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SEX WORK LAWS: WESTERN AUSTRALIA

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

This guide is an introduction to sex work laws in Western Australia.

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Western Australia Sex Work Laws

Sex work in WA is **criminalised** with exceptions.

What the law **allows**:

- Working alone and seeing clients without any third parties, security, receptionists or drivers involved in the booking logistics.
- Working as a sex worker in a brothel or for an escort agency

What the law **criminalises**:

- Sex work business; all brothels, escort agencies and massage parlours are **illegal** - but **operate openly**
- Having third parties (like security, receptionists, or drivers) involved in the booking logistics, or working in pairs or more (ie doubles)
- Street-based sex work is **illegal**, and heavily policed. Carrying safer sex equipment can also be used as evidence of a street-based sex work offence, although this is rare

It is worth knowing about the laws. You can contact [Magenta](#) or [SWEAR](#) for advice and support, and view this [one-page resource](#) on WA's sex work laws. Sex workers can also [contact SWEAR](#) to request a copy of **The Whoreacle: A Handbook for WA Sex Workers**.

Private work (alone)	Permitted.
Private work (pairs or more)	Criminalised.
Hiring a third party (driver, receptionist, etc.)	Criminalised.
Doing sex work in a workplace (brothel, escort agency, etc.)	Permitted.
Owning or operating a workplace (brothels, escort agencies, etc.)	Criminalised.
Street-based sex work	Criminalised.

Private sex work (incall and outcall)

Private sex work, outcalls (going to a client) and incalls (clients coming to you), is allowed.

Outcalls (going to a client's location)

It is **allowed** to do private sex work in a client's home or other private premises (like a motel or hotel room).

Incalls (working from your own location)

It is **allowed** for one private sex worker to work alone from their own home. However, local councils, landlords and building management (strata or body corporate) may ban sex work in residential areas. This means private sex workers doing incalls may risk eviction, even though the work itself is not criminalised.



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

Brothels

Working in a brothel is **allowed**. Owning or operating a brothel is **criminalised**.

In practice:

- Brothels operate openly
- Brothel and club workers have occasionally reported being watched or questioned by police
- Brothels may risk eviction from local councils or landlords.

Massage parlours

Erotic massage services are included in the definition of 'prostitution' under WA law. Providing erotic massage services is **allowed**. Erotic massage parlours are considered 'brothels', and it is **criminalised** to own or operate one.

In practice: massage parlours operate openly in WA.

Escort agencies

Working for an escort agency is **allowed**. For operators: the situation is **complicated**:

- Escort agencies are not brothels, so 'brothel-keeping' offences do not apply (*Powell v Devereaux* [Supreme Court of Western Australia, 12 June 1987, Appeal No 1053 of 1987])
- However, operators may be charged with other sex work business offences (see laws for sex work businesses section below).

In practice: escort agencies operate openly in WA.

Street-based, opportunistic and outdoor work

Street-based work is **criminalised** in WA, and **heavily policed**. It is **illegal**, in a public place or anywhere that can be seen or heard from a public place, for:

- [sex workers to seek clients.](#)
- [any person to seek clients on behalf of a sex worker.](#)
- [clients to seek sex work services.](#)

Move-on orders

If a police officer suspects a person has done, is doing, or intends to do street-based sex work, or has received or is looking for services from a street-based worker, the officer may [order that person in writing to move away from the area for a period of up to 24 hours.](#)

Penalties for ignoring or breaching move-on orders:

- \$6,000 fine for a first offence
- 1 year imprisonment for subsequent offences.



Restraining orders

If a person (either sex worker or client) has [previously committed a street-based sex work offence](#) or [has breached a move-on order](#), a court may also issue a [restraining order](#) to stop them from committing another offence. This can include banning someone from a place or area, even one they'd otherwise have a right to be in, or from behaviour that would otherwise be legal. Restraining orders can last for [up to one year](#).

Detention, search, and seizure

If a police officer suspects a person is engaging in a sex work-related offence, or is carrying something that could be evidence of one (e.g. condoms, dams or lube), the officer may, without a warrant:

- Stop, detain and search that person
- Stop, detain and search any vehicle carrying that person, including detaining any other person in that vehicle
- Seize any item that may be evidence that a person is engaging in a sex work-related offence ([Prostitution Act 2000](#)).

[Searches](#) must be carried out by a person of the same sex as the person being searched. There is no law protecting the rights of trans and gender diverse sex workers being searched, and WAPOL's policy on searches of trans sex workers is unclear. [Cavity searches](#) are also allowed, but must be conducted by a medical professional. Police officers may use '[reasonable force](#)' to make a person comply with the search.

Street-based sex workers are specifically targeted for search and detention, as laws against street-based sex work are the most frequently enforced. If you've had condoms or other safer sex PPE confiscated, used as 'evidence' for a sex work charge, or are concerned about contact with police, contact Magenta.

Safer sex laws

In WA, all adults have responsibilities to avoid transmission of 'notifiable infectious diseases':

- All adults are expected to take all reasonable precautions to avoid contracting an infection if they are at risk
- All adults are expected to take all reasonable precautions not to place others at risk
- All adults are expected to get tested if they suspect they are infected ([Public Health Act 2016](#)).



