

2018

The Parliament of the
Commonwealth of Australia

HOUSE OF REPRESENTATIVES

Presented and read a first time

Pleasurable Services Bill 2018

A Bill for an Act to regulate and legalise prostitution and the running of brothels and sex work service providers, and for related purposes.

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The Parliament of Australia enacts:

Part 1—Preliminary

1 Short title

This Act is the Pleasurable Services Bill 2018.

2 Commencement

This Act commences on the day which it receives the Royal Assent.

3 Objects

The objects of this Act are to regulate and legalise the sex industry nationally:

- (a) To seek to ensure that brothels can now operate nationally;
- (b) To maximise the protection of sex workers and their clients from health risks;
- (c) To maximise the protection of sex workers from violence and exploitation;
- (d) To ensure that brothels are accessible to inspectors, law enforcement officers, health workers and other social service providers
- (e) To promote the welfare and occupational health and safety of sex workers.

4 Definitions

In this Act, unless the contrary intention appears:

brothel means any premises made available for the purpose of sex work by a person carrying on the business of offering or providing sex work services at the business's premises

escort agency means a business of offering or providing, or facilitating the offer or provision of, sex work services to persons at premises not made available by the agency;

sex work the provision by one person to or for another person (whether or not of a different sex) of sexual services in return for payment or reward;

child means a person under the age of 18 years;

Part 2—Offences Connected with Sex Work

5 Causing or inducing a child to take part in sex work

- (1) A person must not cause or induce a child to take part in an act of sex work, whether as the sex worker or as the client or in any other capacity or to continue to take part in such acts.

Penalty: See Criminal Code Act 1995

- (2) An offence against subsection (1) is an indictable offence.

6 Obtaining payment for sexual services provided by a child

(1) A person must not receive a payment (except in the ordinary course of a business unrelated to sex work) knowing that it or any part of it has been derived, directly or indirectly, from sexual services provided by a child.

Penalty: See Criminal Code Act 1995

(2) An offence against subsection (1) is an indictable offence.

7 Agreement for provision of sexual services by a child

(1) A person must not enter into or offer to enter into an agreement under which a child is to provide sexual services to or for that person or another person in return for payment or in exchange for drugs of dependence.

Penalty: See Criminal Code Act 1995

(2) An offence against subsection (1) is an indictable offence

8 Forcing person into or to remain in sex work

(1) A person must not with intent to induce another person aged 18 years or more to engage or continue to engage in sex work-

(a) assault or threaten to assault that other person or any other person; or

(b) intimidate that other person or any other person; or

(c) supply or offer to supply a drug of dependence to that other person or any other person; or

(d) make a false representation or use any false pretence or other fraudulent means

Penalty: See Criminal Code Act 1995

(2) An offence against subsection (1) is an indictable offence.

9 Allowing a child to take part in sex work

(1) A person who owns or occupies any premises or who manages or assists in the management of any premises must not allow a child to enter or remain on the premises for the purpose of taking part in an act of sex work, whether as the sex worker or as the client or in any other capacity

Penalty: See Criminal Code Act 1995

(2) An offence against subsection (1) is an indictable offence.

10 Street sex work—offences by clients

(1) Subject to section 12, a person must not for the purpose of, or with the intention of, inviting or soliciting any person to offer sex work services himself or herself with him or her or another person or of being accosted by or on behalf of a sex worker, intentionally or recklessly loiter in or near—

(a) a place of worship; or

(b) a hospital; or

- (c) a school, education and care service premises or children's services centre; or
- (d) a public place regularly frequented by children and in which children are present at the time of the loitering.

Penalty: For a first offence—\$150 fine or 50 hours of community service;

For a second offence—\$200 fine or 100 hours of community service;

For a subsequent offence—\$300 fine or 150 hours of community service.

11 Street sex work—offences by sex workers

- (1) Subject to section 12, a person must not for the purpose of sex work intentionally or recklessly solicit or accost any person or loiter in or near—
- (a) a place of worship; or
 - (b) a hospital; or
 - (c) a school, education and care service premises or children's services centre; or
 - (d) a public place regularly frequented by children and in which children are present at the time of the soliciting, accosting or loitering.

Penalty: For a first offence—\$150 fine or 50 hours of community service;

For a second offence—\$200 fine or 100 hours of community service;

For a subsequent offence—\$300 fine or 150 hours of community service.

12 Exceptions to street sex work offences

- (1) An act done in a brothel or in any premises on which an escort agency carries on business which, but for this subsection, would constitute an offence against section 10 or 11 does not constitute an offence against that section if the act is not visible to a person in a public place outside the brothel or those premises.

