



Queensland

Prostitution Amendment Bill 2006



Queensland

Prostitution Amendment Bill 2006

Contents

		Page
Part 1	Preliminary	
1	Short title	6
2	Commencement	6
Part 2	Amendment of Prostitution Act 1999	
3	Act amended in pt 2	6
4	Amendment of s 7 (Meaning of interest in a brothel)	6
5	Amendment of s 17 (Suitability of applicant)	6
6	Amendment of s 19 (The licence)	7
7	Amendment of s 23 (Renewal of licence)	7
8	Amendment of s 25 (Automatic cancellation of licence)	8
9	Amendment of s 29 (Disciplinary powers of Authority)	8
10	Amendment of s 35 (Application for certificate)	8
11	Amendment of s 44 (The certificate)	8
12	Amendment of s 62 (Definitions for pt 4)	9
13	Replacement of s 63 (Application of pt 4)	9
	63 Application of pt 4	9
14	Amendment of s 64K (Appeals by applicants)	10
15	Amendment of s 77A (Prostitute providing sexual intercourse or oral sex without a prophylactic)	10
16	Amendment of s 78 (Brothel offences)	11
17	Amendment of s 81 (Licensee not to operate brothel in partnership or in association with unlicensed person)	12
18	Amendment of s 87 (Display of licence)	12
19	Amendment of s 93 (Advertising prostitution)	12
20	Replacement of pt 7, hdg (Administration)	13
21	Omission of pt 7, div 1, hdg (Prostitution Licensing Authority)	13
22	Amendment of s 101 (Functions of Authority)	13
23	Amendment of s 102 (Membership)	14

Prostitution Amendment Bill 2006

24	Insertion of new ss 108A–108D	14
	108A Authority is statutory body under the Financial Administration and Audit Act 1977	14
	108B Authority is statutory body under the Statutory Bodies Financial Arrangements Act 1982	15
	108C Budget	15
	108D Performance of Authority	15
25	Omission of ss 109 and 110.	16
26	Insertion of new pt 7A, pt 7B, hdg and pt 7B, div 1, hdg	16
	Part 7A Office of the Prostitution Licensing Authority	
	Division 1 Establishment	
	109 Establishment of office	16
	110 Function	16
	110A Status	17
	Division 2 Executive Director	
	110B Appointment of executive director	17
	110C Terms of appointment.	17
	110D Function of executive director.	18
	110E Relationship with Authority	18
	110F Delegation by executive director.	18
	110G Resignation	18
	110H Ending of appointment	18
	110I Preservation of rights	18
	110J Superannuation for executive director who was previously a public service officer.	19
	110K Acting executive director.	19
	Division 3 Staff of the office	
	110L Office staff	20
27	Amendment of s 111 (Licence and certificate register)	20
28	Amendment of s 132 (Evidentiary provision)	20
29	Amendment of s 133 (Disclosure of information)	20
30	Amendment of s 134 (Protection from liability)	21
31	Insertion of new s 134A	21
	134A Protection of health professionals from liability	21
32	Amendment of s 138A (Delegation)	22
33	Insertion of new s 139A	23
	139A Guidelines	23
34	Amendment of s 140 (Regulation-making power)	24

Prostitution Amendment Bill 2006

35	Amendment of s 141 (Review of Act)	24
36	Replacement of pt 9, hdg (Transitional provision for Prostitution Amendment Act 2001)	24
37	Insertion of new pt 9, div 2	24
	Division 2 Transitional provisions for Prostitution Amendment Act 2006	
	143 Transitional provision for registrar and executive director	25
	144 Transitional provision for licences.	25
	145 Transitional provision for certificates.	25
	146 Transitional provision for brothel offences	25
	147 Membership of Authority	26
	148 Proceedings	26
	149 Transitional provision for evidentiary certificates	26
38	Insertion of new sch 3	26
	Schedule 3 Restrictions on numbers of prostitutes at licensed brothel	
39	Amendment of sch 4 (Definitions)	27
Part 3	Consequential amendment of Public Service Act 1996	
40	Act amended in pt 3	28
41	Amendment of sch 1 (Public service offices and their heads)	28

