

### **Sex Industry Bill 2019 (Serial 105)**

**Ms FYLES (Attorney-General and Justice):** The Economic Policy Scrutiny Committee considered the bill in detail prior to tabling its report on 20 November 2019. The Scrutiny Committee published 46 public submissions to its inquiry from a range of individuals, both connected and without connection to the industry, and government and non-government organisations. The Scrutiny Committee's report on its inquiry on the bill noted that 27 of those submissions were in favour of the Bill, while 19 opposed the Bill, with many of those opposing the bill favouring the Nordic model.

The Committee also heard from representatives of eight submitters in public hearings, and representatives from a further two submitters in private, combining a total of 15 witnesses, on 29 October 2019 excluding departmental representatives. Amendments were developed on the basis of the Scrutiny Committee's recommendations, we will go through those amendment at the consideration in detail stage.

We have accepted all six recommendations made by the committee, with minor drafting differences. I will discuss how the amendments are being adopted in the bill as I address each key feature, or at the committee stage; however, in detail the recommendations are as follows:

- Recommendation 1—the committee recommends the bill be passed, subject to the amendments.
- Recommendation 2—the committee recommends that the bill be amended by inserting a clause after clause 14 stating words to the effect that 'no person under 18 years of age may be charged as a party to an offence committed on or with that person against sections 12, 13 and 14'.
- Recommendation 3—the committee recommends that clause 18(1) be amended by removing the words 'more than two' and replacing them with the words 'three or more'. This is purely a point of clarification and does not change the meaning of the number of sex workers.
- Recommendation 4—the committee recommends that clause 24(2) of the bill be amended to provide that regulations may prescribe penalties for not complying with the requirement to hold a suitability certificate.
- Recommendation 5—the committee recommends that clause 20 be amended to make it clear that where a certificate holder leaves the sex services business it is only that person's certificate which expires; provide for the expiration of all suitability certificates, including those held by sole traders or partners, both of which are currently excluded by clause 20, which only relates to certificate holders of a body corporate as specified in clause 18(2).
- Recommendation 6—the committee recommends that the bill be amended to include a clause stating that a review of the impact of the legislation be undertaken no sooner than the expiry of three years, but before the expiry of five years, after commencement and that the composition of the panel undertaking the review be similar to that outlined in the New Zealand *Prostitution Reform Act 2003* and include representatives from the sex industry.

I also note the comments made by the Member for Nelson regarding the need for a full-scale inquiry, similar to that of the Riley review for alcohol. I appreciate his support for the huge alcohol reforms undertaken by this government.

While we do not know the full ins and outs of the sex industry at this stage, in comparison to the alcohol industry, it would be safe to assume it is small. Given the nature of the current framework being partly legal, partly illegal, a full inquiry could not be truly effective purely because it is difficult to get an accurate understanding of the industry while it is criminalised. People will simply not speak.

Over the years a number of reviews of the laws governing commercial sex services have occurred, including reviews of the *Prostitution Regulation Act 1992*. The consistent recommendation has been to decriminalise the provision of commercial sexual services. Further review through the establishment of an inquiry would not reveal any new insights as to how best to address the protection of people who participate in the industry. We therefore do not intend to initiate a full inquiry.

However, as a result of the scrutiny committee recommendations, this bill does establish a review committee. There will be a section included in the act to review the legislation in no less than five years. To ensure there is comparable data to make the review meaningful, the new section will require a review committee to convene as soon as practicable upon commencement of this act to assess the number of sex workers in the Northern Territory and the nature of the environment in which they work, and to report back to me as the Attorney-General.

This will then provide the review committee with data to properly evaluate the legislation in years to come when a full review is undertaken.