

**Authorised Version No. 012**  
**Sex Work Regulations 2006**

**S.R. No. 64/2006**

Authorised Version incorporating amendments as at  
1 March 2013

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**PART 1—PRELIMINARY**

**1 Objective**

The objective of these Regulations is to prescribe for the purposes of the **Sex Work Act 1994**—

- (a) a list of sexually transmitted diseases; and
- (b) requirements for the safety of persons working in a sex work business; and
- (c) safety matters relevant to the suitability of licence applicants; and
- (d) controls on the advertising by sex work service providers; and
- (e) particulars to be given to the Authority by small owner-operated businesses; and
- (f) the form of registrar's certificates; and
- (g) additional infringement offences and the infringement penalties for those offences.

Reg. 1  
amended by  
S.R. No.  
97/2010  
reg. 7(1)(a).

Reg. 1(b)  
amended by  
S.R. No.  
97/2010  
reg. 7(1)(b).

Reg. 1(d)  
amended by  
S.R. No.  
97/2010  
reg. 7(1)(b).

Reg. 1(f)  
amended by  
S.R. No.  
41/2012  
reg. 5(a).

Reg. 1(g)  
inserted by  
S.R. No.  
41/2012  
reg. 5(b).

**2 Authorising provisions**

These Regulations are made under sections 3, 18, 68 and 90 of the **Sex Work Act 1994**.

Reg. 2  
amended by  
S.R. No.  
97/2010  
reg. 7(2).

### 3 Commencement

These Regulations come into operation on 13 June 2006.

### 4 Revocation

The Prostitution Control Regulations 1995<sup>1</sup> are **revoked**.

### 5 Definitions

In these Regulations—

*business name* has the same meaning as in section 4(1) of the **Business Names Act 1962**;

*licensee* means the holder of a licence granted under Part 3 of the Act authorising the holder to carry on business as a sex work service provider;

*the Act* means the **Sex Work Act 1994**.

Reg. 5 def. of *licensee* amended by S.R. No. 97/2010 reg. 7(3)(a).

Reg. 5 def. of *the Act* amended by S.R. No. 97/2010 reg. 7(3)(b).

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## PART 2—HEALTH AND SAFETY REQUIREMENTS

### 6 Sexually transmitted diseases

For the purposes of the definition of *sexually transmitted diseases* in section 3 of the Act, the following diseases or conditions are prescribed—

Chlamydia

Chancroid

Donovanosis

Genital and anal herpes (when lesions are visible)

Genital and anal warts (when lesions are visible)

Gonorrhoea

Infectious Syphilis

#### Note

Section 3 of the Act provides that HIV, as defined by section 3 of the **Health Act 1958**, is also a sexually transmitted disease.

### 7 Safety requirements

- (1) If a sex worker decides not to provide, or to stop providing, sexual services because he or she believes a situation is potentially violent or unsafe, the sex work service provider or the approved manager must not—

Reg. 7(1)  
amended by  
S.R. No.  
97/2010  
reg. 7(4)(a)(b).

- (a) dispute the sex worker's decision; or

Reg. 7(1)(a)  
amended by  
S.R. No.  
97/2010  
reg. 7(4)(c).

- (b) initiate or allow punitive action against the sex worker; or

Reg. 7(1)(b)  
amended by  
S.R. No.  
97/2010  
reg. 7(4)(a).

- (c) permit another person to do anything referred to in paragraph (a) or (b).

Penalty: 40 penalty units.

Sex Work Regulations 2006  
S.R. No. 64/2006  
Part 2—Health and Safety Requirements

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(2) A licensee and the approved manager must ensure that persons acting as receptionists or telephone receptionists for the licensee's business do not—

Reg. 7(2)(a)  
amended by  
S.R. No.  
97/2010  
reg. 7(4)(a).

(a) misrepresent the qualities of any sex worker;  
or

Reg. 7(2)(b)  
amended by  
S.R. No.  
97/2010  
reg. 7(4)(a).

