

FEMALE 'STRIPTease' IN THE SUNSHINE STATE: A DESCRIPTION OF QUEENSLAND'S LIVE ADULT ENTERTAINMENT INDUSTRY AND ITS REGULATION

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In Queensland live adult entertainment or striptease takes place in two different arenas that can be broadly defined as regulated and unregulated. This paper describes the regulatory framework controlling live adult entertainment in Queensland along with the key features and practices operating within the industry: namely, the types of entertainment provided and the characteristics of the female dancers who work within it.

I INTRODUCTION

Live adult entertainment goes by many names, including striptease, erotic dance, exotic dance, lap dancing, private dancing, go-go dancing, sexualised performances and live, sexually explicit entertainment. Regardless of the term used, all live adult entertainment involves a performance designed to sexually titillate customers through the fantasy and illusion of sex.³ The fact that the objective of the exercise is sexual titillation is obviously what makes the claim of such performances to be 'entertainment' questionable in the minds of many in the community. Public performances specifically designed to sexually arouse individuals, especially large groups of individuals, can for some people appear to coarsen something which should be private, special, and the subject of some modesty rather than public, routinised, and decidedly 'immodest'. It goes without saying that this purported coarsening also runs counter to the dictates of the moral codes

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³ C Bernard, et al, 'Exotic Dancers: Gender Differences in Societal Reaction, Subcultural Ties, and Conventional Support' (2003) 10 *Journal of Criminal Justice and Popular Culture*, 1; see also, J Lewis, 'Learning to Strip: The Socialization Experiences of Exotic Dancers' (1998) 7 *Canadian Journal of Human Sexuality* 51.

for living many people adhere to as a consequence of the influence of religion (irrespective of whether or not they personally are a 'believer').

Because of its 'deviant' nature, live adult entertainment is invariably subject to regulatory regimes (of varying degrees of strictness) aimed at containing any 'threat' to the wider society entailed in its existence. Before July 2000, live adult entertainment in Queensland was regulated by operation of the *Criminal Code 1899* (Qld) (the *Criminal Code*), in particular through the provisions relating to indecency, indecent treatment of children under 16, obscenity and prostitution. Each of these, with the exception of the prostitution provisions, relied on an assessment as to what in law constitutes an 'indecent' act. In July 2000, in an attempt to 'better control' the industry the Queensland Government, established a new regulatory framework for live adult entertainment through amendments to the Criminal Code and the *Liquor Act 1992* (Qld) (the *Liquor Act*). The intentions of this regulatory change was to: 1) distinguish legitimate live adult entertainment from prostitution, allowing both to be regulated separately; 2) keep organised crime, illicit drugs and corruption out of the live adult entertainment industry; 3) eliminate opportunities for the exploitation of minors in the live adult entertainment industry; and 4) reduce negative impacts of the live adult entertainment industry on local communities.

In 2003, Queensland's *Crime and Misconduct Commission* (CMC) was tasked with reviewing the general efficacy of the Government's new regulatory framework for live adult entertainment, and requested to give consideration as to whether the intentions of the new regulatory framework had been achieved. The authors of the current paper, as CMC employees at this time, were responsible for conducting the review and were the primary authors on the subsequent report, *Regulating Adult Entertainment: A Review of the Live Adult Entertainment Industry in Queensland, 2004*.⁴ This paper is drawn from that larger CMC report. The primary purpose here is to more broadly disseminate some of the key findings of the review to the academic and social science community. More specifically, this paper describes the regulatory framework controlling live adult entertainment in Queensland along with the key features and practices operating within the industry: namely, the types of entertainment provided and the characteristics of the female dancers who work within the industry.

Aside from the CMC's report, as far as the authors could ascertain, only one other publicly available investigation of live adult entertainment has been conducted in Australia. This other project was also Queensland based but took place before the current regulations took effect and was limited to the experiences of dancers in one Brisbane venue with the results not being published in any academic journal.⁵ Given this absence of objective consideration of such a contentious industry sector, the aim of this paper is to provide one of the first detailed accounts of adult entertainment in Australia. Noting this absence of any detailed research into live adult entertainment in Australia is not of course to deny the existence of a body of international work that seeks insights to the industry.

⁴ S Jeffries et al, *Regulating Adult Entertainment: A Review of the Live Adult Entertainment Industry in Queensland* (Crime and Misconduct Commission, 2004).

⁵ See A L Lamoin, *Staging Commercial Pleasure: Women, Work and the Exotic Dance Industry* (University of Queensland, 2000).

Some international social scientists⁶ have argued that live adult entertainment effectively addresses genuine and longstanding social needs and in doing so offers a range of useful social benefits including the following:

- *A place where men can relax, have 'fun' and escape from the world of work and home.* For example, it has been suggested that strip clubs provide a place where men faced with the increasing stresses of life can escape for a few hours — 'A place where choices and options are clear-cut, a place where "feminism" [is] a dirty word, a place where a man [can] be a man'.⁷
- *A safe place to be sexually open without fear of rejection.* Researchers have found that customers often seek acceptance of their sexual desires; telling dancers things they claimed 'they had never told their wife or lover, usually specific fantasies or experiences that they thought the other women in their life would not appreciate or understand'.⁸
- *Female contact, company, an ego boost and a chance to pursue 'sexualised (albeit fantastical and commodified) relationships with women'.* 'The "beauties" are there as a live fantasy — young, available, interested and accepting'. Strip-club customers are given the opportunity to talk to women of a particular image or status, with whom many of them may not generally be able to interact for any number of reasons, including lack of attractiveness, age, class and ethnic characteristics, disability, or women's unwillingness to interact with them on an unpaid basis.⁹
- *An outlet to satisfy a desire for sexual variety* without threatening marriages or long-term partnerships.¹⁰

However, whatever the merits of these claims to social benefits, the sexual component at the heart of live adult performances has consistently led to a generally negative view of both the industry and the women who work in it. The live adult entertainment industry is widely considered 'deviant' and prone to a ready accommodation of illegal activities such as drug use/dealing, organised crime and prostitution. It is supposedly full of 'whores' who are probably 'drug addicted' and 'psychologically troubled'.¹¹ Not only is live adult entertainment viewed by many in the community as morally suspect in itself, this defining characteristic is in turn inextricably associated with other socially undesirable activities, many of which are criminal. Somewhat parenthetically, it is tempting to wonder at the convenience of this sort of guilt by association. If live adult entertainment is inherently marked by aspects that are criminal, then arguing for strict

⁶ Including: Ibid; T Dudash, 'Peepshow Feminism' in J Nagle (ed), *Whores and Other Feminists* (1997) 98; K Frank, *G-Strings and Sympathy: Strip Club Regulars and Male Desire* (Duke University Press, 2002); BM Hobson, *Uneasy Virtue: The Politics of Prostitution and the American Reform Tradition* (Basic Books, 1987).

