to question 11);
- ✍ is not the spouse, de facto partner, homosexual partner, business partner or business associate of a person who has been convicted of a "disqualifying offence";
- ✍ does not have a business relationship in respect of an escort agency with any person convicted of a disqualifying offence (including officers of companies convicted of such offences); and
- ✍ is, in the opinion of the Northern Territory Licensing Commission, "a suitable person to carry on or manage" an escort agency business.

If the applicant is a company then the following provisions apply:

- ✍ none of the shares in the company can be owned by another company; and
- ✍ all officers of the company must comply with the provisions set out above concerning age, residency, convictions and personal/business associations.

Q9 ***What has to be provided for the purpose of lodging an application?***

Answer: The applicant must provide:

- ✍ a completed Form 13 (if an individual) or a Form 14 (if a company). In this application form the applicant provides details of:
 - ✍ names (past and present);
 - ✍ addresses (past and present);
 - ✍ other personal details;
 - ✍ details of any convictions for "disqualifying offences";
 - ✍ details of business and personal relationships;
 - ✍ in the case of a company, must include a copy of the certificate of incorporation and be executed under the seal of the company.
- ✍ a signed authority to release criminal history in respect of each person involved in the application.
- ✍ the fee - being:
 - ✍ in the case of a company applicant - \$1,000 plus \$100 for each business name under which the agency will operate;
 - ✍ in the case of an individual - \$400 plus \$80 for each business name under which the agency will operate.

- ✍ 5 [supplying dangerous drugs]
- ✍ 6 [receiving or possessing property directly or indirectly as a result of the supplying of dangerous drugs]
- ✍ 7 [cultivating or a prohibited plant]
- ✍ 8 [manufacturing or producing of a dangerous drug]
- ✍ 9 [possession of a dangerous drug]
- ✍ 11 [theft of dangerous drugs]

*Breaches within the 10 years prior to the application of corresponding laws to the **Misuse of Drugs Act***

All breaches within the past 10 years of any provision in Australia (past or present that is equivalent to these provisions of the *Misuse of Drugs Act*.

Q12 *Does the Licensing Commission have a discretion to grant a licence notwithstanding that the applicant (or any other affected person) has been found guilty of one or more of the disqualifying offences?*

Answer: The Licensing Commission has such a discretion in respect of offences contained in the Misuse of Drugs Act. I may exercise the discretion and ignore the conviction if it considers that there are "adequate reasons". These cannot be spelt out in advance.
The Commission has no such power to ignore the convictions for the offences set out in the *Criminal Code* or the *Prostitution Regulation Act*

Q13 *Are there other offences that may prevent the issue of a licence?*

Answer: Yes, conviction for a "crime" (ie a major offence) will mean that the Commission will reject the application unless there are "adequate grounds for disregarding the conviction."

Q14 *Can the Commission impose conditions or restrictions on the licence?*

Answer: Yes. The Commission is currently preparing standard conditions. These provide as follows:

Standard Conditions of Licence

Prostitution Regulation Act

The Northern Territory Licensing Commission, pursuant to section 28(1) of the *Prostitution Regulation Act*, licences **Name of Person** as an operator of an escort agency business.

The name or names under which the operator is licensed to operate are as follows:

BUSINESS NAME

The business address of the operator is:

BUSINESS ADDRESS

The conditions under which this licence is granted are as follows:

1. The operator shall, in respect of prostitution services arranged by the operator, -
 - (a) take all reasonable steps to ensure that persons providing sexual services do so in a manner that is safe and without risk to health and that no person provides or receives sexual services involving vaginal, oral or anal penetration by any means or device unless a condom or dental dam is used;
 - (b) not expressly or impliedly discourage the use of prophylactics; and
 - (c) at the request of the Director of Licensing, distribute to workers any literature or other informational material (on safe sex practices) that is circulated by or on behalf of the Commission.
2. The operator shall provide to each person ("worker") for whom the operator arranges to provide prostitution services, a statement that is an accurate representation of the contract between the operator and the person as to the terms and conditions on which the operator will arrange, and the worker will provide, prostitution services.
3. The statement referred to in condition 2 shall, as far as is possible, follow the format developed by the Commission and shall set out:
 - (a) the terms and conditions on which the worker will provide prostitution services as arranged by the operator;
 - (b) a statement as to the basis on which the operator and the worker are paid for the services that they provide to one another;
 - (c) whether the operator is or is not paying:
 - . PAYE tax;
 - . the superannuation levy or any other similar levy or tax of the Commonwealth or the Territory;
 - . work health insurance.
 - (d) the fact that information services, serving various functions, are available from:
 - . Licensing Commission Secretariat
 - . Territory Health Services;

