Sex Work Act 1992
A1992-64

Republication No 29
Effective: 1 September 2020

Republication date: 1 September 2020

Last amendment made by A2020-31
About this republication

The republished law

This is a republication of the Sex Work Act 1992 (including any amendment made under the Legislation Act 2001, part 11.3 (Editorial changes)) as in force on 1 September 2020. It also includes any commencement, amendment, repeal or expiry affecting this republished law to 1 September 2020.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

Kinds of republications

The Parliamentary Counsel’s Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at www.legislation.act.gov.au):

- authorised republications to which the Legislation Act 2001 applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

Editorial changes

The Legislation Act 2001, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see Legislation Act 2001, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication includes amendments made under part 11.3 (see endnote 1).

Uncommenced provisions and amendments

If a provision of the republished law has not commenced, the symbol \[U\] appears immediately before the provision heading. Any uncommenced amendments that affect this republished law are accessible on the ACT legislation register (www.legislation.act.gov.au). For more information, see the home page for this law on the register.

 Modifications

If a provision of the republished law is affected by a current modification, the symbol \[M\] appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see the Legislation Act 2001, section 95.

Penalties

At the republication date, the value of a penalty unit for an offence against this law is $160 for an individual and $810 for a corporation (see Legislation Act 2001, s 133).
Sex Work Act 1992

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## Dictionary

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Sex Work Act 1992

An Act to regulate certain aspects of sex work
Part 1  Preliminary

Section 1

1  Name of Act

This Act is the Sex Work Act 1992.

2  Dictionary

The dictionary at the end of this Act is part of this Act.

Note 1  The dictionary at the end of this Act defines certain terms used in this Act, and includes references (signpost definitions) to other terms defined elsewhere in this Act.

For example, the signpost definition ‘commercial brothel, for part 2 (Registration)—see section 5.’ means that the term ‘commercial brothel’ is defined in that section for part 2.

Note 2  A definition in the dictionary (including a signpost definition) applies to the entire Act unless the definition, or another provision of the Act, provides otherwise or the contrary intention otherwise appears (see Legislation Act 2001, s 155 and s 156 (1)).

3  Notes

A note included in this Act is explanatory and is not part of this Act.

Note  See Legislation Act 2001, s 127 (1), (4) and (5) for the legal status of notes.
3A Offences against Act—application of Criminal Code etc

Other legislation applies in relation to offences against this Act.

Note 1 Criminal Code
The Criminal Code, ch 2 applies to the following offences against this Act (see Code, pt 2.1):
- s 12 (Registration notice etc to be given to commissioner—commercial operators)
- s 13 (Annual notice to be given to commissioner—commercial operators)
- s 14 (Other notices to be given to commissioner—commercial operators and former commercial operators)
- s 20 (Causing child to provide commercial sexual services etc)
- s 26 (Medical tests and examinations)
- s 26A (Commercial operator must provide health and safety equipment).

The chapter sets out the general principles of criminal responsibility (including burdens of proof and general defences), and defines terms used for offences to which the Code applies (eg conduct, intention, recklessness and strict liability).

Note 2 Penalty units
The Legislation Act, s 133 deals with the meaning of offence penalties that are expressed in penalty units.

4 Objects
The objects of the Act are as follows:

(a) to safeguard public health;

(b) to promote the welfare and occupational health and safety of sex workers;

(c) to protect the social and physical environment of the community by controlling the location of brothels;

(d) to protect children from sexual exploitation.
Part 2
Registration

Division 2.1
Interpretation

5 Definitions for pt 2

In this part:

commercial brothel means a brothel other than a sole operator brothel.

commercial escort agency means an escort agency other than a sole operator escort agency.

disqualifying offence—see section 6.

interested person, in relation to a commercial brothel or commercial escort agency, means any of the following:

(a) each operator;

(b) each owner who is an individual;

(c) each director of an owner that is a corporation.

police report, for a person, means a report by a police officer or the Australian Criminal Intelligence Commission about the person’s criminal record made on a form that—

(a) contains a consent by the person to a police officer or the Australian Criminal Intelligence Commission making inquiries about the person’s criminal record; and

(b) contains imprints of the fingers and palms of both hands of the person.

Note If a form is approved under s 30 (Approved forms) for a police report, the form must be used.

required police report, in relation to a commercial brothel or commercial escort agency, means a police report for each interested person in relation to the brothel or escort agency.
sole operator brothel means a brothel—
(a) the premises of which are premises used by a single sex worker; and
(b) the business of which is solely owned and operated by the single sex worker.

sole operator escort agency means an escort agency solely owned and operated by a single sex worker.

the operator, of a commercial brothel or commercial escort agency—
(a) if there is only 1 operator of the brothel or escort agency—the operator; or
(b) if there are 2 or more operators of the brothel or escort agency—each operator.

6 Meaning of disqualifying offence

(1) In this part:

disqualifying offence means—

(a) an offence against any of the following:

(i) a provision of the Crimes Act 1900 mentioned in schedule 1;

(ii) a provision of this Act mentioned in schedule 2;

(iii) the Crimes Act 1900, section 114B (Money laundering);

(iv) the Criminal Code, chapter 6 (Serious drug offences); or

Note A reference to an offence against a Territory law includes a reference to a related ancillary offence, eg attempt (see Legislation Act, s 189).

(b) an offence against a law of the Commonwealth, a State or another Territory corresponding to an offence mentioned in paragraph (a); or
(c) an offence against a law of the Commonwealth, a State or another Territory corresponding to a provision of the Criminal Code, part 2.4 (Extensions of criminal responsibility) or section 717 (Accessory after the fact) in relation to an offence mentioned in paragraph (a); or

(d) an offence against the Migration Act 1958 (Cwlth), section 232A (Organising bringing groups of non-citizens into Australia), section 233 (1) (about bringing etc non-citizens into Australia in contravention of the Act) or section 233A (Other offences relating to groups of non-citizens etc); or

(e) an offence against a Commonwealth law corresponding to a provision of the Criminal Code, part 2.4 (Extensions of criminal responsibility) or section 717 (Accessory after the fact) in relation to an offence mentioned in paragraph (d); or

(f) an offence against a law of a foreign country of a kind mentioned in schedule 3.