⁷ Frank, above n 6, 86.

⁸ Ibid; Lamoin, above n 5, 37-8.

⁹ Frank, above n 6, 109-11.

¹⁰ Ibid.

¹¹ K Liepe-Levinson, *Strip Show: Performances of Gender and Desire* (Routledge, 2002); M Neave, 'The Failure of Prostitution Law Reform – the John Barry Memorial Lecture' (2002) 21 *Australian and New Zealand Journal of Criminology* 202; J Jordan, 'User Pays: Why Men Buy Sex' (1997) 30 *Australian and New Zealand Journal of Criminology* 55; Bernard, above n 3.

regulation of the industry is easier than is the case if the only grounds for such regulation are those drawn from religiously inspired notions of morality.

In terms of gender politics, live adult entertainment has been held by radical feminist theorists to be a form gender victimisation, an expression of male dominance over women, with women compelled to cater to male sexual fantasies or desire at the expense of their own wants or needs.¹² In contrast to these views, more liberal feminists have argued that live adult entertainment can be 'empowering' for at least some women. More specifically, it is posited that striptease can provide a way for women to achieve economic independence and feel 'good' about themselves. Live adult entertainment, it is asserted, is a viable and legitimate occupational choice.

The fact that live adult entertainment occupies a site within which much larger battles about gender, criminality and the boundaries of public and private sexuality are played out, makes it all the more surprising that so little work has been done by Australian social scientists in terms of finding out what actually goes on and why, especially, from the point of view of the performers/dancers involved.¹³ This paper (and the larger report it draws upon) aim to go some way towards offering an objective account of the live adult entertainment industry and what it really means for those involved.

II RESEARCH METHODS

A *Observation of Live Adult Entertainment Performances*

Observations were undertaken at 34 live adult entertainment sites across Queensland, including Mount Isa, Townsville, Cairns, Rockhampton, Gladstone, Brisbane, the Sunshine Coast and the Gold Coast. All the performances observed involved female dancers.

B *Interviews and Consultations*

Informal discussions were undertaken with key people in the live adult entertainment industry, including entertainers, owners/ managers and hostesses.

Formalised in-depth interviews were conducted with 53 adult entertainers and 33 live adult entertainment business owners/managers. These interviews were semi-structured, with a set interview schedule being followed. Dancers and business owners/managers were asked a similar set of questions. Both open and closed questions were posed. Of key relevance to this paper were questions posed with regard to demographic, social, and background information and, management and control; taken together these areas of inquiry painted a rich picture of Queensland's live adult entertainment landscape.

¹² Liepe-Levinson, above n 11; Bernard, above n 3; W Chapkis, *Live Sex Acts: Women Performing Erotic Labor* (Routledge, 1997); J Phoenix, 'Prostitutes Identities: Men, Money and Violence' (2000) 40 *British Journal of Criminology* 37; E A Wood, 'Working in the Fantasy Factory: The Attention Hypothesis and the Enacting of Masculine Power in Strip Clubs' (2000) 29 *Journal of Contemporary Ethnography* 5.

¹³ The authors would have liked to include more direct quotes from study participants in this paper but the CMC have intellectual property rights over the research and would not grant permission for this to occur.

Research methods based on the use of representative samples are virtually impossible within the live sex industry. At the time of this research was undertaken, the Queensland Police Service's (QPS) Prostitution Enforcement Task Force (PETF) had raided a number of live adult entertainment venues and subsequently charged a number of business owners/managers and dancers with prostitution-related offences. The Australian Taxation Office (ATO) was also in the process of 'doing a sweep' of the industry throughout Queensland. Accessing a difficult population was made even harder because of these law-enforcement activities.

Furthermore, dancers are not registered and rarely use their own names while working. Although owners of live adult entertainment venues that have sought and obtained an Adult Entertainment Permit are registered, those venues operating outside the regulatory framework (discussed in the following section) are not. An invitation to participate in interviews was extended to all known business owners in the *regulated* sector of the industry and Telstra's Yellow Pages Directory, word-of-mouth referrals and physical visits to the sites of the entertainment were used to access *unregulated* live adult entertainment business owners/managers, with written or oral invitations being extended to the majority of known businesses in the Brisbane–Gold Coast–Sunshine Coast areas. Dancers were accessed either through the live adult entertainment business owners/managers, or by word-of-mouth referrals from dancer to dancer.

Public submissions were called for and discussions were also held with key government agencies (eg Liquor Licensing Division (LLD) of the Department of Tourism, Fair Trading and Wine Industry Development (DTFTWID), QPS (including the PETF and local police), Prostitution Licensing Authority (PLA) (for more detail see the CMC's 2004 report *Regulating Adult Entertainment: A Review of the Live Adult Entertainment Industry in Queensland, 2004*)).

III REGULATED ENTERTAINMENT: QUEENSLAND'S ADULT ENTERTAINMENT PERMIT (AEP) SYSTEM

Live adult entertainment in Queensland is regulated only in premises with Liquor Licences. Liquor licensees/permittees wishing to supply live 'sexually explicit' adult entertainment must hold an Adult Entertainment Permit (AEP). This means that an AEP is available only if live adult entertainment is on offer in a venue to which a Liquor Licence/permit attaches. The key provisions regarding the nature of regulated or AEP-controlled live adult entertainment appear in the *Liquor Act* and the *Criminal Code*. The LLD is responsible for 'policing' premises with AEPs.

