

Working Legally
in
Queensland
and
Interstate

Working legally in Queensland

This fact sheet explains what is legal and illegal in Queensland, answers frequently asked questions, and provides useful contact details.

Queensland's laws define prostitution as "engaging, or offering to engage, in the provision to another person, under an arrangement of a commercial character, of any of the following activities:

- sexual intercourse
- masturbation
- oral sex
- any activity other than sexual intercourse, masturbation or oral sex, that involves the use of one person by another for his or her satisfaction involving physical contact."

Sexual intercourse is defined as including "either or both of the following activities:

- the penetration, to any extent, of the vagina, vulva or anus of a person by any part of the body of another person
- the penetration, to any extent, of the vagina, vulva or anus of a person, carried out by another person using an object."

What is legal in Queensland?

There are a number of different laws in Queensland, including the *Prostitution Act 1999*. Each Australian state has its own prostitution laws. What is legal in one state is not necessarily legal in another. As a private sex worker, it is important to know what is legal and what is not. This way you can make informed choices about how and where to work without the risk of being arrested.

There are two forms of legal sex work in Queensland:

- **Private work (sole operators)** – This is where a single sex worker works alone, whether it is from their home, unit, motel or hotel. Sole operators are lawfully allowed to provide outcalls to clients provided they are working by themselves. You may not work as an escort for an escort agency regardless of where the agency is located (eg. you may not work for an interstate escort agency and provide escorts in Queensland). The only other person who can participate in the business is a licensed security guard or crowd controller. Sole operators are not allowed to have support staff such as receptionists, drivers or cleaners.
- **Sex work conducted in a licensed brothel** – To work in a licensed brothel, a sex worker needs to have a current sexual health certificate issued by a health professional. Copies of these certificates are required by licensees and must remain current for the time you are working at the licensed brothel.

Laws on use of prophylactics

In December 2003, an amendment to the *Prostitution Act 1999* was passed that requires all sex workers and clients to use prophylactics during sex and oral (giving and receiving). This means using condoms for penetrative sex, using condoms for giving head and using dams while receiving oral sex. Any penetration could be included (eg. gloves/finger cots for penetration by fingers or hands and condoms on dildos, vibrators and strap ons).

Laws on advertising sexual services

All advertising of sexual services must comply with the *Prostitution Act 1999*. This includes publishing information about your services in Queensland or elsewhere by way of television, newspaper, radio or another form of communication.

The Prostitution Licensing Authority (PLA) has developed advertising policies for brothels and sole operators.

These policies state, among other things, that:

- you can describe yourself
- you can NOT describe the service/s you offer
- you can place a photo in your advertisement but you are limited to a head and shoulder shot
- advertising for staff is illegal.

If you are in any doubt about whether an advertisement complies with the law, contact the PLA (who may require you to submit a proposed advertisement for consideration) for advice before publishing the advertisement.

What is illegal in Queensland?

- **Unlicensed brothels or parlours** – A list of licensed brothels is available at www.pla.qld.gov.au. If you are unsure about whether the brothel is licensed, ask to see their brothel licence issued by the PLA (or contact the PLA).
- **Two or more sex workers sharing premises** – Even if you are not answering each other's phones or sharing clients, the fact that you are both on or share the premises makes it an illegal premise. By law, a premise includes a building or structure of any type (full use, part use or use of a group of buildings), the land or water on which the building/s or structure/s are located, and any vehicle, caravan, vessel or aircraft.
- **Soliciting in public** – Soliciting in any public places such as cafes, casinos, streets, truck stops, clubs, hotels and nightclubs is illegal under the *Prostitution Act 1999*.
- **Escort agencies** – The only way you can work providing outcalls is as a private operator. Under the *Prostitution Act 1999*, escort agencies are illegal.
- **Massage parlours** – In Queensland, it is illegal to advertise or describe yourself as providing massage if you provide any sexual service eg. hand relief.
- **Double acts** – Organising another sex worker to participate in a double act with you is illegal.
- **Not using prophylactics** - It is illegal in Queensland to provide any sexual service to a client without using the appropriate prophylactic.
- **Procuring prostitution** - By law, to procure prostitution means to “knowingly entice or recruit for the purposes of sexual exploitation”. It is illegal to entice a person to engage in prostitution either in Queensland or elsewhere. If the person is not an adult or is an intellectually impaired person, the offender can face a maximum penalty of 14 years in jail.
- **Knowingly participating in the provision of prostitution by another person** – If you do this, directly or indirectly, you are committing a crime. This includes:
 - through a company, or other entity, or through another individual
 - providing financial or other resources to enable the establishment of premises from which prostitution is or will be carried out
 - franchising a network of prostitutes as if they were operating independently

