



Photograph by Zoshua Colah.

Proposition Ruby

Reformation proposal of:

Sex Industry Offences Act 2005

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The Existing Act

Sex Industry Offences Act 2005

An Act to impose certain restrictions on the operation of sexual services businesses in order to protect children and sex workers from exploitation in the sex industry, to safeguard public health, to amend the [Criminal Code Act 1924](#) , the [Evidence \(Children and Special Witnesses\) Act 2001](#) , the [Justices Act 1959](#) and the [Police Offences Act 1935](#) and for related purposes

Available at:

<https://www.legislation.tas.gov.au/view/whole/html/inforce/current/act-2005-042>

Review of Act

The act itself has not significantly been reviewed since 2005. It has been a subsequent 21 years and with changing times Tasmania must start to begin to respect our sex workers more and look to open legal institutions from which they can participate from.

A note to the sitting MP's of Tasmania's parliament

Whilst there are many Acts and responsibilities of the Tasmanian parliament it has come to my attention that the Sex Industry offences Act 2005 is antiquated and in need of review. I have taken some time to highlight the issues and suggest amendments to the Act and renamed it the Sex Industry Act 2026. I would like you to consider the Amendments strongly and encourage the progressive members of parliament to both promote this act, or similar, in the protections of sex workers, their rights and the establishments they may one day work for.

Social Dilemma

Society at large has changed expansively since 2005 with the Tasmanian parliament and Tasmanian social demographics lagging behind the rest of the Australian Nation and also the rest of the world in regards to sexual workers safety, welfare and rights.

This dilemma arises from pushing a lot of work 'underground' and creating situations where individual workers may get exploited or even if they're not exploited they're not receiving proper work rights such as superannuation, insurances and health checks.

It's made a legitimate industry shunned and that negative social connotation flows on to the workers themselves when there is no need for their professions to be shunned, shamed or exploited.

There is no basis in religion, tradition or even common law to make illegal a legitimate industry. It is a civil law introduced in 2005 and I implore the sitting members of parliament in Tasmania to reform the act to better protect individuals and promote safe business spaces within which to practice.

The Role of Business Institutions in the Sex Industry

Business institutions, no matter their industry, must respect the law of the nation and enforce workers rights such as superannuation and insurances. In the case of Business Institutions in the sexual services, often called Brothels, the Brothel works to protect the workers security, health, privacy and provide temporary accommodation for services.

The Brothel provides safety for Tasmanian sex workers who seek to work in this industry. It does not detract from independent workers who seek to work from home or hotels.

Business Institutes also ensure proper tax is paid on commercial transactions.

Superannuation

Sole Traders, independents, often fail to pay themselves adequate superannuation resulting in lacklustre retirement programs for themselves. All workers in a business institute would have adequate superannuation benefits.

Security

It can be dangerous for an independent and having an institution with security guards provides ongoing safety for the employees.

Health

Sex work comes with a range of health risks and all employees of a business in the profession for licensing requirements are required to undergo standard health checks regularly.

Privacy

Women may or may not be open about their profession due to historical reasons. And for the sex worker who works within a Brothel there are privacy protections that can protect them from relatives or friends finding out about their profession.

Insurances

Public liability, health, temporary/permanent disability and life insurances incorporated in work places and superannuation will be enacted for the workers.

Licensing

Licensing is a requirement as the businesses must be audited regularly to ensure compliance with health and security standards. Licensing should be expensive enough to know the institution is serious about the integrity of their standards but cheap enough that its not a barrier to entry. \$1000/month would be a reasonable cost for a licence. Having monthly allows new entrants to experiment and see if the institutional model would work for them or not. It allows revenue to pay for a inspector to investigate license adherence.

Proposition Ruby

To reform the Sex Industry Offences Act 2005 to improve the standards of sex workers and introduce support for businesses to operate in the industry.

Suggested Draft Amendments

To be refined by a policy officer with the intent of the written amendments hereafter to remain the same. With the intent being the legalisation of licensable business facilities for sex work with extra rights and protections for sex workers.

Sex Industry Reformation Act 2026

An Act to impose certain restrictions on the operation of sexual services businesses in order to protect children and sex workers from exploitation in the sex industry, to safeguard public health, to amend the Sex Industry Offences Act 2005.

[Royal Assent]

Be it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:

PART 1 - Preliminary

1. Short title

This Act may be cited as the Sex Industry Reformation Act 2026

2. Commencement

This Act commences on a day to be proclaimed.

