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| Overview of the decriminalisation of sex work in Victoria |
| Changes under the *Sex Work Decriminalisation Act 2022* |

# The Victorian Government has decriminalised sex work to achieve better public health and human rights outcomes.

Decriminalisation ensures that sex work is safe work. It maximises sex workers’ safety, health, and human rights – and improves access to government health and justice services. It also reduces stigma and fear of criminal repercussions.

Decriminalisation recognises that sex work is legitimate work and should be regulated through standard business laws, like all other industries in the state.

Only sex work between consenting adults is decriminalised. Criminal offences to protect children and workers from coercion and address other forms of non-consensual sex work will continue to be enforced by state and federal law enforcement agencies.

Decriminalisation has been successfully implemented in other jurisdictions, including New South Wales and New Zealand.

# Timeline of reforms

The *Sex Work Decriminalisation Act 2022* was implemented in two stages over a two-year period.

## Stage 1

Stage 1 commenced on **10 May 2022** and included:

* the decriminalisation of street-based sex work in most locations
* the repeal of offences for working with a sexually transmitted infection and requirements to undergo regular STI testing
* the repeal of offences for individual sex workers not using safer sex practices
* the repeal of the small owner-operator sex work service provider register
* changes to advertising controls applicable to the sex work industry
* amendments to the *Equal Opportunity Act 2010.*

## Stage 2

Stage 2 commenced on **1 December 2023** and included:

* abolishing the sex work service provider licensing system by repealing the *Sex Work Act 1994*
* re-enacting offences relating to children and coercion in other legislation to ensure their continued operation following repeal of the *Sex Work Act 1994*
* changes to planning controls to treat sex service businesses like other businesses
* the establishment of appropriate liquor controls for the sex work industry
* the repeal of brothel and escort agency provisions in the *Public Health and Wellbeing Act 2008* to remove specific sex work industry controls.

# Specific changes to laws that apply to the sex work industry

## Abolishing the sex work service provider licensing system

On 1 December 2023, the *Sex Work Act 1994* was repealed, and the previous licensing system was abolished. This means that independent sex workers, small owner-operators and sex work businesses such as brothels or escort agencies, are no longer required to register or obtain a licence or pay any fees to operate. Brothel managers and other people working in sex work businesses are also no longer required to obtain a licence, certificate or other government check to work in the sex work industry.

These changes allow sex work industry regulation to be managed through existing government departments and agencies. Below is a list of important regulators for the sex work industry as of 1 December 2023:

* [The Department of Health](https://www.health.vic.gov.au/preventive-health/sex-worker-health) will be responsible for public health matters
* [The Victorian Equal Opportunity and Human Rights Commission](https://www.humanrights.vic.gov.au/for-individuals/profession-trade-occupation/) will ensure that sex workers cannot be discriminated against because of their work
* [WorkSafe Victoria](https://www.worksafe.vic.gov.au/sex-work) will be responsible for occupational health and safety and workplace compensation
* [Victoria Police](https://www.police.vic.gov.au/decriminalisation-sex-work-victoria) will be responsible for ensuring community safety
* [The Department of Transport and Planning](https://www.planning.vic.gov.au/guides-and-resources/guides/all-guides/decriminalisation-of-sex-work-in-victoria) will be responsible for changes to Victoria’s planning system
* [The Victorian Liquor Commission](https://www.vic.gov.au/liquor-licensing) will be responsible for licensing, investigative, disciplinary and other regulatory functions under the *Liquor Control Reform Act 1998.*

## Advertising controls

Sex work industry advertising controls under the *Sex Work Act 1994* and regulations have been repealed.

Sex workers and sex work businesses no longer need to include a Sex Work Act (SWA) number in their ads.

Sex work businesses are able to:

* advertise vacant positions or job openings
* describe services offered or not offered in advertisements
* use terms associated with massage in advertisements if that is a relevant description of services provided
* include references to safer sex practices in advertisements
* include photographs or other pictorial representations, including of nudity, in advertisements

Businesses must still comply with the rules and requirements of the advertising host.

It continues to be a crime to deceptively recruit a person into sex work under the *Crimes Act 1958*. An example of deceptive recruitment may be advertising a job without reference to any sex work, and when the person arrives to commence work, it is revealed the role involves sex work.

More information about advertising

For more information about advertising codes and regulation of the advertising industry, visit the Ad Standards website: [adstandards.com.au](https://adstandards.com.au)

For more information about advertising requirements under the Australian Consumer Law, visit the Consumer Affairs Victoria website: [consumer.vic.gov.au/products-and-services/business-practices/advertising-and-promotions](http://www.consumer.vic.gov.au/products-and-services/business-practices/advertising-and-promotions)

## Sexual health

Sexual health tests

Sex workers are no longer required by the *Sex Work Act 1994* to complete a sexual health screen every three months.

Sex work business operators should instead ensure workers get education and information about voluntary testing. Voluntary sexual health testing is still important. Sex workers and their health professionals should decide what tests are relevant for them and how often to test.

Condoms and safer sex practices

It is no longer an offence for sex workers and clients if they do not engage in safer sex practices, such as using a condom.

Businesses, including small owner-operator businesses, should take reasonable steps to ensure condoms are used when appropriate.