(2) To remove any doubt, this section applies to offences committed before or after the commencement of this section.

**Division 2.2 Register and notices**

**11 Register**

(1) The commissioner must keep a register of information provided by operators of commercial brothels and commercial escort agencies in notices under this part.

(2) Subsection (1) does not require the commissioner to include or keep in the register information about a commercial brothel or commercial escort agency that has ceased to operate.

(3) The commissioner must make information in the register available for public inspection.
12 Registration notice etc to be given to commissioner—commercial operators

(1) A person commits an offence if—

(a) the person is an operator of a commercial brothel or commercial escort agency; and

(b) both of the following are not given to the commissioner at least 7 days before the day the brothel or escort agency begins to operate:

(i) a registration notice;

(ii) a required police report in relation to the brothel or escort agency.

Maximum penalty: 100 penalty units, imprisonment for 1 year or both.

(2) In this section:

registration notice, in relation to a commercial brothel or commercial escort agency, means a written notice containing the following particulars in relation to the brothel or escort agency:

(a) its business name (if any) and address;

(b) the name and home address of each person in day-to-day control of the brothel or escort agency;

(c) if the owner (or an owner) of the brothel or escort agency is an individual—the name and home address of each individual who is an owner;

(d) if the owner (or an owner) of the brothel or escort agency is a corporation—the following for each corporation that is an owner:

(i) its name and business address;
(ii) the name and home address of each director and each shareholder;

(e) for each interested person in relation to the brothel or escort agency—a statement about whether or not the person has been convicted, or found guilty, of a disqualifying offence.

Note 1 If a form is approved under s 30 for a notice, the form must be used.

Note 2 A fee may be determined under s 29 for a notice under this section.

13 Annual notice to be given to commissioner—commercial operators

(1) A person commits an offence if—

(a) the person is an operator of a commercial brothel or commercial escort agency; and

(b) an annual notice for the year for the brothel or escort agency is not given to the commissioner before 1 October of that year.

Maximum penalty: 100 penalty units, imprisonment for 1 year or both.

(2) In this section:

annual notice, in relation to a commercial brothel or commercial escort agency, means a written notice containing the following particulars in relation to the brothel or escort agency:

(a) its business name (if any) and address;

(b) the name and home address of each person in day-to-day control of the brothel or escort agency;

(c) if the owner (or an owner) of the brothel or escort agency is an individual—the name and home address of each individual who is an owner;
(d) if the owner (or an owner) of the brothel or escort agency is a corporation—the following for each corporation that is an owner:

(i) its name and business address;

(ii) the name and home address of each director and each shareholder;

(e) for each interested person in relation to the brothel or escort agency—a statement about whether or not the person has been convicted, or found guilty, of a disqualifying offence.

Note 1 If a form is approved under s 30 for a notice, the form must be used.

Note 2 A fee may be determined under s 29 for a notice under this section.

14 Other notices to be given to commissioner—commercial operators and former commercial operators

(1) A person commits an offence if—

(a) the person is an operator of a commercial brothel or commercial escort agency; and

(b) any information given to the commissioner in a notice under this division changes; and

(c) written notice of the new information is not given to the commissioner within 7 days after the day the information changes.

Maximum penalty: 100 penalty units, imprisonment for 1 year or both.

(2) A person commits an offence if—

(a) the person is an operator of a commercial brothel or commercial escort agency; and

(b) the brothel or escort agency stops operating; and
(c) written notice that the brothel or escort agency stopped operating is not given to the commissioner within 7 days after the last day the brothel or escort agency operated.

Maximum penalty: 100 penalty units, imprisonment for 1 year or both.

**Division 2.3 Interested people—offences**

**15 Interested person—disqualifying offence**

(1) A person who has been convicted or found guilty of a disqualifying offence must not—

(a) become an interested person in relation to a commercial brothel or commercial escort agency; or

(b) continue to be an interested person in relation to a commercial brothel or commercial escort agency.

Maximum penalty: 100 penalty units, imprisonment for 1 year or both.

(2) Any other interested person (the *other interested person*) in relation to a commercial brothel or commercial escort agency commits an offence if—

(a) an interested person mentioned in subsection (1) becomes, or continues to be, an interested person in relation to the brothel or escort agency; and

(b) the other interested person knows that, or is reckless as to whether, a person who becomes, or continues to be, an interested person in relation to the brothel or escort agency is an interested person mentioned in subsection (1).

Maximum penalty: 100 penalty units, imprisonment for 1 year or both.
Police report to be given before person becomes interested person

A person must not, without reasonable excuse, fail to give the commissioner a police report for the person at least 7 days before the person becomes an interested person in relation to a commercial brothel or commercial escort agency.

Maximum penalty: 100 penalty units, imprisonment for 1 year or both.
Section 17

Part 3 Offences

17 Duress

(1) A person must not, for the purpose of inducing a person to provide or to continue to provide commercial sexual services—

(a) intimidate, assault or threaten to assault any person; or

(b) supply or offer to supply a controlled medicine or prohibited substance to any person; or

(c) make a false representation or otherwise act fraudulently.

Maximum penalty: imprisonment for 6 years.

(2) A person must not—

(a) intimidate, assault or threaten to assault a person; or

(b) supply or offer to supply a controlled medicine or prohibited substance to a person;

for the purpose of inducing any person to provide or continue to provide him or her with payment derived, directly or indirectly, from the provision of commercial sexual services.

Maximum penalty: imprisonment for 6 years.