13 Offensive behaviour towards sex workers

- (1) A person must not in or near a public place with the intention of intimidating, insulting or harassing a sex worker—
- (a) behave in an indecent, offensive or insulting manner; or
 - (b) use threatening, abusive or insulting words.

Penalty: Is for the business or agency to determine

14 Permitting sex worker infected with a disease to work in a brothel etc.

- (1) A person, brothel or sex work service provided must not permit a sex worker to work (whether under a contract of service or a contract for services) in a brothel or for the escort agency or other business during any period in which he or she knows that the sex worker is infected with a sexually transmitted disease.

Penalty: \$5,000 fine and suspension of trading

15 Sex workers and clients must adopt safer sex practices

- (1) A person must not provide or receive sex work services unless he or she has taken all reasonable steps to ensure a condom or other appropriate barrier is used if that sex work involves vaginal, anal, or oral penetration or another activity with a similar or greater risk of acquiring or transmitting sexually transmitted diseases.

Penalty: \$5,000 fine and suspension of trading

Part 3—Advertising

16 Controls on advertising by sex work service providers

- (1) A person or business must not publish or cause to be published an advertisement for sex work services that
 - (a) a child can access within reason
- (2) A person or business can advertise for sex work services to be broadcast or televised at reasonable hours.
- (3) A person or business can publish or cause to be published a statement which is intended or likely to induce a person to seek employment—
 - (a) as a sex worker; or
 - (b) in a brothel or with an escort agency or any other business that provides sex work services if the employment will involve, to any extent, the employee engaging in sex work.

Part 4—Licensing System

Division 1—Requirement to be licensed

17 Sex work service providers to be licensed

- (1) A person must not knowingly or recklessly carry on business as a sex work service provider—
 - (a) without holding a licence; or
 - (b) in breach of any condition of a licence.
- (2) A person must not carry on business as a sex work service provider—
 - (a) without holding a licence; or
 - (b) in breach of any condition of a licence; or
 - (c) when a licence is suspended.

Penalty: Suspended from operating

- (3) An offence against subsection (1) or (2) is an indictable offence

Division 2—The Authority and the Director

18 Functions of Authority

- (1) The functions of the Authority under this Act are—
 - (a) to determine licence applications;

- (b) to determine manager approval applications;

19 Functions of Director

- (1) The functions of the Director under this Act are—
 - (a) to monitor compliance with and investigate and prosecute alleged breaches of this Act;
 - (b) Liaise with Federal Police, State and Territory Police when breaches occur.

Part 5—Miscellaneous

20 The Pleasurable Services fund

- (1) There shall be kept in the Trust Fund under the Financial Management and Accountability Act 1997, a trust account to be called the Purveyors of Pleasures of the Flesh fund.
- (2) Into the Fund must be paid—
 - (a) all fees paid under this Act;
 - (b) all fines or penalties paid in respect of an offence against this Act;
 - (c) all other money received by the Authority under this Act;
 - (d) all other money required under this Act to be paid into the Fund.

21 Advisory Committee

- (1) There shall be appointed an Advisory Committee consisting of persons appointed by the Governor General on the recommendations of the Minister.
- (2) The functions of the Advisory Committee are to advise the Minister on—
 - (a) issues related to the regulation and control of the sex work industry in Australia;
 - (b) the general operation of the sex work industry in Australia;
 - (c) assistance for organisations involved in helping sex workers to leave the industry
 - (d) the development of educational programmes about the sex work industry for magistrates, police and community workers;
- (3) The members of the Advisory Committee shall include—
 - (a) persons with knowledge of the sex work industry in Australia
 - (b) persons with knowledge of the health implications of unsafe sex
 - (c) persons with knowledge of urban planning and zoning

Explanatory memorandum:

This bill provides sex workers and business owners the opportunity to fully contribute to society and to no longer be ashamed of their profession. By regulating the industry the Government can provide safeguards for owners and workers nationally.

Second reading speech:

Mr Speaker,

I rise to speak in support of this bill. Prostitution in modern Australia is a serious problem. The stigma attached to sex workers and business owners has deeply affected these individuals both financially and mentally. Although, through campaigning the attitudes towards these individuals are changing and for the better. Furthermore, by regulating the sex industry for the betterment of both working conditions and businesses this could provide the Australian Government with ample tax revenue (\$350 million estimates) to be spent on much-needed services. This government has once again shown its leadership and experience with governing our nation, by ensuring all workers, business owners contribute their fair share to our nation.