



Western Australia

Sex Work Reform Bill 2021

Explanatory Memorandum

Studies on the criminalisation of sex work point towards the overwhelmingly negative impact that such a model has on the health, safety and well-being of sex workers. The current legislation regarding commercial sexual services in Western Australia is based on a model of criminalisation under the *Prostitution Act 2000* (WA). Such a model is known to contribute to instances of police corruption, leaves sex workers vulnerable to sexual and physical assault, forbids sex workers from living off their earnings, and obstructs sex workers from working in a safe and autonomous environment. Expressed desire from WA sex worker advocacy groups, such as 'SWEAR', and The Scarlett Alliance, further reinforce the necessity of legislative change.

The benefits of a model of decriminalisation include enabling better access to justice, preventing police brutality, further protecting sex workers against discrimination based on occupation, improving access to health services and reducing the risk of sexually transmitted infections, and fostering safe and equitable working conditions. Importantly, this bill promotes the right of all people to have autonomous control over their own body, but with the assurance of having safeguards and laws in place that are designed to protect the best interest of those providing commercial sexual services and the wider community.

This bill emphasises better health promotion, introduces operators certificates, stipulates a new and more equitable approach to auditing the industry (The Regulatory Body), and endorses an Advisory and Review committee, all of which are essential steps towards bettering the condition of the sex work industry in WA. It is imperative that decriminalisation does not have any negative implication for the protection of minors, so consequently, this bill stipulates firm regulation regarding those under the age of 18.

It is an inevitable fact that commercial sexual services providers are active throughout Western Australia. This bill is designed to better protect the safety and rights of those in the industry.



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Western Australia

A Bill for —

**An Act to decriminalise commercial sexual services and promote health
and safety in the sex work industry**

Part 1—Preliminary

1. Short title

This Bill may be cited as the *Sex Work Reform Bill 2021*.

2. Commencement

This Bill commences on the day on which this Act receives Royal Assent.

3. Interpretation

In this Bill, unless the contrary intention appears —

“**Administration of inspections subservice**” refers to a branch of the Sex Work Regulatory Body as established in clause 84;

“**Advertisement**” means any words, or any pictorial or other representation, used to notify the availability of, or promote the sale of, commercial sexual services, either generally or specifically;

“**Brothel**” means any premises kept or habitually used for the purposes of providing commercial sexual services;

“**Board**” means the governing body of the Regulatory Body referred to in clause 74;

“Business” means any operating practice where commercial sex work takes place, including brothels;

“Client” means the person which is receiving commercial sexual services;

“Commercial sexual services” means sexual services that—

- (a) involve physical participation by a person in sexual acts with, and for the gratification of, another person; and
- (b) are provided for payment or other compensation (irrespective of whether the reward is given to the person providing the services or another person);

“Consent” means a consent freely and voluntarily given and, without in any way affecting the meaning attributable to those words, consent is not freely and voluntarily given if it is obtained by force, threat, intimidation, deceit, or any fraudulent means;

“Contracting” means an agreement to do sex work for someone or have sex work done for you;

“Decriminalisation” in the context of this bill, refers to the removal of criminal penalties for the act of providing commercial sexual services, along with a whole-of-Government approach to regulation (whereby police are not involved as regulators at any level unless there is a breach of law, for which the act of providing commercial sexual services is not). Any regulation which is established, is designed solely for the purpose of defending safe and equitable industry standards. This can be contrasted with a legitimisation model, which allows sex workers to provide commercial sexual services under strict licensing and registration schemes, encouraging the containment and control of sex workers.

“Health information” refers to information on safer sex practices and services available for the prevention and treatment of sexually transmissible infections;

“HIV status” means a person’s positive or negative test result for Human Immunodeficiency Virus;

“Industry Exit Support Base” refers to the established service to support those leaving the sex work industry as is established in Part 3 Division 2;

“Management of Sex Work Related Rehabilitation Subservices (MSWRRS)” refers to a branch of the Sex Work Regulatory Body as is established in clause 86;

“Minor” means any person under the age of 18;

“Medical practitioner” means a person who is registered under the Health Practitioner Regulation National Law (Western Australia) in the medical profession;

“Operator” means

- (1) a person who –
 - (a) In relation to a business of sex work, (whether alone or with others), owns, operates, controls, or manages the business; or
 - (b) A person who (whether alone or with others), determines –
 - (i) when or where an individual sex worker will work; or
 - (ii) the conditions in which sex workers in the business work; or
 - (iii) the amount of money, or proportion of an amount of money, that a sex worker receives as payment for prostitution; or
- (2) Despite anything in subsection (1), a sex worker who works at a small owner- operated brothel is not an operator of that business of prostitution, and, for the purposes of this Act, a small owner- operated brothel does not have an operator.

“Operator certificate” means a document, provided by the District Court upon application (granted in physical and digital form), which acknowledges a person’s operator status and better ensures accountability of those who own, manage, influence, and operate the workings of the sex work industry;

“Operator Management Subservice” refers to a branch of the Sex Work Regulatory Body as established in clause 82;

“Prophylactic” means any protective barrier or other device that is adequate to prevent the transmission of sexually transmissible disease;

“Public Place” means a place that is open to, or being used by, the public, whether admission is free or on payment of a charge and whether any owner or occupier of the place is lawfully entitled to exclude or eject a person from that place; and includes any aircraft, hovercraft, ship, ferry, or other vessel, train, or vehicle carrying or available to carry passengers for reward;

“Receive or Provide” means to provide or receive commercial sexual services personally (does not include arranging another person to provide/receive those services);

“Registrar” means the Registrar of the District Court at Perth, or the Registrar of any other office of the District Court across Western Australia;

“Sex worker” means a person who provides commercial sexual services;

“Sex work industry” refers to the industry which surrounds sex work, involving any employees who may not be sex workers but supporting sex workers in any working way;

“Soliciting” means the action of offering or attempting to purchase one’s or someone’s services as a sex worker. It includes soliciting from a motor vehicle, whether moving or stationary.

Part 2 — Decriminalisation

4. Supremacy of this bill over the *Prostitution Act WA (2000)*

This Bill supersedes anything that contradicts the divisions of the Prostitution Act WA (2000). This bill promotes the decriminalisation of sex work, allowing all persons to engage in providing commercial sexual services, unless deemed otherwise in accordance with clause 5.

5. Conditions Prohibiting the Act of Providing Commercial Sexual Service

- (1) It is an offence to provide commercial sexual services if –
 - (a) The person is a minor; or
 - (b) The person has been convicted of an offence under the Criminal Code (WA)-
 - (i) s 320(2) and (3);
 - (ii) s 321(2);
 - (iii) s 321A(4);
 - (iv) s 324;
 - (v) s 325;
 - (vi) s 326; or
 - (vii) s 330(2) and (3).
 - (c) Unless otherwise made exempt through direct application to the Management of Sex Work Related Rehabilitation Subservice of the Regulatory body
- (2) Any person who contravenes clause (1)(a) commits an offence and must comply with the Regulator board’s rehabilitation program created by the Management of Sex Work Related Rehabilitation Subservice under clause 97 (g).
- (3) Any person who contravenes subsection (1)(b) commits a crime and is subject to either –
 - (a) A fine of \$10,000; or

- (b) Compulsory completion of the Management of Sex Work Related Rehabilitation Subservice (MSWRRS) and Industry Exit Support Base (ESB) rehabilitation program, the duration of which is a matter of court discretion considering –
- (i) The nature of the crime committed, including whether any aggravating circumstances apply, the offender's intent and mitigating factors;
 - (ii) The offender's substantive contribution to the applicable offence in section 1(b);
 - (iii) The offender's reason for entering the sex work industry, whether a circumstance of last resort or intention to pursue a career in this field; and
 - (iv) Any other factor which the court deems to be necessary in determining whether a fine or a rehabilitation approach should apply, such as the offender's criminal record.