(3) In this section:

controlled medicine—see the Medicines, Poisons and Therapeutic Goods Act 2008, section 11.

18  **Brothels—other than in prescribed location**

(1) A person must not operate a brothel other than in a prescribed location.

   Maximum penalty: 100 penalty units, imprisonment for 1 year or both.

(2) Each owner of a brothel that operates other than in a prescribed location commits an offence.

   Maximum penalty: 100 penalty units, imprisonment for 1 year or both.

(3) This section does not apply to an escort agency or premises used by a single sex worker.

19  **Soliciting**

(1) A person must not, for the purpose of offering or procuring commercial sexual services, accost any person, or solicit or loiter, in a public place.

   Maximum penalty: 20 penalty units.

(2) A person must not, for the purpose of offering or procuring commercial sexual services, accost a child in a public place.

   Maximum penalty: imprisonment for 3 years.

(3) In this section:

   *public place* means any street, road, public park, reserve, or any building, premises or other place that the public are entitled to use or that is open to, or used by, the public (whether on payment or otherwise).
20  **Causing child to provide commercial sexual services etc**

(1) A person commits an offence if—

(a) the person causes, permits, offers or procures a child to provide commercial sexual services; and

(b) the child is under 12 years old.

Maximum penalty: 1 500 penalty units, imprisonment for 15 years or both.

(2) Absolute liability applies to subsection (1) (b).

(3) A person commits an offence if—

(a) the person causes, permits, offers or procures a child to provide commercial sexual services; and

(b) the child is 12 years old or older.

Maximum penalty: 1 000 penalty units, imprisonment for 10 years or both.

(4) Absolute liability applies to subsection (3) (b).

21  **Proceeds of commercial sexual services by child**

(1) A person must not receive a payment that he or she knows, or could reasonably be expected to have known, is derived, directly or indirectly, from commercial sexual services provided by a child.

Maximum penalty: imprisonment for 7 years.

(2) Subsection (1) does not apply in relation to a payment received in the ordinary course of a business other than sex work.
22 **Age of child—burden of proof**

It is a defence to a prosecution under section 19 (2) or 20 if it is established that the defendant—

(a) took reasonable steps to ascertain the age of the child concerned; and

(b) believed on reasonable grounds that the child had attained 18 years of age.

23 **Child on premises**

An operator or owner of a brothel or escort agency must not, without reasonable excuse, permit a child to be on the premises.

Maximum penalty: 20 penalty units.

26 **Medical tests and examinations**

(1) A person commits an offence if—

(a) the person is an operator or owner of a brothel or escort agency; and

(b) the person fails to take reasonable steps to ensure that 1 or more of the following is not used to induce someone else to believe that the sex worker is not infected with a sexually transmissible infection:

   (i) the fact that a sex worker had a medical test;

   (ii) the fact that a sex worker had a medical examination by a doctor or nurse practitioner;

   (iii) the result of a sex worker’s medical test;

   (iv) the result of a sex worker’s medical examination by a doctor or nurse practitioner.

Maximum penalty: 20 penalty units.
(2) A sex worker commits an offence if—

(a) the sex worker tells someone else—

(i) that the sex worker had a medical test; or
(ii) that the sex worker had a medical examination by a doctor or nurse practitioner; or
(iii) the result of the sex worker’s medical test; or
(iv) the result of the sex worker’s medical examination by a doctor or nurse practitioner; and

(b) the sex worker—

(i) intends the person to believe that the sex worker is not infected with a sexually transmissible infection; or
(ii) is reckless about whether the person believes that the sex worker is not infected with a sexually transmissible infection.

Maximum penalty: 20 penalty units.

(3) An offence against subsection (1) is a strict liability offence.

(4) This section does not apply to an operator or owner of a brothel or escort agency if the operator or owner uses a sex worker’s medical test, a sex worker’s medical examination by a doctor or nurse practitioner, or the result of a sex worker’s medical test or medical examination by a doctor or nurse practitioner, to satisfy himself or herself that the sex worker is not infected with a sexually transmissible infection.

(5) In this section:

*medical test* means the taking of a sample of tissue, blood, urine or other bodily material for medical testing.
26A Commercial operator must provide health and safety equipment

(1) A person commits an offence if the person—
   
   (a) is the operator of a commercial brothel or commercial escort agency; and
   
   (b) fails to provide a sex worker employed at the brothel, or from the escort agency, prophylactics in sufficient quantity to allow the sex worker to comply with section 27 (3).

   Maximum penalty: 40 penalty units.

(2) A person commits an offence if the person—
   
   (a) is the operator of a commercial brothel or commercial escort agency; and
   
   (b) fails to—
   
   (i) provide a sex worker employed at the brothel, or from the escort agency, personal protective equipment; and
   
   (ii) take reasonable steps to ensure the sex worker uses the personal protective equipment to minimise the risk to the sex worker’s health or safety.

   Maximum penalty: 40 penalty units.

(3) A person commits an offence if the person—
   
   (a) is the operator of a commercial brothel or commercial escort agency; and
   
   (b) provides a sex worker employed at the brothel, or from the escort agency, prophylactics or personal protective equipment; and
   
   (c) charges, or imposes a levy on, the sex worker for the prophylactics or personal protective equipment.

   Maximum penalty: 40 penalty units.
(4) In this section:

commercial brothel—see section 5.

commercial escort agency—see section 5.

personal protective equipment, in relation to sex work, means anything used or worn by a sex worker to minimise risk to the sex worker’s health or safety from engaging in sex work.

Examples—personal protective equipment
dental dams, latex gloves, water-based lubricants, sponges

27 Use of prophylactics

(1) Each operator and owner of a brothel or escort agency must take reasonable steps to ensure that no person provides or receives commercial sexual services at the brothel or escort agency, being services which involve vaginal, oral or anal penetration by any means, unless a prophylactic is used.

Maximum penalty: 50 penalty units.