- . Sex Industry Association of the NT;
 - . AIDS Council
 - . other organisations that represent the interests of agents and/or workers.
- (e) a statement that the operator shall, in arranging services on behalf of the worker, advise the client that the services are only to be provided on the basis of safe sex practices using, as appropriate, a condom or a dental dam;
- (f) a statement saying whether the operator will provide the worker with condoms, dental dams and lubricants and, if so, the cost (if any)
- (g) a statement saying that a worker has a right to refuse a client;
- (h) a statement saying that workers must inform the operator if the worker is unable to perform a shift at the agreed time;
- (i) a statement setting out the procedures to be followed, and the help that will be provided, if the worker finds herself in a dangerous situation whilst on a job;
- (j) a statement as to the dress requirements (if any) that apply to the worker;
- (k) a statement of the hours and days of work;
- (l) a statement setting out the terms and conditions under which the worker may be obliged to pay for extra services provided by the operator to the worker;
- (m) a statement as to whether or not the worker is required to attend medical checkups and, if so, whether the results are required to be provided to the operator by the worker;
- (n) a statement that the worker is required to have a certificate under section 9 of the *Prostitution Regulation Act*;
- (o) a statement as to whether the worker is required to perform the duties of receptionist;
- (p) a statement as to what transport, if any, will be provided by the operator to the worker,
4. The operator shall ensure that there are 2 copies of the statement in writing referred to in condition 2 and that:
- (a) both copies are signed by the operator and the worker with one of the copies being retained by the worker and the other copy being retained by the operator;
 - (b) the operator's copy shall be retained by the operator for the purposes only of dealings between:
 - . the operator and the worker; and
 - . the operator and the Commission; and

- (c) the worker and any person acting on behalf of the Commission, including members of the Northern Territory Police, have access to the employer's copy of the statement.
5. The statement referred to in condition 2 may contain a condition whereby the worker is bound to keep confidential, other than in respect of either legal proceedings or proceedings involving the Board, the contents of the agreement.
6. The operator shall retain the statement for each worker for 12 months following the cessation of the arrangement between the operator and the worker.
7. The operator shall:
 - (a) within one month of the grant or renewal of the operator's licence provide to the Director a copy of a standard form of statement as used between the operator and the workers - noting that this standard statement can be designed so that the actual terms and conditions may vary from worker to worker;
 - (b) ensure that both the standard form of statement and the copies of the agreements with each of the workers are available for inspection (as provided by the *Prostitution Regulation Act*) at the address specified on this licence (or such other address as may be notified in writing to the Director).
8. The operator -
 - (a) shall, in respect of all workers, maintain records that readily identify periods of employment, payments made, amounts deducted for government levies and amounts paid for PAYE tax, other employment taxes and other employment related levies;
 - (b) shall provide the Director, the Commission, a Licensing Inspector, or any authorised member of the Police Force with access to the said records, and to the records described in condition (4). Such access shall be granted immediately upon request, which need not be in writing.
9. The operator shall ensure, for any period when the operator or manager is not physically present at the place of business, that the operator or manager -
 - (a) can be contacted by telephone by both the employees of the business and prostitutes and the Director; and
 - (b) is capable of managing the operation of the business in respect of which he or she has been granted a licence.
10. The operator shall not in the advertising of escort services use words that suggest that the services will be provided at a location that is the place of business or residence of the operator or of a prostitute.
11. The operator must ensure that all workers receive:
 - (a) training in relation in relation to safe sex issues
 - (b) accurate information as to where to go for help in solving issues and gaining information relating to safe sex practices, the requirements of and breaches of the *Prostitution Regulation Act* and breaches of any other Act.

