

**2018**

**THE LEGISLATIVE ASSEMBLY FOR THE  
AUSTRALIAN CAPITAL TERRITORY**

**PROSTITUTION AMENDMENT BILL 2018**

**REVISED EXPLANATORY STATEMENT**

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# PROSTITUTION AMENDMENT BILL 2018

## **Introduction**

This Explanatory Statement is for the Prostitution Amendment Bill 2018 (the Bill) as presented in the ACT Legislative Assembly. It has been prepared in order to assist the reader of the Bill and to help inform debate on it. It does not form part of the Bill and has not been endorsed by the Assembly.

The Statement must be read in conjunction with the Bill. It is not, and is not meant to be, a comprehensive description of the Bill. What is said about a provision is not to be taken as an authoritative guide to the meaning of a provision, this being a task for the courts.

## **Overview of the Bill**

The Bill makes a number of amendments to the *Prostitution Act 1992* (the Act) and consequential amendments to other legislation.

The reforms to the Act remove red tape for sex workers, reduce stigma and discrimination around sex work, better protect children, make necessary consequential amendments to related legislation and make minor amendments to better streamline the Act and facilitate consistency across the statute book.

These reforms also help to align the Act with other legislation governing professions in the ACT in order to better recognise sex work as a legitimate profession.

These reforms arose from the 2010 Standing Committee on Justice and Community Safety's (the Committee's) Inquiry into the Prostitution Act, and the 17 recommendations in its 2012 report.<sup>1</sup> In the 2012 Government response<sup>2</sup> to the Committee's report, the Government agreed to five recommendations, agreed in principle to five recommendations and agreed in part to two recommendations. The Government agreed to establish an implementation working group (the working group) which included relevant government agencies, ACT Policing and peak representatives of the sex industry to develop and oversee a program of implementation of the Government's responses to the Committee's recommendations.

The amendments in this Bill are the result of the working group's deliberations and further consultation with key stakeholders.

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<sup>1</sup> Standing Committee on Justice and Community Safety, Inquiry into the Prostitution Act 1992, February 2012, Report 9, [https://www.parliament.act.gov.au/\\_data/assets/pdf\\_file/0003/373368/JACS09\\_Prostitution\\_Act.pdf](https://www.parliament.act.gov.au/_data/assets/pdf_file/0003/373368/JACS09_Prostitution_Act.pdf).

<sup>2</sup> Legislative Assembly for the Australian Capital Territory, Government Response to the Standing Committee on Justice and Community Safety Inquiry into the Prostitution Act 1992, 2012, [https://www.parliament.act.gov.au/\\_data/assets/pdf\\_file/0004/373369/Prostitutional\\_Act.pdf](https://www.parliament.act.gov.au/_data/assets/pdf_file/0004/373369/Prostitutional_Act.pdf).

## **Summary of amendments**

### **Removal of pejorative terminology**

The Bill amends the Act to replace pejorative terms with terms that reflect current terminology and better reflect a progressive and responsible approach to the regulation of the sex industry. The term ‘sex work’ is the current and preferred terminology and shifts the focus from the activity itself to the individual rights of those engaging in commercial sexual services.

The Bill makes amendments to rename the Act the ‘Sex Work Act 1992’ and to replace references to ‘prostitute’ with ‘sex worker’ and ‘prostitution’ with ‘sex work’. The Bill also makes consequential amendments to other legislation so that all pejorative terminology is removed across the statute book.

### **Offences against children**

Section 20 of the Act contains two offences relating to causing, permitting, offering or procuring a child to provide commercial sexual services. Section 20 (1) applies to children under 12 years and applies absolute liability to the age of the child (section 20 (2)). Section 20 (3) applies to children 12 years or older and applies strict liability to the age of the child (section 20 (4)).

Strict liability allows for the ‘mistake of fact’ defence under section 36 of the *Criminal Code 2002* to be available to someone who causes, permits, offers or procures a child or young person to provide commercial sexual services. Absolute liability means that this defence is not available – that is, that the person cannot claim that they reasonably but mistakenly believed that the child or young person was an adult.

