



*This resource summarises
some of the laws affecting
sex workers in Tasmania.*

*For more information contact
Scarlet Alliance or download the
Sex Industry Offences Act, 2005*

SEX WORK LAWS

**\$Scarlet
Alliance**

**Australian
Sex Workers
Association**



How you can work

A sexual services business owned and operated by a single sex worker, or no more than two sex workers working in partnership, where neither employs or manages the other, is legal.

However, if you are a sex worker in a sexual services business and you also manage or are in day-to-day control of other sex workers then you may be considered a commercial operator and therefore may be committing an offence. Police may arrest people whom they 'reasonably believe' to be operating a commercial sexual service business and may do so without a warrant.

Definitions from the Tasmania Sex Industry laws are:

sex worker means a person who provides sexual services in a sexual services business.

sexual intercourse means sexual intercourse as defined in section 1 of the Criminal Code.

sexual services means – (a) an act of sexual intercourse; or (b) any activity where there is any form of direct physical contact between 2 or more persons for the purpose of the sexual gratification of one or more of those persons including, without limitation, the masturbation of one person by another.

sexual services business means a business providing sexual services for fee or reward.

prophylactic means a condom or other device used to prevent the transmission of a sexually transmissible infection.



It is legal to be a sex worker in Tasmania

If you are 18 years old or older you can work alone or with another sex worker legally.

However, there are conditions on where and how you work.

Where you can work

You are permitted to work from a hotel, residence or commercial property, subject to any other applicable laws. Working as a street based sex worker or offering sex work services in a public place is illegal.

Offences against sex workers

In Tasmania it is an offence to intimidate, assault or threaten to assault a sex worker or to administer a drug to a sex worker with the intent to overpower the sex worker.

Anti-Discrimination laws

Tasmanian sex workers are protected by the Anti-Discrimination Act 1998 which prohibits discrimination on the grounds of sexual orientation and lawful sexual activity. As sex work is legal in Tasmania it is against the law to treat a sex worker less favourably than a person who is not employed as a sex worker. Equally indirect discrimination is unlawful. This may include the imposition of conditions, requirements or practices which are unreasonable in the circumstances and which have the effect of disadvantaging sex workers, more than people who do not offer sexual services for fee or reward.

Child on premises

It is illegal for a sex worker or client to allow a person under the age of 18 years to be on any premises while sexual services are being provided on those premises.

Police Powers

Police can arrest without a warrant if they reasonably believe an offence has been, is being, or is likely to be committed against certain sections of the Act and in some cases senior police can enter premises without a warrant.

Police can require a person to give their full name, address and date of birth if there is reasonable grounds for believing that a person is committing, has committed or is likely to commit an offence.



Safer sex

It is illegal for either a sex worker or a client to not use a prophylactic (condom, dam etc) during sexual activities where there is a risk of transmitting an STI or to misuse, damage or interfere with the use of a prophylactic.

More information on safer sex and STIs is available in the Scarlet Alliance STI Handbook.

Clients of sex workers

It is legal for an adult to be a client of a sex worker unless the person knowingly visits, or is visited by, a sex worker who is being managed by somebody else (working in a commercial sexual services business) or the sex worker is under the age of eighteen.



Scarlet Alliance, Tasmania is a sex worker peer education project.

You can contact us on (03) 6234 1242.

Please see the Scarlet Alliance Website for further information
<http://www.scarletalliance.org.au/laws/tas/>