

The Sex Industry in New Zealand: A Literature Review

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*This literature review was commissioned by the Ministry of Justice.
The report has been prepared by the author and the views
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March 2005

First published in March 2005 by the
Ministry of Justice
P O Box 180
Wellington
New Zealand

ISBN 0-478-20198-2

Foreword

In June 2003, the Prostitution Reform Act 2003 repealed existing prostitution-related legislation and created a new legal environment for the sex industry. In order to be able to assess and review the impact of this legislation it is necessary to establish current benchmarks.

This literature review was commissioned by the Ministry of Justice to provide an assessment of the state of the sex industry in New Zealand in the years leading up to the passage of the Act. It includes an examination of sex worker safety, sex worker exploitation, health issues and the prostitution of persons under 18 years of age. It also examines overseas models of prostitution law reform and considers evaluations of Australian prostitution law reform.

The review gathers together studies and literature on the sex industry in New Zealand published prior to June 2004. What emerges from the account is a picture of the sex industry as a long-established feature of the New Zealand landscape. Studies that have been compiled provide information on the organisation of the sex industry, the diversity of those working in the industry, reasons for entering the industry and sex worker safety. The review also found that very little New Zealand research has been conducted on issues such as male sex workers, clients of sex workers and drug use amongst sex workers.

The review provides information that will help inform the Prostitution Law Review Committee, which is charged with reviewing the operation of the Act and related matters.

The Prostitution Law Review Committee was established by the Act. It is an 11 member Committee appointed by the Minister of Justice.

The Committee is required to produce two reports on the review of the operation of the Act. The first report is due as soon as practicable after the commencement of the Act. It will assess the number of sex workers in New Zealand and any prescribed matters relating to sex workers or prostitution.

The second report is due in three to five years after the commencement of the Act. The report will review the operation of the Act since its commencement; and assess the impact of the Act on the number of persons working as sex workers in New Zealand, the nature and adequacy of the means available to assist persons to avoid or cease working as sex workers and on any prescribed matters relating to sex workers or prostitution. The report will also consider whether any amendments to the Act or any other law are necessary or desirable.

This literature review will not only assist the Committee to assess the nature and extent of New Zealand's sex industry but will be useful to academics, policy makers and other interested parties.

Belinda Clark
Secretary for Justice

Acknowledgements

The compiling of this literature review would not have been possible without the assistance of many individuals and institutions. In particular, I wish to thank the following:

- Catherine Healy and the New Zealand Prostitutes' Collective;
- Tim Barnett, MP, and his Executive Assistant, Tony Milne;
- Dr Libby Plumridge;
- Dr Barbara Sullivan, University of Queensland, Australia;
- Dr John Lowman, Simon Fraser University, Canada;
- Staff at Victoria University of Wellington Library;
- Staff at National Library of New Zealand;
- Staff at the Parliamentary Library.

I am grateful also for the support and advice provided by staff at the Ministry of Justice, and commend the latter for their initiative in facilitating the production of this document.

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Executive summary

Part I: The sex industry in New Zealand

Introduction

This literature review was commissioned by the Ministry of Justice and is intended to provide an assessment of the state of the sex industry in New Zealand in the years leading up to the passage of the Prostitution Reform Act 2003. It also examines overseas models of prostitution law reform and associated evaluations.

History of the sex industry in New Zealand

Accounts show that New Zealand has had a sex industry since the early days of European colonisation, when whalers and traders traded muskets and other goods for access to Māori women (Belich, 1996; Donne, 1927).

Prostitution flourished during the early years of the new colony and during gold-mining days when money and alcohol were abundant and women were few in number. The Contagious Disease Act 1869 was the first major legal intervention into prostitution in New Zealand, which sought to regulate prostitution by subjecting any woman deemed to be a 'common prostitute' to forcible medical examination and detention (Eldred-Grigg, 1984).

One of the most significant developments in recent years has been the establishment of the New Zealand Prostitutes' Collective (NZPC) (Jordan 1991c, 1993c, Lichtenstein, 1997). A small group of sex workers started this initiative in 1987 as a means of providing support and education for those working in the sex industry, with the first office opening in Wellington in October 1988, followed by bases in Auckland and Christchurch (Saskia, 1989).

Size, structure and organisation

Sex workers participate in an industry organised to provide sexual services in a variety of ways. The main arenas evident in New Zealand are massage parlours, escort agencies and street prostitution with a range of other types existing to a lesser degree. A study conducted in Christchurch estimated that more than half of the city's sex workers (58%) worked in massage parlours, 28% on the streets and 14% from escort agencies (Plumridge and Abel, 2001). The authors of the Christchurch survey describe the sex industry as 'segmented' in the sense that relatively little cross-over appeared to occur between the street and indoor venues.

For many years the size of the sex industry was considered to be around 8000, a figure estimated by the New Zealand Prostitutes' Collective. One of the more recent, rigorous

efforts to assess the size of the sex industry was undertaken in June 2001 by the New Zealand Police. They canvassed the major metropolitan areas as well as using a sampling regime for the inclusion of provincial centres. The assessment identified a total of just under 4500 individual sex workers throughout the areas canvassed, most of whom worked in licensed massage parlours (New Zealand Police, 2001).

Sex workers: characteristics and backgrounds

Contrary to prevalent and narrow stereotypes of young, drug-addicted prostitutes, most studies of sex workers comment on the diversity of those working within the industry (Jordan, 1991c; Pyett, Haste & Snow, 1996).

Since most of the demand for prostitution services is from heterosexual men willing to pay women to provide such services, the majority of sex workers are female (Perkins, 1991; Jordan, 1991c; O'Neill, 1997; Pyett et al., 1996). However, smaller numbers of male and transgender workers also exist. While younger women are the most likely to be attracted to working in the sex industry, some continue working into their fifties and sixties. Many are involved in sex work for a relatively short period of their lives, or on a part-time basis whilst engaged in study or other employment. Although poverty or addictions may be associated with some sex workers' decisions to enter prostitution, others may come from relatively affluent backgrounds or prior professional occupations. Some stratification within the sex industry occurs along class and ethnic lines, with lower socio-economic and Māori women being more likely to be employed in high-risk, lower-paid venues than middle class and Pākehā women (Jordan, 1991c; Plumridge and Abel, 2001; Robinson, 1991).

Entry into sex work

While there are many routes into prostitution, economic reasons appear to be prominent (Jordan 1991c, Robinson, 1987, Turvey 1999). A study of sex workers' lives conducted by Plumridge (2001) included discussions of routes into the industry. Workers in massage parlours stressed two major attractions – more money and more freedom. However, while money is often the driving force interviews with women in the sex industry have revealed that some have left well paid jobs to work in the sex industry for other benefits. Amongst those cited have been the relative freedom to work their own hours to accommodate childcare or study responsibilities and the high level of camaraderie they experience in their relationships with other workers (Jordan 1991c).

Motivations underlying entry into the sex industry

Historically a range of psychoanalytic theories were developed to explain women's entry into prostitution, portraying them as mentally abnormal women who were fearful or incapable of 'normal' sexual intimacy. Most writers sought to locate the basis of a women's involvement in sex work in either her sexuality or her relationships with men. The publication of increasing numbers of books based on prostitutes' own accounts of their lives and their work has clearly identified the predominance of economic motivations. Although money is typically the driving force, sex workers do not only emphasise the financial returns of

prostitution, with many noting the relative freedom to work their own hours; the overall autonomy and independence they experience on the job; greater flexibility of hours to accommodate childcare or study responsibilities; and the high levels of camaraderie they experience in their relationships with other workers (Jordan, 1991c).

Two of the factors most commonly assumed to underlie entry into prostitution – drug addiction and a history of child sexual abuse – do appear to be often associated with participation in the sex industry but not necessarily in a causal way. Thus the stresses associated with prostitution may promote drug use and/or dissociation as a means of managing the job, rather than determining entry into sex work.

Drugs and child sexual abuse

In New Zealand very little research has been conducted regarding drug use amongst sex workers. Drugs are assumed to be more closely linked to street work than to parlour settings. In a study comparing street and parlour workers women who worked on the street were more likely to use the money for drugs, both on entry into the sex industry and subsequently (Plumridge and Abel 2001).

While it is true that high numbers of sex workers disclose sexual abuse in their past (Jordan, 1992; Phoenix, 1999) this must be cautiously interpreted. Firstly, the prevalence of sexual abuse is widespread throughout communities – so asking any particular group to declare this is likely to yield high rates. Secondly, sex workers may be more comfortable with discussing issues related to sex, sexuality and abuse than non-sex worker populations.

Managing the impacts of involvement in sex work

Whether legal or illegal, prostitution is viewed as a deviant occupation and those who work as sex workers are severely stigmatised. Amongst the impacts associated with sex work are health costs, including increased vulnerability to rape and physical violence (Erbe, 1984; Jordan, 1991c; Lowman, 2000; Perkins, 1991). There is the risk of exploitation from unscrupulous parlour owners, pimps, or police and other men intent on asserting their right to a 'freebie' (Erbe, 1984; Jordan, 1991c). There is also the long-term emotional impact of years of distancing and dissociation in order to limit the intrusion of clients into the woman's personal, private sphere (Erbe, 1984; Jordan, 1991c). For many, the nature of sex work promotes substance abuse and the development of dissociative mechanisms designed to assist sex workers' survival within the industry.

Male sex workers

Men have largely been invisible within studies of prostitution, whether as clients or as workers. In New Zealand there is very little material that is generally available on male sex workers. The law governing the offence of soliciting was extended to include male prostitutes in 1981, resulting in a dramatic rise in convictions, but Knight suggested that most of these were probably transsexual prostitutes as well as possibly some gay male sex workers (Knight, 1987).

Transgendered sex workers

Sex workers who are transgendered are one of the most vulnerable groups because to many they are perceived as doubly deviant. A Sydney study of 164 transgendered people indicated 45% had spent some time working in the sex industry, with 70% of these having worked on the street (Perkins 1994 cited in Harcourt et al. 2001).

Illegal immigrants and prostitution

The number of Thai women entering the New Zealand sex industry increased dramatically in a four to five year period from the late 1980s to the early 1990s (Townsend, 1992b). A Thai student in Women's Studies conducted her PhD research by interviewing 30 former and current Thai prostitutes in Thailand and New Zealand (Menasveta, 2002). This study illustrated the poverty underlying most of the women's entry into prostitution and their beliefs that the pains experienced would be the price they paid to be able to provide financial security for themselves and their families.

In mid-1999, a New Zealand Police report into the sex industry indicated that several hundred women were employed in the sex industry in this country who were neither New Zealand citizens nor New Zealand permanent residents (CEDAW, 2002). Also noted in recent years has been an increase in the number of Chinese women working in the New Zealand sex industry.

Exiting sex work

Considerably more literature has been devoted to explaining entry into sex work than describing exiting decisions and experiences. Understanding movement out of the industry is critically important given the oft-cited concerns that it is a difficult industry from which to exit.

Some sex workers describe not so much being pulled or drawn out of the industry as feeling pushed out when the nature of the work intruded too heavily on their sense of self (Jordan 1991c). Until recently a major barrier to exiting the industry arose from the illegalities associated with prostitution involvement. Receiving a prostitution-related conviction remained with a worker throughout the rest of his/her life affecting subsequent employment, travel and financial options (Jordan, 1993d).

Clients: characteristics and motivations

Very little research exists on the clients of sex workers. One of the few New Zealand studies of clients was undertaken through a project jointly funded by the New Zealand Prostitutes' Collective and the Health Research Council of New Zealand (Chetwynd and Plumridge, 1993). The sample consisted of 30 clients of female sex workers, ten each in Auckland, Wellington and Christchurch. The motives clients spontaneously reported for their visits to sex workers fell into two main categories. These related to the straightforwardness of the

exchange and to pleasurable aspects. The average age at which sex was first purchased ranged from 14 to 50 years of age with an average of 28.

A smaller qualitative study of clients purchasing sexual services was conducted by Jordan (1997). The reasons for visiting sex workers depended on the men's own circumstances and the extent to which they felt their sexual needs could be met through more conventional relationships. All of them acknowledged that they were there at least to some extent for sex. To be offered sex without intimacy seemed for many men to be a straightforward uncomplicated option.

Sex worker safety

Plumridge and Abel's (2001) study of 303 female sex workers in Christchurch found that 83% of participants reported one or more adverse or violent events, with street workers being generally more likely to experience the more severe forms of violence. Overall, the authors of the study conclude that high levels of adverse experiences were reported for women working in both sectors, but especially concerning were the rates of serious violence reported by some street workers.

Sex worker exploitation

A recurrent concern regarding the sex industry in the years preceding legislative reform stemmed from the potential for exploitation within the industry. While sex work has been increasingly perceived as a job, as employment, as work, the status of those employed in the industry reflected few of the realities that most workers in New Zealand take for granted.

Several key structural factors have been identified that impact significantly on sex workers' abilities to exercise power and control on the job. One major factor is the legal status of the sex industry, with writers noting the compromises many workers feel compelled to make in arenas where prostitution-related activities are illegal (Chapkis, 2000).

Health issues

Historically sex workers have often been reviled for being disease carriers and held responsible for the transmissions of venereal diseases (Healy and Reed, 1994). Such thinking gave rise to the Contagious Diseases Act in both New Zealand and the United Kingdom. More recently it has been linked to perceptions of sex workers as a high at-risk group for the transmission of HIV/AIDS (Lichtenstein, 1997).

While some clients may successfully pressure workers to engage in unsafe sex practices, it has been argued that the proportion of individual sex workers taking such risks is no higher than that found in non-worker populations (Scambler, 1997). In a large Australian study of women sex workers, Perkins (1991) found condoms were used 95% of the time.

Some research exists documenting the knowledge and practice of female sex workers in New Zealand. A pilot study commissioned by the New Zealand Prostitutes' Collective in 1991

assessed HIV/AIDS awareness and practices amongst a sample of 20 sex workers from various sectors of the industry (Chetwynd, 1992; Chetwynd and Plumridge, 1993). The study showed that sex workers had high levels of knowledge and awareness regarding HIV/AIDS and this was accompanied by extensive use of condoms with clients. On the negative side, however, there were numerous reports of clients offering sex workers inducement to forego the use of condoms.

Like their female counterparts, international research on male sex workers has shown them generally to exhibit high levels of awareness regarding sexual health and safety.

A New Zealand study of clients of sex workers suggested that knowledge about HIV transmission was lower in the client sample than for the general population (Chetwynd, 1989, cited in Chetwynd and Plumridge 1993,7).

Prostitution of persons under 18

Under the Prostitution Reform Act 2003 it is an offence for any person to pay for sexual services to be provided by any person under the age of 18 years, or for any person to employ those under 18 in the sex industry.

There has been a paucity of research on child prostitution and it is only very recently that serious attention has been turned to this phenomenon (Saphira & Oliver, 2002). The available literature does not indicate child trafficking to be a major threat facing New Zealand children but does express overall concern regarding the participation of children and young people in the New Zealand sex industry.

One of the first interview studies to be conducted with female sex workers indicated it was not uncommon for them to commence sex work in their teenage years (Jordan 1991c). This was reinforced by subsequent studies in Christchurch and Wellington revealing nearly one-third of the participants to have commenced work before they were 18 (Plumridge, 2000 cited in Saphira 2001).

Saphira (2001) undertook a study to investigate the extent and characteristics of child prostitution in New Zealand. Written questionnaires were sent to key agency and community informants. A total of 195 child prostitutes were described, 145 of whom were under the age of 16 years. What was not apparent, however, was whether each child was a distinct case or whether the same children were well known and counted more than once.

Sex tourism

A figure quoted in 1994 conservatively estimated the sex industries in Auckland and Wellington to contribute \$9.4 million and \$5.2 million respectively to the tourism industry, citing this as evidence of the demand by tourists for sex workers (Kinder, 1994, 28).

Part II: Overseas Models of Prostitution Law Reform Evaluations

There are four principal approaches that states have adopted internationally. **Criminalisation** makes prostitution an illegal offence for both the client and sex worker and in doing so seeks to reduce or eliminate the sex industry. **Criminalisation of the clients** sought to remove the double standard by introducing legislation that penalises the clients rather than the sex workers. **Legalisation** makes prostitution legal under certain state-specified conditions. Typically this would involve establishing a system of unlicensed workers who could work legally in licensed establishments. **Decriminalisation** begins by removing the offences and penalties relating to sex workers and relies predominantly on the use of existing statutes and regulations to manage the operation of the sex industry.

A brief overview of evaluations of legalised and decriminalised models of prostitution law reform in Australia is presented. It shows that measures to assess and evaluate prostitution law reform appear to be in their infancy and there is little currently available to provide specific direction in this area. However, in three to five years time there may be examples that can be drawn upon from the Australian context.

Part 1: The Sex Industry in New Zealand

Introduction and methodology

This literature review was commissioned by the Ministry of Justice, and is intended to provide an assessment of the state of the sex industry in New Zealand in the years leading up to the passage of the Prostitution Reform Act 2003.

In June 2003, the Prostitution Reform Act 2003 repealed the prostitution-related legislation on our statute books and created a new legal environment for the sex industry. How this will translate within the social context remains to be seen, but in order to be able to assess and review the impact of this legislation it is necessary to establish current benchmarks. The aim of the literature review presented here is to contribute towards the provision of these benchmarks by providing a document for use by those charged with reviewing the legislation, as well as by others for whom such an overview would be relevant.

Within this broad context, particular aims were identified which involved the need to establish baseline information to assist with the subsequent review of the Act, examining in particular the following specified areas:

- sex worker safety;
- sex worker exploitation;
- health issues;
- prostitution of persons under 18 years of age.

In order to achieve these aims, the methods adopted involved a variety of strategies designed to assist in identifying, locating and accessing relevant publications. These included:

- initial identification of relevant publications already in my possession, and use of the bibliographic references contained in these to identify other relevant works;
- catalogue search for relevant books and journals held in Victoria University Library;
- catalogue search of materials held in National Library;
- search of the Union List of Theses for relevant New Zealand theses;
- search of relevant websites (e.g. government departments) for reports, background information, etc;
- database searches for journal articles, reviews, and conference proceedings (for example, Expanded Academic, ProQuest, and Contemporary Women's Issues); and
- internet searches of relevant research-focussed websites (such as those of the Australian Institute of Criminology), and government websites (such as the Home Office).

To identify further relevant material, key personnel were contacted and asked to assist, including reference librarians, university and government researchers both in New Zealand and overseas, and members of the New Zealand Prostitutes' Collective.

Approaches were also made to Parliament to obtain access to the submissions and papers gathered during the lead-up to the passing of the Prostitution Reform Act 2003. These are referred to sparingly, and primarily where they add to the discussion because they enable presentation of evidence from those with direct connections to the sex industry – voices and perspectives that may otherwise be missing.

In drafting the review, emphasis was placed on utilising a 'mix' of New Zealand and international research in order to be able to provide a context within which to assess local issues and developments. In particular, because of our proximity to Australia and similarities in our historical and social development, emphasis was placed on reviewing significant legislative reforms there, where they were considered relevant to experiences in this country.

While every reasonable effort was made to provide quality assurance (for instance, by checking source credibility, relying heavily on articles obtained from refereed journals etc), the nature of the subject under scrutiny necessitated some compromises. The decision was made to incorporate aspects of personal narrative and anecdotal accounts where it was felt that these either enabled comment on issues that would otherwise have been overlooked, or provided a window into how individuals were impacted upon by various initiatives.

Background

The campaign for prostitution law reform in New Zealand ran a long and chequered course before the final bill was passed. The principal reasons for changing the existing laws emerged from the inherent difficulties of enforcing those very laws, and the double standard they perpetuated. The legislation had, through the use of criminal sanctions, sought to prohibit sex workers' soliciting, keeping or managing brothels, living on the earnings, or procuring others for the purposes of prostitution. A licensing system existed for massage parlour operators, with all staff employed being listed, and with police access to staff registers. Whilst the numbers of convictions were few, and were mostly for soliciting, the existence of this legislation created a climate of fear and worked against the interests of sex worker safety and public health. For any worker who was convicted, typically after a 'street sweep' or an undercover raid on premises, the consequences were dire. Possessing a prostitution-related conviction stayed with that person for life, branding him or her and affecting subsequent employment, travel, and access to finance. Meanwhile the clients of sex workers remained outside the reach of the law, with few checks on their behaviour.

Law and health interests clashed, with cases existing where the presence of safer sex products was used as evidence of prostitution. There was no obligation on operators to provide safer sex information, and workers had little redress if pressured, by either clients or operators, to engage in unsafe sex. Under the Massage Parlours Act 1978, any sex worker receiving a drugs or prostitution related conviction was banned from working in a massage parlour for up to ten years, a move which saw some forced into the riskier work venues of the streets or escort agencies.

The campaign for law reform was supported by a highly diverse range of people, motivated by a desire to see a more equitable and practical solution. Many of those supporting reform were clear that they were not condoning prostitution itself, but recognising its current existence within society and the limitations and inadequacies of existing legislation. A harm minimisation approach was favoured by many, and the resultant legal changes sought to reflect such sentiments.

International options for prostitution law reform were considered and revealed four main alternatives:

- Criminalisation – aims to outlaw or prohibit the sex industry by making prostitution an illegal offence for both the client and sex worker;
- Criminalisation of the clients – attempts to curtail the demand for prostitution services by penalising the client;
- Legalisation – attempts to control and manage the provision of prostitution services by making prostitution legal under a statutory regime;
- Decriminalisation – seeks to minimise the harms of prostitution by removing the offences and penalties relating to workers, whilst seeking a regulated environment more conducive to public health and safety interests.

The final measure adopted in New Zealand was essentially a decriminalised model with some elements of legalisation apparent within it – for instance, in relation to the licensing system for operators of brothels employing four or more workers. The principal aims of the Prostitution Reform Act 2003 are:

- Safeguarding the human rights of sex workers;
- Protecting sex workers from exploitation;
- Promoting the welfare and occupational safety and health of sex workers;
- Creating an environment that is conducive to public health;
- Protecting children from exploitation in relation to prostitution.

This review presents a survey of written materials documenting the nature of the New Zealand sex industry in the years leading up to the law change, emphasising in particular research from 1980 onwards.

Definitions of terms

Defining ‘prostitution’ is the first challenge. While the term may initially appear to be self-evident, on closer examination various definitional complexities emerge.

Prostitution is commonly defined as “the exchange of money for sex” (O’Neill, 1997, 10), “buying and selling sexual services for cash payment” (Hoigard and Finstad, 1992, 8). But does money have to change hands, and what counts as sex? The first may be easier to

establish, with it generally being accepted that alternatives to cash can be exchanged – for example, the provision of other goods or substances, or possibly access to resources or positions. The definition of ‘sex’ may be more difficult, since whilst popular understanding assumes this to denote sexual intercourse, a wide range of sexual services exist for exchange, including practically anything that any person finds sexually exciting or satisfying. An earlier definition hints at this when defining prostitution as “the partial or complete specialization of certain women in the satisfaction of the masculine instinct” (Henriques, 1962, 15), although more recent interpretations would question the existence of just one form of masculine instinct and recognise gay male prostitution as well as the possibility of women being the clients.

Even more complexities emerge when attempting to define who is a ‘prostitute’. Conventional marriage relationships have been described as involving the exchange of money for sexual services, with men playing the role of economic provider while women were historically unable in law to refuse their husband’s sexual advances – sex on demand was the breadwinner’s prerogative. Yet few would seriously equate the roles of wife and prostitute, despite such commonalities. Prostitutes were understood to provide sexual services for money outside of the marriage bond, but should everyone who makes such an exchange be perceived in this way? The term ‘prostitute’ has been used as an identity-tag, in ways far exceeding the limits of other occupational terms. Thus a person who is a teacher or a nurse or a waitress is understood to have a life and identity outside of their occupation, in ways that a prostitute is often not. Typically the word ‘prostitute’ is used in our society to denote not only an occupation but an identity, conferring a social role and stigma to the wearer of such a tag.

