

SEPARATION OF HEALTH CARE SERVICES AND ADULT SEXUAL SERVICES POLICY

Preamble

Massage & Myotherapy Australia Ltd recognises the decriminalisation of sex work in some Australian States and Territories when provided in accordance with the relevant laws of that jurisdiction. The Association also recognises that a person's lawful profession, trade or occupation should not, of itself, be a basis for exclusion, discrimination, disciplinary action, or adverse treatment.

This policy is therefore not directed at prohibiting, judging, or discriminating against members who lawfully provide adult sexual services. A member's lawful involvement in sex work, by itself, is not the concern of this policy.

This Policy also serves as a context for the National Ethics Committee and Board of Directors as a platform where they can make an informed review in relation to any matters that arise in relation to the separation of health care services and adult sexual services.

The purpose of this policy is to ensure that health care services and sex work remain completely separate in their presentation, operation and public perception. There must be no actual, implied or perceived association between therapeutic health care and sex work. Health care consumers are entitled to absolute confidence that the therapeutic services they receive are provided independently of, and are not connected with, sex work in any way that could reasonably give rise to confusion, misunderstanding or concern.

Health care patients/clients are entitled to attend a health care service with confidence that the service is therapeutic, professional, clearly identified, and separate from any non-health care service.

This policy seeks to balance two important principles:

1. **Non-discrimination** - members are not to be treated adversely merely because they lawfully provide sex work in addition, but exclusively separate to providing health care such as massage therapy, remedial massage therapy and myotherapy; and
2. **Public protection** - health care consumers must not be exposed to foreseeable risks of mistaken identification, reputational harm, impaired consent, privacy breach, professional boundary confusion, or misunderstanding about the nature of the service being provided.

This policy is intended to operate consistently with applicable Commonwealth, State and Territory laws, including anti-discrimination, privacy, consumer protection and health complaints legislation. It is also broadly aligned with expectations of Australian health services regulators, including Australian Health Practitioner Regulation Agency (AHPRA) and relevant State-based health care complaints entities such as Health Care Complaints Commissioners or Health Ombudsman.

Accordingly, the purpose of this Policy is to maintain a clear separation between health care and sex work to protect the integrity of the profession and public confidence. It does not regulate the lawful private or occupational activities of members outside the provision of health care.

2. Purpose

The purpose of this policy is to:

- protect health care patients/clients from confusion between health care services and sex work;
- maintain clear professional boundaries in all health care settings;
- protect client privacy, dignity, reputation and informed consent;
- ensure that members do not advertise, administer, provide, or present health care services in a way that may reasonably be confused with sex work;
- support public confidence in the Association, its members, and the health care they provide;
- avoid discrimination against members who lawfully provide sex work outside the health care context.

3. Scope

This policy applies to all members of the Association who provide health care to the public.

This policy applies only to the member's conduct in relation to the provision, presentation, administration, advertising, or operation of health care services.

4. Definitions

For the purposes of this policy:

Health care means any therapeutic, clinical, remedial massage therapy, wellness, bodywork, manual therapy, massage, myotherapy, health support, or related service provided to a member of the public in a professional health care context.

Sex work (adult sexual service) means lawful services of a sexual nature provided by adults in accordance with the laws of the relevant Australian State or Territory.

Patient/Client means a person seeking or receiving a health care service from a member.

Separate means physically, administratively, professionally, visually, commercially, and operationally distinct, so that a reasonable person would not confuse the health care service with sex work.

Reasonable person test means the perspective of an ordinary member of the public, without specialised knowledge, assessing whether the nature of the service, setting or arrangement could cause confusion, misunderstanding, or concern.

Premises means the location, address, rooms, clinic, residence, suite, building, or other place from which services are provided.

5. Fundamental Principle

Massage therapy, remedial massage therapy and myotherapy are recognised health care professions. Sex work is a separate lawful industry. Regardless of the legality of sex work, there must be no conflation between health care and sex work. Members must ensure that the two remain entirely separate in operation, presentation, marketing and public perception. Any arrangement that creates, or is reasonably capable of creating, an actual or implied or perceived association between health care and sex work is inconsistent with this policy.

6. Policy Statement

The Association does not discriminate against a member on the basis that the member lawfully provides sex work.

Members have a positive obligation to ensure that health care remains entirely separate from sex work. The separation must be sufficient to ensure that a reasonable member of the public could not conclude that the two services are associated, connected, integrated or capable of being accessed through one another.

A member must ensure that the provision of health care is clearly separated from any sex work and must not conduct either in a manner that creates a foreseeable risk, assessed using the reasonable person test, of:

- confusion between therapeutic health care and sex work;
- a health care patient/client being mistaken for a sex work client;
- reputational harm to a health patient/client;
- impaired or uninformed consent;
- breach of privacy or confidentiality;
- professional boundary confusion;
- damage to public confidence in health care or the profession.

