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THE SEX INDUSTRY IN THE ACT
AN EXHIBITION AT CANBERRA MUSEUM & GALLERY

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Pollies, porn and pyrotechnics. The sex capital of Australia. Pornberra. Since the 1980s Canberra has been synonymous with sex in the minds of many Australians. Twenty years have passed since it became legal to sell X-rated videos in the Australian Capital Territory and the adult industry has gone through periods of growth, boom and, many would argue, bust. In this exhibition, the Canberra Museum & Gallery explores the evolution of the local sex industry.



Top: Nikki Stern at the local video shop, pointing to the *Let's Make Love* video, 1986. Photo courtesy of Nikki Stern.

Middle: *Same plot, different characters* by Geoff Pryor, published in the *Canberra Times*, 24 November 1989.

Bottom: Chrisindy's Massage Studio, Fyshwick, 2014. Photo by RLDI.

The porn capital

The story of pornography, the depiction of sexually explicit material, is one of technological development. Before 1980, pornography was published in books, magazines and 35mm film. These were fairly easily controlled by the Federal government through importation and classification laws. Films were something you watched in a cinema, and they were subject to classification. Sexually explicit films were either classified R or Refused Classification, which effectively meant that they were banned. Of course, people could still make pornography, but the technology was more complicated and it was harder to mass produce.

The 1980s brought video tapes to the market; they were small, portable, easy to copy, for private use and accessibly priced. Furthermore, there was no mechanism for them to be classified other than for public exhibition. In order to give some consumer guidance and to legislate what could be sold to children, the Commonwealth Government met with its state counterparts in 1983 and agreed to a new scheme for the classification of videotapes. The States, with responsibility for their own classification and censorship laws, agreed to introduce legislation based on a model ACT Ordinance drafted by the Commonwealth. Five classifications were included: G, PG, M, R and X (for depictions of explicit sex). The X classification prohibited, "child pornography, bestiality, explicit detailed and gratuitous depictions of acts of extreme cruelty including extreme sexual violence...".¹ As such, some sexual violence was initially allowed. However, by the end of 1984 the guidelines had been amended to prohibit any depictions suggesting coercion or non-consent of any kind, and by 2000 they had been tightened to the point that fetishes and any depictions of violence whatsoever, even if completely separated from sexual activity, were banned.²

Before the 1983 meeting, Queensland and Tasmania had already said that they would not permit X-rated material to be sold in their states. In 1984 the remaining States followed suit, so that by 1985 only the ACT and the Northern Territory allowed the sale or hire of X-rated material.³ This was largely the result of a campaign by The Festival of Light (an Australian organisation promoting Christian family values) which organised a tour by the British anti-porn campaigner, Mary Whitehouse in 1984. She joined the Reverend Fred Nile in lobbying State politicians (some of whom were facing elections) to ban X-rated material.

In May 1984, the ACT House of Assembly endorsed the compulsory classification of videotapes and rejected an amendment to ban the X category in the ACT. With the sale of X-rated videos now only legal in the NT and ACT, Australia's X-rated distributors moved their businesses to Canberra. Concentrated in the industrial suburb of Fyshwick, by 1989 it was the ACT's fifth largest industry. 300 people were employed in the legal import, production, copying, wholesaling and distribution of X- and R-rated videos.⁴

John Lark became the leading figure in the sex industry in the 1980s and 90s after moving his distribution business, Caballero Home Video, from Melbourne in 1984. By 1989 his Capital Media Group was the largest operator in the ACT, duplicating videos through Capital Duplicators, selling retail products through the Fantasy Lane supermarkets and producing videos through Down Under Video. Lark's mailing lists contained more than 70,000 names.⁵

With industry expansion, however, came problems. Legitimate operators began to be undercut by illegal operators in other parts of Australia who would set up a post office box in the ACT and then redirect their mail.⁶ Today sex shops across Australia openly sell X-rated material even though it is technically illegal. The ACT industry alleges that pirates in other parts of Australia avoid the costs of buying copyright and paying taxes and are then able to sell their pirated tapes at half the price. Because they operate outside the law, they are suspected of also supplying material that would be refused



Top: Promotional poster for *Dial a Sailor*, 1990.
 Bottom: VHS tape and box, *Phone Sex Girls Australia*, 1989. On loan from Robbie Swan.

classification such as films containing violent sex and fetishes. The Adult Industry Copyright Organisation estimated in 2007 that up to 80% of the Australian market consisted of pirated product.⁷ In the ACT pirated and unclassified material is subject to much stricter oversight.