A *The Liquor Act*

Legitimate live adult entertainment under an AEP is broadly defined under s 103E of the *Liquor Act* as 'live entertainment that may be performed for an audience, by a person performing an act of an explicit sexual nature'. More specifically, this section of the Act makes reference to the Adult Entertainment Code, which sets out what acts may not be performed by an adult entertainer in venues controlled by AEPs. The code, which is found in the Liquor (Approval of Adult Entertainment Code) Regulation 2002, notes that the: prescribed behaviour for the purposes of s 103E of the *Liquor Act* is an act of an 'explicit sexual nature' but does not include an adult entertainer:

- participating in sexual intercourse, masturbation or oral sex;
- touching the genitalia or anus of another person;
- allowing another person to touch the adult entertainer's genitalia or anus;
- allowing penetration, to any extent, of the vagina, vulva or anus, either by any part of the body or by an object;
- placing his or her face in the close proximity of the genitalia or anus of another person;
- allowing an audience member to put his or her face in the close proximity of the genitalia or anus of the adult entertainer;
- soliciting any person for the purposes of prostitution.

Apart from this exclusive definition, the meaning of 'explicit sexual nature' is not given anywhere in the Act or the associated regulations, nor is it given or defined in the *Criminal Code*.

Despite conflicting advice from the LLD it would seem that a permissible 'act of an explicit sexual nature' is operationally defined in the regulated industry to include the provision of live adult entertainment where the genitalia are exposed and/or when the adult entertainer is touching the customer in a sexualised way.

B *The Criminal Code*

Section 229E (Meaning of prostitution), s 227 (Indecent acts) and s 228 (Obscene publications and exhibitions) of the *Criminal Code* now expressly allow behaviours that might otherwise be regarded as criminally indecent or obscene, or as prostitution, to take place in AEP-regulated venues. Section 229E of the *Criminal Code* now states that:

1. A person engages in 'prostitution' if the person engages, or offers to engage, in the provision to another person, under an arrangement of a commercial character, of any of the following activities —
 - a. sexual intercourse;
 - b. masturbation;
 - c. oral sex;
 - d. any activity, other than sexual intercourse, masturbation or oral sex, that involves the use of 1 person by another for his or her sexual satisfaction involving physical contact.
2. However, a person does not engage in prostitution if —
 - a. the activity is mentioned in subsection (1)(d); and
 - b. the person is providing live adult entertainment under an adult entertainment permit and is an adult and is not an intellectually impaired person; and
 - c. the activity is authorised under the permit.

The same AEP exemption found in s 229E(2) has been made in regard to indecent acts. The *Criminal Code* provides at s 227 that:

1. Any person who —
 - a. wilfully and without lawful excuse does an indecent act in any place to which the public are permitted to have access, whether on payment of a charge for admission or not; or

- b. wilfully does any indecent act in any place with intent to insult or offend any person; is guilty of a misdemeanour, and is liable to imprisonment for two years.
3. Subsection (1) does not apply to a person who does an indecent act under the authority of an adult entertainment permit.

Section 228 of the *Criminal Code*, which relates to obscene publications and exhibitions, states that:

1. Any person who knowingly, and without lawful justification or excuse —
 - a. publicly sells, distributes or exposes for sale any obscene book or other obscene printed or written matter, any obscene computer generated image or any obscene picture, photograph, drawing, or model, or any other object tending to corrupt morals; or
 - b. exposes to view in any place to which the public are permitted to have access, whether on payment of a charge for admission or not, any obscene picture, photograph, drawing, or model, or any other object tending to corrupt morals; or
 - c. publicly exhibits any indecent show or performance, whether on payment of a charge for admission to see the show or performance or not; is guilty of a misdemeanour, and is liable to imprisonment for two years.

Section 228 contains no such express exemption in relation to AEPs but none is required, since the reference to an ‘indecent’ show or performance in that section imports the subsection (3) exemption from s 227.

IV FEATURES OF AND PRACTICES IN QUEENSLAND’S AEP CONTROLLED VENUES – QUEENSLAND’S REGULATED LIVE ADULT ENTERTAINMENT SECTOR

The latest available figures from the LLD show that in August 2004 there were 25 annual AEP-approved venues operating in Queensland. All these venues were visited during the course of this research and interviews were conducted with the owners/managers in 24 of the 25 establishments (the number as at August 2004).

A *Type of Entertainment Provided*

The following types of live adult entertainment feature in AEP-controlled venues:

- stage/pole dancing;
- tabletop dancing;
- private dancing/ lap dancing;
- non-contact ‘dating’ and outcall striptease services.

Descriptions of each appear below, having been adapted from those used by Striptease Artists Australia (SAA) in their log of claims document.¹⁴

¹⁴ Striptease Artists Australia Incorporated, *Log of Claims* (Sriptease Artists Australia Incorporated, 2004).

1 *Stage/Pole Dancing*

Every AEP-regulated venue offers stage dancing. Typically, stage dancing in regulated live adult entertainment venues involves semi-nude or full-nude striptease performances on a stage in the main bar area of the club. These performances may involve 'open leg work', where the entertainers spread their legs, fully exposing the genital area to audience members. Stage dancing may involve a limited degree of audience participation — for example, with dancers rubbing their breasts on audience members. The stage on which the entertainers perform usually has one or more poles as a performance prop and may have other props such as chairs and swings. The degree of nudity and use of 'open leg work' during a stage performance is a question of dancer choice and club protocol. Some dancers will refuse to strip completely and/or open their legs during stage performances unless they are tipped a certain amount of money by audience members; others feel self-conscious about doing 'open leg work' in front of large audiences and some argue that they should not have to 'give anything away for free'. The majority of entertainers identify themselves as independent contractors and unless tipped will receive no payment for performing on the main stage. Instead, these dancers make their money during more private performances given in areas away from the main stage. Other dancers, however, are quite happy to 'bare all' on the main stage, considering it advertising for the more private shows that actually generate their income.

A dancer's choice to not perform topless or naked, or engage in 'open leg work', unless tipped is supported by venue policy in some clubs. In these circumstances, DJs may make regular announcements stating what dancers will take off for what prices, there may be notices to this effect posted around the club, and/or the immediate seating around the stage may be allocated as a 'tipping only' area.

2 *Tabletop Dancing*

Five venues were identified as offering tabletop dancing. Tabletop dancing involves semi-nude or full-nude striptease performances on a 'table top' in the main bar area of the club. This table top could have a pole; performances may involve 'open leg work' and some audience participation. Compared with stage dancing, tabletop performances are more private, being directed at the smaller group sitting around the table rather than the entire bar area. Dancers are either paid to perform for the duration of a set number of songs for a certain price on the table top, or alternatively, payment is derived solely from tips. In the latter case, the tipping amounts may determine how much clothing the dancer will remove during the performance.

