



Sex Work Decriminalisation in the ACT

This paper is a resource for supporters, allied organisations and anyone interested to learn more about why ACT sex workers are campaigning for decriminalisation, and how decrim might work in the ACT.

What is sex work?

- Sex work is the exchange of sexual services, labour, products or performance for payment, trade or reward.
- It takes place in many forms; 'full service' or 'in person sex work', stripping and erotic dance, topless waitressing, online, establishment based, BDSM, kink and fetish, erotic massage, porn, and content creation.
- The term 'sex worker' is adopted by many people involved in this work, but not all.
- Where the law refers to sex work it applies to anyone that fits the definition above.

What is decriminalisation?

Full decriminalisation means removing all laws that treat sex work differently from other jobs. This means getting rid of: criminal laws, special licensing systems, police powers and any other rules that treat sex workers, support staff, workplaces or clients differently from other workers and businesses.

This does NOT mean sex work becomes unregulated. Instead, sex workers are covered by the same workplace, planning, tax, health and criminal laws as everyone else.

How is sex work in the ACT regulated now?

The main legislation regulating sex work in the ACT is the [Sex Work Act 1992](#) and the [Sex Work Regulation 2018](#). These instruments set up a system that permit *some* forms of sex work - 'commercial' businesses that comply with a special registration system and 'sole operator' sex workers working alone.

Sex work that is not permitted is punishable by criminal penalties. This creates barriers to:

- accessing healthcare^{1,2,3,4}
- enforcing WHS
- pursuing justice and accessing criminal and civil legal systems^{5,6,7}
- fully participating in our communities, free from stigma and discrimination.

Will decriminalisation lead to more people doing sex work, mega brothels or public indecency?

No. 30 years of evidence from New South Wales and New Zealand has shown no change to the size or nature of the sex industry after decades of decriminalisation.^{8,9}

What decriminalisation would mean for ACT sex workers

Issue	How we work now	What decrim would mean	Briefing paper reference
Violence and safety	<ul style="list-style-type: none"> Working alone as sole operators. Working for registered venues in isolated areas. Working in criminalised settings. 	<ul style="list-style-type: none"> Working in pairs or small groups from our homes, hotels and other discreet locations. Larger businesses would be regulated by planning and WHS laws, like any other business. No work is criminalised. 	<p>What's wrong with the registration system?</p> <p>What's wrong with the rules for 'sole operators'?</p> <p>Why we don't need a 'soliciting' offence</p> <p>Why we don't need a 'child on premises' offence</p>
Work Health and Safety	<ul style="list-style-type: none"> WHS protections only apply to lawful workers. The Sex Work Code creates exceptional regulations that aren't effective or appropriate, and is only relevant to registered venues. Criminal provisions duplicate WHS responsibilities. Criminal offences imply that sex workers deliberately 'trick' clients into contracting STI and BBV. Mandatory condom use - criminal penalties apply. 	<ul style="list-style-type: none"> Sexual health is everyone's responsibility. All sex workers have access to WHS protections without exceptional regulations. Sex workers can co-design relevant, non-discriminatory and scalable WHS guidance with WorkSafe ACT. 	<p>What's wrong with criminal laws about condoms and sexual health?</p> <p>What's wrong with current WHS regulation?</p>
Workers rights	<ul style="list-style-type: none"> With only a small number of registered workplaces, most ACT sex workers do not have access to industrial protections. 	<ul style="list-style-type: none"> Sex workers can access WHS, anti-discrimination and industrial rights mechanisms to make complaints against bad bosses. 10,11,12 	