2006

A Bill

for

An Act to amend the *Prostitution Act 1999*, and for other purposes

The Parliament of Queensland enacts— 1

Part 1 Preliminary 2

Clause 1 Short title 3
 This Act may be cited as the *Prostitution Amendment Act 2006*. 4
 5

Clause 2 Commencement 6
 This Act commences on a day to be fixed by proclamation. 7

Part 2 Amendment of Prostitution Act 1999 8
 9

Clause 3 Act amended in pt 2 10
 This part amends the *Prostitution Act 1999*. 11

Clause 4 Amendment of s 7 (Meaning of *interest in a brothel*) 12
 Section 7— 13
insert— 14
 ‘(3) For subsection (1)(i), (j) and (k), a prostitute does not have an *interest in a brothel* merely because the prostitute is entitled by way of remuneration to a proportion of the payments made for the provision of prostitution by the prostitute at the brothel.’. 15
 16
 17
 18
 19

Clause 5 Amendment of s 17 (Suitability of applicant) 20
 (1) Section 17(3)— 21
renumber as section 17(4). 22

Prostitution Amendment Bill 2006

- (2) Section 17— 1
insert— 2
- ‘(3) For subsection (1)(h), (i), (j) or (k), the applicant may arrange 3
for the Authority to obtain information directly from a person 4
who is or may be an associate of the applicant.’. 5

- Clause 6 Amendment of s 19 (The licence) 6**
- (1) Section 19(4), ‘1 year’— 7
omit, insert— 8
‘3 years’. 9
- (2) Section 19(5)(d)— 10
omit, insert— 11
‘(d) is subject to the following conditions or restrictions— 12
- (i) the licensee must pay, by the day prescribed under 13
a regulation, the annual licence fee and the annual 14
licence return fee prescribed under the regulation; 15
- (ii) the licensee must, by the day prescribed under a 16
regulation, give the Authority an annual return, in 17
the approved form, about the information given for 18
the application for the licence; 19
- (iii) any other conditions or restrictions set out in the 20
licence or prescribed under a regulation. 21
- ‘(6) Section 14, with necessary changes, applies to an annual 22
return as if— 23
- (a) the annual return were an application for a licence; and 24
(b) the licensee were an applicant for a licence.’. 25

- Clause 7 Amendment of s 23 (Renewal of licence) 26**
- Section 23(1) and (4), ‘1 month’— 27
omit, insert— 28
‘3 months’. 29

Clause 8	Amendment of s 25 (Automatic cancellation of licence)	1
	Section 25(a)(ii), ‘(other than section 229M)’—	2
	<i>omit.</i>	3
Clause 9	Amendment of s 29 (Disciplinary powers of Authority)	4
	Section 29(4), ‘registrar’—	5
	<i>omit, insert—</i>	6
	‘executive director’.	7
Clause 10	Amendment of s 35 (Application for certificate)	8
	(1) Section 35(2)(c)(ii)—	9
	<i>omit.</i>	10
	(2) Section 35(2)(c)(iii) and (iv)—	11
	<i>renumber</i> as section 35(2)(c)(ii) and (iii).	12
Clause 11	Amendment of s 44 (The certificate)	13
	(1) Section 44(3), ‘1 year’—	14
	<i>omit, insert—</i>	15
	‘3 years’.	16
	(2) Section 44(4)(d)—	17
	<i>omit, insert—</i>	18
	‘(d) is subject to the following conditions or restrictions—	19
	(i) the holder of the certificate must pay, by the day	20
	prescribed under a regulation, the annual certificate	21
	fee and the annual return fee prescribed under the	22
	regulation;	23
	(ii) the holder of the certificate must, by the day	24
	prescribed under a regulation, give the Authority	25
	an annual return, in the approved form, about the	26
	information given for the application for the	27
	certificate;	28

Prostitution Amendment Bill 2006

(iii) any other conditions or restrictions set out in the certificate or prescribed under a regulation. 1
2