3 *Private Dancing/Lap Dancing*

Private dancing involves semi-nude or full-nude striptease performed for an exclusive audience (usually one person). It may involve 'open leg work' and some audience contact, although to be consistent with the Adult Entertainment Code it should not involve genital contact. Lap dancing is an especially intimate form of private dance, frequently involving a high degree of sexually charged physical contact between the entertainer and the customer. Lap dancers will often rub their bodies against audience members in a sexually suggestive manner, and audience members will touch the dancers in a similarly intimate way for example, caressing, kissing or suckling dancers' breasts.

The buttocks, back and thighs may also be caressed by the customer. The only areas of the body out of bounds during a lap dance are the genitalia (penis, testicles, vagina, vulva) or anus and the rule regarding close proximity must be adhered to (see the *Liquor Act* and the Liquor Approval of Adult Entertainment Code, Regulation 2002). In practice the rule of close proximity is adhered to by dancers insuring their genitalia is kept at least 30 centimetres away from the client's hands. This type of activity would meet the definition of prostitution under the Criminal Code were it not for the express exception contained there in relation to acts authorised by an AEP.

Private/lap dancing as described above was being performed in 21 of the 24 venues visited. In the remaining venues, in-house policies restrict touching over and above what is permissible by legislation by either not allowing it, or confining in some way — for example, no touching above the waist, no oral contact on breasts, no kissing, no touching once the dancer's G-string has been removed, and/or controlled lap-dancing whereby the dancers guide the client's hands over their bodies.

In addition to the physical intimacy involved, what can be described as a simulation of psychological intimacy is also an important aspect of the private/lap dance.¹⁵ Dancers and business owners/managers often commented that private/lap dancing is as much about emotional labour as it is about physical work. As noted by Bruckert, 'the primary service is private dances or erotic entertainment ... equally prevalent, but largely unacknowledged, however, is another private interactional emotional service.'¹⁶

One dancer commented for example that '*guys want company, they want counsellors when they get divorced, if they are lonely [in their marriages], when they have a fetish they can't tell anyone else about; we don't discriminate*' (Adult Entertainer).

In some cases the provision of the social service takes precedence over the physical performance: Lap dances are about selling companionship. One owner/manager of a live entertainment venue expressed this as follows: '*most of the time they [the customers] just want the girls to sit with them, hold their hands and make them feel wanted. Most of the money is made when the girls' clothes stay on and the guys just want to talk for hours*' (Owner/Manager).

Not surprisingly, given the 'social service' side of the private/lap dance, once audience members are in the private room they become clients and the dancer's role becomes one of making them feel as though they are 'out on a date': '*it is all about making the guy feel comfortable like he is out on a date*' (Owner/Manager).

After the first 'date' (dance), a skilled private/lap dancer will nurture the development of an 'intimate' relationship between herself and the client. Cultivating a regular client base is important for adult entertainers because 'regulars' provide dancers in this sector of the industry with the majority of their income.¹⁷ While the relationship between a dancer and the client is obviously based on a form of commodified intimacy, with the client paying the dancer to simulate intimacy, it may nonetheless involve genuine

¹⁵ K Frank, 'The Production of Identity and the Negotiation of Intimacy in a 'Gentlemen's Club' (1998) 1 *Sexualities* 75.

¹⁶ C Bruckert, *Taking it Off, Putting it On: Women in the Strip Trade* (Women's Press, 2002).

¹⁷ Ibid.

‘emotional exchanges, intimate moments, mutual respect, and displays of affection, just as more legitimate relationships are expected to’.¹⁸

4 *Non-Contact ‘Dating’ Services and Outcall Striptease Services*

There are two types of outcall services attached to AEP-controlled venues: outcall striptease and outcall ‘dates’. Some AEP-controlled venues offer outcall striptease services for events, functions and other social gatherings. These are illegal, constituting a breach under s 152 of the *Liquor Act* (conducting a business other than that authorised). At these venues the sexual explicitness of shows is limited to ensure compliance with the Adult Entertainment Code. Leaving aside the question of a breach of s 152 of the Act, entertainment provided outside the venue is no longer regulated by the Adult Entertainment Code, and the *Criminal Code* offers the only limitation to the degree of sexualised performance (see discussion in the next section on the unregulated sector). Outcall customers may, for example, order masturbation and/or sex-toy insertion shows, and these may infringe the relevant criminal provisions, depending on the circumstances.

A few AEP-controlled venues offer a non-contact outcall ‘dating’ service that allows customers to take a dancer ‘on a date’ outside the club. This ‘date’ is usually controlled by a strict set of guidelines that aim to ensure dancers’ safety and prevent prostitution, including requirements that:

- the ‘date’ be conducted in a busy public place, such as a bar, nightclub, restaurant or casino, but not a park or other isolated public area only public transportation will be used during the ‘date’;
- venue management will make regular phone calls to the dancer’s mobile telephone (usually every 30 minutes to an hour) over the course of the ‘date’ to check that every thing is all right;
- the dancer must telephone venue management when changing location during the date — for example, when moving from a restaurant to a nightclub — so that the venue knows the dancer’s whereabouts at all times;
- the dancer must return to the venue before it closes for the evening;
- no striptease performances of any kind are to occur;
- no sexual relations are to take place between the dancer and the customer;
- the dancer and/or customer sign a contract acknowledging that they understand and will adhere to the above protocol;
- customers supply photographic identification to venue management before the out-booking begins.

The ‘dating’ services provided by live adult entertainment venues were not found to include the provision of a sexual service involving physical contact; they are about the provision of an emotional service, and only limited (and non-sexual) touching is permitted. Dancers, venue owners/managers commented on a number of occasions that these ‘dating’ services were strictly about providing company. One adult entertainer for example said ‘*when we provide the service to a customer there is no sex, you keep your*

¹⁸ Frank, above n 6.

clothes on and it is fun to get out. Some guys I feel sorry for them, they have a shit-load of money but have no time to have a relationship' (Adult Entertainer).

