**Directorate: Justice and Community Safety**

**17/716 - Prostitution Amendment Bill 2018**

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| **Summary of Impacts** |
| * The Prostitution Amendment Bill 2018 makes amendments to the *Prostitution Act 1992* to better regulate, legitimise and de-stigmatise sex work. The amendments will also help to better protect the health and safety of sex workers, their clients and children.
* This Bill includes amendments to:
	+ rename the Prostitution Act and replace references to ‘prostitution’ and ‘prostitute’ with ‘sex work’ and ‘sex worker’ to reflect current terminology;
	+ remove requirements for sole operators to register or provide annual notices to the Commissioner of Fair Trading;
	+ change the offence of causing, permitting, offering or procuring a child to provide a commercial sexual service so that absolute liability applies regardless of the age of the child;
	+ remove offences regarding sexually transmissible infections; and
	+ require an operator (excluding sole operators) to make available a range of prescribed safety equipment, including prophylactics, to workers at no charge.
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*Key to impacts: Red – negative, Blue – neutral and Green – positive.*

**Social**

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| **Justice and rights** | * The Bill encourages the de-stigmatisation of sex work by renaming the Prostitution Act and replacing pejorative language with current terminology.
* The Bill supports the human rights of sex workers by removing discriminatory offences specific to sex workers regarding sexually transmissible infections and instead including a cross reference to section 21 of the Public Health Regulation 2000.
* The Bill removes the distinction made between the liability applicable to the age of the child in the offence of causing a child to provide commercial sexual services. This amendment will mean that absolute liability will apply regardless of whether the child is over or under the age of 12.
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| **Health** | * The Bill improves work health and safety practices within the sex industry by requiring operators and owners of brothels or escort agencies (excluding sole operators) to provide safety equipment, such as prophylactics, to workers at no charge.
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| **Access to services** | * The Bill removes requirements for sole sex workers to register with and provide annual notices to Access Canberra. Sex industry stakeholders have raised concerns that unregistered workers may be less inclined to access outreach programs or report experiences of being a victim of crime due to a fear of being prosecuted over their status as an unregistered sole sex worker. Removing registration requirements for sole sex workers will improve social inclusion for sole sex workers by legalising their unregistered status and encouraging them to access outreach and other services.
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| **Gender impacts** | * While the number of male and transgender sex workers is possibly underestimated, the majority of sex workers identify as women with a recent study reporting over 90 per cent of sex workers being women[[1]](#footnote-1). Accordingly, the changes in this Bill are likely to have a specific benefit to and therefore a greater impact on the human rights, health and safety of women as compared to other groups.
* The majority of sex workers are migrant workers, a group comprised mostly of culturally and linguistically diverse women who experience significant barriers in accessing support services. The changes in this Bill are intended to reduce barriers to accessing services by removing the requirement for sole operators to register, therefore legalising currently unregistered sole operators.
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**Economic**

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| **ACT Government Budget** | * The proposed amendments may have an impact on the ACT Government budget resulting in a small loss in revenue from registration fees for sole operators of brothels or escort services.
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| **Productivity** | * No impact. The Bill is not expected to alter levels of sex work in the ACT.
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| **Investment** | * No impact.
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| **Competition** | * No impact.
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**Environmental**

No impact.

1. <https://aic.gov.au/publications/rpp/rpp131/migrant-sex-worker-demographics>. [↑](#footnote-ref-1)