The *Legislation Act 2001* defines a child to be an individual who is under the age of 18 years (Dictionary, Part 1).

This Bill amends section 20 of the Act so that there is no distinction between children under or over 12 years of age and that absolute liability applies to the age of the child for the offence of causing, permitting, offering or procuring a child to provide a commercial sexual service.

This amendment will render the mistake of fact defence under the Criminal Code unavailable with respect to this young people who are 12 years old and over as it already is in relation to children under 12 years old.

A further defence currently exists under section 22 of the Act. Section 22 provides that it is a defence to an offence under section 20 if it is established that the defendant both took reasonable steps to ascertain the age of the child concerned and believed on reasonable grounds that the child was 18 years old or over. This defence currently applies to both offences under section 20 (i.e. in respect of children both under 12 years and children who are 12 years and over) and has been in the Act since it was first notified in 1992.

The practical effect of this change is that a defendant charged with the offence of causing, permitting, offering or procuring a child aged 12 years or over to provide commercial sexual services will no longer be able to rely on mistake of fact, but can continue to rely on the defence in section 22 of the Act, of taking reasonable steps and reasonably believing that the

child was 18 or over. A defendant charged with the offence relating to a child under 12 can also continue to rely on this defence.

‘Reasonable steps’ would be determined by the court in the case of a prosecution under section 20 but may include, for example, sighting a driver’s license or other proof of age document that identified the sex worker in question to be over the age of 18.

### **Giving or receiving services while infected**

The Committee found that the offences in sections 24 and 25 of the Act, which make it an offence to provide or receive commercial sexual services when infected with a sexually transmissible infection (STI), single out sex workers and their clients who are infected with STIs and are therefore discriminatory within the meaning of ‘discrimination’ set out in section 8 of the *Discrimination Act 1991*.

The Bill repeals the offences in sections 24 and 25 and instead inserts a cross-reference to section 21 of the *Public Health Regulation 2000*. Under section 21 of the Public Health Regulation, it is an offence for any individual to fail to take reasonable precautions against transmitting a transmissible notifiable condition. ‘Transmissible notifiable condition’ is defined in the *Public Health Act 1997* as a disease or medical condition determined by the Minister to be a transmissible notifiable condition. The Public Health (Notifiable Conditions) Determination 2017 includes a number of STIs, including HIV.

These amendments mean that sex workers and their clients who have STIs will not be prevented from providing or receiving commercial sexual services but instead will be treated like other members of the community, in that they will be required to take reasonable precautions to avoid transmitting those STIs.

### **Provision of safety equipment**

The Bill inserts a new section relating to personal protective and safety equipment (PPSE). The first part of this section makes it an offence for an operator of a commercial brothel or commercial escort agency to fail to provide a sex worker with prophylactics (for example, condoms) in sufficient quantity to allow a sex worker to comply with the worker’s existing obligation to use prophylactics when providing particular sexual services.

The second part of the section makes it an offence for an operator to fail to minimise the risk of injury for a sex worker by providing and ensuring the use of personal protective and safety equipment (PPSE). The Bill includes a list of examples of PPSE but is deliberately non-exhaustive so as to capture the wide variety of PPSE required for different types of sex work.

Finally, this section provides that it is an offence for a commercial brothel or escort agency operator to charge or impose a levy on a sex worker for the prophylactics or other PPSE.

### **Registration of sole operators**

The Bill amends sections 12 and 13 of the Act to remove the requirement for sole operators to register with the Commissioner for Fair Trading.

This amendment will remove red tape for sole operators, address privacy concerns and improve social inclusion of sole operators who are currently unregistered by legalising their unregistered status and facilitating more engagement with outreach and health services.

## **Compliance with the Criminal Code 2002**

The amendments to sections 12 and 13 detailed above provided an opportunity to redraft sections 12, 13 and 14 so that they are compliant with the *Criminal Code 2002* and consistent with one another.

### **Minor amendments**

The Bill makes two minor amendments. The first is to move the definition of ‘public place’ from the Dictionary to section 19 of the Act, which is the only place it is used.