Venues that do not offer a 'dating service' run the risk of losing dancers to the clubs that do offer the service, or may find their dancers organising private 'dating' services, a potentially risky business for both the club (at risk of breaching the prostitution law) and the dancer (for safety reasons). As one owner/manager commented:

When we stopped out-bookings we lost girls and regulars. We have lost girls to the other clubs because of it, now they come here with their customers for their out-bookings. Girls leave because regulars are their wage, regulars spend big money. If they do not leave they organise private bookings, which is unsafe (Owner/Manager).

These 'dating' services appear popular with strip-club regulars because they help in the simulation of intimacy between dancer and customer. As already noted, getting and maintaining regular customers requires a dancer to develop an illusion of intimacy with the client. To succeed, however, the dancer's emotional performance must appear authentic to the customer.¹⁹ Arguably, such 'dating' services are popular because they give the simulated relationship a more authentic feel; the customer can take the dancer out to dinner, for a drink and a dance, just like 'real' couples do.

5 *Charges for Adult Entertainment*

Of those AEP-controlled venues consulted during the review, the entry fee was A\$12.50 on average. The minimum charge was A\$10 and the maximum A\$22. Patrons were charged for private/lap dances in all regulated venues either directly by the venue management, by the dancers, or by both the venue (a seating fee) and the dancers (a performance fee). The average charge for a one-hour lap dance involving one dancer and one client was A\$234.50; the minimum charge was A\$135 per hour and the maximum was A\$400 per hour. Many customers will, however, purchase shorter lap dances, usually of 15 minutes' duration, for around A\$50 to A\$70.

B *The Adult Entertainers*

Forty-two dancers from eight AEP controlled venues were interviewed during the course of this research.

1 *Demographic and Background Information*

The average age of the interviewed dancers was 23.5 years, with ages ranging from 18 to 36 years. The majority of dancers (57%) were aged 20–25 years. Most identified themselves as single (81%) and as having no dependent children (83%). Eight dancers reported being either married or living with their partners and seven dancers had dependent children. Nearly 60% of the entertainers interviewed had completed their senior school years and just over 30% pursued tertiary-level study. Only one dancer identified herself as Indigenous. The majority of dancers were born in Australia (81%).

¹⁹ Ibid.

2 *Length of Time in the Industry*

Among those interviewed, the average age for starting work as a dancer in the live adult entertainment industry was 20.5 years. The youngest starting age for any interviewee was 16 years and the oldest starting age was 34. Half the dancers interviewed (50%) had started working as adult entertainers between the ages of 18 and 19 years. The average length of time for which the dancers interviewed had worked in the live adult entertainment industry was 29 months. The longest time any of them had worked in the industry was 10 years and the shortest was one month.

3 *Income*

On average the dancers interviewed in the regulated live adult entertainment sector took home approximately A\$280 per shift. The minimum income reported was A\$150 per shift and the maximum was A\$500. Dancers reported working between two and seven shifts per week, with four shifts of seven hours (average) per week being the norm. Thus, on average, the dancers interviewed earned A\$1120 for a 28-hour week.

4 *Reasons for Working in the Live Adult Entertainment Industry*

In Queensland, a woman's average weekly income for full-time work, 40.8 hours per week, is A\$804.50 gross.²⁰ This makes working as an adult entertainer a financially attractive option and it is therefore not surprising that the ability to earn 'good money' was the primary reason offered for working as a dancer in the regulated sector of the industry

I have no other skills, I need to work as a dancer to earn money so I can pay to reskill, go to university (Adult entertainer).

To get ahead, I want to buy a home, set up for having a family. The money is good (Adult entertainer).

The money is good, provides good opportunities for the future like investing in property (Adult entertainer).

Lifestyle/enjoyment was the second most frequently advanced reason for working as an adult entertainer in this sector of the industry:

Enjoy it, it is satisfying, you get to meet interesting people (Adult entertainer).

It is a good lifestyle, you get to socialise and party all the time (Adult entertainer).

I love to perform on stage; I love attention, teasing men (Adult entertainer).

Finally, dancers also highlighted various other issues such as flexible working hours, having control over their work, possessing no other marketable work skills, and the idea

²⁰ Australian Bureau of Statistics, *Queensland Key Statistics* (2004) <<http://www.abs.gov.au/AUSSTATS/abs@.nsf/ProductsbyReleaseDate/757744CFC0099980CA25713800723509?OpenDocument>> at 6 February 2008.

of striptease as an art form as reasons bearing upon their choice to take up this line of work.

V FEATURES OF AND PRACTICES IN QUEENSLAND'S NON-AEP CONTROLLED (UNREGULATED) LIVE ADULT ENTERTAINMENT SECTOR

In addition to Queensland's regulated (AEP-controlled) live adult entertainment industry, there is a substantial unregulated (non-AEP-controlled) industry. The non-AEP controlled sector of the industry operates with fewer restrictions in terms of what is allowable during live adult entertainment performances.

At present, sites of unregulated live adult entertainment include:

- venues where liquor is not sold or supplied;
- venues where liquor is supplied but the entertainment does not fit with the LLD operational definition of live adult entertainment — that is, the provision of entertainment where the genitalia are not exposed and the dancer does not touch the customer in a sexualised way;
- outcall booking services.

A *Venues where Liquor is not Sold or Supplied*

The type of live adult entertainment provided in this arena falls into two categories: peep shows and adult cafés. In late 2004 there was one peep show and three adult cafés in operation, with a fourth adult café opened in 2005. All these venues were located in the Brisbane and Gold Coast areas.

Compared with AEP-controlled venues, adult cafés and peep shows provide live adult entertainment in a more private setting. There are no freely accessible public areas with live adult entertainment taking place. This means that you cannot walk into these types of venues and see entertainers performing 'out in the open', as you can in the main bar area of a regulated club. In the adult cafés, customers choose a dancer, are taken to a private room by this dancer and are then given an exclusive performance. In peep shows, dancers perform: behind a glass screen in a private booth situation with one person at a time within the booth, which is closed to outside viewing. The customer enters the booth, closes the door and places a token in a slot machine; this activates a timed screen which opens and permits viewing of the strip dancers for one and one half minutes, then the screen automatically closes.

The LLD has no compliance function in live adult entertainment provided in venues where liquor is not sold or supplied. Instead, policing this sector of the live adult entertainment industry falls to the QPS. As long as the performances do not breach s 229E (Meaning of prostitution), s 228 (Obscene publications and exhibitions) and/or s 227 (Indecent acts) of the *Criminal Code* the entertainment is lawful. Establishing whether or not such a breach has occurred is not necessarily straightforward.