12. Where the operator is aware that a worker is infected with the Human Immuno Deficiency Virus or any other blood borne pathogen (eg diseases such as Hepatitis B and C which may be transmitted through contact with blood and through sexual contact), the operator shall ensure that any client engaging the services of that worker is informed of that fact.
13. It is a condition of the licence that the business to be operated pursuant to the licence shall be conducted at or from such addresses and premises as the Licensing Commission in its absolute discretion shall deem suitable. Without in any way limiting the generality and ambit of that discretion, the Licensing Commission in determining the suitability of any address or premises may have particular regard to complaints of noise disturbance from occupiers of neighbouring residential premises, and to the likelihood of such complaints.
- Provided always that the Licensing Commission shall declare any address or premises to be unsuitable without first affording the operator a reasonable opportunity to show cause why such declaration should not be made
14. This licence is conditional upon satisfactory review by the Licensing Commission at any time after six months but no later than the first annual renewal. Such review may have regard to any aspect of the operation of the business. The licence may be suspended or cancelled upon or as a result of such review, provided always that the Licensing Commission shall cancel the licence by reason of an unsatisfactory review without having afforded the operator a reasonable opportunity to show cause why such cancellation should not be effected.

The period of operation of this licence is from to

Signed by
 Chairman of the Northern Territory Licensing Commission

Q15 *Is there a right of appeal if the Commission refuses to grant a licence application?*

Answer: Yes, there is a right of appeal to a magistrate. Each Northern Territory Magistrate constitutes the "Tribunal" for the purposes of the Act.

Appeals are processed through the Director - see answer to question 15B.

Q15A *Does the Commission have to give reasons if it refuses to grant a licence?*

Answer: No, in giving its decision the Commission does not provide reasons for its decision.

If you want the reasons you must make a written request of the Director [section 35]

This request must be made within 28 days of the time when you receive the Commissions decision. The appropriate form (form 16) is available from the Director.

Q15B *How to commence an appeal*

Answer: The form to use for commencing an appeal is Form 17.

A copy of Form 17 is available from the Director.

No fee is required in order to lodge an appeal.

The appeal must be lodged within one of the following time periods:

- ✍ if you have applied for the Commission's reasons for the decision - the period of 28 days from the day that you receive from the Director of Licensing, reasons for rejecting your application for a licence.
- ✍ if you have not within the 28 days since the receipt of the Commission's decision applied for the Commission's reasons - the period of 28 days from the day that you received the Commission's decision

Q15C *Can an operator or manager carry on business pending the hearing of an appeal against a decision of the Commissions to reject an application*

Answer: No, unless:

- ✍ you come within the transitional provisions [ie you were in business as an escort agency manager or operator on 7 May 1992]. See answer to question 15D.
- ✍ your licence has not yet expired - this is the kind of situation that may exist in 1993 when licences are up for renewal.

Q15D *How long can a person deemed to be licensed carry on business following the Commission's refusal to grant a licence?*

Answer: The 7 May 1992 deemed licensee applicant can carry on business:

- ✍ until the expiry of the appeal period referred to in the answer to question 15B. If no appeal is lodged then the 7 May 1992 deemed licence applicant can not legally carry on business beyond the appeal period.
- ✍ if an appeal is lodged the applicant with a 7 May 1992 deemed licence may carry on business until the Tribunal makes a decision. If the Tribunal also rejects the application the deemed licence will continue until the expiry of the appeal periods set out in the answer to question 15E.

Q15E *Can an applicant appeal from a decision of the Tribunal?*

Answer: Yes, section 40 permits appeals on grounds of law. Appeals must be made within one of the following time periods:

- ✍ if the applicant does not within 28 days of the Tribunal's decision seek written reasons - within 28 days of the date of the decision of the Tribunal
- ✍ if the applicant seeks the written reasons - within 28 days of the receipt of those reasons from the Tribunal.

Q16 ***Can a licence be cancelled?***

Answer: Yes, a licence:

- ✍ must be cancelled by the Commission if the escort agency operator or an office of a corporate licence holder is convicted of a "disqualifying offence" [of the kind referred to in the answer to question 11 plus a conviction for an offence against section 9(4) of the *Prostitution Regulation Act* - namely, employing a person to provide sexual services where there is not a certificate from the Commissioner of Police in respect of that employee];
- ✍ may be cancelled by the Commission if the holder of the licence has:
 - failed to comply with the conditions of the licence;
 - conducted the business in such a way as to make it desirable that the licence be cancelled;
 - ceased to be a suitable person;
 - failed to provide details of particulars of the licensee.