3. Interpretation

(1) In this Act, unless the contrary intention appears –

child means a person under the age of 18 years;

commercial operator means –

(a) a person who is not a self-employed sex worker and who, whether alone or with another person, operates, owns, manages or is in day-to-day control of a sexual services business; and

(b) if the person referred to in [paragraph \(a\)](#) is a corporation or a body corporate, a director, within the meaning of the Corporations Act, of that corporation or body corporate;

commercial sexual services business means a sexual services business operated or managed by a commercial operator;

prophylactic means a condom or other device used to prevent the transmission of a sexually transmissible infection;

self-employed sex worker means –

- (a) a sex worker who solely owns and operates a sexual services business; or
- (b) a sex worker who, together with no more than one other sex worker, neither of whom employs or manages the other, owns and operates a sexual services business;

sex worker means a person who provides sexual services in a sexual services business;

sexual intercourse means sexual intercourse as defined as the act of inserting a penis into a vagina;

sexual services means –

- (a) an act of sexual intercourse; or
- (b) any activity where there is any form of direct physical contact between 2 or more persons for the purpose of the sexual gratification of one or more of those persons including, without limitation, the masturbation of one person by another; oral sexual simulation; anal sexual simulation or other means of simulating sexual intercourse.

sexual services business means a business providing sexual services for fee or reward;

sexually transmissible infection means an infection that is transmitted through sexual contact between people, including the following:

- (a) syphilis;
- (b) gonorrhoea;
- (c) chlamydia;
- (d) human immunodeficiency virus;
- (e) hepatitis;
- (f) any other prescribed infection.

(2) For the purpose of the definition of “commercial operator” in [subsection \(1\)](#) , a reference to a commercial operator is a reference to –

(a) a person who determines any one or more of the following:

- (i) when or where a sex worker will work;
- (ii) the conditions in which a sex worker will work;
- (iii) the amount of money, or proportion of an amount of money, that a sex worker will receive as payment for sexual services; or

(b) a person who employs, supervises or is in day-to-day control of any person referred to in [paragraph \(a\)](#) .

PART 2 - The Operation of a Sexual Services Business

4. Persons to be commercial operators of sexual services businesses

A person may be a commercial operator of a sexual services business.

Such a person must have qualifications in Business and must hold an appropriate Sex Business License in the state of Tasmania as supplied by Business Tasmania.

5. Persons not to receive commercial sexual services

(1) In this section –

commercial sexual services means sexual services provided by a sex worker in a commercial sexual services business.

(2) A person must not knowingly receive commercial sexual services if they are under the age of 18.

Penalty: Fine not exceeding 100 penalty units or imprisonment for a term not exceeding one year, or both.

6. Prosecution witnesses not required to disclose sources of information

A person who is giving evidence for the prosecution in any proceedings for an offence against this Act is not required to disclose –

- (a) that he or she has received any information; or
- (b) the nature of any information that he or she has received; or
- (c) the name of a person from whom the witness has received any information.

7. Offences against sex workers

(1) A person must not –

- (a) intimidate, assault or threaten to assault a sex worker; or
- (b) supply or offer to supply a prohibited plant, prohibited substance, narcotic substance or restricted substance, as defined in the [Poisons Act 1971](#) , to a sex worker; or
- (c) supply or offer to supply a controlled substance, as defined in the [Misuse of Drugs Act 2001](#) , to a sex worker; or
- (d) administer to a sex worker, or cause a sex worker to take, any drug or other substance with the intent to stupefy or overpower that sex worker.

Penalty: Fine not exceeding 500 penalty units or imprisonment for a term not exceeding 5 years, or both.

8. Soliciting and accosting

(1) A person must not, for the purpose of offering or procuring sexual services in a sexual services business, accost any person, or solicit or loiter, in a public place.

Penalty: Fine not exceeding 20 penalty units.

(2) A person must not, for the purpose of offering or procuring sexual services in a sexual services business, accost a child.

Penalty: Fine not exceeding 300 penalty units or imprisonment for a term not exceeding 3 years, or both.

9. No participation of children

(1) A person must not procure, or otherwise cause or permit, a child to provide sexual services in a sexual services business.

Penalty: Imprisonment for a term not exceeding 15 years.

(2) A person must not receive a fee or reward that he or she knows, or must reasonably be expected to know, is derived, directly or indirectly, from sexual services provided by a child in a sexual services business.

Penalty: Imprisonment for a term not exceeding 15 years.