The *Criminal Code* (s 229E) defines prostitution as sexual intercourse, masturbation, oral sex and/or the use of one person by another for his or her sexual satisfaction involving physical contact. The latter act can occur under an AEP as a legislative exemption exists in this case. Operationally, outside the AEP system, however, there is

a risk that any physical contact between dancers and patrons could be construed as sexually satisfying and thus prostitution. Although as noted by one business owner, if anything, the types of performances given are more likely to result in client's becoming sexually frustrated than satisfied. Section 228 (Obscene publications and exhibitions) and s 227 (Indecent Acts) of the *Criminal Code* also restrict performances. The effect of both these sections turns on the meaning of 'indecenty'. Indecency is, however, a matter of context and circumstance. In judicial terms, 'indecent' was held in *R v Bryant* (1984) 2 Qd R 545 to mean 'lewd or prurient and an offence against morality', but circumstances will always condition whether an act meets those criteria and is therefore indecent. In addition, s 227 has two components. The first of these, in s 227(1)(a), makes unlawful an indecent act in a place to which the public is permitted to have access. As long as there is limited access, as is the case in adult cafés and peep shows, an act cannot be indecent because it has not occurred in a place to which the public is permitted to have access. The second, in s 227(1)(b), makes an indecent act in any place unlawful if it is made with an intent to insult or offend any person. This means that entertainment in private venues, like adult cafés and peep shows, will not be indecent unless an intent to offend someone present can be proved; but patrons consent to the entertainment is provided so there can be neither offence nor insult.

B *Venues Where Liquor is Supplied but the Entertainment Does not Fit with Operational Definitions*

Venues where liquor is sold and/or supplied may also provide live adult entertainment without an AEP if the entertainment is not considered 'sexually explicit'. In late 2004 the LLD estimated that there were around 52 non-AEP-controlled venues where liquor was supplied but the entertainment did not fit with their operational definitions of sexually explicit.

Premises with Liquor Licences/Permits offering semi-nude bar staff, waitresses or striptease will not require an AEP as long as the genitalia remain covered and the 'no sexual touching' rule is adhered to. Given the ambiguous nature of the sexual touching prohibition, however, it may be difficult at times to assert with certainty whether live adult entertainment is sexually explicit enough to require an AEP or whether it may be performed without one. Obviously, the type of entertainment provided should also not breach s 229E (Meaning of prostitution), s 228 (Obscene publications and exhibitions) and/or s 227 (Indecent acts) of the *Criminal Code* or criminal charges may be brought.

It appears that the majority of licensed venues providing live adult entertainment without an AEP observe venue-based protocols against touching. This 'no touching' convention is probably not required by law, since 'non-sexual' touching would theoretically be permissible (not sexually explicit, and therefore allowable without an AEP). However, in the uncertain legislative environment whereby it is unclear at what point touching becomes sexual, these venues cannot navigate with certainty the grey area between permissible touching and impermissible touching, hence the voluntary prohibition against touching.

Because the live adult entertainment is in this case being provided in venues with Liquor Licences/Permits, the LLD has an obligation to assess compliance with the *Liquor Act*. If the performances breach the LLD's operational definition of sexually

explicit live adult entertainment, then charges can be laid for supplying live adult entertainment without an AEP.

C *Outcall Bookings*

Live adult entertainment may also be obtained through outcall booking services, either operating from AEP-controlled venues (discussed previously) or operating as stand-alone specialist booking agencies. In 2004, a search of the *Telstra's Yellow Pages Directory* and the Internet revealed at least 39 stand-alone (not connected to AEP venues) outcall operations in areas throughout Queensland, including Brisbane, the Gold Coast, the Sunshine Coast, Toowoomba, Mackay, Townsville, Cairns, Rockhampton, Gladstone and Mount Isa.

Outcall service providers supply striptease dancers and nude or semi-nude waiters/waitresses, often (but not always) in contexts to which the public are not permitted access ie private functions. Customers seeking these services may order them over the phone or the Internet. The LLD has no compliance role in the type of entertainment provided by outcall booking service providers unless the performances take place in conjunction with the sale/supply of alcohol or the outcalls are being provided through an AEP-controlled venue (as noted previously, s 152 of the *Liquor Act* prohibits conducting a business other than that authorised). This means that the performances given during outcalls are only restricted insofar as they are not illegal prostitution or criminally indecent.

D *Type of Entertainment Provided*

The type of entertainment supplied by the unregulated (non-AEP controlled) sector of the Queensland's live adult entertainment industry is more varied than that supplied by the regulated sector. Depending on the type of business the live adult entertainment is being supplied from, the following acts/services may be purchased:

- semi-nude or nude bar staff and waitresses/waiters;
- stage/pole/bed dancing;
- private/lap dancing;
- massage.

1 *Semi-Nude or Nude Bar Staff and Waitresses/Waiters*

Semi-nude bar staff/waitresses/waiters feature mainly in venues where liquor is sold/supplied. In these contexts, female entertainers will serve drinks and food, and often sell raffle tickets, dressed in lingerie or bikinis, with breasts exposed or covered. Semi-nude bar staff and waitresses are usually supplied to the venues through a live adult entertainment outcall agency. Premises with Liquor Licences/Permits are free to provide this type of live adult entertainment without an AEP as the genitalia remain covered and there is no physical contact of a sexual nature between patrons and entertainers. Outside venues with Liquor Licences, semi-nude or nude bar staff/waiters/waitresses can be found working at private functions ordered through outcall live adult entertainment agencies for private functions, such as bucks' and hens' nights.

2 *Stage/Pole/Bed Dancing*

As with regulated venues, semi-nude/nude stage/pole dancing features in the unregulated sector of the adult industry. In venues where liquor is sold/supplied but there is no AEP, dancers keep their G-strings on (semi-nude) while dancing and there is no audience participation. As already noted, this is perfectly legitimate because the type of entertainment being provided is not considered sexually explicit enough to warrant an AEP.

Adult cafés, peep shows and outcall agencies also offer stage/pole dance performances. These sectors of the industry are not covered by the *Liquor Act*. This means they are not required to adhere to the Adult Entertainment Code and can therefore offer stage/pole dances that are more sexually explicit than those seen in AEP-controlled venues. In addition to semi-nude or full-nude striptease, it is common for performances to involve masturbation, insertion (both vaginal and anal) and/or group acts ('girl on girl' only). Dancers may masturbate and insert objects (eg dildos, vibrators, vegetables and strings of beads) into themselves or other dancers.