For reasons such as this, many prostitutes’ rights groups have sought to replace the term ‘prostitute’ with the phrase ‘sex worker’, to denote the work and occupational realities of the title. As O’Neill adds to her definition of prostitution:

the exchange of money for sex - use value for exchange value (as in all forms of work). (O’Neill, 1997, 10).

The sex worker provides sexual services as part of a job contract in ways similar to a barber providing hairdressing services or a doctor medical services. Outside of working hours, the sex worker, like the barber and the doctor, is a citizen who may also be a parent, pet-owner, part-time gardener, amateur astronomer, or whatever.

The question then arises as to who should be regarded as a sex worker – for example, does the term apply only to those who self-identify as sex workers? Only those for whom sex work is their primary occupation? Presumably one can be a casual sex worker or an occasional sex worker, but should estimates of the numbers involved in sex worker populations then include such persons? What about the student who attends university four days a week, while working part-time in a bar and one night a week in a massage parlour? Or the stripper who is adamant she does not see herself as a prostitute but occasionally has sex after the show with a paying client? The combination of such powerful entities as sex and money makes for complexity. In writing about gay and transgendered sex workers in New Zealand, Heather Worth has asked:

...what actually constitutes payment? When does sex for survival become sex-work? Is sex-work just an economic necessity or a way of finding an identity as gay or queer? (Worth, 2003, 161).

Questions such as these illustrate some of the many complexities involved. They demonstrate that the boundary lines between what is, and what is not, prostitution may be blurred at times. Typically it is less threatening to perceive prostitutes as a distinct and different group, as a deviant group, as “the other”, rather than noticing these complexities and acknowledging the ways in which many more subtle exchanges around sexual access can be made.

History of the sex industry in New Zealand

While often simply referred to as ‘the oldest profession’, increasing efforts have been made internationally to document more fully the history of prostitution (for example, Bullough and Bullough, 1987; Philip, 1991; Roberts, 1992). This trend has been evident within New Zealand also, reflecting a greater preparedness to acknowledge aspects of both colonial and contemporary life that were previously kept largely hidden.

Such accounts show that New Zealand has had a sex industry since the early days of European colonisation, when whalers and traders traded muskets and other goods for sexual access to Māori women (Belich, 1996; Donne, 1927). Historians have noted the considerable interaction that occurred between Pacific Island women and the sailors who charted Pacific waters from the eighteenth century onwards (Chappell, 1992). As one historian, Fernando Henriques, described it:

The coming of a European ship manned by lust-hungry sailors was, not to put too fine a point upon it, hardly conducive to ordinary methods of barter and exchange. The desire for women on the part of the sailors, and the desire for iron on the part of the people, was resolved in a type of prostitution where the price of a woman was a nail. (Henriques, 1962, 409).

This system of exchange is referred to in Captain Samuel Wallis's journal of his voyage around the world in 1767, in which he describes the way in which Tahitian women were sent out by their fathers and husbands to sleep with his sailors in exchange for nails. The captain was in fact relieved to discover that this was what was happening since he had been puzzled as to why his ship was slowly disintegrating around him as its nails were systematically removed! (Ibid).

In New Zealand trade was particularly brisk in the whaling port of Kororareka in the Bay of Islands, where it was reported:

At this time it was the practice to permit single girls to visit the ship and remain on board over nights, sometimes for several days; the recompense being a nail, gimlet, chisel, hammer, saw, tomahawk, axe, or gun. It is alleged that a chief, named Pomare, maintained in the Bay of Islands one hundred girls, ninety four to be exact, for the purpose of participating in these maritime picnics. (Donne, 1927).

The earliest legislation concerned with prostitution derived from the English Vagrancy Act 1824, which could be invoked against a “prostitute wandering in the public street or in any place of public resort and behaving in a riotous or indecent manner” (Eldred-Grigg, 1984, 31). This Act remained in force until New Zealand passed its own Vagrant Act 1866, which was repealed with the introduction of the Police Offences Act 1884. The 1884 Act contained provisions relating to ‘common prostitutes’ soliciting or importuning passers-by. The widespread use of the term ‘common prostitute’ throughout most Commonwealth countries at the time was not intended to imply ordinariness on the part of the woman, but to convey a sense of her being ‘common’ or ‘public’ property (Knight, 1987). Inherent within such a description was the sense that these women lacked discrimination, a status which seemed often to be a licence for them to be discriminated against.

Prostitution flourished during the early years of the new colony, and during gold-mining days when money and alcohol were abundant and women were few in number. Edward Gibbon Wakefield himself had predicted that the unbalanced sex ratio would create a market for prostitution and the men of the new colony did not prove him wrong. The influx of young men to the Otago goldfields during the 1860s, for example, was linked to a growing demand for prostitution services, followed by moves to outlaw dancing girls in hotels (Olssen, 1999). Interestingly, prominent citizens established institutions not only to accommodate burgeoning numbers of illegitimate and unwanted children, but also to provide homes for the rehabilitation of prostitutes (ibid.). As historian Erik Olssen has observed:

For many colonists, prostitution and syphilis represented the most degraded Old World ills from which they had fled. (Olssen, 1999, 47).

Considerable debate arose regarding perceptions of the moral quality of single immigrant women, with Maria Rye, the founder of the Female Middle Class Emigration Society, declaring the upper attics of the Otago immigration barracks to be “occupied by a body of women known only to night and evil deeds” (quoted in Olssen, 1999, 47). By 1864 it was claimed that Dunedin could boast 200 full-time prostitutes (ibid.), with many brothels congregated in an area called the ‘Devil’s Half Acre’ (Mead, 2001, 35). Most sizeable towns throughout the colony had a ‘red-light’ district (Olssen, 1999).

The relationship of female immigration and prostitution was somewhat paradoxical in that young single women were sought as immigrants to reduce the sex imbalance and improve the men’s behaviour, yet were simultaneously blamed for providing prostitution services when they arrived here (Eldred-Grigg, 1984; Jordan, 1993a, 1993b; Macdonald, 1986). Mounting concern over the ‘social evil’ led to the passing of the Contagious Diseases Act in 1869, legislation which sought to regulate prostitution by subjecting any woman deemed to be a ‘common prostitute’ to forcible medical examination and detention (Eldred-Grigg, 1984; Knight, 1987; Lichtenstein, 1997; Macdonald, 1986; Robinson, 1983). It was left to police discretion to ascertain who was a ‘common prostitute’, with the onus then being placed on the woman to prove she was not, if she objected to being so treated and classified. The legislation also made it an offence for house-owners to let rooms to women known to be common prostitutes who were also suffering from any venereal disease.

The Contagious Diseases Act was the first major legal intervention into prostitution in New Zealand and was characterised by strong adherence to a double standard of morality (Kehoe,

1989; Macdonald, 1986; Robinson, 1983). Women deemed to be prostitutes could be removed by the police and subjected to compulsory genital examination at the hands of a police surgeon; then, if found to have a venereal disease, they were removed to a 'lock hospital' (a gaol or hospital ward run like a gaol). No such assault on their bodies or their freedom was experienced by their male clients, many of whom felt they benefited from such procedures. In fact, the only voice in Parliament to debate the passing of this legislation came from the Premier, William Fox, who, as well as fearing that such legislation officially sanctioned prostitution, also claimed its provisions would be ineffectual if not applied to men also. It was at this juncture that Rolleston made his famous reply asserting that such measures would be effective because:

the one sex made a trade of the matter, and spread the disease, but it was quite a different thing with the other sex. (quoted in Macdonald, 1986, 22).

As this example shows, along with many societies internationally, New Zealand adhered to a legislative aim of regulating and controlling the sex industry rather than seeking the elimination of prostitution itself. Historically our laws reflected a double standard of morality in that surveillance, control and criminal sanctions were typically focussed on sex workers rather than their clients, whose access to prostitutes was both guaranteed and protected. By contrast, prostitutes were reviled as members of an underclass, with groups such as the Women's Christian Temperance Union and the National Council of Women in the late nineteenth century mounting attacks against them and barmaids for being the two female groups identified as posing the largest threats to the family unit (Grigg, 1983). Women's movements began campaigning for measures to enhance the nation's 'moral purity', one of the goals associated with the women's suffrage movement (Brookes, 1993). In 1899 pressure was placed, unsuccessfully, on the Auckland City Council to introduce a curfew prohibiting standing on the streets, with the Women's Christian Temperance Union hoping this might curb soliciting by young girls. The police at that time estimated there to be about 800 prostitutes working in Auckland, 'not merely in the slums of the city, but in the respectable streets too' (quoted in Eldred-Grigg, 1984, 163). Fears were expressed that Queen Street resembled little more than 'a parade for immoral characters', while at the same time police records in Christchurch identified at least 92 "quiet" and 23 "rowdy" brothels (ibid.; also Robinson, 1983).

Large brothels had been relatively common in the colony, some catering specifically for a gentrified clientele, but a legal loophole resulted in the mounting popularity of one-woman brothels, a trend that caused considerable concern. In the early twentieth century, a campaign to close one-woman brothels was mounted which, even though they were not strictly illegal, resulted in the police using a variety of unorthodox measures in their attempts to eradicate them (Dalley, 1996). As the sex ratios balanced out and sexual mores relaxed, the demand for prostitution services abated somewhat (Eldred-Grigg, 1984). Anxieties concerning prostitution again became pronounced during the First World War, with New Zealand health campaigner Ettie Rout becoming well-known for her efforts to combat venereal disease in Kiwi soldiers (O'Connor, 1967; Tolerton, 1992). By 1922, however, the police claimed they knew of only 104 professional prostitutes within the entire country and a Board of Health committee said there remained 'little evidence of a definite prostitute class in New Zealand' (Eldred-Grigg, 1984, 164). The Second World War, however, saw anxieties rise

again as American soldiers included New Zealand women in their 'rest and recuperation' activities, and concerns about venereal disease and the morality of 'good time girls' increased.

Post-war, despite the emphasis on resettling and happy families during the 1950s, there is little indication that the demand for prostitution services abated. Indeed the controversial Mazengarb Report suggests concerns about youth immorality and involvement in the sex industry were growing, and the high profile Auckland parlour run by Flora McKenzie seems to have flourished during this period (Jordan, 1991a, 2000). This was also a time when anxieties about ship girls resulted in them being sent to borstal in their droves (Jordan, 1994). Claire Templeton's account describes how women who went on the ships would also often work the streets and night clubs, but it was the ships that were the most dangerous given the risks of falling overboard while 'out of it' (Templeton, 1981).

The women's rights and gay liberation movements of the 1970s began drawing public attention to the double standard and to abuses of human rights, but as support for these issues grew, a new spectre appeared on the horizon – HIV/AIDS. Sex workers and gay males found themselves at the centre of another moral panic, blamed and scapegoated as disease carriers threatening society's health and stability (Janssen, 1997; McKeganey and Barnard, 1994; Robinson and Kehoe, 1989).

The events and developments outlined above provide the backdrop to the recent legislative changes and provide a context for understanding the strength of the opposition to prostitution law reform. The last ten years have seen community fears being regularly challenged by attempts to debunk the mythology surrounding prostitution, with increasing numbers of books and articles profiling sex workers' lives (for example, Hanson, 1996; Jordan, 1991c; Perkins, 1991). More recently, individual sex workers have begun penning their own accounts (Beyer, 1999; Carmen, 1988; Kempadoo and Doezema, 1998; Nagle, 1997; Turvey, 1999), while the 15-year campaign for prostitution law reform saw a plethora of interview-based articles in glossy magazines (for example, "The Oldest Profession", *More*, May 1987; "The Big Sleazy: How they Sell Sex in Auckland", *Metro*, November 1988). Crimes involving sex workers also sparked periods of acute interest in the industry, such as the bondage and discipline session that accidentally resulted in the death of prominent cricket umpire, Peter Plumley Walker (Harder, 1991). New Zealanders could no longer ignore the existence of either the providers of such services or their prominent clientele.

It is clear that prostitution has long been an established part of the social environment, with changes in debates around it being provoked more by shifts in ideologies and perceptions than significant increases in its incidence. Although several books include large sections on prostitution (e.g. Macdonald, 1986; Robinson, 1987) much of the New Zealand material documenting its growth and characteristics can be found in the many theses devoted to this topic (for example, Gillingham, 1998; Janssen, 1997; Kinder, 1994; Robinson, 1983; Roguski, 1997).

One of the most significant developments in recent years has been the establishment of the New Zealand Prostitutes' Collective (NZPC) (Jordan, 1991c, 1993c; Lichtenstein, 1997). A small group of sex workers started this initiative in 1987 as a means of providing support and education for those working in the sex industry, with the first office opening in Wellington in October 1988, followed by bases in Auckland and Christchurch (Saskia, 1989). The

formation of NZPC echoed similar moves made internationally as prostitutes began increasingly to band together in their efforts “to move the image of prostitution from sex as sin to sex as work” (Dew and Kirkman, 2002, 69). Today the Collective advocates for, and provides support and services to, sex workers in many parts of New Zealand. Organisers regularly attend international conferences, participate in research ventures, and have been seconded by WHO (World Health Organisation) to act as safer-sex educators in the Asia-Pacific region (Lichtenstein, 1997). NZPC has successfully obtained Government funding for an extensive outreach programme providing HIV testing, health education, and condom distribution, whilst also working in conjunction with a drug and needle exchange programme (Worth, 2003). An article documenting New Zealand’s efforts in HIV/AIDS prevention has observed:

The government’s decision to give funding, resources, and support for HIV-prevention activities to gay men, sex workers, and injecting drug users might have paid off.... The number of HIV-positive New Zealand-born prostitutes is thought to be extremely low, although relevant data are unavailable.... Although concerns persist about ‘new’ modes of transmission by way of sex-tourism in Asia, it is likely that New Zealand’s AIDS epidemic is on the decline. (Lichtenstein, 1997, 85).

Size, structure and organisation

The sex industry provides employment, generates high consumer demand for certain products, and makes a distinct contribution to the recreation and tourism sectors of the economy. The sex industry in New Zealand has been described as differing from that in many other countries with regards to the high levels of personal independence held by the majority of the workers (Ministry of Women’s Affairs, 1991). In contrast to concerns about pimping raised overseas (Norton-Hawk, 2004), few New Zealand sex workers are associated with pimps and their relative autonomy is an aspect rated highly by many in the industry (Cheney, 1988; Robinson, 1987; Jordan, 1991c; Ministry of Women’s Affairs, 1991). However, despite the relative absence of pimping, issues of coercion and control still exist within the industry and immigrant women working in New Zealand can be subject to debt-bondage arrangements (PRB/WJP/1, 2001,12). Although the term sex industry implies a distinct social grouping, both historical and contemporary evidence indicates a highly stratified industry comprising largely distinct, although at times overlapping, groups of workers.

Sex workers participate in an industry organised to provide sexual services in a variety of ways. The main arenas evident in New Zealand are massage parlours, escort agencies, and street prostitution, with a range of other types existing to lesser degrees. The industry is stratified to some extent along class and ethnic lines, with higher numbers of lower socio-economic and Māori women being employed in some sectors than others (Plumridge and Abel, 2001). These tend to be in environments characterised by higher risk and lower pay than those experienced by most of their Pākehā and middle class counterparts. However, representative numbers of Māori women also work within massage parlour contexts and as private operators. The features of each principal area of the sex industry are outlined below.

'Ship girls' operate around the ports, forming liaisons with seamen that may last from one ship's visit to its next and sometimes evolve into longer lasting relationships. Sex may be exchanged directly for cash, but the arrangements and exchanges made can be more subtle in nature (Robinson, 1987; Jordan, 1991c, 1994). Whereas in the past women often travelled round the ports on coastal vessels, a practice termed 'ringbolting', such opportunities are fewer now given changes in services and the growth of containerised shipping.

Street workers, as the name implies, seek trade on the streets, predominantly in the 'red-light' areas of Auckland, Wellington and Christchurch. Once an exchange has been negotiated with a prospective client, they take him to a nearby rented room or alleyway, or, more typically, use the client's own car for the transaction. Most transgendered sex workers work from the streets, as do both numbers of women and male prostitutes. The advantages of street work are seen by some workers as constituting an ability for greater independence over when and where they work, and having no-one else taking a slice of the money (Mead, 2001, 37).

Escort agencies rely on clients phoning to request that a worker be sent to their hotel/motel room or home. The agency then contacts one of its workers, who negotiates any sexual arrangements upon arrival. In these situations the client pays both an agency fee plus a fee to the worker, the latter of which will vary according to the type of sexual service requested. If a driver is used to transport the worker, this may be an extra cost incurred by the worker (Mead, 2001, 37). Hotels and motels are usually preferred sites because they are perceived as safer, and while known to be common practice for years, the issue has recently begun promoting comment from those in the trade. An article entitled, "When guests have 'guests' – hotel hanky-panky", began by noting the hospitality industry's silent tolerance of prostitution:

The issue of prostitutes at hotels and motels is seldom talked about by New Zealand accommodation providers, who are more concerned about room yields and occupancy rates than the sexual preferences of guests. Industry bodies view the subject with a smile rather than with concern – saying that if the prostitutes aren't annoying other guests or causing damage to their premises, then they tended to be left alone with their 'clients'. (Hospitality, August 2002, 31).

Independent, private workers tend to work from their own homes or rooms, or provide escort services, and advertise in newspapers and magazines for clients. Male, female and transgendered workers may all advertise in this way, with some offering specialist services for niche markets, such as bondage and discipline or fantasy work. In order to be able to advertise their services in newspapers, until the law change, workers had to be registered with the police and accept any necessary 'sanitizing' of their advertisements (Mead, 2001, 37). Also documented have been 'mobile' workers, taking services to outlying areas. Thus Mead has noted that some Dunedin sex workers advertise an itinerary and cell phone number several days in advance of visiting towns such as Alexandra, Wanaka, Clyde, and Balclutha (ibid). A recent issue of Hospitality magazine (August 2002) noted that it was commonplace for New Zealand motels to hire out rooms to private escorts on 'day rates', typically around \$50-\$60 dollar per session in the major cities and approximately \$40 in regional centres.

Until recently at least, the majority of parlour workers operated through what were euphemistically called 'massage parlours' (Robinson, 1987; Jordan, 1991c). The Massage Parlours Act 1978 established a licensing regime for this sector of the industry, which among

its licensing provisions declared it to be illegal for sex workers who had received convictions for drug or prostitution-related offences to be employed in such establishments. Since massage parlours were defined in law as public places, workers could be convicted for soliciting on the premises, and were thereby effectively forced into non-licensed arenas if they chose to continue working in prostitution. 'Rap' parlours were established as a way around this difficulty, since places for men to come for a chat, rather than a massage, did not require licensing.

In massage parlours, the clients pay the parlour a fee for a massage, then negotiate with an individual worker anything 'extra' they might like provided. The masseuses are totally dependent on the provision of 'extras' for their income, receiving no wages from the parlour operator. Conversely, they are typically expected to pay the operators for the use of towels, laundry services and other 'costs', as well as pay fines if they arrive late, miss a shift, or whatever. The fact that workers may be required to pay a 'shift fee' means that if no clients during a shift pay for extras, the worker will be out of pocket, although this rarely happens in practice (Mead, 2001, 36). Many workers consider parlour work to be more desirable than street or escort work because it is safer and more regular (Ministry of Women's Affairs, 1991).

'Call girls' and club hostesses tend to cater to the wealthier end of the market, providing discreet services independently or through premises designed to protect client privacy and reputation. The services requested will usually extend beyond the one-hour average offered by parlour workers, and may include accompanying their host to restaurants and events, or even on excursions abroad. In some cases, the worker may move into a long-term arrangement whereby they are financially 'kept' and supported in exchange for the client's exclusive access to them. Such benefactors are often referred to as 'sugar daddies', with some foreign businessmen being known to have established a 'wife' and home in New Zealand to complement their domestic arrangements back home (Jordan, 1991c). In Wellington, an elite club has operated for many years, allegedly catering to clients from business, sporting, and political arenas who seek services with discretion. The owner has stated that many of the women who work there may themselves be foreign tourists, and he provides them with on-site accommodation while they work as club 'hostesses', earning money for further travels (Robinson, 1987; Jordan, 1991c).

While most workers comment on the predictable and routine nature of the sexual services requested, some specialise in arenas offering fantasy sex, bondage and discipline, etc. Several 'dungeons' exist, equipped with the paraphernalia needed to provide such services, with the workers involved able to command higher fees for engaging in less standard practices (Jordan, 1991c).

In provincial areas sex industry operations may be more covert and smaller in scale. Thus strip club owners may be more inclined to run prostitution businesses in tandem, with the female employees often being concurrently involved in both activities (New Zealand Police, 2001). The police survey also found evidence of bar girls operating from bars and night clubs in a North Island provincial centre, but conceded that such a practice may be more common and simply lacking in visibility. This view is endorsed in a Christchurch study which also identified a small number of workers operating from similar venues (Plumridge and Abel, 2000).

From the above, it is apparent that a variety of work settings exist, and whilst some workers may move between settings, many have a preference for working in one type of arena (Mead, 2001, 37). A study conducted in Christchurch estimated that more than half of the city's sex workers (58%) worked in massage parlours, 28% on the streets, and 14% from escort agencies (Plumridge and Abel, 2001). In Dunedin, where the weather is reputedly too cold for street work (Mead, 2001, 37), the industry is estimated to be divided approximately in half between parlour and escort work (ibid).

The authors of the Christchurch survey described the sex industry as 'segmented' in the sense that relatively little cross-over appeared to occur between street and indoor work venues (Plumridge and Abel, 2001). There was somewhat more movement from indoor to street venues than vice versa, possibly reflecting the provisions of the Massage Parlour Act 1978 which prohibited individuals convicted of drug or prostitution-related offences from employment in parlours. Some tendency was noted for Māori and younger women to be more likely to be street workers than indoor workers, with street work emerging as a different career-track from indoor work. In this study, the women who worked on the streets were typically younger, started working at an earlier age, and were more likely to use the money for drugs, both on entry to the sex industry and currently.

Although the majority of prostitution encounters occur between female workers providing services for male clients, it is important to note that prostitutes can be male, female, bisexual, or transgendered, as can their clients. Their own sexual identity may or may not be consistent with the sexual services they offer – for example, lesbian sex workers report finding the provision of sexual services for male clients easier to manage because of the separation this enables between their private and public lives (Brown, 1994; Jordan, 1991c).

Trying to estimate the number of sex workers operating in New Zealand is about as difficult as counting glow-worms in a cave. The fact that, until June 2003, sex workers were liable for arrest if apprehended for soliciting, brothel-keeping, or living off the earnings of prostitution meant that most took measures to conceal their participation in the industry. Moreover, definitional issues also affect any such estimates, given the transitory and often part-time nature of many workers' involvement.

Estimates of the numbers involved in the contemporary sex industry in New Zealand have been consistent in size, possibly because they originated from the same source. For many years the figure estimated by the New Zealand Prostitutes' Collective has been in the vicinity of 8000. This figure was cited by the Ministry of Women's Affairs (1991, 2), and more recently by Mead (2001, 35). Auckland, because of its overall population size, has the largest sex industry in the country with a recent estimate suggesting 3,000 prostitutes worked in this city, of whom many were believed to be Asian women working without visas (Maxim Institute, 2002). However, no information was provided regarding the research methodologies on which these estimates were based.