(2) An operator or owner of a brothel must not discourage the use of prophylactics at the brothel.

Maximum penalty: 100 penalty units.

(3) A person must not, at a brothel or elsewhere, provide or receive commercial sexual services that involve vaginal, oral or anal penetration by any means unless a prophylactic is used.

Maximum penalty: 50 penalty units.

Note
It is also an offence not to take reasonable precautions against transmitting a notifiable condition (see Public Health Regulation 2000, s 21 (1)).
(4) A person must not, at a brothel or elsewhere, while providing or receiving commercial sexual services that involve oral, anal or vaginal penetration—

(a) misuse, damage or interfere with the efficacy of any prophylactic used; or

(b) continue to use a prophylactic that he or she knows, or could reasonably be expected to know, is damaged.

Maximum penalty: 50 penalty units.
Part 4  Miscellaneous

28  Entry by police

A police officer may enter a brothel or escort agency if the officer believes on reasonable grounds that—

(a) an offence against section 20, 21 or 23 has been, is being or is likely to be committed on the premises; and

(b) it is necessary to enter the premises for the purpose of preventing the commission or repetition of such an offence, investigating such an offence or apprehending an offender.

29  Determination of fees

(1) The Minister may determine fees for this Act.

Note  The *Legislation Act 2001* contains provisions about the making of determinations and regulations relating to fees (see pt 6.3).

(2) A determination is a disallowable instrument.

Note  A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

30  Approved forms

(1) The commissioner may approve forms for this Act.

Note  For other provisions about forms, see *Legislation Act 2001*, s 255.

(2) If the commissioner approves a form for a particular purpose, the approved form must be used for that purpose.

(3) An approved form is a notifiable instrument.

Note  A notifiable instrument must be notified under the *Legislation Act 2001*.
32 Regulation-making power

(1) The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the Legislation Act 2001.

(2) The regulations may make provision in relation to the following matters:

(a) the cleanliness of brothels;
(b) the provision, use and laundering of towels and other items of linen;
(c) hygiene standards for swimming pools, spa baths and sexual aids used in brothels;
(d) provision of, and hygiene standards for, showers and washing and toilet facilities in brothels;
(e) the disposal of prophylactics used in brothels;
(f) the inspection of brothels and escort agencies to ensure compliance with this Act;
(g) the provision of information relating to sexually transmissible infections to sex workers employed at brothels or from escort agencies and to clients;
(h) safeguarding the health of clients and sex workers employed at brothels and from escort agencies;
(i) the provision of assistance to sex workers in gaining access to job retraining, job skills improvement schemes and further education;
(j) the size, form and content of advertisements relating to brothels and escort agencies.
(3) The regulations may also prescribe offences for contraventions of the regulations and prescribe maximum penalties of not more than 10 penalty units for offences against the regulations.
## Schedule 1

### Disqualifying offences—Crimes Act 1900

(see s 6 (1), def *disqualifying offence*, par (a) (i))

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## Schedule 1  
Disqualifying offences—Crimes Act 1900

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<td>63</td>
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<td>63A</td>
<td>bestiality</td>
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<td>64</td>
<td>employment of young people for pornographic purposes</td>
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Schedule 2 Disqualifying offences—this Act

(see s 6 (1), def disqualifying offence, par (a) (ii))

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<td>duress used to induce person to provide commercial sexual services</td>
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<td>brothel operating other than in prescribed location</td>
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<td>accost a child for the purpose of offering or getting commercial sexual services</td>
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<td>4</td>
<td>20</td>
<td>cause or permit child to provide commercial sexual services</td>
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<td>5</td>
<td>21</td>
<td>receive proceeds of commercial sexual services by child</td>
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<td>6</td>
<td>23</td>
<td>permit child on premises</td>
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<td>7</td>
<td>26</td>
<td>obligations in relation to medical test and medical examination of sex worker</td>
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<td>8</td>
<td>26A</td>
<td>obligation to supply health and safety equipment</td>
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<td>9</td>
<td>27</td>
<td>obligations about use of prophylactics</td>
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</table>
Schedule 3  Disqualifying offences—foreign countries

Section 3.1

3.1 Kinds of offences

(1) An offence that consists of or involves—
   (a) murder; or
   (b) torture, abduction or kidnapping; or
   (c) sexual assault; or
   (d) sexual servitude; or
   (e) child exploitation material; or
   (f) violence, intimidation or coercion related to provision of commercial sexual services; or
   (g) causing serious physical harm to another person; or
   (h) money laundering; or
   (i) illegal immigration; or
   (j) supplying illegal drugs.

(2) An offence that consists of, or involves, in relation to an offence mentioned in subsection (1)—
   (a) aiding and abetting the commission of the offence, or
   (b) being an accessory after the fact; or
   (c) attempting, inciting a person, or conspiring, to commit the offence.
Dictionary

(see s 2)

Note 1 The Legislation Act 2001 contains definitions and other provisions relevant to this Act.

Note 2 In particular, the Legislation Act 2001, dict, pt 1, defines the following terms:

- Australian Criminal Intelligence Commission
- child
- commissioner for fair trading
- doctor
- exercise
- found guilty
- function
- home address
- nurse practitioner
- police officer.

brothel means premises used or to be used for the purpose of sex work, but does not include premises where accommodation is normally provided on a commercial basis if the sex work occurs under an arrangement initiated elsewhere.

commercial brothel, for part 2 (Registration)—see section 5.

commercial escort agency, for part 2 (Registration)—see section 5.

commercial sexual services means sexual services provided for monetary consideration or any other form of consideration or material reward (regardless of whether the consideration or reward is, or is to be, paid or given to the person providing the sexual services or another person).

commissioner means the commissioner for fair trading.

disqualifying offence, for part 2 (Registration)—see section 6.
**Dictionary**

employed—a sex worker is employed at a brothel or from an escort agency if the sex worker provides commercial sexual services at the brothel, or from the escort agency, under a contract of service or a contract for services.