In the case of agency shows, dancer-controlled audience participation during performances often occurred with dancers selecting audience members to accompany and assist them on the stage. For example, a dancer might:

- spray whipped cream over her breasts and then rub them in audience members' faces;
- get an audience member to hold an object (eg dildo, carrot) in his mouth so the dancer might then 'sit on it' (insert the dildo into her vagina). In this case the dancer would be careful not to 'sit' down too far on the object to prevent contact between her genitals and the audience member's mouth (which could be construed as an act of prostitution);
- get an audience member to pull a string of beads from her vagina as she crawls across the floor in a sexually suggestive manner;
- straddle a audience member whilst naked, as he lays on the floor, and drip hot wax onto his naked chest.

Dancer controlled audience participation in agency shows not uncommonly derives from audience members asking a dancer to single out a friend or family member to experience this embellishment to the performance, the objective being humorous embarrassment rather than anything particularly sexual in character.

At AEP-controlled venues, limited sexualised physical contact is authorised. Contact in the unregulated sector is more problematic, since it is regulated by the definition of prostitution in the *Criminal Code*, which proscribes the use of one person by another for their sexual satisfaction *if physical contact is involved*. This is a straightforward reading of s 229E(1)(d) of the *Criminal Code*, and it is supported by comments from O'Brien DCJ in *The Queen v Julia Sage*.²¹ In response to this judicial decision, PETF 'raided' a regularly held agency show in June 2004, charging the dancers and agency owner with prostitution offences. A number of agencies have since ceased audience contact.

²¹ Indictment No 1231 of 2003 in the District Court of Queensland, 17 May 2004

In the adult cafés and peep shows, audience participation is not permitted during stage/pole performances (in some cases actually performed on a bed) but customers may masturbate themselves while watching the show. In the adult cafés, masturbating customers must either sit on a chair or stand in a shower situated away from the dancer. At peep shows, customers typically masturbate within their private booths while watching the show. In some adult cafés (those without showers) dancers also provide a post-ejaculation clean-up service, ‘mopping up’ clients’ semen with tissues or cloths soaked in hot soapy water after they have ejaculated.

3 *Private/Lap Dancing*

In venues where liquor is sold/supplied but there is no AEP, dancers perform private dances away from the main bar area — G-strings stay on and there is no audience participation.

All the dancing that occurs in the adult cafés is performed for an exclusive audience and is therefore a private dance. Lap-dance performances similar to those in venues with AEPs take place in adult cafés. There is no touching between the legs but anywhere else on the body is permitted. In some adult cafés, patrons must remain fully clothed during the performances. In others, however, it was reported that entertainers and customers are both naked during performances. Unlike the AEP-controlled venues, where customers can choose to watch performances in the main bar area and not purchase a private/lap dance, the patrons of adult cafés are there for the private performances: *‘the guys come here [an adult café] to get a dance [private/lap], you don’t have to talk to them for hours and then they just say no to a lap dance like in the regulated venues (Adult entertainer).*

Psychological as well as physical intimacy is also an important feature of the private/lap dances performed in the unregulated venues. At peep shows, for example, customers may request a private performance from a particular dancer in a special booth. A glass screen separates the customer in this special booth from the entertainer, who performs on a small stage behind a screen. To satisfy the customer’s desire for intimacy (or at least the simulation thereof), communication during dances is made possible by telephone intercom connecting the customer in booths with dancers behind the screens:

The customer can communicate via a telephone intercom with the strip dancer — this provides a helpful remedial social therapy for those extremely shy and introverted people to develop confidence with their communicative skills in a safe, unthreatening environment (Owner/manager).

Private/lap dancing is not provided to outcall agency customers. Many agencies reported having a ‘minimum audience numbers’ policy and will not under any circumstances allow dancers to perform for one person. In addition, many of the agency dancers choose to work in this sector of the industry because they do not want to perform private/lap dances — they do not like the intimacy inherent in these performances: *‘I work for an agency because it means I can just arrive somewhere, do my show and leave without having to talk to any of the men (Adult Entertainer).*

4 *Massage*

In addition to stage/pole/bed shows and the private/lap dance, some adult cafés also offer a massage service to customers. Dancers massage the customer while wearing a G-string but the customer must remain semi-clothed (ie underwear stays on).

5 *Charges for Adult Entertainment*

Entry fees of between A\$5 and A\$10 on average were charged by unregulated venues where alcohol was sold/supplied. The other venue types (adult cafés, peep shows) did not charge entry fees and neither did the owner/managers of live adult entertainment agencies when supplying dancers to functions or particular venues.

In all the unregulated venues considered during the review, patrons were charged for private/lap dances (including massage in venues where this was offered) directly by the venue management, by the dancers, or by both the venue (room fee, seating fee) and the dancers (performance fee). The average total maximum charge for a one-hour private or lap dance involving one dancer and one customer was A\$196; the minimum charge was A\$180 per hour and the maximum A\$220 per hour. Many customers will, however, purchase shorter lap dances, usually of 15 minutes' duration, for around A\$40 to A\$70. The following prices represent typical outcall agency charges for certain types of adult entertainment:

- lingerie and topless waitresses — A\$50 to A\$65 per hour;
- nude waitresses — A\$110 to A\$200 per hour;
- striptease down to the G-string — A\$150 (average);
- full-nude striptease — A\$160 (average);
- open-leg striptease — A\$180 (average);
- striptease with natural masturbation (the dancer will masturbate herself with her hand) — A\$230 (average);
- striptease with insertion (both anal and vaginal with objects including, dildos, vegetables or vibrators) — A\$300 (average);
- group striptease — A\$480 to A\$990, depending on dancer numbers and the degree of contact between them.

E *The Entertainers*

As was the case in the regulated sector, adult entertainers in unregulated areas are considered contractors rather than employees. In contrast to the regulated sector, it was difficult to access dancers in the unregulated part of the industry. At the time this research was being conducted many dancers were nervous because of the PETF and ATO activities. Eleven dancers from Queensland's unregulated live adult entertainment sector were however finally interviewed.