From the 1990s the proliferation of the internet, where unclassified material is readily available and often free, has seriously affected mail order sales. According to the Eros Association, industry turnover in the ACT has fallen from over \$34 million a year to around \$2 million. Just 20% of Australian sales now take place in the ACT.⁸

The ACT's licensing scheme for X-rated films operates under the *ACT Classification (Publications, Films and Computer Games) (Enforcement) Act 1995*.⁹ It is administered by a Registrar of X Film Licences and policed by inspectors with defined powers of search and entry.¹⁰ Areas where X-rated films can be exhibited for sale to the public (Hume, Fyshwick and Mitchell) are prescribed under the Regulations. In a 2003 Inquiry by the NSW Government, the Registrar for the ACT X Film Licensing Scheme, Tony Brown, stated there was a high level of compliance with the relevant licensing conditions, something that is helped, "by the fact that the industry is now controlled by a smaller number of players and in the main these are publicly listed companies".¹¹

The current scheme was introduced following a period of uncertainty for the X-rated film business. The first ACT Government, led by the Labor Chief Minister Rosemary Follett, was keen for the Territory's tax base to benefit from the ACT being the home of Australia's legal porn industry. In November 1989 the Government tried to pass the *Business Franchise (X Videos) Bill* which would have imposed a 20% sales tax on X-rated videos as a means of raising revenue.¹²



The Bill was defeated when Residents Rally MLA Bernard Collaery withdrew his support after discovering that the Adult Video Industry Association had donated \$8,500 to the Labor Party on the day of the election.¹³ Chief Minister Rosemary Follett lost a no confidence motion in the Legislative Assembly two weeks later, bringing down the first ACT Government.

The incoming Liberal Alliance Government then introduced their own Bill in 1990 which imposed a 40% wholesale tax on X-rated videos, designed to wipe out the industry. John Lark, through Capital Duplicators, challenged the tax and the case went to the High Court, although Lark would eventually go out of business as a result of the legal costs he accrued.¹⁴ In December 1993 it was finally determined that the tax was invalid as it constituted an excise, which only the Commonwealth could impose.¹⁵

At the height of the X-rated film industry's success in the ACT, John Lark saw an opportunity to expand his business into the production of films. In 1989 he collaborated with American Director John T. Bone to produce locally made explicit films which became known as the Down Under series. Bone brought American stars Jon Dough, Randy West and Joey Silvera with him to star alongside Australian women. They made films including *Phone Sex Girls Australia*, *Aussie Vice*, *True Blue*, *Australian Connection*, *Dick Tracer* and *Bushwhackers*.

One of the locals was a 19-year-old Canberra woman using the name Alice Springs, who had previously worked as a topless model and stripper. One of her friends also starred in the movies, another 19-year-old who became known as Kelly Blue. The third actor was a 25-year-old Dutch backpacker known as Deidre Holland. The three actors later continued their careers in the adult industry in the USA.