6. Requirement of the use of a Prophylactic

- (1) It is an offence for a person to provide or receive commercial sexual services without the use of a prophylactic or appropriate barrier in services involving vaginal, anal, or oral penetration that increase the risk of acquiring or transmitting sexually transmissible infections.
- (2) A maximum penalty of \$5,000 will apply for failure to comply with Clause 6(a)

7. Application of *Fair Work Act 2009*

- (1) A sex worker is at work for the purposes of the Fair Work Act 2009 while providing commercial sexual services.
- (2) Nothing in this Bill limits the Fair Work Act 2009 or any regulations or approved codes of practice under the Act.
- (3) The conditions of the Fair Work Act 2009 are applied to sex workers in recognition of the fact it is a legitimate and legal career.

8. Restrictions on Advertising Commercial Sexual Services

- (1) Advertisements for commercial sexual services may not be —
 - (a) Broadcast on radio or television; or
 - (b) Published in a newspaper or periodical, except in the classified advertisements section of the newspaper or periodical; or

- (c) Screened at a public cinema; or
 - (d) Displayed in or outside public community spaces
- (2) A person who does any of the things described in Clause 8(1), or who authorises any of the things described in that subclause to be done commits an offence and is liable on conviction to —
- (a) In the case of a body corporate, a maximum penalty of \$50,000; or
 - (b) In any other case, a maximum penalty \$10,000.

9. Regulation for Soliciting

- (1) A person must not, for the purpose of offering or procuring commercial sexual services, accost any person, solicit, or loiter in or surrounding:
- (a) Places of worship;
 - (b) Places of education;
 - (c) Commercial shopping centres; and
 - (d) Any other place as recommended by the advisory body.
- (2) A maximum penalty of \$2,000 will apply for first a first offense;
- (3) A maximum penalty of 3 months imprisonment will apply for repeat offences.

Part 3 — Protection for Sex Workers

Division 1— Promotion of Health and Safety

10. Application of Occupational Safety and Health Act 1984

- (1) A sex worker is at work for the purposes of the application of the Occupational Safety and Health Act 1984.
- (2) A sex worker is entitled to all regular entitlements a worker would be entitled to, under the Occupational Safety and Health Act 1984

11. Safe Sex Practices

- (1) A person must not provide, or receive commercial sexual services unless they have taken all reasonable steps to ensure a prophylactic or other appropriate barrier is used, if those services involve vaginal, anal, or oral penetration or any other activity with a similar or greater risk of acquiring or transmitting sexually transmissible infections
- (2) A person who provides or receives commercial sexual services must take all other reasonable steps to minimize the risk of acquiring or transmitting sexually transmissible infections
- (3) The Management of Sex Worker Related Rehabilitation Subservice of the Regulatory Body will work to have prophylactics available for all businesses and sole persons upon request to the body.

12. Stealthing

- (1) It is an offence to:
 - (a) remove a prophylactic without the knowledge of the other person involved in a commercial sex act.
 - (b) deceive or purposely tell mistruths about if a prophylactic has been used.
 - (c) threaten to deceive and make false accusations about if a prophylactic has been used

13. Inducing or compelling general persons to provide sexual services

- (1) No person may do anything in Clause 13(2) with the intent of inducing or compelling another person (Person A) to provide, or to continue to provide, commercial sexual services to any person
- (2) The acts referred to in Clause 13(1) are any explicit or implied threat or promise that any person (Person B) will –
 - (a) Improperly use, to the detriment of any person, any power or authority coming from
 - (i) Any position (occupational or otherwise) held by Person B; or
 - (ii) Any relationship existing between both persons
 - (c) Commit an offence that is punishable by imprisonment;
 - (d) Make an accusation of
 - (i) Any offence committed by any person; or
 - (ii) Of any misconduct that is likely to damage seriously the reputation of any person
 - (e) Disclose (whether true or false) –
 - (i) The health status of any person
 - (ii) The address or living situation of a person
 - (iii) Any other sensitive information which a person wishes to be kept private - excluding if Person A has committed an offence
- (4) If a person is disclosing an offence under subclause (d) (iii), that person must take reasonable steps to approach the appropriate authority including the police or regulatory body.
- (5) Every person who contravenes subclause (1) commits an offence and is liable on conviction to imprisonment for a term not exceeding 14 years.

14. Refusing to provide commercial sexual services

- (1) Despite anything in a contract for the provision of commercial sexual services, a person may, at any time, refuse to provide, or to continue to provide, a commercial sexual service to any other person.
- (2) The fact that a person has entered into a contract to provide commercial sexual services does not of itself constitute consent for the purposes of the criminal law if they do not consent, or withdraw their consent, to providing a commercial sexual service.
- (3) Nothing in this section affects a right to rescind or cancel, or to recover damages for, a contract for the provision of commercial sexual services that are not preformed.

15. Refusal to work not affecting entitlements

- (1) A person's benefit, or entitlement to a benefit, under the Social Security Act 1991 may not be cancelled or affected in any other way by their refusal to work, or continue to work, as a sex worker.
- (2) A person's entitlement under the Workers compensation and Injury management Act 1981 may not be lost or affected in any other way by their being capable of working as a sex worker if they refuse to do so, or to continue to do, that kind of work.

16. Violence

- (1) Businesses are subject to Part 5, Division 1 and must take all and any reasonable steps to ensure that violence is not committed on their premises
- (2) If violence has occurred, a sex worker is entitled to –
 - (a) support and direction from the regulatory body;
 - (b) the same standard of justice any other person would be entitled to;
 - (c) police confidentiality as is set out in Division 3 – Provisions for the Police;
 - (d) the ability to end any contract as is set out in clause 14;
 - (e) any other clause of this Act which may be relevant in assuring the safety of the sex worker.

17. Ability to employ protection

Any sole sex worker or business is able hire security in any capacity they see fit.

Division 2— Establishment of Industry Exit Support Base (ESB)

18. Support Persons Within the Regulatory Body

- (1) There shall be dedicated positions as part of the regulatory body created in Clause 86 with the purpose of communicating with women’s shelters, community services and aiding in the establishment of the Industry Exit Support Base (ESB)
- (2) The people in the dedicated positions will work with the Advisory and Review Committee in decisions made for the ESB

19. Establishment of the Industry Exit Support Base

To support sex workers who are seeking to exit from the Industry, an Industry Exit Support Base (ESB) will be established.

