

1997
THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Attorney-General)

Prostitution (Amendment) Bill 1997

A BILL

FOR

An Act to amend the *Prostitution Act 1992*

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*.

5 **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

10 **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:

5 “(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—

- 10 (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.

15 “(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.”,
- 20 (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:

25 “(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:

30 “(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
 - 35 (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:

- 5 (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’—

- 10 (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
- 15 (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
- 20 (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*.