- receiving financial or other benefit from another person engaging in prostitution in return for referring clients
- drivers, operators and hirers of vehicles who knowingly provide transport for prostitutes or clients
- receiving, directing or redirecting telephone calls or other forms of messages, taking bookings or receiving money, knowing the action is in connection with prostitution by another person.

Frequently asked questions

Q: A client rings you and says “my mate and I are from interstate, we wanted to see a couple of girls.” Can you do that?

A: No, it is illegal for two sex workers to work together or be on same premises. You have to book girls separately.

Q: A client wants two sex workers and he asks you if you have a friend. Is this legal?

A: No, it is illegal for you to refer a client to another sex worker (even if she is your friend) or to work with another sex worker.

Q: If a client offers me more money not to use a condom, is this illegal?

A: It is illegal for you to provide a sexual service without the use of a condom/dam. It is also illegal for the client to ask for a service not using a condom/dam. This includes oral sex.

Q: Can my friend be with me when I work or drive me when I am working?

A: No. If your friend is a registered security guard or has a crowd controller licence, they can only be on your premises and sit beside you when you drive.

Q: Can I approach or give my details to clients in public places such as cafés, casinos, nightclubs, hotels, streets, clubs and truck stops?

A: No. It is illegal and you can be charged with soliciting.

Q: Can I offer massage when working as a sex worker?

A: No. It is illegal for you to advertise as providing massage services.

Q: I advertise in the massage section of the newspaper. Is this illegal?

A: Yes. It is illegal if you are providing any sexual services (eg. hand relief). You must advertise in the adult services section.

Q: Is it illegal for me to advertise in both the massage and adult services sections of the newspaper using the same phone number?

A: Yes, it is illegal. However, if you are offering therapeutic massage only, having two different phone numbers is recommended.

For licensing and advertising information:
Prostitution Licensing Authority (PLA)
3858 9500
plaadmin@iprimus.com.au
www.pla.qld.gov.au

For information on working in Australia,
contact DIMA regarding your Visa.

Department of Immigration

www.immi.gov.au

Phone: 131 881

For support group, cultural information and
access to ECCQ's statewide health program:

Ethnic Communities Council of Queensland

www.eccq.com.au

Phone: 3844 9166

If wanting to exit the industry or preparing to
exit:

BSIL Southern Edge

(07) 3343 6222

www.southernedge.com.au

Working legally in New South Wales

Summary of NSW State Sex Work Laws

Please note: this is a summary only of existing NSW laws. For further details please refer to the relevant act or seek legal advice.

Working in a Brothel

Legal

Decriminalised

However, the brothel may be required to obtain Council consent to operate, and may be prohibited in zones or locations proscribed by Council

Brothel regulation

Brothels are no longer under the jurisdiction of the police. Their legal status may be controlled by local council through Planning policies (LEPs and DCPs) and the Development Approval (DA) process under the *Planning and Assessment Act*

Working as a Sole Operator

Legal but at the individual discretion of Councils and may be covered by the same zoning requirements (*LEP's*) as brothels, as the definition of a brothel can include one worker working from their own home or premises

Working from the Street

Legal

However, it is an offence for a sex worker or a client to solicit or take part in sex (including in a vehicle) in or within view of a dwelling, school, church or hospital.

Street sex workers can be fined for loitering under local by-laws by council staff. Police can fine street sex workers for not following a reasonable direction.

Working as an Escort

Legal

HIV/AIDS and Sex Work - Public Health Provisions

New South Wales public health laws specific to sex work.

Public Health Act is the key Act. The numbers in brackets eg (s13) precede the relevant section of the act

Sex Workers

STI (s.13) It is illegal for a person with a sexually transmissible medical condition to have sexual intercourse with another person unless the person with the condition informs the other person of the risk of contracting the condition and that person voluntarily accepts the risk.