20. Purpose of the Industry Exit Support Base

The Purposes of the ESB are –

- (a) To be a singular point of reference for any person wanting to exit the industry
- (b) To have industry partners and communications to better facilitate the support services required
- (c) To better support sex workers with personal discussions with trained workers

21. Responsibilities of the ESB

Employees of the ESB are responsible for –

- (a) Providing direction to any sex worker exiting the industry to any relevant service
- (b) Establish with the sex worker the types of support they may need
- (c) If necessary, contact relevant services on behalf of the sex worker
- (d) Be able to support sex workers when they are accessing additional services

- (e) To the extent, which is reasonable, ensuring all sex workers exiting the industry are being treated appropriately
- (f) Providing medical checks and medical support
- (g) Providing ongoing mental health support

22. Employees

- (1) The ESB will be established with –
 - (a) Social workers
 - (b) Trained medical practitioners or registered nurses
 - (c) Authorised mental health practitioner(s)
- (2) The number of employees in ESB can be negotiated with the Regulatory body and the advisory body to assure there is an appropriate amount of staff at any given moment.
- (3) All employees must have training in working with –
 - (a) LGBTQIA+ people;
 - (b) People with disabilities;
 - (c) People who live in rural, remote, and regional communities;
 - (d) Aboriginal and Torres Strait Islander People; and
 - (e) People from culturally and linguistically diverse backgrounds.

23. Partners

- (1) For the purposes of quick and specialised access to services, the ESB will have communications with the:
 - (a) Department of Communities; –
 - (b) Legal Aid;
 - (c) Relevant hospitals;
 - (d) Women’s Shelters;
 - (e) The Housing Authority;
 - (f) Local governments;
 - (g) Family and Domestic Violence shelters and services;
 - (h) Mental Health and Counselling services; and/or
 - (i) Any other relevant organisations which may be able to provide support to sex workers exiting the industry
- (2) The ESB will cooperate with partners in subclause (1) to ensure confidentiality of any sex worker leaving the industry.

24. Phone Assistance Line

- (1) The ESB will be able to provide over the phone assistance, direction, and suggestions
- (2) The phone assistance line may be utilised for long term assistance and support if it is not practical for a sex worker to visit the ESB in person.
- (3) Any sex worker is entitled to confidentiality over the phone, as is reasonable to be able to provide support
- (4) Sex workers may call the phone line to request a support person at any meeting or interview

25. Access

- (1) The ESB will have access to –
 - (a) A security person or persons
 - (b) An interpreter
- (2) The ESB will take all reasonable steps to ensure access is accessible for all persons with disabilities or with other needs.
- (3) The ESB will work with its partners in clause 23 to ensure no service or organisation wrongfully denies its services to a sex worker exiting the industry.

26. Funding

The ESB will receive funding from the State Government.

Division 3— Provisions for police

27. Obtaining Information

- (1) A police officer may, for the purpose of carrying out any function in respect to offences under this act
 - (a) Require a person to produce any document or other thing that is in possession or under the control of the person
 - (b) Inspect any document and retain it for a reasonable period following the action against the offence
 - (c) Make copies of any document providing –
 - (i) The document is not made accessible to the public without the person's explicit consent
 - (ii) Unless the person has committed an offence under this act, the person's confidentiality is kept.
 - (d) Require a person to give the police officer information relating to any offences under this act
- (2) If under Clause 27(1), the police officer requires a person to give information, the police officer is to inform the person that they are required under this Bill to give information.

28. Police may direct a person to move on or away

A police officer who has reason to suspect that a person has committed or intends to commit, an offence in, within view or within the hearing of a public place, may, in writing in a form approved by the commissioner, direct the person to move away from that place and stay away from it not more than 24 hours.

29. Detention, search, and seizure without warrant

- (1) A police officer may, without a warrant, stop anyone whom the police officer suspects on reasonable grounds to be committing an offence under this act.
- (2) A police officer may, without a warrant, seize anything that the police officer suspects on reasonable grounds will afford evidence as to the commission of an offence.

30. Entry of, and seizure at places of business without a warrant.

A police officer may, without a warrant, at any time, enter any place in which an offence under this act is reasonably suspected to be occurring

31. Search and seizure with warrant

- (1) If a justice is satisfied that there are reasonable grounds for suspecting that there is in a place anything that will afford evidence as to the commission of an offence, the justice may grant a warrant of search and seizure in relation to that place.
- (2) A warrant under Clause 31(1) authorises any police officer at any time, with a support person coordinated by the regulatory body to –
 - (a) Enter the place at any time.
 - (b) Search the place.
 - (c) Stop, detain, and search anyone at the place; and
 - (d) Seize anything that the police officer and support person suspect on reasonable grounds will afford evidence as to the commission of an offence.
- (3) The warrant may be obtained remotely, providing the applicant has prepared a written application.

32. Provisions about searching peoples

- (1) A person being searched has the discretion to choose which police officer is searching them.
- (2) Nothing in this part authorises a search by way of an examination of the body cavities of a person.
- (3) A person who is the survivor of an offence may request to have a body cavity search to assure their safety. If a search is requested, a police officer must assist a survivor in arranging for a medical practitioner or registered nurse to conduct the search.

33. Safety of person engaging with the Police

- (1) When engaging with the police under Part 3, Division 3, all persons have the right to any accessibility requirements that enable them to understand their rights and what is being required of them. This includes, but is not limited to:
 - (a) Having a language interpreter present; and
 - (b) Having a support person present.
- (2) In carrying out all provisions under Part 3, Division 3 police officer must ensure the safety of whom they are talking to. This includes, but is not limited to:
 - (a) Speaking in an accessible space where a person with disability is able to be comfortable; and
 - (b) When carrying out the provisions in Clause 27, 29, and 32, a police officer may move to a safe space and potentially away from the public sphere if it is reasonable to do so.

Division 4— Restraining Orders

34. Restraining order to prevent further offence

If a court finds that a person has committed an offence against minors under this act and the court is satisfied that unless restrained, the person is subsequently likely to commit an offence of a similar kind, the court may make a restraining order

35. Provisions about making order

- (1) A court is not to make a restraining order against a person under this Part 3 Division 4 unless the person has been given an opportunity to be heard on the matter in court before the judge who will be making the restraining order
- (2) A person disagreeing on the decision of a court relating to a restraining order under this Part may appeal against that decision
- (3) The appeal is to be made in accordance with regular avenues of appeal including those in the Children's Court of Western Australian Act 1988

36. Terms of restraining order

- (1) If the restraining order is made under Clause 34, it may impose any restraints on the activities and behaviours of the person against whom it is made, that the court, in liaising with the regulatory body, considered appropriate to prevent the person from subsequently committing an offence similar to the original offence committed.
- (2) The court may (but is not limited to) restraining the person against whom it is made from –
 - (a) Being on or near specified premises or in a specified locality or place;
 - (b) Engaging in behaviour of a specified kind, either at all or in a specified place, at a specified time, or in a specified manner.

37. Duration of restraining order

- (1) A restraining order takes effect when it is served on the person against whom it is made or, if a later time is specified in the order, at that time
- (2) The court must specify the period in which the restraining order is in place for

38. Variation or cancellation

- (1) An application for the court to vary or cancel a restraining order may be made by a police officer nominated by the Commissioner of Police or, with the leave of the court, by the person against whom the order was made
- (2) The application is to be made –
 - (a) If the person against whom the order was made is a child, to the Children’s Court; or
 - (b) Otherwise, to the Magistrates Court
- (3) The person against whom the order was made, and the respondent are to be given an opportunity to be heard at the hearing of an application to vary or cancel a restraining order
- (4) The court may dispose of the application to vary or cancel a restraining order by –
 - (a) Dismissing the application;
 - (b) Making a new restraining order in addition to the original; or
 - (c) Cancelling the original restraining order with or without making a new restraining order.

39. Court to notify parties of decision

If a person who was entitled to be given an opportunity to be heard was not present when the court disposed of the application to vary or cancel a restraining order, the clerk is to notify the person of how the application was disposed of.

