

1997  
THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

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(As presented)

(Mr Wood)

**Prostitution (Amendment) Bill (No. 2) 1997**

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**A BILL**

FOR

**An Act to amend the *Prostitution Act 1992***

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

**Short title**

- 5     **1.** This Act may be cited as the *Prostitution (Amendment) Act (No. 2) 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*.<sup>1</sup>

10 **Interpretation**

4. Section 3 of the Principal Act is amended by inserting in subsection (1) the following definition:

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“ ‘permanent resident’ means a person (including an Australian citizen) whose continued presence in Australia is not subject to any limitation as to time imposed by law;”.

**Objects**

5       **5.** Section 4 of the Principal Act is amended by inserting after paragraph (d) the following paragraph:

“(e) to prevent people from overseas being brought into the Territory for the purpose of prostitution.”.

**Insertion**

10       **6.** After section 14 of the Principal Act the following sections are inserted:

**Participation of permanent residents only**

15       “14A. (1) The operator of a brothel or escort agency shall not employ a person other than a permanent resident for the purpose of prostitution at the brothel or escort agency.

Penalty: Imprisonment for 7 years.

“(2) Subsection (1) does not apply in relation to a person who was a prostitute in the Territory—

- 20       (a) immediately before the commencement of this section; or  
(b) for a period of at least 3 months at any time during the 2 year period before the commencement of this section.

**Proceeds of prostitution by non-permanent residents**

25       “14B. (1) A person shall not receive a payment that the person knows, or could reasonably be expected to have known, is derived, directly or indirectly, from commercial sexual services provided by another person who is not a permanent resident.

Penalty: Imprisonment for 7 years.

“(2) Subsection (1) does not apply in relation to a payment received—

- 30       (a) in the ordinary course of a business other than prostitution; or  
(b) by a person derived from commercial sexual services provided by another person who was a prostitute in the Territory—  
      (i) immediately before the commencement of this section; or  
      (ii) for a period of at least 3 months at any time during the 2 year period before the commencement of this section.

**Status of permanent resident—burden of proof**

“14C. It is a defence to a prosecution under subsection 14A (1) or 14B (1) if it is established that the defendant—

- 5           (a) took reasonable steps to ascertain whether the person was a permanent resident; and
- (b) believed on reasonable grounds that the person was a permanent resident.”.

**Entry by police**

10           7. Section 20 of the Principal Act is amended by omitting from paragraph (b) “or 14” and substituting “, 14, 14A or 14B”.

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**NOTE**

**Principal Act**

1. Reprinted as at 28 February 1995. See also Act No. 9, 1997.