



Sex Work

Sex work is not itself illegal. But, depending on where and how you do it, you could be committing an offence.

The most common prostitution offence is **soliciting** within view of a dwelling, church, school or hospital. “Soliciting” may include any conduct (whether it be blatantly obvious or very subtle) that amounts to an invitation of prostitution.

A sex worker or a client can be guilty of soliciting, but it is usually the sex worker and not the clients who get charged. It is legal for police officers to pose as clients and wait for sex workers to “solicit” them.

Merely agreeing to do an act of prostitution, or being willing to do a job if someone asks you, is not soliciting.

Offences include:

- **Soliciting** by a sex worker *near or within* view from a dwelling, school, church or hospital, or *in* a school, church or hospital **for the purpose of prostitution** (*Summary Offences Act s19*)
max penalty: \$660 or 3 months imprisonment
- **Soliciting** (as above) in a manner that **harasses or distresses** the other person (*Summary Offences Act s19(3)*)
max penalty: \$880 or 3 months imprisonment
- **Soliciting as a prospective client** *near or within* view from a dwelling, school, church or hospital, or *in* a school, church or hospital **for the purpose of prostitution** (*Summary Offences Act s19A*)
max penalty: \$660 or 3 months imprisonment
- **Public Acts of Prostitution** in or within view from a school, church, hospital or a public place, or within view from a dwelling (*Summary Offences Act s20*)
max penalty: \$1100 or 6 months
- **Living on earnings** of another person's prostitution (this does not apply to people who run a brothel) (*Summary Offences Act s15*)
max penalty: \$1100 or 12 months
- **Coercing another person** to engage in prostitution (*Summary Offences Act s15A*)
max penalty: \$5500 or 12 months
- **Prostitution or soliciting in premises** that are held out as massage parlours, saunas, photographic studios, etc (*Summary Offences Act s16*)

max penalty: \$550 or 3 months

- **Advertising** the availability of a person or premises for prostitution (*Summary Offences Act s18*)

max penalty: \$660 or 3 months

- **Advertising** for prostitutes (ie employment ads) (*Summary Offences Act s18A*)

max penalty: \$1100 or 3 months

Note: the penalties listed here are all *maximum* penalties, which are rarely imposed. The court may also impose other penalties such as a good behaviour bond or (if imprisonment is a possible penalty) a community service order.

Shopfront Youth Legal Centre Updated March 2002

The Shopfront Youth Legal Centre is a service provided by Freehills, in association with the Sydney City Mission and the Salvation Army.

This document was last updated in March 2002 and to the best of our knowledge is an accurate summary of the law in New South Wales at that time.

This document provides a summary only of the subject matter covered, without the assumption of a duty of care by Freehills. The summary should not be relied on as a substitute for legal or other professional advice.

This document may be photocopied and distributed, or forwarded by email, on the condition that the document is reproduced in its entirety and no fee is charged for its distribution.