

Queensland



PROSTITUTION LAWS AMENDMENT ACT 1992

Act No. 65 of 1992

Queensland



**PROSTITUTION LAWS AMENDMENT
ACT 1992**

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Queensland



Prostitution Laws Amendment Act 1992

Act No. 65 of 1992

An Act to amend laws relating to prostitution, and for other purposes

[Assented to 7 December 1992]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows.

PART 1—PRELIMINARY

Short title

1. This Act may be cited as the *Prostitution Laws Amendment Act 1992*.

Commencement

2. This Act commences on a day to be fixed by proclamation.

PART 2—AMENDMENT OF CRIMES (CONFISCATION OF PROFITS) ACT 1989

Amended Act

3. The *Crimes (Confiscation of Profits) Act 1989* is amended as set out in this Part.

Interpretation

4. Section 3(1) (definition “**serious offence**”, paragraph (a))—

omit, insert—

- ‘(a) an indictable offence (whether dealt with on indictment or summarily); or’.

PART 3—AMENDMENT OF CRIMINAL CODE

Amended Code

5. The Criminal Code is amended as set out in this Part.

Amendment of s.1 (Construction of terms)

6. Section 1—

insert—

‘ **“intellectually impaired person”** has the meaning given by section 229F;

“prostitution” has the meaning given by section 229E;

“sexual act” has the meaning given by section 229D;’.

Amendment of s.216 (Abuse of intellectually impaired persons)

7. Section 216(6) (definition **“intellectually impaired person”**)—
omit.

Replacement of s.217 (Procuration)

8. Section 217—

omit, insert—

‘Procuring young person etc. for carnal knowledge

‘217.(1) A person who procures a person who is not an adult or is an intellectually impaired person to engage in carnal knowledge (either in Queensland or elsewhere) commits a crime.

Maximum penalty—imprisonment for 14 years.

‘(2) A person may be convicted of an offence against this section on the uncorroborated testimony of 1 witness, but the Judge must warn the jury of the danger of acting on the testimony unless they find that it is corroborated in some material particular by other evidence implicating the person.

‘(3) In this section—

“**carnal knowledge**” includes carnal knowledge by anal intercourse;

“**procure**” means knowingly entice or recruit for the purposes of sexual exploitation.’.

Replacement of s.218 (Procuring defilement of Woman by Threats, or Fraud, or Administering Drugs)

9. Section 218—

omit, insert—

‘Procuring sexual acts by coercion etc.

‘218.(1) A person who—

- (a) by threats or intimidation of any kind, procures a person to engage in a sexual act, either in Queensland or elsewhere; or
- (b) by a false pretence, procures a person to engage in a sexual act, either in Queensland or elsewhere; or
- (c) administers to a person, or causes a person to take, a drug or other thing with intent to stupefy or overpower the person to enable a sexual act to be engaged in with the person;

commits a crime.

Maximum penalty—imprisonment for 7 years.

‘(2) If the victim of an offence against this section is a child under the age of 16 or an intellectually impaired person, the maximum penalty to which the offender is liable is imprisonment for 14 years.

‘(3) A person may be convicted of an offence against this section on the uncorroborated testimony of 1 witness, but the Judge must warn the jury of the danger of acting on the testimony unless they find that it is corroborated in some material particular by other evidence implicating the person.’.

Insertion of new Chapter 22A

10. After section 229B—

insert—

‘CHAPTER 22A—PROSTITUTION**‘Definitions**

‘229C. In this Chapter—

“address” means current place of residence;

“arrangement” includes scheme, agreement, understanding, promise or undertaking, whether express or implied;

“capacity” means ability or power (whether direct or indirect), and includes ability or power that is exercisable because of, by way of, in breach of, or by revocation of, any of, or any combination of, the following (whether or not they are enforceable)—

- (a) trusts;
- (b) arrangements;
- (c) practices;

“control” means the capacity of an entity to dominate, whether directly or indirectly, decision-making in relation to the financial and operating policies of another entity so as to enable the other entity to operate with the first entity in pursuing the first entity’s objectives;

“entity” means any legal, administrative or fiduciary arrangement, organisational structure or other party (including a person) having the capacity to deploy scarce resources in order to achieve objectives;

“participate” means enable, aid, facilitate, organise or control;

“place” includes—

- (a) vacant land (which may be held under more than 1 title or owner); and
- (b) a place in Queensland waters; and
- (c) premises;

“premises” includes—

- (a) a building or structure, or a part of a building or structure, of any type; and
- (b) a group of buildings or structures, or a part of a group of

buildings or structures, of any type (which may be held under more than 1 title or owner); and

- (c) the land or water on which a building or structure is, or a group of buildings or structures are, situated (which may be held under more than 1 title or owner); and
- (d) a vehicle, caravan, vessel or aircraft;

“publishing” means publishing in Queensland or elsewhere by way of television, newspaper, radio or another form of communication.