The second is to update the term ‘authorised nurse practitioner’ to ‘nurse practitioner’ to make it consistent with the Legislation Act.

### **Human Rights Implications**

Both the amendment to section 20 to apply absolute liability in relation to causing, permitting, offering or procuring a child who is 12 years old or older to provide commercial sexual services, and the amendment repealing sections 24 and 25 relating to providing and receiving commercial sexual services while infected with an STI, may engage rights under the *Human Rights Act 2004* (HRA).

### **Offences against children**

The amendment to section 20 of the Act may engage the following rights:

- the right to be presumed innocent until proved guilty by the law (section 22 (1) of the HRA);
- the right of children to be protected without distinction or discrimination of any kind (section 11 (2) of the HRA); and
- the right of a person to not have their privacy interfered with arbitrarily (section 12 of the HRA).

### **The right to be presumed innocent until proved guilty by the law**

The amendment to section 20 means that absolute liability will apply to the offence of causing, permitting, offering or procuring to provide commercial sexual services, regardless of the age of the child. The right to be presumed innocent until proved guilty by the law is engaged and limited by absolute liability because absolute liability allows for the imposition of criminal liability without proof of *mens rea*<sup>3</sup> (fault), including the intention or knowledge of wrongdoing.

Under section 28 of the HRA, human rights may be subject to reasonable limits that can be demonstrably justified in a free and democratic society. In deciding whether a limit is reasonable, section 28 provides relevant factors to be considered including the importance of the purpose of the limitation and the nature and the extent of the limitation.

### *Nature of the right*

The right to be presumed innocent until proved guilty by law is captured in the *International Covenant of Civil and Political Rights* (ICCPR) which states at Article 14.2:

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<sup>3</sup> *Traditional rights and freedoms – encroachments by Commonwealth laws*, Australian Law Reform Commission, 2015, p 290 ([https://www.alrc.gov.au/sites/default/files/pdfs/publications/fr\\_129ch\\_10\\_strict\\_or\\_absolute\\_liability.pdf](https://www.alrc.gov.au/sites/default/files/pdfs/publications/fr_129ch_10_strict_or_absolute_liability.pdf)).

‘Everyone charged with a criminal offence shall have the right to be presumed innocent until proved guilty according to law’.

The presumption of innocence imposes on the prosecution the burden of proving the charge and guarantees that no guilt can be presumed until the charge has been proved beyond reasonable doubt. It is one of the guarantees in relation to legal proceedings contained in Article 14 of the ICCPR. It is also a fundamental principle of common law.<sup>4</sup>

#### *Importance of the purpose of the limitation*

The application of absolute liability to the offence in section 20 (3) means that the defence of mistaken fact available in the *Criminal Code 2002* for strict liability offences would no longer be available to someone who causes, permits, offers or procures a child to provide commercial sexual services where that child is 12 years or older. The Legislation Act defines a child to be an individual under the age of 18 years (Dictionary, Part 1), and this amendment will remove the distinction between children under or over 12 years.

The defence under section 22 of the Act relating to taking reasonable steps to ascertain the age of the child will still be available.

The limitation created by changing the offence under section 20 (3) of the Act from one of strict liability to one of absolute liability will help to better prevent brothel owners from allowing children and young people to work as sex workers by requiring them to take more proactive steps to ascertain the age of their sex workers and ensure that they are not below 18 years of age. This in turn will help to support the right of children to be protected without distinction or discrimination of any kind.

#### *Nature and extent of the limitation*

The limitation will change the offence so that absolute liability applies to children both under and over 12 years of age. This will remove the availability of the mistake of fact defence under the Criminal Code with respect to this offence so that the defendant cannot claim that they reasonably but mistakenly believed the child to be an adult. The same currently applies to children under the age of 12. The defendant will still have the defence under section 22 of the Act available to them – that is, that they took reasonable steps to ascertain the age of the child concerned and believed on reasonable grounds that the child had attained 18 years of age.

