

LEGISLATIVE COUNCIL

SEX WORK DECRIMINALISATION BILL 2021

(New Clause to be proposed in Committee by Mr GRIMLEY)

NEW CLAUSE

Insert the following new clause after clause 43—

'43A Amendment of Crimes Act 1958

After Division 11A of Part I of the **Crimes Act 1958** insert—

"Division 11B—Owning or operating a sex work service provider**321LE Definitions**

In this Division—

sex work service provider means a business offering or providing sex work services at a premises.

sex work services means 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.

321LF Prohibition on certain persons owning or operating a sex work service provider

- (1) A person must not own or operate a sex work service provider, either individually or with another, if the person—
 - (a) has been convicted a disqualifying offence specified in subsection (2); or
 - (b) is or has been a member of a declared organisation for the purposes of the **Criminal Organisations Control Act 2012**; or
 - (c) is or has been a declared individual for the purposes of the **Criminal Organisations Control Act 2012**; or
 - (d) is a member of an organisation identified in a corresponding declaration that has been registered under section 86 of the **Criminal Organisations Control Act 2012**; or
 - (e) has been named in a corresponding declaration that has been registered under section 86 of the **Criminal Organisations Control Act 2012**.

Penalty: 240 penalty units or 2 years imprisonment or both.

- (2) The disqualifying offences referred to in subsection (1) are the following—

- (a) an offence against Divisions 1, 2 or 2A that is punishable by 2 years imprisonment or more;
- (b) an offence against the **Firearms Act 1996** that is punishable by 4 years imprisonment or more;
- (c) an offence against Part V of the **Drugs, Poisons and Controlled Substances Act 1981** that is punishable by 2 years imprisonment or more;
- (d) attempting or conspiring to commit, or being an accessory after the fact to, an offence specified in paragraph (a), (b) or (c);
- (e) an offence equivalent to an offence specified in paragraph (a), (b), (c) or (d) that was committed in another state or a territory or in New Zealand."!