One of the most recent, rigorous efforts to assess the extent of the sex industry was undertaken in June 2001 by the New Zealand Police. They canvassed the major metropolitan cities as well as using a sampling regime for the inclusion of provincial centres, resulting in the following centres being included in their survey: Auckland City, Christchurch, Dunedin, Hamilton, Henderson, Invercargill, Masterton, New Plymouth, Napier, Nelson, Otahuhu,

Palmerston North, Queenstown, Rotorua, Takapuna, Tauranga, Timaru, Wanganui, Wellington, and Whangarei. This assessment identified a total of just under 4500 individual sex workers throughout the areas canvassed, most of whom worked in licensed massage parlours. Other arenas identified and covered in the study included rap/escort parlours, escort agencies, private workers, strip clubs, peep shows, street workers, ship girls, and bar girls. The following table sets out these figures.

Table 1: Number of sex workers by form of employment

Form of prostitution	Number	Percentage
Massage parlours	1929	43.1%
Escort agencies	1383	30.9%
Private workers	700	15.6%
Strip clubs	179	4.0%
Street workers	112	2.5%
Ship girls	98	2.2%
Rap parlours	50	1.1%
Peep shows	27	0.6%
Total	4478	100.0%

Source: New Zealand Police, 2001

In terms of the number of individual sex businesses, in total 306 were identified across all the areas surveyed. These are outlined below.

Table 2: Types of businesses

Business type	Number	Percentage
Escort agencies	162	53%
Massage parlours	112	37%
Strip clubs	16	5%
Peep shows	10	3%
Rap parlours	6	2%
Total	306	100%

Source: New Zealand Police, 2001

Note that New Zealand Police urged care to be taken in the interpretation of the figures given in both the above tables, given such factors as the frequent crossover between workers

operating concurrently for different businesses, the lack of a regulated environment, and the use of a sampling regime for centre inclusion.

The Ministry of Justice is currently engaged in a project to collect and collate data to enable as accurate a figure as possible to be determined regarding sex industry participation. As their researchers acknowledge, any such endeavour will be limited and can only produce an estimated population size, given the hidden and transient nature of the industry.

Sex workers: characteristics and backgrounds

The difficulties involved with estimating numbers are associated also with limited access to information regarding the backgrounds and characteristics of those who work in the industry.

Contrary to prevalent and narrow stereotypes of young, drug-addicted prostitutes, most studies of sex workers comment on the diversity of those within the industry (Jordan, 1991c; Pyett, Haste and Snow, 1996). Such diversity is evident in relation to a wide range of variables, some of which will be outlined below.

Age

Younger women are the most likely to be attracted to working in the sex industry (Perkins, 1991; Jordan, 1991c; O'Neill, 1997; Pyett et al, 1996). This often reflects their own economic position, which may involve being unemployed or in low-paid work, as well as high client demand for young women. Many of these sex workers have low educational attainment and few employment qualifications. There are also some, however, with good educational and vocational qualifications whom the industry attracts because of the promise of greater earning capacity or because of the independence of particular working environments. The literature documents, for example, cases where teachers and nurses have moved into prostitution after being frustrated at working long hours for relatively little pay (O'Neill, 1997). Similar factors apply for young men's involvement, although numerically to a lesser degree (Davies and Feldman, 1997; Prestage, 1994).

Many are involved in sex work for a relatively short period of their lives, or on a part-time basis whilst engaged in study or other employment. For a minority, however, sex work becomes their principal career and they may still be working into their late fifties or sixties.

Gender

Most of the demand for prostitution services is from heterosexual men willing to pay women to provide such services, and thus the majority of sex workers are female. Women tend overwhelmingly to be involved in the industry as sex workers, or managers, while most men's involvement is as clients, although some manage businesses and there are a minority of male sex workers, again mostly, but not exclusively, providing sexual services to other men (Perkins, 1991; Prestage, 1994).

Comparatively little research exists on the gendered nature of the New Zealand sex industry. One of the few studies of child prostitution in New Zealand, based on reports by agency and

community representatives working with young people, identified 174 females and 21 males under 18 years of age who were known to have engaged in some form of commercial sexual exchange (Saphira, 2001). Research carried out by the New Zealand AIDS Foundation (1996) found that 96 males under 20 years old had, in the previous six months, been paid for having sex with another man (cited in Saphira, 2001, 17).

Examination of the gender statistics for those convicted of soliciting would, if considered in isolation, provide a highly skewed picture of industry participation, as the table below shows.

Table 3: Gender and Soliciting Convictions, 1997-2000

Gender	1997		1998		1999		2000	
	No.	%	No.	%	No.	%	No.	%
Male	26	65%	22	48%	17	57%	4	40%
Female	14	35%	24	52%	13	43%	6	60%
Total	40	100%	46	100%	30	100%	10	100%

Source: Ministry of Justice, PRB/JP/1, 2001, 5.

These figures are useful, however, in indicating a pattern of law enforcement that tended to focus on street prostitution and resulted in the arrest, prosecution and conviction of significant numbers of transgendered workers in particular (who made up the majority of male workers convicted).

Ethnicity

Assessing sex workers' ethnicity is also a difficult undertaking given the hidden nature of the population combined with the complexities associated with ethnic identification. Some stratification within the sex industry occurs along class and ethnic lines, with lower socio-economic and Māori women being more likely to be employed in high-risk, lower-paid venues than middle class and Pākehā women (Jordan, 1991c; Plumridge and Abel, 2001; Robinson, 1991). Before the law changes, Māori and Pacific Island women typically appeared to be over-represented in reported offences for soliciting (Ministry of Women's Affairs, 1991). Analysis of persons convicted of soliciting for the years 1997-2000 shows Māori and Pacific peoples to be over-represented in these statistics, as indicated in the table below.

Other sources of information on ethnicity can be obtained from research conducted in specific areas of the sex industry. For example, in an extensive study conducted of 303 sex workers in Christchurch, nearly one-fifth of the participants identified themselves as having some Māori ancestry (Plumridge and Abel, 2000, 2001). At the time Māori constituted 7.4% of the metropolitan Christchurch female population aged between 15 and 44 years old, and thus were significantly over-represented in the sex working population (PRB/JP/1, 2001, 6).

In Saphira's study of 195 child prostitutes, 50% were Pākehā, 39% Māori, 8% Pacific, and 3% Asian, Indian or European immigrant. However, she points out that the biased nature of the

outreach in the Auckland area, involving contact with Māori wardens combined with few contacts in the more affluent and Pākehā-settled suburbs, may have resulted in information being more forthcoming about Māori participation (Saphira, 2001). A South Auckland Māori community worker recently estimated 80% of street sex workers to be Māori or Polynesian, and suggested it was unlikely for many Māori or Polynesian women to be employed in parlours because they typically do not fit the brothel owner's preference for slim women (Mama Tere, quoted in Kiriona, 2003, 20).

Table 4: Ethnicity and Soliciting Convictions, 1997-2000

Ethnicity	1997		1998		1999		2000	
	No.	%	No.	%	No.	%	No.	%
European	7	17.5%	7	15%	4	13%	1	10%
Māori	21	52.5%	27	59%	12	40%	7	70%
Pacific Peoples	11	27.5%	11	24%	10	34%	1	10%
Other	1	2.5%	1	2%	4	13%	1	10%
Total	40	100%	46	100%	30	100%	10	100%

Source: Ministry of Justice, PRB/JP/1, 2001, 5.

In 1991 the Ministry of Women's Affairs noted that the number of Asian women working in the New Zealand sex industry had increased, largely due to the growing numbers of Thai and Filipino women working in Auckland. No source for this statement was cited, although it tallies with similar observations made by those involved with the New Zealand Prostitutes' Collective. Migrant women working in the sex industry are highly vulnerable to exploitation, with many being brought here by 'sponsors' on whom they are completely dependent. Their insecure immigration status and typically poor command of English increases their vulnerability.

Sexual preference

Age, gender, and ethnicity tend to be more visible variables than others such as family background and sexual preference. The latter is often particularly hard to discern, although qualitative studies have revealed that despite being unable to determine the exact percentages in each category, sex workers may identify as heterosexual, gay or lesbian, bisexual, or transgendered (Brown, 1994; Jordan, 1991c; Robinson, 1987). The question of lesbian sex workers in particular has prompted debate, since women sex workers are assumed to be heterosexual as a result of their preparedness to provide sexual services to men. Such a view is strongly rejected by many lesbian sex workers themselves (Brown, 1994; Jordan, 1991c; Rosier, 1991). When asked if she saw a contradiction between being a prostitute and a lesbian, one Auckland manager of a B and D (bondage and domination) parlour replied:

Quite the contrary. It makes absolute sense to me that someone who doesn't particularly care for men can make money out of their absolute stupidity and build a future for themselves.... Women in many ways act all their lives in order to survive anyway, heterosexual women and

even feminists. There are times when we have to compromise a little bit in order to stay safe, in order to protect our children, in order to protect our love for a woman. For me prostitution was one of the places I could earn a good income and have flexible hours to work in with my motherhood. (Carol, quoted in Rosier, 1991, 21).

Since the predominant demand for prostitution services comes from men, whether gay or heterosexual, men working in the industry tend to identify as gay, bisexual, or transgendered rather than heterosexual. Until very recently, very little research has been conducted on male sex workers in New Zealand. One of the few surveys conducted produced significant findings regarding sexual identity, with most of those who provided sexual services for other men identifying as transgender or transsexual, *fa'afafine*¹, *takataapui*,² and bisexual (Worth, 2003).

It has been speculated that a relatively high proportion of transgendered people may work in the sex industry, largely as a result of the difficulties many face in obtaining employment elsewhere. It is also the case that the 'drag queen' culture has long existed in some of our major cities, and can provide a substitute family for those who feel alienated from or rejected by their own families and former friends (Waitai, 1983).

Entry into sex work

There are many routes into prostitution. Much of the literature has stressed factors such as poverty and homelessness, with some researchers in Britain suggesting young people who have had little continuity of family or residential care may end up being less educationally qualified, more emotionally needy, and attracted to the peer group lifestyle of prostitution (McLeod, 1982; O'Neill, 1997; Phoenix, 1999). In discussing the lives of the predominantly street-working women interviewed as part of her British study, for instance, Joanna Phoenix noted:

Their lives were largely unremarkable, mundane and ordinary. They struggled to live on social security benefits, were dependent on men who 'let them down', left them or from whom they were desperate to escape. They fought to raise their children and negotiated the difficulties of unemployment, housing problems, violence and criminal records. These women were like many other working-class women in that they faced up to their risks and made choices in their struggle to survive. Some of these choices were commonplace, such as claiming social security benefits, whereas others were more extraordinary, like engaging in prostitution. (Phoenix, 1999, 73-74).

Some enter sex work through poverty; others for the opportunity to make money to support their own, or another's, drug habit or addiction (O'Neill, 1997). In both the United Kingdom and North America, coercion by pimps may be a factor underlying entry into, or continuation in, sex work (Brock, 1998; O'Neill, 1997). A recent American study of 50 incarcerated urban sex workers reported that 40% had been under the control of a pimp (Norton-Hawk, 2004). Of those controlled by a pimp, 90% had backgrounds as runaways, with over half of these having run away from home at least once by age 12 (ibid.).

¹ Samoan word meaning 'way of women' (Worth, 2003)

² Referring to intimate friends of the same sex (Worth, 2003).

In 1972, one of the first contemporary biographies of a New Zealand prostitute appeared in an early feminist book entitled *Sexist Society* (Kedgley and Cederman, 1972). In a chapter on “Sexploitation”, a young woman describes how she moved from a rural area to Wellington city and could find only poorly paid, boring work. She met a stripper who made money prostituting on the side:

...quite a lot of money actually. It used to be \$10 a go, now it's \$20. She used to earn up to \$80 a night. Well anyway, she was the one who got me into the game. I began on my own, just going down to a couple of well-known Wellington beats and picking guys up. Not many work for pimps, you make much more money on your own. After a while I started doing it full-time. (quoted in Kedgley and Cederman, 1972, 113).

A similar process was recounted by a sex worker in her submission to the Select Committee on Prostitution Reform when she described how, as a university student, one summer she and a friend decided to look for work together. They knew a woman who was working in the sex industry at the time, and she gave them one of the New Zealand Prostitutes' Collective's new workers' kits. What happened next, she said, was:

We went for our interview, handed over some money for advertising, and that was that! (PRB 107A, 1)

More recently, Keith Mead's study of Dunedin sex workers also showed that most joined the industry after being introduced by a friend who was already working. Some were actively 'chaperoned' by other workers who taught them how the system worked. The New Zealand Prostitutes' Collective plays an important educative and support role with new sex workers, ensuring they know their rights and how to access advice, safe sex supplies etc. (Jordan, 1993c; Mead, 2001).

A study of sex workers' lives conducted by Libby Plumridge (2001) included discussion of routes into the industry and their uptake of prostitution. Workers in massage parlours typically stressed two major attractions: more money, and more freedom. They believed this was a way of ensuring they could significantly improve their material position, while escaping the confines of routine wage labour. Using interviewees to conduct repeat interviews with these women over time, however, showed this line of argument to be matched more by rhetoric than reality. For most, the earnings were less than they expected, a situation often exacerbated by the costs of shift fees, transport to and from work, and child care expenses. One woman, after working for a month in her parlour, said she could not afford even to go to work the next month, given the \$86 it would cost in transport plus \$40 for advertising (Plumridge, 2001, 203). Moreover, the pretence surrounding massage parlours worked against open discussion and acknowledgement of the realities and risks of sex work, and served to negate any capacity for the workers to develop a sense of solidarity around work issues. Thus one woman recounted feeling let down when management refused to recognise or support her when she was robbed by a client because of the premise that what goes on in the rooms is not the manager's business (Plumridge, 2001). In ways such as this, the legal situation prior to the 2003 Act served to make the workers dependent on managers who were not only not bound or required to look after their interests, but felt compelled by the laws to distance themselves from work concerns. In such an environment, most workers inevitably

emphasised the need to make money over the desire to make friends, and friendships could become strained.

As part of an Australian study conducted by Roberta Perkins (1991), the author asked groups of non-prostituting health workers and students why they thought prostitutes would enter sex work. The non-prostitute sample imagined drug-taking and economic imperatives to be the most common reasons, and assumed control by pimps and a background in juvenile delinquency to be amongst the other principal factors. The 128 sex workers whom Perkins interviewed provided alternative explanations. Neither drug addiction nor pimp manipulation featured highly in their accounts, with economic factors being the most influential and compelling. The various reasons they gave for wanting to make more money are explored in the next section.

Motivations underlying entry into the sex industry

A question that has long fascinated social commentators has been: why do women become sex workers? Traditional explanations have typically been highly individualistic in nature. Lombroso and Ferrero (1895), for example, focussed on prostitutes as “primitive” atavistic throw-backs, while other theorists subsequently viewed involvement in prostitution as indicative of some form of underlying pathology. Hence a range of psychoanalytic theories were developed to explain women’s entry into prostitution, portraying them as mentally abnormal women who were fearful or incapable of ‘normal’ sexual intimacy. Thus sex workers have variously been described as over-sexed (e.g., Bishop, 1931; Gibbens, 1957; Glueck and Glueck, 1934; Thomas, 1923), frigid (Ellis, 1936), homosexual (Greenwald, 1958; Gibbens, 1957), or motivated by the desire to seek revenge on men (e.g., Rolph, 1955. Also Gibbens, 1957, who in his study of juvenile prostitution named this desire the ‘Circe complex’ - i.e., the wish to turn men into swine). Such accounts were typical of male writers in this area who generally sought to locate the basis of a woman’s involvement in sex work in either her sexuality or her relationships with men. This emphasis is apparent in the following account from criminologist Cecil Bishop:

No doubt many people will be shocked to learn that most prostitutes deliberately choose prostitution as their occupation ... She finds that prostitution affords an easy if comparatively small income, and that it satisfies a sex craving which grows in proportion to the extent that it is indulged. (Bishop, 1931, 66).

Suggestions of an economic basis to involvement in prostitution were either viewed as secondary to sexual cravings, or completely ignored. For example, in the United Kingdom the 1957 Wolfenden Committee Report on Homosexual Offences and Prostitution asserted:

...we believe that whatever may have been the case in the past, in these days, in this country at any rate, economic factors cannot account for it to any large or decisive extent... Our impression is that the great majority of prostitutes are women whose psychological make-up is such that they choose this life because they find it a style of living which is to them easier, freer and more profitable than would be provided by any other occupation. (quoted in Cheney, 1988, 241).

New Zealand commentator Belinda Cheney drew attention to the flawed assumptions underlying the Committee's reasoning, noting amongst these that:

It assumes that prostitutes must be deranged to seek an easy, free and profitable life when the doors are open to a harder, controlled and profitless life as a factory worker, shop assistant or perhaps wife and mother. (Cheney, 1988, 241).

Over the last twenty years this situation has begun to change with the publication of increasing numbers of books based on prostitutes' own accounts of their lives and their work (e.g., Delacoste and Alexander, 1988; Jaget, 1980; Jordan, 1991c; Perkins, 1991; Perkins and Bennett, 1985; Pheterson, 1989). Interviews with sex workers themselves began to reveal much more pragmatic explanations. A survey conducted by Roberta Perkins, a founding member of the Australian Prostitutes' Collective, found that 97% of female sex workers in Sydney stated that their reasons for entering prostitution were purely economic (cited in Cheney, 1988, 241). Many said their 'choice' was a matter of sheer survival, and 44% referred to needing money to support their children. Others spoke of specific purposes for which they wanted more money than they believed they could otherwise earn, such as paying for university study, buying a house, or saving for an overseas trip (Perkins and Bennett, 1985).

In New Zealand also, economic factors predominate in sex workers' accounts (Jordan, 1991c; Robinson, 1987; Turvey, 1999). In a thesis based on interviews with Dunedin sex workers, Keith Mead (2001) examined the tensions between public perceptions of the sex industry and sex workers own attitudes. In particular, his work is useful in examining the ways in which the realities of commercial sex, as experienced by sex workers, challenge popular and typically negative representations of prostitution. Many describe their decision to enter sex work in pragmatic terms. For example, Harley, a young Auckland streetwalker interviewed in Working Girls, remarked:

Why should I get a straight job and work eight hours a day, five days a week, when I can earn more than that in just one night on the streets? (quoted in Jordan, 1991c, 46).

Others similarly felt that if sex was a valuable commodity there was no point simply giving it away. Thus Hilary describes a situation in which, while she was working in a shop for what seemed like a mere pittance, a friend turned to her one day and suggested:

"Look, you're getting paid lousy money and you screw around like crazy. Why the hell don't you get paid for it?" (quoted in Jordan, 1991c, 101).

Having experienced the money that can be made in the sex industry, some find it easy to keep returning to it when times are tough. In a submission to the Select Committee in 2001, one sex worker described why she decided to resume working in a massage parlour:

I started working again late last year, just before my university exams. I did this because I was sick of a student lifestyle. I wasn't eligible for an allowance, but I was working part-time doing homecare, still I was worrying about bills, how much money I had to spend on food, and often had no money for entertainment. I was sick of working so hard and having so little to show for it. I wanted to have a real holiday that summer and celebrate finishing university. I also saw working as a way to start paying off my \$32,000 student loan. (PRB 107A, 1).

Even though they may all agree that the primary motivating factor is for the money, it is important to appreciate that 'for the money' can have different meanings and motivations within it, depending on the worker's situation. Some will be battling unemployment and poverty in ways that renders sex work attractive as an economic survival option, for themselves and for any dependants they may have. Others will be in situations where economic pressures are fuelled by addictions to drugs, alcohol, or gambling. In some cases, workers may be focussed on earning large sums of money to finance particular goals, such as overseas travel, house-buying, or education.

Although money is often the driving force, sex workers do not only emphasise the financial returns of prostitution. Interviews with women in the sex industry have revealed, for instance, that some have left well-paid jobs to work in the sex industry because it brought other benefits. Amongst those cited have been the relative freedom to work their own hours; the overall autonomy and independence they experience on the job; greater flexibility of hours to accommodate childcare or study responsibilities; and the high levels of camaraderie they experience in their relationships with other workers (Jordan, 1991c). Some also mentioned the advantages of being in a position where they felt they had control over men, as opposed to being in jobs where sexual harassment was part of the terrain. Sarah articulated the job's attractiveness well when she stated:

It's not only the money, it's the freedom. You can work when you want; you can take holidays when you want; you're not tied to an office five days a week all those weeks of the year with two weeks off at the end... Women aren't treated too well by men in offices anyway. It's a very subservient role and it's not easy to go back to saying, 'Yes sir, no sir', when you're used to being in charge. (Jordan, 1991c, 29).

With regard to male sex workers, the primary factors underlying their involvement in the sex industry appear also to be financial. This was emphasised in a submission to the Select Committee from PUMP (an acronym standing for Pride and Unity for Male Prostitutes), that highlighted the kinds of incidents that can underlie fluctuations in the sex industry (PRB 111B, 2001). At the beginning of the academic year in 2000, when bureaucratic errors resulted in major delays to the payment of Student Loans and Allowances, 12 men started sex work in the first two weeks of term. The submission notes that, while several men did begin working in the industry at the beginning of the 2001 academic year, the numbers were significantly fewer.

Drugs and child sexual abuse

Prostitution is a topic saturated in stereotypes, and outsiders often think they 'know' what background factors characterise sex workers' lives. Two of the attributes typically believed to be strongly associated with prostitution are drug abuse and child sexual abuse, each of which will be briefly examined here.

Drug use and prostitution

An oft-cited image of the prostitute depicts a desperate, drug-addicted woman hustling in the gutters for money for the next fix. Such a depiction had its heyday in cities like New York at

the height of concerns about heroin and crack addiction, but even then represented only the most visible segment of the total sex working population. In a book on the sex industry, a Sydney police officer maintained that over 95% of street prostitutes use drugs of addiction and that as many as 80% of Sydney's street workers are heroin-dependent (Lazarus, 1994). He states that all the drug-using sex workers whom he has spoken to have said they are only working to finance their addiction. Roberta Perkins found in her study of Sydney sex workers that prostitutes were indeed more likely to have higher drug consumptions than non-sex working population groups, but none of these groups were free from drug use and abuse (Perkins, 1991). The differences were in degree, not in kind. The most common drugs used were tobacco and alcohol, followed by cannabis, with fewer than one-fifth of her sample having used heroin regularly (ibid.). Heroin use and addiction appears to have declined considerably with the availability of methadone treatment programmes, while cocaine and amphetamine use tend to have increased (Perkins, 1991). Perkins notes, however, that for the majority of sex workers, the use of marijuana, narcotics and 'pills' preceded their entry into sex work, although their consumption often increased while they were working. Reasons for this have been related to boredom and to the stress of the job. One Australian sex worker, for instance, said:

I wasn't coping with screwing all these guys, and from the first night when I screwed 14 men I knew I was going to need something a little stronger than dope. (quoted in Perkins, 1991, 304).

In New Zealand very little research has been conducted regarding drug use amongst sex workers. Drugs are generally assumed to be more closely linked to street work than to parlour settings, with operators being less likely to employ women with known addictions. Furthermore, the Massage Parlour Act 1978 prohibited any worker with a drugs-related conviction from working in a parlour for up to ten years. Whilst there may be few intravenous drug users in parlours, various 'uppers' and other drugs may be consumed more unobtrusively.