7. Separation of Services

The purpose of these separation requirements is not merely administrative. They exist to ensure there is no actual or perceived overlap between therapeutic health care and sex work and that the professional identity of massage therapy, remedial massage therapy and myotherapy remains distinct. A member who provides both health care and lawful sex work must maintain clear separation between those services.

This includes, where relevant, separation of:

- premises or practice locations;
- booking systems;
- telephone numbers;
- email addresses;
- websites and social media accounts;

- advertising and promotional material;
- business names and branding;
- invoices, receipts and payment systems;
- patient/client records and privacy systems;

The Association starts from the position that health care and sex work must operate from separate premises. Where any form of co-location exists, as outlined in Item 8, the member bears the responsibility of demonstrating that there is no reasonable possibility that members of the public could perceive an association between the two services. If that standard cannot be met, the arrangement is not acceptable.

There must be no reasonable perception that health care and sex work are connected.

8. Shared Address or Premises

The Association considers separate premises to be the expected standard. Where co-location exists, the member bears the onus of demonstrating that no reasonable person could perceive any association between the health care service and the sex work service. If that standard cannot be demonstrated, the arrangement is inconsistent with this policy.

Where health care and sex work are provided from the same address, premises, residence, or building, the member must assess whether this creates a foreseeable risk to health care patients/clients using the reasonable person test.

The use of separate rooms alone is not sufficient if the services share the same address, entrance, hallway, waiting area, signage, booking process, public advertising, or patient/client pathway.

Examples:

Acceptable arrangements include separate businesses within a multi-tenancy commercial building, where entrances, signage, branding and patient/client pathways are clearly distinct.

Unacceptable arrangements include shared reception areas, shared branding, or environments where a patient/client could reasonably be mistaken for a sex work client or be uncertain about the nature of the service.

A member must not provide health care from the same location as sex work where the arrangement creates a reasonable risk that:

a health care patient/client may be:

- mistaken for a sex work client;
- embarrassed or reputationally harmed;
- uncertain about the nature of the service being provided;
- exposed to unwanted contact with sex work clients;
- placed in a situation that may affect their willingness to attend or consent to treatment.
- discouraged from accessing healthcare services.

a sex work client may be:

- mistaken for a health care patient/client;
- embarrassed or reputationally harmed;
- uncertain about the nature of the service being provided;
- exposed to unwanted contact with healthcare patients/clients;
- placed in a situation that may affect their privacy, dignity or willingness to access services; or
- discouraged from accessing lawful services.

9. Disclosure to Health Care Clients

The primary obligation of a member is to ensure that health care services are organised and presented so that there is no actual, implied or perceived association with sex work.

Disclosure to a patient/client does not remedy an arrangement that is otherwise inconsistent with this policy. A member must not rely on disclosure as a substitute for maintaining appropriate physical, operational, administrative and professional separation between health care and sex work.

Where a member chooses to disclose information about the operation of another lawful business, the disclosure must be limited to factual information necessary for the patient's/client's informed decision-making, must be respectful and non-graphic, and must not imply that the health care service is connected with, endorsed by, or forms part of the sex work business.

Nothing in this section permits a member to operate health care services in a manner that creates, or is reasonably capable of creating, an actual, implied or perceived association between health care and sex work.

9. Advertising and Public Representation

Members must ensure that advertising for health care is clearly distinct from advertising for sex work.

Health care advertising must not:

- use sexualised language, imagery, or implication;
- suggest that health treatment includes sexual contact;
- use terminology that may blur the distinction between therapeutic touch and sex work;
- link directly to sex work advertising;
- use the same website, social media profile, phone number, booking platform, payment system, or business name as sex work.

Sex work advertising must not use the member's health care qualifications, professional memberships, health credentials, or clinical status in a way that may imply Association endorsement or blur the distinction between health care and sex work.

Under no circumstances may a member represent, market or imply that massage therapy, remedial massage therapy or myotherapy forms part of, complements, facilitates or is associated with sex work.

10. Professional Boundaries

A member must maintain clear professional boundaries with all health care patients/clients.

A member must not:

- offer, suggest, imply, or provide sex work to a health care patient/client in the context of health care;
- transition a health care patient/client into a sex work client through the health care relationship;
- transition from a health care provider to a sex work provider through the health care relationship;
- A practitioner must not provide health care to a person to whom they provide sex work, or provide sex work to a person who is their health care patient/client. Where an existing health care patient/client seeks sex work, or an existing sex work client seeks health care, the practitioner must decline the request and refer the person to another appropriate health care practitioner or sex worker.
- use health care records, intake forms, clinical conversations, or treatment interactions to promote sex work;
- engage in sexualised conduct, comments, grooming behaviour, or inappropriate personal disclosure during a health care service;
- allow a health care patient/client to reasonably believe that sexual contact is part of, or available through, the health care service.
- create or permit any impression that therapeutic treatment may lead to, include, or facilitate sex work.