‘Meaning of “sexual act”

‘229D.(1) A person engages in a **“sexual act”** if the person—

- (a) allows a sexual act to be done to the person’s body; or
- (b) does a sexual act to the person’s own body or the body of another person; or
- (c) otherwise engages in an act of an indecent nature with another person.

‘(2) Subsection (1)—

- (a) applies equally to males and females; and
- (b) is not limited to sexual intercourse or acts involving physical contact.

‘Meaning of “prostitution”

‘229E.(1) A person engages in **“prostitution”** if the person engages in a sexual act with another person under an arrangement of a commercial character.

‘(2) It is immaterial whether—

- (a) the arrangement is initiated with the person engaging in the sexual act or a third person; or
- (b) the pecuniary or other reward under the arrangement is to be received by the person engaging in the sexual act or a third person.

‘Meaning of “intellectually impaired person”

‘229F. A person is an **“intellectually impaired person”** if the person has a disability—

- (a) that is attributable to an intellectual, psychiatric, cognitive or neurological impairment or a combination of these; and
- (b) that results in—
 - (i) a substantial reduction of the person’s capacity for communication, social interaction or learning; and
 - (ii) the person needing support.

‘Procuring prostitution

‘229G.(1) A person who—

- (a) procures another person to engage in prostitution, either in Queensland or elsewhere; or
- (b) procures another person—
 - (i) to leave Queensland for the purpose of engaging in prostitution elsewhere; or
 - (ii) to come to Queensland for the purpose of engaging in prostitution; or
 - (iii) to leave the other person’s usual place of residence in Queensland for the purpose of engaging in prostitution, either in Queensland or elsewhere;

commits a crime.

Maximum penalty—imprisonment for 7 years.

‘(2) If the procured person is not an adult or is an intellectually impaired person, the offender is liable to a maximum penalty of 14 years imprisonment.

‘(3) A person may be convicted of an offence against this section on the uncorroborated testimony of 1 witness, but the Judge must warn the jury of the danger of acting on the testimony unless they find that it is corroborated in some material particular by other evidence implicating the person.

‘(4) In this section—

“procure” includes knowingly entice or recruit for the purposes of sexual exploitation.

‘Knowingly participating in provision of prostitution

‘229H.(1) A person who knowingly participates, directly or indirectly, in the provision of prostitution by another person commits a crime.

Maximum penalty—

- (a) for a first offence—imprisonment for 3 years; or
- (b) for a second offence—imprisonment for 5 years; or
- (c) for a third or subsequent offence—imprisonment for 7 years.

Examples of the crime

Example 1 — A person who knowingly participates in the provision of prostitution by another person through a company, or other entity, or through another individual.

Example 2 — A person who provides financial or other resources to enable the establishment of premises from which prostitution is carried out or coordinated knowing that the premises will be so used.

Example 3 — A person who franchises a network of prostitutes as if they were operating independently.

Example 4 — A person who receives financial or other benefit from another person engaging in prostitution in return for the procuring of clients.

Example 5 — Drivers, operators and hirers of vehicles who provide transport, or the means of transport, for prostitutes or clients knowing that the transport provided is assisting prostitution.

Example 6 — A person who receives, directs or redirects telephone calls or other forms of messages, or who takes bookings or receives money, knowing that the action is in connection with the engaging in of prostitution by another person.

Example 7 — A person who participates, directly or indirectly, in any service, action or matter for the purpose of knowingly enabling another person to engage in prostitution.

‘(2) However, if a person who is not an adult or is an intellectually impaired person is, to the offender’s knowledge, engaged in the provision of the prostitution, the offender is liable to a maximum penalty of 14 years imprisonment.

‘Persons found in places reasonably suspected of being used for prostitution etc.

‘229I.(1) A person who, without reasonable excuse, is found in, or leaving after having been in, a place suspected on reasonable grounds of being used for the purposes of prostitution by 2 or more prostitutes commits a crime.

Maximum penalty—

- (a) for a first offence—imprisonment for 3 years; or
- (b) for a second offence—imprisonment for 5 years; or
- (c) for a third or subsequent offence—imprisonment for 7 years.