Interviews conducted in a study of New Zealand female sex workers revealed that, for some street workers at least, the lifestyle was one characterised by "consumption of alcohol and drugs, expenditure on clothes, clubbing, shouting and smoking" (Plumridge, 2001, 209). One woman said she put \$1000 a week 'up my arm', while others spoke of spending several hundred dollars a day on drugs.

Accounts from sex workers themselves in both street and parlour settings also mention the role drugs can play for some in helping them to manage the potentially invasive nature of the work. As one worker, Bridget, commented:

I don't know how I first got into drugs. It was when I was still at school and going on the ships. Working girls are often junkies or drug addicts and it becomes a really vicious circle. You start taking drugs because what you're doing is so torturous, but eventually you get a habit – then you have to work to keep your habit going. (quoted in Jordan, 1991c, 139).

However, while some women felt they had to be ‘out of it’ in order to manage interactions with clients, others felt they needed to ensure they were fully in charge to feel safe and in control; thus Kate said:

I think I would feel less able to handle it if I was out of it on something. (quoted in Jordan, 1991c, 198).

In a study comparing street and parlour workers, the women who worked on the streets were more likely to use the money for drugs both on entry to the sex industry and subsequently (Plumridge and Abel, 2001). The reasons for drug use varied between the two sectors, with street workers referring to the need to find ways of coping with the adversities while indoor workers maintained their use of drugs to be associated with sociability (Plumridge and Abel, 2001). Over half of the total number of women interviewed said they neither used alcohol nor drugs while at work (ibid.).

Child sexual abuse and prostitution

A second common stereotype of prostitutes, both male and female, suggests a connection between a history of childhood sexual abuse and subsequent involvement in sex work (Benjamin and Masters, 1964; Silbert and Pines, 1981). Early studies of sex workers in the United States claimed high rates of child sexual abuse (James and Meyerding, 1977; Silbert and Pines, 1981). More recent studies have queried such an association, while still noting that a high proportion of sex workers have lost their virginity before age 16 (Perkins, 1994). Whilst Perkins says this is typically in the context of a consensual or loving relationship, she also notes that sex workers overall appear to have high rates of rape victimisation, not necessarily work-related. In a study where she compared the experiences of sex workers, health workers, and students, Perkins found that 47% of sex workers had been raped at least once in their lives (one-fifth of them three times or more), compared with 21% of the health workers and 12% of the students (Perkins, 1991).

It is true that high numbers of sex workers do disclose sexual abuse in their past (Jordan, 1992; Phoenix, 1999), but this must be cautiously interpreted. Firstly, the prevalence of sexual abuse is widespread throughout communities, so asking any particular sub-group to declare this is likely to yield high rates, be it teachers, nurses, or sex workers. Secondly, sex workers may be more comfortable with discussing issues related to sex, sexuality, and abuse than non-sex worker populations, because the realities of their occupational world remove some of the repression and denial common elsewhere. For these reasons, they may disclose more readily accounts of sexual victimisation.

However, having stated these considerations, it is also plausible that the effects of sexual abuse may be linked to subsequent involvement in prostitution, a connection made possible in several ways. Childhood abuse has been linked to low self-esteem and self-injurious behaviour, traits evident in some studies of sex workers (James and Meyerding, 1977). Moreover, since a common response to trauma is psychological dissociation, this may both facilitate entry into prostitution and provide a coping mechanism for prostitution experiences. A New Zealand sex worker commented:

A lot of working girls have been sexually abused – not all, but a lot. If you have been abused from an early age, sex doesn't mean a hell of a lot to you anyway. If your first sexual experiences are wonderful, warm things, then you'll have a good view of sex, but if you've been abused or raped young, it doesn't mean a hell of a lot. You can switch off easily in the job because you've had to in the past. That switch-off mechanism is essential to being able to stay in the job. (quoted in Jordan, 1991c, 30).

Recently concern has been particularly expressed about young people with histories of child sexual abuse being vulnerable to exploitation within prostitution arenas. Miriam Saphira has expressed it well in stating:

The relationship between childhood sexual abuse and the commercial sexual exploitation of children has not been clearly delineated but it appears in the background of many young prostitutes. (Saphira, 2001, 4).

Worth noting also, however, are observations made in an analysis of debates surrounding child prostitution within the Canadian context (Brock, 1998). She describes 'moral panics' emerging around issues of sexual abuse and pimping in ways that focus attention on individual pathology, while young sex workers and many of the social agencies who work with them emphasise instead a lack of job skills and employment opportunities.

Managing the impacts of involvement in sex work

Whether legal or illegal, prostitution is viewed as a deviant occupation and those who work as sex workers are severely stigmatised. No matter what the financial benefits, it seems the money earned in prostitution seldom comes without a price. Sex workers acknowledge this in various ways. There are health costs associated with the work, including increased vulnerability to rape and physical violence (Erbe, 1984; Jordan, 1991c; Lowman, 2000; Perkins, 1991). There is the risk of exploitation from unscrupulous parlour owners, pimps, or police and other men intent on asserting their right to a 'freebie' (Erbe, 1984; Jordan, 1991c). There is also the long-term emotional impact of years of distancing and dissociation in order to limit the intrusion of clients into the woman's personal, private sphere (Erbe, 1984; Jordan, 1991c). The effect on sex workers' self-esteem can be immense. As one worker graphically expressed it:

I felt as though my self had been taken away from me. I was not a person any more. I was a wind-up toy, a fucking-and-sucking doll. I had become someone else's thing. (quoted in Erbe, 1984, 622).

One aspect of their work that most sex workers emphasise is its non-erotic, almost asexual nature. As one New Zealand massage parlour worker expressed it:

This job's about as erotic as someone sticking their finger in your ear – all you can do is lie back and wait for them to get it over with. Meanwhile you think about anything – what you're going to have for tea, when you'll go shopping... (quoted in Robinson, 1987, 188).

Other women have referred to the need, though, to act and pretend that what they are doing feels sexy when it does not. One woman, in describing what made a good sex worker, explained:

You've got to be a good actress in this business – it's all acting. If you were just yourself, you'd never make any money. Because who wants to be there? Who wants to be nice to this creep? It's all a matter of pretending. You pretend you like them; you pretend you like it; you pretend whatever they want you to pretend. And if you can act, then you make money. If you can't, you don't do too well. (quoted in Jordan, 1991c, 23).

A minority of sex workers claim to find the job sexually stimulating, or describe 'loving' their clients, and interestingly they are regarded as 'deviant' by many of their peers (Jordan, 1991c).

How most sex workers manage the sexual demands placed on them is complex. Many are emphatic that although the client may feel he is in control, it is the worker who manages the interaction, deciding what services to perform, and how. The trick is letting the client feel powerful, and massaging his ego, while retaining control of the situation. Thus while he may think he is buying a sex puppet, it is she who pulls the strings.

The stigma attached to being a sex worker can impact on their ability to rent property, travel abroad, win child custody battles, or even seek out alternative employment options. It necessitates for many the construction of multiple identities to conceal the reality of how they earn their money, with always the fear of discovery lurking nearby. One woman told me about the time her boyfriend finally asked his parents over for dinner to meet her, recounting her embarrassment when her prospective father-in-law walked in and she instantly recognised him as one of her regular clients!

Living a lie can take its toll, as Alexandra maintained:

It makes you a very fragile kind of person, or what other people call imbalanced, but that's because you're trying to balance out so many things. When you're out shopping you're trying to be like any normal person, and when you're at home with your partner you're trying to be twice as normal, and when you're at work you try to be something else again, so of course you're imbalanced. (Jordan, 1991c, 134).

An English sex worker similarly asserts:

When you're on the game, you alienate yourself from everyone else.... Your clients never know the real you, your friends and family never know the whore. By your silence you actually buy into the stereotype of what a prostitute is - a split personality, a shameful person who dares not speak her name. I think prostitution is fundamentally damaging for that reason - not because it's a mortal sin. (Taylor, 1991, 86).

However, disclosure that one is, or has been, a sex worker carries its own risks. Years after leaving sex work, changing jobs and getting her degree, Jasmine discussed her continuing reticence over telling others, particularly men, about the nature of her former employment:

Sure you tell some guys and they'll go, 'Really? Is that what you used to do?' and it's like they're thinking, 'I must remember that.' Some men are only interested in it from the men's perspective - like they'll ask, 'What's the longest one you've ever seen?' (Jordan, 1991c, 187).

Not all sex workers agree about the extent to which they feel personally exploited by involvement in the industry. No matter whether they consciously feel exploited or not, however, all of them pay the societal price associated with inclusion in the 'whore' category.

Being a sex worker has been widely associated with deteriorating self-esteem and a lifestyle characterised by self-abuse (James and Meyerding, 1977), although some would argue that it is hard to distinguish whether these traits preceded involvement in prostitution or evolved from it (Boyle et al, 1997). Under New Zealand law, until 2003, any person soliciting as a prostitute in public risked arrest and prosecution, a legal situation that endorsed a view of sex work as a forbidden and clandestine activity. Such a stance also communicated society's disgust with the prostitute while the position of the client remained protected and thereby tacitly condoned (Jordan, 1993d).

Although there are acknowledged health impacts, both physical and psychological, few published psychological studies exist since the early accounts, which stressed the pathological traits underlying prostitution (eg, Glueck and Glueck, 1934; Gibbens, 1957). A more recent Australian study of female sex workers found over one-quarter exhibited mild psychiatric morbidity, but noted that this rate was not appreciably different from that of women in the general community (Boyle et al, 1997). Statistical analysis of the data revealed a history of injecting drug use, leaving home before age 16, and wanting to leave the sex industry, were independent predictors of poor mental health.

For many, the nature of sex work promotes the development of dissociative mechanisms designed to assist sex workers' survival within the industry (Jordan, 1991c; Phoenix, 1999). Learning how to 'switch off' while engaging in sexual practices with a client is a trait that some describe as essential to being able to manage the work. This enables the worker to distance herself from the sexual acts being performed by mentally removing herself from the situation. Her body may be still available, but her mind is focussed elsewhere. As one sex worker interviewed by Joanna Phoenix expressed it:

... you have to cut yourself off. When he touches you, you just feel like a piece of meat. You see, it's not me he's having sex with, it's just my body. (quoted in Phoenix, 1999 132).

The practice of dissociation has been identified as a possible response to trauma, but studies in this area have produced debatable results. Some have appeared to reflect the political views of their proponents more than the realities of sex workers' experiences. An example can be found in a research report presenting the results of questionnaire-based research into the incidence of post-traumatic stress disorder in sex workers (Farley and Barkan, 1998). Although the study claimed that all sex workers suffered from post-traumatic stress disorder resulting from their involvement in prostitution, no distinction was drawn between violence and trauma suffered on and off the job, nor preceding entry to sex work (PRB 111C, 2002). Moreover, the diagnosis of post-traumatic stress disorder was established by having respondents complete a ten-minute checklist of symptoms, a practice roundly condemned in an affidavit to the Constitutional Court of South Africa by Paul Henry de Wet, a psychiatrist

with specific experience in the field of post-traumatic stress disorder (cited *ibid.*). In this affidavit he explicitly rejected Farley and Barkan's methodology and their interpretation of the results. In his view, it is totally inappropriate both to attempt to diagnose post-traumatic stress disorder by using such a checklist, and to attribute the appearance of trauma symptoms exclusively to involvement in prostitution.

Male sex workers

Men have been largely invisible within studies of prostitution, whether as clients or sex workers. While the issue of clients will be addressed below, this section examines the involvement by men as male workers within the sex industry.

Male sex work has been described as:

marginal to two phenomena that are themselves peripheral to academic interest: prostitution and homosexuality. But, more than that, it is the potential of male homosexual prostitution to contradict current orthodoxies that guarantees its academic invisibility.... Because it involves a contract between two men, [it] confounds those who regard (female) prostitution as a simple rehearsal of gender inequality. Because, in some cases, the punter pays for the orgasm of the prostitute, it challenges those who would reduce prostitution to a form of consumer capitalism: mere payment for pleasure; and because it exists at all in the era of gay liberation, it embarrasses those who extol the revolutionary egalitarianism of the gay community. (Davies and Simpson, 1990, quoted in Davies and Feldman, 1997, 30).

If sex workers generally have marginal status, then male sex workers are characterised by even greater marginality. Lack of academic interest in male prostitution resulted in stereotypical and highly moralistic images of male prostitutes being presented in the psychological literature. These typically described them as drifters and runaways, with, for example, one writer adding:

His was a shattered family in which there was a dearth of warmth and an excess of violence and rejection. He was the victim of indifferent mothering. Most hustlers have been found to be irresponsible, immature, unstable and neurotic with a strong dislike for authority. (Coombs, 1974, quoted in Davies and Feldman, 1997, 31).

Davies and Feldman have drawn attention to the way in which the dominant image of male sex workers has been based on a view of rent boys being young, vulnerable heterosexual males forced into engaging in vile practices against their will. Such depictions have assumed both that rent boys could not be homosexual by preference, nor engage in prostitution by choice.

Much challenging of such perspectives has been undertaken in relation to women's involvement in prostitution, largely because of the impact of feminism (e.g. Delacoste and Alexander, 1988; Jordan, 1991b; Jordan 1991c). Such thinking has been less evident in discussions of male prostitution. However, recent research has drawn attention to the importance of recognising the ways in which male sex work can be viewed as resulting from

choices, even if the latter are made within constrained and limited circumstances (Davies and Feldman, 1997).

In New Zealand there is very little material that is generally available on male sex workers. While several theses have referred to its existence (e.g. Eden, 1997; Janssen, 1997), only one has been conducted exclusively with male sex workers (Roguski, 1997). The law governing the offence of soliciting was extended to include male prostitutes in 1981, resulting in a dramatic rise in convictions, but Knight suggested most of these were probably transsexual prostitutes as well as possibly some gay male sex workers (Knight, 1987).

One of the New Zealand Prostitutes' Collective's projects involves a peer support group for male sex workers (PUMP), which provides advice and counselling, as well as producing a newsletter aimed specifically at male sex workers. In a submission to the Justice and Electoral Law Reform Select Committee, the Co-ordinator of PUMP described the male sex industry in New Zealand (PRB 111, 2001).

This account noted that male sex workers are more likely to be private operators working from home than to be employed in massage parlours. Some escort agencies exist that have only male workers, and a few massage parlours may occasionally have male workers operating from or through them. An exclusively male massage parlour did operate in Wellington for a period of time before closing in 1995 (*ibid.*). Male workers mostly attract their clients by advertising through the adult entertainment or personal columns of various newspapers. While the majority of male sex workers provide sexual services only for male clients, some will work only with women and others will work with both men and women. Regarding their own sexual preference, male sex workers may be exclusively gay, some will be bisexual, and some will be straight (heterosexual). Referring to research conducted for a BA (Honours) degree by Trevor Landers (1995), the submission observes that, "The sexual orientation of the male sex worker does not depend upon who they have as clients", noting that gay male workers may work with women while straight male workers may work with men (PRB 111, 2001, 2). This is similar to female sex workers, and reinforces the distinction between private and public working lives. The sexual preferences and practices of sex workers in their private lives will often be very different from those that characterise their commercial sexual transactions.

Transgendered sex workers

Being a transvestite or transsexual places one at the margins. One of the first New Zealand studies to explore this phenomenon was conducted by then policeman Rana Waitai, who observed in the early 1980s that 60-70 drag queens were visibly apparent in Wellington, some of whom worked as prostitutes (Waitai, 1983). Sex workers who are transgendered are one of the most vulnerable groups because to many they are perceived as doubly deviant. Transsexuals internationally have found it virtually impossible to gain employment in massage parlours, and the difficulties of obtaining any kind of employment probably meant that disproportionately higher numbers worked in the prostitution arena. In Sydney a study of 164 transgender people indicated that 45% had spent some time working in the sex industry, with 70% of these having worked on the street (Perkins, 1994, cited in Harcourt et al, 2001).

Particularly significant amongst this group were high instances of drug-taking, low self-esteem, and adverse experiences of violence and assault.

For many years the visible sex industry in New Zealand was characterised by transgendered workers operating in the 'red-light' streets of our major cities. In the 1970s and 1980s some also articulated a need to earn large sums of money any way they could in order to be able to fly to Australia for a 'nip and tuck'. The flamboyant dress and behaviour of many transgendered workers and their high public visibility contributed to their vulnerability to street violence and police arrest.

The most celebrated transgendered sex worker in New Zealand at this time was Carmen, who has written at length of her experiences in the strip and drag scene of Wellington as well as her later years in Sydney (Carmen, 1988). More recently, Georgina Beyer has also made her autobiography accessible, detailing her experiences of working in the sex industry in her youth. The fact that legally she was a male meant that, on the one occasion she was arrested, she could not be charged with prostitution but was instead deemed to be 'a rogue and a vagabond' and was charged with 'frequenting with felonious intent' (Beyer, 1999). In a speech supporting prostitution law reform just prior to its third reading in the House, she attributed part of her support for the Bill to her own background and understanding of the issues. In a moving speech to the House, she stated that she was voting for the bill for all the prostitutes she had known who had died before the age of 20, adding:

This bill provides people like me at that time with some form of redress for the brutalisation that may happen in a situation when you are with a client and you have a knife pulled on you ... It would have been nice to have known instead of having to deal out justice myself to that person, I may have been able to approach ... the police in this case and say "I was raped". (Georgina Beyer, quoted in The Dominion Post, 26/6/03).

The New Zealand Prostitutes' Collective currently operates a project specifically providing advice and support services for transgendered sex workers.

Illegal immigrants and prostitution

Growing concern has been expressed internationally regarding the ways in which women from economically disadvantaged situations may be vulnerable to trafficking and exploitation within the sex industries of wealthier nations. In New Zealand much of the concern articulated has been related in particular to the employment of Thai and Filipino women. Their participation in the New Zealand sex industry is facilitated in part by their geographical proximity to this country, but is also fuelled by the demands of local men for Asian women. The number of Thai women entering the New Zealand sex industry increased dramatically in a four to five year period from the late 1980s to the early 1990s (Townsend, 1992b).

There are obvious difficulties surrounding research with these workers, including language difficulties, cultural modesty, and the fears exacerbated by their dependency on sponsors or business operators, often enhanced further by their typically illegal status. Fear of deportation means most workers avoid contact with official services and are difficult to reach with health information and services (Townsend, 1992b). The New Zealand Prostitutes' Collective has,

at various times, been able to employ Thai women to work within this community and establish an outreach programme, although this has been difficult to sustain.

In response to estimates of 500 Thai women working as prostitutes in Auckland, and a client reporting infection, a special Thai medical centre was established in October 1991 for Thai workers in Auckland's parlours, escort agencies and go-go bars (Townsend, 1992b). Opposition came from parlour owners and the women themselves, with the latter fearing links to immigration services. A Thai-registered nurse who had worked in an education programme for prostitutes in Thailand was employed in the clinic and confidence grew in its services. A health adviser describing the clinic to a New Zealand Venereological Conference noted that most of the workers came from poverty-stricken areas to the north and north-east of Thailand, an area in which 40 per cent of brothel-based prostitutes were HIV-positive according to a medical study conducted there (Townsend, 1992b). Some women were bought from their families for approximately \$700. Most who came to New Zealand were supporting children or parents, with many being widows struggling to pay large family debts. Agents approached these women offering to lend them the airfare to New Zealand, where work would be arranged for them. In exchange, they must repay the fare plus an additional tax of \$3000 or more. In the past some women have genuinely believed that they will be working in Thai restaurants here, rather than the sex industry, but this happens rarely now. However, some parlour owners may exploit them, expecting them to work seven days a week and up to 14 hours per shift. The women themselves typically see only a small percentage of what they earn. The economic pressures on these women can result in some being prepared to accept more money for sex without a condom. Those running the health clinic noted:

Our experience is that most parlour owners expect women to keep working even when they have an STD. (quoted in Townsend, 1992b, 4).

This earlier picture of the circumstances surrounding Thai sex workers was largely replicated in subsequent research. A Thai student in Women's Studies conducted her PhD research by interviewing thirty former and current Thai prostitutes in Thailand and New Zealand (Menasveta, 2002). This study illustrated the poverty underlying most of the women's entry into prostitution, and their beliefs that the pains experienced would be the price they paid to be able to provide financial security for themselves and their families. The fact that this was never realised was a major source of frustration and despair, which many attempted to offset through alcohol and gambling. One woman, while working in New Zealand, claimed to spend up to \$1000 a night in the local casino (Menasveta, 2002, 200). None of the women who came to New Zealand believed they had any significant hope of leaving prostitution through education and training for alternative careers. Instead, most felt that finding one affluent partner to support them was the option most likely to bring financial security. However, Menasveta also found that some women who had become 'mail-order brides' ended up re-entering prostitution when their marriages failed and they felt they had no other economically viable option. She also found most of these marriages had been characterised by heavy dependency of the women on their husbands while the latter often responded with behaviours characterised by physical and mental abuse, excessive demands for sex, insufficient economic support, and infidelity. If sex traffickers organised a woman's trip to New Zealand, the woman is usually liable for repaying her fare through large deductions from her pay (up to 40% is regarded as 'considerate' by traffickers) (Menasveta, 2002).

In mid-1999, a New Zealand Police report into the sex industry indicated that several hundred women were employed in the sex industry in this country who were neither New Zealand citizens nor New Zealand permanent residents (CEDAW, 2002). The overwhelming majority (approximately 500 in Auckland and 100 across the rest of the country) were of Thai nationality. It was considered that reintroducing visitor visas for Thai nationals from 2001 would reduce the number of women entering New Zealand to work in the sex industry.

CEDAW's (Convention for the Elimination of Discrimination Against Women) 2002 report further noted that the incidence of trafficking of women appears to have diminished in recent years, probably as a result of several joint Police/Immigration Service operations in the mid-1990s which led to a number of employers being prosecuted on brothel-keeping and slavery charges. However, the difficulties of ascertaining reliable information in this field were noted.

New Zealand Prostitutes' Collective (NZPC) and Shakti (the Asian Women's Refuge) continue to work together with Government agencies to assist women who are being exploited, especially vulnerable foreign nationals. A "Pink Sticker Project" was introduced in 1999 by the Auckland City Council and the Human Rights Commission, working in conjunction with Police, Immigration, ECPAT (End Child Prostitution and Trafficking), Shakti, and the Thai Embassy. The stickers were used to advertise, in English and Thai, a safe house and telephone hotline set up to assist illegal female workers. Since its inception, the Human Rights Commission has helped a number of Thai women to leave the New Zealand sex industry and return to Thailand (CEDAW, 2002).

It should be noted, however, that there are now many Thai women working who are well-established in their own right within the sex industry. Outreach workers with NZPC report that there is now greater stability within this sector of the industry, and that they have regular and considerable interaction with Thai workers in both Auckland and Wellington in particular.

Also noted in recent years has been an increase in the number of Chinese women working in the New Zealand sex industry. A growing number of parlours are being operated by Chinese migrant workers, predominantly in the Auckland area (Information obtained from NZPC).

Exiting sex work

Considerably more literature has been devoted to explaining entry into sex work than describing exiting decisions and experiences. Resuming a so-called 'ordinary' life holds less allure for researchers than exploring reasons for adopting, and paths into, a 'deviant' lifestyle. Of relevance is the likelihood that most former sex workers take pains to blend back into mainstream society, and hence lack visibility.

Understanding movement out of the industry is critically important, however, given the oft-cited concerns that it is a difficult industry from which to exit. This was enhanced, until recently, by the existence of legislation which effectively locked sex workers into sex work. This impact resulted in part from the difficulties sex workers encountered in declaring the nature of their occupation, in managing the impacts of having received any prostitution-related convictions, and in living a stigmatised and often publicly condemned identity.

