



Queensland

Criminal Code (Decriminalising Sex Work) and Other Legislation Amendment Act 2024

Act No. 23 of 2024

An Act to amend the Anti-Discrimination Act 1991, the City of Brisbane Act 2010, the Criminal Code, the Criminal Law (Coercive Control and Affirmative Consent) and Other Legislation Amendment Act 2024, the District Court of Queensland Act 1967, the Liquor Act 1992, the Local Government Act 2009, the Penalties and Sentences Act 1992, the Planning Act 2016, the Work Health and Safety Act 2011, to repeal the Prostitution Act 1999 and to amend the legislation mentioned in schedule 1 for particular purposes

[Assented to 9 May 2024]



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The Parliament of Queensland enacts—

Part 1 Preliminary

1 Short title

This Act may be cited as the *Criminal Code (Decriminalising Sex Work) and Other Legislation Amendment Act 2024*.

2 Commencement

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

Part 2 Amendment of Anti-Discrimination Act 1991

3 Act amended

This part amends the *Anti-Discrimination Act 1991*.

4 Amendment of s 7 (Discrimination on the basis of certain attributes prohibited)

Section 7(1)—

omit, insert—

(l) sex work activity;

5 Omission of s 106C (Accommodation for use in connection with work as sex worker)

Section 106C—

omit.

[s 6]

6 Amendment of sch 1 (Dictionary)

- (1) Schedule 1, definition *lawful sexual activity*—
omit.
- (2) Schedule 1—
insert—

sex work activity—

- (a) means the provision by an adult person of the following services for payment or reward—
- (i) services that involve the person participating in a sexual activity with another person;
 - (ii) services that involve the use or display of the person's body for the sexual arousal or gratification of another person; and
- (b) includes being or having been a person who provides services mentioned in paragraph (a).

Part 3 Amendment of City of Brisbane Act 2010

7 Act amended

This part amends the *City of Brisbane Act 2010*.

8 Insertion of new s 40A

After section 40—
insert—

40A Regulation of sex work

- (1) The council must not make a local law that prohibits or regulates sex work or the conduct of a sex work business.
- (2) A local law has no effect to the extent that it is contrary to this section.
- (3) In this section—

sex work means the provision by a person of the following services for payment or reward—

- (a) services involving the person participating in a sexual activity with another person;
- (b) services involving the use or display of the person's body for the sexual arousal or gratification of another person.

sex work business means a business that provides services that include sex work and includes, for example—

- (a) an escort agency providing services that include sex work; or
- (b) a home-based sex work business.

Part 4 Amendment of Criminal Code

9 Code amended

This part amends the Criminal Code.

10 Amendment of s 1 (Definitions)

- (1) Section 1, definitions *approved manager*, *brothel licence*, *licensed brothel*, *licensee* and *prostitution*—
omit.
- (2) Section 1—

[s 11]

insert—

commercial sexual service, for chapter 22, see section 207A.

11 Amendment of s 77 (Definitions for chapter)

Section 77, definition *relevant offence*, paragraph (b)(i), dot points 6 to 9—

omit.

12 Amendment of s 207A (Definitions for this chapter)

Section 207A—

insert—

commercial sexual service means a service—

- (a) provided by a person, involving—
 - (i) a sexual act as described in section 218(2) and (3) engaged in by the person; or
 - (ii) the use or display of the person's body for the sexual arousal or gratification of another person; and
- (b) that is—
 - (i) provided for payment or reward, whether the payment or reward accrues or is given to the person providing the service or someone else; and
 - (ii) provided under an arrangement of a commercial character.

13 Insertion of new ss 217A to 217C

After section 217—

insert—

217A Obtaining commercial sexual services from person who is not an adult

- (1) A person who obtains commercial sexual services from another person who is not an adult (the *child*) commits a crime.

Maximum penalty—10 years imprisonment.

- (2) If the child is under 16 years, the person is liable to a maximum penalty of 14 years imprisonment.
- (3) If the child is under 12 years, the person is liable to a maximum penalty of imprisonment for life.
- (4) The *Penalties and Sentences Act 1992*, section 161Q states a circumstance of aggravation for an offence against this section.
- (5) An indictment charging an offence against this section with the circumstance of aggravation stated in the *Penalties and Sentences Act 1992*, section 161Q may not be presented without the consent of a Crown Law Officer.
- (6) If the offence is alleged to have been committed in respect of a child of or above the age of 12 years, it is a defence to an offence against subsection (1) that the accused person believed, on reasonable grounds, that the child was an adult.