As required by the *Occupational Health and Safety Act 2004:*

* businesses must continue to provide a working environment that is safe and without risks to health, so far as reasonably practicable
* employees and contractors must take reasonable care of the health and safety of themselves and others in the workplace

Therefore, businesses could continue to require condoms to be used.

Condoms and safer sex practices remain critical to protecting the health and safety of both sex workers and clients.

Sexually transmissible infections

It is no longer an offence if a person works as a sex worker while they have a sexually transmissible infection (STI). Sex workers who have been diagnosed with an STI don’t have to disclose the diagnosis to their workplace. STI treatment and management should be determined by the individual sex worker and their health professional.

Sex workers and sex work businesses should still take adequate precautions to ensure that transmission does not occur.

For any community member who tests positive for a notifiable sexually transmissible infection, there is a wide-ranging public health response in Victoria. This includes education, support, and contact tracing.

In the rare case that an individual engages in behaviours that put others at a serious health risk, the Chief Health Officer has powers to undertake a risk assessment and manage transmission risk.

For more information: [health.vic.gov.au/publications/sti-and-bbv-prevention-for-the-sex-industry](https://www.health.vic.gov.au/publications/sti-and-bbv-prevention-for-the-sex-industry)

## Anti-discrimination protections

A new protected attribute of ‘profession, trade or occupation’ has been introduced to the *Equal Opportunity Act 2010.* This means that people or organisations cannot discriminate against someone on the basis that they are a sex worker.

Accommodation providers can no longer refuse accommodation to someone on the basis that they will use the accommodation for, or in connection with, lawful commercial sexual services. This includes accommodation that is a hotel or motel.

For more information: [humanrights.vic.gov.au/for-individuals/profession-trade-occupation](https://www.humanrights.vic.gov.au/for-individuals/profession-trade-occupation)

## Planning controls

On 1 December 2023, the Victorian Planning Provisions and all planning schemes were changed to implement the decriminalisation of sex work. The changes mean a sex work business will now be treated like any other business, subject to the same rules and regulations such as:

* sex work businesses will be able to operate anywhere a shop can. Where the use of land for a shop is permitted, a sex work business premises will also be permitted and will be subject to the same conditions and requirements that apply to a shop in all zones.
* anyone will be able to undertake sex work from their home, subject to certain conditions. These include:
	+ the home being the person’s principal place of residence
	+ that the business does not adversely affect the amenity of the neighbourhood
	+ no more than two persons who do not live in the dwelling may work in the home-based business at any one time.
* the planning process for a sex work business will be the same as any other business. Standard requirements and exemptions for the development of land will apply to a sex work premises in the same way as for other uses.

For more information: [planning.vic.gov.au/guides-and-resources/guides/all-guides/decriminalisation-of-sex-work-in-victoria](https://www.planning.vic.gov.au/guides-and-resources/guides/all-guides/decriminalisation-of-sex-work-in-victoria)

## Liquor licensing

From 1 December 2023 sex work businesses can apply for a liquor licence under the *Liquor Control Reform Act 1998* and serve alcohol in accordance with that Act.

The Victorian Liquor Commission is responsible for the regulation of liquor and undertakes liquor licensing, approval, authorisation and registration activities among other functions.

For more information: [vic.gov.au/liquor-licensing](https://www.vic.gov.au/liquor-licensing)

## Workplace safety

From 1 December 2023, WorkSafe Victoria will regulate both occupational health and safety (OHS), and workers compensation for all Victorian sex work businesses. Importantly, sex work employers and employees will have the same general OHS rights, duties and protections that apply in all other workplaces in Victoria.

Sex workers and sex work operators will need to consider their OHS rights, duties and protections, including:

* that “workplace” means any place, not just inside a building or structure, where employees or self-employed persons work. This means that any place where sex work takes place will be a workplace and OHS laws will apply
* that “self-employed person” means a person who works for gain or reward (but is not an employer or in training and is not employed by someone else)
* how OHS and workers compensation laws might apply to them
* sex work operators should think about their duty to the health and safety of people other than employees when conducting their business
* employers should think about whether they need to register their business for WorkCover insurance
* how sex workers and sex work operators can control risks relating to their work or workplace.

It is important for employers and workers to know about their rights and duties under the *Occupational Health and Safety Act 2004* and the *Workplace Injury Rehabilitation and Compensation Act 2013*.

For more information: [worksafe.vic.gov.au/sex-work-decriminalisation-act-2022](https://www.worksafe.vic.gov.au/sex-work-decriminalisation-act-2022)

# Information and support

## Peer support

Vixen is Victoria’s peer sex worker organisation, run 100% by and for sex workers.

Vixen provides peer education, support, outreach, advocacy and representation for sex workers in Victoria. Sex workers can contact or visit Vixen for peer education, support, information, referrals to sex worker friendly services, counselling (by appointment), community events and to connect with peers.

You can find out more information about how to access Vixen's services and view the up-to-date information hub for sex workers and sex industry stakeholders on the *Sex Work Decriminalisation Act 2022* reforms in key community languages at their website: [vixen.org.au](http://www.vixen.org.au)

You can also contact Vixen by email at info@vixen.org.au.

## More information

Find out more about the *Sex Work Decriminalisation Act 2022* on the Victorian Government website: [vic.gov.au/review-make-recommendations-decriminalisation-sex-work](https://www.vic.gov.au/review-make-recommendations-decriminalisation-sex-work)