escort agency means a business of arranging sex work, being a business carried on at premises other than a brothel.

interested person, for part 2 (Registration)—see section 5.

operator, of a brothel or escort agency, includes a person in day-to-day control of the brothel or escort agency.

police report, for part 2 (Registration)—see section 5.

premises includes a part of premises.

premises used by a single sex worker means premises used by not more than 1 sex worker other than—

(a) premises adjacent to or, for town houses, units or apartments, in the same block as, other premises that are used for sex work; or

(b) premises at which the provision of commercial sexual services is arranged by a person (other than the sex worker) who arranges clients for other sex workers; or

(c) premises to which clients are referred by other sex workers, or from which clients are referred to other sex workers.

prophylactic means a condom or other device that is adequate to prevent the transmission of a sexually transmissible infection.

required police report, for part 2 (Registration)—see section 5.

sexually transmissible infection means—

(a) chancroid, chlamydial infection, donovanosis, gonorrhoea, HIV/AIDS, lymphogranuloma venereum or syphilis; or

(b) an infection prescribed by regulation.
sexual services means—

(a) an act of sexual intercourse as defined in the Crimes Act 1900, section 50; or

(b) the masturbation of one person by another; or

(c) any activity that involves the use of one person by another for his or her sexual gratification.

sex work means the provision of commercial sexual services by an adult.

sole operator brothel, for part 2 (Registration)—see section 5.

sole operator escort agency, for part 2 (Registration)—see section 5.

the operator, for part 2 (Registration)—see section 5.
Endnotes

1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the Legislation Act 2001, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel’s Office.

Uncommenced amending laws are not included in the republished law. The details of these laws are underlined in the legislation history. Uncommenced expiries are underlined in the legislation history and amendment history.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

2 Abbreviation key

A = Act
AF = Approved form
am = amended
amdt = amendment
AR = Assembly resolution
ch = chapter
CN = Commencement notice
def = definition
DI = Disallowable instrument
dict = dictionary
disallowed = disallowed by the Legislative Assembly
r = rule/subrule
div = division
exp = expires/expired
Gaz = gazette
hdg = heading
IA = Interpretation Act 1967
ins = inserted-added
LA = Legislation Act 2001
LR = legislation register
LRA = Legislation (Republication) Act 1996
mod = modified/modification
NI = Notifiable instrument
o = order
om = omitted/repealed
ord = ordinance
orig = original
par = paragraph/subparagraph
pres = present
prev = previous
(prev...) = previously
pi = part
r = rule/subrule
reloc = relocated
renum = renumbered
sch = schedule
s = section/subsection
sd = subdivision
SL = Subordinate law
sub = substituted
underlining = whole or part not commenced or to be expired

Sex Work Act 1992
Effective: 01/09/20
R29
01/09/20

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au
3 Legislation history

The Sex Work Act 1992 was originally the Prostitution Act 1992. It was renamed by the Prostitution Amendment Act 2018 A2018-25 (see s 6).

Sex Work Act 1992 A1992-64

notified 1 December 1992 (Gaz 1992 No S208)

s 1, s 2 commenced 1 December 1992 (s 2 (1))

remainder commenced 7 May 1993 (s 2 (2) and Gaz 1993 No S75)

as amended by

Statute Law Revision Act 1994 A1994-26 sch

notified 31 May 1994 (Gaz 1994 No S93)

commenced 31 May 1994 (s 2)


notified 15 December 1994 (Gaz 1994 No S280)

s 1, s 2 commenced 15 December 1994 (s 2 (1))

sch pt 1 commenced 15 December 1994 (s 2 (2) and Gaz 1994 No S293)

Prostitution (Amendment) Act 1997 A1997-9

notified 12 May 1997 (Gaz 1997 No S130)

commenced 12 May 1997 (s 2)

Public Health (Miscellaneous Provisions) Act 1997 A1997-70 sch 1, sch 3

notified 9 October 1997 (Gaz 1997 No S300)

ss 1-3 commenced 9 October 1997 (s 2 (1))

sch 1 commenced 13 August 1998 (s 2 (2) and Gaz 1998 No S185)

sch 3 commenced 10 July 2001 (s 2 (2) and Gaz 2001 No S45)

Statute Law Revision (Penalties) Act 1998 A1998-54 sch

notified 27 November 1998 (Gaz 1998 No S207)

s 1, s 2 commenced 27 November 1998 (s 2 (1))

sch commenced 9 December 1998 (s 2 (2) and Gaz 1998 No 49)
Endnotes

Legislation (Consequential Amendments) Act 2001 A2001-44 pt 303
notified 26 July 2001 (Gaz 2001 No 30)
s 1, s 2 commenced 26 July 2001 (IA s 10B)
pt 303 commenced 12 September 2001 (s 2 and see Gaz 2001
No S65)

Statute Law Amendment Act 2002 A2002-30 pt 3.54
notified LR 16 September 2002
s 1, s 2 taken to have commenced 19 May 1997 (LA s 75 (2))
pt 3.54 commenced 17 September 2002 (s 2 (1))

Prostitution Amendment Act 2002 A2002-35
notified LR 8 October 2002
s 1, s 2 commenced 8 October 2002 (LA s 75 (1))
remainder commenced 16 December 2002 (s 2 and CN2002-15)

Criminal Code 2002 No 51 pt 1.14
notified LR 20 December 2002
s 1, s 2 commenced 20 December 2002 (LA s 75 (1))
pt 1.14 commenced 1 January 2003 (s 2 (1))

Confiscation of Criminal Assets Act 2003 A2003-8 sch 1 pt 1.3
notified LR 27 March 2003
s 1, s 2 commenced 27 March 2003 (LA s 75 (1))
sch 1 pt 1.3 commenced 15 August 2003 (s 2 and CN2003-7)