217B Allowing person who is not an adult to take part in commercial sexual services

- (1) A person—
 - (a) who owns or occupies, or is in control of, premises; and
 - (b) who allows another person who is not an adult to enter or remain on the premises for the purpose of taking part in providing commercial sexual services;commits a crime.

[s 13]

Maximum penalty—14 years imprisonment.

- (2) The *Penalties and Sentences Act 1992*, section 161Q states a circumstance of aggravation for an offence against this section.
- (3) An indictment charging an offence against this section with the circumstance of aggravation stated in the *Penalties and Sentences Act 1992*, section 161Q may not be presented without the consent of a Crown Law Officer.
- (4) If the offence is alleged to have been committed in respect of a child of or above the age of 12 years, it is a defence to an offence against subsection (1) that the accused person believed, on reasonable grounds, that the person was an adult.

217C Conduct relating to provision of commercial sexual services by person who is not an adult

- (1) A person who—
 - (a) causes or induces another person who is not an adult to provide commercial sexual services; or
 - (b) enters into or offers to enter into an agreement under which another person who is not an adult is to provide commercial sexual services; or
 - (c) receives a payment or reward that the person knows, or ought reasonably to know, is derived directly or indirectly from commercial sexual services provided by another person who is not an adult;

commits a crime.

Maximum penalty—14 years imprisonment.

- (2) The *Penalties and Sentences Act 1992*, section 161Q states a circumstance of aggravation for an

offence against this section.

- (3) An indictment charging an offence against this section with the circumstance of aggravation stated in the *Penalties and Sentences Act 1992*, section 161Q may not be presented without the consent of a Crown Law Officer.
- (4) If the offence is alleged to have been committed in respect of a child of or above the age of 12 years, it is a defence to an offence against subsection (1) that the accused person believed, on reasonable grounds, that the person was an adult.

14 Amendment of s 218 (Procuring sexual acts by coercion etc.)

(1) Section 218(1)—

omit, insert—

- (1) A person who—
 - (a) by coercion, procures another person to—
 - (i) engage in a sexual act, either in Queensland or elsewhere; or
 - (ii) provide, or continue to provide, commercial sexual services; or
 - (b) by coercion, causes another person to provide, or continue to provide, payment derived directly or indirectly from the provision of commercial sexual services; or
 - (c) administers to another person, or causes the other 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—14 years imprisonment.

[s 15]

(2) Section 218(4)—

insert—

coercion includes, for example, coercion by—

- (a) intimidation or threats of any kind; or
- (b) assaulting a person; or
- (c) damaging the property of a person; or
- (d) making false representations or using false pretence or fraudulent means.

15 Omission of ch 22A (Prostitution)

Chapter 22A—

omit.

16 Amendment of s 552B (Charges of indictable offences that must be heard and decided summarily unless defendant elects for jury trial)

Section 552B(1)(k)—

omit.

17 Amendment of s 678 (Definitions)

(1) Section 678(1), definition *prescribed offence*—

insert—

(ba) section 217A(1) to which section 217A(3) applies; or

(2) Section 678(1), definition *prescribed offence*, paragraphs (ba) to (j)—

renumber as paragraphs (c) to (k).

18 Insertion of new pt 9, ch 111

Part 9—

insert—

Chapter 111 Transitional provisions for Criminal Code (Decriminalising Sex Work) and Other Legislation Amendment Bill 2024

763 Definitions for chapter

In this chapter—

amendment Act means the *Criminal Code (Decriminalising Sex Work) and Other Legislation Amendment Act 2024*.

former, for a provision of this Act, means the provision as in force from time to time before the commencement.

764 Proceedings for offences against former ch 22A generally

- (1) This section applies in relation to an offence against former chapter 22A committed by a person before the commencement, other than an offence against a relevant chapter 22A provision under section 765.
- (2) The person may not be convicted of or punished for the offence unless the person was charged with the offence before the commencement.
- (3) If the person was charged with the offence before the commencement, a proceeding for the offence may be continued, and the person may be convicted of and punished for the offence, as if the amendment Act, sections 15 and 31 had not

commenced.