Q16A ***Are licensing details for managers and operators available for inspection?***

Answer: The answer to this depends on whether the licensing details are recorded on the public register.

If the details are on the public register then anyone can search them on payment of a fee of \$5.00. The Commission, the Director and the Police have access to both Registers.

See answer to question 16C for information as to what details are included in the Registers.

Q16B ***Which licences are on the public register?***

Answer: Section 41 of the Act gives the Northern Territory Licensing Commission the power to decide whether the licensing details of any particular individual should be on the public or private register.

The Act provides however that the Commission should as a general principle:

- ✍ place on the public register all licensed persons who intend to run a business that arranges prostitution services by 4 or more persons.
- ✍ place on the private register those licensed persons who intend to run a business that arranges prostitution services by 3 or less persons.

The Commission can depart from these general rules if "in the circumstances of a particular case it considers it desirable".

One factor that may in some cases be of some significance is that of whether the business is being conducted from the family home.

Q16C ***What information is contained in the Registers?***

Answer: The Registers contain details of:

- ✍ the name of the licensed person
- ✍ the names and addresses of the business

✍ full details of the licence (including conditions and restrictions)

If the licence ceases to be effective the details of it shall be removed from the Registers. The Registers will, therefore, only contain current information.

Provision of Prostitution Services

Q17 *Who can provide prostitution services?*

Answer: Prostitution services can be provided by:

- ✍ sole operators - in which case there is no requirement for there to be a certificate from the Commissioner of Police or a licence from the Commission. Sole operators have to comply with the general provisions of the Act - eg: concerning advertising requirements and the prohibition on brothels;
- ✍ persons who have an operator's licence or manager's licence - once again there is no requirement to also obtain a certificate from the Commissioner of Police;
- ✍ persons who provide sexual services as a result of arrangements entered into between a client and a licensed operator. A licensed operator can only arrange for such services if the Police have issued a certificate for the sex worker or if he or she has an operator's or manager's licence.

Q18 *Who applies for the certificate from the Commissioner of Police?*

Answer: The applicant is the holder of the operator's licence. In other words the "employer"/escort agency owner. The person who is to provide the sexual services does not make the application. The person who is the subject of the application must, however, complete various forms and give them to the operator.

Q19 *How is the application made to get a certificate from the Commissioner of Police?*

Answer: The escort agency operator completes a form (Form 1) and sends it to the Commissioner of Police (to the attention of the Officer in Charge, Bureau of Criminal Intelligence, PO Box 39764, Winnellie NT 0821).

- ✍ The application contains:
 - ✍ details in respect of the escort agency operator;
 - ✍ the full name of the person who is to provide the sexual services [together with any "working names"];
 - ✍ a statutory declaration by the person who is to provide the sexual services. This statutory declaration (Form 2) contains details of:
 - ✍ the addresses (past and present) of the person;
 - ✍ names (past, present, working, aliases, nicknames);
 - ✍ date and place of birth;
 - ✍ physical description (height, weight, complexion, eye colour, hair colour, distinguishing features);

- ✍ a statement as to whether the person has been convicted in the last 10 years of any of the following offences:

*Breaches within the 10 years prior to the application of the following provisions of the **Misuse of Drugs Act***

- ✍ supplying dangerous drugs;
- ✍ receiving or possessing property directly or indirectly as a result of the supplying of dangerous drugs;
- ✍ cultivating of a prohibited plant;
- ✍ manufacture or producing of a dangerous drug;
- ✍ possession of a dangerous drug; or
- ✍ theft of dangerous drugs.

*Breaches within the 10 years prior to the application of corresponding laws to the **Misuse of Drugs Act**. All breaches within the past 10 years of any provision in Australia (past or present) that is equivalent to these provisions of the *Misuse of Drugs Act*.*

- ✍ details of previous work with escort agencies; and
- ✍ the name of the proposed escort agency for whom the applicant will work.