1 *Demographic and Background Information*

The average age of the dancers interviewed in the unregulated sector of the industry was 25.7 years, with ages ranging from 18 to 34 years of age. Nearly half the dancers identified themselves as single or married/de facto and two had dependent children. The majority (73%) of entertainers interviewed had completed their senior school years.

None of the dancers in this sector identified themselves as Indigenous. Most of the dancers were born in Australia (82%).

2 *Length of Time in the Industry*

Among those interviewed, the average age for starting work as a dancer was 21 years. The youngest starting age of any interviewee was 16 years ($n = 1$) and the oldest starting age was 29 years ($n = 1$). The average amount of time this group of dancers had worked in the live adult entertainment industry was 43.6 months.

3 *Income*

On average, the interviewed dancers working in unregulated venues ‘took home’ A\$225 per shift. The minimum income reported per shift was A\$200 and the maximum A\$250. Working 4.5 shifts of 7.5 hours each week was the norm. Thus, on average, these dancers working in Queensland’s unregulated venues earned A\$1012 for a 33.7-hour week.

On average, the agency dancers interviewed earned A\$650 per week, ‘taking home’ between A\$150 (for one show) and A\$1500 (a few hours waitressing plus eight shows) per week. Agency entertainers worked fewer hours for more money than dancers in either the regulated or the unregulated venues. Working 4 to 14 hours per week netted the agency dancers between A\$500 and A\$1500.

4 *Reasons for Working in the Live Adult Entertainment Industry*

For those dancing in the unregulated sector of the industry, the ability to earn good money was the primary reason for working as an adult entertainer (91%). Once again, this is hardly surprising, given that a Queensland woman’s average weekly income for 40.8 hours is A\$804.50.²² After money, lifestyle/enjoyment (64%) was the second most frequent reason given, followed by flexible work hours (18%).

It is the best job in the world, it is fun, social, and flexible, I love dancing and you earn good money if you manage it well (Adult entertainer).

I started doing it because I needed the money but once I started I found that I liked it, I am an active person, I like to keep active, I get bored sitting still, I can still have a smoke and a drink at work (Adult entertainer).

VI SUMMARY AND CONCLUSIONS

This paper has provided a comprehensive description of the regulatory framework governing live adult entertainment in Queensland and outlined the key features and practices of the industry and its dancers.

To summarise, regulated live adult entertainment in Queensland occurs in conjunction with the sale/supply of alcohol and is governed by the *Liquor Act*. Liquor licensees who wish to supply live adult entertainment must hold a current AEP that enables adult

²² Above n 20.

entertainers to perform acts of 'an explicit sexual nature', operationally defined as performances where the genitalia are exposed and/or when the adult entertainer is touching the customer in a sexual way. In August 2004, there were 25 regulated live adult entertainment venues operating in Queensland. Typical performances seen in this sector of the industry include: stage/pole dancing, table top dancing, private/lap dancing and non-contact 'dating' outcall striptease services.

In addition to the regulated live adult entertainment supplied through the AEP system, an unregulated industry is flourishing in Queensland. It is conservatively estimated that there are 95 unregulated adult entertainment businesses currently operating. Unregulated live adult entertainment takes place in venues where liquor is sold/supplied, in venues where liquor is not sold/supplied, and through outcall booking agencies. In the first type of venue, the performances are governed by the *Liquor Act* and must not be 'sexually explicit'. In the latter two cases, the entertainment is only controlled insofar as it does not breach s 229E (Meaning of prostitution) and s 227 (Indecent acts) of the *Criminal Code*. In other words, as long as the entertainment does not contravene Queensland prostitution and indecency laws, it is permitted. Typical performances in this sector of the industry include: semi-nude or nude bar staff and waitresses, stage/pole/bed dancing, private/lap dancing and massage.

In terms of both the regulated and unregulated industry sectors, a key aspect of the adult entertainment provided is the performance of sexual fantasy and intimacy. Dancers are heavily reliant on a core group of regular clients from whom they receive the majority of their income. For venue dancers attracting and maintaining a regular clientele base ultimately depends on how well they perform 'intimacy' on a one to one basis with individual clients. In contrast, agency dancers' perform before large audiences in a party like atmosphere where the primary objective is more 'slap stick' and 'fun'. Whilst agency dancers' performances are quite sexually explicit the goal here is to produce a fantasized physical sexual performance not an intimate psychological one. This means that their income is not contingent on forming co-modified intimate 'relationships' with clientele', rather, it is to 'wow' the audience with amazing sexualized feats (such as the anal insertion of vegetable products) and the humorous embarrassment of audience members.

As a group Queensland's adult entertainers are young, mainly Caucasian Australian, fairly highly educated and can readily expect to earn well above the State's average female income. In addition to a good income, dancing was considered enjoyable and a positive lifestyle choice by many.

It is not unlikely that many will be surprised at both how sexually explicit the live adult entertainment industry is, and, the nature of the participants views about such explicit activities. In this regard, it is important to recognise that adult entertainers routinely drew a very clear distinction between their work and that of prostitutes, a semblance business operators also depend upon if they are to stay on the right side of the law. *All* the adult entertainers interviewed unambiguously demarcated their performances from the activities of prostitutes. Prostitutes were seen to be providing a sexual service clothed in the illusion of psychological intimacy, whereas the live adult entertainers sought to provide a psychological service clothed in the illusion of sexual intimacy.

Although this paper has focused upon Queensland, as a later CMC report makes clear²³ compared to other jurisdictions, Queensland is in 'the middle of the pack' so to speak when it comes to the explicitness of the acts performed. The fact that live adult entertainment is even more explicit in some other Australian jurisdictions may surprise some. This finding points to the extent to which this type of entertainment is for the most part relatively unobtrusive. Live adult entertainment is very largely 'under the radar' for all but those seeking to avail themselves of the services on offer or those morally affronted by the thought that others might enjoy public displays of acts that send their own personal moral compass into something of a spin.

As noted at the beginning of this paper, there is a surprising paucity of objective and informed consideration of an industry that by its very nature is a graphic marker of societies understanding of sexuality and gender roles. It is hoped that this paper will prompt further such work in Queensland and other Australian jurisdictions.

²³ Crime and Misconduct Commission, *Regulating Adult Entertainment: National Comparison of Adult Entertainment Regulation* (Crime and Misconduct Commission, 2005).