Some sex workers describe not so much being pulled or drawn out of the industry as feeling pushed out when the nature of the work intruded too heavily on their sense of self (Jordan, 1991c). Should their ability to manage or cope with a changing array of clients fade or disappear, the job would often become more than they could bear. One Wellington sex worker from the early 1970s described this process when she commented:

Basically I never liked what I was doing, and I guess I never quite got over the hang-up about being a prostitute and all that it means. I tried to pretend I didn't give a stuff about what people thought of me, but underneath I really did. I've been in the scene for almost five years and I just got so sickened by it, in the end I just had to get out. I'm only twenty and I feel as though I'm forty-eight. I feel like an old, old lady. (quoted in Kedgley and Cederman, 1972, 115).

Until recently, a major barrier to exiting the industry arose from the illegalities associated with prostitution involvement. Receiving a prostitution-related conviction remained with a worker throughout the rest of her/his life, affecting subsequent employment, travel, and financial options (Jordan, 1993d). The Massage Parlours Act 1978 posed particular problems by stipulating that no person with prostitution-related convictions could work in parlours for ten years subsequent to their receiving such a conviction.

A requirement for massage parlour licensees to keep a list of the correct names, birth dates, and addresses of all persons working in their establishments was later used by the New Zealand Police when establishing a registration scheme for sex workers. Under section 19 of the Act, the police were given the right to inspect and copy any such list. From 1991 onwards, this was expanded by police in various parts of the country into their own local registration schemes. They began decreeing that any sex workers working in massage parlours and advertising in newspapers should be required to register with them before they were entitled to work or advertise in those newspapers (Palmer and Reed, 2001). Palmer and Reed note that the majority of the daily newspapers in the larger cities have since complied with police requests that they do not accept advertisements for the adult entertainment columns unless the person has registered with the police.

The registration scheme has been criticised for being yet another method of discrimination against sex workers, and several significant breaches of privacy have been reported (ibid.). One sex worker, for instance, asked to be removed from the register when she left to go overseas for an extended period, but on her return found herself still on the register. In another case, the police allegedly pressured a woman whose name was on the register to drop a complaint of rape or have the information on the register given to her parents (ibid.). In addressing her concerns to the Select Committee, one young woman who partially funded her degree qualifications through sex work noted the difficulties of ever being able to truly leave the sex industry behind while her personal details remained on a police register of prostitutes (PRB 107A, 2001). Such concerns resurfaced early in 2004 when it became apparent that, despite the law changes of 2003, the New Zealand Police continued to keep personal information about sex workers on a national database (Dominion Post, 5/4/04). Quoted in the article was a Wellington brothel manager who commented that many sex workers were students trying to avoid debt:

One day they could become the chief executive of Telecom and they don't want this sort of information lying around when it's no longer required. (Dominion Post, 5/4/04).

Clients: characteristics and motivations

Prostitution primarily exists because of men's demands and expectations regarding the purchasing of sexual services. Without a willing client group, the industry would quickly cease to exist. Yet while the number of clients clearly outweighs the number of workers, research studies of the former have been few and far between (Monto, 2000).

Just as stereotypes of 'prostitutes' exist, so too do stereotypes of their clients. Common images depict ugly, disabled and socially gauche men, or stress their sleazy, cheating natures and furtive dirty habits. The sheer numbers of men buying sexual services casts doubts on such assertions. Early estimates of the numbers of men who visited sex workers were comparatively high and are now viewed as exaggerations (Monto, 2000). One figure often cited relates to sexologist Alfred Kinsey's 1948 study which estimated that more than two-thirds of men (69%) had visited sex workers at some time in their lives and between 15%-20% were regular visitors (cited *ibid.*, 68). Although since questioned for its sampling methods and lack of generalisability, this study became the basis for subsequent research, such as that by Benjamin and Masters (1964) who estimated that about 80% of men had visited sex workers. A more recent and methodologically advanced study was conducted as part of the National Health and Social Life Survey, 1992, which estimated that 16% of men in the United States had ever visited a sex worker (cited in Monto, 2000). Interestingly, the study revealed that the percentage of men whose first sexual experience had been with a sex worker declined among men who came of age in the 1950s to those coming of age in the 1990s (from 7% to 1.5%) (cited in Monto, 2000, 68).

While debate about the proportion of all men who have visited sex workers continues, clearly the number of men involved as clients overwhelmingly exceeds the number of women involved in the industry - at any one time there are far more men participating in the sex industry than there are women. How many more is a question often disputed. Martha Stein's study (1974) put the ratio of clients to prostitutes at 30:1. Little New Zealand data exists, although a small survey of Auckland sex workers revealed each worker saw on average 14 clients in a week (Chetwynd, 1992). Research conducted in Australia estimated that about one in 40 men in Sydney visit sex workers a week (Perkins, 1991).

Despite their number, very little research exists on the clients of sex workers. Indeed, Perkins observes that studies of men's involvement in prostitution overall, whether as prostitutes, clients or pimps, constitute fewer than 1% of all prostitution studies (Perkins, 1991, Table 1:1, 33). This may be due in part to the fact that the question of why men visit sex workers was felt for many years to be self-evident. Instead the assumption tended to be: why wouldn't they? In the last decade more interest has been expressed in this topic by researchers, providing some understanding of the motivations underlying the buying of sex. For example, McKeganey and Barnard's study of clients (which included telephone interviews with 66 men contacted via newspaper advertisements) suggested the men perceived multiple attractions to be associated with paid sex. These included the desire to have a larger number of sexual partners and experience a wider range of sexual practices, as well as the appeal of the illicit

nature of the sex industry and the limited emotional involvement associated with paying for sex (McKeganey and Barnard, 1994).

One of the few New Zealand studies of clients was undertaken through a project jointly funded by the New Zealand Prostitutes' Collective and the Health Research Council of New Zealand (Chetwynd and Plumridge, 1993). Described as a pilot study, the research arose from previous research which had indicated some sex workers experienced pressure from clients to engage in unsafe sexual practices (Chetwynd, 1992). The sample consisted of 30 clients of female sex workers, ten each from Auckland, Wellington and Christchurch. To conduct the interviews, a woman was recruited who was known and trusted in the sex industry, whom the researchers trained in interview techniques and questionnaire administration. The study was primarily concerned with obtaining information regarding safer sex practices, the results of which are reported below.

The motives clients spontaneously reported for their visits to sex workers fell into two main categories. These related to the straightforwardness of the exchange – sex without complications – and to the pleasurable aspects – providing company and fun, as well as alleviating boredom and providing variety (Chetwynd and Plumridge, 1993). However, while there was not huge variance in the underlying motives, the specific triggers associated with visits to sex workers were quite varied. Some clients referred to spontaneous decisions made on impulse or after drinking, while others talked about meeting needs arising from loneliness, boredom etc. No client spontaneously suggested 'need for sex' as a trigger, but when asked specifically about this aspect by the interviewer, nine agreed that it was a trigger (Chetwynd and Plumridge, 1993, 15). Regarding the age at which they first purchased sex, the average age was 28 years, with the range of ages spanning from 14 to 50 years of age. One-fifth of the sample first paid for sex while in their teens, and just under a half first paid for sex in their twenties (Chetwynd and Plumridge, 1993).

A smaller qualitative study of clients purchasing sexual services in New Zealand was conducted by Jordan (1997). The 13 men interviewed were entirely self-selecting and thus may not be representative of clients overall. Nevertheless their willingness to speak openly and candidly about their experiences provided a rare opportunity to hear New Zealand clients speak from their perspective about their participation in the sex industry. For this reason the material they provided is summarised here at some length.

A brief profile of the men interviewed indicates they came from a variety of backgrounds. At the time of being interviewed the men's ages ranged from 27-74, with most being in the 30-40 years age group. Nearly half the men were married, two were widowed, one was separated, and four had never been married (including two men in their 70s). The occupational and class backgrounds of the men varied considerably, as did their incomes. The latter ranged from \$14,000 per annum to \$90,000 plus per annum, earned in occupations as diverse as glass cutting, sales and retail, education, real estate, medicine and optometry (Jordan, 1997).

So why did these men visit sex workers? The reasons varied depending on the men's own circumstances and the extent to which they felt their sexual needs could be met through more conventional relationships. All of them acknowledged that they were there, at least to some extent, for sex. The significance they attached to sex and their aspirations for what they hoped it would achieve, however, varied considerably. To some extent this was dependent

on their marital status. Four of the older men (in their 40s and 50s, plus one in his 70s) maintained that their wives were unable to satisfy them sexually. As Peter expressed it:

My wife gets a sore back and I don't like to say, 'Well come on then, it's about time we did it again', because she's worried about her mother and she gets backaches and headaches. It's easier to save up a few dollars and go and relax for a couple of hours over at the massage parlour. (Jordan, 1997, 58).

Women's lack of interest in sex was often used by these men as a justification for their visits to sex workers, with few of them expressing any strong guilt feelings or having a sense of betrayal. Jansen was recently widowed at the time of being interviewed, but for a lot of his marriage had visited sex workers whenever he was away from home. He said he had no sense of betraying his wife whatsoever:

Not at all – she just wasn't there. I didn't tell her because I didn't think it would be very diplomatic and it could make her unhappy. (Jordan, 1997, 59).

Similar sentiments were expressed by David, a sales representative in his early 30s whose marriage had recently ended. It wasn't until after he was separated that he first went to a massage parlour. Now he maintains it to be a more honest, less complicated way of having his sexual needs met than having a series of casual affairs or one-night stands. As he sees it, to go to a pub may mean:

You can end up picking up somebody you don't really want to pick up and doing some things you don't really want to do, and then you wake up in the morning and sneak out or whatever, and next minute they'll be knocking on your door that they're pregnant or they've got VD or something ... or they're crying rape because they've come out of their drunken stupor or whatever and they realize they shouldn't be there or the boyfriend's going to find out, so then you've got all that hassle, just for one thing, for something that might last for a few minutes to a couple of hours – I just don't see the point, I really don't see it. (Jordan, 1997, 60).

For men in David's situation who do not want an emotionally intense relationship or who are not ready to make a commitment, sex workers clearly provide them with what appears to be a relatively uncomplicated way of getting their sexual needs met. The lack of complication is obviously part of the appeal for the married men also. Affairs are definitely perceived as riskier undertakings with greater potential to disrupt the marital relationship. Even picking up a woman at a bar for the night seemed too messy, and besides, sex was never a guaranteed outcome. In attempting to clarify his own thoughts on this issue, Alan postulated:

Maybe there's an objectiveness about it that appeals to me. You can put it on and you can take it off and that's it, and it's gone and there's nothing else. There's no lingering involvements – 'you told me you weren't married', or anything silly like that. It's clinical and it's clean. You both know why you're there so there's no sparring or fiddling about or any of that 'I love you for your mind' stuff. (Jordan, 1997, 60).

Alec, a shy young man, described it this way:

It's as if I become a different person when I walk into a parlour. I find I can go with a girl there and not be, or feel, sort of threatened or afraid of them, probably because I know they are only doing a job and it's not reality, in a way, it's all an act most of the time. (Jordan, 1997, 62).

What he wants the most from these visits, he says, is the companionship.

I like to be with someone for a while, even if it's just an hour. You can get very lonely. It's very depressing to be lonely all the time – you just have to be with someone. (ibid.).

Alec went to a massage parlour as a virgin, and Jon also had never been in a sexual relationship before he visited a parlour. In Jon's case, however, he was in his early 70s at the time.

I got this idea - I didn't want to die without knowing. Since I've been going there I've actually realised what I've been missing. I might go for sex, but that's only part of it. The woman I see now - I was with her last night - we're actually very compatible. As much as anything else it's companionship. I don't consider her a prostitute at all. (Jordan, 1997, 63).

Women, then, were conceptualised as necessary to fulfil men's sexual needs, but often in these accounts they emerge also as the providers of men's emotional needs as well. The men frequently spoke of going to sex workers to meet their intimacy and companionship needs, or to provide a sense of touch, even the illusion of closeness.

When you're with a beautiful woman you're not as desperate as when you are conscious of the fact that you're without house and home or your wife has walked out or something - it relieves all that. (Jordan, 1997, 65).

To be offered sex without intimacy seemed for many men to be a straightforward, uncomplicated option. It enabled them to continue to regard sex as something separate, something other, something which exists apart from their mind and their emotions. The possibility of sex without commitment was attractive to many of these men, but what also often appealed was the ability to have sex without negotiation. Jansen described his visits to sex workers in this way:

There you just ask and you get it. You don't have to beg or whatever. (Jordan, 1997, 66).

The paying of money was seen as entitling the men to use the women for sex, with no other expectations involved.

In the absence of many studies of clients themselves, a major source of information has been provided by sex workers. Descriptions from the 1970s have familiarity today. Sex workers both then and now recount a tendency for the majority to be married, although one described how some men would come before they were married, disappear for a few weeks during the wedding and honeymoon, then reappear shortly afterwards (Kedgley and Cederman, 1972).

Georgina Beyer describes how, as a transsexual, she would perform ‘trick sex’ with clients who would assume she was a biological female, as well as with men who knew she was not but did not seem to care. As she describes it:

There were some straight clients and casual sex partners who didn't mind if they partnered a man, a woman or a transsexual. It has always amazed me how many straight Kivi blokes, when drunk, look for any port in a storm. (Beyer, 1999, 66-67).

Similar accounts of transsexual sex workers being able to ‘trick’ male clients are contained within Heather Worth’s study (Worth, 2003).

The demand for alternative or ‘deviant’ sexual practices has long been acknowledged in the literature. Descriptions are numerous of men who pay to be whipped by their ‘mistress’, caned like a schoolboy, or treated like slaves. One sex worker remarked, “Lots of guys in New Zealand want to be abused and tortured,” (quoted in Kedgley and Cederman, 1972, 114). Also relatively common are accounts of men seeking women to give them ‘golden showers’ (urinate over them), or fetishists with their own particular demands involving boots, panties or whatever specifically turns them on (Jordan, 1991c; Kedgley and Cederman, 1972).

Although such accounts are common, they need to be balanced out by other sex workers’ accounts describing by far the majority of their clients wanting very ordinary and conventional sexual practices. One woman described her surprise at how conventional it all seemed, exclaiming:

It's actually extraordinary how conservative most of them are – that really startled me when I first started doing it... I think I'd expected that they would want more exotic or interesting kinds of sex, but in fact it's pretty boring, mundane sex, and far more ordinary than I would have in my private life with anybody. (quoted in Jordan, 1991c, 195).

It is possible that, like most people, when asked about their work there is a tendency to emphasise the bizarre and different, partly because that is memorable and also because of its shock appeal. In some ways also, conveying such stories to non-sex workers might be viewed as a way of engaging sympathy for all that the job demands, as well as providing a means of distancing from the ‘deviant’ client.

The assumption in most of the prostitution literature is that, while sex workers may be male, female, or transgendered, the clients are always male. While it is likely, for a complex mix of biological, social, and economic realities, that the overwhelming majority of clients will in fact be male, the existence of female clients must also be recognised. Where and how do women feature as the purchasers of commercial sex?

This issue has been discussed to some extent within the context of lesbian involvement in prostitution. International research has uncovered opposing attitudes by lesbian sex workers to selling their services to women. Some lesbian sex workers have felt this would be ‘too close to home’, too much like prostitution (Pia, in Hoigard and Finstad, 1992, 73), and maintained they could only sell sex to men. Such a view was reflected in the lesbian sex workers interviewed for the New Zealand book, *Working Girls* (Jordan, 1991c). Other lesbians, however, have provided sexual services to women, their clientele ranging from

'closet' lesbians concerned about their careers and reputations to women in heterosexual marriages looking for something different (Brown, 1994). A lesbian woman in New Zealand commented to an interviewer that she preferred to have women clients, saying:

Having women clients was just a lot nicer than having men, because they were women. Men are just so male. (Timi, quoted in Brown, 1994, 34).

The question of men providing sexual services to women clients has been little studied within this country, although passing reference is made to this occurring in material documenting the experiences of male sex workers in the industry (PRB 111, 2001).

Sex worker safety

The common perception is that sex work is a dangerous occupation. Rape, violence, and muggings are a recognised aspect of life on the streets in some countries, and even homicide can be viewed as an occupational risk factor. Statistics Canada, for example, reported that between 1991 and 1995, 63 known sex workers were murdered in Canada, a figure representing 5% of the total number of women killed in Canada over that period (Brock, 1998). Research by criminologist John Lowman found that 77% of prostitutes in Vancouver had at least one violent customer every month (cited in Brock, 1998). However, to keep this in perspective, a Canadian sex worker maintained the industry to be fairly safe overall, stating reassuringly:

Most guys don't want to kill you, they just want to get fucked. (Donna, quoted in Brock, 1998, 21).

The marginal status of the industry, the settings in which transactions occur, and the characteristics associated with some client groups combine to exacerbate many sex workers' vulnerability to attack. Such vulnerability is differentially experienced in the various sectors of the industry, with street workers typically being the most at risk (Jordan, 1992; Lowman, 2000; Perkins and Lovejoy, 1996). Those working the streets may be younger, sometimes under the influence of drugs and/or alcohol, and more likely to end up on their own in potentially hazardous situations such as the client's vehicle or in a dark alleyway or park. Given that their clients may also be under the influence, and can sometimes display varying levels of misogyny, street work can be a risky enterprise indeed. However, safety issues affect workers in all sectors of the industry, in part because of the likelihood that most sex workers will spend significant periods of time with their clients in private and often unprotected settings. One New Zealand sex worker, for instance, described being unsafe even within a well-run massage parlour, where a client tried to rape her and threw her into a full-length mirror which shattered on impact (Jordan, 1991c).

Women who provide escort services can also face high risks given the difficulties associated with ascertaining in advance the mental state of the caller or even how many men may be present at the address. In the book *Working Girls*, for instance, Sarah describes being forcefully sodomized on one such call while Caroline had to fight for her life when a disturbed ex-Vietnam veteran tried to drown her in a motel bathtub (Jordan, 1991c).

Plumridge and Abel (2001) conducted an extensive survey of 303 female sex workers in Christchurch, representing just over 80% of the estimated working population. One significant aim of their research was to assess the differences in risk exposure among female sex workers in different sectors of the sex industry. Their research found that 83% of participants reported one or more adverse or violent event, with street workers being generally more likely to experience the more severe forms of violence. The study's comparison of street and indoor workers is reproduced below.

Table 5: Adverse experiences in sex work for street and indoor workers

Adverse experiences	Street (N = 78)		Indoor (N = 225)	
	Number	Percentage	Number	Percentage
Refusal to pay (after service given)	42	54%	104	46%
Had money stolen by client	33	42%	57	25%
Been physically assaulted	32	41%	48	21%
Threatened with physical violence	51	65%	58	26%
Held someone against their will	18	23%	30	13%
Verbal abuse	64	82%	116	52%
Raped	21	27%	17	8%
Threatened to complain	26	33%	91	41%
Forced to have unprotected sex	16	21%	20	9%

(Reproduced from Plumridge and Abel, 2001, 82)

Overall the authors of the study concluded that high levels of adverse experiences were reported for women working in both sectors, but especially concerning were the rates of serious violence reported by some street workers.

When discussing issues related to sex worker safety, both local and overseas research has indicated the importance of considering sex workers' interpretations of risk and risk-taking (McKeganey and Barnard, 1994; Plumridge, 2001). Sex workers' own appraisals of their work environment may differ from the assessments likely to be made by those outside the industry. Recognition of the extent to which sex workers' beliefs and actions are mediated by context has been argued by some researchers, with writers such as Whittaker and Hart, 1996, arguing that:

it is through the social organisation of their work that we are best able to understand the nature of their risk exposure, and their strategies for managing the risk in relation to their occupational health. (Whittaker and Hart, 1996, 399).

As well as operating within social and structural contexts, however, sex workers also, like all individuals, operate within discursive contexts. In other words, their understandings and

accounts are influenced by the dominant discourses which are evident regarding the sex industry. This is clearly and tangibly revealed in relation to New Zealand sex workers in an article by Plumridge (2001). Basing her analysis on accounts provided by 31 sex workers, she compares street workers with those operating within parlour or 'inside' venues.

In relation to 'inside' venues, she describes how the women emphasise the sociability aspects of the industry (such as the camaraderie with other workers, the sense of 'freedom', that this is not 'real' work, and the large amounts of television-watching, coffee-drinking and chit-chat that can occur in the parlours). Such an emphasis reduces the potential for highlighting labour concerns within the industry and leaves workers unprotected and vulnerable to manipulative or exploitative management strategies. Issues consistent with a labour relations perspective are interpreted instead as problematic intimate relations, with informal and personalised workplace controls dominating the industry. Plumridge argues that:

In the New Zealand context at least, it would seem that the personal risk of women working at sex work venues would be less if there was a structural change to decriminalise sex work, and they had access in the worksite to the usual collective approaches, sanctions, rights, duties and information that characterise non-criminalised industries. (Plumridge, 2001, 212).

For women on the street, major contradictions often emerged between their acknowledgement of high levels of risk and danger compared with their descriptions of themselves as strong, 'savvy', and in control. So while on the one hand the risks were well known and incidents often graphically described, the risks were effectively negated by accounts portraying themselves as "highly, almost heroically capable" (ibid., 210). Their assertions of powerfulness were undercut by frequent depictions of themselves as 'wasted' and unable to make rational decisions or protect themselves. Thus one woman recounted an incident in which she had been attacked and robbed, saying:

but I don't really remember that one... I just sort of ... keep running. I don't know where I was running. I suppose just. 'Cos I was still out of it and I didn't know what I was doing or where I was. (Suzanne, quoted ibid.).

Plumridge describes how reference to being 'out of it' was used by many of the women to both blame and excuse themselves of their actions, and was not perceived as negating their assertions of being street savvy and in control. Thus she argues that while structural changes are imperative, such as promoting a decriminalised sex industry, discursive understandings also need to be acknowledged when assessing risk identification and management.

Male sex workers can also be targets of violence, although some studies have suggested this is a less likely occurrence than the risks faced by women sex workers (Prestage, 1994). Prestage argues that in fact the male clients of male sex workers tend to be wary of them, largely because they are fearful themselves of being 'outed' as homosexual. There is no equivalent for men involved in prostitution of the label 'whore' that is used so derisively of women and with the intention of legitimating violence against them.

Transsexuals working within the sex industry are often assumed to be able to protect themselves like men if they encounter violence. However, this group of workers may also bear the brunt of prejudicial hate crimes against them. Accounts from transgendered workers

in New Zealand show how they can be just as fearful of violence as other women. As one said:

I was scared, because I'd heard, you know, before I even went there, to town, to do that, I'd heard stories of... prostitute got killed, a prostitute got bashed, you know, and that, that. ...But still, because I was hungry and, you know, I had to eat and I was thirsty, I had to do it. (Fenella, quoted in Worth, 2003, 174).

A respondent in the same study recounted being attacked by three men after the one she was selling sexual services to realised she was also male (Worth, 2003, 176).

