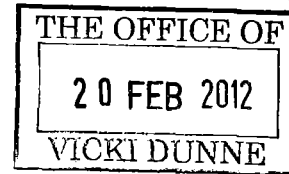
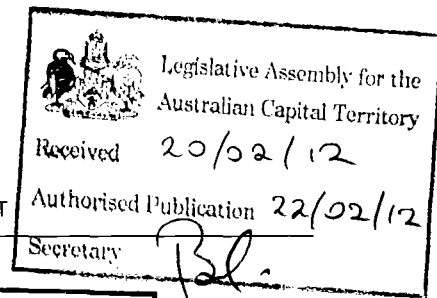




Simon Corbell MLA

ATTORNEY-GENERAL
MINISTER FOR POLICE AND EMERGENCY SERVICES
MINISTER FOR THE ENVIRONMENT AND SUSTAINABLE DEVELOPMENT

MEMBER FOR MOLONGLO



Mrs Vicki Dunne MLA
Chair
Standing Committee on Justice & Community Safety
GPO Box 1020
CANBERRA ACT 2601



Dear Mrs Dunne ^{Vicki}

Thank you for your letter of 9 February 2012 in which you request information on offence provisions in the *Prostitution Act 1992*.

I attach for the Committee's information a table setting out all of the offences under the Act and the related penalty.

There are no listed civil infractions in the table. At the present time, the approach adopted in the Prostitution Act recognises that the health of the community in general, and the vulnerabilities of individuals, should be protected through criminal rather than civil sanctions.

Yours sincerely

Simon Corbell MLA
Attorney-General

16.2.12

ACT LEGISLATIVE ASSEMBLY

OFFENCES UNDER THE PROSTITUTION ACT 1992

Section	Offence	Criminal offence	Civil infraction
12(1)	failing to give commissioner registration notice	100 pu, 1 year or both	
13(1)	failing to give the commissioner an annual notice	100 pu, 1 year or both	
14(1)	failing to give written notice to the commissioner of new particulars	100 pu, 1 year or both	
14(2)	failing to give written notice to the commissioner of cessation	100 pu, 1 year or both	
15(1)	being an 'interested person' if convicted or found guilty of disqualifying offence (see Schedule 2)	100 pu, 1 year or both	
15(2)	being an interested person who knows, or should know, about a person who is in breach of 15(1)	100 pu, 1 year or both	
16	failing to give the commissioner a police report	100 pu, 1 year or both	
17(1)	using duress to induce a person to provide services	6 years	
17(2)	using duress to induce a person to provide payment derived from the provision of services	6 years	
18(1)	person operating a brothel other than in a prescribed location	100 pu, 1 year or both	
18(2)	owner operating a brothel other than in a prescribed location	100 pu, 1 year or both	
19(1)	accosting any person, or soliciting or loitering, in a public place for the purpose of offering or procuring commercial sexual services.	20 pu	
19(2)	accosting a child in a public place for the purpose of offering or procuring commercial sexual services	3 years (Defence s.22)	
20(1)	causing, permitting, offering or procuring a child under 12 to provide commercial sexual services	Absolute liability 1,500 pu, 15 years or both (Defence s.22)	
20(3)	causing, permitting, offering or procuring a child over 12 to provide commercial sexual services	Strict liability 1,000 pu, 10 years or both (Defence s.22)	
21(1)	receiving a payment known, or reasonably expected to be known, to be derived from commercial sexual services provided by a child	7 years	
23	permitting a child to be on premises	20 pu	

OFFENCES UNDER THE PROSTITUTION ACT 1992

Section	Offence	Criminal offence	Civil infraction
24	failing to take reasonable steps to ensure that a prostitute does not provide commercial sexual services at the brothel or from the escort agency if the prostitute is infected with a sexually transmissible infection	100 pu, 1 year or both	
25	providing or receiving commercial sexual services if the person knows, or could reasonably be expected to know, that he or she is infected with a sexually transmissible infection	50 pu, 6 months or both	
26(1)	operator or owner failing to take reasonable steps to ensure that certain information not used to induce someone else to believe that a prostitute is not infected with a sexually transmissible infection	Strict liability 20 pu	
26(2)	prostitute telling a person certain things intending the person to believe, or reckless about whether the person believes, that the prostitute is not infected with a sexually transmissible infection	20 pu	
27(1)	owner or operator failing to take reasonable steps to ensure that no person provides or receives commercial sexual services at a brothel or escort agency, being services which involve vaginal, oral or anal penetration by any means, unless a prophylactic is used	50 pu	
27(2)	owner or operator discouraging the use of prophylactics at the brothel	100 pu	
27(3)	providing or receiving commercial sexual services that involve vaginal, oral or anal penetration by any means when a prophylactic is not used	50 pu	
27(4)	misusing, damaging or interfering with the efficacy of any prophylactic used, or continuing to use a prophylactic known, or reasonably expected to be known, to be damaged	50 pu	