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Health and well-being	<ul style="list-style-type: none"> Working outside of legal frameworks makes it difficult to access support if anything goes wrong. Registered workplaces are unlikely to hire workers with disability, plus size workers, older workers, male or trans workers. These workers are forced to work alone or break the law. 	<ul style="list-style-type: none"> Improved mental health outcomes.^{13,14} No unreasonable restrictions on where and how we work, maximising our autonomy and improving well-being.¹⁵ 	
Justice	<ul style="list-style-type: none"> Working alone, mandatory condom use and inaccessible workplace protections create unreasonable barriers to reporting violence and accessing civil and criminal legal systems. Police can charge people with soliciting in public settings, whether or not they are causing a nuisance. 	<ul style="list-style-type: none"> Sex workers are more likely to approach police to report crimes.^{16,17} Offences against children,¹⁸ coercion,¹⁹ violence²⁰ and public order offences²¹ continue to apply to all people in the ACT. 	
Anti-discrimination	<ul style="list-style-type: none"> The <i>Discrimination Act 1991</i> prohibits discrimination based on 'profession, trade, occupation or calling.' This is vague and only protects sex workers working within legally permitted frameworks. The law permits discrimination if it is 'reasonable.' In practice, this means that ACT sex workers routinely experience discrimination in relation to housing, education, employment and financial products and services. 	<ul style="list-style-type: none"> Sex workers are specifically protected in the <i>Discrimination Act 1991</i>. There is no exception allowing landlords, banks, employers etc to discriminate if it is 'reasonable.' 	Why do we need anti-discrimination and anti-vilification protections?



What's wrong with criminal laws about condoms and sexual health?

- Sexual health is everybody's responsibility.
- Sex workers in Australia have rates of STI and BBV comparable to or lower than the general population.²²
- Sex work-specific legislative frameworks (e.g. criminalisation, licensing) function as barriers to sex workers accessing healthcare. Decriminalisation enables sex workers to engage with healthcare, including regular STI testing and treatment.^{1,2,3,4}
- Sex workers are safer sex experts. We do not need to be criminalised to implement best-practice infection control.

Under decriminalisation, sex workers will continue to have WHS responsibilities to protect their own health and safety, avoid harming others, and follow workplace instructions, policies and procedures.²³ **All adults in the ACT** will continue to have responsibilities to take 'reasonable precautions' to avoid transmitting STI and BBV.²⁴

What's wrong with current WHS regulation?

- The [Work Health and Safety Act 2011](#) currently only applies to lawful sex workers.
- The [Sex Work Code](#) is discriminatory and not fit-for-purpose:
 - **It is only relevant to registered sex work businesses** and is not scalable to other workplaces.
 - **It does not address sex workers' actual WHS concerns** - fatigue, slips and falls, manual handling and temperature controls.
 - **It focuses narrowly on condom use, STI/BBV prevention, and workplace violence.** This reinforces untrue stigmatising ideas that sex workers are vectors of disease and that violence is unique to sex workers.
 - **It does not address sexual and gender-based harassment, facilities management, fatigue and burnout, and psychosocial hazards,** potentially denying sex workers' access to such protections.

GOAL:

- **Repeal the Sex Work Act 1992 in full**
- **Repeal the Sex Work Code.**
- **Extend Work Health and Safety Act 2011 protections to all sex workers.**
- **WorkSafe ACT should work with peer-led sex worker organisations to develop relevant, scalable and non-discriminatory best-practice WHS guidance material.**^{25,26,27,28,29}

What's wrong with the registration system?

- It is not an effective regulatory framework.
- It does not encourage or assist business owners to comply with WHS obligations.
- It restricts sex work workplaces to isolated industrial suburbs - making it difficult for sex workers to access services and amenities, and to travel safely to and from work.



- Registered workplaces generally expect workers to provide full service (i.e. intercourse). This means that sex workers who prefer to offer only non-full service acts must either work alone or work in unregistered (criminalised) settings.
- Independent sex workers are forced to work alone to avoid being considered 'commercial operators' under the registration scheme. In other words, independent sex workers are forced to choose between working lawfully and working safely (with a friend, coworker or support person).

GOAL:

- **Abolish the registration system**
- **Destroy the old registration database of independent sex workers, and expunge past sex work convictions.**
- **Create planning regulations that allow sex work businesses to operate across the ACT,** subject to the same requirements as other businesses, such as cafes or shops.

What's wrong with the rules for 'sole operators'?