‘(5) Section 39, with necessary changes, applies to an annual return as if— 3
4

(a) the annual return were an application for a certificate; 5
and 6

(b) the holder of the certificate were an applicant for a certificate.’. 7
8

Clause 12 Amendment of s 62 (Definitions for pt 4) 9

(1) Section 62, definition *code assessable development application*— 10
omit. 11
12

(2) Section 62— 13
insert— 14

‘*code assessable development application* means a development application to which this part applies. 15
16

minor change, for a development approval, see the Integrated Planning Act, schedule 10.’. 17
18

Clause 13 Replacement of s 63 (Application of pt 4) 19

Section 63— 20
omit, insert— 21

‘63 Application of pt 4 22

‘This part applies to a development application for— 23

(a) a material change of use of premises for a brothel, if the application is required to be the subject of code assessment under the Integrated Planning Act; and 24
25
26

(b) a minor change for a development approval for a brothel or a request to change or cancel conditions of a development approval for a brothel.’. 27
28
29

Prostitution Amendment Bill 2006

Clause 14	Amendment of s 64K (Appeals by applicants)	1
	(1) Section 64K(1), after ‘section 4.1.27’—	2
	<i>insert—</i>	3
	‘.’.	4
	(2) Before section 64K(1)(a)—	5
	<i>insert—</i>	6
	‘(aa) the assessment manager’s decision that the development application is required to be subject to code assessment under the Integrated Planning Act; or’.	7
		8
		9
	(3) Section 64K(1)(aa) to (e)—	10
	<i>renumber</i> as section 64K(1)(a) to (f).	11
 Clause 15	 Amendment of s 77A (Prostitute providing sexual intercourse or oral sex without a prophylactic)	 12
	(1) Section 77A—	13
	<i>insert—</i>	14
	‘(1A) A prostitute must not offer to provide prostitution involving sexual intercourse or oral sex without a prophylactic being used.	15
	Maximum penalty—100 penalty units.’.	16
		17
		18
	(2) Section 77A(2)—	19
	<i>omit, insert—</i>	20
		21
	‘(2) A person must not—	22
	(a) ask a prostitute to provide prostitution involving sexual intercourse or oral sex without a prophylactic being used; or	23
		24
		25
	(b) accept an offer from a prostitute to provide prostitution involving sexual intercourse or oral sex without a prophylactic being used; or	26
		27
		28
	(c) obtain prostitution involving sexual intercourse or oral sex unless a prophylactic is used.	29
		30
	Maximum penalty—100 penalty units.’.	31

Prostitution Amendment Bill 2006

- (3) Section 77A(4)— 1
omit, insert— 2
- ‘(4) A person who is a licensee or an approved manager of a 3
licensed brothel must, for any period the licensed brothel is 4
being used to provide prostitution, take reasonable steps to 5
ensure that— 6
- (a) a person does not provide or obtain prostitution 7
involving sexual intercourse or oral sex at the licensed 8
brothel unless a prophylactic is used; or 9
- (b) a person does not offer to provide, or ask a prostitute to 10
provide, prostitution involving sexual intercourse or oral 11
sex at the licensed brothel without a prophylactic being 12
used. 13
- Maximum penalty—120 penalty units.’. 14
- (4) Section 77A(1A) to (6)— 15
renumber as section 77A(2) to (7). 16

Clause 16 Amendment of s 78 (Brothel offences) 17

- (1) Section 78(1)(b), ‘10’— 18
omit, insert— 19
‘13’. 20
- (2) Section 78(1)(c)— 21
omit. 22
- (3) Section 78(1)(d) and (e)— 23
renumber as section 78(1)(c) and (d). 24
- (4) Section 78(2)— 25
renumber as section 78(3). 26
- (5) Section 78— 27
insert— 28
- ‘(2) A person who is a licensee or an approved manager of a 29
licensed brothel that is, under the development permit for the 30
licensed brothel, permitted to have a total number of rooms 31
stated in schedule 3, column 1, used for providing prostitution 32