#### *Relationship between the limitation and its purpose*

The limitation of the right of a defendant charged with an offence under section 20 (3) to be presumed innocent until proved guilty by the law is directly related to the purpose of the limitation, which is to better protect children and young people from being exploited for the purposes of commercial sexual services.

#### *Other less restrictive means*

There are no other avenues to achieve the purpose which are less restrictive.

These amendments represent a reasonable and justifiable limitation on the right to be presumed innocent until proved guilty by the law, which is outweighed by the importance of

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<sup>4</sup> <https://www.ag.gov.au/RightsAndProtections/HumanRights/Human-rights-scrutiny/PublicSectorGuidanceSheets/Pages/Presumptionofinnocence.aspx>.

protecting children from being caused, permitted, offered or procured to provide commercial sexual services.

#### The right of children to be protected without distinction or discrimination of any kind

The amendment to section 20 (3) positively engages the right of children to be protected without distinction or discrimination of any kind. This is because it ensures that a higher level of protection from exploitation is offered to all children regardless of their age. As noted above, it will have the practical effect of protecting children by requiring brothel and escort agency owners and operators to take proactive steps to ascertain the age of their sex workers and ensure that they are not below 18 years of age.

#### The right not to have privacy interfered with unlawfully or arbitrarily

The amendment to section 20 may indirectly engage the right of adult sex workers not to have their privacy interfered with unlawfully or arbitrarily.

This is because it may result in brothel owners requesting to see proof of age documentation of sex workers that proves that they are 18 or over and inappropriately using or disclosing their personal information (for example, by disclosing their profession as a sex worker to family or friends without permission). This issue is relevant in light of the stigma and discrimination still experienced by sex workers.

However, the risk of an indirect breach of privacy of sex workers due to these amendments is outweighed by the strengthening of the right of children to protection without distinction and discrimination of any kind.

#### **Giving or receiving services while infected**

The amendment to repeal sections 24 and 25 of the Act engage and support the right of a person to enjoy their human rights without distinction or discrimination of any kind under section 8 (2) of the HRA.

Section 7 of the Discrimination Act sets out the protected attributes to which the Discrimination Act applies, including disability and profession, trade, occupation or calling.

Sections 24 and 25 of the Act have the effect of prohibiting sex worker and their clients from providing or receiving commercial sexual services if the sex worker or client knows, or could reasonably be expected to know, that they are infected with a sexually transmissible infection (STI).

The rest of the community is held to a different standard under section 21 of the *Public Health Regulation 2000*, which provides that a person who knows or suspects that they have a transmissible notifiable condition (which includes certain STIs) must take reasonable precautions to avoid transmitting that condition.

Sections 24 and 25 of the Act discriminate against sex workers on the basis of their profession by preventing them from engaging in sexual activity that other members in the community not engaged in commercial sexual services would otherwise be able to engage in provided they take reasonable precautions.

These sections also discriminate against sex workers with STIs on the basis of disability, which includes the presence in the body of organisms that cause, or are capable of causing disease or illness (section 5AA of the Discrimination Act), as they treat sex workers with



STIs differently to sex workers without STIs and clients who have STIs differently to those without.

The amendment to repeal sections 24 and 25 will remove the discrimination against sex workers and clients of sex workers who have STIs, who will both be held to the same standard as everyone else in the community. It is noted that sex workers and clients of sex workers will continue to be specifically required to use prophylactics under section 27(3) of the Act.

### **Climate Change Impacts**

This Bill has no identified climate change impacts.

### **Gender Impacts**

While the number of male and transgender sex workers is possibly underestimated, the majority of sex workers identify as women with a recent study reporting over 90% of sex workers being women.<sup>5</sup> Accordingly, the changes in this Bill are likely to have a specific benefit to, and therefore a greater impact on, the human rights, health and safety of women as compared to other groups.

The majority of sex workers are migrant workers, a group comprised mostly of culturally and linguistically diverse women who experience significant barriers in accessing support services. The changes in this Bill are intended to reduce barriers to accessing services by removing the requirement for sole operators to register, therefore legalising currently unregistered sole operators.