11. Privacy, Confidentiality and Reputation

Members must take reasonable steps to protect the privacy, dignity and reputation of health care patients/clients.

A member must not identify, imply or represent a health care patient/client as being associated with sex work, unless required by law or with the patient's/client's explicit informed consent.

Members must ensure that health care records are kept separately from any records relating to sex work.

Invoices, receipts, appointment reminders, signage, business names and communications must not expose a health care patient/client to a reasonable risk of being mistaken for a client of a sex work business.

12. Informed Consent

A health care patient's/client's consent must be informed, voluntary and specific to the health care being provided.

Where the service environment, premises arrangement, or dual use of a location may reasonably affect the patient's/client's willingness to attend or receive treatment, this must be disclosed where required under section 9 before the appointment.

A patient/client must be able to decline to attend without penalty if they are uncomfortable with the arrangement.

13. Member Responsibilities

Members are responsible for ensuring that:

- their health care services are clearly distinguishable from any sex work services;
- health care patients/clients are not exposed to avoidable confusion, embarrassment, reputational harm, or privacy risk;
- all advertising is accurate and non-misleading;
- records and booking systems are separate and secure;
- patient/client consent is informed;
- professional boundaries are maintained at all times;
- any dual-service arrangement complies with relevant State, Territory, Commonwealth, local council, planning, privacy, consumer and health complaints laws and regulatory expectations.

14. Non-Discrimination

This policy must not be used to discriminate against, exclude, shame, penalise, or otherwise treat a member adversely merely because the member lawfully provides sex work.

The Association concern is limited to circumstances where the member's sex work services are connected to, co-located with, advertised with, administered with, or otherwise presented in a way that creates a risk to health care patients/clients, public confidence, professional boundaries, informed consent, privacy, dignity, or reputation.

A member who lawfully provides sex work separately from health care services, and who maintains appropriate separation, must not be subject to disciplinary action solely on that basis.

15. Compliance and Review

To comply with this policy, members must be fully aware of their obligations to patients/clients as set out in the Association's Code of Ethics and Standards of Practice, including, but not limited to, Clauses 5.3, 8(a)(iv) and 8(a)(x).

Where the Association becomes aware of a possible breach of this policy, it may require the member to provide information demonstrating how the health care service and sex work are separated.

In assessing compliance, the Association will apply the reasonable person test and consider:

- whether health care patients/clients could reasonably confuse the services;
- whether health care patients/clients could be mistaken for sex work clients;
- whether the member disclosed relevant information to health care patients/clients;
- whether separate records, booking systems, advertising, and premises arrangements are maintained;
- whether any patient/client has raised concerns about privacy, dignity, reputation, consent, or professional boundaries;
- whether the member has taken reasonable steps to reduce risk.
- The Member must at all times comply with the Code of Ethics, Standards and National Code of Conduct.

Any action taken under this policy must be:

- procedurally fair;
- evidence-based;
- proportionate to the level of risk;
- the least restrictive necessary to address the identified concern;
- consistent with the Association constitution, disciplinary procedures, policies, code of ethics and complaints processes.

16. Breach of Policy

A breach of this policy may occur where a member:

- provides health care services and sex work from the same premises without adequate separation;
- fails to disclose a material co-location risk to health care patients/clients;
- uses sexualised advertising for health care services;
- uses health qualifications or membership status to promote sex work;
- exposes health care patients/clients to a reasonable risk of mistaken identification as sex work clients;
- fails to protect patient/client privacy, dignity, reputation or informed consent;
- blurs professional boundaries, creates, or is reasonably capable of creating, an actual, implied or perceived association between health care services and sex work services.

A breach may result in education, direction to amend practice arrangements, conditions on membership, referral to an external regulator or complaints body, or disciplinary action, depending on the seriousness of the conduct and the Association governing rules.

17. Review

This policy should be reviewed periodically to ensure it remains consistent with:

- relevant State and Territory laws concerning adult sexual services;
- health complaints legislation;
- privacy and health records laws;
- consumer protection laws;
- anti-discrimination laws;
- evolving regulatory expectations in Australian health service practice;
- the Association constitution, code of ethics and standards of practice.

18. Statement of Principle

Nothing in this policy should be interpreted as recognising any overlap between therapeutic health care and sex work. Massage therapy, remedial massage therapy and myotherapy are health care professions. Sex work is a separate lawful industry. The Association's position is that these activities must remain completely distinct in practice, administration, marketing and public perception to protect patients/clients, uphold professional standards and maintain public confidence in the profession.

The Association is not seeking to regulate sex work. It is regulating the way health care services are presented to the public to ensure there is no actual, implied or perceived association between therapeutic health care and sex work services.

Review

This policy is to be reviewed on an annual basis by the National Ethics Committee. Any changes must be approved by the Board.

Separation of Health Care Services and Adult Sexual Services Policy
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Reviewed: