

LEGISLATIVE COUNCIL

JUSTICE LEGISLATION FURTHER AMENDMENT (MISCELLANEOUS) BILL
2025

(Amendments and New Clause to be proposed in Committee by DAVID LIMBRICK)

1. Clause 1, page 3, after line 12 insert—
 - "(ga) to amend the **Sex Offenders Registration Act 2004** to prohibit registrable offenders working in commercial sexual services or sexually explicit entertainment employment; and".
2. Clause 2, line 17, after "6" insert ", 7A".
3. Clause 2, line 21, after "6" insert ", 7A".

NEW CLAUSE

4. Insert the following New Part after Part 7—

**'Part 7A—Amendment of the Sex Offenders
Registration Act 2004**

71A New Part 4B inserted

After Part 4A of the **Sex Offenders Registration Act 2004** insert—

**"Part 4B—Registrable offenders prohibited from
commercial sexual services or sexually explicit
entertainment employment**

66ZZE Definitions

- (1) In this Part—

commercial sexual services means services involving the use or display of the body of the person providing the services for the sexual arousal or sexual gratification of another for—

- (a) commercial benefit; or
- (b) payment; or
- (c) reward (including the supply of a drug of dependence within the meaning of the **Drugs, Poisons and Controlled Substances Act 1981**)—

whether or not the commercial benefit, payment or reward accrues to, or is given to, the person providing the services or to another person;

commercial sexual services or sexually explicit entertainment employment means—

- (a) provision of commercial sexual services; or
- (b) performance of sexually explicit entertainment; or
- (c) employment at a place at which commercial sexual services are provided or sexually explicit entertainment is performed; or

Examples

- 1. A brothel.
- 2. Premises licensed under the **Liquor Control Reform Act 1998**, the licence for which is subject to a condition relating to the provision of sexually explicit entertainment.
- (d) employment providing transport or security for a person who provides commercial sexual services or who performs sexually explicit entertainment where that transport or security is in connection with provision of those services or that performance;

employment means performance of work—

- (a) under a contract of employment or a contract for services (whether written or unwritten); or
- (b) for gain or reward other than under a contract of employment or contract for services;

sexually explicit entertainment means live entertainment that may be performed for an audience, by a person or persons performing an act of an explicit sexual nature.

66ZZF Registrable offender excluded from commercial sexual services or sexually explicit entertainment employment

- (1) A registrable offender must not—

- (a) apply for; or
- (b) engage in—

employment that is commercial sexual services or sexually explicit entertainment employment.

Penalty: 240 penalty units or imprisonment for 2 years.

- (2) In a proceeding for an offence against subsection (1), it is a defence to the charge for the accused to prove that, at the time the offence is alleged to have been committed, the accused did not know that the employment was commercial sexual services or sexually explicit entertainment employment.

66ZZG Offence to advertise provision of commercial sexual services or performance of sexually explicit entertainment

A registrable offender must not advertise the provision of commercial sexual services or the performance of sexually explicit entertainment by that registrable offender.

Penalty: 240 penalty units or imprisonment for 2 years.

66ZZH Offence to fail to disclose charges

- (1) A person engaged in commercial sexual services or sexually explicit entertainment employment (including employment under a contract for services) who is charged with a registrable offence must disclose the charge to the person's employer within 7 days after the filing of the charge-sheet charging the offence or (in the case of a charge that is pending immediately before the commencement of this subsection) within 7 days after that commencement.

Penalty: 60 penalty units.

- (2) A person who applies for employment (including employment under a contract for services) that is commercial sexual services or sexually explicit entertainment employment and against whom there is a pending charge of a registrable offence must disclose the charge to the person's prospective employer at the time of making the application.

Penalty: 60 penalty units.

- (3) A person who has (whether before or after the commencement of this subsection) applied for employment (including employment under a contract for services) that is commercial sexual services or sexually explicit entertainment employment and who, while the application is still current, is charged with a registrable offence must disclose the charge to the person's prospective employer within 7 days after the filing of the charge-sheet charging the offence or (in the case of a charge that is pending immediately before the commencement of this subsection) within 7 days after that commencement.

Penalty: 60 penalty units.

66ZZI Confidentiality

- (1) A person must not give to any other person, whether directly or indirectly, any information acquired by the person under section 66ZZH.

Penalty: 60 penalty units.

- (2) Subsection (1) does not apply to the giving of information—
- (a) to a court or tribunal in the course of legal proceedings; or
 - (b) pursuant to an order of a court or tribunal; or
 - (c) to the extent reasonably required to enable the investigation or the enforcement of a law of this State or of any other State or of a Territory or of the Commonwealth; or

- (d) to an Australian legal practitioner for the purpose of obtaining legal advice or representation relating to a matter under this Act; or
- (e) with the written authority of the person to whom the information relates or, if the person to whom the information relates is a child or a person with a cognitive impairment or mental illness within the meaning of Subdivision (8E) of Division 1 of Part I of the **Crimes Act 1958**, with the written authority of a person authorised to act on that person's behalf; or
- (f) in good faith for the purposes of this Act; or
- (g) as required or authorised by or under any other Act.".'.

AMENDMENT OF LONG TITLE

5. Long Title, after "Magistrates' Court," insert "to amend the **Sex Offenders Registration Act 2004** in relation to registrable offenders working in commercial sexual services or sexually explicit entertainment employment,".