

**New Laws have been introduced that can better protect sex workers.**

**In 2022, the NSW Crimes Act 1900 was updated to include offences that can better protect sex workers from sexual assault at work.**

**In 2024, the Crimes (Domestic and Personal Violence) Act 2007 was updated to include “outing” a sex worker as intimidation.**

**It’s important to remember that crime, sexual violence, and domestic abuse are not inherent to sex work.**

Sex work is regulated by the appropriate regulatory bodies **like any other workplace;**

- SafeWork
- Workers Compensation
- FairWork
- Local Council

**Sex work is mostly decriminalised in NSW, so the police no longer regulate the sex industry. Individual sex workers may rely on the criminal justice system to handle crimes that they have experienced at or outside of their workplace.**

**Consent laws updated in the NSW Crimes Act 1900 that may be relevant to sex workers.**

### **Stealthing**

If someone consents to a sexual activity using a condom, it does not mean that they consent to sexual activity without using a condom (e.g. a client pretending to use a condom or removing a condom without consent). This is sexual assault.

This is in Part 61HI, 5. of the Crimes Legislation Amendment (Sexual Consent Reforms) Act 2021

### **Non payment (AKA Fraudulent Inducement)**

If someone’s 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).

This is in Part 61HJ, 1k. of the Crimes Legislation Amendment (Sexual Consent Reforms) Act 2021

### **Coercion, blackmail, detaining and abuse or relationship**

If someone is forced or intimidated into doing bookings, or activities in a booking that they don’t agree to (e.g. coercion under the threat of losing shifts, being physically prevented from leaving the room), this could be sexual coercion or abuse of relationship or authority.

This is in Part 61HJ, 1h. of the Crimes Legislation Amendment (Sexual Consent Reforms) Act 2021

SafeWork Guidelines.

**Note: sex workers are already entitled to refuse to provide services they are not comfortable with under SafeWork Guidelines. SafeWork may be the reporting option sex workers want to pursue if they experience unsafe or exploitative working conditions.**

**Crimes (Domestic and Personal Violence) Act 2007 that protect sex workers from ‘outing’:**

### **What is ‘outing’?**

‘Outing’ is intentionally disclosing or threatening to disclose that the person is, or has been, a sex worker without the person’s consent – for the purpose of intimidating that person.

While sex workers experience stigma and do not have anti-discrimination protections, the disclosure of someone’s sex work status can have a serious negative impact.

This offence is in Part 71A, 1e of the Crimes (Domestic and Personal Violence) Act 2007

### **The use of the law and barriers to reporting**

These laws are new, and there have not yet been many examples of their successful use in the courts. Because of this, and because of historic stigma and discrimination towards sex workers, victims may be reluctant to report these crimes.

When a sex worker discloses that they have experienced a crime, it is important to:

- Only ask questions relevant to the crime or report.
- Not make assumptions or judgements about their character.
- Treat them as any other victim of crime.
- Remember that crime and violence are not ‘a part of the job’.
- Be educated and aware of the legislation in this resource.
- Take their report seriously.

**Sex work is work. Crime, coercion, outing, and violence are not “part of the job.” Sex workers deserve safety, dignity, and respect.**

## 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 a sex worker 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.

**Inner City Legal Centre**  
(ICLC) QR code link to ICLC  
(02) 9332 1966 contact info Via ICLC  
Website



**ICLC** provides free legal services in NSW to sex workers, and runs a sex work specific legal service. SWOP NSW refers sex workers to ICLC. Both SWOP NSW and ICLC are available to support sex workers reporting crimes.

## Contact SWOP NSW



PO Box 1354 Strawberry hills, NSW, 2012



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(02) 9184 9466



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## About SWOP NSW

We are a peer-led, not-for-profit community organisation run by and for sex workers, providing confidential health, safety and support services across NSW. We advocate for improved access to services and safe, accessible reporting pathways for sex workers.

We Provide:



Sexual health information and safer sex supplies, condoms, dams, gloves and lube (PPE).



Safer injecting equipment (NSP) and drug and alcohol information (AOD).



Peer support and counselling for sex workers.



Culturally and linguistically diverse outreach (CALD), and sex worker resources tailored for CALD communities (English, Chinese and Thai).



Workplace health and safety information, including coercion, intimidation, unsafe working conditions, and reporting options. Sex workers can speak with us to explore reporting pathways such as police, SafeWork, or legal options.



Support during reporting, including SWOP NSW attending medical or police appointments if requested.



Legal referrals, including to Inner City Legal Centre (ICLC), who provide a free sex worker specific legal service, regardless of migration status, employment status, or income.



Sex Work Sensitivity Training that's designed to inform, reduce stigma and improve service access amongst service providers and businesses who may interact with sex workers (e.g. police, local council, health providers, etc.)

# Sex Work Related Laws

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