(b) negotiate on behalf of a sex worker the sexual services to be provided by the sex worker.

Penalty: 40 penalty units.

Reg. 7(3)  
amended by  
S.R. No.  
97/2010  
reg. 7(4)  
(a)(b)(d),  
substituted by  
S.R. No.  
41/2012 reg. 6.

(3) If a business is or includes a brothel, the sex work service provider and the approved manager must ensure that all rooms used for sex work have a concealed alarm button, or equivalent communication device, that is in working order and can be easily accessed by the sex worker throughout the delivery of sexual services.

Penalty: 40 penalty units.

Reg. 7(3A)  
inserted by  
S.R. No.  
41/2012 reg. 6.

(3A) If a business is or includes a brothel, the sex work service provider and the approved manager must ensure that all rooms used for sex work have sufficient lighting to enable sex workers to check for readily evident signs of sexually transmitted diseases.

Penalty: 40 penalty units.

Reg. 7(3B)  
inserted by  
S.R. No.  
41/2012 reg. 6.

(3B) If a business is or includes a brothel, the sex work service provider and the approved manager must ensure that a safe-sex sign containing an illustration that depicts the whole or a portion of an adult male wearing a condom is prominently displayed in the reception area of the business and in every room used for sex work.

Penalty: 40 penalty units.

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- (4) The sex work service provider and the approved manager of a brothel must ensure that a sex worker is not required to clean or disinfect any bath or shower at the premises unless—
- (a) those facilities have been used by a person to whom sexual services have just been provided by that sex worker; and
- (b) adequate protective clothing is provided.
- Penalty: 20 penalty units.
- (5) The sex work service provider and the approved manager of a brothel must ensure that no person working on the premises as a sex worker is required to clean any bath, shower, toilet or spa at the premises except as required under subregulation (4), unless—
- (a) the sex worker is employed or contracted as a cleaner; and
- (b) adequate protective clothing is provided.
- Penalty: 20 penalty units.
- (6) If a business is, or includes an escort agency, to ensure the safety of sex workers delivering sexual services away from the business premises, the sex work service provider and the approved manager must—
- (a) ensure regular contact with the sex worker is maintained by requiring the sex worker to confirm his or her arrival at each new premises and the completion of each visit; and
- Reg. 7(4) amended by S.R. No. 97/2010 reg. 7(4)(a)(b).
- Reg. 7(4)(a) amended by S.R. No. 97/2010 reg. 7(4)(a).
- Reg. 7(5) amended by S.R. No. 97/2010 reg. 7(4)(a)(b).
- Reg. 7(5)(a) amended by S.R. No. 97/2010 reg. 7(4)(a).
- Reg. 7(6) amended by S.R. No. 97/2010 reg. 7(4)(b)(d).
- Reg. 7(6)(a) amended by S.R. No. 97/2010 reg. 7(4)(a).

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Reg. 7(6)(b)  
amended by  
S.R. No.  
97/2010  
reg. 7(4)(a)(b).

(b) ensure each sex worker has or is provided with a mobile telephone or an alternative communication device to enable contact with the sex work service provider or the approved manager; and

Reg. 7(6)(c)  
amended by  
S.R. No.  
97/2010  
reg. 7(4)(a).

(c) if the sex worker advises that he or she believes that a situation is potentially violent or unsafe, provide assistance to the sex worker as soon as possible; and

Reg. 7(6)(d)  
amended by  
S.R. No.  
97/2010  
reg. 7(4)(a).

(d) provide the sex worker with a free supply of condoms and water based lubricant.

Penalty: 40 penalty units.

Reg. 7(7)  
amended by  
S.R. No.  
97/2010  
reg. 7(4)(b).

- (7) Subregulation (6), except paragraph (c) does not apply to a sex work service provider who—
- (a) satisfies the Director that alternative arrangements in his or her business provide greater safety; and
  - (b) ensures that these alternative arrangements are followed at all times in his or her business.

**Note**

The requirements of regulation 7 do not affect any duty of an employer under the **Occupational Health and Safety Act 2004**.