40. When cancellation has effect

The cancellation of a restraining order has effect –

- (a) if another restraining order is made when the original order is cancelled, at the time the new order takes effect; or
- (b) otherwise, at the conclusion of the hearing at which the order was cancelled.

41. Restraining orders involving children

- (1) No restraining order is to be made against a child whose age is less than ten (10) years.
- (2) The court must take into consideration any minors involved in the situation when making a restraining order against a person, in order to -
 - (a) Protect the safety of any minor;
 - (b) Protect the safety of the guardian of any minor.

42. Breach of restraining order

- (1) A person against whom a restraining order was made under Part 3 who contravenes the order commits an offence;
- (2) The maximum penalty for breaching Clause 42(1) is a \$5,000 fine.

Part 4 — Minors

Division 1— Protection

43. Persons under the age of 18 providing commercial sexual services

No person under the age of 18 may be involved in providing a commercial sexual service.

44. Causing, facilitating or inducing a person under the age of 18

- (1) No person may -
 - (a) Cause a person under the age of 18 to provide a commercial sexual service
 - (b) Facilitate a commercial sexual service for a person under the age of 18
 - (c) Induce a person under the age of 18 to perform a commercial sexual service.
- (2) If the minor is under the age of 12 the maximum penalty is 15 years imprisonment
- (3) If the minor is over the age of 12 the maximum penalty is 12 years imprisonment
- (4) A person cannot act a way that intends to induce a person under the age of 18 into providing a commercial sexual service. cause, facilitate or induce a person under the age of 18 to provide sex work service.
- (5) The maximum penalty person found guilty of breaching Clause 44(4) is 6 years imprisonment.

45. Receiving earnings from commercial sexual services provided by a person under the age of 18

- (1) A person is not to receive a payment, in money or any other form, with the knowledge that it or any part of it has been derived, directly or indirectly, from a minor taking part in a commercial sexual service.
- (2) The maximum penalty for breaching Clause 45(1) is 7 years imprisonment

46. Contracting of a person under 18

- (1) No person may contract a person under 18 to receive or perform sexual services
- (2) If the minor is under the age of 12 the maximum penalty is 14 years imprisonment
- (3) If the minor is over the age of 12 the maximum penalty is 7 years imprisonment

47. Being a client of a person under 18

- (1) No person may knowingly receive sexual work service from a person under the age of 18
 - (a) If the minor is under the age of 12 the maximum penalty is 10 years imprisonment
 - (b) If the minor is over the age of 12 the maximum penalty is 5 years imprisonment
- (2) A person who unknowingly receives a commercial sexual service from a person under the age of 18 is subject to engage in a rehabilitation program as directed by the Management of Sex Work Related Rehabilitation Subservice in cooperation with the Industry Exist Support Base.

48. Regulation of soliciting involving a under 18

- (1) A person must not, for the purpose of offering or procuring commercial sexual services, accost a child in a public place.
- (2) The maximum penalty for breaching clause 48(1) is 3 years imprisonment

49. Sex work where a minor is present

- (1) Any licensed operator, or person who takes part in sex work, whether as a client or sex worker, may not do so, without reasonable excuse, permit a minor to be on the premise where commercial sexual services are being performed.
- (2) A person who allows a child to enter or remain at a place at which the person knows or could be reasonably expected to know -
 - (a) an act of sex work is taking place; or
 - (b) a business involving more than one sex worker is being carried on
- (3) The penalty for breaching Clause 49(1) and (2) is:
 - (a) A fine of up to \$25 000 and participation in a rehabilitation program facilitated by the Management of Sex Work Related Rehabilitation Subservice in cooperation with the Industry Exist Support Base for a first-time offence; or
 - (b) Imprisonment up to 2 years for any subsequent offences

50. Role of Child Protection Workers in cases of commercial sexual services by persons under the age of 18

In cases of sex work where a person is under the age of 18 the case will be directed to the Management of Sex Work Related Rehabilitation Subservice of the Regulatory Body subservice in collaboration with the Department of Communities, to decide how to appropriately safeguard the needs of the minor.

51. Ascertaining the age of a minor

It is the responsibility of the licensed operator to take reasonable steps to ascertain the age of the minor concerned.

Division 2— Evidence

52. Accused presumed to know if person is a child

If, in proceedings for an offence under this Bill, it is relevant whether or not a person was a child, it is to be presumed that the accused knew the person was a child, unless it is proved that, having taken all reasonable steps to find out the age of the person concerned, the accused believed on reasonable grounds, at the time of the offence, that the age of the person was at least 18 years.

53. Accused presumed to have allowed presence of child

If, in proceedings for an offence under this act, it is proved that a child was at a place at a particular time, the accused is conclusively presumed to have allowed the child to enter or remain at the place, unless it is proved that the accused did not know, and could not reasonably have known, that a child was at that place at the time.

54. Protection of evidence involving minors

In any proceedings for an offence under this Act, all parties must take reasonable steps to ensure the safety, confidentiality, and protection of any minor and evidence in relation to offences against minors.

Part 5 — Business Regulations

Division 1— Health and Safety

55. All business must comply to Part 3

All businesses must comply with Part 3 to protect and promote health and safety

56. Businesses are subject to regular regulations for businesses

All businesses are subject to regular regulatory mechanisms for businesses under state or local council law including –

- (a) Local council planning;
- (b) Workers compensation;
- (c) Industrial rights obligations; and
- (d) Zoning and location controls.

57. Business and operators to promote safer sex practices

- (1) Every operator of a business of sex work must take all reasonable steps to –
 - (a) give health information to sex workers and client, in both written and oral form;
 - (i) If a person is operating a brothel, they must display health information; and
 - (ii) Take reasonable steps to ensure appropriate prophylactic is available
 - (b) minimise the risk of sex workers or clients acquiring or transmitting sexually transmissible infections
 - (c) ensure that Part 3, Division 1 is abided to
 - (d) assure the confidentiality of any workers documents, identities, and any other sensitive information.
 - (e) assure the confidentiality of any workers health status and health information
 - (f) assure any workers are supported in pursuing health checks or working with the police.
- (2) Every operator of businesses of sex work must liaise with the regulatory body and approach the Operator Management Subservice for any of its purposes.

58. Inducing or compelling persons to provide earnings from sex work

- (1) No person may do anything in Clause 58(2) with the intent of inducing or compelling another person (Person A) to provide, or continue to provide, to any person any payment or other reward derived from commercial sexual services.
- (2) The acts referred to in Clause 58(1) are any explicit or implied threat or promise that any person (Person B) will –
 - (a) Improperly use, to the detriment of any person, any power or authority coming from
 - (i) Any position (occupational or otherwise) held by Person B; or
 - (ii) Any relationship existing between both persons
 - (b) Commit an offence that is punishable by imprisonment
 - (c) Make an accusation of
 - (i) Any offence committed by any person; or
 - (ii) Of any misconduct that is likely to damage seriously the reputation of any person
 - (d) Disclose (whether true or false) –
 - (i) The health status of any person
 - (ii) The address or living situation of a person
 - (iii) Any other sensitive information which a person wishes to be kept private - excluding if Person A has committed an offence
- (3) If a person is disclosing an offence under Clause 58(d)(iii), that person must take reasonable steps to approach the appropriate authority including the police or regulatory body.
- (4) Every person who contravenes Clause 58(1) commits an offence and is liable on conviction to imprisonment for a term not exceeding 5 years.

