

Massage & sex work

SWOP: *Legal Facts Sheet*

No. 2: *Legal information for massage work*

1. When is a massage business defined as a 'brothel'?

Any premises that provides a sexual service is legally considered to be a brothel. The law is clear that—even if it advertises and/or pretends to be a massage service, sauna bath, steam bath, photo studio, facility for physical exercise, or health studio—if the business provides a sexual service, it is legally considered a brothel.

2. When is a massage worker providing a sexual service?

If a massage worker provides body slides, hand relief, oral sex, or sexual intercourse the courts say they are providing a sexual service. Nude massage and other services can also be defined as a sexual service by the police, council workers and courts.

DO NOT FORGET: Under the NSW definition of a brothel, massage premises, where body slides, hand relief, oral sex or full sex services are available, will be treated as a brothel by the local council. If they do not have approval to operate as sex services premises, the premises may be investigated and closed.

3. What control do councils have over massage businesses?

Massage services have to comply with local council regulations. Operators may need to lodge a development application (DA) with local council to seek permission to run the business

Councils make a distinction between therapeutic massage and sexual services. Massage services with development consent usually find that the conditions state prostitution or sexual services are not to be provided.

Councils can take action to close down massage businesses that do not have council approval or are acting outside approval—such as providing sexual services in breach of DA conditions.

For more information on your legal rights and responsibilities, grab a copy of SWOP's Sex Industry Legal Kit (currently available only in English).

You can download a copy from:
swop.org.au OR
phone (02) 9206 2166 | 1800 622 902 (free call)
and speak to a SWOP staff member.

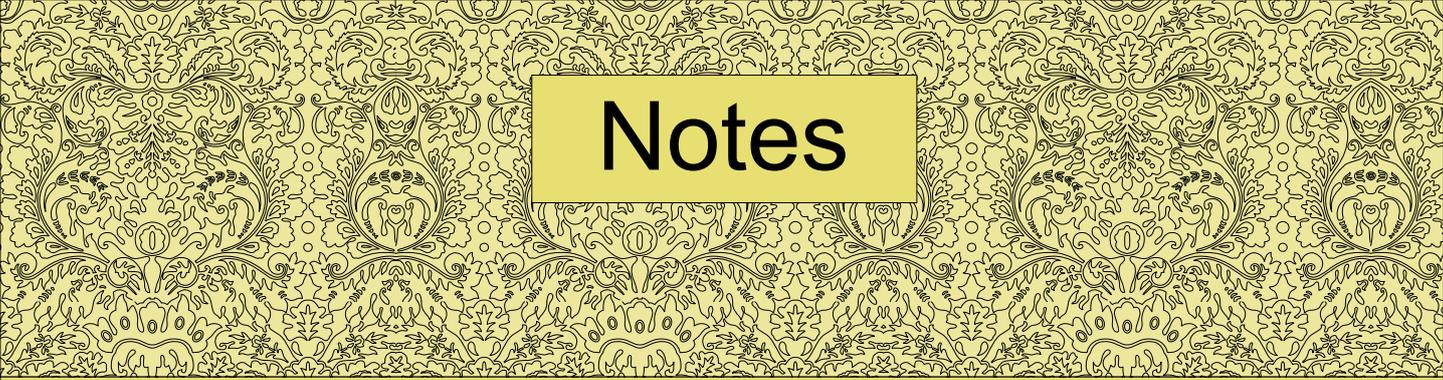


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Notes

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