Owner/Operators

STI (s.13) It is an offence for the proprietor of commercial sexual services to knowingly allow a sex worker or a client with a sexually transmissible condition to have sexual intercourse without informing the other person of the risk of contracting the condition and that person voluntarily accepting the risk.

SWOP: (02) 9319 4866

www.swop.org.au

Working legally in Victoria

WHAT'S LEGAL AND WHAT'S NOT?

BROTHELS

In Victoria, there are more than 85 legal brothels. This means that the Business Licensing Authority is satisfied that the owner/manager of these brothels has been checked out by the police ('probity check') and that a current Licence and 'PCA number' has been issued in accordance with the Prostitution Control Act.

It is legal to buy sexual services from these brothels. It is perfectly legal for these brothels to sell sexual services.

ESCORTS

Escort agencies can be licensed in the same way as licensed brothels. (Individuals working as escorts can also notify an exemption under section 23 of the Prostitution Control Act 1994 and still operate legally.) Whether an escort is licensed or exempt, they must still be registered with the Business Licensing Authority and be issued with a 'PCA Number'. If you want an escort to visit you check that they have a PCA Number.

MASSAGE PARLOURS AND RELAXATION CENTRES

Massage parlours and relaxation centres are not illegal. However, if a business provides any sexual service and it has not been through the licensing process with the Business Licensing Authority it is classified as an ILLEGAL brothel. Hand relief is considered a sexual service. Massage parlours and relaxation centres sometimes provide hand relief and this is ILLEGAL.

A client can be charged by police if found on ILLEGAL premises. If you are in doubt about whether a venue is legal, contact the Business Licensing Authority on (03) 9627 7260.

STREETS

Street prostitution in Victoria is ILLEGAL. The clients of street sex workers face heavy penalties under the Prostitution Control Act.

Penalties for Street Sex Workers:

1st offence:

up to \$500 fine or 1 month imprisonment

2nd offence:

up to \$1500 fine or 3 months imprisonment

3rd or more offences: up to \$2500 or 6 months imprisonment

Penalties for Clients of Street Workers

1st offence:

up to \$1000 fine or 1 month imprisonment

2nd offence:

up to \$3000 fine or 3 months imprisonment

3rd or more offences: up to \$6000 or 6 months imprisonment

The penalties are higher near a place of worship, a kindergarten or place where children might be at the time.

REMEMBER

It is a crime to be violent towards a sex worker. It is an offence for anyone to behave in an indecent, offensive, insulting, threatening or abusive manner towards a sex worker in a public place. (Prostitution Control Act 1994: penalty up to \$3000 or 3 months imprisonment). It's also an offence to physically or sexually assault another person (Crimes Act)

This information is of general type and should not be taken as a substitute for legal advice.

RHED: (03) 9534 8166
www.sexworker.org.au

Working legally in ACT

ACT PROSTITUTION LAW – INFORMATION SHEET

- Sex work in the ACT became legal with the enactment of the Prostitution Act, 1992.
- The Act is administered by the ACT Office of Fair Trading (OFT).
- Under the Act there are two types of legal sex work in the ACT, working privately or working in a brothel. Street work is illegal in the ACT.

REGISTRATION

In the ACT we have a “Registrar of Brothels and Escort Agencies”. His job (it’s currently a man called Tony Brown), is to keep a register of information provided by brothel owners or operators, and private workers. Brothel information is available for public inspection but private worker information is not.

- Private sex workers or “sole operators” are required to register with the OFT before they start working in the ACT and renew their registrations annually before 1st October each year. Initial registration costs approx. \$200 and renewals approx. \$100 each year. Workers must produce 100 pts of I.D. to register.
- Commercial brothels, i.e. more than two workers, are also required to register with the OFT and owners of commercial brothels must undergo a criminal record check (private workers don’t have to).
- Disqualifying offences for commercial brothel owners include rape, murder and other serious offences (Prostitution Act, 1992, Schedule 1).