- Private or independent sex workers are only permitted to operate as 'sole operator brothels' or 'sole operator escort agencies.' **Only one worker is permitted, and they must work alone.**
- Any business with **more than one worker** on the same premises is considered a 'commercial brothel' or 'commercial escort agency,' and is required to comply with registration requirements.

GOAL: Independent sex workers are permitted to:

- **work together from the same premises for support or safety**
- **share costs of a work location,**
- **offer 'doubles' (threesomes) or group bookings, and choose their own work partner/s.**

Why we don't need a 'soliciting' offence (*Sex Work Act 1992 s 19*)

- Public nuisance laws already apply to all people in the ACT.²¹
- ACT police claim that street-based sex work is not a disturbance and has not attracted complaints.

Why we don't need a 'child on premises' offence (*Sex Work Act 1992 s 23*)

- The *Crimes Act 1900* already criminalises sexual offences against young people, exposing them to sexual activity, and failing to report offending.¹⁸ All ACT residents are required to report child abuse.
- The *Children and Young People Act 2008* also contains provisions to protect children from significant harm through both voluntary and mandated reporting.³⁰

Why do we need anti-discrimination and anti-vilification protections?

- The current framework reinforces existing stigma, actively undermining sex workers' human rights.
- Sex workers need specific anti-discrimination and anti-vilification protections, with no exception allowing 'reasonable' discrimination.
- Decriminalisation is just the first step. Sex workers must be supported to report discrimination and stigma, vilification and unfair treatment.



References

1. Jeffreys E, Fawkes J, Stardust Z. Mandatory testing for HIV and sexually transmissible infections among sex workers in Australia: a barrier to HIV and STI prevention. *World J AIDS*. 2012;2(3):203-211. <https://doi.org/10.4236/wja.2012.23026>.
2. Selvey L, Hallet J, Lobo R, McCausland K, Bates J, Donovan B. *Western Australian Law and Sex Worker Health (LASH) Study Final Report*. Curtin University; May 2017. <https://espace.curtin.edu.au/handle/20.500.11937/88796>.
3. Platt L, Grenfell P, Meiksin R, et al. Associations between sex work laws and sex workers' health: A systematic review and meta-analysis of quantitative and qualitative studies. *PLoS Med*. 2018;15(12):e1002680. <https://doi.org/10.1371/journal.pmed.1002680>.
4. McCausland K, Lobo R, Lazarou M, et al. 'It is stigma that makes my work dangerous': experiences and consequences of disclosure, stigma and discrimination among sex workers in Western Australia. *Cult Health Sex*. 2022;24(2):180-195. <https://doi.org/10.1080/13691058.2020.1825813>.
5. Deering KN, Amin A, Shoveller J, et al. A Systematic Review of the Correlates of Violence Against Sex Workers. *Am J Public Health*. 2014;104(5):e42-e54. <https://doi.org/10.2105/AJPH.2014.301909>.
6. World Health Organization. *Violence Against Sex Workers: What Does the Evidence Say and What Are the International Human Rights Standards That Inform WHO Normative Standards*. Geneva: WHO; Feb 2024. <https://www.ohchr.org/sites/default/files/documents/issues/women/sr/call56hrc/subm-sr-violence-against-un-enti-world-health-organization.pdf>.
7. Stardust Z, Treloar C, Cama E, Kim J. 'I Wouldn't Call the Cops if I was Being Bashed to Death': Sex Work, Whore Stigma and the Criminal Legal System. *IJCJS*. 2021;10(3):142-157. <https://doi.org/10.5204/ijcjsd.1894>.
8. Abel GM, Fitzgerald LJ, Brunton C. The Impact of Decriminalisation on the Number of Sex Workers in New Zealand. *J Soc Pol*. 2009;38(3):515-531. <https://doi.org/10.1017/S0047279409003080>.
9. Donovan B, Harcourt C, Egger S et al. *The Sex Industry in New South Wales: A Report to the NSW Ministry of Health*. Kirby Institute, University of New South Wales; 2012. <https://www.acon.org.au/wp-content/uploads/2015/04/NSW-Sex-Industry-Report-CSRH-2012.pdf>.
10. Duff M. Sex worker gets \$25,000 over harassment. *Stuff*. 1 March 2014. Accessed 18 February 2026. <https://www.stuff.co.nz/business/industries/9777879/Sex-worker-gets-25-000-over-harassment>.
11. Livingstone H. New Zealand sex worker wins six-figure sexual harassment payout. *The Guardian*. 14 December 2020. Accessed 18 February 2026. <https://www.theguardian.com/world/2020/dec/14/new-zealand-sex-worker-wins-six-figure-sexual-harassment-payout>.
12. *An Applicant v The Trustee For New Hopes Trust* [2025] FWC 2327. <https://www.fwc.gov.au/documents/decisionsigned/pdf/2025fwc2327.pdf>.
13. Maciotti PG, Power J, Bourne A. The health and well-being of sex workers in decriminalised contexts: a scoping review. *Sex Res Soc Policy*. 2023;20(3):1013-1031. <https://doi.org/10.1007/s13178-022-00779-8>.
14. Treloar C, Stardust Z, Cama E, Kim J. Rethinking the relationship between sex work, mental health and stigma: a qualitative study of sex workers in Australia. *Soc Sci Med*. 2021;268:113468. <https://doi.org/10.1016/j.socscimed.2020.113468>.
15. Armstrong L. 'I can lead the life that I want to lead': social harm, human needs and the decriminalisation of sex work in Aotearoa/New Zealand. *Sex Res Soc Policy*. 2021;18(4):941-951. <https://doi.org/10.1007/s13178-021-00605-7>.