765 Proceedings for particular offences against former ch 22A

- (1) This section applies in relation to an offence against a relevant chapter 22A provision committed by a person before the commencement.
- (2) Without limiting the *Acts Interpretation Act 1954*, section 20, a proceeding for the offence may be continued or started, and the person may be convicted of and punished for the offence, as if the amendment Act, sections 15 and 31 had not commenced.
- (3) Subsection (2) applies despite section 11.
- (4) In this section—
relevant chapter 22A provision means each of the following provisions as in force from time to time before the commencement—
 - (a) section 229FA;
 - (b) section 229G;
 - (c) section 229H, if the offence is alleged to have been committed with the circumstance of aggravation mentioned in section 229H(2);
 - (d) section 229HB, if the offence is alleged to have been committed with the circumstance of aggravation mentioned in section 229HB(2);
 - (e) section 229I, if the offence is alleged to have been committed with the circumstance of aggravation mentioned in section 229I(2);
 - (f) section 229K, if—

- (i) the offence is alleged to have been committed with the circumstance of aggravation mentioned in section 229K(3); or
- (ii) section 229K(2) applies because of section 229K(3B).

766 Continuation of s 229J—certificate of discharge for particular offences

- (1) On the commencement, former section 229J continues to apply in relation to an application made but not decided under that section before the commencement, as if the amendment Act, section 15 had not commenced.
- (2) If an order is made under former section 229J(8), whether before or after the commencement—
 - (a) the order continues in effect indefinitely or until further order under that section; and
 - (b) without limiting the *Acts Interpretation Act 1954*, section 20, a proceeding for an offence against former section 229J(10) may be continued or started, and a person may be convicted of and punished for the offence, as if the amendment Act, section 15 had not commenced.
- (3) Subsection (2) applies despite section 11.

Part 4A **Amendment of Criminal Law (Coercive Control and Affirmative Consent) and Other Legislation Amendment Act 2024**

18A Act amended

This part amends the *Criminal Law (Coercive Control and Affirmative Consent) and Other Legislation Amendment Act 2024*.

18B Amendment of s 2 (Commencement)

Section 2(1)(a)—

omit, insert—

(a) parts 3 and 3A;

18C Amendment of s 8 (Code amended)

Section 8—

insert—

Note—

See also the amendment in schedule 1.

18D Insertion of new pt 3A

After part 3—

insert—

Part 3A **Amendment of Criminal Law (Sexual Offences) Act 1978**

25A Act amended

This part amends the *Criminal Law (Sexual Offences) Act 1978*.

25B Omission of pt 2 (Evidence)

Part 2—

omit.

25C Omission of s 5 (Exclusion of public)

Section 5—

omit.

18E Amendment of s 55 (Act amended)

Section 55—

insert—

Note—

See also the amendment in schedule 1.

18F Amendment of sch 1 (Other amendments)

Schedule 1—

insert—

Division 4 Other amendments

Childrens Court Act 1992

1 Section 20(1)(f), '*Criminal Law (Sexual Offences) Act 1978*'—

omit, insert—

Evidence Act 1977, section 103ZZL

[s 18G]

Criminal Code

1 Section 228F(2)(f), from ‘or 21AV’—

omit, insert—

, 21AV or 103ZE(2)(g); or

Evidence Act 1977

1 Section 14B, definition *essential person*, paragraph (e), from ‘or 21AV’—

omit, insert—

, 21AV or 103ZE(2)(g);

18G Amendment of long title

Long title, after ‘the Criminal Code,’—

insert—

the Criminal Law (Sexual Offences) Act 1978,

Part 5 Amendment of District Court of Queensland Act 1967

19 Act amended

This part amends the *District Court of Queensland Act 1967*.

20 Amendment of s 61 (Criminal jurisdiction if maximum penalty more than 20 years)

Section 61(2)(b), after ‘216,’—

insert—

217A,

Part 6 Amendment of Liquor Act 1992

21 Act amended

This part amends the *Liquor Act 1992*.

Note—

See also the amendments in schedule 1.

22 Amendment of s 4 (Definitions)

- (1) Section 4, definitions *brothel licence*, *family*, *interest in a brothel* and *licensed brothel—*

omit.