- This also applies to offences committed in a foreign country.
- The Registrar has given SWOP assurances that private worker information kept by OFT can only be accessed by the police (who enforce the Act). He says he does not give other government agencies (such as ATO and Centrelink) or the public access to the Private Workers Register.

OFFENCES

- **Duress:** A person is not allowed to intimidate, offer to supply drugs to, or blackmail a worker to get them to supply commercial sexual services. Likewise they can’t stand over the worker for money by duress either.
- **Child prostitution:** A person can’t permit, offer or procure a child to provide commercial sexual services or live off the proceeds of child prostitution. Brothel owners have to take reasonable steps to ascertain a worker is over 18.
- **Children are not allowed on the premises of a brothel.** (This would include being on a private worker’s premises while he/she is working).
- **Police entry:** Police can enter a brothel if they have reasonable grounds to believe there are children performing commercial sex work or present on the premises.
- **STIs:** It is illegal to work in a brothel or privately if you are knowingly infected with a sexually transmitted infection.
- **Medical tests and examinations:** Under the Act, whether the sex worker has had a medical test or not, it is an offence for them to assure clients that they are STI free.

- **Prophylactics (condoms, etc):** It is an offence to provide or receive commercial sexual services that involve vaginal, anal or oral penetration if you don't use condoms, dams, gloves, etc. It is also an offence for owners or operators to discourage the use of condoms.

OTHER

- Commercial brothels must be located in an industrial estate, either Fyshwick or Mitchell - they are not allowed to operate in a residential area.
- Private workers can work from their residence or a motel in any locality/suburb in the ACT. They are supposed to notify OFT if they change residence (or move from one motel to the next)
- The main way private workers advertise in the ACT is through the Canberra Times (CTs) in the Adult Services Section. Phone bookings must be paid for by credit card. The CTs has a list of acceptable words that they allow used in this section. This can be obtained from SWOP ACT.
- Police tend to leave sex workers alone in the ACT. They have told SWOP that they occasionally check Canberra Times advertisements against registrations but the most they do if a worker is not registered is ring and warn them.

ACT WORKCOVER SEXUAL SERVICES INDUSTRY CODE OF PRACTICE

The primary duty imposed on brothel employers/operators by the Code is to take all reasonable steps to protect the health, safety and welfare of their employees at work. It provides practical guidance to owners/operators on specific areas of sex industry work such as:

- Duty of care;
- Risk management;
- Communication, Training and Supervision;
- Working Environment;
- Workplace and Personal Safety/Security;
- Personal Health Issues;
- Alcohol and Other Drugs.

The Code has evidentiary status during legal proceedings and can be called on to show that a person has failed to meet a specified standard. If there is a breach of the OHS Act, a Work cover Inspector may cite the relevant Code of Practice when issuing an Improvement or Prohibition Notice. Failure to comply with one of these notices is considered an offence under the OHS Act.

Copies of the Code can be obtained from the ACT Work cover website or from SWOP ACT.

SWOP A.C.T (02) 6247 3443

www.aidsaction.org.au/swop

Working legally in South Australia

Overview of the existing laws surrounding sex work in South Australia

The laws surrounding sex work in South Australia are contained in the Summary Offences Act (1953) and the Criminal Law Consolidation Act (1935-1976). Apart from some very minor changes, most of these laws have remained intact since they were first enacted, some more than 50 years ago. Several new laws were enacted in 2000 that deal with 'sex slavery', minors involved in commercial sexual services and the deceptive recruitment of staff to provide commercial sexual services. To date there have only been rare arrests and no successful convictions for any of these three newer offences.

While it is true that the act of commercial sex itself is not illegal in South Australia, there is however a raft of laws that pertain to commercial sex that occurs in a brothel, effectively rendering brothel based sex work activities illicit. Traditionally brothels have made up a substantial proportion of sex industry businesses because brothels are the preferred mode of working and organising commercial sexual services. South Australian law, therefore, contains a range of offences that aim to suppress the sex work that occurs in brothels.