Nurse Practitioners Legislation Amendment Act 2004 A2004-10 pt 8
notified LR 19 March 2004
s 1, s 2 commenced 19 March 2004 (LA s 75 (1))
pt 8 commenced 27 May 2004 (s 2 and CN2004-9)

Criminal Code (Theft, Fraud, Bribery and Related Offences)
Amendment Act 2004 A2004-15 sch 2 pt 2.72
notified LR 26 March 2004
s 1, s 2 commenced 26 March 2004 (LA s 75 (1))
sch 2 pt 2.72 commenced 9 April 2004 (s 2 (1))
**Endnotes**

**Legislation history**

**Crimes Legislation Amendment Act 2004** A2004-30 pt 3
notified LR 7 July 2004
s 1, s 2 taken to have commenced 27 May 2004 (LA s 75 (2))
s 7 taken to have commenced 27 May 2004 (s 2 (2) and see Nurse Practitioners Legislation Amendment Act 2004 A2004-10, s 2 and CN2004-9)
pt 3 remainder commenced 8 July 2004 (s 2 (1))

**Criminal Code (Serious Drug Offences) Amendment Act 2004**
A2004-56 sch 1 pt 1.5
notified LR 6 September 2004
s 1, s 2 commenced 6 September 2004 (LA s 75 (1))
sch 1 pt 1.5 commenced 6 March 2005 (s 2 and LA s 79)

**Criminal Code (Administration of Justice Offences) Amendment Act 2005**
A2005-53 sch 1 pt 1.24
notified LR 26 October 2005
s 1, s 2 commenced 26 October 2005 (LA s 75 (1))
sch 1 pt 1.24 commenced 23 November 2005 (s 2)

**Health Legislation Amendment Act 2006** A2006-27 sch 2 pt 2.6
notified LR 14 June 2006
s 1, s 2 commenced 14 June 2006 (LA s 75 (1))
sch 2 pt 2.6 commenced 14 December 2006 (s 2 and LA s 79)

notified LR 17 November 2006
s 1, s 2 commenced 17 November 2006 (LA s 75 (1))
sch 2 pt 2.14 commenced 18 November 2006 (s 2 (1))

**Medicines, Poisons and Therapeutic Goods Act 2008** A2008-26 sch 2 pt 2.19
notified LR 14 August 2008
s 1, s 2 commenced 14 August 2008 (LA s 75 (1))
sch 2 pt 2.19 commenced 14 February 2009 (s 2 and LA s 79)

**Crimes Legislation Amendment Act 2008** A2008-44 sch 1 pt 1.12
notified LR 9 September 2008
s 1, s 2 commenced 9 September 2008 (LA s 75 (1))
sch 1 pt 1.12 commenced 30 May 2009 (s 2 and CN2009-4)
Endnotes

3 Legislation history

**Statute Law Amendment Act 2009 (No 2) A2009-49 sch 3 pt 3.57**
notified LR 26 November 2009
s 1, s 2 commenced 26 November 2009 (LA s 75 (1))
sch 3 pt 3.57 commenced 17 December 2009 (s 2)

**Justice and Community Safety Legislation Amendment Act 2010 (No 2) A2010-30 sch 1 pt 1.18**
notified LR 31 August 2010
s 1, s 2 commenced 31 August 2010 (LA s 75 (1))
s 3 commenced 1 September 2010 (s 2 (1))
sch 1 pt 1.18 commenced 28 September 2010 (s 2 (2))

**Crimes Legislation Amendment Act 2011 A2011-7 pt 5**
notified LR 16 March 2011
s 1, s 2 commenced 16 March 2011 (LA s 75 (1))
pt 5 commenced 17 March 2011 (s 2)

**Justice and Community Safety Legislation Amendment Act 2011 A2011-16 sch 1 pt 1.7**
notified LR 17 May 2011
s 1, s 2 commenced 17 May 2011 (LA s 75 (a))
sch 1 pt 1.7 commenced 17 November 2011 (s 2 and LA s 79)

**Administrative (One ACT Public Service Miscellaneous Amendments) Act 2011 A2011-22 sch 1 pt 1.124**
notified LR 30 June 2011
s 1, s 2 commenced 30 June 2011 (LA s 75 (1))
sch 1 pt 1.124 commenced 1 July 2011 (s 2 (1))

**Justice and Community Safety Legislation Amendment Act 2011 (No 3) A2011-49 sch 1 pt 1.8**
notified LR 22 November 2011
s 1, s 2 commenced 22 November 2011 (LA s 75 (1))
sch 1 pt 1.8 commenced 12 December 2011 (s 2 (2) (a) and see Statute Law Amendment Act 2011 (No 3) A2011-52 s 2)

**Crimes Legislation Amendment Act 2013 A2013-12 pt 10**
notified LR 17 April 2013
s 1, s 2 commenced 17 April 2013 (LA s 75 (1))
pt 10 commenced 24 April 2013 (s 2)
Endnotes

Legislation history

Crimes (Child Sex Offenders) Amendment Act 2015 A2015-35 sch 1 pt 1.5
notified LR 1 October 2015
s 1, s 2 commenced 1 October 2015 (LA s 75 (1))
sch 1 pt 1.5 commenced 2 October 2015 (s 2)

Statute Law Amendment Act 2017 A2017-4 sch 3 pt 3.20
notified LR 23 February 2017
s 1, s 2 commenced 23 February 2017 (LA s 75 (1))
sch 3 pt 3.20 commenced 9 March 2017 (s 2)

Prostitution Amendment Act 2018 A2018-25
notified LR 8 August 2018
s 1, s 2 commenced 8 August 2018 (LA s 75 (1))
remainder commenced 9 August 2018 (s 2)

Health Amendment Act 2019 A2019-33 s 14
notified LR 9 October 2019
s 1, s 2 commenced 9 October 2019 (LA s 75 (1))
s 14 commenced 10 October 2019 (s 2)