Penalties related to sex work in Western Australia

Offence	Information	Maximum Penalty
<u>Engaging</u> in 'act of prostitution' without 'appropriate prophylactic'.	What does this mean? Sex workers must use safer sex PPE (e.g. condoms, dental dams and gloves). Who can be charged? Sex workers providing direct physical contact services (including sex workers who work for establishments and private sex workers). Is this law actually used? There are no records of recent enforcement. The situation is most complex and dangerous for street-based sex workers as they are required to use condoms during services, but condoms can also be used as evidence that they are doing street-based sex work.	\$5,000 fine.
<u>'Being involved</u> with prostitution' by maintaining, managing or permitting a premises to be used for sex work, whether as an owner, operator, tenant or landlord is a criminal offence.	What does this mean? It is illegal to allow, own, operate or manage a sex work premises. Who can be charged? Landlords/property managers, business owners, managers, receptionists. Is this law actually used? Not currently. In practice, sex work establishments operate openly, but workers may be surveilled and/or scrutinised by police. Businesses may also risk evictions by local councils or landlords.	3 years imprisonment or \$12,000 fine.
<u>Knowingly living off</u> the earnings of sex work is a criminal offence.	What does this mean? It is illegal to receive money that you know comes from another person's sex work. Who can be charged? Usually non-sex work staff in sex work businesses (e.g. cleaners, receptionists, etc.). It can also apply to people who are supported by a sex worker's income (e.g. partners or children of sex workers 18+), and hiring staff (drivers, security, etc.) as an independent worker. Is this law actually used? There is no record of recent enforcement.	2 months imprisonment and \$12,000 fine.
<u>Hiring</u> a person to be a sex worker is a criminal offence.	What does this mean? It is illegal to: • hire a person to work as a sex worker • hire a person in WA to do sex work in another state • hire a person who does not already work in a brothel to work in a brothel, either in WA or elsewhere. Who can be charged? business owners and managers.	2 years imprisonment.



	Is this law actually used? Not currently. The last recorded enforcement of this offence was in 2001.	
<u>Recruiting</u> a person to have sex by threat, fraud or giving them drugs is a criminal offence.	What does this mean? It is illegal to: • use threats or intimidation to force a person into having sex with another person • use false pretences to trick a person who is not already a sex worker into doing sex work Who can be charged? any person. Is this law actually used? Not currently. General criminal laws (e.g. sexual assault laws) or Commonwealth laws criminalising trafficking, slavery and slavery-like practices are more likely to be used.	2 years imprisonment.
<u>Advertising</u> for sex workers is a criminal offence.	What does this mean? It is illegal for sex work businesses to advertise for workers, including non-sex work staff (e.g. cleaners, receptionists). Who can be charged? sex work business owners and managers. Is this law actually used? Not currently. Sex work businesses advertise for staff openly.	\$50,000 fine.
<u>Forcing</u> a person to do sex work is a criminal offence.	What does this mean? It is illegal for someone to coerce you to do sex work through violence, threats, or lies. Who can be charged? business owners, managers, clients or any other person. Is this law actually used? Yes.	10 years imprisonment
<u>Acting</u> as a sponsor is a criminal offence.	What does this mean? It is illegal for a sex work business to sponsor events or organisations (e.g. branded sponsorship for a sports team or donating a free sexual service as a raffle prize for a community event). Who can be charged? sex work businesses and individual sex workers. Is this law actually used? There is no record of recent enforcement.	\$50,000 fine.



<u>Supplying, or offering</u> to supply, prohibited drugs as payment for sex work services is a criminal offence.	What does this mean? It is illegal for someone to pay you for sex work services with drugs, or to offer to exchange drugs for a sex work service. Who can be charged? Business owners, managers, clients. Is this law actually used? There is no record of recent enforcement, but sex workers who use drugs have reported being targeted with this offence.	10 years imprisonment
<u>Doing sex work</u> if you have been declared to be a '<u>drug trafficker</u>' is a criminal offence.	What does this mean? It is illegal to do sex work if you have been convicted of certain serious drug offences and have been declared a '<u>drug trafficker</u>' under the <i>Misuse of Drugs Act 1981</i> (WA). Who can be charged? sex workers. Is this law actually used? There is no record of recent enforcement, but sex workers who use drugs have reported being targeted by police for this offence.	2 years imprisonment
<u>Doing sex work</u> if you have previously been convicted of a <u>serious violent or sexual offence</u>, is a criminal offence.	What does this mean? It is illegal to do sex work if you have been convicted of certain offences, including serious violence, offences against children and sexual offences. Who can be charged? Sex workers. Is this law actually used? There is no record of recent enforcement.	2 years imprisonment
<u>Preventing or interfering</u> with police enforcement of sex work laws is a criminal offence.	What does this mean? It is illegal to prevent or interfere with the policing of sex work. Who can be charged? Anyone Is this law actually used? There is no record of recent enforcement.	2 years imprisonment

The *Prostitution Act 2000* also criminalises people under the age of 18 doing sex work, and there are historic laws relating to sex workers and their 'associates' being on licensed premises, but these have not been enforced since 2000.

