

NORTHERN TERRITORY OF AUSTRALIA

SEX INDUSTRY REGULATIONS 2020

Subordinate Legislation No. 4 of 2020

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Subordinate Legislation No. 4 of 2020*

Sex Industry Regulations 2020

I, Vicki Susan O'Halloran, Administrator of the Northern Territory of Australia, acting with the advice of the Executive Council, make the following regulations under the *Sex Industry Act 2019*.

Dated 9 April 2020

V. S. O' Halloran
Administrator

By Her Honour's Command

N. K. Fyles
Attorney-General and Minister for Justice

* Notified in the *Northern Territory Government Gazette* on 15 April 2020.

1 Title

These Regulations may be cited as the *Sex Industry Regulations 2020*.

2 Commencement

These Regulations commence on the commencement of section 24 of the *Sex Industry Act 2019*.

3 Advertising

For section 15(1) of the Act, an advertisement for sex work placed in a newspaper:

- (a) must be no larger than 3.5 cm x 4.5 cm; and
- (b) must appear in the "classifieds" section under the heading "Adult Services" or a similar heading; and
- (c) must not:
 - (i) contain photographic or other pictorial representation of a person, whether real or symbolic, unless the representation is restricted to the head and shoulders of the person; or
 - (ii) refer to the race, colour or ethnic origin of the person offering to perform sex work or refer to any of those matters in the name of a sex services business; or
 - (iii) refer to the age of the person offering to perform sex work; or
 - (iv) refer to the physical attributes of the person offering to perform sex work or refer to personal physical attributes in the name of a sex services business; or
 - (v) refer to "massage" or "masseur" or other parts of speech or grammatical forms of those words unless preceded by the word "erotic".

4 Fee for suitability certificate

For section 19(2) of the Act, the fee for an application for a suitability certificate is 100 revenue units.

5 Requirements to hold suitability certificate

- (1) For section 19(3)(b) of the Act, the requirements are that, in the 10 year period before the day the application for the suitability certificate is made, the applicant or person:
- (a) has not been found guilty of a relevant offence; and
 - (b) was not an executive officer of a body corporate when the body corporate was found guilty of an indictable offence against the *Fair Work Act 2009* (Cth) or against a work health and safety law; and
 - (c) has not been bankrupt, applied to take the benefit of a law for the relief of bankrupt or insolvent debtors or compounded with creditors or made an assignment of the applicant's or person's remuneration for their benefit; and
 - (d) has not had a suitability certificate previously issued under the Act, or a similar certificate issued in another jurisdiction, revoked.
- (2) In this regulation:

executive officer, of a body corporate, means a director or other person who is concerned with, or takes part in, the management of the body corporate.

relevant offence means:

- (a) an indictable offence involving a dangerous drug, as defined in section 3(1) of the *Misuse of Drugs Act 1990*, other than an offence relating to:
 - (i) the possession of less than a traffickable quantity of a dangerous drug; or
 - (ii) the use of a dangerous drug; or
- (b) an indictable offence arising from the provision of sex work, other than an offence committed merely by being a sex worker or the operator of a sex services business; or
- (c) an indictable offence involving any of the following:
 - (i) assault;
 - (ii) sexual assault;
 - (iii) fraud or dishonesty;

(iv) theft; or

(d) an indictable offence against the *Fair Work Act 2009* (Cth) or against a work health and safety law.

work health and safety law means the *Work Health and Safety (National Uniform Legislation) Act 2011*, the *Occupational Health and Safety Act 2004* (Vic), the *Occupational Health and Safety Act 1984* (WA), the *Work Health and Safety Act 2011* (ACT), the *Work Health and Safety Act 2011* (Cth), the *Work Health and Safety Act 2011* (NSW), the *Work Health and Safety Act 2011* (Qld), the *Work Health and Safety Act 2012* (SA) or the *Work Health and Safety Act 2012* (Tas).