- (2) Section 4—

insert—

commercial sexual service—

- (a) has the meaning given by the Criminal Code, section 1; but
- (b) does not include a sexual act mentioned in the definition mentioned in paragraph (a) if—
- (i) the act comprises adult entertainment provided under an entertainment permit by an adult who is not a person with an impairment of the mind under the Criminal Code, section 1; and
- (ii) the act is authorised under the permit.

family, of an individual, means all of the following—

- (a) the individual's spouse;

[s 22]

- (b) each of the individual's children who is 18 years or more, including a stepchild, an adopted child and a person for whom the individual was foster-parent or guardian when the person was a child;
- (c) each of the individual's parents, including a step-parent, and a person who was a foster-parent or guardian for the individual when the individual was a child;
- (d) each of the individual's siblings who is 18 years or more, including a step-sibling and a person who was a foster-sibling when the individual was a child.

interest in a sex work business—

- 1 A person has an *interest in a sex work business* if the person—
- (a) operates, manages or supervises the business; or
 - (b) owns, either alone or jointly, premises used for carrying on the business; or
 - (c) is the lessor of premises used for carrying on the business; or
 - (d) has entered into a business arrangement or relationship with another person for carrying on the business; or
 - (e) directly receives income from the provision of commercial sexual services provided by the business; or
 - (f) is able to exercise a significant influence over the carrying on of the business; or
 - (g) is a member of the family of a person mentioned in paragraph (a), (b), (c), (d), (e) or (f); or

-
- (h) is an executive officer of a corporation that is a person mentioned in paragraph (a), (b), (c), (d), (e) or (f).
- 3 However, a financial institution that is a mortgagee of premises used for carrying on a sex work business does not have an *interest in a sex work business* only because the institution is a mortgagee of the premises.
- 4 Also, for paragraph 1(d), (e) and (f), a sex worker who provides commercial sexual services in the carrying on of a sex work business does not have an *interest in a sex work business* merely because the sex worker is entitled by way of remuneration to a proportion of the payments made for the provision of the services by the sex worker.

sex work business means a business in which commercial sexual services are provided by 2 or more persons.

23 Amendment of s 103N (Adult entertainment code)

(1) Section 103N(4)—

omit, insert—

(4) The code is to be made by the commissioner.

(2) Section 103N(7)—

omit.

24 Amendment of s 106 (Who may apply for licence or permit)

Section 106(3), ‘holds a brothel licence, or has an interest in a brothel,’—

omit, insert—

[s 25]

has an interest in a sex work business

25 Amendment of s 107D (Restriction on grant of adult entertainment permit)

- (1) Section 107D(1)(b), from ‘after considering that’ to ‘licensed brothels’—

omit, insert—

if the application were granted, the combined total of sex work businesses

- (2) Section 107D(1)(b), example—

omit.

26 Amendment of s 142ZK (Deciding application)

- (1) Section 142ZK(3)(a), ‘interest in a brothel’—

omit, insert—

interest in a sex work business

- (2) Section 142ZK(3)(b)(ii), ‘or the *Prostitution Act 1999*’—

omit.

Part 7 Amendment of Local Government Act 2009

27 Act amended

This part amends the *Local Government Act 2009*.

28 Insertion of new s 37A

After section 37—

insert—

[s 31]

insert—

**Division 24 Transitional provision for
Criminal Code
(Decriminalising Sex Work)
and Other Legislation
Amendment Act 2024**

**261 Particular offences continue as prescribed
offences**

On the commencement, repealed sections 229G, 229H, 229HB, 229K and 229L of the Criminal Code continue to be prescribed offences for part 9D.

31 Amendment of sch 1C (Prescribed offences)

- (1) Schedule 1C, entry for the Criminal Code, entries for sections 229G, 229H, 229HB, 229K and 229L—

omit.

- (2) Schedule 1C, entry for the Criminal Code—

insert—

- section 217A (Obtaining commercial sexual services from person who is not an adult)
- section 217B (Allowing person who is not an adult to take part in commercial sexual services)
- section 217C (Conduct relating to provision of commercial sexual services by person who is not an adult)

Part 8A Amendment of Planning Act 2016

31A Act amended

This part amends the *Planning Act 2016*.

