

Summary Offences Regulations 2022

Implementing the decriminalisation of sex work in Victoria

Please note that this paper is provided for stakeholder consideration and does not represent an approved government position.

Background

Sex work is being decriminalised in Victoria to ensure that every worker in the industry has the same rights and access to the entitlements and protections under law, as they would in any other job.

On Thursday 10 February 2022, the Sex Work Decriminalisation Bill 2021 (the Bill) was passed by the Legislative Council of the Victorian Parliament. The Bill will now be returned to the Legislative Assembly, which passed the Bill a first time on 28 October 2021, for a final vote and if passed will become law.

The main objective of the Bill is to decriminalise consensual sex work between adults, abolish the sex work licensing system, and instead regulate sex work businesses through mainstream regulators, such as WorkSafe, the Department of Health, and local governments. In doing so, the Bill will repeal the *Sex Work Act 1994* and make a range of consequential amendments and transitional arrangements.

Pending passage of the Bill, decriminalisation will occur in two stages. Stage One of the Bill's reforms will commence on 10 May 2022 and the Stage Two will commence on 1 December 2023.

For more detail about the status of the Bill, the sex work reforms and what will happen at each stage, please visit our website: [Decriminalising sex work in Victoria](#).

Street-based sex work

The Sex Work Decriminalisation Bill 2021 decriminalises street-based sex work in most locations in the first stage of reform (May 2022). However, street-based sex work (both buying and selling) will continue to be prohibited in certain locations.

From the commencement of Stage One, it will be an offence under the *Summary Offences Act 1966* to engage in or loiter for sex work at or near the following locations during the period from 6 AM to 7 PM:

- school premises
- education or care service premises
- children's services premises
- places of worship.¹

It will also be an offence to engage in street-based sex work at or near places of worship at any time on prescribed days of religious significance. The prescribing of a day will extend the application of the offence to the whole day for relevant places of worship. If a day is not prescribed, the offence would only apply during the period from 6 AM to 7 PM.

Regulations under the *Summary Offences Act 1966* are being developed to prescribe these days.

This document sets out the proposed new Summary Offences Regulations to implement the Sex Work Decriminalisation Bill 2021 (once passed).

¹ Refer to section 28 of the Sex Work Decriminalisation Bill 2021, which inserts new Division 3A of Part I into the *Summary Offences Act 1966*, for the specifics of this offence.



Proposed Regulations

Purpose of regulations

Regulations are proposed to prescribe days of religious importance where sex work will not be permitted to be offered or solicited at or near relevant places of worship at any time on that day.

This recognises that on certain significant days, places of worship may be used for religious observance outside of ordinary hours.

The current offence time window, between 6 AM and 7 PM, will apply on all other days, including days of the week when regular services are held.

Scope of regulations

It is not intended that days of the week when regular services are held will be prescribed (e.g. Fridays, Sundays).

It is not intended that the offence apply to venues temporarily occupied for religious worship, such as a hall or convention centre, on prescribed days. As such, religions that do not currently have any permanent places of worship in Victoria will not have any days prescribed.

To ensure that the regulations are not unnecessarily restrictive, the offence for engaging in street-based sex work at or near a place of worship on each prescribed day will be limited to places of worship that observe that day.

For relevant religions, the holy days should:

- be generally observed by all members of the religion,
- involve higher than usual attendance at that religion's places of worship,
- be significant within the context of the religion's calendar, and
- involve religious activities at the religion's place of worship outside the hours of 6 AM and 7 PM (i.e. late at night).

Days where a religious date is disputed within the faith cannot not be included as a prescribed holy day. This is because a court, police officer or potential sex worker/client could not reasonably rely on a dictionary definition to understand the offence's application.