Q20 ***How long will it take for this application to be processed?***

Answer: Applications, if completed properly and accurately, will be processed by the Commissioner of Police within 7 days.

Q21 ***What happens if the application is successful?***

Answer: The Commissioner of Police will issue a certificate to the escort agency in accordance with Form 3 saying that the person has not been convicted of any of the relevant drug offences or of a violent offence.

The Commissioner will also provide a notice (Form 4) to the worker.

Q22 ***Who holds the certificate from the Commissioner of Police?***

Answer: The certificate is held by the escort agency who first makes the application. This agency continues to hold the certificate even when the worker changes escort agencies.

Q23 ***What happens if the Commissioner of Police refuses to issue a certificate?***

Answer: The Commissioner must refuse to issue a certificate if the worker has committed any of the relevant offences (as set out in the answer to question 19). This is the only ground on which a certificate can be refused.

The Commissioner will provide written notice to both the escort agency and the worker (Forms 5 and 6).

Q24 ***Can there be a challenge to the Commissioner's decision to refuse to issue a certificate?***

Answer: Yes, there can be an appeal by a worker to a magistrate. The grounds are that:

✍ the Commissioner made an error (in the sense that the worker was not, in fact, convicted of the offence);

✍ there are "adequate grounds for disregarding" the conviction.

Q24A *Does the Commissioner have to give reasons if he refuses to grant a licence?*

Answer: Yes, in giving his decision the Commissioner must set out the conviction that forms the basis of his refusal to issue a certificate.

This request must be made within 28 days of the time when you receive the Commissioner's decision. The appropriate form (Form 16) is available from the Registrar.

Q24B *How to commence an appeal*

Answer: The form to use for commencing an appeal can be obtained from the Director.

No fee is required in order to lodge an appeal.

The appeal must be lodged within the period of 28 days from the day that you received the Commission's decision.

Q24C *Can a sex worker be "employed" by an agency pending the hearing of an appeal against a decision of the Commission to reject an application?*

Answer: No, unless:

✍ you come within the transitional provisions (ie you were in business). see answer to question 24D.

Q24D *How long can a person have a deemed certificate following the Commissioner's refusal to grant a certificate?*

Answer: The 7 May 1992 person with a deemed certificate can carry on business as a sex worker:

✍ until the expiry of the appeal period referred to in the answer to question 24B. If no appeal is lodged then the 7 May 1992 deemed licence applicant can not legally be employed beyond the appeal period.

✍ if an appeal is lodged the applicant with a 7 May 1992 deemed certificate may be employed until the Tribunal makes a decision. If the Tribunal also rejects the application the deemed licence will continue until the expiry of the appeal periods set out in the answer to question 24E.

Q24E *Can an applicant appeal from a decision of the Tribunal?*

Answer: Yes, section 40 permits appeals on grounds of law. Appeals must be made within one of the following time periods:

✍ if the applicant does not within 28 days of the Tribunal's decision seek written reasons - within 28 days of the date of the decision of the Tribunal

✍ if the applicant seeks the written reasons - within 28 days of the receipt of those reasons from the Tribunal

Q25 ***What happens when a worker either changes agencies or ceases to work for a particular agency?***

Answer: If a worker in respect of whom a certificate has been issued moves to another agency that agency must, within 7 days, advise the Commissioner of Police (Form 9).

If an agency ceases business or ceases to arrange for services through any particular worker then the agency must advise the Commissioner of Police (Form 8).

This means that the Commissioner will receive 2 notices if a worker goes from one agency to another.

Q26 ***Can there be a cancellation of the certificate from the Commissioner of Police?***

Answer: Yes, the certificate will be cancelled if:

✍ the worker has been or is convicted of a relevant drug offence or violent offence or violent offence (whether or not before or after the issue of the certificate).

Advertising Requirements for Prostitution Services

Q27 ***Are there rules governing the advertising of prostitution services?***

Answer: Yes, there are rules. All newspaper advertisements must comply with the provisions of regulation 4.

Q28 ***What is a "newspaper" for the purposes of these rules?***

Answer: A "newspaper" for the purposes of these rules includes papers containing some news - such as the NT News - as well as periodicals that are either sold or given away. A periodical that is published at intervals greater than 26 days is not subject to the rules. Telstra's telephone directories (such as the "Yellow? pages") are, for example, outside of the scope of the controls in respect of the advertising of prostitution services as details in the answers to questions 29-32.