‘(2) However, if a person who is not an adult or is an intellectually impaired person is, to the offender’s knowledge, in the place at the time of the offence, the offender is liable to a maximum penalty of 14 years imprisonment.

‘(3) In sentencing an offender who is a prostitute or client, the court may, in mitigation of sentence, have regard to evidence of an appropriate sexual health check undergone by the offender within 3 months before the offence.

‘Certificate of discharge for s.229I offence

‘229J.(1) In this section—

“**defendant**” means a person charged with an unlawful presence offence;

“**identifying matter**” means—

- (a) the name, address, place of employment or another particular of the defendant or another person that is likely to lead to the

identification of the defendant; or

- (b) any photograph, picture, videotape or other visual representation of the defendant or another person that is likely to lead to the identification of the defendant;

“the court” means a court before which is brought a charge against a defendant for an unlawful presence offence, and includes a justice conducting an examination of witnesses in relation to an unlawful presence offence charged against a defendant;

“unlawful presence offence” means an offence against section 229I.

‘(2) At any time before being found guilty of the unlawful presence offence, the defendant—

- (a) may apply to the court for the issue of the certificate of discharge mentioned in subsection (6) in relation to the unlawful presence offence; and
- (b) may apply to the court for an order prohibiting publication of identifying matter in relation to the defendant if the certificate is granted.

‘(3) The application may be heard in court or in chambers.

‘(4) If the defendant has been charged on indictment, the application is to be heard and determined by a judge sitting alone without a jury.

‘(5) On making the application the defendant must give evidence, and may be cross-examined, in relation to all matters relevant to—

- (a) the commission, by the defendant, of the unlawful presence offence; and
- (b) the commission, by any other person, of an offence against this Code in relation to the premises.

‘(6) If the court is satisfied that the evidence is a full and true disclosure by the defendant of all material particulars within the defendant’s knowledge relevant to the application, the court must immediately give the defendant a certificate stating that the defendant is discharged on the unlawful presence offence.

‘(7) The defendant cannot afterwards be convicted or further prosecuted for the unlawful presence offence.

‘(8) If the court grants an application under subsection (2)(b), the court may make an order prohibiting the publishing of any identifying matter in relation to the defendant either indefinitely or until further order.

‘(9) A police officer or other person may serve a copy of the order on any person.

‘(10) A person who knowingly contravenes an order under subsection (8) commits a crime.

Maximum penalty for subsection (10)—2 000 penalty units, imprisonment for 5 years or both.

‘Having an interest in premises used for the purposes of prostitution etc.

‘229K.(1) In this section—

“interested person”, in relation to premises, means a person who—

- (a) owns, leases, rents or otherwise has an interest in premises; or
- (b) is entitled to occupy or use premises; or
- (c) controls an entity that—
 - (i) owns, leases, rents or otherwise has an interest in premises; or
 - (ii) is entitled to occupy or use premises.

‘(2) A person who—

- (a) is an interested person in relation to premises; and
- (b) knowingly allows the premises to be used for the purposes of prostitution by 2 or more prostitutes;

commits a crime.

Maximum penalty—

- (a) for a first offence—imprisonment for 3 years; or
- (b) for a second offence—imprisonment for 5 years; or
- (c) for a third or subsequent offence—imprisonment for 7 years.

‘(3) However, if a person who is not an adult or is an intellectually

impaired person is, to the offender's knowledge, in the premises at a time of the offence, the offender is liable to a maximum penalty of 14 years imprisonment.

‘(4) A person allows premises to be used for the purposes of prostitution if the person—

- (a) knowingly permits the premises to be used for the purposes of prostitution; or
- (b) knowing that the premises are being used for the purposes of prostitution, fails to take every reasonable step to stop that use.

‘(5) A police officer may serve on a person who is an interested person in relation to premises a written warning to the effect that the premises are being used for the purposes of prostitution by 2 or more prostitutes.

‘(6) In a prosecution against the interested person mentioned in subsection (5), or another person aware of the warning, for an offence against subsection (2), evidence of the warning and its contents are admissible against the defendant.

‘(7) If a person who is an interested person in relation to premises—

- (a) is served with a warning under subsection (5) in relation to the premises; or
- (b) otherwise has reasonable grounds to suspect that the premises are being used for the purposes of prostitution by 2 or more prostitutes;

the person may, by writing served on an occupier or user of the premises, require the occupier or user to leave the premises not later than 7 days after the service of the notice and not return.