Division 2— Operator Certificates

59. Operators must hold certificates

- (1) All operators must hold an authorised operator certificate, issued by a District Court Registrar upon successful application.
- (2) The operator must be able to present the certificate (either a physical copy or a digital confirmation) upon request of either the Regulatory Body or an inspector pursuant to clause (94)(2)(b) .

60. Application and grant

- (1) The application for an operator certificate must be lodged with the District Court Registrar in the prescribed form and accompanied by the prescribed fee.
- (2) The application may require the applicant to provide the following information only:
 - (a) the applicant’s full name, date of birth, gender and any other names by which the applicant is, or has ever been known;
 - (b) the address to which the applicant wishes correspondence to be sent; and
 - (c) a photocopy of any form of official identification that contains a photograph of the applicant, including passport or driver license.
- (3) A District Court Registrar must prescribe the operator certificate if the applicant:
 - (a) pays the prescribed fee of \$80;
 - (b) supplies a properly completed application form;
 - (c) attaches the required photocopy and photographs;
 - (d) is aged 18 years or older; and
 - (e) has not committed a disqualifying offence under clause 61(2).
- (4) Where the grant of an operator certificate is approved, pursuant to Clause 60(3), a District Court Registrar must –
 - (a) inform the applicant in writing;

- (b) post a physical copy of the certificate to the applicants elected postal address; and
 - (c) send an official confirmation and copy of the certificate to the applicants elected email address.
- (5) Where the grant of an operator certificate is refused:
- (a) An officer within the District Court must notify the applicant in writing with reasons outlining the refusal within 30 days.
 - (b) If the circumstance of refusal relates to Clause 60(3)(e), the officer must inform the applicant of their ability to apply for a waiver under Clause 62.

61. Disqualification from holding certificates

- (1) A person can be disqualified from holding an operator's certificate at any time, if convicted of one or more of the disqualifying offences listed in Clause 61(2).
- (2) The disqualifying offences, detailed in the Criminal Code (WA), are as follows:
 - (a) S 187 (facilitating sexual offence against a child outside WA);
 - (b) S 217 to 220 (relating to child exploitation material);
 - (c) S 221E to 221F (involving activities of criminal organisations);
 - (d) S 279 (murder);
 - (e) S 280 (manslaughter);
 - (f) S 325 to 330 (relating to sexual offences);
 - (g) S 331B to 331D (relating to sexual servitude and deceptive recruitment);
 - (h) S 332 (kidnapping); or
 - (i) S 181 (carnal knowledge of animal).

62. Waiver of disqualifications

- (1) An operator may apply in writing to the Regulatory Body Operator Functioning subservice for an order to waive the disqualification.
- (2) Grounds for operators to request a waiver of disqualification include if:
 - (a) The operator's certificate has been disqualified pursuant to Clause 61; or
 - (b) Their application for an operator certificate was rejected pursuant to Clause 60(3)(e).
- (3) The grant of waiver of disqualification shall be reviewed and decided by the Regulatory body Operator Functioning Subservice on a case-by-case basis.
- (4) Consideration for a waiver of disqualification must account for whether the applicant –
 - (a) Has committed a disqualifying offence which was of such a nature, or occurred so long ago, that it should not obstruct them in acquiring the certificate; and
 - (b) Is not involved with, or suspected to be involved with any person who is, or could be reasonably suspected to be guilty of a crime listed in clause 34, and who might reasonably be expected to have influence over the operations and/or conduct of the person applying for the waiver of disqualification.
- (5) If the waiver application is approved, pursuant to Clause 62(4), the Operator Functioning Subservice must –
 - (a) submit a waiver of disqualification and inform the District Court as to the grant of an operator certificate so that it can be recorded in the court registrar records;
 - (b) inform the applicant in writing;
 - (c) post a physical copy of the certificate to the applicants elected postal address; and
 - (d) send an official confirmation and copy of the certificate to the applicants elected email address.
- (6) If the waiver application is denied the Operator Functioning Subservice must notify the applicant in writing of –

- (a) their inability to obtain a valid operator certificate;
 - (b) their ability to reapply, through the same means, after at least 3 years has passed.
- (7) Any person who fits the criteria of an operator (see part 1) but conducts business without having been granted the operator certificate, commits a crime and is liable to a fine of \$10,000.

63. Expiry, renewal, and replacement of certificate

- (1) A certificate expires 2.5 years after the date on which it is issued.
- (2) A certificate holder may apply for renewal at any time within 2 months before the expiry of their certificate.
- (3) Renewal is processed pursuant to Clause 51.
- (4) If an application for renewal is made, but not determined before a certificate expires, the original certificate does not expire until the application for renewal is determined.

64. Replacement of a damaged/lost certificate

- (1) The District Court Registrar may issue a replacement certificate to a holder if:
 - (a) The applicant applies for a replacement certificate through completing the prescribes document;
 - (b) The District Court officer is satisfied, as a matter of discretion, that the original certificate has been lost or destroyed, by way of discussion with the applicant regarding the original certificate;
 - (c) The applicant supplies two different forms of identification (either a driver's license, proof of age card, birth certificate, Medicare card, passport or bank card), with at least one form containing a photograph which matches the applicant and the details of which match court records; and
 - (d) The holder pays the prescribed replacement fee of \$30.

65. The acquisition of operator certificates ought not to be a matter of public record

- (1) The application, acceptance and renewal of certificates, and all other matters relating to the grant of operators and relevant information accumulated by the Department of Justice remains strictly confidential.
- (2) (2) Court records which convey information regarding the application, acceptance and renewal of certificates must only be searched, inspected or copied by –
 - (a) the applicant or holder;
 - (b) the District Court Registrar;
 - (c) the Operator Functioning Subservice; or
 - (d) The police, but only for the purpose of investigating an offence.
- (3) A person who obtains or uses information sourced from court records commits an offence and is liable to fine upwards of \$2,000 and/or an imprisonment sentence. The extent of the penalty is a matter of court discretion, to be determined through considering –
 - (a) the means to which the accused sourced the information;
 - (b) the intent of the accused when acquiring and/or distributing material;
 - (c) whether the accused knew they were unlawfully possessing the material;
 - (d) the extent to which the accused’s use, manipulation or circulation of information resulted in either a benefit to themselves, or a detriment to another; and
 - (e) whether the use of the information was in pursuit of a separate unlawful purpose (including, but not limited to, fraud or extortion).

Division 3— Provision for Inspections

66. Purpose of inspections

- (1) The powers of inspection in Clauses 68 and 69 are only to be used for the purpose of determining whether or not a person or business is complying, or

has complied with Division

- (2) (2) The purposes of inspections may be both for encouraging health standards are abided to, as well as assuring the safety of employees when regularly inspecting.
- (3) (3) This section does not limit the ability of an inspector to report any other offence or suspected offence to the police or regulatory body.
- (4) (4) All businesses are subject to regular inspections, occurring every 1.5 years.

67. Inspectors

- (1) Inspectors are to respond to the Administration of Inspections Subservice of the Sex Work Regulatory Body
- (2) All inspectors must receive a statement of powers conferred upon them and the purpose of these powers under Clauses 66 and 68
- (3) Inspections must be carried out with a minimum of two people including –
 - (a) a medical practitioner, registered nurse or health official
 - (b) a social or community worker
- (4) The regulatory body has the authority to specify and suggest changes to the above team members.
- (5) Inspectors must be in communication with the Administration of Inspections Subservice of the Regulatory Body and the police when inspecting.