Q29 ***Are there any restrictions on the position in the newspaper where the advertisements for prostitution services can appear?***

Answer: Yes. They must appear both:

✍ in the part of the paper known as the "classified" section"; and

✍ under the headings of either "Escort Services" or "Adult Entertainment".

Q30 ***Can an advertisement feature a photograph of a person?***

Answer: No, unless it is restricted to the head and shoulders of the person.

Q31 *Can an advertisement feature a drawing or other representation?*

Answer: No, unless the drawing is restricted to the head and shoulders of the person.

Q32 *Can an advertisement for prostitution services refer to the race, colour or ethnic origin of the person offering prostitution services?*

Answer: No. Words such as "Asian", "black", "Indonesian" are prohibited. The prohibition extends to all words that are used in such a way as to convey these kinds of meanings.

Q33 *Are there restrictions on the names that can be used by escort agencies?*

Answer: Names should be registered by the Territory Business Centre (GPO Box 4160, Darwin NT 0801).

Additionally, names cannot include references to race, colour or ethnic origins. This means, for example, that the business name "Asian Delights" cannot be used in respect of the advertising of prostitution services.

Q34 *Can an advertisement contain a reference to the age of the person offering prostitution services?*

Answer: The answer is "no". It is, however, possible to make a reference to the age of a client. For example, services can be offered for mature men and women, not services offered by mature man or woman.

Q35 *Can an advertisement refer to the physical attributes of the person offering prostitution services?*

Answer: No, words referring to height, hair colouring, size of breasts, length of legs etc are not permitted.

Q36 *Can the words "massage" or "masseur" be used in advertisements for prostitution services?*

Answer: Not unless used together with the word "erotic".

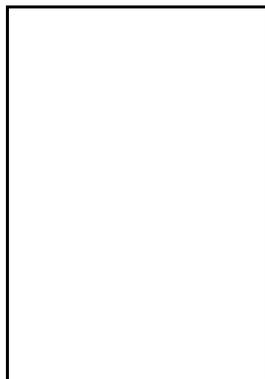
Q37 *Can the words "massage" and "masseur" be used in respect of therapeutic massages?*

Answer: The answer is "yes" though such advertisements will be monitored.

Q38 *Are there limitations on the size of advertisements in newspapers?*

Answer: Yes, advertisements must not be larger than 3.5cm x 4.5cm.

The size is:



Q39 *Are advertisements other than in newspapers and periodicals for prostitution services possible?*

Answer: Yes, so long as there is no breach of some other provision of the Act or Regulations. It is, for example, not permissible to advertise "your place or mine" as this suggests that the prostitution services are being provided at a brothel.

It should be noted that such other advertisements would need to be discreet. If, for example, advertisements were to start appearing on billboards or on buses, there is a strong possibility that the regulations would be amended for the purpose of imposing a prohibition. Business cards, etc are permissible.

Q40 *Can there be advertisements on radio or television?*

Answer: No, there can be no advertisements on television or radio. This prohibition extends to television services such as SKY CHANNEL.

Q41 *Can the word "young" be used in an advertisement for prostitution services?*

Answer: No. There can be no reference made to the age of the person providing sexual services. Alternative "young spirited".

Q42 *Can the word "very attractive" be used in an advertisement for prostitution services?*

Answer: Yes.

Advertising for Employees for the Provision of Prostitution Services

Q43 *Can a person advertise for the purpose of employing a person as a prostitute?*

Answer: No, it is unlawful to publish an advertisement that is intended or is likely to induce a person to either seek employment as a prostitute or to provide prostitution services for an escort agency.

Q44 *Can a person advertise for employees to work in an escort agency as a receptionist etc?*

Answer: Yes, although the advertisement must make it clear that the job does not involve the provision of prostitution services. If this fact is not made clear then the advertisement will be treated as an advertisement seeking to induce a person to seek employment as a prostitute.

Q45 *What are the penalties for breaches of these advertising provisions?*

Answer: The penalty is a fine of \$2,000.