



AUSTRALIAN CAPITAL TERRITORY

Prostitution (Amendment) Act 1997

No. 9 of 1997

An Act to amend the *Prostitution Act 1992*

[Notified in ACT Gazette S130: 12 May 1997]

The Legislative Assembly for the Australian Capital Territory enacts as follows:

Short title

1. This Act may be cited as the *Prostitution (Amendment) Act 1997*.

Commencement

2. This Act commences on the day on which it is notified in the *Gazette*.

Principal Act

3. In this Act, “Principal Act” means the *Prostitution Act 1992*.¹

Functions of Registrar

4. Section 6 of the Principal Act is amended—
 - (a) by omitting from paragraph (1) (a) “subsection 7 (1)” and substituting “subsections 7 (1) and (1B)”; and

- (b) by inserting after subsection (1) the following subsection:

“(1A) Nothing in paragraph (1) (a) requires the Registrar to include or keep in the register information about a brothel or escort agency in relation to which the Registrar has received notice under subsection 7 (3A).”.

Notices about operation

5. Section 7 of the Principal Act is amended—

- (a) by inserting after subsection (1) the following subsections:

“(1A) The Registrar shall, not later than 28 days before the defined day, notify the operator of a brothel or escort agency that the operator is required to give written notice to the Registrar no later than the defined day.

“(1B) Where an operator receives a notice in accordance with subsection (1A), the operator shall not, without reasonable excuse, fail to give written notice to the Registrar no later than the next following defined day.”;

- (b) by omitting from subsection (2) “under subsection (1)” and substituting “to be provided by an operator under subsection (1) or (1B)”;

- (c) by inserting after subsection (2) the following subsection:

“(2A) A determination for the purposes of paragraph (2) (b) may specify a different fee in relation to a notice under subsection (1) and (1B).”;

- (d) by inserting in subsection (3) “or (1B)” after “(1)”;

- (e) by inserting after subsection (3) the following subsection:

“(3A) Where a brothel or escort agency ceases to operate, the person who was the operator immediately before it so ceased shall notify the Registrar in writing of the cessation within 7 days after the date of cessation.”;

- (f) by omitting from subsection (4) “or (3)” and substituting “, (1B), (3) or (3A)”;

- (g) by omitting the penalty at the foot of the section; and

(h) by adding at the end the following subsections:

“(5) A person who contravenes subsection (1), (1B), (3), (3A) or (4) is guilty of an offence.

Penalty:

(a) in the case of a natural person—100 penalty units or imprisonment for 2 years;

(b) in the case of a corporation—500 penalty units.

“(6) In this section—

‘defined day’—

(a) in the case of an operator who has given notice under subsection (1) 12 months or more before the commencement of this subsection—means—

(i) the day after the expiration of the period of 45 days commencing on the day on which this subsection commences; and

(ii) each anniversary of that day; or

(b) in any other case—means—

(i) the day after the expiration of the period of 12 months commencing on the day on which the Registrar received written notice from the operator in accordance with subsection (1); and

(ii) each anniversary of that day.”.

NOTES

Principal Act

1. Reprinted as at 28 February 1995.

Penalty units

See section 33AA of the Interpretation Act 1967.

[Presentation speech made in Assembly on 10 April 1997]