

Sex Work in Victoria Fact Sheet

Topic: non-payment for sexual services

Sex work and the law in Victoria

Under Victorian law, sex work can be legally carried out under licensing conditions applicable to brothels, escort agencies, and small owner-operated businesses (such as exempt escorts/brothels). The information contained in this fact sheet is applicable to sex workers operating as private escorts or small owner operated brothels.

Under the law, sex work is defined as the provision by one person to or for another person (whether or not of a different sex) of sexual services in return for payment or reward.

It is a requirement of Victorian law that private escorts and small owner operated brothels be registered with the Business Licensing Authority, with an Australian Business Number and report their income to the Australian Taxation Office. Registration with the BLA is free.

Street based sex work is illegal and under Victorian law it is an offence to sell, attempt to sell, buy or attempt to buy sexual services in a public place.

Creating a contract between yourself and your client

When you provide sexual services to or for another person in return for payment or reward, you will most likely have created a contract. A contract cannot be enforced if you are agreeing to do illegal things, for example engaging in street based sex work.

What to do if someone hasn't paid you for providing sexual services?

Step 1: Try to resolve the matter with the client. You can send them a document called a "Letter of Demand". See the example at the end of this document. Some tips:

- If you want the offer to be "off the record" if the matter goes to court, write that it is "without prejudice" in the subject line.
- If you speak to the other party make notes of what was discussed.
- Keep a copy of your letters and emails and any you receive from the other party or someone acting on their behalf.
- Ensure you send any mail via registered post to guarantee you have a record of delivery.

Step 2: Take action

Victorian Civil and Administrative Tribunal

As a registered business you can make an application to the Victorian Civil and Administrative Tribunal (VCAT)- Civil Claims List within 6 years of the date when the dispute arose.

Under the Australian Consumer Law and Fair Trading Act 2012 - this dispute is a trader-trader dispute, which means a dispute between a purchaser or possible purchaser and a supplier or possible supplier in relation to the supply or possible supply of goods or services in trade or commerce which involves a claim for payment of money in an amount not exceeding \$10 000.

More information about the fees and forms required are available at www.vcat.vic.gov.au.

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Step 2 continued:

Magistrates' Court

You could also consider making an application at the Magistrates Court to recover money. You must file a Form 5A Complaint document. You are the plaintiff. The other person is called the defendant. The form includes:

- Your details (name, address where documents can be sent)
- The defendant's details (their name and address).
- Statement of claim (description of why you're owed money including the date the debt arose, the place and the description of events which followed).

The Complaint will need to be finalised with the court and served to the defendant. More information about the fees, forms and service is available here <https://www.magistratescourt.vic.gov.au>

Please note:

We recommend that you get legal advice before pursuing a legal claim. You can call St Kilda Legal Service on (03) 9534 0777 to make an appointment or find out more about an outreach location where you can see one of our lawyers

EXAMPLE LETTER OF DEMAND

YOUR ADDRESS

THEIR ADDRESS

DATE

Dear NAME,

Without Prejudice

RE: Payment for sexual services provided on DATE

On DATE we entered into a contract for the supply of sexual services. This contract required EXPLANATION OF SERVICES in exchange for \$AMOUNT. Services were provided but the payment was not made.

I ask that the sum of \$AMOUNT be electronically transferred (PROVIDE ELECTRONIC TRANSFER DETAILS – I.E. BSB/ACCOUNT NUMBER) to me by 5.00 pm on DATE (USUALLY 7-10 DAYS AFTER THE LETTER IS SENT).

In the event that you fail to make the payment, I will commence proceedings for recovery of the said sum without further notice, and this letter may be produced on the question of costs.

Yours sincerely,
YOUR NAME

Where to get help

St Kilda Legal Service - (03) 9534 0777

RhED - 1800 458 752

Vixen Collective - 0414 275 959

Please note: This fact sheet gives general information only and is not legal advice. State of Victoria, Australia only. It is current as of February 2017. This fact sheet only relates to people over the age of 18 years. Created by St Kilda Legal Service.. This document has been peer reviewed by the Vixen Collective.