‘(8) A person who, without reasonable excuse, contravenes a requirement made of the person under subsection (7) commits a crime.

Example of reasonable excuse

If the premises concerned were not used for the purposes of prostitution by 2 or more prostitutes, the person has a reasonable excuse for failing to comply with the requirement.

Maximum penalty—imprisonment for 7 years.

‘Permitting young person etc. to be at place used for prostitution

‘229L. A person who knowingly causes or permits a person who is not an adult or is an intellectually impaired person to be at a place used for the purposes of prostitution by 2 or more prostitutes commits a crime.

Maximum penalty—imprisonment for 14 years.

‘Police officer may require person to provide name and address etc.

‘229M.(1) This section applies if a police officer—

- (a) finds a person committing an offence against this Chapter; or
- (b) finds a person who the officer has reasonable grounds for suspecting has committed an offence against this Chapter; or
- (c) believes on reasonable grounds that the name and address, or age, of a person is required for the purposes of the enforcement of this Chapter.

‘(2) The police officer may—

- (a) require the person to state the person’s name and address or age; and
- (b) if the officer believes on reasonable grounds that the name, address or age given by the person is false—require evidence of its correctness.

‘(3) If the police officer makes a requirement under subsection (2), the officer must warn the person—

- (a) that it is an offence—
 - (i) to fail, without reasonable excuse, to comply with the requirement; or
 - (ii) to give false information or evidence; and
- (b) that the person may be arrested if the person fails to comply with the requirement or gives false information or evidence.

‘(4) If the police officer is not in uniform, the police officer must, at the person’s request, give the person particulars of the officer’s rank, surname and station or establishment.

‘(5) A person who is required under subsection (2) to state the person’s name and address or age must not—

- (a) without reasonable excuse, fail to comply with the requirement; or
- (b) state a false name, address or age.

Maximum penalty—5 penalty units.

‘(6) A person who is required under subsection (2) to give evidence of the correctness of the person’s name, address or age must not—

- (a) without reasonable excuse, fail to give the evidence; or
- (b) give false evidence.

Maximum penalty—5 penalty units.

‘(7) A police officer may arrest a person if the police believes on reasonable grounds—

- (a) that the person has contravened subsection (5) or (6); and
- (b) that proceedings by way of complaint and summons against the person would be ineffective.

‘(8) If—

- (a) a police officer makes a requirement of a person under subsection (2) on a suspicion of the person having committed an offence; and
- (b) the person is not proved to have committed the offence;

the person is not guilty of an offence against this section.

‘(9) Proceedings for an offence against this section are to be taken summarily under the *Justices Act 1886*.

‘Evidence that place is being used for prostitution

‘229N.(1) The fact that a place is being used for the purposes of prostitution may be inferred from evidence of the condition of the place, material found at the place and other relevant factors and circumstances.

‘(2) However, evidence of condoms and other material for safe sex practices is not admissible against a defendant.

‘Non-compellability of health service providers

‘229O.(1) In this section—

‘health service’ means a service genuinely provided to a person for the benefit of human health, and includes services specified in Part 1 of Schedule 1 to the *Health Rights Commission Act 1991*;

‘health services provider’ means—

- (a) a registered provider within the meaning of the *Health Rights Commission Act 1991*; or
- (b) another person who provides a health service; or
- (c) an employee of a person mentioned in paragraph (a) or (b).

‘(2) A health services provider is entitled to refuse to provide any document or information, or answer any question, in relation to an investigation of, or prosecution for, an offence against this Chapter on the ground that it would disclose information gained in providing a health service.

‘Summary proceedings

‘229P.(1) A proceeding for an indictable offence against this Chapter may be dealt with summarily.

‘(2) The maximum penalty that may be imposed on a summary proceeding for an indictable offence against this Chapter is imprisonment for 2 years.

‘(3) A proceeding for an indictable offence against this Chapter may be dealt with summarily even though the proceeding was started more than 1 year after the offence was committed.

‘(4) A proceeding for an indictable offence against this Chapter may be dealt with summarily at any place appointed for holding Magistrates Courts regardless of where the offence was committed.

‘(5) The summary jurisdiction conferred by this section must be exercised in the way, and subject to the conditions, prescribed by section 444 in relation to the summary trial and punishment of offenders who may be summarily convicted of indictable offences under that section.’.

Omission of s.231 (Bawdy Houses)

11. Section 231—

omit.