**8 Safety matters relevant to suitability of applicants**

For the purposes of section 38(1)(d) of the Act, it is a requirement that the applicant ensures—

Reg. 8(a)  
amended by  
S.R. No.  
97/2010  
reg. 7(5).

- (a) that all sex workers, receptionists and managers are aware of the requirements of regulation 7; and
- (b) that regulation 7 can and will be complied with at all times.



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## PART 3—ADVERTISING CONTROLS

### 9 Advertising controls

- (1) Every advertisement for a business carried on by a sex work service provider must contain the letters "SWA" followed by—
- Reg. 9(1)  
amended by  
S.R. No.  
97/2010  
reg. 7(6)(a)(b).
- (a) in the case of a sex work service provider who is a small owner operator exempted by section 23 of the Act from the requirement to hold a licence, the exemption number allocated to that provider by the Authority; and
- Reg. 9(1)(a)  
amended by  
S.R. No.  
97/2010  
reg. 7(6)(a).
- (b) in the case of a licensee, the licence number allocated to that provider by the Authority.
- (2) The letters referred to in subregulation (1) and either the exemption number referred to in paragraph (a) or the licence number referred to in paragraph (b) must be clearly legible in a point type no smaller than the smallest point type appearing in the advertisement or 7 point type, whichever is the larger.
- Reg. 9(2)  
amended by  
S.R. No.  
97/2010  
reg. 7(6)(c).
- (3) An advertisement for a business carried on by a sex work service provider must not contain a licence number or exemption number which is false, or which the provider is no longer entitled to use.
- Reg. 9(3)  
amended by  
S.R. No.  
97/2010  
reg. 7(6)(a).
- (4) An advertisement for a business carried on by a sex work service provider—
- (a) must not contain a photographic or other pictorial representation of a person unless it is restricted to the head and shoulders; and
- Reg. 9(4)  
amended by  
S.R. No.  
97/2010  
reg. 7(6)(a).

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Reg. 9(5)  
amended by  
S.R. No.  
97/2010  
reg. 7(6)(a).

Reg. 9(6)  
amended by  
S.R. No.  
97/2010  
reg. 7(6)(a).

Reg. 9(7)  
amended by  
S.R. No.  
97/2010  
reg. 7(6)(a).

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- (b) must not contain a photographic or other pictorial representation of a particular person unless that person has given written consent for that advertisement and a copy of the signed consent has been given to that person.
- (5) A person must not arrange for any photograph, pictorial representation, text or other material to appear in conjunction with an advertisement for a business carried on by a sex work service provider unless that material is itself an advertisement for such a business.
- (6) An advertisement for a business carried on by a sex work service provider—
- (a) must not refer to the race, colour or ethnic origin of the person offering sexual services; and
  - (b) must not refer to the health of, or any diagnostic procedures or medical testing undertaken by, the person offering sexual services; and
  - (c) may contain references to the sexual orientation of the person offering sexual services; and
  - (d) may state that safe sexual practices are engaged in and that condoms are always used.
- (7) An advertisement for a business carried on by a sex work service provider must not exceed a size of 18 centimetres by 13 centimetres unless—
- (a) it appears in outdoor advertising; or
  - (b) it appears in an electronic communication; or
  - (c) it appears on the Internet.

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- (8) If 2 or more advertisements for a sex work service provider are published in the same publication, apart from an advertisement referred to in paragraphs (a), (b) and (c) of subregulation (7), they must not form part of a unified whole which exceeds a size of 18 centimetres by 13 centimetres.

Reg. 9(8)  
amended by  
S.R. No.  
97/2010  
reg. 7(6)(a).

**9A Transitional—advertising controls**

Despite the amendment of regulation 9(1) by regulation 7(6)(b) of the Prostitution Control (Fees) and Prostitution Control Amendment Regulations 2010, for the purposes of regulation 9 an advertisement for a business that is carried on by a sex work service provider may contain either the letters "PCA" or the letters "SWA" for a period of 12 months from the commencement of those Regulations.

