

FACT SHEET

# *Sex Work Decriminalisation Act 2022*

*For Street-Based Sex Workers*



## The Sex Work Decriminalisation Act 2022 comes into effect in two stages:

- Stage 1-the 10th of May 2022
- Stage 2-the 1st of December 2023

## Background information: Sex Work Decriminalisation Act 2022

After years of advocacy by sex workers, Vixen and Scarlet Alliance welcomed the passing of the Sex Work Decriminalisation Act 2022 on the 22nd of February 2022. These new laws recognise that sex work is work and our bodies are our business, and will aim to treat the sex industry like any other industry in Victoria using standard business laws, not licensing and criminalisation. We have a right to feel safe at work, and the legislative recognition of sex work as work is the first step in achieving workplace health, safety and rights.

Victoria is now the third jurisdiction in Australia, following New South Wales and the Northern Territory, to repeal licensing and criminalising laws surrounding sex work, and to introduce a decriminalisation model.

However, the Act does not go far enough, and street-based sex workers will continue to be subject to unjust and discriminatory laws. Sex workers in Victoria have made it clear that no sex worker should be left behind, and Vixen and Scarlet Alliance will continue to fight for full decriminalisation for all sex workers.

## What is changing for street based sex workers after May 10 2022?

Street based sex work is not being fully decriminalised. The Sex Work Decriminalisation Act 2022 means it's no longer an offence to solicit or loiter with the intent to solicit in most public places in Victoria, but from 10 May 2022, offences in the Summary Offences Act 1966 will mean that you still can't [legally work at or near](#) places of worship, schools, children's services and education and care services at specified times.

- You can't legally work at or near places of worship between 6am and 7pm and at any time on prescribed days. This applies regardless of whether the place of

worship is open.

- You can't legally work at or near schools (government and non-government) between 6am and 7pm every day. This applies every day, regardless of whether the school is open.
- You can't legally work at or near children's services between 6am and 7pm every day. This applies every day, regardless of whether the service is open.
- You can't legally work at or near education and care services between 6am and 7pm every day. This applies every day, regardless of whether the service is open.

Offences under the Summary Offences Act such as charges related to sexual conduct in public spaces and/ or exposure in public places continue to apply.

### What are the prescribed days?

A prescribed day, for example Christmas Day, will only apply to places of worship that celebrate that holiday.

The prescribed days are:

- 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

### What are the penalties for working at or near a restricted place?

Victoria Police can issue you with an on-the-spot fine. This will be at the discretion of the police. The penalty is a fine of 2 penalty units, which is \$363.48. If you are charged, which again will be at the discretion of the police, the penalty will depend on whether you have previously committed the same offence.

- For a first offence, it is a fine of 10 penalty units, which is \$1,817.40, or imprisonment for 1 month.
- For a second offence, it is a fine of 30 penalty units, \$5,452.20, or imprisonment for 3 months.
- For any subsequent offences, it is a fine of 60 penalty units, \$10,904.40, or imprisonment for 6 months.

Although the provisions against working near restricted places in the Sex Work Act 1994 were repealed, the Sex Work Decriminalisation Act 2022 reinstates similar restrictions on working at or near restricted places in the Summary Offences Act 1966. Therefore it is unclear if previous charges under the Sex Work Act 1994 will be counted as a previous offence if charged under the new laws. It is also unclear what determines a fine versus being charged.

We will keep street based sex workers in the loop as we find out more information. If you are fined or charged or have contact with police, please let Vixen know and we will do our best to support you. Vixen can also refer you to free and confidential legal advice.

### Children's service premises, education and care service premises defined

Children's service premises and education and care service premises include:

- preschools and kindergartens
- long day care services
- outside school hours care services
- school holiday care programs
- occasional care services (for example, a neighbourhood house or community

centre)

- limited hours services (for example, a creche inside a gym or leisure centre)
- early childhood intervention services (for example, for children with a disability).

Some types of services are excluded for the purposes of the street-based sex work offence. This includes a family day care service operating from a residence and care by personal arrangement (for example, babysitting in a private home).

### Your rights

After May 10, 2022 it will still be a crime under the Sex Work Act 1994 for people to engage in offensive behaviour towards sex workers in a public place. After this, sex workers will still have access to non sex work specific laws that apply to everyone. For example the Summary Offences Act 1966 and the Crimes Act 1958 contain offences relating to assault.

From May 10 a new protected attribute of ‘profession, trade or occupation’ has been introduced to the Equal Opportunity Act 2010. This means that people or organisations can’t legally discriminate against people based on their work, including sex work. Also from May 10, accommodation providers, including hotels and motels, cannot discriminate against sex workers by asking us to leave or calling the police if lawful sex work is occurring. Until December 2023 working from home alone or with other workers will still be criminalised.

If you experience discrimination or a crime committed against you, please contact Vixen for support and information. Vixen can also refer you to free and confidential legal advice.

Resources:

[Vixen contact](#)

[Vixen services](#)

[Scarlet Alliance: Red book STI & BBV resources for sex workers by sex workers](#)

[Consumer Affairs Victoria: Sex work decriminalisation resources](#)

[Department of Health: Key issues - stage one health reforms](#)

[Victorian Equal Opportunity & Human Rights Commission: Profession, trade or occupation](#)

[Vic Legal Aid Police Powers and Your Rights](#)