68. Power to enter and inspect compliance with health and safety

- (1) An inspector may, at any reasonable time, enter premises for the purpose of carrying out an inspection if they have reasonable grounds to believe that any offence under this act is being carried on the premises
- (2) If the suspected offence is one relating to minors, the police should be informed and be directed to carry out the inspection instead of any inspectors.
- (3) For the purposes of the inspection, the inspectors may –
 - (a) conduct reasonable inspections;
 - (b) take photographs, measurements, make sketches and take recordings;
 - (c) require any of the following persons to provide information or assistance reasonably required by the inspector:
 - (i) a person who operates the business, or an employee or agent of that person
 - (ii) a sex worker or client of the business
 - (d) take copies of any information
- (4) an inspector may seize and retain anything in premises entered under this section that the inspector has reasonable grounds to believe will be evidence of any offence under this act.
- (5) The inspectors must abide to Clause 70 at all times to ensure the safety of all business owners, employees and possible survivors.

69. Power to request presentation of operator certificate

- (1) An inspector has the power to request to see a valid operator certificate given that the premises being inspected is controlled by an operator.
- (2) Inability to present a valid operator certificate (either the physical or the digital copy) is an offence, warranting a fine of \$5,000 unless one of the following conditions applies.

70. Requirement when carrying out inspection

- (1) An inspector must, on entering premises under Clause 66 and when reasonably requested at any subsequent time, produce –
 - (a) evidence of their appointment by the Administration of Inspections Subservice; and
 - (b) (evidence of their identity; and
 - (c) a statement of the powers conferred on the inspector as according to Clause 68(3).

- (2) If the owner or occupier of the premises is not present at the time an inspector enters and inspects the premises, the inspector must –
 - (a) leave in a prominent location at those premises a written statement that includes the following information:
 - (i) the time and date of entry; and
 - (ii) the name of the person who entered the premises; and
 - (iii) a copy of information on evidence of their appointment
 - (iv) a statement of the powers conferred on the inspector as according to Clause 68(3)
 - (v) the reasons for the entry, including whether it is a regular inspection or not; and
 - (vi) the address and number of the regulatory body and Administration of Inspections Subservice to which enquires should be made.
 - (b) take any and all other reasonable steps to give information to the owner or occupier of the premises which might be relevant

- (3) if anything is seized in the course of the inspection, the inspector must leave in a prominent location at the premises a written inventory of all things seized.

71. Obstructing inspectors

A person who intentionally obstructs, hinders or deceives an inspector commits an offence and is liable to a fine not exceeding \$4 000.

72. Protection of workers during inspections

- (1) All inspectors must take reasonable steps to ensure the safety of any employee when undertaking inspections
- (2) Inspectors have the responsibility to protect and ensure the safety of any minors during the inspection including, but not limited to-
 - (a) minors who may be on the premises at the time of the inspection
 - (b) minors who have been involved in an offence admitted by any person
- (3) Confidentiality must be kept in regard to any oral or written communication by employees or a business to an inspector, unless it is in relation to an offence under
- (4) Confidentiality must be kept in regard to any identities or sensitive documents seen or accounted for by the inspectors, providing they are not in relation to an offence under
- (5) All employees have the right to talk privately with any inspector in regard to business operation

Part 6 — Establishment of Regulatory Body

Division 1— Sex Work Regulatory Body

73. Sex Work Regulatory Body Established

A body called the Sex Work Regulatory Body (SWRB) is established.

74. Board of the Sex Work Regulatory Body

- (1) The Body is to have a governing body (the Board)
- (2) The Board, in the name of the Regulatory Body, is to perform the functions of the Regulatory Body under this bill or any other written law.

75. Members of the Board

- (1) The Sex Work Regulatory Body must consist of minimum 11 members appointed by the Minister of Women's Interests.
- (2) The Minister for Women's Interest must appoint –
 - (a) A chairperson, who has relevant knowledge or experience regarding the sex work industry
 - (b) Police Commissioner, or alternatively police officer, at least at the level of superintendent, as nominated by the Commissioner.
 - (c) Chairperson of the Corruption and Crime Commission, or a senior executive officer as nominated by the chairperson.
 - (d) 2 health practitioners nominated by the Minister of Health, with minimum 5 years' experience, and at least one with expertise in sexual and reproductive health
 - (e) A lawyer, nominated by the Attorney General, with minimum 5 years' experience in administration law or criminal law.
 - (f) The WorkSafe Western Australia Commissioner, or alternatively a member of the WorkSafe Western Australia Commission nominated by the Commissioner.
 - (g) 2 independent persons who actively represent community interest, nominated by the Minister for Women's Interests.
 - (h) 2 active members of the sex worker industry across Western Australia, nominated by the Minister for Women's Interests.

- (3) A person cannot be appointed or hold office as a member under Clause 75(2)(f) if the person is a public sector employee.
- (4) A person who is the chief executive officer or member of staff is not eligible to be appointed as a member of the Board

76. Term of Appointment of the Board

- (1) The term for which a person is appointed to be a board member must be fixed after appointment and must not exceed 5 years without reappointment.
- (2) 2) The Minister for Women’s Health has the power to reappoint members after they serve five years under their digression, provided they gain nomination.
- (3) 3) A person whose term of office expires, and is not reappointed, may continue to perform the functions of the office for not more than 3 months after the term of office expires until another appointment to the office comes into effect unless the Minister, by notice in writing given to the person, otherwise directs.

77. Casual Vacancy

- (1) A board member may resign from office by notice in writing given to the Minister
- (2) The office of a member will be vacated under the conditions -
 - (a) the person dies; or
 - (b) the person resigns; or
 - (c) the person is removed from office; or
 - (d) the person is no longer qualified.
- (3) The Minister has the authority to remove any member from office on the grounds that they are seen to have mental or physical incapacity to carry out the person’s duties in a satisfactory manner, displayed neglect, misconduct or incompetence of duties or the person’s absence, without leave or reasonable excuse, from 3 consecutive meetings of the governing body of which the person had notice.

78. Acting Chairperson

The Minister for Women’s Interests may appoint a member of the Board to act as the chairperson —

- (1) During a vacancy in the office of chairperson; and
- (2) During all periods when the chairperson is absent from duty or, for another reason, cannot perform the functions of the office.

79. Meetings

- (1) Meetings of the Board are to be held at the times and places the chairperson decides
- (2) Meetings are to occur bimonthly, combining the six (6) annually.
- (3) The quorum at meetings is set at two thirds of members
- (4) Subject to this bill, the Board may conduct its business, including its meetings, in the way it considers appropriate.

80. Remuneration

A member of the Board is to be paid such remuneration and travelling and other allowances as are determined in his or her case by the Minister for Women’s Interests on the recommendation of the Public Sector Commissioner.

Division 2— Subservice of the Sex Work Regulatory Body

81. Purpose of subservices

The purpose of the SWRB subservices is to further delegate the roles of the SWRB to a more resourced and specialised subservice. Each subservice is responsible for regulating and/or delegating specific functions, duties and responsibilities of the SWRB, for the purpose of more productively and thoroughly addressing processes and issues within the sex work industry.

82. Operator Management Subservice is Established

A committee called the Operator Management Subservice (OMS) is established.