In order to reduce these risks, sex workers' collectives internationally have sought to promote a range of safety measures. The New Zealand Prostitutes' Collective introduced, for example, an 'Ugly Mugs' list to provide a mechanism for any sex workers who had experienced abuse, robbery or violence to alert other workers to the characteristics of offending individuals. While this safety practice is not consistently adhered to, Collective workers in Auckland personally handed out notebooks and pencils to street workers following a series of attacks, to encourage them to record vehicle registration numbers (The Dominion, 8/2/02). Significant efforts have also been made to raise the New Zealand Police's appreciation of the risks street workers face and to increase workers' confidence in the police. On several occasions in recent years, the murders of street workers in Auckland have reinforced their vulnerability to target selection by particular violent offenders. In 1996, for instance, the mayor of Auckland, Les Mills, wanted to "to shut down the sex industry following the grisly murders of three sex workers in Auckland's redlight district" (Timaru Herald, 30/10/96). More recently, the killing of a sex worker in a car park in 2002 made her the third street worker to be attacked over a three month period in Auckland (Sunday Star Times, 3/2/02). To solve such homicides, police have been largely dependent on the co-operation of other sex workers for the provision of relevant information (Sunday News, 20/10/96; Waikato Times, 4/2/02) or on their clients, although they have commented that, not surprisingly, the latter are typically "slow to come forward". (The Press, 8/2/02).

Sex worker exploitation

A recurrent concern regarding the sex industry in the years preceding legislative reform stemmed from the potential for exploitation within the industry. Workers in parlours and escort agencies were typically dependent upon the good will of the individual owners and operators of these businesses, since the latter operated in an absence of legal constraints and obligations. It became commonplace for sex workers to be charged a range of fees and to be subject to a series of fines, the money for these coming from the 'extras' which the client paid the worker after he had already paid a fee to the parlour. Although it may seldom have happened, a woman working in a massage parlour could pay a taxi to transport her to and from work, pay the operator a fee for being there, have no clients willing to pay for 'extras' and return home out of pocket. One of the sex workers who described this process in her submission to the Select Committee said:

The industry as it is set up, gives power to the management of parlours and agencies. When I am working I am aware I could be busted for prostitution. If I have trouble at work, I am not

likely to go to the police. This has resulted in a sex industry culture, a culture that is not inherent in prostitution, but rather is a direct result of the present laws. I'm talking about things like having to work night shifts until 4 or 6 or 7 or 9 in the morning, sometimes regardless of whether there are clients around, sometimes until the clients stop coming in, however late that may be. We are charged bonds to work places; shift fees each night, dress hire, charged fines. A typical fining system, such as the one where I worked, was that if you are late for a shift, you pay half of your money from your first job as a fine. So for a one-hour job, the worker ends up with \$25. That's a \$45 fine and \$20 shift fee. If you don't show up for a shift, you pay half of all your jobs that night as a fine. If you don't give notice when you leave, they will keep your bond, that could be \$100 or \$200. (PRB 107A, 2001, 3).

Reflecting similar concerns, another sex worker asserted in her submission:

The commonplace practice of charging shift fees, bonds and fines must stop. It is unfair to allow venue owners to take money from sex workers as if they were employees, and yet not offer the workers any of the protections of being an employee. (PRB 107, 2001, 1).

While sex work has been increasingly perceived as a job, as employment, as work, the status of those employed in the industry reflected few of the realities that most workers in New Zealand take for granted. The potential for the operators of sex businesses to exploit their workers was large and virtually unchecked, a fact that, when considered in combination with the stigma of working in the industry, rendered the workers highly vulnerable. As one sex worker expressed it:

Girls have all the obligations of being employees and none of the benefits. Or look at it this way, the management has all the benefits of being an employer, but none of the obligations – not to any health and safety regulations, employment requirements such as holiday pay, sick pay, a system of warnings before dismissal; but we are charged shift fees, bonds, we have to provide medical certificates if we are sick, and give notice when we leave. The situation is entirely unacceptable. (PRB 107A, 2001, 3).

The diversity of experience evident within the sex industry extends to individual variations in sex workers' abilities to exercise control over the labour process (Chapkis, 2000). A recent study based on in-depth interviews with 47 sex workers, activists, and law enforcement officials in the United States and the Netherlands confirmed that sex workers experience the sex industry differently, with a significant part of that difference being related to their location within the trade (Chapkis, 2000).

Several key structural factors have been identified that impact significantly on sex workers' abilities to exercise power and control on the job. One major factor is the legal status of the sex industry, with writers noting the compromises many workers feel compelled to make in arenas where prostitution-related activities are illegal (Chapkis, 2000). This can be important even in essentially decriminalised contexts – one example given is in the Netherlands where a division exists between Dutch and other European workers who, often lacking work and immigration permits, end up working illegally. In clarifying the tensions surrounding migrant workers' employment, one advocate noted:

There is so much that they can't control in their lives here. And that is a critical difference between Dutch and migrant prostitutes. Everything is in a precarious balance for them. Their priorities are different: first it's daily survival, then sending money home, then protecting yourself from the police who could deport you, and then maybe only after all these other things comes safe sex. In a good situation, safe sex might be the first priority for migrant women, too... (but) it's about survival; they are trying to make the best of a difficult situation. (quoted in Chapkis, 2000, 183).

Debates about the sex industry have often been fought in a polarised manner which pits feminist against feminist even though both may be arguing for women's rights and freedom from exploitation. One view argues that all prostitution is sexual slavery and seeks the abolition of the industry. One of the strongest proponents of this perspective, and a commentator who has spoken in New Zealand on this issue, is Australian academic Sheila Jeffreys. She represents a position that denies sex workers choice or agency, viewing all 'prostituted women', as she calls them, as passive and exploited victims (Jeffreys, 1997).

An alternative position has been argued strongly by another Australian academic Barbara Sullivan. She favours viewing prostitution as sex work rather than sexual slavery, while maintaining that exploitative practices within the sex industry should be opposed. Her approach recognises the complex and even contradictory experiences of those working in the industry, and stresses the importance of acknowledging diverse and opposing voices from within the industry itself. She articulates this position clearly when she asserts:

...there can be little feminist ground for condemning all prostitution transactions just because they involve prostitution, that is, some form of financial benefit in exchange for some sort of sex.... Feminists need to be careful that their arguments do not slide into heteronormative accounts of sexuality which pathologise some women (sex workers), some men (clients), and sexual transactions which, in practice, can be distinguished from normal sexual relations only by the presence of an explicit economic exchange. (Sullivan, 1997, 242).

Moreover, the argument that all sex workers are coerced, exploited and in need of 'saving' denies the diversity within the sex industry and disregards the voices of many sex workers themselves. Some, for instance, have articulated the view that it is legitimate and even subversive for women in a male-dominated world to exploit men for their weakness. In the words of a New Zealand lesbian feminist sex worker:

Men are quite silly when it comes to sex. A woman can win out every time.... That's why I see women who charge for sex as being quite strong and quite revolutionary.... If every woman charged every man, including her husband, for every fuck, then the whole ownership of the world's resources would start shifting to female control. (Jordan, 1991c, 238-239).

Perceiving all sex workers as victims, as some writers do (Jeffreys, 1997; Barry, 1979; Hoigard and Finstad, 1992), ignores alternative accounts, interpretations and experiences. The diversity that is characteristic of those involved in the industry is evident also in the extent to which they may, or may not, conform to depictions of victimisation. Accounts from the many sex workers who reject the victim label cannot be easily dismissed or ignored. If victimisation becomes the defining characteristic of prostitution, then, as Joanna Phoenix has

argued, no space exists to discuss non-victimised sex workers or those who do not see themselves as victims (Phoenix, 1999).

Health issues

Historically sex workers have often been reviled for being disease carriers and held responsible for the transmission of venereal diseases (Healy and Reed, 1994). Such thinking gave rise to the Contagious Diseases Acts in both New Zealand and the United Kingdom, as well as being evident in more general pronouncements (Eldred-Grigg, 1984; Knight, 1987; Lichtenstein, 1997; Macdonald, 1986; Robinson, 1983). More recently, it has been linked to perceptions of sex workers as a high at-risk group for the transmission of HIV/AIDS (Lichtenstein, 1997).

This has prompted assertions by sex workers and prostitutes' collectives regarding high adherence rates to safe sex measures and articulating their professional investment in minimising the risks of contracting any STDs or AIDS infections (Delacoste and Alexander, 1988; Healy and Reed, 1994). In 1994, an article by NZPC workers Catherine Healy and Anna Reed observed:

In the early days of AIDS it was inevitable that the sex industry would be scrutinized. The media in our own country – Aotearoa/New Zealand – ran stories that whipped up hysteria against prostitutes, with images of the 'vengeful AIDS victim... a crazed hooker on a revenge trip against all punters'. We have yet to hear about the crazed punter hell-bent on infecting prostitutes. (Healy and Reed, 1994, 16-17).

While some clients may successfully pressure workers to engage in unsafe sexual practices, it has been argued that the proportion of individual sex workers taking such risks is no higher than that found in non-worker populations (Scambler, 1997). The image sex workers have promoted of themselves has been of a group which has been unfairly stigmatized and whose members, by contrast, exhibit higher than average knowledge about the facts of HIV transmission. Legislation criminalising prostitution-related activities has frequently been identified as a barrier to the promotion of safer sex practices, with the World Health Organisation recognising the importance of enhancing sex workers' rights in order to limit the spread of HIV/AIDS (Ministry of Women's Affairs, 1991).

In a large Australian study of women sex workers, Roberta Perkins (1991) found condoms were used 95% of the time, with Hilary Kinnell finding similar results with regard to women sex workers practising low risk behaviours in her Birmingham study (Kinnell, 1989). Another Australian study identified that a key factor affecting sex workers' adherence to safer sexual practices related to their mental health (Boyle et al, 1997). Sex workers who were identified as psychologically distressed reported less consistent condom use with their clients and also fewer sexual health checks and examinations.

Some research exists documenting the knowledge and practices of female sex workers in New Zealand. The establishment of the New Zealand Prostitutes' Collective had been prompted in part by Health Department concerns regarding the extent to which sex workers might constitute a high-risk group for HIV/AIDS, although statistics from the late 1980s showed

such concerns to be largely unwarranted with regard to this group (Healy and Reed, 1994; Lichtenstein, 1997; Saskia, 1989). Likewise, in 1991 the Ministry of Women's Affairs maintained that the sex industry was virtually free of HIV and that, through its publication *Siren*, the New Zealand Prostitutes' Collective was a key contributor to maintaining high levels of education and awareness (Ministry of Women's Affairs, 1991). A pilot study commissioned by the Collective in 1991 assessed HIV/AIDS awareness and practices amongst a sample of twenty sex workers from various sectors of the industry (Chetwynd, 1992; Chetwynd and Plumridge, 1993). The sample comprised 16 women, two male workers, and two transsexuals, all of whom were under 40 and had worked on average for five years in the sex industry. The results indicated a high proportion of condom use by sex workers, with condoms being used in all vaginal sex encounters and in all but one instance of oral sex.

While the small size of the sample interviewed precluded generalisations to sex worker populations overall, Chetwynd noted several observations of interest arising from this study (Chetwynd, 1992). In positive terms, considerable evidence existed to suggest sex workers had high levels of knowledge and awareness regarding HIV/AIDS, and this was accompanied by extensive use of condoms with their clients. On the negative side, however, there were numerous reports of clients offering sex workers inducements to forego the use of condoms. Chetwynd's study also echoed overseas research in finding that sex workers associated their risk of infection with clients rather than with their non-paying partners, resulting in significantly lower rates of condom use – only one-fifth used condoms all the time with their regular non-paying partners (Chetwynd, 1992).

In 1993 Karen Woods was funded by the Health Research Council to conduct a study of women massage and rap parlour workers in Auckland. The aim of this study was to identify and understand the reasons associated with women sex workers being much more inclined to use condoms with their clients than with their non-paying partners. The study involved semi-structured interviews with 45 women parlour workers in Auckland. Those interviewed ranged from 17 to their early 50s, and in terms of the length of time they had worked in the sex industry, this ranged from as little as ten days to 16 years. Most of those interviewed were European (28), 7 were Māori, 5 Pacific Island, and 5 were Thai women. The study showed that with their clients, it is the sex worker who initiates the use of condoms. If resistance is encountered, they typically talk the client round or explore alternative safer practices. Woods noted:

The women feel confident in their ability to control what happens in the room with a client, to diffuse a difficult situation and negotiate with a difficult client. (Woods, 1993, 12).

The primary motivation for using condoms was identified by the parlour workers as providing a barrier to protect them from disease. Clients were perceived as risky in terms of possible infection because they were not known or trusted. Condoms also fulfilled a contraceptive function, and were useful in providing a psychological barrier to client-worker intimacy.

Outside of work, the women said condom use typically occurred at their initiation, and that, as with clients, it was the women who were providing and putting the condoms on their non-paying sexual partners. Often this arose from the women's skill and access to condoms, although some chose to hide their expertise in case this 'outed' them to an otherwise

unsuspecting partner. Generally it was easier to use condoms in the context of new relationships than introduce them into established partnerships, where partner resistance was feared or concerns voiced regarding his curiosity being aroused if he was not aware of her working life. The main reason for not using condoms with non-paying partners, however, was that the women felt it was not necessary to do so. Partners were not viewed as being as risky as clients; moreover, condom use was associated by many of the women with their work while sex with partners was viewed as, and expected to be, much different.

While an interesting study enabled by good qualitative interviewing methods, as the author herself suggests, the findings cannot necessarily be generalised to all sectors of the industry or even to all parlour workers. Some parlour owners and managers did not grant her access and it is possible that lower rates of condom use might have existed in these, or that the workers may have felt less supported in their insistence on condom use.

Regarding health issues, it is also important to note that health hazards may not be distributed evenly throughout sex worker populations. For instance, street and escort workers may find it harder to insist on condom use than those in parlour settings. The specific sexual acts involved will also present varying risk scenarios, and individual cultural differences may influence the ability or ease with which workers access safer sex education and supplies. Writing within the context of prostitution in the Pacific, for instance, one writer has emphasized the ways in which 'the stigma of being a whore' can determine health care access and treatment, resulting in minor venereal infections developing to more severe stages (Wichman, 1995, 59). Within New Zealand, different cultural and religious pressures may similarly impact on individual sex workers' propensity to disclose their occupation, utilise educational and support services, and thereby minimise some of its associated health hazards.

An in-depth study over time of a cohort of female sex workers produced interesting findings regarding the rhetoric and realities of risk-taking (Plumridge, 2001). Typically both street and indoor workers described themselves as being in charge and in control of their interactions with clients, even whilst admitting they may be 'wasted' or end up succumbing to pressure on the job. On one level, their appreciation of the health and safety risks involved was realistic and well-informed, and was often clearly articulated to the interviewers. On another, however, their accounts often indicated significant contradictions and a lack of willingness to acknowledge the risks they faced or assume personal responsibility for risk-taking. Amongst the examples given is that of a street worker who insisted:

I always made sure that I was the one in control.... just made sure that I didn't do anything that I didn't want to do. (Plumridge, 2001, 210).

Anal sex was condemned by her as a risky practice that she did not engage in, yet she referred to a situation where she was so 'out of it' that the only way she knew she had experienced anal sex with a client was when her anus was sore the next day. As the author points out, the tensions and contradictions in the sex workers' accounts are evident in the lives of all social actors, sex workers and non-sex workers alike (Plumridge, 2001). In terms of positive health interventions and ways of managing risk, the gap between reality and rhetoric needs to be acknowledged and understood if unsafe practices are not to continue being 'masked'.

Before decriminalisation, the legal situation itself provided a barrier to safer sex practices. One potentially critical way in which this was evident relates to sex workers' willingness to disclose the nature of their occupation to their doctor. In a study of 303 sex workers in Christchurch, of the 251 who had a GP, fewer than half (48%) informed them that they were sex workers (Plumridge, 2000). However, of the 135 women who went to their own GP for sexual health checks, 62% disclosed that they were sex workers. Younger women were less likely to disclose than older women, with none of those under 18 who used their GP for sexual health checks telling them about their involvement in the industry (ibid.).

Another major way in which the legal situation worked against health interests involved the carrying of condoms on the person. If sex workers, when questioned by the police, were found to have an abundant supply of condoms with them, these could be interpreted as evidence of prostitution-related activities. When Catherine Healy spoke to the New Zealand Venereological Society's annual conference in 1992, she demonstrated clearly the relationship between legal and health issues, stating:

It's hard to get a sense that you're an okay sort of person when the law of the land says you're scum, and when you are constantly hassled by the police in the course of your daily work. The current law is certainly no help if you are having difficulties liking yourself enough to be careful with your own health. The laws against soliciting are a dangerous road-block to the growth of empowerment, to the building of self-esteem and to the consistent use of safe practices by sex workers. (quoted in Townsend, 1992a, 3).

Although the legal road-block has now been removed, the question of individual workers' levels of self-esteem remains salient with regards to their propensity for self-care, empowerment and control in workplace settings.

Males

Like their female counterparts, international research on male sex workers has shown them generally to exhibit high levels of awareness regarding sexual health and safety. This was exemplified in a quantitative research project undertaken in Montreal which found male sex workers were unlikely to engage in sexually risky practices with clients, were more likely than other men who had sex with men to be tested, and were less likely to report being seropositive (Shaver and Newmeyer, 1996, cited in Weinberg et al, 2001).

Again, relatively little local research has been undertaken in this area. Weinberg, Worth and Williams (2001) undertook a comparative study in New Zealand to assess HIV risk in male sex workers and other men who have sex with men. As overseas research had indicated, male sex workers were found to be younger, have lower income, be more likely to be in blue collar employment, more likely to be from an ethnic minority, and more likely to be bisexual. These are all factors that have been associated with higher risk. In addition, the male sex workers interviewed were more likely to report using injecting drugs, more likely to engage in casual sex and less likely to be in a steady homosexual relationship. Of crucial significance was the fact that male sex workers were more likely to report being unsafe in their anal sexual practices (and also in relation to oral sex, but the latter is not considered to be as high risk for HIV transmission). Despite these findings, there was no difference in the reported HIV status of the two groups. What Weinberg et al. maintain is that the contextual environment

within which such risky behaviours occurs helps to neutralize their possible health consequences. Of these, the most important is the current small pool of infection within New Zealand, which is related to various factors including a liberal political climate, the absence of abject poverty and corresponding lack of an extensive IV drug culture, high rates of education and awareness regarding HIV, and a national health system. The findings of their study suggest the importance of maintaining elements in the wider social and economic context which can minimise risk as well as working to increase male sex worker adherence to safe sex measures.

Research conducted in some parts of the Western world has found HIV to be significantly more prevalent among transvestite sex workers than among other male or female sex workers or among gay men (Modan et al, 1992; Suleiman et al, 1998; Tirelli et al, 1991 – all cited in Worth, 2003). Speculation by researchers regarding the possible reasons underlying this phenomenon has considered such factors as the social isolation and feelings of hopelessness many transvestite sex workers experience, their grouping at the lower end of the prostitution hierarchy, their lower earning ability, and their stigma and marginalisation by others including non-transvestite sex workers. Worth's study in New Zealand did not replicate these findings, with her commenting instead on finding few signs of hopelessness or social isolation amongst transvestite sex workers here. A major reason for this she attributes to the family-type support and caring expressed within this population group (Worth, 2003).

Clients

Whilst the majority of sex workers are highly professional about health issues and increasingly insist on the use of condoms for every sexual exchange, their clients are not always as responsible. Hence in *Working Girls* Caroline describes how she ended up with two broken ribs and a serious eye injury after a client refused to accept her insistence that he wear a condom (quoted in Jordan, 1991c, 235-236).

Chetwynd and Plumridge's pilot study of clients suggested knowledge about HIV transmission was lower in the client sample than for the general population in New Zealand as studied four years previously (Chetwynd, 1989, cited in Chetwynd and Plumridge, 1993, 7). Clients perceived their own risk of infection as lower than that of other clients of sex workers, a finding consistent with studies of other groups, such as sex workers themselves (Chetwynd, 1992) and injecting drug users (Foley, 1990, cited in Chetwynd and Plumridge, 1993, 7), who also typically perceive their individual risks to be lower than those of others involved in similar activities.

When questioned regarding their sexual activities with sex workers, just over 75% reported having vaginal sex on their last visit, and indicated this to be usual (Chetwynd and Plumridge, 1993, 8). About one-third indicated that they usually had oral sex or masturbation, while no client reported having anal sex. Forty per cent of clients reported that sex workers provided them with services they were unable to get from other sexual partners. In terms of other partners, half (N=15) of the sample had a regular partner, and most (N=13) said they had sex with that partner (Chetwynd and Plumridge, 1993, 9).

All the clients said they used condoms with sex workers, although five maintained they were able to get the sexual services they required without the use of condoms. Four of these five

clients said by this they were referring to vaginal sex, and were offered sex without a condom either as a 'treat', or because they knew the woman, or because they asked or insisted for this to occur (Chetwynd and Plumridge, 1993, 10).

In contrast, although saying they felt positive about condom use, most of the clients never or only rarely carried condoms themselves, and the majority did not use condoms with their regular partner (Chetwynd and Plumridge, 1993, 11). The role of sex workers as sex educators was reinforced by the study, which noted:

More than half the clients thought that sex workers knew a lot about sexually transmitted diseases and several clients spontaneously reported that they relied upon sex workers' knowledge in this regard. (Chetwynd and Plumridge, 1993,13).

Significantly, with relation to the potential for infection, the study found that 40% of the sample had also visited sex workers overseas (Chetwynd and Plumridge, 1993, 17). Overall, the study indicated the potential importance of clients in the transmission of HIV in New Zealand as well as the critical position occupied by sex workers regarding client education and the promotion of safer sex (Chetwynd and Plumridge, 1993, 24). The passivity of clients regarding safer sexual practices was especially noted, given the study's finding that most rarely carried condoms and expected their partners both to provide them and put them on the penis. The reliance of the clients on the sex worker's knowledge, and the degree of trust and intimacy that typically exists, renders the latter a valuable source of information and education (Chetwynd and Plumridge, 1993, 25).

A follow-up study involved in-depth qualitative interviews with 24 clients of female sex workers to determine how condoms came to be used in prostitute-client encounters and how clients viewed their participation in safer sex practices (Plumridge et al, 1997). Most of those interviewed were massage parlour clients and all of those who had vaginal sex with sex workers maintained that they consistently used condoms, and even insisted on their use. However, the men also stated that they perceived condoms as impediments to pleasure, impeding sensation and interrupting the flow of the interaction. Significantly, they also stipulated that they left the business of condom use to the worker, seeing her as responsible for providing these, putting them on, and being accountable for any lapses or failures. As the study's authors point out, such a stance reflects a passive role in which clients acquiesce regarding condom usage and assume no responsibility themselves for adherence to safer sexual practices, offloading it to the worker. As they conclude:

In an ideal world both partners assume responsibility for the safety of the sex between them; in the real world rhetoric must not mask behaviour. If clients refuse responsibility for safer sex, sex workers must be aided in all possible ways to ensure it. (Plumridge et al, 1997, 241).

Control and empowerment issues

One of the most vexing and contentious issues regarding sex work relates to issues of power and control. It is a difficult quandary trying to ascertain the degree of control any worker can have in a situation where the client is paying money to procure services that are potentially so invasive of another person's body and space. This tension has fuelled extensive and

emotionally charged debates regarding the extent to which sex workers can be viewed as victims of exploitation.

Sex workers themselves are often divided on this issue, with the selling of sexual services being regarded as victimising by some and empowering by others. One of the women interviewed in *Working Girls* said:

Before I started I used to be disturbed by the idea that through prostitution men could, even if they had to pay for it, order men around and have a woman totally under their control. I had this idea that if they gave you \$100 you were theirs for the next hour. But that's not how it is at all. (quoted in Jordan, 1991c, 200).

