

Consent laws have changed in NSW!

In 2022, the NSW Crimes Act 1900 was updated and now better protects sex workers from sexual assault at work. These amendments were passed by the NSW Parliament and include new definitions and a broader definition of consent.

What are Sexual Crimes?

Sexual assault and related sexual crimes covers a range of sexual activities without consent such as:

- Sexual intercourse (including anal and oral sex, or penetration with a dildo/object)
- Sexual touching (e.g. touching any part of the body in a sexualised way)
- Sexual acts (e.g. non-contact activities that are done in a sexualised way)
- Revenge porn
- Sending unsolicited images of naked bodies to others
- Sexual harassment



Consent:

- Can be given verbally or by actions
- Is not to be presumed because you don't say anything
- Must be specific to each activity - that is, consent must be given each time and before each different sexual activity
- Can be withdrawn if you change your mind



Examples of non-consent specifically relevant to sex workers:

STEALTHING

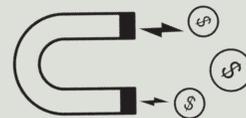
If you consent to a sexual activity using a condom, it does not mean that you consent to sexual activity without using a condom (e.g. a client pretending to use a condom or removing a condom without your consent)



NON PAYMENT (AKA Fraudulent Inducement)

If your consent to sex is conditional on getting paid, then non-payment by a client is considered sexual assault. (e.g. a reversed bank transfer, fake money, or refusal to pay in full after the service).

Note: this is a new legislation and there are a range of options available to address this kind of crime. SWOP NSW recommends speaking with a community legal service for assistance.



COERCION, BLACKMAIL, DETAINING & ABUSE OR RELATIONSHIP

If you are forced or intimidated into doing bookings, or activities in a booking that you don't agree to (e.g. coercion under the threat of being 'outed', being physically prevented from leaving the room).

Note: you are already entitled to refuse to provide services you are not comfortable with under SafeWork Guidelines.

MISTAKEN IDENTITY

It's also considered sexual assault for a client to trick you about their identity. Undercover investigators, undercover Local Council staff, or managements 'Mystery Clients' could potentially all be liable for sexual assault if they deliberately hid their identity in order to get your agreement/booking.



Sexual Servitude is also a criminal offence. This might include situations where you are forced, threatened or blackmailed into providing sexual services (e.g. by a boss or manager), or can't leave the place where sexual services happen (e.g. brothel). This explicitly includes threats of deportation or visa cancellation.

There are several options available after you have been sexually assaulted
If you are sexually assaulted you could try the following to assist in any future police reports:

- If it is safe to do so, call 000 and hold the perpetrator at the scene of the crime
- Save any unwashed clothing or bedding in a bag if possible
- Forensic medical examination kits or sexual assault investigation kits can be collected at most emergency departments – especially those with a sexual health clinic
- Do not shower before you undergo a medical examination
- If you wish to make a report, you must visit the police station local to where the crime occurred. You may have to relay details to the general duties officer at the station before making an official report with a detective
- You can bring a support person with you to make a report, they do not have to provide any identification to the police, even if they are asked

Who you can speak to for support:

SWOP NSW QR code link to SWOP
NSW contact info Via
(02) 9184 9466 SWOP NSW Website



SWOP NSW peer workers can accompany you when getting a medical examination and/or making a report, and can continue to provide support (including counselling) and referrals to other relevant and sex work friendly services throughout the process.

NSW Sexual Violence Helpline

1800 424 017

Full Stop Australia provides counselling for people who have been impacted by sexual assault. They provide telephone, online, and some face to face counselling. Their services are free and available (24 hours/7 days).

Law Enforcement Conduct Commission

(02) 9321 6700

If you make a report to police and feel it was handled insufficiently or unprofessionally, you can contact LECC to make a complaint.

Inner City Legal Centre

(ICLC)

(02) 9332 1966

QR code link to ICLC
contact info Via ICLC
Website



Provides free legal services in NSW to sex workers, and runs a sex work specific legal service. SWOP NSW can make a referral to ICLC if you would like. You can also report incidents informally via the Sexual Assault Reporting Option (SARO) and/or seek redress for payment through direct negotiation or by commencing legal proceedings through the Local Court.

About SWOP NSW

We are a not-for-profit, peer-based community organisation run by and for sex workers in NSW.

We provide:



Sexual health information & condoms, dams, gloves and lube (PPE)



Drug and alcohol information & injecting equipment



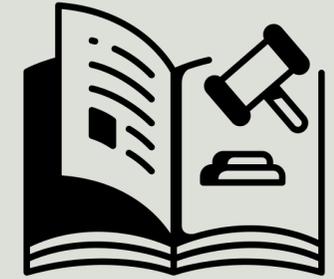
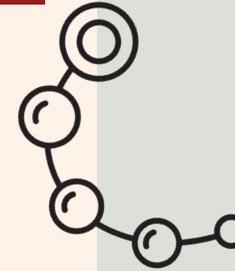
Peer support & counselling



Workplace Health & Safety information



Culturally & linguistically diverse team & resources (English, Chinese & Thai resources available)



Contact SWOP NSW



(02) 9184 9466



swopconnect@SWOP.org.au



swop.org.au



Other Resources

QR code link to
**Hospitals with specific
Sexual Assault Services**
Via NSW Health



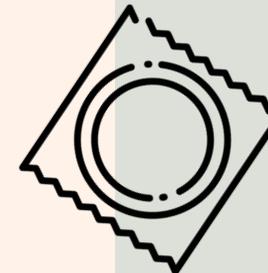
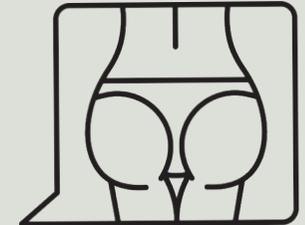
QR code link to **NSW
Police Guidelines on
what to do after a
sexual assault**
Via NSW police
community portal



Consent Laws in NSW

This is a SWOP NSW resource that is created for sex workers, by sex workers.

Is it ok with you if I...?



swop
SEX WORKERS OUTREACH PROJECT