

# Incalls

**As of December 1 2023, all changes to the sex industry introduced by the Sex Work Decriminalisation Act 2022 will be in effect. This includes the removal of most criminal offences attached to sex work, including incalls. This resource includes general information about incalls and should not be interpreted as legal advice.**

## What is an incall?

An incall is when you see a client in your home, or at a hotel room, Airbnb, or other accommodation booked under your name. This is as opposed to an outcall - when you visit a client in their home or at accommodation the client has organised themselves.

Incalls allow sex workers to work from home, or other accommodation they have organised, as many other workers from other industries do.

## What was the previous legislation?

Under the Sex Work Act 1994, it was a criminal offence to provide incall services as a sex worker. The provision of incall services was effectively treated as running an illegal brothel.

The passing of the Sex Work Decriminalisation Act 2022 initiated the repeal of the Sex Work Act 1994 and sought to recognise sex work as work, and treat sex work the same as other Victorian industries.

## WORKING FROM HOME

### Do I need a license or permit?

No. You don't need a specific *license* to provide sexual services from home (as the old sex work licensing system has been abolished), however sex workers wanting to work from home will have to comply with their local councils 'home-based business' requirements, which on occasion require a permit.

### What is a home-based business?

Many small businesses, sole traders, and start-ups operate from home. If you use your home as your base for work, or a space where you see clients, or where you provide other services such as online content creation, this is a home-based business.

### What are council home-based business regulations?

Different councils have different requirements for home-based businesses, found at clause 52.11 of each local planning scheme. If you can't find the relevant information, you can get in touch with us for help.

Generally, the requirements for home-based businesses that might be relevant to sex workers include;

- That the residence you're working from is where you currently live,
- How many people who don't live with you can work at your home (usually up to 2),
- Prohibiting impact on the amenity of neighbourhood (i.e. excess noise, availability of parking, etc),
- Floor space used by your business must be less than 1/3 of your home's total floor space,
- Use of utilities (such as power and water) cannot exceed domestic use,
- Prohibiting use of your home for the selling, and collection, of goods.

### So, do I need a council permit to provide incall services?

If you meet the requirements set out in your local council's planning scheme, you do not need a permit to operate a home-based business i.e. provide incalls.

If your home-based business does not meet these requirements, you can apply for a permit with your local council.

### What if I am providing BDSM services?

Usually you won't need a permit, but under the Public Health and Wellbeing Act 2008, you must register with your local council if you are conducting a home-based business that involves skin penetration (as well as other services such as hairdressing, personal care, and beauty therapies). If you are a sex worker who provides services that involve possible skin penetration, you should consult the Department of Health [Infection prevention and control guidelines for hair, beauty, tattooing and skin penetration industries.](#)

There will be initial eligibility criteria you will have to satisfy to gain registration, as well as ongoing requirements in relation to cleanliness, inspection of premises, and general safeguarding regarding the health of clients.

### Do I need Insurance?

That's up to you. Many sole traders and business owners decide to take out insurance depending on their business' needs. Some independent sex workers choose to take out Individual Liability Cover in case of claims taken out against them by clients or third parties for injury or property damage.

Historically, many insurance policies explicitly excluded people working in the sex industry so make sure to read the terms and conditions of any policy you are considering taking out. If you think an insurance company is being discriminatory and you would like help following this up, please get in touch.

## WORKING FROM HOME

### I'm living in a rental, will this impact my tenancy?

Some landlords and body corporate/strata organisations prohibit home-based businesses. This information can be found in the tenancy agreement or strata rules. They cannot discriminate against sex work home-based businesses if other types of home-based businesses are permitted. Unless specified in your tenancy agreement or strata rules, you do not have to disclose your sex work to your landlord or body corporate/strata organisation.

It's not necessarily advisable to disclose your work to your landlord or body corporate/strata organisation due to the stigma and discrimination that sex workers experience. However, it is important to know that providing incalls without their knowledge *might* violate your rental agreement and risk your tenancy.

### What about if I live in a share house?

If you live in a share house, most housemates would probably expect you to have a conversation with them before you begin providing incalls from home, and to consider their thoughts and feelings towards this. As outlined previously, you might be risking your tenancy if you work from home without your landlord's knowledge, so it is important to consult all other tenants who might be impacted by your decision to provide incalls from home.

### Can I work with other workers?

Yes. Your local council's planning scheme will outline how many people who *don't live at your home* can work there with you. For most councils this will be 2 other workers. You will be able to work from home with more than 2 workers if some of them live with you.

## WORKING FROM HOTELS

### Can a hotel kick me out for providing incalls?

No, this is discrimination and is illegal (unless the hotel has a policy that bans *all* work from the premises, or *all* visitors etc).

### What about accommodation platforms (such as Airbnb)?

Similarly to hotels, all other accommodation providers and platforms in Victoria need to comply with anti-discrimination laws, and cannot kick you out specifically for providing incalls, unless they ban all work from the premises. A host may have policies prohibiting visitors, which they might kick you out for violating.

Some accommodation platforms are known to cancel sex worker's accounts despite this being a discriminatory practice. It is a good idea to review the policies of the platform if using the accommodation for work.

As accommodation platforms may cancel sex worker's accounts on the basis of them being a sex worker, it is not advisable to disclose sex work, even though cancelling your account would be considered illegal discrimination if it occurred in Victoria.

## DISCRIMINATION

Changes have been made to the Victorian Equal Opportunity Act 2010, including the addition of 'professional, trade, or occupation,' as a protected attribute. This means someone cannot be discriminated against in an area of public life on the basis of their work e.g. being a sex worker.

Furthermore, it is illegal to discriminate against someone due to their engagement in lawful sexual activity, including sex work.

If you experience discrimination due to your sex work, you are able to follow this up with the Victorian Equal Opportunity and Human Rights Commission (VEOHRC). We can support you in this process by either providing you information and support, or through advocacy throughout your dispute resolution process.

You can find more information in our [Discrimination resource](#), or through the Victorian Equal Opportunity and Human Rights Commission's [Sex Work Discrimination Guideline](#).

If you would like support with discrimination you have experienced please get in touch at [sexworker@sexworker.org.au](mailto:sexworker@sexworker.org.au) or by texting **0400 674 217** or calling **1800 458 752**.

## FURTHER RESOURCES

[Business Victoria – Start a home-based business](#)

[Australian Business Licence and Information Service – Home-based business requirements: Victoria](#)

[Department of Transport and Planning – Decriminalisation of Sex work In Victoria](#)

[Worksafe – Sex work](#)

[Department of Health – STI and BBV prevention of the sex industry](#)