Prostitution Amendment Bill 2006

must not, at any 1 time, have at the licensed brothel more than 1
the number of prostitutes set out opposite in schedule 3, 2
column 2. 3

Maximum penalty—200 penalty units or 5 years 4
imprisonment.’. 5

- Clause 17 Amendment of s 81 (Licensee not to operate brothel in partnership or in association with unlicensed person)** 6
7
- Section 81— 8
- insert—* 9
- ‘(3) Subsection (2) does not apply merely because a licensee is 10
operating a licensed brothel in partnership with, or otherwise 11
in association with, a corporation that receives income from 12
the licensed brothel if— 13
- (a) the licensee is the sole director of the corporation; or 14
- (b) each director of the corporation is a licensee.’. 15

- Clause 18 Amendment of s 87 (Display of licence)** 16
- Section 87(1)— 17
- omit, insert—* 18
- ‘(1) A licensee must keep either of the following displayed in a 19
conspicuous place inside the front entrance to the licensee’s 20
brothel— 21
- (a) the licensee’s licence for the brothel; 22
- (b) a notice stating— 23
- (i) the licensee’s licence number; and 24
- (ii) the address of the brothel; and 25
- (iii) the date on which the licensee’s licence expires. 26
- Maximum penalty—100 penalty units.’. 27

- Clause 19 Amendment of s 93 (Advertising prostitution)** 28
- (1) Section 93(1), (2) and (3), penalty— 29

Prostitution Amendment Bill 2006

<i>omit, insert—</i>	1
‘Maximum penalty—70 penalty units.’	2
(2) Section 93(4), definition <i>approved form</i> , paragraph (b)—	3
<i>renumber</i> as paragraph (c).	4
(3) Section 93(4), definition <i>approved form—</i>	5
<i>insert—</i>	6
‘(b) if guidelines under section 139A or a regulation	7
provides for the form of an advertisement, including	8
matters that may or may not be included in an	9
advertisement—a form that complies with the	10
guidelines or regulation; or’.	11

Clause 20	Replacement of pt 7, hdg (Administration)	12
	Part 7, heading—	13
	<i>omit, insert—</i>	14
	‘Part 7	
	Prostitution Licensing	15
	Authority’.	16
 Clause 21	 Omission of pt 7, div 1, hdg (Prostitution Licensing Authority)	 17 18
	Part 7, division 1, heading—	19
	<i>omit.</i>	20
 Clause 22	 Amendment of s 101 (Functions of Authority)	 21
	(1) Section 101(j)(iv)—	22
	<i>omit, insert—</i>	23
	‘(iv) raise, in prostitutes, judicial officers, police,	24
	community workers and the community, awareness	25
	of issues about prostitution;’.	26
	(2) Section 101—	27
	<i>insert—</i>	28

Prostitution Amendment Bill 2006

‘(l) to raise, in prostitutes, judicial officers, police, community workers and the community, awareness of issues about prostitution.’

Clause 23	Amendment of s 102 (Membership)	4
	(1) Section 102(1)(d)—	5
	<i>omit, insert—</i>	6
	‘(d) a health practitioner who has at least 5 years’ experience in his or her profession;’	7
		8
	(2) Section 102(1)(f)—	9
	<i>omit, insert—</i>	10
	‘(f) a person who represents local government;’	11
	(3) Section 102—	12
	<i>insert—</i>	13
	‘(5) In this section—	14
	<i>health practitioner</i> means—	15
	(a) a doctor; or	16
	(b) a person registered under the <i>Nursing Act 1992</i> ; or	17
	(c) a person registered under the <i>Psychologists Registration Act 2001</i> .’	18
		19
Clause 24	Insertion of new ss 108A–108D	20
	After section 108—	21
	<i>insert—</i>	22
‘108A	Authority is statutory body under the Financial Administration and Audit Act 1977	23
		24
	‘The Authority is a statutory body under the <i>Financial Administration and Audit Act 1977</i> .	25
		26

