



ACT PROSTITUTION LAW – INFORMATION SHEET

- Sex work in the ACT became legal with the enactment of the Prostitution Act, 1992.
- The Act is administered by the ACT Office of Fair Trading (OFT).
- Under the Act there are two types of legal sex work in the ACT, working privately or working in a brothel. Street work is illegal in the ACT.

REGISTRATION

- In the ACT we have a “Registrar of Brothels and Escort Agencies”. His job (it’s currently a man called Tony Brown), is to keep a register of information provided by brothel owners or operators, and private workers. Brothel information is available for public inspection but private worker information is not.
- Private sex workers or “sole operators” are required to register with the OFT before they start working in the ACT and renew their registrations annually before 1st October each year. Initial registration costs approx. \$200 and renewals approx. \$100 each year. Workers must produce 100 pts of I.D. to register.
- Commercial brothels, ie more than two workers, are also required to register with the OFT and owners of commercial brothels must undergo a criminal record check (private workers don’t have to).
- Disqualifying offences for commercial brothel owners include rape, murder and other serious offences (Prostitution Act, 1992, Schedule 1). This also applies to offences committed in a foreign country.
- The Registrar has given SWOP assurances that private worker information kept by OFT can only be accessed by the police (who enforce the Act). He says he does not give other government agencies (such as ATO and Centrelink) or the public access to the Private Workers Register.



OFFENCES

- **Duress:** A person is not allowed to intimidate, offer to supply drugs to, or blackmail a worker to get them to supply commercial sexual services. Likewise they can't stand over the worker for money by duress either.
- **Child prostitution:** A person can't permit, offer or procure a child to provide commercial sexual services or live off the proceeds of child prostitution. Brothel owners have to take reasonable steps to ascertain a worker is over 18.
- **Children are not allowed on the premises of a brothel.** (This would include being on a private worker's premises while he/she is working).
- **Police entry:** Police can enter a brothel if they have reasonable grounds to believe there are children performing commercial sex work or present on the premises.
- **STIs:** It is illegal to work in a brothel or privately if you are knowingly infected with a sexually transmitted infection.
- **Medical tests and examinations:** Under the Act, whether the sex worker has had a medical test or not, it is an offence for them to assure clients that they are STI free.
- **Prophylactics (condoms, etc):** It is an offence to provide or receive commercial sexual services that involve vaginal, anal or oral penetration if you don't use condoms, dams, gloves, etc. It is also an offence for owners or operators to discourage the use of condoms.

OTHER

- Commercial brothels must be located in an industrial estate, either Fyshwick or Mitchell - they are not allowed to operate in a residential area.
- Private workers can work from their residence or a motel in any locality/suburb in the ACT. They are supposed to notify OFT if they change residence (or move from one motel to the next).



- The main way private workers advertise in the ACT is through the Canberra Times (CTs) in the Adult Services Section. Phone bookings must be paid for by credit card. The CTs has a list of acceptable words that they allow used in this section. This can be obtained from SWOP ACT.
- Police tend to leave sex workers alone in the ACT. They have told SWOP that they occasionally check Canberra Times advertisements against registrations but the most they do if a worker is not registered is ring and warn them.

ACT WORKCOVER SEXUAL SERVICES INDUSTRY CODE OF PRACTICE

The primary duty imposed on brothel employers/operators by the Code is to take all reasonable steps to protect the health, safety and welfare of their employees at work. It provides practical guidance to owners/operators on specific areas of sex industry work such as:

- Duty of care;
- Risk management;
- Communication, Training and Supervision;
- Working Environment;
- Workplace and Personal Safety/Security;
- Personal Health Issues;
- Alcohol and Other Drugs.

The Code has evidentiary status during legal proceedings and can be called on to show that a person has failed to meet a specified standard. If there is a breach of the OHS Act, a Workcover Inspector may cite the relevant Code of Practice when issuing an Improvement or Prohibition Notice. Failure to comply with one of these notices is considered an offence under the OHS Act.

Copies of the Code can be obtained from the ACT Workcover website or from SWOP.