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Reg. 9A  
inserted by  
S.R. No.  
97/2010 reg. 8.

**PART 4—SMALL OWNER OPERATORS**

**10 Small owner-operated sex work service providers**

Reg. 10  
(Heading)  
amended by  
S.R. No.  
97/2010  
reg. 7(7).

(1) For the purposes of section 24 of the Act, the prescribed particulars are—

Reg. 10(1)(a)  
amended by  
S.R. No.  
97/2010  
reg. 7(8).

(a) for each person working as a sex work service provider in the business all names by which the sex work service provider has been and is known, his or her date of birth and residential address; and

Reg. 10(1)(b)  
amended by  
S.R. No.  
97/2010  
reg. 7(8).

(b) all business names under which the sex work business will be carried on; and

Reg. 10(1)(c)  
amended by  
S.R. No.  
97/2010  
reg. 7(8).

(c) the business address and all telephone numbers, and any electronic addresses used in carrying on the sex work business; and

(d) if available, an Australian Business Number issued under A New Tax System (Australian Business Number) Act 1999 of the Commonwealth.

(2) For the purposes of section 24 of the Act, if a business is, or includes a brothel, the prescribed particulars also include—

(a) the name and address of the owner of the premises at which the business is conducted;

(b) if the premises are leased, the landlord's approval and a copy of the lease; and

(c) a copy of the planning permit granted by the responsible authority in respect of the business.

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**PART 5—OTHER MATTERS**

**10A Signage relating to sexual slavery**

- (1) For the purposes of section 60A(1) of the Act, the prescribed signage is the sign set out in Schedule 1 with black print on a white background in point type no smaller than 12 point type.
- (2) The prescribed signage must include any non-English translations of the sign set out in Schedule 1—
  - (a) approved by the Director; and
  - (b) in a form approved by the Director, with black print on a white background in point type no smaller than 12 point type.

Reg. 10A  
inserted by  
S.R. No.  
106/2010  
reg. 5,  
substituted by  
S.R. No.  
2/2013 reg. 4.

**10B Prescribed location for display of prescribed signage**

For the purposes of section 60A(2)(b) of the Act, the prescribed locations where the prescribed signage must be displayed are—

- (a) a conspicuous location in the reception area of the premises of the sex work service providing business from which the signage is visible to, and able to be read by, any person in the reception area; and
- (b) a conspicuous location in every room used for sex work in those premises from which the signage is visible to, and able to be read by, any person in the room.

Reg. 10B  
inserted by  
S.R. No.  
106/2010  
reg. 5,  
substituted by  
S.R. No.  
2/2013 reg. 4.

**11 Certificate of Registrar**

For the purposes of section 89(2) of the Act, the certificate must be in the form set out in Schedule 2.

Reg. 11  
amended by  
S.R. No.  
106/2010  
reg. 6.

Reg. 12  
inserted by  
S.R. No.  
41/2012 reg. 7.

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## 12 Infringement offences and infringement penalties

For the purposes of section 89A(1) of the Act—

- (a) an offence specified in column 2 of Schedule 3 is a prescribed offence in respect of which an infringement notice may be issued; and
  - (b) the prescribed infringement penalty for each infringement offence is the penalty specified in column 3 of the corresponding entry of Schedule 3.
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**SCHEDULE 1**

Regulation 10A

**SEX WORK ACT 1994**

**ARE YOU AFRAID TO SAY NO TO SEX WORK?**

YOU MAY BE A VICTIM OF SEXUAL SLAVERY IF

- you were lied to or tricked into sex work
- you don't get paid for doing sex work
- someone else controls your money or passport
- you owe money to someone who forces you to do sex work

The police can PROTECT and HELP you.

Call the Australian Federal Police on 131 237  
or Victoria Police on 000  
or email [human-trafficking-group@afp.gov.au](mailto:human-trafficking-group@afp.gov.au)

If you think you or someone else is a victim call Crime Stoppers Victoria on  
**1800 333 000**. You don't have to say your name.