(3) [Subsection \(2\)](#) does not apply to a fee or reward received in the ordinary course of a business that is not a sexual services business.

(4) In a proceeding for an offence against [subsection \(1\)](#), it is a defence to the charge for the accused to prove that, having taken all reasonable steps to find out the age of the person concerned, the accused believed on reasonable grounds, at the time the offence is alleged to have been committed, that the person concerned was of or over the age of 18 years.

10. Extra-territorial application of offences

Relevant state or national laws apply in the application of offences interstate. Any federal offence is punishable in the State of Tasmania.

11. No Children on premises

(1) A self-employed sex worker must not, without reasonable excuse, proof of which lies on that sex worker, permit a child to be on any premises used by the self-employed sex worker while sexual services are being provided on those premises.

Penalty: Fine not exceeding 20 penalty units.

(2) A person must not, without reasonable excuse, proof of which lies on that person, permit a child to be on any premises used by that person while he or she is receiving sexual services from a self-employed sex worker.

Penalty: Fine not exceeding 20 penalty units.

12. Sex workers and clients to adopt safe sex practices

(1) A person must not, in a sexual services business, provide or receive any sexual services that involve sexual intercourse, or any other activity with a similar or greater risk of acquiring or transmitting a sexually transmissible infection, unless a prophylactic is used.

Penalty: Fine not exceeding 500 penalty units.

(2) A person, while providing or receiving, in a sexual services business, sexual services that involve sexual intercourse, or any other activity with a similar or greater risk of acquiring or transmitting a sexually transmissible infection, must not –

(a) discourage the use of prophylactics; or

(b) misuse, damage or interfere with the efficacy of any prophylactic used; or

(c) continue to use a prophylactic that he or she knows, or could reasonably be expected to know, is damaged.

Penalty: Fine not exceeding 500 penalty units.

(3) A person who provides or receives sexual services in a sexual services business must take all reasonable steps to minimise the risk of acquiring or transmitting a sexually transmissible infection.

Penalty: Fine not exceeding 500 penalty units.

(4) If both parties can procure legitimate healthy non-diseased sexual health test results they may participate in sex without prophylactics.

13. Licensing

A business institution must pay the State Revenue Office a licensing fee each month paid in advance.

- (1) State Revenue Office responsible for receiving funds
- (2) State of Tasmania responsible for sending a preliminary officer to inspect premises, inspect processes, ensure reasonable business practices and security are in place prior to commencement of operation
- (3) Regular and intermittent inspections to take place
- (4) Workers to submit their monthly or fortnightly health STI checks to their institution
- (5) Institutions must provide health checks of each worker at request of their inspecting officer
- (6) It is a criminal offence to bribe the inspecting officer; Fine not exceeding 200 penalty units, up to and including 8 years imprisonment for the business operator

14. Marketing and Advertising

A business may use their own website or an intermediary website to advertise their business and their workers.

- (1) The workers right to privacy
 - if a worker doesn't want to be identified in advertising or not even participate in advertising that is their right
- (2) Consent must be gained from the worker to advertise them
- (3) Businesses do not have a right to divulge the real identities of their workers without their permission
- (4) Violating these standards can result in: A Fine of \$50,000 payable to the victim and an imprisonment term of 2 years per victim.

15. Rights

All workers in a brothel have the same rights, not all workers will be sex workers and all will be covered under standard worker rights as per Australia's national framework. Extra protections for sex workers:

- (1) The business must ensure each sex worker is covered under public liability whilst working on their premises
- (2) The business must ensure at least one security guard is present on site at all operating hours, it is a right of the sex workers to be protected
- (3) Right to whistleblowing protections for all employees

(4) Right to Holidays and Holiday Pay if on an Annual Income/Wage

16. Premises allowed to be used for sexual services businesses

The following Zones may be used for sexual services businesses:

- (1) Local Business
- (2) General Business
- (3) Central Business
- (4) Commercial
- (5) Urban Mixed Use
- (6) Village
- (7) Particular Purpose

17. Business Barring of sex workers

A sex worker may be barred from the premise at which they work by their employer if the business can prove they are violating the standard processes of that business and those violations risk the loss of the businesses license to operate.

A sex worker has the right to challenge being barred through mediation or law if it is unfair or unjust.