Amendment of s.235 (Acting as Keeper of Bawdy Houses, Gaming Houses, Betting Houses, and Lotteries)

12.(1) Section 235 (heading)—

omit ‘**Bawdy Houses,**’.

(2) Section 235—

omit ‘the four last preceding sections’,

insert ‘sections 232 to 234’.

**PART 4—AMENDMENT OF VAGRANTS, GAMING,
AND OTHER OFFENCES ACT 1931****Amended Act**

13. The *Gaming, Vagrants, and Other Offences Act 1931* is amended as set out in this Part.

Replacement of s.1 (Short title and Parts of Act)

14. Section 1—

omit, insert—

‘Short title

‘1. This Act may be cited as the *Vagrants, Gaming and Other Offences Act 1931*.’.

Amendment of s.2 (Interpretation)

15.(1) Section 2 (definitions “**Commissioner**”, “**Court**”, “**Firearm**”, “**Habitual drunkard**”, “**Justice**”, “**Justices Act**”, “**Licensed Premises**”, “**Local Authority**”, “**Magistrates Courts Act**”, “**Minister**”, “**Police officer**”, “**Prescribed**”, “**Regulations**” and “**This Act**”)—

omit.

(2) Section 2—

insert—

“**Commissioner**” means the Commissioner of the Police Service;

“**Court**” means Magistrates Court;

“**firearm**” has the meaning given by section 1.6 of the *Weapons Act 1990*;

“**Justices Act**” means the *Justices Act 1886*;

“**licensed premises**” has the meaning given by section 4 of the *Liquor Act 1992*;

“**Magistrates Courts Act**” means the *Magistrates Courts Act 1921*;

“**prostitution**” has the meaning given in the Criminal Code;’.

(3) Section 2 (definition “**Place**”)—

omit ‘by the Governor in Council, by Order in Council,’,

insert ‘, by regulation,’.

(4) Section 2 (definition “**Public place**”, paragraph (b))—

omit, insert—

‘(b) a place declared, by regulation, to be a public place;’.

Omission of s.3 (Repeal. Schedule)

16. Section 3—

omit.

Omission of s.5 (Prostitutes, etc.)**17.** Section 5—*omit.***Omission of s.8 (Keepers of premises for purposes of prostitution, etc.)****18.** Section 8—*omit.***Omission of s.8A (Persons using massage rooms etc., for prostitution or soliciting)****19.** Section 8A—*omit.***Omission of s.8B (Warrant to enter premises)****20.** Section 8B—*omit.***Omission of s.9 (Lodging-house keepers permitting prostitution)****21.** Section 9—*omit.***Omission of s.10 (Return of inmates of suspected house)****22.** Section 10—*omit.***Amendment of s.11****23.** Section 11(a)—*omit.*

Insertion of new Part 2A

24. After section 18—

insert—

**‘PART 2A—OFFENCES RELATING TO
PROSTITUTION**

‘Public soliciting for purposes of prostitution

‘18A.(1) A person must not publicly solicit for the purposes of prostitution.

Maximum penalty—

- (a) for a first offence—10 penalty units; or
- (b) for a second offence—15 penalty units; or
- (c) for a third or subsequent offence—20 penalty units, 6 months imprisonment or both.

‘(2) A person publicly solicits for the purpose of prostitution if, for that purpose, the person—

- (a) solicits a person who is in a public place; or
- (b) solicits a person at a place within the view or hearing of a person who is in a public place; or
- (c) loiters in or near a public place; or
- (d) loiters in a place that is in view from a public place.

‘(3) Subsection (1) applies equally to—

- (a) males and females; and
- (b) prostitutes and their clients; and
- (c) prostitutes and persons acting for prostitutes; and
- (d) clients and persons acting for clients.

‘Advertising prostitution

‘18B.(1) A person must not knowingly advertise prostitution.

Maximum penalty—20 penalty units.

‘(2) A person advertises prostitution if the person publishes an advertisement that states, or is reasonably capable of implying, any of the following matters—

- (a) that a person is available or seeking to engage in prostitution;
- (b) that a person who is available or seeking to engage in prostitution may be contacted—
 - (i) at or through a place; or
 - (ii) through a person; or
 - (iii) by any other means;
- (c) that prostitution is available—
 - (i) at or through a place; or
 - (ii) through a person; or
 - (iii) by any other means;
- (d) that a person is sought or seeking to be employed or otherwise engaged for the purposes of prostitution.

