

**NORTHERN TERRITORY OF AUSTRALIA**

**SEX INDUSTRY REGULATIONS 2020**

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**Subordinate Legislation No. 4 of 2020**

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## Subordinate Legislation No. 4 of 2020\*

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### ***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

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

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**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.

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## 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;

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(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).