These offences range from those that have been most commonly used against sex workers and others involved in commercial sex businesses;

Section 21: [b] of the Summary Offences Act that effectively makes it illegal to be on a premises frequented by prostitutes without a reasonable excuse;

Section 28 [b] of the Summary Offences Act which is the main charge that has been used in relation to sex work itself and charges sex workers with ".....receive money paid in a

brothel in respect of prostitution"; through to offences for "keeping" or managing or assisting to manage a brothel

(*Section 28 [1] [a],[2]*), "procuring" a person to become a prostitute (*The Summary Offences Amendment Act 1953*;

Section 25A), living on the earnings of prostitution"

(*Section 26:[1] of the Summary Offences Act 1953*) and "keeping a ...common bawdy-house" (*The Criminal Law Consolidation Act Section 270 [1] [b]*).

All of these laws are clearly aimed at the organisers and those associated with sex work, however, these laws can and have been applied to sex workers also.

Additionally, there are several laws that target landlords and tenants who permit their premises to be used as a brothel. These offences are contained in *Section 29 [a], [b]* and *section 31 [1],[2],[3],[4] of The Summary Offences Act*.

The definition of a brothel is pivotal to enforcement of most of the above charges, because law enforcers must prove that the alleged offence occurred in a brothel, or, indeed that a premises is a brothel. The definition contained in the Summary Offences Act (1953) Section 27 states that; "brothels means premises-

(a) to which persons resort to for the purposes of prostitution

or

(b) occupied or used for the purposes of prostitution (premises includes a part of premises)

This definition is quite broad and could even, for example, be used to encompass escort agency office/premises if it were too openly

operate and admit to providing commercial sexual services rather than 'escort' services. However, while escort agencies continue to maintain that they only provide 'company' for clients, it is difficult for law enforcers to prove otherwise and thus brothels are usually held to be premises where commercial sex takes place at that location on a regular or consistent basis.

A client's home is not considered to be a brothel even if a client uses sex work services at their residence regularly. The same applies to hotels/motels under normal circumstances. Occasionally, however, when rooms have been let out on a regular basis for the purpose of commercial sex, hotel proprietors/managers have been charged with "keeping a brothel".

A sex worker's own home may be defined as a brothel and she/he may be charged with 'keeping a brothel' even if the 'private' sex worker is the only person working from the premises. Advertising usually alerts the police to suburban sex workers working discreetly from residential settings even if neighbours and surrounding residences are not aware of the existence and/or nature of their neighbour's home based business.

The definition of what constitutes sex work is also very broad. The Summary Offences Act (1953) states that "prostitutes are persons offering themselves as participants for reward in a physical act of indecently for the sexual gratification of another". A 1996 court appeal ruled that a nude, 'Thai' massage (a euphemism for a body to body massage or 'body slide') was intended to provide lewd or sexual gratification and was therefore an act of prostitution.¹ Therefore over the years, 'massage' workers have regularly been charged with a range sex work offences.

In summary, the laws pertaining to sex work mainly relate to brothel based sex work although offences such as 'procuring' and 'living on the earnings' and the newer sex work offences relating to sex slavery and employing minors can be applied in other sex

¹ *Begley v Police*, 24 October 1996, Judgement no. S5851

industry contexts such as escort or visiting services. However, in practice, these laws are usually applied to sex industry businesses that can be determined to be brothels whether or not they operate overtly as brothels or as masked businesses such as massage studios.

Escort based sex work, although a more modern context for sex industry work, flourished in light of the prohibitive brothel based sex industry laws particularly during the 1990s. Escort agencies also operate as masked businesses, in that operators maintain that they provide escorts for the company of clients rather than for sexual services because the latter could leave operators open to the sex industry related charges of 'living off the earnings' and 'procuring' a person to become a sex worker.

Street based sex work has been a minor feature of the South Australian sex industry throughout the second half of the 20th century despite being a historically favoured mode of sex working across many cultures and throughout history. However, South Australia experienced a surge in street based sex work from the late 1990s onwards. Policing of sex workers in street locales has resulted in sex workers being frequently charged with section 25 [a], [b] of the Summary Offences Act that makes it illegal "to solicit or loiter in a public place for the purpose of prostitution". This law was amended some years ago and is the only sex work law which is equally applicable to clients and as it is to sex workers. The reality is though that clients are rarely, if ever, charged with soliciting offences.