‘108B Authority is statutory body under the Statutory Bodies Financial Arrangements Act 1982	1
	2
‘(1) The Authority is a statutory body under the <i>Statutory Bodies Financial Arrangements Act 1982</i> .	3
	4
‘(2) Part 2B ¹ of that Act sets out the way in which the Authority’s powers under this Act are affected by the <i>Statutory Bodies Financial Arrangements Act 1982</i> .	5
	6
	7
‘108C Budget	8
‘(1) For each financial year, the Authority must develop, adopt and give to the Minister a budget by the day the Minister directs.	9
	10
‘(2) A budget has no effect until approved by the Minister.	11
‘(3) During a financial year the Authority may develop, adopt and submit to the Minister amendments to its budget.	12
	13
‘(4) An amendment has no effect until approved by the Minister.	14
‘108D Performance of Authority	15
‘(1) The Minister has the responsibility to ensure the Authority operates to best practice standards.	16
	17
‘(2) To help the Minister discharge the responsibility, the Authority must report to the Minister, when and in the way required by the Minister, on the efficiency, effectiveness, economy and timeliness of the Authority and its systems and processes, including operational processes.	18
	19
	20
	21
	22
‘(3) The Authority must comply with a Ministerial request under this section.	23
	24
‘(4) In the Authority’s annual report for a year under the <i>Financial Administration and Audit Act 1977</i> , the Authority must include copies of all requests given to it by the Minister under this section in the year.’.	25
	26
	27
	28

1 *Statutory Bodies Financial Arrangements Act 1982*, part 2B (Powers under this Act and relationship with other Acts)

Clause 25	Omission of ss 109 and 110	1
	Sections 109 and 110—	2
	<i>omit.</i>	3
Clause 26	Insertion of new pt 7A, pt 7B, hdg and pt 7B, div 1, hdg	4
	Before section 111—	5
	<i>insert—</i>	6
‘Part 7A	Office of the Prostitution	7
	Licensing Authority	8
‘Division 1	Establishment	9
‘109	Establishment of office	10
	‘(1) The Office of the Prostitution Licensing Authority is established.	11 12
	‘(2) The office consists of the executive director and the staff of the office.	13 14
‘110	Function	15
	‘(1) The office’s function is to help the Authority in the performance of its functions.	16 17
	‘(2) Without limiting subsection (1), the office’s function includes—	18 19
	(a) helping in the development of reports, budgets and policy issues by the Authority; and	20 21
	(b) coordinating the management of the Authority’s functions and providing strategic advice and information to the Authority, including in relation to the Authority’s functions; and	22 23 24 25
	(c) establishing and maintaining effective liaison between the Authority, the office, the commissioner, the Minister and other entities; and	26 27 28

Prostitution Amendment Bill 2006

(d)	developing and maintaining strategic alliances and partnerships that enhance the Authority's capacity to deliver sustainable services across the State; and	1 2 3
(e)	developing and implementing policies, procedures, performance standards, operational plans and systems to ensure effective outcomes for the Authority.	4 5 6
(3)	The office may do anything necessary or convenient to be done in performing its function.	7 8
'110A	Status	9
	'The office is not a statutory body for—	10
	(a) the <i>Financial Administration and Audit Act 1977</i> ; or	11
	(b) the <i>Statutory Bodies Financial Arrangements Act 1982</i> .	12
	Note—	13
	The office is a public service office under the <i>Public Service Act 1996</i> .	14
'Division 2	Executive Director	15
'110B	Appointment of executive director	16
(1)	There is to be an executive director of the office.	17
(2)	The executive director is to be appointed by the Governor in Council.	18 19
(3)	The executive director is appointed for the term stated in the instrument of appointment and is eligible for reappointment.	20 21
(4)	The stated term must not be longer than 5 years.	22
(5)	The <i>Public Service Act 1996</i> does not apply to the appointment of the executive director.	23 24
'110C	Terms of appointment	25
(1)	The executive director is to be paid the remuneration and allowances decided by the Governor in Council.	26 27
(2)	The executive director holds office on terms, not provided for by this Act, decided by the Governor in Council.	28 29