‘(3) A police officer may serve on a person who is—

- (a) the printer, publisher or proprietor of a newspaper or periodical; or
- (b) the licensee of a broadcasting or television station; or
- (c) the exhibitor of a film; or
- (d) the owner or occupier of premises or another place;

a written warning to the effect that a particular advertisement, or an advertisement of a particular type, is an advertisement that is capable of implying a matter mentioned in subsection (2).

‘(4) In a prosecution against the person mentioned in subsection (2), or another person aware of the warning, for an offence against subsection (1),

evidence of the warning and its contents are admissible against the defendant.

‘(5) In this section—

“**advertisement**” includes a notice, sign, circular and matter that is not in writing, but which conveys a message because of the form or context in which it appears;

“**publish an advertisement**” means publish in any way, and includes publish—

- (a) in a newspaper or periodical; and
- (b) by radio or television; and
- (c) in a film or video recording; and
- (d) by a notice, sign or circular.

‘Nuisances connected with prostitution

‘**18C.(1)** This section applies to conduct—

- (a) that happens in the vicinity of a place that is reasonably suspected of being used for the purposes of prostitution; and
- (b) that, to a significant extent, is caused by the presence, or suspected presence, of prostitution at the place.

‘(2) A person must not—

- (a) cause unreasonable annoyance to another person; or
- (b) cause unreasonable disruption to the privacy of another person.

Maximum penalty—

- (a) for a first or second offence—3 penalty units; or
- (b) for a third or subsequent offence—5 penalty units.’.

Amendment of s.38 (Where offender may be arrested)

25. Section 38—

omit ‘5,’.

Amendment of s.55

26. Section 55(iv) and (vi)—

omit.

Replacement of s.58 (Regulations)

27. Section 58—

omit, insert—

‘Police officer may require person to provide name and address etc.

‘56.(1) This section applies if a police officer—

- (a) finds a person committing an offence against section 18A, 18B or 18C; or
- (b) finds a person who the officer has reasonable grounds for suspecting has committed an offence against section 18A, 18B or 18C; or
- (c) believes on reasonable grounds that the name and address, or age, of a person is required for the purposes of the enforcement of section 18A, 18B or 18C.

‘(2) The police officer may—

- (a) require the person to state the person’s name and address or age; and
- (b) if the officer believes on reasonable grounds that the name, address or age given by the person is false—require evidence of its correctness.

‘(3) If the police officer makes a requirement under subsection (2), the officer must warn the person—

- (a) that it is an offence against this Act—
 - (i) to fail, without reasonable excuse, to comply with the requirement; or
 - (ii) to give false information or evidence; and
- (b) that the person may be arrested if the person fails to comply with the requirement or gives false information or evidence.

‘(4) If the police officer is not in uniform, the police officer must, at the person’s request, give the person particulars of the officer’s rank, surname and station or establishment.

‘(5) A person who is required under subsection (2) to state the person’s name and address or age must not—

- (a) without reasonable excuse, fail to comply with the requirement; or
- (b) state a false name, address or age.

Maximum penalty—5 penalty units.

‘(6) A person who is required under subsection (2) to give evidence of the correctness of the person’s name, address or age must not—

- (a) without reasonable excuse, fail to give the evidence; or
- (b) give false evidence.

Maximum penalty—5 penalty units.

‘(7) A police officer may arrest a person if the police officer believes on reasonable grounds—

- (a) that the person has contravened subsection (5) or (6); and
- (b) that proceedings by way of complaint and summons against the person would be ineffective.

‘(8) If—

- (a) a police officer makes a requirement of a person under subsection (2) on a suspicion of the person having committed an offence; and
- (b) the person is not proved to have committed the offence;

the person is not guilty of an offence against this section.

‘(9) In this section—

“address” means current place of residence.

‘Additional power of arrest

‘57.(1) This section applies if a police officer—

- (a) finds a person committing an offence against section 18A, 18B or 18C; or
- (b) finds a person who the officer has reasonable grounds for suspecting has committed an offence against section 18A, 18B or 18C.

‘(2) The police officer may arrest the person if the officer believes on reasonable grounds that proceedings by way of complaint and summons against the person would be ineffective.

‘Regulations

‘**58.(1)** The Governor in Council may make regulations for the purposes of this Act.

‘(2) A regulation may—

- (a) create offences and provide penalties for the offences of not more than 1 penalty unit; and
- (b) make provision with respect to the giving of a notice to an offender in relation to an offence against section 18A or 18C advising that a prescribed penalty may be paid for the offence without involving court proceedings.’.

Omission of Schedule

28. Schedule—

omit.