In 1990 Bone returned to Australia with Randy Spears and Tom Byron and made the films *Singles Holiday*, *Lost in Paradise*, *Dial A Sailor*, *Sexual Healer* and *Outback Assignment*. An Australian male actor, Mel Bourne, also joined the cast. Some of the movies were filmed at John Lark's property at Burra just outside the ACT. These films played heavily on the Australian landscape and stereotypes. *Sexual Healer* is set in the bush where a sex therapist takes a group of repressed patients, while *Singles Holiday* sees a tour group of singles travelling through the bush and includes a sex scene on horseback.¹⁶ *Outback Assignment* even features an Aboriginal actress billed as Nioka. The film follows the adventures of a U.S. fashion photographer, 'Tucker', on assignment in Australia. Tucker's journey is motivated by a dream where he has sex with an Aboriginal woman. In the dream, Tucker is relaxing by his campfire when a bare-breasted woman walks towards him, accompanied by the sound of a didgeridoo.¹⁷

While making these films, John Lark saw an opportunity to apply for Commonwealth Government funding through the Austrade export market development grant. This would repay 70c in every dollar over \$10,000 spent on promoting Australian made films to export markets. However, when Independent Senator Brian Harradine learned of this plan he successfully convinced the Federal Labor government to amend the Bill to exclude businesses marketing X-rated films.¹⁸ Speaking in the Senate, Harradine explained that,



“...the material sullies the image of Australian women and degrades them in the eyes of the world. It depicts them in a manner that indicates that they are generally promiscuous and available.”¹⁹

Since the early 1990s a number of other producers have made explicit films in the ACT. In 1994 David Haines, Australia’s Deputy Chief Censor, quit the Classification Board and began a career as a consultant advising the adult industry on the Commonwealth’s censorship legislation and policy. He was approached by the Axis Group in 1998 to become Producer and CEO of Redstone Films, producing *Buffy Down Under* and *Revenge Aussie Style*. *Buffy Down Under* sold 5,000 copies in Australia, where the average X-rated film sells around 500 copies, and reached number 39 on the U.S. AVN charts. Haines attempted to make the productions ‘ethical porn’ by incorporating safe sex practices into the sex scenes. He also explained that,

“I did have a couple of people later on who were clearly on drugs come forward, wanting to be in them, but I wouldn’t use them. I didn’t use anyone who was under about twenty-two or twenty-three...and even then I was at pains to explain to them that they were in fact laying themselves open to problems in the future...”²⁰

The significant cost of creating X-rated films that comply with the strict Australian classification laws to

high production standards has meant that there is still very little legal pornography made in Australia. When AdultShop.com bought the Axis Group in 2000, the company’s CEO Malcolm Day described how Axis was previously spending \$60,000–\$80,000 making local films, when they could buy the rights to an A-grade US or European production for only \$5,000.²¹

Although few (if any) legal X-rated films are now being made in Australia, sexually explicit material is certainly being made here and distributed on the internet. What this will mean for the industry in the ACT is yet to be seen, but most likely the current model — whereby adult shops are selling more lingerie and other adult products alongside foreign produced DVDs — will continue. Until the other Australian states either enforce the ban on the sale of X-rated material, or change their laws, material will continue to be sold illegally with occasional crackdowns by law enforcement. In the meantime, it appears that the glory days of the Fyshwick mail order business are over.

Sex and the city

Alongside pornography the other main sector of the industry is sex work, historically called prostitution. Those who work in the industry prefer to be called sex workers, to remove the negative connotations of the word ‘prostitute’. Out of respect, this exhibition uses the terms sex work and sex workers, where possible.

Sex work has a long history in the ACT, probably longer than could be documented. The legal situation prior to 1991 was that the selling of sex itself was not illegal, but under the *Police Offences Act 1930* it was: illegal for a prostitute to solicit in a public place, to manage a brothel, to knowingly let a property to be used as a brothel, and for a male person to live on the earnings of prostitution.²²

The policy in the ACT up until the 1990s was largely one of containing the industry to industrial areas of Canberra, enforced by the police. Sex work is known to have occurred in the workers' camps and building sites during the early years of Canberra, especially during the building of the Corin and Bendora Dams in the 1960s.²³ In 1969 a case brought against a woman accused of operating a brothel in Oaks Estate failed as the police failed to prove that there was more than one woman working there.²⁴ It was reported at the time that individual sex workers were operating from the suburbs of Ainslie, Red Hill, Lyons and Narrabundah, and that the market was providing enough employment to support around twenty sex workers.²⁵