‘110D Function of executive director	1
‘(1) The executive director’s function is to control the office and be responsible for its efficient and effective administration and operation.	2 3 4
‘(2) Subsection (1) does not prevent the attachment of the office to the department for the purpose of ensuring the office is supplied with the administrative support services that it requires to carry out its functions effectively and efficiently.	5 6 7 8
‘110E Relationship with Authority	9
‘(1) In performing the executive director’s functions and exercising the executive director’s powers in relation to a power delegated by the Authority, the executive director must act independently, impartially, fairly and in the public interest.	10 11 12 13
‘(2) However, the executive director is subject to direction by the Authority.	14 15
‘110F Delegation by executive director	16
‘The executive director may delegate the executive director’s powers under this Act to an appropriately qualified member of the office’s staff.	17 18 19
‘110G Resignation	20
‘The executive director may resign by signed notice given to the Minister.	21 22
‘110H Ending of appointment	23
‘The Governor in Council may end the appointment of the executive director for any reason or without stating the reason.	24 25
‘110I Preservation of rights	26
‘(1) This section applies if a public service officer is appointed as the executive director.	27 28

Prostitution Amendment Bill 2006

-
- ‘(2) The person retains and is entitled to all rights that have accrued to the person because of employment as a public service officer, or that would accrue in the future to the person because of that employment, as if service as the executive director were a continuation of service as a public service officer. 1
2
3
4
5
6
- ‘(3) At the end of the person’s term of appointment or on resignation— 7
8
- (a) the person is entitled to be employed as a public service officer at a classification level not less than the current classification level of a position equivalent to the position the person held before being appointed as executive director; and 9
10
11
12
13
- (b) the person’s service as the executive director is taken to be service of a like nature in the public service for deciding the person’s rights as a public service officer. 14
15
16
- ‘110J Superannuation for executive director who was previously a public service officer** 17
18
- ‘(1) This section applies if a public service officer is appointed as the executive director and immediately before the appointment the public service officer was a member of the State Public Sector Superannuation Scheme under the *Superannuation (State Public Sector) Act 1990*. 19
20
21
22
23
- ‘(2) The person continues to be eligible to be, and to be, a member of the scheme. 24
25
- ‘110K Acting executive director** 26
- ‘The Minister may appoint a person to act as the executive director— 27
28
- (a) during a vacancy in that office; or 29
- (b) during any period, or during all periods, when the executive director is absent from duty or can not, for another reason, perform the functions of that office. 30
31
32

‘Division 3	Staff of the office	1
‘110L Office staff		2
	‘The staff of the office are to be employed under the <i>Public Service Act 1996</i> .	3 4
‘Part 7B	Administration	5
‘Division 1	Register’.	6
Clause 27	Amendment of s 111 (Licence and certificate register)	7
	(1) Section 111, ‘registrar’—	8
	<i>omit, insert—</i>	9
	‘executive director’.	10
	(2) Section 111(2), ‘registrar’s’—	11
	<i>omit.</i>	12
	(3) Section 111(4)(b), ‘registrar’s’—	13
	<i>omit, insert—</i>	14
	‘executive director’s’.	15
Clause 28	Amendment of s 132 (Evidentiary provision)	16
	Section 132(5), ‘registrar’—	17
	<i>omit, insert—</i>	18
	‘executive director’.	19
Clause 29	Amendment of s 133 (Disclosure of information)	20
	(1) Section 133(2)(c) to (g)—	21
	<i>renumber</i> as section 133(2)(d) to (h).	22
	(2) Section 133(2)—	23
	<i>insert—</i>	24

Prostitution Amendment Bill 2006

‘(c) to the Minister; or’.

1

(3) Section 133(3)—

2

omit, insert—

3

‘(3) In this section—

4

official means—

5

(a) the Minister; or

6

(b) the commissioner; or

7

(c) a member of the Authority; or

8

(d) the independent assessor; or

9

(e) the executive director or a member of the staff of the office; or

10

11

(f) the assessor’s registrar; or

12

(g) an authorised officer of a relevant local government.’.