PART 3 - Powers of police officers

18. Power to arrest without warrant

- (1) A police officer may arrest, without warrant, a person who the police officer reasonably believes is committing, has committed or is likely to commit an offence against any section of the act.
- (2) If a police officer has reasonable grounds for believing that a person is committing, has committed or is likely to commit an offence under this Act, the police officer may require that person to give his or her full name, address and date of birth.
- (3) If a police officer has requested a person under [subsection \(2\)](#) to give the person's full name, address and date of birth, the police officer may arrest, without warrant, that person if –
 - (a) that person refuses to give his or her full name, address or date of birth; or
 - (b) the police officer reasonably believes that any name, address or date of birth given by that person is false or incomplete.
- (4) The powers conferred by this section are in addition to the powers of a police officer under the common law.

19. Hindering or obstructing police officers

A person must not hinder or obstruct a police officer acting in the exercise of powers conferred by this Act.

Penalty: In the case of –

- (a) a first offence, a fine not exceeding 25 penalty units; and
- (b) a second or subsequent offence, a fine not exceeding 50 penalty units.

20. Entry by police officers

(1) A police officer of any rank may enter premises without warrant if he or she believes on reasonable grounds that –

(a) an offence against [section 5](#) , [7](#) , [8](#), [9](#) or [11](#) has been, is being or is likely to be committed on the premises; and

(b) it is necessary to enter on the premises for the purpose of preventing the commission or repetition of that offence, investigating that offence or apprehending an offender.

(2) For the purposes of [subsection \(1\)\(b\)](#) , investigating an offence includes –

- (a) searching premises; and
- (b) photographing premises; and
- (c) visually recording premises; and
- (d) seizing evidence.

(3) A police officer of any rank may use reasonable force if necessary to enter on premises under [subsection \(1\)](#) and may obtain any assistance that is reasonable and necessary in the circumstances.

(4) The powers conferred by this section may be exercised by a police officer below the rank of sergeant if it is necessary to do so in order to prevent the imminent commission of an offence against [section 4](#) , [7](#) , [8\(2\)](#) or [9](#) .

(5) As soon as practicable after a police officer below the rank of sergeant exercises a power conferred by this section, he or she must notify a police officer of the rank of sergeant or above of the exercise of that power.

21. Revocation of orders to cease operating commercial sexual services businesses

(1) A business on whom an order is served under any section of the act may apply to a magistrate for a revocation of the order through civil court proceedings

22. Review of Act

A review into the provisions of this Act including an investigation of the effectiveness of its mechanisms will be conducted by the Minister and tabled in Parliament within 3 years after the commencement of the Act.

23. Regulations

The Governor may make regulations for the purposes of this Act.

24. Administration of Act

Until provision is made in respect of this Act by order under [section 4 of the Administrative Arrangements Act 1990](#) –

- (a) the administration of this Act is assigned to the Minister for Justice and Industrial Relations; and
- (b) the department responsible to that Minister in respect of the administration of this Act is the Department of Justice.

Part 4 - Business Operations

25. Standard Operating Procedures

Businesses must have standard operating procedures in relation to accounting, legal adherence and security.

- (1) Accounting; standard account practices apply
- (2) Legal; must adhere to all relevant Acts including the Sex Industry Act 2026 and any workers rights acts
- (3) Security; at all active hours of operation a business in the sex industry for sex workers must have a security guard present and a way for the sex worker to easily call for help if the need arises
- (4) Security; if a customer hurts, damages or maims a worker in a sex worker business or the business premises the security staff and other staff may detain them until police arrive
- (5) Security' the establishment is encouraged to have CCTV however the records of the CCTV must be kept private and only made available in the instances of investigations to investigating police officers

26. Refusal of Service

Refusal of service is a right both for the business and for the sex worker

- (1) The business may refuse service due to a clients past abusive behaviour, or if the customer is too drunk, if the customer is a fugitive or has taken criminal action in their establishment before
- (2) A sex worker may refuse service to a customer for any reason

Withdrawal of consent

(3) A sex worker may withdraw her/his consent part way through a session but the client must be offered a replacement sex worker for their paid time or a refund. No part payment must be made.

27. Privacy

Within the rooms of sexual service the customers and the sex worker/s can both expect privacy without their experience being filmed, streamed or shared.

Sex workers may use an alias for their name whilst working.

28. Attacks on Sex Workers

The planned sexual infection of a sex worker will result in a court ordered fine payable from the client to the worker as well as 5 years or more in jail.

Assaults on sex workers such as:

- (1) Beating/Bashing/Punching
- (2) Strangling
- (3) Cutting
- (4) Slashing
- (5) Raping

Will result in redirection of the client to police for punishment with respective jail time for that offence at two fold the normal jurisdictions level of punishment.