Royal Commission Criminal Justice Legislation Amendment Act 2020 A2020-31 sch 1 pt 1.2
notified LR 29 July 2020
s 1, s 2 commenced 29 July 2020 (LA s 75 (1))
sch 1 pt 1.2 commenced 1 September 2020 (s 2 and CN2020-17)
#### Amendment history

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Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au
def commercial escort agency ins A2002-35 s 4
def commercial operator ins A2002-35 s 4
om A2018-25 s 10
def disqualifying offence ins A2002-35 s 4
def interested person ins A2002-35 s 4
def police report ins A2002-35 s 4
am A2011-49 amdt 1.15; A2017-4 amdt 3.104
def registration notice ins A2002-35 s 4
om A2018-25 s 10
def required police report ins A2002-35 s 4
def sole operator ins A2002-35 s 4
om A2018-25 s 10
def sole operator brothel ins A2002-35 s 4
am A2018-25 s 11
def sole operator escort agency ins A2002-35 s 4
am A2018-25 s 11
def the operator ins A2002-35 s 4
renum A2002-35 amdt 1.3

Meaning of disqualifying offence
s 6
orig s 6 renum as s 10
(prev s 4B) ins A2002-35 s 4
renum A2002-35 amdt 1.3
am A2002-51 amdts 1.29-1.31; A2003-8 amdt 1.16; A2004-56
amdt 1.50; A2005-53 amdt 1.124

Register
s 6A
renum as s 11

Registration notice etc to be given to registrar
s 6B
renum as s 12

Meaning of registration notice
s 7
orig s 7 renum as s 13
(prev s 4C) ins A2002-35 s 4
renum A2002-35 amdt 1.3
om A2018-25 s 12

Other notices to be given by operators and former operators
s 7A
renum as s 14

Interested person—disqualifying offence
s 7B
renum as s 15

Police report to be given before person becomes interested person
s 7C
renum as s 16
### Endnotes

| 4 | Amendment history |

#### Meaning of annual notice

**s 8**
- Orig s 8 renum as s 17
- (Prev s 4D) ins A2002-35 s 4
- Renum A2002-35 amdt 1.3
- Om A2018-25 s 12

#### Register and notices

**div 2.2 hdg**
- Ins A2002-35 s 4
- Sub A2011-16 amdt 1.23

#### Registrar of Brothels and Escort Agencies

**s 9**
- Orig s 9 renum as s 18
- (Prev s 5) sub A1994-97 sch pt 1; A2002-30 amdt 3.619;
  - A2002-35 s 4
- Renum A2002-35 amdt 1.3
- Am A2011-22 amdt 1.358
- Om A2011-16 amdt 1.24

#### Functions of registrar

**s 10**
- Orig s 10 renum as s 19
- (Prev s 6) am A1997-9 s 4; A2002-30 amdt 3.620; ss renum R3 LA
- Sub A2002-35 s 4
- Renum A2002-35 amdt 1.3
- Om A2011-16 amdt 1.24

#### Register

**s 11**
- Orig s 11 renum as s 20
- (Prev s 6A) ins A2002-35 s 4
- Renum A2002-35 amdt 1.3
- Am A2011-16 amdt 1.28; A2018-25 ss 13-15

#### Registration notice etc to be given to commissioner—commercial operators

**s 12 hdg**
- Am A2011-16 amdt 1.28

**s 12**
- Orig s 12 renum as s 21
- (Prev s 6B) ins A2002-35 s 4
- Renum A2002-35 amdt 1.3
- Am A2011-16 amdt 1.28
- Sub A2018-25 s 16

#### Annual notice to be given to commissioner—commercial operators

**s 13**
- Orig s 13 renum as s 22
- (Prev s 7) am A1994-97 sch pt 1; A1994-26 sch; A1997-9 s 5;
  - A2001-44 amdt 1.3312; R2 LA (see A2001-44 amdt 1.3313)
- Sub A2002-35 s 4
- Renum A2002-35 amdt 1.3
- Am A2011-16 amdt 1.28
- Sub A2018-25 s 16

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Sex Work Act 1992

Effective: 01/09/20

R29

01/09/20

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au
Other notices to be given to commissioner—commercial operators and former commercial operators
s 14
orig s 14 renum as s 23
(prev s 7A) ins A2002-35 s 4
renum A2002-35 amdt 1.3
am A2011-16 amdt 1.28
sub A2018-25 s 16

Interested people—offences
div 2.3 hdg
ins A2002-35 s 4

Interested people—disqualifying offences
s 15
orig s 15 renum as s 24
(prev s 7B) ins A2002-35 s 4
renum A2002-35 amdt 1.3

Police report to be given before person becomes interested person
s 16
orig s 16 renum as s 25
(prev s 7C) ins A2002-35 s 4
renum A2002-35 amdt 1.3
am A2011-16 amdt 1.28; A2018-25 s 17

Duress
s 17
orig s 17 renum as s 26
(prev s 8) am A2002-35 amdt 1.1
renum A2002-35 amdt 1.3
am A2008-26 amdt 2.126, amdt 2.127; A2017-4 amdt 3.105

Brothels—other than in prescribed location
s 18
orig s 18 renum as s 27
(prev s 9) am A1998-54 sch
sub A2002-35 s 5
renum A2002-35 amdt 1.3
am A2018-25 s 18

Soliciting
s 19
orig s 19 om A2002-35 s 12
(prev s 10) am A1998-54 sch
renum A2002-35 amdt 1.3
am A2017-4 amdt 3.105; A2018-25 s 19

Causing child to provide commercial sexual services etc
s 20
orig s 20 renum as s 28
(prev s 11) renum A2002-35 amdt 1.3
sub A2004-30 s 8
am A2018-25 s 20