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<sup>5</sup> <https://aic.gov.au/publications/rpp/rpp131/migrant-sex-worker-demographics>.

## CLAUSE NOTES

### **Clause 1      Name of Act**

This clause names this Act the *Prostitution Amendment Act 2018*.

### **Clause 2      Commencement**

This clause provides that the Act will commence on the day after its notification day.

### **Clause 3      Legislation amended**

This clause provides that the Act amends the *Prostitution Act 1992*, and refers to the list of other legislation amended in Schedule 1.

### **Clause 4      Legislation repealed**

This clause repeals the *Prostitution Regulation 1993*.

### **Clause 5      Act long title**

This clause provides a new long title for the Act.

### **Clause 6      Name of Act Section 1**

This clause changes the title of the Act from the *Prostitution Act 1992* to the *Sex Work Act 1992*.

### **Clause 7      Offences against Act – application of Criminal Code etc Section 3A, note 1**

This clause applies the Criminal Code to the offences under sections 12, 13 and 14 of the Act as well as the new offence under section 26A (Commercial operator must provide health and safety equipment).

### **Clause 8      Objects Section 4 (b)**

This clause replaces the term ‘prostitutes’ with ‘sex workers’.

### **Clause 9      Section 4 (d)**

This clause replaces the phrase ‘exploitation in relation to prostitution’ with ‘sexual exploitation’.

**Clause 10**     **Definitions for pt 2**  
**Section 5, definitions**

This clause omits the definitions of *annual notice*, *commercial operator*, *registration notice* and *sole operator*. These definitions are each used only in one section of the Act so have been moved to the relevant sections.

**Clause 11**     **Section 5, definitions of *sole operator brothel* and *sole operator escort agency***

This clause replaces the term ‘prostitute’ with ‘sex worker’.

**Clause 12**     **Sections 7 and 8**

This clause omits these two clauses because the definitions of *registration notice* and *annual notice* are each only used in one section of the Act so have been moved to the relevant sections.

**Clause 13**     **Register**  
**Section 11 (1)**

This clause replaces the phrase ‘brothels and escort agencies’ with ‘commercial brothels and commercial agencies’ to reflect changes to Division 2.2 that will have the effect of no longer requiring sole operators to register with the Commissioner for Fair Trading (the Commissioner).

**Clause 14**     **Section 11 (2)**

This clause replaces the phrase ‘brothel or escort agency’ with ‘commercial brothel or commercial escort agency’ to ensure that sole operators are no longer included in the requirement to register with the Commissioner.

**Clause 15**     **Section 11 (4) to (6)**

This clause repeals section 11 (4) to (6) which relate to sole operators, because registration requirements will no longer apply to those operators.

**Clause 16**     **Sections 12 to 14**

This clause restructures sections 12, 13 and 14 to ensure that registration requirements relate only to commercial brothels and escort agencies and not to sole operators. The changes made by this clause also reflect contemporary drafting style and Criminal Code requirements around how offence provisions should be structured. The clause includes a definition of ‘registration notice’ and ‘annual notice’.

**Clause 17      Police report to be given before person becomes interested person  
Section 16**

Section 15 of the Act provides that a person who has been convicted or found guilty of a disqualifying offence set out in section 6 of the Act must not become an interested person (that is, an operator or owner) of a commercial brothel or escort agency. Under section 16, it is an offence for a person to fail to give the Commissioner a police report at least seven days before the person becomes an interest person for a brothel or escort agency. Clause 17 amends section 16 so that the police report requirements align with section 15 and apply only to commercial brothels and escort agencies.

**Clause 18      Brothels – other than in prescribed location  
Section 18 (3)**

This clause replaces the term ‘prostitute’ with ‘sex worker’.

**Clause 19      Soliciting  
New section 19 (3)**

This clause inserts the definition of ‘public place’ into section 19 (3), which is the only part of the legislation where the term is used. This removes the need for this term to be defined in the Dictionary to the Act.