Most of the women interviewed in this study maintained that exchanges with clients were usually negotiated around the sex worker's terms, with the women determining the price, the rules, and the services available. While pimping appeared to be relatively rare, exploitative bosses were found more frequently. Several women reported male parlour owners demanding free sexual access to the women who worked for them, sometimes even violating all safe sex codes as well by insisting that no condoms be used (Jordan, 1991c). Financially also, of course, it is the predominantly male owners and operators who reap the greatest profits from the industry and from women whose socially stigmatized status means they have very little bargaining power in the workplace. Such marginalisation is even more evident in the case of Thai, Malaysian, Filipino and Chinese women whose vulnerability to exploitation is heightened by their frequently insecure immigration status. Overall, however, sex work appeared to be a chosen occupation for the majority of New Zealand women in the industry and one which, almost paradoxically, seemed to provide some with greater autonomy and control than they had experienced in conventional jobs.

As well as whether sex workers choose or are forced to enter sex work, another critical issue relates to whether they have a right of refusal on the job. The right to say 'no' to unwanted sex has been fought for and won within New Zealand law, yet an assumption traditionally held in some quarters has been that sex workers forfeit that right when they become a prostitute. It is in part this attitude which has prevented some police officers from considering that prostitutes can be raped, and such a perception can also be evident in the minds of clients and sex business operators. As one sex worker told the Select Committee in her submission:

... it is often nearly impossible to refuse a client. There's no discussion of this in parlours, but women who have tried to refuse a client, say if they have seen them before and they are rough, or extremely unhygienic, have been told 'you're in no position to be refusing clients young lady', or, one which seems to be a favourite around Wellington, 'your cunt's not golden, get upstairs.' (PRB 107A, 2001, 4).

One New Zealand study sought to explore clients' perceptions regarding the control of commercial sex encounters (Plumridge et al, 1997). While the men argued that they were regular and consistent condom users, they maintained that they acquiesced to sex workers' wishes regarding these out of respect for her right to control her own body. As one client articulated it:

...it's their body and you know if they don't like something they don't have to have it done really. (quoted ibid., 235).

The emphasis on prostitution as *work* is one which many sex workers emphasize in order to counter depictions of them as deviants, sinners or sexual slaves. Deborah Brock (1998) has argued that prostitution is organised as a work relation in ways that are not markedly different from how other kinds of women's jobs are organised, particularly those of working class women. To survive in the business, sex workers must try to maintain control over their work relations with their customers. They blatantly use their sexuality as power in ways designed in part to compensate for a relative lack of social and economic power. Moreover, they become skilled in the manipulation of masculine power. Accordingly she asserts:

The institution of prostitution in the contemporary world may be a product of female oppression, but that does not prevent women from using it as a source of power. Women are, after all, not simply the objects of control. (Brock, 1998, 21).

Some writers have gone so far as to claim that prostitution is inherently empowering. Roberta Perkins, writing within the Australian context, has maintained that:

Female prostitution is a social situation in which women have more power over sexual interactions than in any other circumstance involving both sexes interacting. (Perkins, 1991, 389).

Consistent with such thinking is a perception of prostitutes as "rebels of the patriarchy rather than totally subservient to it" (ibid., 390). However, another Australian commentator contends such a view ignores the gendered power relations which frame all heterosexual relationships (Sullivan, 1994). Aspects of both these perspectives are typically evident in the realities of sex workers' individual lives.

Prostitution and organised crime

Another area of concern and debate arises from perceptions of prostitution being associated with organised crime. In 1991 the Ministry of Women's Affairs reported the New Zealand Police as believing there was little involvement of 'Mafia'-type groups in the sex industry, although they noted concerns about some massage parlours being used for money-laundering and drug trafficking. While there may be some truth to such assertions, the Ministry document claimed it was possible such practices might also be associated with other businesses characterised by high cash turnovers, such as night clubs (Ministry of Women's Affairs, 1991).

In November 2000, the National Bureau of Criminal Intelligence commenced a strategic assessment of the vice scene in New Zealand. In seeking to investigate links between organised crime and the sex industry, the New Zealand Police defined organised crime as:

a continuing association of persons having as its object or one of its objects, the acquisition of income or assets by means of a continuing course of criminal conduct. (PRB/WJP/1, 2001, 2).

Their investigation concluded that, while many sex businesses are not under the control or influence of organised crime groups, nevertheless there are extensive links between organised crime and the sex industry. Some of these are direct links resulting from the involvement of outlaw motorcycle gangs in a 'behind the scenes' manner in the operation and control of massage parlours in various centres. More common are the extensive and long-standing personal associations reported as existing between individual sex workers and members of organised crime groups.

Thus, some businesses, while not owned by crime groups, are regularly used for the provision of sex services to members, as outlets for the supply of drugs to sex workers and as 'party venues' for members. (ibid.).

Organised crime involvement is believed to be more direct in the non-regulated sector of the industry, such as escort agencies, strip clubs and rap parlours. The New Zealand Police stated that, of the 20 areas studied, if it had active outlaw motorcycle gangs present then such gangs were likely to be involved in running non-regulated sex businesses (PRB/WJP/1, 2001, 3). Private workers were noted to be less likely to be under the control or influence of organised crime.

Prostitution of persons under 18

There has been a paucity of research on child prostitution and it is only very recently that serious attention has been turned to this phenomenon (Saphira and Oliver, 2002). In New Zealand the legal age of consent for sexual activity is 16 years. Given that the age of consent is 16, under-age sex is technically able to be viewed as statutory rape. Child prostitution has been viewed somewhat differently because of the exchange of money or goods involved. Thus, until recently, the onus had been placed on the child for being the initiator of such an exchange, or for presenting themselves as older to prospective clients (Saphira, 2001).

In 2000, New Zealand signed the UN (United Nations) Convention on the Rights of the Child Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography. This Optional Protocol requires state parties to ensure that the provisions of their criminal law codes cover the sale of children, child prostitution and child pornography, and that extra-territorial jurisdiction over these offences is established (CEDAW, 2002). New Zealand government agencies combined with non-government organisations and community groups (including the Ministry of Justice, the Department of Child, Youth and Family Services, the New Zealand Police, Human Rights Commission, End Child Prostitution, Pornography and Trafficking (ECPAT), and NZPC) to develop a National Plan of Action Against the Commercial Sexual Exploitation of Children. This Plan of Action was approved by the New Zealand Government in October 2001.

The Plan of Action examines the four main activities that exploit children on the basis of their commercial value – child prostitution, child pornography, child sex tourism, and child trafficking for sexual purposes. It outlines the measures currently being implemented in response to these activities, identifies the challenges presented by each area, and suggests future action and a timetable for implementation. The Plan of Action states that child sex tours no longer appear to be operating out of New Zealand, nor do young people here appear

to be involved in organised prostitution conducted in association with pimping. Instead it maintains that the commercial sexual activity of young people in this country can more aptly be described as 'opportunistic prostitution' or 'sex for favours'. Most young people involved in commercial sexual exploitation do not perceive or define themselves as sex workers or prostitutes (CEDAW, 2002).

Under the Prostitution Reform Act 2003 it is an offence for any person to pay for sexual services to be provided by any person under the age of 18 years, or for any person to employ those under 18 in the sex industry. This is consistent with calls from the United Nations for international consistency in defining the age of children as under 18 (Saphira, 2001), as well as reflecting earlier New Zealand massage parlour legislation prohibiting the legal employment of those under 18 years of age.

Concern regarding young people's involvement in prostitution is not new, and indeed in the nineteenth century reports were rife in many jurisdictions, including New Zealand, of child participation in the sex industry (Brown and Barrett, 2002). Much of the concern expressed at this time related to the immorality of such participation, although some commentators did link this phenomenon to poverty.

In recent years similar arguments have emphasised child exploitation and abuse, and raised concerns regarding the vulnerability of children to paedophiles and sexual predators. In the international context considerable debate has occurred regarding the trafficking of children and women (Kelly, 2003; Kelly and Regan, 2000). The available literature does not indicate child trafficking to be a major threat facing New Zealand children but does express overall concern regarding the participation of children and young people in the New Zealand sex industry.

One of the first interview studies conducted with female sex workers indicated it was not uncommon for them to commence sex work in their teenage years (Jordan, 1991c). This was reinforced by subsequent studies in Christchurch and Wellington revealing nearly one-third of the participants to have commenced sex work before they were 18 years of age (Plumridge, 2000, cited in Saphira, 2001). The figures cited from this study recorded 93 persons in the under 18 age group when they commenced sex work, compared with 87 in the 18-21 age group and 123 who were over 21 years. The ages appeared to be younger for street workers than massage parlour workers, which is not surprising given that parlours were not legally permitted to employ persons under 18 years.

An Auckland study of transgendered sex workers found that all of the six interviewed had started working on the streets while in their teens (Worth, 2003). One was only 11 when she started sex work in Fiji. Several recounted backgrounds of abuse, either physical or sexual, which precipitated their leaving home at a young age to work on the streets. A study conducted with 81 male sex workers in South Wales, United Kingdom, revealed the average age to be slightly under 18, which, when the interviews were conducted in 1992, meant that 97% were under the (then) legal age of consent for male homosexual sex (Davies and Feldman, 1997).

Miriam Saphira (2001) has noted the dearth of available information on child prostitution in New Zealand and has herself undertaken some of the most significant research in this area.

In trying to obtain a fuller picture, she undertook a study to investigate the extent and characteristics of child prostitution in New Zealand (Saphira, 2001). Written questionnaires were sent to key agency and community informants (such as school counsellors, social workers, police, etc), and 43 interviews were conducted with persons working with young people.

Of the 280 questionnaire respondents, 101 said they knew of at least one child prostitute. A total of 195 child prostitutes were described, 145 of whom were under the age of 16 years. What was not apparent, however, was whether each child was a distinct case or whether the same children were well-known and counted more than once. Saphira noted that children as young as six were being sexually abused in exchange for money, favours or goods. From interviews conducted with Crown Law, it emerged that many instances exist where the use of bribes occurs within the context of child sexual abuse, a practice which could be one factor encouraging children into subsequent involvement in prostitution (Saphira, 2001). The respondents in this study said they knew that 64% of child prostitutes had been sexually abused and 68% had been physically abused (ibid., 12). They also reported that 82% were known to be using drugs. Saphira notes the possibility that all of these figures may be low estimates given that some of the young people had been seen only a few times and may have been reticent about divulging such information. Some seasonal variation was noted by the police who said higher numbers of teenage runaways were apparent during the summer months, a time when the weather is more likely to be conducive to street prostitution generally (Saphira, 2001). Overall, she maintains that:

From a therapist point of view it would be a safe assumption that most people under 16 years who are involved in child prostitution would have been sexually abused in order to have been in this position. At what point is childhood sexual abuse called prostitution? (Saphira, 2001, 6).

Hence she argues that, viewed from the child's perspective, child prostitution may be better renamed as 'survival sex'. She notes that many young people who go into prostitution do so in response to backgrounds characterised by abuse, family breakdown, poverty, and addiction. Contexts such as these are not conducive to 'choosing' prostitution as a job, given a perceived absence of viable alternatives.

The backgrounds and pressures on lower socio-economic groups in particular may influence some children to seek financial support through prostitution, with many of those working the streets likely to be Māori (Kiriona, 2003). A South Auckland transsexual Māori community worker, who herself began prostituting as an 11-year old boy and was anally raped by his first client, has expressed concern at the signal given to Māori youth by the recent law changes:

What message have we sent to our mokopuna? Have we just said to them that when they finish High School and turn 18 they can hit the streets or a parlour and be a booker? (Mama Tere, quoted in Kiriona, 2003, 20).

Concern has also been voiced regarding participation by New Zealand adults in sex industries overseas. The organisation ECPAT (dedicated to the Elimination of Child Prostitution and Trafficking) has been active in highlighting this as a growing area of concern and calling for legislation changes. A recent amendment to the Crimes Act 1961 makes it a criminal offence for any New Zealand citizen/resident to engage in commercial sexual activity with children

overseas (Saphira, 2001). It is also a criminal offence to promote or assist people to travel overseas when one of the purposes of the trip is to engage in commercial sexual activity with children.

Sex tourism

New Zealand's growing development as a popular tourism destination is not, it seems, only related to its scenery, adventure sports, and recent Lord of the Rings popularity. While most of the limited discussion regarding possible connections between New Zealand and sex tourism has focussed on New Zealanders abroad, some attention has also been turned to activities within our own shores. A figure quoted in 1994 conservatively estimated the sex industries in Auckland and Wellington to contribute \$9.4 million and \$5.2 million respectively to the tourism industry, citing this as evidence of the demand by tourists for sex workers (Kinder, 1994, 28).

It could be argued that sex tourism has been part of our international profile since the nineteenth century. Accounts from a German physician who visited New Zealand suggested that as well as the Pink and White Terraces and the hot pools, visitors to Rotorua in the 1870s were able to acquire prostitution services from young Māori women (Buchner, 1878, cited in PRB 116, 2001). In providing descriptions of the children resulting from Māori-European prostitution encounters, Ngahuia Te Awekotuku has indicated links between nineteenth and twentieth century sex tourism (PRB 116, 2001). While the offspring of the whaling and trading era were affectionately referred to as 'utu pihikete' (the cost of a biscuit), progeny with similar origins in the 1960s and 1970s were named after the largest tour bus company transporting tourists into Rotorua as 'Ngati Bonnicci'.

Despite such historical indications, globally it is only comparatively recently that sex tourism has been subjected to significant research endeavours. This area has emerged since the late 1970s as a legitimate area of tourism studies, with a typical definition of sex tourism being:

tourism where the main purpose or motivation of at least part of the trip is to consummate sexual relations. (Ryan and Hall, 2001, x).

Internationally there has been increasing recognition that vacation time can be significantly linked to greater risk-taking behaviour and adventure-seeking, including participating in activities that they may not routinely participate in (Chesney-Lind and Lind, cited in Kinder, 1994). Since prostitution has been recognised in part as an attempt by some men to escape the usual social and sexual norms (McLeod, 1982), time on overseas business or vacation trips presents increased opportunities for such activities (Kinder, 1994; Ryan and Hall, 2001).

In discussing common motives for travel, Chris Ryan has cited one of these to be 'sexual opportunity', the allure of holiday sex or romance. He notes:

The popular characterisation of the eighteen to thirty year old holiday market as sometimes displayed by the tabloid press is that it represents an opportunity for 'bonking'. (Ryan, 1991, 27).

Mounting concern is being raised about sex trafficking as a related aspect of sex tourism – if the client cannot go to the market, the market can come to the client. The disparity in economic and cultural power that typically exists between these groups, however, complicates such possibilities. Traffickers may lure women with false promises, or directly coerce them into the trade, with debt bondage being regarded by Human Rights Watch as the most common form of coercion (Ryan and Hall, 2001). Concerns have been voiced regarding the trafficking of women from Thailand to work in New Zealand's sex industry, an issue explored further in the section on "illegal immigrants". Child trafficking has also become the subject of widespread condemnation, although New Zealand's involvement with child sex tourism is apparent more in the activities of New Zealand men abroad than in the large-scale importation of children for this purpose. Given international concerns that the demand for sex with children is increasing, however, this should not be grounds for complacency (Ryan and Hall, 2001).

What is also being increasingly challenged is that the sex workers will be female and the clients male, with recent commentators noting the growth in male prostitution as well as the increasing attention being given to the female sex tourist abroad (Ryan and Hall, 2001). No evidence exists to date of female tourists targeting New Zealand men, or women, as providers of commercial sexual services.

Initial responses to legislation change

Commentators have noted that the passing of the Prostitution Reform Act 2003 placed responsibilities on local governments that many will find difficult and complex to exercise (Bush, 2003). At minimum, local authorities will have to manage the location of brothels and the nature of their signage, and are now statutorily required to regard brothels as legitimate businesses and integrate them into the resource consent process. Difficulties may arise, however, because some of those charged with these responsibilities may hold fiercely strong and emotional views of their own regarding such matters. Graham Bush, an Honorary Research Fellow in Political Studies at Auckland University, has accordingly urged:

However tempting, councillors should at all costs avoid exploiting the regulatory role so assigned as a weapon by which personal attitudes towards prostitution and brothels can be promoted. Parliament has determined and it would be indefensible for a local body to use its powers under the Resource Management Act to seek to negate Parliament's will. (Bush, 2003, 32).

Local Government New Zealand has declared that it will frame a model by-law and provide guidance about modifying district plans (Bush, 2003, 32). Such a move has been welcomed as a means of ensuring that local authorities operate within the regulatory framework provided by Parliament rather than asserting their own agendas within this new environment.

The legislation has allowed local body councils to introduce by-laws regarding the location of brothels but such changes do not restrict the operations of street-workers. Soliciting in public has been decriminalised, so there is no legal impediment to sex workers openly recruiting clients in public bars or hotels. The manager of Monica's, a high profile massage parlour in Auckland, has warned bar owners to be prepared for an increase in soliciting on their premises (Scott McGregor, quoted in Terei, 2003, 12). An upmarket bar owner quoted in the

same article, however, has other ideas, suggesting that prostitutes would not be tolerated for soliciting on the premises any more than any other hawkler would be. The difficulties of enforcing such a stance, however, could produce embarrassment and leave the staff and management open to prosecution under the Privacy Act (Terei, 2003).

Given recent experiences in Australia, outlined in the second part of this review, it is clear that the major challenge in the immediate wake of prostitution law reform in New Zealand will be ensuring that the overall aim and intentions of the Act are not undermined by local body initiatives.

Overview

This review has sought to summarise key research findings of materials published prior to the legal changes of 2003 in order to provide a basis on which to build future assessments of the sex industry in New Zealand.

What emerges from the account presented here is a picture of the sex industry as a long-established feature of the New Zealand landscape. Men's expectations and demands surrounding commercial sex have been evident since at least the arrival of early Western explorers, whalers, and traders, and there appears to have been little difficulty in finding women willing to exchange access to sex for the money and material goods they typically lacked. Such a pattern persists today, with the most significant changes being not in the practice of prostitution itself but in the social attitudes surrounding it. Social tolerance of the sex industry is generally evident to a greater degree, as the recent legislation itself illustrates. Both sex workers and their clients face a reduced social stigma, although by no means could it be said that prostitution is promoted as an acceptable vocational choice to school leavers or the unemployed.

Those entering the sex industry as workers do so primarily for economic reasons, a factor highlighting the economic marginalisation of some sectors of our communities, and the difficulties of securing well-paid employment. The financial demands that may emanate from drug or alcohol addiction may also be a precipitating factor, while for many women the financial pressures associated with caring for children on their own may influence their decision to enter prostitution.

Most of the time, most of the sex industry operates discreetly and behind closed doors. Many people are unaware that their neighbours work in the sex industry, or even that their street contains a brothel (Bush, 2003). The issues likely to provoke concern are typically related to the visibility of prostitution – issues such as brothel location, advertising and signage. Community anxieties can also be unleashed by obvious street soliciting, in ways that mirror the affrontery reported by nineteenth century theatre-goers in Christchurch when jostled by 'nymphs of the pave' (Robinson, 1983). More recently, police officers themselves have remarked that crackdowns on the industry have been provoked by public complaints about unruly street workers (Robinson, 1987). Early responses by councils to the Prostitution Reform Act 2003 have endorsed a similar stance, in some cases seeking to place restrictions on sex industry signage and advertising as well as ban brothels completely from suburban areas (see, for example, articles relating to Auckland: "Bylaw forces brothels away from

houses,” New Zealand Herald, 11/9/03, “Saving the city from sleaze,” Sunday Star Times, 21/9/03; Christchurch: “Brothels face council’s red light,” The Press, 17/12/03; Hamilton: “MPs seek ban on urban brothels,” Waikato Times, 27/4/04). As one newspaper headline proclaimed early this year, in 2004 the message still seems to be: “Sex and the city – it’s okay if it’s discreet”, Waikato Times, 12/4/04).

A further concern often voiced regarding the sex industry relates to public health issues. Most contemporary health commentators do not consider the sex industry to be a major at-risk area for the transmission of HIV/AIDS, and are hopeful that the establishment of a more tolerant legal environment will contribute to enhanced attention to health and safety issues. The vulnerability of some sectors of the industry to violence and exploitation is, however, a serious problem. Street and escort workers in particular often operate in essentially unprotected environments, encountering clientele who may be drunk, drugged, disturbed, and/or misogynistic. Women who work as illegal immigrants are also a particularly vulnerable group, some of whom may be dependent on unscrupulous operators for their safety and livelihood. High levels of fear and isolation can also exacerbate their situation.

Although the legislation prohibits the involvement of those under 18 providing prostitution services, the high client demand for such services may encourage some operators and young people themselves to disregard such prohibitions. Prostitution can present as an attractive operation to teenagers who, as well as lacking money, may also lack a secure home background and high self-esteem. If these factors are further accompanied by drug or alcohol addiction, selling sex can come to be viewed as a necessary survival option.

The difficulties of exiting the sex industry are also of high concern. The stigma of prostitution effectively locks many workers into the industry, undermining their sense of esteem and jeopardising their chances of securing alternative employment. Sex work as an occupation does not currently lend itself to inclusion on one’s curriculum vitae, despite the wide range of skills any successful sex worker must possess. A lack of obvious work history or recent references makes it difficult to secure employment elsewhere. Scope for accessing re-training programmes or alternative funding sources can also be restricted as a result, further hindering movement out of the industry.

Prostitution law reform may remove some of the legal barriers and contribute to the creation of a more open climate around the sex industry, but the many social, economic, and cultural issues surrounding its operation still clamour for attention. The final word goes to a sex worker who articulated well her vision for a decriminalised sex industry when she passionately argued to the Select Committee:

I want to be a sex worker, I don't want to be a criminal, and I don't deserve to be. I work in a demand driven industry. Without clients there would be no workers. We are not predators. I sit in a secured building and clients choose to come and see me. When you are thinking about the industry, it's not something 'over there', to do with a whole sector of society cut off from everyone else. What we are talking about is my life, and the lives of a whole lot of women and men in this society. It's often hard enough dealing with the social stigma of being a sex worker, please don't leave us to be criminals any longer. I'm not asking any of you to condone sex work, or believe that what I do is OK, I'm just asking for the full human rights that this Bill would give us. (PRB 107A, 2001, 6).

Part II: Overseas Models of Prostitution Law Reform Evaluations

Historical approaches to regulation

Historically, although prostitution has been viewed as a threat to the moral order and a danger to public health, the state has tended to legislate for the regulation of prostitution, rather than introducing measures focussed on its elimination. Even early Christian societies did not seek to eliminate prostitution, with the Church fathers justifying this stance by asserting that “Sewers are necessary to guarantee the wholesomeness of palaces.” (quoted by de Beauvoir, 1974, 618). St Augustine was adamant that prostitution should be recognised as a necessary social evil, arguing,

Suppress prostitution and capricious lusts will overthrow society. (cited in Roberts, 1992, 61).

His stance was predicated on a belief in men’s sexual appetites necessitating access to sexual outlets outside of marriage. In order to prevent them committing adultery and threatening their marriages, society should facilitate men’s access to prostitutes. It follows from St Augustine’s argument that two separate classes of women were required - good, virtuous, sexually faithful wives to service men’s procreative needs within marriage, and prostitutes who would cater to their desires and pleasures outside of marriage. Such thinking views prostitution as a necessary social evil, and reinforces the madonna/whore dichotomy.