83. Membership of the Operator Management Subservice

- (1) Members of the OMS include:
 - (a) One person, who in the opinion of the Board is of relevant qualification and experience, nominated by the board;
 - (b) At least two lawyers, with experience in business and commercial law;
 - (c) At least one person having experience in legal administration;
 - (d) An active community member with relevant knowledge of the sex work industry.
- (2) The person nominated under Clause 83(1)(a) is the chairperson of the subservice
- (3) A member of the Operator Management Subservice holds the office for the term determined by the Board and is eligible for reappointment.
- (4) A member of the Board cannot be a member of the Operator Management Subservice
- (5) Where necessary the Operator Management Subservice has the ability to request the Board to increase membership to the subservice.

84. Administration of Inspections Subservice is established

A committee called the Administration of Inspections subservice is established

85. Membership of the Administration of Inspections Subservice

- (1) Members of the Administration of Inspections include:
 - (a) One person, who in the opinion of the Board is of relevant qualification and experience, nominated by the board;
 - (b) Two health practitioners, one with expertise in sexual and reproductive health;
 - (c) Two members of the WorkSafe Western Australia Commission;
 - (d) An active community member with relevant knowledge of the sex work industry
- (2) The person nominated under Clause 85(1)(a) is the chairperson of the subservice
- (3) A member of the Administration of Inspections Subservice holds the office for the term determined by the Board and is eligible for reappointment.
- (4) A member of the Board cannot be a member of the Administration of Inspections Subservice

86. Management of Sex Work Rehabilitation Subservice is established

A committee called the Management of Sex Work Related Rehabilitation Subservice (MSWRRS) is established.

87. Membership of the Management of Sex Work Related Rehabilitation Subservice

- (1) Members of the MSWRRS include:
 - (a) One person, who in the opinion of the Board is of relevant qualification and experience, nominated by the board.
 - (b) Two health practitioners, one with expertise in sexual and reproductive health and one registered to practice in the psychology profession.
 - (c) Two social workers.
 - (d) An active community member specialised in rehabilitation services related to the sex work industry
- (2) The person nominated under Clause 87(1)(a) is the chairperson of the subservice
- (3) A member of the Management of Sex Work Related Rehabilitation Subservice holds the office for the term determined by the Board and is eligible for reappointment.
- (4) A member of the Board cannot be a member of the Management of Sex Work Related Rehabilitation Subservice
- (5) Where necessary the Management of Sex Work Related Rehabilitation Subservice has the ability to request the Board to increase membership to the subservice.

88. Other Subservices

The Board –

- (a) May appoint committees to assist the Board in relation to the performance of the Regulatory Body's functions and
- (b) May discharge or alter any subservice so appointed
- (c) A subservice appointed under this section may consist of or include people who are not members of the Board.
- (d) Subject to any direction given to it by the Board, a subservice appointed under this section may determine its own procedures.

89. Support service for subservices

The Regulatory Board is to provide a committee with any clerical or other support services that the Regulatory Board determines are appropriate.

90. Remuneration

A member of a subservice is to be paid such remuneration and travelling and other allowances as are determined in his or her case by the Minister for Women's Interests on the recommendation of the Public Sector Commissioner.

Division 3— Functions and Powers

91. Functions of the Board

The functions of the Board are –

- (a) receive and process complaints regarding sex work
- (b) Oversee the general function of the subservices in performing their roles.
- (c) Liaise with police service and other agencies prescribed under the bill to help them carry out their function in relation to the industry
- (d) Liaise with the established subservices to help them carry out their function in relation to the industry
- (e) Engage in open communication with the Minister for Women's Interest in regard to the Regulatory Body's function and vocalise any concerns.
- (f) Nominate chairpersons of subservices
- (g) Determine term of appointments for subservice members and approve or deny requests of increased subservice membership
- (h) Advise Minister for Women's Interests about ways of promoting and coordinating education programs that
 - (i) promote sexual healthcare
 - (ii) appropriately inform sex workers that wish to leave the profession
 - (iii) divert minors and other vulnerable individuals from engaging in sex work
 - (iv) raise community awareness

- (i) perform any other functions as dictated under this bill

92. Powers of the Board

- (1) The Board of the Sex Worker Regulatory Body has the power to do all things necessary or convenient to be done for or connection with the performance of its functions.
- (2) Without limiting the generality of Clause 92(1), the Board may –
 - (a) Create new subservices as it sees fit;
 - (b) Delegate responsibilities of the subservices;
 - (c) Seek advice from subservices;
 - (d) Direct subservices to adopt relevant procedure; and
 - (e) Nominate powers for chairpersons of subservices.

93. Functions of the Operator Management Subservice

- (1) The functions of the Operator Management Subservice are –
 - (a) Liaise with sex work businesses operators
 - (b) Waiving the disqualification of operator certificate as directed under Clause 62
 - (c) Refer waiver of disqualifications to the District Court for determination by a judge
 - (d) Provide the Commissioner of Police a copy of reports regarding waiver of disqualifications.
 - (e) Appropriate respond to receiving sensitive information disclosed in clause 58(d)(iii)
 - (f) Any other matter on which the Board requests the Operator Management Subservice to provide advice.
 - (g) Any other matter as stipulated in Part 5 Divisions 1 and 2.
- (2) Provided the procedures of the Operator Management Subservice are not prescribed by regulation and subject to any direction given to it by the Board, the Operator Management Subservice may determine its own procedures.

94. Powers of the Operator Management Subservice

- (1) The Operator Management Subservices has the power to do all things necessary or convenient to be done for or connection with the performance of its functions.
- (2) Without limiting the generality of Clause 94(1), the Operator Management Subservice may –
 - (a) Request presentation of an operator certificate (either a physical copy or digital confirmation.
 - (b) Receive sensitive information that is disclosed under clause 58 (2)(d)(iii)
 - (c) Search, inspect or copy court records which convey information regarding operator applications, provided it is under the provisions established in clause 65(2)(a)

95. Functions of the Administration of Inspections Subservice

- (1) The functions of the Administration of Inspections Subservice are –
 - (a) Liaising with police over provision of inspections
 - (b) Employment of inspectors to conduct regular inspections of sex work business as stipulated in Clause 66.
 - (c) Management of inspectors
 - (d) Receive and process inspection reports
 - (e) Specify and suggest changes to the team members who carry out inspections.
 - (f) Cooperate and communicate with inspectors and police when issues regarding inspection arise.
 - (g) Any other matter on which the Board requests the Administration of Inspections Subservice to provide advice.
 - (h) Any other matter as stipulated in Part 5 Division 3.
- (2) Provided the procedures of the Administration of Inspections Subservice are not prescribed by regulation and subject to any direction given to it by the Board, the Administration of Inspections Subservice may determine its own procedures.