**Clause 20      Causing child to provide commercial sexual services etc  
Section 20 (4)**

This clause changes the offence in section 20 (4) to an absolute liability offence so that absolute liability applies to the offence of causing, permitting, offering or procuring a child to provide commercial sexual services, regardless of the age of the child.

**Clause 21      Section 21 heading**

This clause changes the heading from ‘Proceeds of child prostitution’ to ‘Proceeds of commercial sexual services by child’ to align with the changes to terminology made throughout the Act.

**Clause 22      Section 21 (2)**

This clause replaces the term ‘prostitution’ with ‘sex work’.

**Clause 23      Sections 24 and 25**

This clause repeals sections 24 and 25.

Section 24 makes it an offence for an owner or operator of a brothel or escort agency to fail to take reasonable steps to ensure that a prostitute does not provide commercial sexual services at the brothel or from the escort agency if the prostitute has an STI.

Section 25 provides that it is an offence for a person to provide or receive commercial sexual services if the person knows that they are infected with an STI.

**Clause 24      Medical tests and examinations**  
**Section 26**

This clause replaces the term ‘authorised nurse practitioner’ with ‘nurse practitioner’ so that it is consistent with the Legislation Act.

**Clause 25      Section 26**

This clause replaces each instance of the term ‘prostitute’ with ‘sex worker’.

**Clause 26      Section 26**

This clause replaces each instance of the term ‘prostitute’s’ with ‘sex worker’s’.

**Clause 27      New section 26A**

This clause inserts three new offences for operators of a commercial brothel or commercial escort agency. The first offence is the failure to provide sex workers with prophylactics in sufficient quantity to allow sex workers to comply with their existing obligations under section 27 (3). The second offence is the failure to provide sex workers with appropriate personal protective equipment and take reasonable steps to ensure the sex worker uses the personal protective equipment to minimise the risk of injury. The third offence relates to charging or imposing a levy on sex workers for prophylactics or personal protective equipment. This clause includes a definition of personal protective equipment and a non-exhaustive list of examples of personal protective equipment.

**Clause 28      Use of prophylactics**  
**Section 27 (3), new note**

This clause inserts a new note to cross reference the offence not to take reasonable precautions against transmitting a notifiable condition under section 21 of the Public Health Regulation.

**Clause 29      Regulation-making power**  
**Section 32 (2) (g) to (i)**

This clause replaces the term ‘prostitutes’ with ‘sex workers’.

**Clause 30      New section 34**

This clause inserts a new section to clarify that the provisions in schedule 4 of the Bill are taken to be a regulation under section 32 of the Act, and to clarify the particulars of how the regulation is to be notified.

**Clause 31      Disqualifying offences-this Act  
Schedule 2, item 5, column 3**

Schedule 2 sets out a list of disqualifying offences that exist under the Act. A person who has been convicted or found guilty of a disqualifying offence must not become an ‘interested person’ in relation to a commercial brothel or escort agency.

Clause 31 replaces the term ‘child prostitution’ in Schedule 2 with ‘commercial sexual services by child’ to reflect changes to terminology made throughout the Act.

**Clause 32      Schedule 2, item 7**

This clause removes section 24 of the Act (which relates to an owner or operator of a brothel or escort agency who fails to take reasonable steps to ensure a prostitute with an STI does not provide commercial sexual services) from the table of disqualifying offences because that offence is being removed from the Act.

**Clause 33      Schedule 2, item 8, column 3**

This clause replaces the term ‘prostitute’ with ‘sex worker’.

**Clause 34      Schedule 2, new item 8A**

This clause inserts the new offence under section 26A of failing to supply health and safety equipment (i.e. prophylactics and other personal protective equipment) into the table of disqualifying offences.

**Clause 35      Disqualifying offences-foreign countries  
Schedule 3, section 3.1 (1) (f)**

This clause replaces the term ‘prostitution’ with ‘provision of commercial sexual services’.

**Clause 36      New schedule 4**

This clause inserts a new schedule 4, the provisions of which are taken to be the new Sex Work Regulation 2018 under the new section 34.

**Clause 37      Dictionary, note 2**

This clause inserts the term ‘nurse practitioner’ in the list of terms under Note 2 which are defined by the Legislation Act.