Through the 1970s and 80s charges would occasionally be brought against someone operating a brothel in the ACT, however in 1984 the Commonwealth Department of Prosecutions (DPP) adopted a policy of only pursuing a prosecution for prostitution offences where aggravating factors, such as drugs, organised crime or complaints from the public, were involved.²⁶

One method of control was the Government's power to terminate the lease of a property if it was believed that a business was being conducted in a residential area. This was used to stop the planned opening of a brothel, to be called Miss Conduct, at the Griffith Shops in 1980.²⁷ Even if a case was taken to the courts and a prosecution secured, the courts would tend to take the community's lenient attitude to sex work into account in sentencing. In 1981 a man was convicted of operating a brothel in McCubbin Street, Weston Creek called the 'Dial-a-Smile Escort Agency'. Commenting that a prison sentence would be too harsh a punishment for the crime, the Magistrate said that,

"Having dialled a smile I suppose they went away with a smile on their faces ... I do not think I can impose a jail sentence for that".²⁸



Top: SWOP(ACT) badge. On loan from SWOP(ACT).

Middle: Tiffany's, Fyshwick, 2014. Photo by RLDI.

Bottom: Red Book' *STI Handbook: a reference guide for sex workers to sexually transmissible infections*, 2009. On loan from SWOP(ACT).



Top: "No bad whores just bad laws" shopping bag (detail), 2014. On loan from SWOP(ACT).
Middle: Scarlet Alliance brochure, c.1990.
Bottom: Emily, *Sinsations*, 2006. Photo by Darren Clark. Courtesy of the National Library of Australia.

Police would visit each brothel every few weeks and keep records of the staff employed. Brothels were effectively limited to Fyshwick, although some operated out of the suburbs.²⁹ In 1990 Northside Studios was forced to move from the Ainslie shopping centre to Fyshwick after the ACT Government threatened to withdraw the owner's lease, allegedly after complaints from local residents.³⁰

With the advent of self-government in the ACT in 1989, the Legislative Assembly established a Select Committee on HIV, Illegal Drugs and Prostitution. In its 1991 Report the Committee expressed concern over the records police were keeping based on rights of confidentiality and civil liberty. The Committee found that although the brothels promoted safe sex, in effect it was left to the individual sex workers as to whether they followed this advice. Generally sex workers provided a health certificate to the brothel owner each week before they were allowed to work.³¹ The police provided evidence that around 400 sex workers were active in the ACT, although the industry organisation Workers in Sex Employment (WISE) contended that there were only around 150 workers in the ACT (of whom around seven were male), and that many travelled from interstate to work.³² The Committee found no evidence of organised crime linked to sex work in the ACT, and further that a link between sex work and the spread of HIV in the ACT was unsubstantiated.³³ The Committee also heard evidence that there had been problems with illegal immigrants being employed in the sex industry in Canberra, with nine such immigrants being detained in the two years prior to the report, of whom eight were subsequently deported.³⁴

The Committee recommended that the laws relating to sex work in the ACT be changed to come into line with majority community view. They were largely motivated by the spread of HIV and a concern that any move to suppress sex work would undermine efforts to stop the transmission of HIV and other sexually transmitted infections (STIs). The Committee recommended that



the industry be regulated through legislation, including a licensing system and the restriction of brothels to industrial areas.³⁵ Because of their concern regarding the effect on public health, the Committee recommended legislation should include offences of knowingly infecting a person with an STI and for sex workers to work while knowingly infected with an STI.³⁶

The ACT Legislative Assembly subsequently introduced the *Prostitution Act 1992* which legalised sex work in the ACT, making it a regulated activity with obligations for brothel operators and sole operator sex workers to register and pay fees. Shortly afterwards the newly formed Eros Foundation organised a brothel open day. On 28 November 1992, seven of Canberra's twelve brothels participated to raise money for World AIDS Day. In writing about the open day, the *Canberra Times* reported that the sex work industry in Canberra had an annual turnover of around \$10 million.³⁷


