

SEX WORK AND THE FACTS

A FACT SHEET FOR SEX WORKERS

In Victoria some forms of sex work are legal. If you are not working in a licensed brothel or escort agency and would like to work privately/as an escort, under Victorian law you are required to register with the Business Licensing Authority (BLA). 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.

LEGAL

UNDER VICTORIAN LAW YOU CAN -

- WORK AS A SEX WORKER IN A LICENSED BROTHEL.
- WORK AS A SEX WORKER IN A LICENSED ESCORT AGENCY.
- WORK THROUGH SMALL OWNER-OPERATED BUSINESSES - WHERE ONE PERSON CARRIES ON BUSINESS AS A SEX WORK SERVICE PROVIDER OR WITH A SECOND SEX WORKER; AS LONG AS THEY'RE NOT AN EMPLOYEE. YOU ARE REQUIRED TO BE REGISTERED WITH THE BLA.
- IF YOU'RE A SEX WORKER (REGISTERED WITH THE BLA) PROVIDE SEXUAL SERVICES AT THE CLIENT'S HOME OR IN A HOTEL ROOM BOOKED UNDER THE CLIENT'S NAME.
- DECIDE NOT TO PROVIDE OR TO STOP PROVIDING SEXUAL SERVICES BECAUSE A CLIENT IS BELIEVED TO HAVE AN STI, A CLIENT REFUSES TO COMPLY WITH SAFER SEX PRACTICES, OR BECAUSE YOU BELIEVE A SITUATION IS POTENTIALLY VIOLENT OR UNSAFE, WITHOUT DISPUTE OR DISCIPLINARY ACTION FROM MANAGEMENT.*
- GET A CERTIFICATE OF ATTENDANCE FROM A DOCTOR WITH A PREFERRED NAME OR SEX WORK NAME AT YOUR 3 MONTHLY BLOOD TESTS FOR HIV AND SEXUALLY TRANSMISSIBLE INFECTIONS (STI).
- REFUSE TO PROVIDE YOUR STI (BLOOD AND SWAB) TEST RESULTS TO YOUR EMPLOYER.

ILLEGAL

UNDER VICTORIAN LAW YOU CANNOT -

- WORK IN AN UNLICENSED BROTHEL OR BE IN AN UNLICENSED BROTHEL WITHOUT A REASONABLE EXCUSE.
- OPERATE AN ESCORT AGENCY WITHOUT A SEX WORK SERVICE PROVIDER'S LICENCE..
- WORK AS A SEX WORKER WHEN YOU'RE NOT REGISTERED WITH THE BLA AS A SMALL OWNER-OPERATED BUSINESS (EXEMPT SEX WORK SERVICE PROVIDER).
- WORK AS A STREET BASED SEX WORKER.
- PROVIDE SEXUAL SERVICES AT YOUR HOME (WITHOUT AN EXEMPTION FROM THE BLA).
- PROVIDE SEXUAL SERVICES IN A HOTEL ROOM BOOKED UNDER YOUR NAME (IT CAN BE BOOKED UNDER YOUR CLIENT'S NAME)
- PROVIDE SEXUAL SERVICES WITHOUT TAKING ALL REASONABLE STEPS TO MINIMISE THE RISK OF ACQUIRING OR TRANSMITTING STIs.
- CONTINUE TO PROVIDE SEXUAL SERVICES WHEN YOU ARE AWARE THAT YOU HAVE AN STI.
- PROVIDE SEXUAL SERVICES WITHOUT GETTING REGULAR BLOOD TESTS AND SWAB, AT LEAST EVERY 3 MONTHS FOR HIV AND STIs AS A SEX WORKER.

**Please note: St Kilda Legal Service acknowledges that forcing someone to have sex is rape and that consent can be withdrawn at any time. Sex workers are not different from any other person who has these rights.*