**Clause 38 Dictionary, definitions of *annual notice* and *authorised nurse practitioner***

This clause removes the definitions of ‘annual notice’ and ‘authorised nurse practitioner’ from the Dictionary. ‘Annual notice’ is defined in the new section 12. ‘Authorised nurse practitioner’ is replaced with ‘nurse practitioner’ which is defined in the Legislation Act.

**Clause 39 Dictionary, definition of *brothel***

This clause replaces the term ‘prostitution’ with ‘sex work’.

**Clause 40 Dictionary, definition of *commercial operator***

This clause removes the definition ‘commercial operator’ from the Dictionary.

**Clause 41 Dictionary, definition of *commercial sexual service***

This clause replaces the term ‘prostitute’ with the term ‘person providing the sexual services’.

**Clause 42 Dictionary, definition of *employed***

This clause replaces the term ‘prostitute’ with ‘sex worker’ in the dictionary definition of ‘employed’.

**Clause 43 Dictionary, definition of *escort agency***

This clause replaces the term ‘prostitution’ with the term ‘sex work’.

**Clause 44 Dictionary, definition of *nurse practitioner position***

This clause removes the definition of ‘nurse practitioner position’ from the Dictionary. This term in the Act has been replaced with ‘nurse practitioner’ which is defined in the Legislation Act.

**Clause 45 Dictionary, definition of *premises used by a single prostitute***

This clause removes the current definition of ‘premises used by a single prostitute’ from the Dictionary.

**Clause 46 Dictionary, new definition of *premises used by a single sex worker***

This clause inserts a new definition of ‘premises used by a single sex worker’ into the Dictionary. This definition is identical to the previous definition of ‘premises used by a single prostitute’ apart from replacing references to prostitution and prostitute with sex work and sex worker.

## **Clause 47     Dictionary**

This clause removes the definitions of ‘prostitute’, ‘prostitution’, ‘public place’, ‘registration notice’ and ‘scope of practice’ from the Dictionary. These terms are either defined elsewhere in the Act or no longer used.

## **Clause 48     Dictionary, new definition of *sex work***

This clause inserts a new definition of ‘sex work’ into the Dictionary. Sex work is defined as the provision of commercial sexual services by an adult.

## **Clause 49     Dictionary, definition of *sole operator***

This clause removes the reference to the definition of ‘sole operator’ in Section 5 of the Act from the Dictionary because this definition is removed from that section.

## **Schedule 1     Consequential amendments**

### **Part 1.1     Children and Young People Act 2008**

#### **[1.1]     Section 344, example 4**

This clause replaces the term ‘through prostitution’ with ‘with money received in exchange for sexual services’.

### **Part 1.2     Crimes (Child Sex Offences) Act 2005**

#### **[1.2]     Schedule 2, part 2.1, item 13 to 16**

This clause updates the table to refer to the *Sex Work Act 1992* and the amended offences under section 19 (2), 20 (1), 20 (3) and 21 (1) of the Act.

### **Part 1.3     Fair Trading (Australian Consumer Law) Act 1992**

#### **[1.3]     Section 34(2), definition of *consumer and trader legislation, paragraph (d)***

This clause updates the reference to the *Sex Work Act 1992*.

### **Part 1.4     Spent Convictions Act 2000**

#### **[1.4]     Section 19 (8)**

This clause replaces ‘*Prostitution Act 1992*’ with ‘*Sex Work Act 1992*’.



**Part 1.5      Supreme Court Act 1993**

**[1.5]            Schedule 2, part 2.1, section 2.1, definition of *Prostitution Act***

This clause removes the definition of ‘*Prostitution Act*’.

**[1.6]            Schedule 2, part 2.1, section 2.1, new definition of *Sex Work Act***

This clause inserts a new definition of ‘*Sex Work Act*’.

**[1.7]            Schedule 2, part 2.2, items 32 and 33**

This clause updates the table to refer to the ‘*Sex Work Act*’ and the amended offences under section 20 and 21 of the Act.