Over the years, a number of organisations have been created that work with and advocate for the rights of sex workers. The AIDS Action Council of the ACT has been a significant force in working for peer education in the sex industry, along with industry associations such as the Scarlet Alliance, WISE and later the Sex Worker Outreach Project (SWOP).³⁸

Local GP Dr Peter Rowland was a pioneer in working with Canberra's sex workers and in the treatment of HIV and AIDS. He established the Interchange General Practice in the 1980s, with its original location near the Civic bus interchange, giving the practice its name. Dr Rowland set up the practice to serve the north side population but also to offer accessible, non-judgemental primary care to marginalised groups such as sex workers, the gay and lesbian population, drug users and trans-gender patients, at a time when these services were not readily available elsewhere.³⁹ The Interchange General Practice continues this work today.

Trouble in the industry.

On 15 September 2008 a 17-year-old girl died from a drug overdose in a Canberra brothel having started work with the Exotic Studio the day before. She told the receptionists who interviewed her that she was 19 and provided a false identity.⁴⁰ The two receptionists were charged with permitting a child to provide commercial sexual services under section 20(3) of the *Prostitution Act 1992*. They were found not guilty, however, after they raised a defence of mistake of fact under the Criminal Code. The prosecution would thus have had to disprove beyond reasonable doubt that the defendants had a reasonable belief that the girl was over 18 years of age to secure a guilty verdict.⁴¹

This tragedy led to significant public discussion about the policing and enforcement of the sex industry in the ACT. It emerged that workplace health and safety inspections had not been carried out on any brothels for nearly four years. Furthermore, in October 2009 a Canberra-based woman was charged with, and later convicted of, intentionally possessing a slave, attempting to pervert the course of justice and a range of *Migration Act* offences.⁴² A Thai woman who was willingly brought to Australia to work in the sex industry was forced to work off a \$43,000 'debt', her passport was removed and she was largely confined to a Braddon apartment.⁴³



Further public discussion was focussed on the industry as the result of an arson attack on *The Gentlemen's Club* in Mitchell in January 2012. As a result it emerged that the brothel had been operating while unregistered since September 2010, raising questions about the effectiveness of the registration system.⁴⁴

On 28 October 2010, the Legislative Assembly of the ACT requested that the Standing Committee on Justice and Community Safety conduct a review into the operation of the *Prostitution Act*. The Committee received 58 submissions, held four public hearings and deliberated on the inquiry at 23 private meetings. Broadly, submissions were from those who opposed a legalised and regulated sex industry and supported re-criminalisation, those who supported a legalised and regulated industry, and those who limited their comments to the functioning of the Act. Submissions were received from: the ACT Government, ACT Policing, the ACT Human Rights Commission, ACT Health, the Commonwealth Department of Immigration and Citizenship, the AIDS Action Council, local religious groups, the Coalition Against Trafficking in Women Australia, the Eros Association, Scarlet Alliance, Collective Shout, Family Voice Australia and many private individuals.⁴⁵

Issues included whether sole operators should be required to register; whether two workers should be allowed to work together from private premises; whether exit programs should be provided for sex workers who wish to leave the industry; and whether the restrictions applying to sex workers with STIs should be removed or amended.

An implementation working group exists, which includes representatives from relevant Government agencies, to develop and oversee a program of implementation of the Government's response. Peak representatives of the sex industry were invited to participate in the group's deliberations. To date, the Government has not made a decision on legislative changes arising out of the Committee Inquiry.

Debate

Any discussion of sexual matters is likely to raise a variety of responses from people with differing perspectives. Some people feel passionately that sex work, or appearing in pornography, can never be a valid choice; that people are always forced into it by circumstances even if they think they are making a choice. Other people believe just as passionately that adults should always be free to make their own choices, no matter their circumstances, and that sex work is just another form of work. Most people have an opinion. As a museum CMAG's role is not to endorse opinions but to inform visitors about our community's history and foster debate. This exhibition supports just such a discussion, in a safe place where differing viewpoints are considered and respected.

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Endnotes

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