

## **Summary of NSW State Sex Work Laws**

*Please note: this is a summary only of existing NSW laws. For further details please refer to the relevant act or seek legal advice.*

### **Working in a Brothel**

#### **Legal**

#### **Decriminalised**

However, the brothel may be required to obtain Council consent to operate, and may be prohibited in zones or locations proscribed by Council

#### **Brothel regulation**

Brothels are no longer under the jurisdiction of the police. Their legal status may be controlled by local council through Planning policies (LEPs and DCPs) and the Development Approval (DA) process under the *Planning and Assessment Act*

### **Working as a Sole Operator**

**Legal** but at the individual discretion of Councils and may be covered by the same zoning requirements (*LEP's*) as brothels, as the definition of a brothel can include one worker working from their own home or premises

### **Working from the Street**

#### **Legal**

**However, it is an offence** for a sex worker or a client to solicit or take part in sex (including in a vehicle) in or within view of a dwelling, school, church or hospital.

Street sex workers can be fined for loitering under local by-laws by council staff. Police can fine street sex workers for not following a reasonable direction.

### **Working as an Escort**

Legal

## **HIV/AIDS and Sex Work - Public Health Provisions**

**New South Wales public health laws specific to sex work.**

*Public Health Act is the key Act. The numbers in brackets eg (s13) precede the relevant section of the act*

### **Sex Workers**

**STI (s.13)** It is illegal for a person with a sexually transmissible medical condition to have sexual intercourse with another person unless the person with the condition informs the other person of the risk of contracting the condition and that person voluntarily accepts the risk.

### **Owner/Operators**

**STI (s.13)** It is an offence for the proprietor of commercial sexual services to knowingly allow a sex worker or a client with a sexually transmissible condition to have sexual intercourse without informing the other person of the risk of contracting the condition and that person voluntarily accepting the risk.