Sch.  
amended by  
S.R. No.  
97/2010  
reg. 7(9),  
substituted as  
Sch. 1 by  
S.R. No.  
106/2010  
reg. 7,  
substituted by  
S.R. No.  
2/2013 reg. 5.

Sch. 2

Sch. 2  
inserted by  
S.R. No.  
106/2010  
reg. 7.

**SCHEDULE 2**

Regulation 11

**CERTIFICATE OF REGISTRAR**

**Sex Work Act 1994**

With respect to the register referred to in \*section 24/section 55(1) of the **Sex Work Act 1994**, I certify that—

Dated:

Signed:

Registrar

Business Licensing Authority

\*Delete if inapplicable



**SCHEDULE 3**

Regulation 12

Sch. 3  
inserted by  
S.R. No.  
41/2012 reg. 8.

**INFRINGEMENT OFFENCES AND INFRINGEMENT  
PENALTIES**

<i>Column 1 Item</i>	<i>Column 2 Infringement Offence</i>	<i>Column 3 Infringement Penalty</i>
1	An offence against section 17(1)(a) of the Act	4 penalty units
2	An offence against section 17(1)(b) of the Act	4 penalty units
3	An offence against section 17(2) of the Act	4 penalty units
4	An offence against section 17(3)(a) of the Act	4 penalty units
5	An offence against section 17(3)(b) of the Act	4 penalty units
6	An offence against section 17(4)(a) of the Act	4 penalty units
7	An offence against section 17(4)(b) of the Act	4 penalty units
8	An offence against section 21(1)(a) of the Act	5 penalty units
9	An offence against section 21(1)(b) of the Act	5 penalty units
10	An offence against section 52(4) of the Act	6 penalty units
11	An offence against section 60A(1) of the Act	1 penalty unit
12	An offence against regulation 7(3) of these Regulations	4 penalty units
13	An offence against regulation 7(3A) of these Regulations	4 penalty units

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**Sch. 3**

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<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Item</i>	<i>Infringement Offence</i>	<i>Infringement Penalty</i>
14	An offence against regulation 7(3B) of these Regulations	4 penalty units

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## ENDNOTES

### 1. General Information

The Prostitution Control Regulations 2006, S.R. No. 64/2006 were made on 6 June 2006 by the Governor in Council under sections 3, 18, 68 and 90 of the **Prostitution Control Act 1994**, No. 102/1994 and came into operation on 13 June 2006: regulation 3.

The Prostitution Control Regulations 2006 will sunset 10 years after the day of making on 6 June 2016 (see section 5 of the **Subordinate Legislation Act 1994**).

The title of these Regulations was changed from the Prostitution Control Regulations 2006 to the Sex Work Regulations 2006 by regulation 6 of the Prostitution Control (Fees) and Prostitution Control Amendment Regulations 2010, S.R. No. 97/2010.

## 2. Table of Amendments

This Version incorporates amendments made to the Sex Work Regulations 2006 by statutory rules, subordinate instruments and Acts.

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Prostitution Control (Fees) and Prostitution Control Amendment Regulations 2010, S.R. No. 97/2010

*Date of Making:* 28.9.10

*Date of Commencement:* Regs 6–8 on 1.11.10: reg. 3

Prostitution Control Amendment Regulations 2010, S.R. No. 106/2010

*Date of Making:* 12.10.10

*Date of Commencement:* 1.12.10: reg. 3

Sex Work Amendment (Infringements) Regulations 2012, S.R. No. 41/2012

*Date of Making:* 13.6.12

*Date of Commencement:* 25.6.12: reg. 3

Sex Work Amendment Regulations 2013, S.R. No. 2/2013

*Date of Making:* 29.1.13

*Date of Commencement:* 1.3.13: reg. 3

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### 3. Explanatory Details

<sup>1</sup> Reg. 4: S.R. No. 72/1995. Reprint No. 1 as at 1 November 2004.  
Reprinted to S.R. No. 128/2004. Subsequently extended in operation by  
S.R. No. 36/2005.