Endnotes

Amendment history

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au
Endnotes

Proceeds of commercial sexual services by child
s 21 hdg  sub A2018-25 s 21
s 21  orig s 21renum as s 29
(prev s 12) renum A2002-35 amdt 1.3
am A2017-4 amdt 3.105; A2018-25 s 22

Approved forms
s 21A  renum as s 30

False or misleading information
s 21B  renum as s 31

Age of child—burden of proof
s 22  orig s 22 renum as s 32
(prev s 13) renum A2002-35 amdt 1.3

Child on premises
s 23  (prev s 14) am A1998-54 sch; A2002-35 s 6
renum A2002-35 amdt 1.3
am A2017-4 amdt 3.105

Infected persons
s 24  (prev s 15) am A1998-54 sch; A2002-35 s 7
renum A2002-35 amdt 1.3
am A2010-30 amdt 1.50; A2017-4 amdt 3.105
om A2018-25 s 23

Providing or receiving commercial sexual services if infected
s 25 hdg  sub A2010-30 amdt 1.51
s 25  (prev s 16) am A1998-54 sch
renum A2002-35 amdt 1.3
am A2010-30 amdt 1.52; A2017-4 amdt 3.105
om A2018-25 s 23

Medical tests and examinations
s 26  (prev s 17) am A1994-26 sch; A1998-54 sch; A2002-30
amdt 3.621, amdt 3.622; A2002-35 s 8, s 9
renum A2002-35 amdt 1.3
sub A2004-10 s 23
am A2010-30 amdt 1.52; A2018-25 s 24, s 25

Commercial operator must provide health and safety equipment
s 26A  ins A2018-25 s 27

Use of prophylactics
s 27  (prev s 18) am A1994-26 sch; A1998-54 sch; A2002-35 s 10,
s 11
renum A2002-35 amdt 1.3
am A2017-4 amdt 3.105; A2018-25 s 28

Entry by police
s 28  (prev s 20) renum A2002-35 amdt 1.3
Endnotes

Amendment history 4

Determination of fees
s 29  (prev s 21) sub A2001-44 amdt 1.3314
     renum A2002-35 amdt 1.3
     am A2017-4 amdt 3.106

Approved forms
s 30  (prev s 21A) ins A2002-35 s 13
     renum A2002-35 amdt 1.3
     am A2011-16 amdt 1.28; A2017-4 amdt 3.106

False or misleading information
s 31  (prev s 21B) ins A2002-35 s 13
     renum A2002-35 amdt 1.3
     om A2004-15 amdt 2.149

Regulation-making power
s 32  (prev s 22) am A1998-54 sch
     sub A2001-44 amdt 1.3315
     renum A2002-35 amdt 1.3
     am A2010-30 amdt 1.53; A2018-25 s 29

Transitional—registration notices etc for existing commercial brothels and commercial escort agencies
s 33  (prev s 23) ins A2002-35 s 14
     renum A2002-35 amdt 1.3
     exp 16 June 2003 (s 33 (3), (4))

Sex Work Regulation 2018—sch 4
s 34  ins A2018-25 s 30
     exp 9 August 2018 (s 34 (5))

Disqualifying offences—Crimes Act 1900
sch 1  ins A2002-35 s 15
      am A2008-44 amdt 1.93; A2011-7 s 13; items renum R19 LA;
      A2013-12 s 43, s 44; items renum R23 LA; A2015-35
      amdt 1.22; A2020-31 amdt 1.2; items renum R29 LA

Disqualifying offences—this Act
sch 2  ins A2002-35 s 15
      am A2004-10 s 24; A2010-30 amdt 1.54; A2018-25 ss 31-34;
      items renum R26 LA

Disqualifying offences—foreign countries
sch 3  ins A2002-35 s 15
      ss renum R11 LA
      am A2015-35 amdt 1.23; A2018-25 s 35

Sex Work Regulation 2018
sch 4  ins A2018-25 s 36
      exp 9 August 2018 (s 34 (5))

R29
01/09/20

Sex Work Act 1992

Effective: 01/09/20

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au
def **prostitute** reloc from s 3 A2002-30 amdt 3.617  
   om A2018-25 s 47
def **prostitution** reloc from s 3 A2002-30 amdt 3.617  
   om A2018-25 s 47
def **public place** ins A2002-30 amdt 3.623  
   om A2018-25 s 47
def **registrar** ins A1994-97 sch pt 1  
   reloc from s 3 A2002-30 amdt 3.617  
   sub A2002-35 s 21  
   om A2011-16 amdt 1.27
def **registration notice** ins A2002-35 s 22  
   om A2018-25 s 47
def **required police report** ins A2002-35 s 22  
def **scope of practice** ins A2004-10 s 27  
   sub A2006-27 amdt 2.9  
   om A2018-25 s 47
def **sexually transmitted disease** am A1997-70 sch 3  
   reloc from s 3 A2002-30 amdt 3.617  
   sub A2002-35 s 23; A2006-46 amdt 2.36  
   om A2010-30 amdt 1.56
def **sexually transmissible infection** ins A2010-30 amdt 1.56  
   def **sexual services** reloc from s 3 A2002-30 amdt 3.617
def **sex work** ins A2018-25 s 48
def **sole operator** ins A2002-35 s 24  
   om A2018-25 s 49
def **sole operator brothel** ins A2002-35 s 24  
def **sole operator escort agency** ins A2002-35 s 24
def **the operator** ins A2002-35 s 24
5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (*) in column 1. Electronic and printed versions of an authorised republication are identical.

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## Renumbered provisions

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† reissue for retrospective amendment by A2004-30 s 7
†† reissue for textual correction (s 4)

### Renumbered provisions

This Act was renumbered under the *Legislation Act 2001*, in R4 (see *Prostitution Amendment Act 2002* A2002-35). Details of renumbered provisions are shown in endnote 4 (Amendment history). For a table showing the renumbered provisions, see R10.