At the time of writing in mid 2006, a street based sex worker was the first person in more than 25 years to be charged under Section 13 of the Summary Offence Act [13] as a person who "...habitually consorts with reputed thieves, prostitutes, and persons without visible means of support ...". Police acknowledge that they are using this law in an attempt to remove the persistent street based sex work scene in the Western suburbs that has evolved since 2000.

In contrast to the persistent targeting of street based sex workers by police for arrest, there has been comparatively little sex industry

related charges in other sectors of the sex industry in recent years. In times prior to 2000, the brothel sector of the South Australian sex industry was very heavily policed and most sex workers and support staff working in brothels could expect to be cautioned or charged with sex work related offences. In 2000 a successful legal challenge was made to the admissibility of the evidence from sex industry 'clients' upon which the police relied quite heavily. This prompted SAPOL to take a different approach to policing the sex industry which has encompassed an active presence in the form of a 'section' formerly Vice & Gaming; currently 'Licensing' dedicated to overseeing activities in the sex industry through a regular visits and intelligence gathering. Police still manage to move brothels on without arrests by informing local councils and estate agents of alleged illegal commercial sexual activities.

SA SIN (08) 8362 5775

www.sin.org.au

Working legally in West Australia

The Containment Policy is no longer in operation; this means that sex workers do not need to register with the police. If you know you have previously registered with vice, contact Magenta for information about what has happened with this information.

LEGISLATION AFFECTING THE SEX INDUSTRY

Why read this information? So you can work within the confines of the law and be informed of how the various legislations impact on sex work.

DEFINITIONS

Prostitution or sex work is defined as any sexual service in exchange for payment of any kind.

LAWS IMPACTING ON SEX WORK

The current legislation relating to sex work in WA is the Prostitution Act 2000, the Health Act 1911, the Criminal Code 1892 and the Police Act. The Prostitution Act 2000 has provided the police with certain powers they previously did not have.

SEX WORK – GENERAL

In WA being a sex worker is legal, however some activities associated with sex work are illegal. These activities include:

- To promote any kind of employment (advertising for staff) that will induce a person to seek employment associated with the prostitution industry (Section 9 Prostitution Act).
- Keeping premises for the purposes of prostitution (Criminal Code, 209, and similar in Section 76F and Section 76G(1)(a) Police Act – live off earnings of prostitution)

- To engage in an act of prostitution (as a worker or as a client) without using a prophylactic (condom or dam). This can incur a \$5,000 fine. (Section 8 Prostitution Act).
- To seek someone to be a client for a prostitute (Section 6(3) Prostitution Act)
- To induce another person to act as a prostitute (Section 7 Prostitution Act & Section 191 Criminal Act).
- To induce a person under 18 years of age to act as a prostitute (Sections 16, 17 18 Prostitution Act)
- To engage in an act of prostitution where the client is under 18 years of age (Section 19 Prostitution Act)
- To seek someone to be a client for a prostitute (Section 6(3) Prostitution Act)
- To knowingly infect another person with a Sexually Transmissible Infection (STI) (Section 310 Health Act)

STREETWORK

As well as those mentioned previously, the following section impacts directly on street-based work and makes it illegal to:

- Engage in an act of prostitution in a public place, within hearing or in view of the public, as either a worker or as a client (Section 6(1) Prostitution Act).

Police have the powers to:

- Issue a 'move on' notice to anyone they believe intends to or is committing an offence in or in view of a public place (Section 24 Prostitution Act).
- Search and detain anyone (without a warrant) they think may be committing an offence or carrying anything that could be used as evidence if charged with an offence. (Section 25(1)(a)(b) Prostitution Act).
- Seize anything (without a warrant) they think will provide evidence of an offence. (Section 25(4) Prostitution Act).

- Enter at any time (without a warrant) any place or business where it is suspected that sex work is being carried out, and to inspect any records or articles kept there. (Section 26(1) Prostitution Act)
- Work undercover for the purpose of detecting the act of an offence (Section 35 Prostitution Act).
- Do anything (while undercover) specified in the authority given to them for this work by the Police Commissioner. The Police Officer cannot be charged and his/her evidence can be used against the person in legal proceedings. (Section 36(4) and (5) Prostitution Act).
- Issue restraining orders against a person who could be required to move on (Section 37) (These are usually issued when the person has received several move-on notices).

