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SEX WORK LAWS: VICTORIA

Sex work laws are different in each state and territory of Australia.

This guide is an introduction to sex work laws in Victoria.

For more information, contact Vixen: 0414 275 959, info@vixen.org.au



Victoria Sex Work Laws

In Victoria, sex work is **mostly decriminalised**.

- Most sex work is treated as work.
- Sex work is mainly regulated through laws that apply to everyone, e.g. public health law and work health and safety law.

There are still some restrictions:

- Sex workers must be 18 or older
- Clients of sex workers must be 18 or older
- Street-based sex work is permitted but heavily restricted. There are rules about where and when street-based workers can work. Criminal penalties apply for breaching these rules.

Private work (incalls and outcalls)	Decriminalised.
Establishment work (brothels, etc.)	Decriminalised. Normal local council rules apply.
Street-based sex work	Restricted in certain areas and at certain times.

Private sex work (incall and outcall)

Private sex work (also known as independent sex work) is **decriminalised**. You can provide both incalls (clients visit you) and outcalls (you visit clients):

- [WorkSafe Victoria requirements](#) apply to private sex work.
- If you work from home, you need to follow your local council's rules for [home-based businesses](#).
- Council rules about home-based businesses do not apply to sex workers working from hotels, motels etc.
- Private sex workers are no longer required to register with the Business Licensing Authority (BLA), or have an 'swa number.' Effectively, the old register has been destroyed.

Establishment work (brothels, massage parlours, BDSM venue, escort agencies, etc.)

Sex work businesses follow the same rules as all other Victorian businesses:

- Local planning and zoning laws apply
- WorkSafe Victoria rules apply
- Workplaces are no longer required to ask sex workers for a 'certificate of attendance' at sexual health testing
- Workplaces can advertise services and job vacancies like any other business
- Owners and managers cannot discourage workers from using condoms or other safer sex PPE.



Street-based and outdoor work

Street-based sex work is lawful in some places at some times. Visit Vixen's [Decrim Info Hub](#) for detailed information.

Meeting clients

It is **lawful** to wait for and meet clients in public places, **except**:

- You cannot 'solicit' or 'loiter' for sex work near a school, education or care service or children's service **on any day between 6:00am and 7:00pm** ([Summary Offences Act 1966 s 38B](#)).
- You cannot 'solicit' or 'loiter' for sex work at or near a place of workshop
 - **on any day between 6:00am and 7:00pm**
 - **at any time on a day of religious significance** ([Summary Offences Act 1966 s 38B](#)).

What these words mean:

- **Soliciting** = offering sexual services, either your own or on behalf of someone else.
- **Loitering** = standing around, waiting or walking slowly without a clear purpose.
- **Near** = at or close to these locations (doesn't matter if they're open or closed).
- **Days of religious significance** = Yom Kippur, Hanukkah, Ramadan, Eid al-Fitr, Christmas Eve, Christmas Day, Good Friday, Easter Saturday, Easter Sunday, Orthodox Good Friday, Orthodox Easter Saturday, Orthodox Easter Sunday. The day must be significant to the place of worship – e.g. Christmas Day applies to a Christian church.

Penalties:

- First offence - 10 penalty units (\$2,035.10 fine) or 1 month imprisonment
- Second offence - 30 penalty units (\$6,105.30 fine) or 3 months imprisonment
- Subsequent offences - 60 penalty units (\$12,210.60 fine) or 6 months imprisonment.

Doing jobs

Public order laws in Victoria may also impact street-based sex workers.

If you are fined, arrested or charged while working (including non-sex work offences), contact [Vixen's](#) street outreach team.

Consent and sexual violence

Criminal laws protect sex workers in Victoria. A person does NOT consent to sex if:

- Someone tricks them by saying or implying that they will pay (and then doesn't pay) ([Crimes Act 1958 s 36AA\(1\)\(m\)](#))
- They agree to sex only if a condom is used and another person involved intentionally removes the condom, tampers with it or does not use it ([Crimes Act 1958 s 36AA\(1\)\(o\)](#)).

If a person doesn't consent, it's sexual assault. It is also a crime to use violence, threats, unlawful detention or fraud to force a person to 'provide commercial sex services' ([Crimes Act 1958 s 53B](#)).



Safer sex

Sex workers are experts in our own sexual health. All adults in Victoria have the same sexual health rights and responsibilities.

- **Sex workers are not legally required to get sexual health testing.** You decide when to get tested, based on your needs and your doctor's advice
- **Sex workers are safer sex experts.** You can decide when to use condoms and other safer sex PPE, and what safer sex strategies work best for you.
- Both businesses and private sex workers should have condoms and safer sex PPE available.
- **Having an STI or BBV is not a crime.** All adults in Victoria (including sex workers and clients):
 - who have an STI and/or BBV, or
 - are at risk of having an STI and/or BBV,
 - **must take all reasonable steps to eliminate or reduce the risk of passing on an infection** ([Public Health and Wellbeing Act 2008](#)).

Learn more by checking out:

- [My Service, My Rules](#) - information on safer sex and sexual health law changes in Victoria
- [Sex Work is Work](#) - a work, health and safety resource for independent sex workers and sex work workplaces in Victoria.

Advertising

Sex work businesses follow the same advertising laws as other businesses. This means that sex workers:

- don't need to show an 'SWA number' in ads
- can clearly describe what services they offer, including erotic massage services
- can describe what safer sex strategies they use
- can use full body and nude photos in spaces where nudity is allowed (e.g. online).

Sex worker advertising is still regulated by:

- Federal advertising and internet laws
- Terms and conditions set by private advertising providers (e.g. newspapers or advertising websites)
- Local council rules about signage.

Anti-discrimination

It is illegal to discriminate against someone because of their 'profession, trade or occupation' ([Equal Opportunity Act 2010](#)). This means that:

- Landlords cannot refuse to rent to you because you're a sex worker
- Banks cannot close your account or charge you extra fees because you're a sex worker
- Hotels and motels cannot kick you out or call the police on you for doing sex work

If you have experienced discrimination, you can get in touch with [Vixen](#) and/or the [Victorian Equal Opportunity and Human Rights Commission \(VEOHRC\)](#).