31B Insertion of new ch 8, pt 10

Chapter 8—

insert—

Part 10 Transitional provisions for Criminal Code (Decriminalising Sex Work) and Other Legislation Amendment Act 2024

362 Application of part

- (1) This part applies in relation to the carrying out, before the commencement, of a material change of use of premises for a use that is a sex work business (the *relevant sex work business*).
- (2) However, this part applies in relation to the material change of use only to the extent that—
 - (a) when the material change of use was carried out, it was—
 - (i) prohibited development, or assessable development, under the *Planning Regulation 2017*, schedule 10, part 2; or
 - (ii) assessable development under a planning instrument because the

[s 31B]

material change of use was for a shop, or a home-based business, as defined in the *Planning Regulation 2017*, schedule 24; and

- (b) the carrying out of the material change of use contravened section 162 or 163(1).

363 Definitions for part

In this part—

relevant MCU means a material change of use of premises in relation to which this part applies.

relevant sex work business see section 362(1).

sex work means the provision by a person of the following services for payment or reward—

- (a) services involving the person participating in a sexual activity with another person;
- (b) services involving the use or display of the person's body for the sexual arousal or gratification of another person.

sex work business means a business that provides services that include sex work and includes, for example—

- (a) an escort agency providing services that include sex work; or
- (b) a home-based sex work business.

364 Proceedings for particular offences if material change of use is accepted development on commencement

- (1) This section applies if, on the commencement, a material change of use of the premises for a use that is the relevant sex work business is categorised as accepted development.

- (2) A proceeding may not be started after the commencement for—
 - (a) an offence against section 162 or 163(1) in relation to the carrying out of the relevant MCU before the commencement; or
 - (b) an offence against section 165(a) in relation to the use of the premises for the relevant sex work business before the commencement.
- (3) If a proceeding for an offence mentioned in subsection (2)(a) or (b) had started, but not ended, before the commencement, the proceeding may be continued as if this Act, as in force immediately before the commencement, were still in force.

365 Proceedings for particular offences, and restricting use of information, if material change of use is assessable development on commencement

- (1) This section applies if, on the commencement—
 - (a) a material change of use of the premises for a use that is the relevant sex work business is categorised as assessable development; and
 - (b) all of the development permits necessary for the carrying out of the material change of use mentioned in paragraph (a) are not in effect.
- (2) A proceeding may not be started for a relevant offence committed by a person—
 - (a) during the person’s moratorium period; or
 - (b) after the person’s moratorium period ends if, when the moratorium period ends—

[s 31B]

- (i) all of the development permits necessary for the carrying out of the material change of use mentioned in subsection (1)(a) are in effect; or
 - (ii) the use of the premises for the relevant sex work business has been abandoned.
- (3) If a proceeding for a relevant offence has started, but not ended, before the commencement, the proceeding may be continued as if this Act, as in force immediately before the commencement, were still in force.
- (4) Subsection (5) applies if—
 - (a) a person gives information in a development application for the material change of use mentioned in subsection (1)(a); and
 - (b) the development application is made before the day that is 1 year after the day this section commences; and
 - (c) the information relates to—
 - (i) the carrying out of the relevant MCU; or
 - (ii) the use of the premises for the relevant sex work business.
- (5) Evidence of the information is not admissible against the person in a proceeding for an offence committed by the person against section 162, 163(1), 165(a) or 226.
- (6) In this section—

finally decided, in relation to a development application, means the later of the following days—

 - (a) if a development permit is given for the application—the day the development permit takes effect under chapter 3, part 5;

-
- (b) if the development application is refused—the day notice of the refusal is given or, if an appeal about the refusal is started, the day the appeal ends.

moratorium period, for a person, means the period—

- (a) starting on the commencement; and
- (b) ending on—
- (i) if a development application for each development permit necessary for the material change of use mentioned in subsection (1)(a) is made before the day that is 1 year after the day this section commences—the day the development application for the last development permit is finally decided; or
- (ii) otherwise—the day that is 1 year after the day this section commences.

relevant offence means—

- (a) an offence against section 162 or 163(1) in relation to the carrying out of the relevant MCU before the commencement; or
- (b) an offence against section 165(a) in relation to the use of the premises for the relevant sex work business before or after the commencement.

Part 9 **Amendment of Work Health and Safety Act 2011**

32 Act amended

This part amends the *Work Health and Safety Act 2011*.