Given the fact that men’s demand for prostitution services has not abated through the ages, the historic response has been to continue to seek its regulation and control rather than its eradication. For instance, in medieval England and Europe the preferred way of regulating prostitution was to restrict prostitutes to working in certain districts and/or requiring that they dress in particular, identifiable, styles. Thus in Paris, prostitutes were confined to working in brothels in particular areas of the town and were required to wear armbands, dye their hair, “or in other ways distinguish themselves from respectable society matrons” (Bullough and Bullough, 1987, 125). Women who violated such codes of behaviour could find themselves expelled from that district, literally being run out of town. Confining the sex industry to specifically designated areas was also seen as economically advantageous in that it enabled municipal councils to share in the profits (Roberts, 1992, 90). By the 17th century the practice of visiting prostitutes was so widespread that guidebooks to brothels were being produced and men could claim visits to prostitutes on their tax returns (Philip, 1991, 22). Prostitution continued to flourish so that by the 1860s Henry Mayhew estimated there to be over 80,000 women working as prostitutes in London - how many men were their clients we have no idea.

It is clearly evident that the dominant state response to prostitution has been to seek its regulation and control rather than its elimination. A study of the international sex industry today, however, reveals that the ways of achieving such regulation differ markedly, both

between and within nations. Thus in the United States areas of minimal regulation exist alongside states with highly interventionist policies. Significant differences also exist in how European governments have sought to control prostitution. The measures adopted range from the legalised red-light districts of Hamburg to the tolerance of window prostitution in Amsterdam and the arresting of male clients in Sweden. Closer to home, across the Tasman in Australia there are distinct differences in the ways state governments view and attempt to regulate the sex industry. These will be examined later in this section.

Contemporary approaches to regulation

There are four principal approaches that states have adopted internationally with regard to the regulation of prostitution. Each of these is briefly presented below.

Criminalisation

This approach makes prostitution an illegal offence for both the client and sex worker, and in so doing seeks to reduce or eliminate the sex industry. This option appeals to many who are opposed to prostitution on moral, religious or feminist political grounds, but has seldom been seriously implemented because such laws tend simply to drive prostitution underground, producing undesirable health and safety consequences.

Criminalisation of the clients

Some countries have sought to remove the double standard by introducing legislation that penalises the clients rather than the sex workers. The proponents of this measure often hope that by targeting the demand side of the sex industry, they may reduce or eliminate it altogether.

Legalisation

A legalised approach to the sex industry makes prostitution legal under certain, state-specified conditions. Typically this would involve establishing a system of licensed workers who could work legally in licensed establishments. From the client's perspective such an arrangement works to his benefit by ensuring a pool of readily available, state licensed, health-checked women exist on demand. In the process, however, many of the civil rights and liberties of the workers may be violated (Arnot, 2002; Hancock, 1992). The women may be subjected to mandatory health checks; they may have to pay large commissions to their employer; and they may be forced to engage in unwanted practices in order to retain their jobs.

Decriminalisation

Models based on decriminalisation begin by removing the offences and penalties relating to sex workers, and rely predominantly on the use of existing statutes and regulations to manage the operation of the sex industry. This perspective acknowledges that the costs of keeping prostitution illegal largely outweigh the gains, and sees prostitution as essentially constituting consenting behaviour between adults. A decriminalised sex industry need not, however, be

an unregulated industry, since prostitution becomes subject to the same kinds of controls and regulations which govern the operation of other businesses (Pickles, 1992).

In the debate preceding the passing of the Prostitution Reform Bill in 2003, high levels of anxiety were voiced regarding the anticipated outcomes predicted to follow in the wake of such legislative reform. Amongst the many dire warnings sounded were predictions that significant increases would follow in:

- the size of the sex industry;
- amount of visible street prostitution;
- levels of violence against sex workers;
- extent of child prostitution;
- involvement of illegal immigrants;
- levels of drug use;
- rates of sexually transmitted diseases; and
- involvement of gangs and organised crime.

Opponents of the bill claimed such outcomes would be a direct result of decriminalising prostitution, despite the difficulties of locating evidence to support such claims. What was often cited were figures suggesting a possible correlation between two factors, mistakenly presenting these as if they possessed causal significance. An example of such reasoning was evident in the pronouncement that the rate of sexually transmitted diseases in New Zealand would increase in the wake of decriminalisation, because the rate of gonorrhoea had ‘soared’ in Australia since brothels were legalised (Maxim Institute, 2002). This could only be asserted in such a direct manner if nothing else had changed during this period other than the legislation on prostitution, or if there was research specifically linking the increased cases of gonorrhoea to the sex industry, as well as the possibilities of a benchmark comparison pre-dating law reform. Thus the two factors cited may or may not be related, and much more complex social research and analysis would be needed before such a claim could be justified. Moreover, extrapolating directly from Australia to New Zealand may not necessarily follow, given the social, political and cultural differences that exist. It appears that the original statement of soaring gonorrhoea is not strongly established anyway, given the multiple studies cited by the New South Wales Parliament’s Brothels Task Force documenting reduced rates of infection, including a 90% decline in gonorrhoea rates among sex workers for the period 1981-1989 (cited in Brothels Task Force, 2001, 23).

During the debate, unsubstantiated statistics were also sometimes produced literally out of thin air, as when an Australian industry spokesperson remarked during an interview that the number of brothels in Sydney had increased by 400% since decriminalisation. When subsequently questioned about the source of this figure, she was unable to provide any means of substantiation – it had simply come into her head when she was asked the question and seemed like a good response (PRB 111B, 2001). Its origins left unexamined, this ‘statistic’ was subsequently used on billboards around New Zealand by those seeking support for their opposition to the bill (Maxim Institute, 2002). This was also despite pronouncements from Professor Basil Donovan of Sydney Sexual Health noting little or no increase in the number

of sex workers in New South Wales following the passage of the Disorderly Houses Amendment Act 1995 (Donovan, 2001, cited in PRB 111C, 2002, 7). What he did suggest, however, was some evidence following decriminalisation of a move by sex workers from larger venues to smaller or owner-operated premises, thereby giving the superficial impression of an increase.

In terms of overseas models of prostitution law reform, some of those opposing the move to decriminalisation here expressed clear support for the Swedish model. Sweden introduced legislation criminalising the buying of sexual services that came into force on 1 January 1999. As part of a stated aim of seeking to reduce the numbers of sex workers, it targets clients and imposes penalties on them of a fine or up to six months' imprisonment if they are convicted in relation to massage parlour, brothel, or street prostitution. To date there is conflicting evidence regarding whether this move has led to a reduction in the numbers of sex workers (PRB/WJP/1, 2001, 15). What some observers are suggesting (for example, Pettersson and Sjogren, 2002, cited in Bennachie, PRB 111C, 2002) is that there has been a reorganisation of the sex industry so that both workers and their clients are choosing less visible ways of making contact. Early assessments of the legislation considered it may be fostering greater communication between police and social service agencies, resulting in more sensitive approaches to sex workers, and that fewer young people were entering the industry (Pettersson and Sjogren, 2002). On the other hand, the police have said prostitution has not decreased since the Act was passed and that they need greater powers to enforce the legislation (Svenska Dagbladet 2001, cited in Gould, 2001). Concerns have also been raised that prostitutes in Sweden are now at greater risk of violence, pressure to engage in unsafe sex, and are under greater financial pressure resulting from reductions in income (Dagens Nyheter 2001, cited in Gould, 2001).

The Swedish approach to law reform has attracted widespread international attention and support yet the overall impact of the recent legislation is unclear, with conflicting reports and comments. In relation to the question of other countries following Sweden's example, the point has also been made that Sweden may be unusual in at least two major respects. Firstly, it has a relatively small sex industry – approximately 2,500 prostitutes in a population of 8.5 million (0.3 per 1000), compared to the estimated 25,000 who work in the Netherlands (1.6 per 1000) (Kilvington, Day and Ward, 2000, cited in Bennachie, PRB 111C, 2002). Secondly, there is a long and well-established welfare system within Sweden generally, which also provides extensive social support structures for sex workers wishing to move out of the industry (PRB/WJP/1, 2001, 15).

While it would clearly be salient to consider international evaluations of prostitution law reform, efforts to locate these have been largely unsuccessful. A Canadian criminologist and lifetime researcher of prostitution, John Lowman, responded to my request for information by saying that he was unaware of any such full-scale evaluation having been conducted. Across the Tasman, both academic Barbara Sullivan and parliamentary researchers provided references to the documents they considered were the closest in this regard, and these will be reviewed below to ascertain any utility they might have for New Zealand. Firstly, though, it should be noted that in Australia, each state government has its own prostitution-related legislation and the models used vary widely. Prostitution is illegal in South Australia and Tasmania, while in the Northern Territory brothels are illegal but prostitution itself is not (Smith, 2003). Victoria, Queensland and Western Australia have each introduced a strict

regulatory environment requiring brothels not only to have town planning permission but to also be licensed by a separate licensing authority. In contrast, in New South Wales brothels require only town planning permission. Stewart Smith notes that the irony is that critics of the 'lax', decriminalised, model in New South Wales praise the more restrictive regulations introduced elsewhere, whilst those in the latter states point to New South Wales as a model of reform (Smith, 2003).

The next section provides a brief overview of evaluations of legalised and decriminalised models of prostitution law reform in Australia. While other countries have also introduced significant reforms, the majority have been split between essentially legalised or decriminalised approaches, and a focus on Australia is proposed here given its proximity and similarities to New Zealand. For the purposes of allowing comparison with New Zealand, particular emphasis is placed on recent reviews of New South Wales's essentially decriminalised model of regulation.

Legalisation: Victoria, Queensland and Western Australia

The state of Victoria has long been referred to as a classic example of a legalised model. The Prostitution Regulation Act 1986 introduced the possibility of legal work within the sex industry. Sex workers could work legally from their homes or from parlours and escort agencies as long as the business obtained a planning permit from the local council (Sullivan, 1999). However, since many councils were reluctant to sanction prostitution as a business, such permits were difficult to obtain.

In 1994 new prostitution laws were introduced in Victoria that increased the penalties associated with illegal prostitution, especially street work. The Prostitution Control Act 1994 sought to actively involve the police in the regulation of the brothel industry. A regulatory framework was established requiring all 'prostitution service providers' to be licensed, with applicants having to pay high licence fees and undergo rigorous police scrutiny in addition to holding a valid council planning permit for their establishment (Arnot, 2002; Sullivan, 1999).

The planning controls determined under the Planning and Environment Act 1997 include requirements that sex establishments must not be located near schools, churches or other areas where children congregate, ensure their exclusion from residential areas, and limit the size of brothels to a maximum of six rooms (Sullivan, 1999). In an attempt to prevent organised crime, as well as having to be licensed, brothel owners in Victoria are each restricted to the operation of one brothel venue. The licensing system comprises a range of permits and licences for brothels, operators, and workers, with Section 15 of the Act stating that simply being in, entering or leaving an unlicensed brothel without a lawful excuse is an offence (Smith, 1999).

Concern has been expressed that Victoria's system of legalised prostitution has resulted in a split, two-tiered sex industry evolving, with a tightly controlled legal sector operating alongside a large and often vulnerable illegal sector (Dobinson, 1992, cited in Sullivan, 1999). Thus one group of workers hold positions in the state-approved brothels, often claiming that they work in virtual slave-like conditions for the privilege of being 'state approved'. Those who cannot obtain employment in the licensed brothels work instead in the illicit

underground sex industry where their insecure legal status renders them vulnerable to exploitation, harassment and organised crime (Arnot, 2002).

Both the legal and illegal sectors are said to have expanded since the legislation's introduction, with the real growth occurring in the illegal sector, which now outnumbers legitimate sex businesses (Arnot, 2002; Sullivan, 1999). In December 1998 there were 82 licensed brothels in Victoria (79 of which were in Melbourne), as well as five 'exempt' brothels (solo or two-person establishments that were exempt from the licensing requirements but still needed town planning permits (Sullivan, 1999)). The number of unlicensed premises was unknown but believed to be considerable. Hence Sullivan argues that:

The cost and legal scrutiny involved in the licensing process means that many (perhaps a majority) of prostitution businesses in Victoria remain illegal. (Sullivan, 1999, 10).

Concern has been expressed that the legalisation process has been accompanied by a proliferation of different forms of sex businesses all seeking to meet clients' demands for more explicit and alternative commercial sexual services (Sullivan, 1999). Rather than resulting in sex workers in Victoria being empowered by law reform initiatives, it is argued that, despite the legislation seeking to limit this, large-scale sex industrialists now control the legal industry (ibid.). Women working in legal brothels may be forced to hand over 50-60% of their takings to managers and operators, while women who want to work from home or smaller cottage-type settings are forced into industrial or docklands areas if they want to work legally. Such environments bring increased risks of violence and isolation and work against health and safety concerns.

The Queensland Prostitution Act 1999 seeks to regulate prostitution by a brothel licensing system and town planning controls. Recent criticisms have been made suggesting that the tight regulatory framework has left most brothels operating illegally and put the lives of street workers at risk. One of the only 12 licensed brothel owners commented:

We've been pushed into industrial areas and hidden, we're paying \$20,000 a year for our licence before we can even open the doors, we're fingerprinted and interrogated, we have trouble getting workers because we can't advertise and they're (the Government) in our faces all the time. (The Courier-Mail, 2003, quoted in Smith, 2003, 21).

There has been no review of the legal situation since 1999 (when the laws changed to allow for licensed brothels) although the Crime and Misconduct Commission (CMC) is presently undertaking one. The Prostitution Act 1999 tasks the CMC with evaluating the Act within three years of implementation. The Act will be evaluated according to the extent to which it has achieved its objectives within the evaluation period. Those objectives are to:

- regulate and control prostitution and related activities in Queensland;
- maintain quality of life for local communities;
- safeguard against corruption and organised crime;
- address social factors that contribute to involvement in the sex industry;

- ensure a healthy society; and
- promote safety.

The evaluation involves interviews with key stakeholders, surveys of sex workers and community members, and a review of the relevant literature and legislation in other jurisdictions. Evidence of physical or sexual abuse of sex workers will be an important measure.

The Prostitution Licensing Authority has also recently funded research which they say ‘is in the process of completion.’ The project consisted of four components:

1. A survey of sex workers;
2. A survey of clients of sex workers;
3. A community attitude survey; and
4. Collection of data on sexually transmissible infections in Queensland.

The reports that hopefully will emanate from these research endeavours may be of use when considering evaluation of the New Zealand situation.

In Western Australia, the Prostitution Control Bill 2003 proposes that brothels be licensed by a dedicated licensing authority as well as requiring local government planning approval in certain circumstances. The legislation bans brothels in residential areas and permits them in industrial areas only if they are not within 300 metres of a school, church, child-care premises, or residential land. At the time of writing, this bill has not yet passed into law.

Decriminalisation: New South Wales

New South Wales has essentially decriminalised prostitution through changing the laws regarding both street prostitution and brothel-keeping. Various prostitution offences are still contained within the Summary Offences Act 1988, however. These include inducing another to commit an act of prostitution, advertising prostitution services, and restrictions on soliciting in public places. The latter seeks to exclude street prostitution from areas “near, or within view from, a dwelling, school, church, hospital or public place” (Smith, 2003, 4). An amendment introduced in 1999 (Section 19A) sought to extend these restrictions to clients soliciting prostitutes, in an effort to reduce kerb crawling (seeking prostitution services by driving very slowly along the street).

The Disorderly Houses Amendment Act 1995 abolished the offence of brothel-keeping, making brothels a legitimate commercial land use regulated through environmental planning mechanisms. Under this Act, premises would constitute a brothel even if used by only one prostitute for the purposes of prostitution (Smith, 1999). All brothels were now required to obtain local government planning permission, although no licensing or registration of brothels was stipulated. In situations where nearby residents registered complaints concerning a brothel being disorderly, and it could be demonstrated that the brothel was having a detrimental effect on the local community, the councils were given the power to take

action to close the premises through the Land and Environment Court. This legislation reduced police responsibilities for the regulation of brothels, a measure deemed salient in the wake of the Wood Royal Commission's finding evidence "showing a clear nexus between police corruption and the operation of brothels" (Wood Royal Commission Final Report quoted in Brothels Task Force, 2001, 5). The legislative reforms that were introduced, however, did not prevent police from pursuing legitimate enquiries in relation to drug possession or supply, child prostitution, immigration issues, or any other serious criminal offences reasonably suspected of being committed on brothel premises.

In commenting on the changes, Sullivan has noted the advantages decriminalisation has brought sex workers in terms of creating spaces for legal sex work, as well as expanding the scope for those in the indoor sector to be employees and have their work places regulated by occupational health and safety standards (Sullivan, 1999). New South Wales Health is responsible for addressing public health issues in brothels, providing sexual health services, and promoting AIDS awareness through its funding of SWOP (Sex Workers' Outreach Project). WorkCover is responsible for promoting workers' health and safety, and preventing workplace injury and illness. However, she also notes that employers in the New South Wales sex industry have been able to resist many of their obligations because the bulk of their employees are "very young, female, casually employed and thoroughly stigmatised by their work" (*ibid.*, 12).

Five years after the Act was introduced, the New South Wales Attorney General and the Minister for Urban Affairs and Planning established the Brothels Task Force. Its brief was to monitor the regulation of brothels by local councils and to assess the success of occupational health and safety programmes for sex workers, their clients and the public (Brothels Task Force, 2001). The Task Force was asked to review the success of the legislative changes made five years previously and assess the need for additional reforms. Membership of the Task Force appears to have been restricted to representatives from predominantly police, health and government agencies.

The Brothels Task Force Report does not detail the methodology used in undertaking their evaluation. What it presents in its report is an introductory overview of the changes introduced, followed by three major sections addressing planning issues regarding the regulation of brothels, issues arising in enforcing the regulation of brothels, and occupational health and safety issues. In relation to the latter, it noted that the 1995 reforms had been positive in their impact on sex workers' access to health services, again without detailing the basis for this assertion.

The Report indicates areas regarded as problematic by local councils in New South Wales, which reflect initial concerns raised here in the wake of decriminalisation. For instance, the Report notes that if councils try to enforce planning restrictions that are too restrictive, they will render it difficult for brothel operators to operate legally and run counter to the objectives of the reforms introduced. Restricting the operation of brothels to industrial areas may pose safety threats, while the Task Force also found that prohibiting home-based brothels in residential areas tended not to see the operator move but instead operate illegally, thereby reducing the likelihood of their accessing occupational health and safety programmes and rendering them more vulnerable to abuse and violence.

A major recommendation of the Task Force was the establishment of a Brothels Planning Advisory Panel to assist local councils with the task of enforcing planning regulations for brothels. Comprising primarily government, council, business, sex worker and health representatives, the Advisory Panel would prepare and promote guiding principles and model codes, policies and conditions.

A recent New South Wales Parliamentary Briefing Paper, however, began by stating:

The commercial sex industry in NSW continues to attract media attention as communities throughout the State grapple with the vexed issue of where to locate legal brothels. (Smith, 2003, 1).

A major issue of concern still facing councils appears to be how to close down illegal brothels, i.e. brothels operating in a zone where they are prohibited, or in a zone where they are permitted but where consent has not been obtained. In order to have such illegal premises closed, councils have to seek restraining orders from the Land and Environment Court. In order to prove that premises were being used as an illegal brothel, some councils had hired private investigators to have sex with a prostitute, but legislative amendments have now been introduced to enable circumstantial evidence to be sufficient (Smith, 2003).

The 2003 update also noted that street prostitution continued to be a problem in some areas of Sydney. In one suburb the local Council had closed streets near a school in an attempt to stop kerb-crawling. The police themselves said law enforcement was not an effective way of controlling street prostitution. Although signs were installed warning citizens that undercover police were targeting kerb-crawlers, ten offenders were caught in the first week following their installation. As one officer noted,

we have signs telling them police are in the area and they still come here and get a criminal record. It's the only undercover operation I know of that is literally signposted. (The Sunday Telegraph, 16 March 2003, quoted in Smith, 2003, 13).

Retaining restrictions on areas where sex workers could solicit was also identified as problematic, given that those convicted are typically given a fine and go back to street work to earn the money to pay for it (ibid.).

Overall the 2003 report concurred with the Brothels Task Force that the planning system introduced was an effective regulatory mechanism but councils needed advice regarding how to do this effectively. The areas of street prostitution and sex slavery involving illegal immigrants warranted further attention and a range of co-operative measures was considered necessary given the limitations, and sometimes compounding nature, of law enforcement procedures.

Implications for New Zealand

Measures to assess and evaluate prostitution law reform appear to be in their infancy and there is little currently available to provide specific direction in this area. However, in three to five years time there may be examples that can be drawn upon from the Australian context.

In particular it may be useful to appraise developments regarding ways of resolving the tensions between state legislative aims and local council initiatives, given early indications of similar tensions emerging within the New Zealand context.

Evaluating prostitution law reform is likely always to be a difficult venture, given the complexities of the social and legal realities surrounding the industry. Evaluation of New Zealand's legislation will necessarily involve careful examination of the aims of the Prostitution Reform Act 2003 and the formulation of a range of intersecting strategies to assess the extent to which these may or may not have been achieved. Given the overlapping nature of many of the factors involved, however, it will be virtually impossible to isolate any one factor for analysis. Instead, it is likely that a range of methods will be proposed to gather a variety of data sets which will need to be considered collectively. These may include a combination of surveys, interviews, statistical analysis, government reports, and media analysis. (See note in Appendix I). It will be the task of the Prostitution Review Committee to establish the measures to be used, and to prepare a report on its findings for Government.

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- PRB/WJP/1 Prostitution Reform Bill Supplementary Paper for Justice and Electoral Select Committee, Ministry of Justice, 1 June 2001
- PRB 107, Private submission to the Select Committee on Prostitution Reform, 2001.
- PRB 107A, Private submission to the Select Committee on Prostitution Reform, 2001.
- PRB 111C, Addendum to submission to Members of the Justice and Electoral Select Committee. Wellington, Callum Bennachie, PUMP Co-ordinator, New Zealand Prostitutes' Collective, 2002.
- PRB 116, Submission to the Prostitution Reform Bill, Ngahua Te Awakotuku, 2001

Appendix I: Methodological issues in researching clients of sex workers

Researching the sex industry is a difficult undertaking, and conventional approaches in relation to sample design and recruitment are generally not feasible. Until 2003 this was an industry in hiding, and the stigma still attached to prostitution will continue to impact on research conducted in the new era.

In relation to a survey of clients, Chetwynd and Plumridge (1993) found clients of street workers were the most difficult to contact (Chetwynd and Plumridge, 1993). These men had to be approached 'cold', could sometimes be drunk or argumentative, were seldom in quiet situations conducive to talking, and could potentially misinterpret the interviewer's approach as a sexual advance (Chetwynd and Plumridge, 1993, 18-19).

Even in parlours, however, access to the workers often depended on securing the agreement of the management, and even when this was forthcoming, some workers chose to 'protect' their clients by not facilitating the interviewer's contact with them. Primarily what the researchers found was that the clients who were most willing to participate were those whom the workers had encouraged to do so.

Of those clients who agreed to participate, the overwhelming majority were white and middle class (Chetwynd and Plumridge, 1993, 19), thereby potentially skewing the sample. Further possible distortions could arise as a result of clients wanting to create favourable impressions by minimising aspects of their exchanges with sex workers, such as admitting to anal sex or sex with transsexual workers.

What Chetwynd and Plumridge suggested as guidelines for future research with clients of sex workers included the following points, summarised below:

- Design separate studies for street and parlour populations.
- Consider the limitations of a questionnaire approach on the street, where the ability to conduct research is likely to be limited by noise, drunkenness, lack of privacy and possible danger.
- Consider the possibility of cultural bias arising from approaching clients at particular venues.
- Design and study separately the clients of female, male, and transsexual sex workers.
- Use a multi-methods approach to data-gathering, with the use of less structured, qualitative interviewing to obtain some information.

(Chetwynd and Plumridge, 1993, 21-22)