

Summary of Prostitution Legislation in Australian States and Territories

This table gives a very brief overview of the key elements of prostitution legislation in Australia

| | Vic | NSW | Qld | WA | SA | Tas | ACT | NT |
|------------------------------|--|--|--|--|--|---|---|--|
| Principal legislation | <i>Sex Work Act 1994</i> | <i>Summary Offences Act 1988</i> , <i>Restricted Premises Act 1943</i> | <i>Prostitution Act 1999</i> <i>Amended 2010</i> | <i>Prostitution Act 2000</i> | <i>Summary Offences Act 1953</i> | <i>Sex Industry Offences Act 2005</i> | <i>Prostitution Act 1992</i> | <i>Sex Industry Act 2019</i> |
| Brothels | Brothels must be licensed and meet all licence conditions to operate legally | Legal to run a brothel with appropriate planning permission. | Brothels must be licensed and in accordance with planning laws | Illegal to run a brothel or to live off the earnings of prostitution | Illegal to manage or keep a brothel, or to receive payment for working in one. | Illegal to run a brothel. | Legal to run a brothel, but must be registered and based in prescribed locations. | Legal If 3 or more workers, the operator must obtain a 'suitability certificate' through the Commissioner of Consumer Affairs |
| Street Prostitution | Illegal | Legal except in certain areas as defined | Illegal | Illegal | Illegal | Illegal | Illegal | Legal |
| Escort Agencies | Must be licensed to operate legally | Not mentioned in legislation | Clients of an escort service must be informed that the service does not include prostitution | Not illegal to conduct an escort service but illegal to live off the earnings. | Not mentioned in legislation. | Illegal to run an escort agency. | Legal to run an escort agency, but must be registered. | Legal |

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|------------------------|---|--|--|---|---|---|---|---|
| Sole Operators | Small business operators (two people working separately or jointly) and solo workers are exempt from requiring a licence to operate legally but still need to register their service. | Not mentioned in legislation | Legal for a person to work solely from a premise without a licence | Nothing in the Act specifically about private operators | Nothing in the Act specifically about private operators | Up to two sex workers can work together | Legal but private workers still need to register | Not mentioned specifically |
| Regulatory Body | Business Licensing Authority grants licences for brothels and escort services and maintains the register of private workers | Local councils approve business applications | Prostitution Licensing Authority grants licences to brothels | WA Police | SA Police | Tasmania Police | The Office of Regulatory Services is responsible for registering brothels, escort agencies and sole operators | Commissioner for Consumer Affairs will issue 'suitability certificates' |