13

Clause 30 Amendment of s 134 (Protection from liability)

14

(1) Section 134, heading, after ‘Protection’—

15

insert—

16

‘of officials’.

17

(2) Section 134(3), definition *official*, paragraph (e)—

18

omit, insert—

19

‘(e) the executive director; or’.

20

Clause 31 Insertion of new s 134A

21

After section 134—

22

insert—

23

‘134A Protection of health professionals from liability

24

‘(1) This section applies if a health professional reasonably believes that a prostitute at a licensed brothel is a person with an intellectual impairment.

25

26

27

‘(2) The health professional may give a police officer information about the prostitute and the prostitute’s disability.

28

29

Prostitution Amendment Bill 2006

- ‘(3) The health professional is not liable, civilly, criminally or under an administrative process, for giving the information to the police officer honestly and on reasonable grounds. 1
2
3
- ‘(4) Also, merely because the health professional gives the information, the health professional can not be held to have— 4
5
- (a) breached any code of professional etiquette or ethics; or 6
- (b) departed from accepted standards of professional conduct. 7
8
- ‘(5) Without limiting subsections (3) and (4)— 9
- (a) in a proceeding for defamation, the health professional has a defence of absolute privilege for publishing the information; and 10
11
12
- (b) if the health professional would otherwise be required to maintain confidentiality about the information under an Act, oath or rule of law or practice, the health professional— 13
14
15
16
- (i) does not contravene the Act, oath or rule of law or practice by giving the information; and 17
18
- (ii) is not liable to disciplinary action for giving information. 19
20
- ‘(6) In this section— 21
- health professional*** means— 22
- (a) a doctor; or 23
- (b) a person registered under the *Nursing Act 1992*; or 24
- (c) a person registered under the *Psychologists Registration Act 2001*; or 25
26
- (d) another person prescribed under a regulation for this section. 27
28
- person with an intellectual impairment*** means an intellectually impaired person under the Criminal Code, section 229F.’. 29
30
31

Clause 32 Amendment of s 138A (Delegation) 32

Section 138A, ‘registrar’— 33

Prostitution Amendment Bill 2006

omit, insert— 1
‘executive director’. 2

Clause 33	Insertion of new s 139A	3
	After section 139—	4
	<i>insert—</i>	5
	‘139A Guidelines	6
	‘(1) The Authority may issue guidelines about the approved form for advertisements for prostitution.	7 8
	‘(2) Without limiting subsection (1), a guideline may provide—	9
	(a) for the form of an advertisement for prostitution; or	10
	(b) matters that may or may not be included in an advertisement for prostitution.	11 12
	‘(3) A guideline may be replaced or varied by a later guideline issued under this section.	13 14
	‘(4) The Authority must keep a copy of a guideline, issued under this section, available for inspection and permit a person—	15 16
	(a) to inspect the guideline without fee; and	17
	(b) to take extracts from the guideline without fee.	18
	‘(5) For subsection (4)—	19
	(a) a copy of the guideline must be kept at the Authority’s office; and	20 21
	(b) the copy kept under paragraph (a) must be available for inspection during office hours on business days for the office.	22 23 24
	‘(6) Also, the Authority must keep a copy of a guideline, issued under this section, available for supply to a person and permit a person to obtain a copy of the guideline, or a part of the guideline, without fee.	25 26 27 28
	‘(7) In addition, the Authority must keep a copy of a guideline, issued under this section, posted on the Authority’s web site on the internet.’.	29 30 31

Prostitution Amendment Bill 2006

Clause 34	Amendment of s 140 (Regulation-making power)	1
	Section 140(2)—	2
	<i>insert</i> —	3
	‘(h) the development of processes by the Authority to deal with complaints by licensees, including the principles with which the processes must comply;	4 5 6
	(i) advertising by individual prostitutes, including the approval of the advertising by the Authority.’.	7 8
Clause 35	Amendment of s 141 (Review of Act)	9
	Section 141(1), ‘this section’—	10
	<i>omit, insert</i> —	11
	‘the <i>Prostitution Amendment Act 2006</i> , section 34’.	12
Clause 36	Replacement of pt 9, hdg (Transitional provision for Prostitution Amendment Act 2001)	13 14
	Part 9, heading—	15
	<i>omit, insert</i> —	16
	‘Part 9 Transitional provisions	17
	‘Division 1 Transitional provision for Prostitution Amendment Act 2001’.	18 19
Clause 37	Insertion of new pt 9, div 2	20
	After section 142—	21
	<i>insert</i> —	22