96. Powers of the Administration of Inspections Subservice

- (1) The Administration of Inspections Subservice has the power to do all things necessary or convenient to be done for or connection with the performance of its functions.
- (2) 2) Without limiting the generality of Clause 96(1), the Administration of Inspections Subservice may –
 - (a) Authorise to change team membership for inspection as existing in Clause 67(3).
 - (b) Review inspection reports
 - (c) Discipline inspectors
 - (d) Employ inspectors

97. Functions of the Management of Sex Work Related Rehabilitation Subservice

- (1) The functions of the Management of Sex Work Related Rehabilitation Subservice are –
 - (a) Receiving and processing of complaints of violence, providing direction and support. Where it sees necessary, cooperate with the police to protect the victim.
 - (b) Communicate with women’s shelters and other applicable community services to the functioning of this bill
 - (c) Aid the establishment of the Industry Exit Support Base
 - (d) Work cooperatively with the Industry Exist Support Base
 - (e) Establish rehabilitation programs for –
 - (i) when an individual unknowing receives a commercial sexual service from a minor
 - (ii) the first offence regarding when a person allows a minor to enter or remain at a place in which sex work is occurring under clause 49.
 - (iii) Any persons who contravenes with Clause 5(1)(a)
 - (iv) Any persons who contravenes with Clause 5(1)(b)
 - (f) Upon request provide prophylactics to businesses and sole individuals
 - (g) Adopt procedures for exempting persons convicting under an offence listed in Clause 5 (1)(b)
 - (h) Negotiate the number of employees required in the ESB
 - (i) Any other matter on which the Board requests the Administration of Inspections Subservice to provide advice.
- (2) Provided the procedures of the Management of Sex Work Related Rehabilitation Subservice are not prescribed by regulation and subject to any direction given to it by the Board, the Management of Sex Work Related Rehabilitation Subservice may determine its own procedures.

98. Powers of the Management of Sex Work Related to Rehabilitation Subservice

- (1) The Management of Sex Work Related Rehabilitation Subservice has the power to do all things necessary or convenient to be done for or connection with the performance of its functions.
- (2) Without limiting the generality of Clause 98(1), Sex Work Related Rehabilitation Subservice may –
 - (a) Establish rehabilitation programs
 - (b) Establish procedures for exempting persons convicted under a Clause 5 (1)(b)
 - (c) Process complaints of violence
 - (d) Pass complaints of violence onto the police when it sees necessary

Division 4— Sex Work Regulatory Body Review

99. Review of Regulatory Body Performance

- (1) A review of the effectiveness of the Regulatory Body will be conducted annually by the Minister for Women’s Interests, in collaboration with the Board.
- (2) 2) The Regulatory Body effectiveness is determined by assessing its dedication towards, and execution of duties under Clauses 91, 93, 95 & 97
- (3) 3) If the Regulatory Body is deemed to be performing inadequately, the Minister for Women’s Interest retains the power to either –
 - (a) Selectively re-appoint and/or replace members.
 - (b) Amend the Board and committee roles/duties in Clauses 91, 93, 95 and 97.
 - (c) Continue ongoing consultation with the Board and Committees in order to improve its execution of duties; and/or
 - (d) Decide upon an alternative approach with the intent of improving the performance of Sex Work Regulatory Body.

Part 7 — Establishment of an Advisory and Review Committee

Division 1— Purpose and Functions

100. All business must comply to Part 3

The ‘Advisory and Review Committee’ performs duties, in collaboration with the Government, for the purpose of providing firsthand, ongoing feedback on enforcement and impact of provisions under this Bill. The role of The ‘Advisory and Review Committee’ is to act as a communication channel between the sex work community and Parliamentary decision-making bodies. The Committee performs on an ad hoc basis.

101. Committee Duties

The duties of the committee include –

- (1) Conducting bimonthly committee meetings to discuss prevalent issues in the sex work community (to be organised by the ‘Chairperson’);
- (2) Providing written and oral feedback to Parliament as to the current conditions of the sex work industry. This can include (but is not limited to) –
 - (a) Providing an overview of current worker satisfaction; or
 - (b) Providing an overview of health and safety queries and concerns.
- (3) Reporting insights regarding the approach of the ‘Regulatory Body’ in order for the Government to ensure it is performing its stipulated duties and enforcing appropriate powers outlined in Part 6;
- (4) Initiating discussion with members of the wider sex work community for the purpose of feeding appropriate and representative information to relevant governing bodies; and
- (5) Any other initiative relating to the views and experience of sex workers in Western Australia, for the purpose of providing feedback to Parliamentary bodies in order to better enforce or amend the provisions of this Bill to best align with the current needs and experience of those in the sex work industry.

102. Limitations

The Advisory and Review Committee does not retain the power to make binding decisions.

Division 2— Membership

103. Appointment of Committee members

Members of the Advisory and Review Committee will be appointed by the Minister for Women’s Interests and shall include at ten active members of the sex work industry across Western Australia.

104. Diversity of Committee Members

- (1) The Minister for Women’s Interest shall commit to appointing members from a range of demographics including people from –
 - (a) A range of age groups;
 - (b) A range of cultural backgrounds;
 - (c) All genders, including male, female and nonbinary;
 - (d) The disabled community who identify as disabled;
 - (e) The LGBTQIA+ community; and
 - (f) From rural, remote and urban areas.

105. Committee Roles

- (1) The key committee roles are –
 - (a) Chairperson;
 - (b) Treasurer;
 - (c) Secretary; and
 - (d) Projects, Initiatives and Education Officer.
- (2) Each committee role shall be delegated to a member of the committee at the first meeting and shall be decided on the basis of nomination and a majority vote.
- (3) The roles stipulated in clause two (2) are not exhaustive. New roles can be created and delegated at any time, following a unanimous committee vote.

106. Terms of Appointment

- (1) Members will be appointed for a period of 12 months unless their appointment is otherwise extended or terminated.
- (2) At the end of the Member's tenure, the Minister for Women's Interest and relevant Members of Parliament will discuss the Committee Member's re-appointment. Consideration for re-appointment is determined by assessing a member's contribution towards the duties stipulated in clause 45.
- (3) The Minister for Women's Interests retains discretion to resign as Member of the Advisory and Review Committee at any time for any reason by providing 7 days written notice to the Chairperson.
- (4) The Minister for Women's Interest retains discretion to terminate the appointment of the Advisory Board or any Member at any time for any reason by giving 7 days written notice.

107. Remuneration

- (1) Each member of the Advisory and Review Committee is to be paid at least \$100 per board meeting (dependent upon actual attendance).
- (2) Any member who performs any committee duty under 104 (other than attending the board meeting) will receive compensation at a rate determined by the Minister for Women's Interests.
- (3) Members of the committee should suffer no out-of-pocket expenses. All food, travel and any other cost associated with completing any duty of the Committee shall be covered by the state, with funds to be sourced and distributed by the Minister for Women's Interests.

108. Confidentiality and Privacy

- (1) The Government and each Member of the Advisory Committee must ensure that all deliberations, recommendations, and advice of the Advisory and Review Committee remain confidential at all times, unless otherwise required by law.
- (2) If the Government/Regulatory Body intends to publish or publicly circulate any feedback from the Advisory and Review Committee, it must first -
 - (a) be deemed an appropriate, reasonable, and justified circulation of information; and
 - (b) be unanimously agreed to by the Committee.
- (3) Release of the identity of any member of the Committee is to be decided by that Committee member before any further action.

Division 3— Committee Review

109. Review of Committee Performance

- (1) A review of the effectiveness of the committee will be conducted yearly by the Minister for Women’s Interests, in collaboration with the Regulatory Body.
- (2) The Committee’s effectiveness is determined by assessing its dedication towards, and execution of duties under Clauses 104,101 and 105.
- (3) If the Committee is deemed to be performing inadequately, the Minister for Women’s interest retains the power to either -
 - (a) Selectively re-appoint and/or replace members;
 - (b) Amend the committee roles/duties in Clauses 100, 101, 102 and 105
 - (c) Continue ongoing consultation with the Committee in order to improve its execution of duties; or
 - (d) Decide upon an alternative approach with the intent of improving the performance of the Committee.