16. Armstrong L. From law enforcement to protection? Interactions between sex workers and police in a decriminalised street-based sex industry. *Br J Criminol*. 2017;57(3):570–588. <https://doi.org/10.1093/bjc/azw019>.
17. Struyf P. To report or not to report? A systematic review of sex workers' willingness to report violence and victimization to police. *Trauma Violence Abuse*. 2023;24(5):3065–3077. <https://doi.org/10.1177/15248380221122819>.
18. *Crimes Act 1900* (ACT) ss [55](#), [61](#), [66](#), [66AA](#), [66A](#).
19. *Crimes Act 1900* (ACT) pt 5.
20. *Crimes Act 1900* (ACT) pts 2-3.
21. *Crimes Act 1900* (ACT) ss [392](#), [393](#).
22. Kirby Institute. *HIV, viral hepatitis and sexually transmissible infections in Australia: annual surveillance report 2024*. Sydney: Kirby Institute, UNSW Sydney; 2024. <https://www.kirby.unsw.edu.au/report-type/annual-surveillance-reports>.
23. *Work Health and Safety Act 2011* (ACT) [s 28](#).
24. *Public Health Regulation 2000* (ACT) s 21.
25. See, as examples: SafeWork NSW. Health and safety guidelines for sex services premises in NSW. Sydney: SafeWork NSW; 2025. <https://www.safework.nsw.gov.au/resource-library/other-services/health-and-safety-guidelines-for-sex-services-premises-in-nsw>.
26. WorkSafe Qld. *Sex Work Work Health and Safety Guidance*: WorkSafe Qld; 2024. https://www.worksafe.qld.gov.au/data/assets/pdf_file/0024/131379/sex-work-WHS-guidance.pdf.
27. SWOP NT, Scarlet Alliance, Unions NT, NT WorkSafe. *Work Health and Safety Guidelines for Sex Workers and Sex Work Businesses in the Northern Territory*: NT WorkSafe; 2023. <https://unionsnt.com.au/wp-content/uploads/2024/07/NT-WHS-Guidelines-for-Sex-Workers-and-Sex-Work-Businesses-2024-1.pdf>.
28. WorkSafe Victoria. *Health and Safety in Sex Work*: WorkSafe Victoria; Jan 2024. <https://www.worksafe.vic.gov.au/health-and-safety-sex-work>.
29. Vixen. *Sex Work is Work*. Vixen; 2024. <https://www.vixen.org.au/health-and-safety>.
30. *Children and Young People Act 2008* (ACT) ch 11.