‘Division 2	Transitional provisions for Prostitution Amendment Act 2006	1 2
‘143	Transitional provision for registrar and executive director	3 4
	‘A reference in an Act or a document to the registrar of the Authority may, if the context permits, be taken to be a reference to the executive director.	5 6 7
‘144	Transitional provision for licences	8
	‘(1) This section applies to a licence granted before the commencement of this section.	9 10
	‘(2) Despite the <i>Prostitution Amendment Act 2006</i> , section 6, the licence continues on the same conditions, and for the same term, that applied to the licence immediately before the commencement.	11 12 13 14
‘145	Transitional provision for certificates	15
	‘(1) This section applies to a certificate granted before the commencement of this section.	16 17
	‘(2) Despite the <i>Prostitution Amendment Act 2006</i> , section 11, the certificate continues on the same conditions, and for the same term, that applied to the certificate immediately before the commencement.	18 19 20 21
‘146	Transitional provision for brothel offences	22
	‘(1) This section applies if, before the commencement of this section, a person committed an offence against section 78(1)(b) or (c) (the <i>relevant provision</i>).	23 24 25
	‘(2) From the commencement—	26
	(a) the relevant provision, as in force before the commencement, continues to apply in relation to the offence; and	27 28 29

Prostitution Amendment Bill 2006

- (b) proceedings for the offence may be continued, or 1
 started, against the person as if the *Prostitution* 2
Amendment Act 2006, section 16, had not commenced. 3

‘147 Membership of Authority 4

- ‘(1) This section applies to a person who, immediately before the 5
 commencement of this section, was a member of the 6
 Authority appointed under section 102(1)(d) or (f). 7
- ‘(2) From the commencement, the person continues to be a 8
 member of the Authority as if the *Prostitution Amendment Act* 9
2006, section 23 had not commenced. 10

‘148 Proceedings 11

‘A proceeding that could have been started or continued by or 12
 against the registrar before the commencement of this section 13
 may be started or continued by or against the executive 14
 director. 15

‘149 Transitional provision for evidentiary certificates 16

‘A certificate under section 132(5) purporting to be signed by 17
 the registrar before the commencement of this section is, on 18
 the commencement, taken to have been signed by the 19
 executive director.’. 20

Clause 38 Insertion of new sch 3 21

After schedule 2— 22

insert— 23

‘Schedule 3	Restrictions on numbers of prostitutes at licensed brothel	1
		2
	section 78(2)	3
Column 1	Column 2	
Number of rooms permitted at licensed brothel under development permit	Number of prostitutes at licensed brothel at any 1 time	
1	2	
2	3	
3	4	
4	6	
5	8’.	
Clause 39	Amendment of sch 4 (Definitions)	4
(1)	Schedule 4, heading, ‘Definitions’—	5
	<i>omit, insert—</i>	6
	‘Dictionary’.	7
(2)	Schedule 4, definition <i>registrar</i> —	8
	<i>omit.</i>	9
(3)	Schedule 4—	10
	<i>insert—</i>	11
	‘executive director means the executive director of the office appointed under section 110B.	12
		13
	minor change , for part 4, see section 62.	14
	office means the Office of the Prostitution Licensing Authority established under section 109.’.	15
		16

Part 3	Consequential amendment of Public Service Act 1996	1 2
Clause 40	Act amended in pt 3	3
	This part amends the <i>Public Service Act 1996</i> .	4
Clause 41	Amendment of sch 1 (Public service offices and their heads)	5 6
	Schedule 1—	7
	<i>insert—</i>	8
‘8B	Office of the Prostitution Licensing Authority	Executive director’.