PRIVATE WORKERS

- There is nothing in the Prostitution Act specifically relating to private workers.
- We are given to understand that as long as private workers operate independently (no one else on the premises) and discreetly from their own premises and there are no children or drugs on the premises, *generally speaking* they will not be subject to police investigation, (however technically speaking the Police still do have the power to instigate investigations).
- You have to be over 18 years of age.
- All clients are to be over 18 years of age.
- Remember it is illegal to work without using prophylactics (Condoms, dams etc).

BROTHELS AND MASSAGE PARLOURS

- Although the Containment Policy has been replaced by the new legislation, we have been given to understand by the police that brothels and massage parlours will continue to operate as they have done in the past, provided they do not breach particular laws.

Should the police suspect any of the following is happening in any parlours:

- juveniles working
 - illegal immigrants working
 - drugs being used on the premises
 - alcohol being served without a license
- they have increased powers to act on their suspicions.

If the police receive legitimate complaints about a particular agency from the public, from surrounding businesses or other concerned parties they will also use their increased powers to act. Under these circumstances, the legislation allows police to enter a premise, seize documents, search and detain anyone suspected of an offence. They do not need a warrant to do this.

RECEPTIONISTS

Under the Criminal Act section 213, any person who is seen to act as the manager or has the care of a place for the purposes of prostitution can be found guilty of a misdemeanour.

DRIVERS

Under the Prostitution Act Section 25(3) the police have the power, without a warrant to stop, detain and search a vehicle they suspect on reasonable grounds, of committing an offence or carrying evidence regarding an offence.

Although legally there may be potential for charges to be laid against Receptionists and Drivers, it very rarely occurs.

MAGENTA and SWOPWA 9328 1387

www.fpwa-health.org.au/magenta.htm

Working legally in Northern Territory

WHAT IS LEGAL:

- **Private Workers:** are not required to be registered with the police or licensed through the Licensing Commission. Within the legislation for the Northern Territory, *everyone* is considered as an escort business, however, a worker only needs to apply for a licence to work with or employ other people. As a private worker, a person must arrange jobs for only themselves, and must not arrange or organise the service from the same place as where the service is provided. Workers have to work from hotels and are not supposed to deliver services at private residences or any premises other than a pay-by-night hotel.
- **Escort Agencies:** The operator is the person who owns the business. The manager is the person who manages the running of the business. To be eligible to get an operator's or manager's licence, a person must be 18 years or older, a resident of the Northern Territory, have no convictions of a 'disqualifying offence' (mostly violent or drug related crimes), or have a business or domestic partner who has convictions for a disqualifying offence. Workers for Escort agencies must have a certificate to work from the police (arranged by the manager of the agency), which is also subject to the 'disqualifying offences' checks. This process acts as a registration and once registered this information is kept on file for the rest of your life and can be access by all police in the NT and nationally by request. Each worker for an escort agency, must have a contract which outlines the terms and conditions of how the

agency will arrange services and how the worker will provide the services.

- **Advertising:** Advertising for 'prostitution services' in newspapers is ok, so long as ads are placed in the 'Adult Entertainment' section of the classifieds. Photographs can only be from the shoulders up, and physical descriptions, references to age, race colour or ethnicity are not permitted. The phrases 'erotic massage' or 'erotic masseuse' are permitted. Newspaper ads must not be bigger than 3.5x4.5cm. It is also permissible to advertise on T-shirts, distribute brochures to Hotels and Motels, sponsor sporting or charity events, and hand out business cards (as long as they don't refer to 'prostitution services' and to have a website.

WHAT IS ILLEGAL:

- **Street Work** and soliciting are illegal. It is an offence to stand in a public place in order to get work-whether it is for money or other payments.
- **Persons under the Age of 18** people under the age of 18 are not permitted to work (even as a receptionist), in the sex industry. It is also illegal for a person under the age of 18 to obtain commercial sex services.
- **Brothels are** illegal. Specifically, a person may not use the same premises to organise and provide a sexual service. It is also illegal for workers to work together without obtaining a licence to do so.
- **Advertising** on radio or TV is illegal

SWOP NT (08) 8941 7711
<http://www.ntahc.org.au/swop.htm>