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33 Insertion of new pt 14, div 2A

After part 14, division 2—

insert—

**Division 2A Review of Criminal Code
(Decriminalising Sex Work)
and Other Legislation
Amendment Act 2024**

275A Review

- (1) The Minister must ensure the operation of the amendments and repeal effected by the *Criminal Code (Decriminalising Sex Work) and Other Legislation Amendment Act 2024* is reviewed at least 4 years, but not more than 5 years, after the commencement of this section.
- (2) The review must be carried out by an independent and appropriately qualified entity.
- (3) As soon as practicable after the review is completed, the Minister must table a report about its outcome in the Legislative Assembly.

34 Insertion of new pt 16, div 9

Part 16—

insert—

**Division 9 Transitional provisions for
Criminal Code
(Decriminalising Sex Work)
and Other Legislation
Amendment Act 2024**

Subdivision 1 Preliminary

341 Definitions for division

In this division—

amendment Act means the *Criminal Code (Decriminalising Sex Work) and Other Legislation Amendment Act 2024*.

relevant department means the department in which the repealed *Prostitution Act 1999* was administered immediately before its repeal.

repealed Act means the repealed *Prostitution Act 1999*.

342 Particular terms have meaning given under repealed Act

In this division, a term defined under the repealed Act but not under this Act has the meaning it had under the repealed Act.

Subdivision 2 Prostitution Licensing Authority and office

343 Authority, office and executive director

- (1) On the commencement—
 - (a) the Authority is abolished; and
 - (b) each member of the Authority goes out of office; and
 - (c) the office of the Authority is abolished; and
 - (d) the executive director of the office goes out of office.
- (2) No compensation is payable to a person because

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of subsection (1).

- (3) To remove any doubt, it is declared that subsection (2) does not limit or otherwise affect a person's right to a benefit or entitlement that had accrued before the commencement.

344 State is successor in law of Authority

- (1) The State is the successor in law of the Authority.
- (2) Subsection (1) is not limited by another provision of this subdivision.

345 Assets and liabilities

On the commencement, the assets and liabilities of the Authority immediately before the commencement become assets and liabilities of the State held in the relevant department.

346 Records and other documents

On the commencement, the records and other documents of the Authority immediately before the commencement become records and documents of the relevant department.

347 Proceedings not yet started

- (1) This section applies if, immediately before the commencement, a proceeding could have been started by or against the Authority within a particular period.
- (2) The proceeding may be started by or against the State within the period.

348 Current proceedings

- (1) This section applies to a proceeding that,

immediately before the commencement, had not ended and to which the Authority was a party.

- (2) On the commencement, the State becomes a party to the proceeding in place of the Authority.

349 Matters relating to employment

- (1) This section applies to each person who was an employee of the office of the Authority immediately before the commencement, other than the executive director.
- (2) On the commencement—
 - (a) the person becomes a public service employee of the relevant department; and
 - (b) the person stops being an employee of the office of the Authority; and
 - (c) the office's liability for recreation, sick or long service leave accrued but not taken by the person before the commencement is transferred to the State held in the relevant department; and
 - (d) the office's records, to the extent they relate to the person's employment, become records of the State held in the relevant department.
- (3) Without limiting subsection (2)(a), if the person is employed under a contract of employment, the person's contract of employment with the office is taken to be a contract of employment between the person and the chief executive and applies with any necessary changes to give effect to the contract.
- (4) The change under subsection (2) has effect despite any contract, instrument or other law and does not—
 - (a) reduce the person's total remuneration; or

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- (b) prejudice the person's existing or accruing rights to superannuation or recreation, sick, long service or other leave; or
- (c) interrupt the person's continuity of service, except that the person is not entitled to claim the benefit of a right or entitlement more than once in relation to the same period of service; or
- (d) constitute a termination of employment by the office, retrenchment or redundancy; or
- (e) entitle the person to a payment or other benefit merely because the person is no longer employed by the office; or
- (f) require a payment to be made in relation to the person's accrued rights to recreation, sick, long service or other leave irrespective of any arrangement between the office and the person; or
- (g) terminate or otherwise end a contract.

350 Effect on legal relationships

- (1) Anything done under this subdivision—
 - (a) does not make the State liable for a civil wrong or a contravention of a law or for a breach of contract or confidence; and
 - (b) does not make the State in breach of any instrument, including an instrument prohibiting, restricting or regulating the assignment, novation or transfer of a right or liability or the disclosure of information; and
 - (c) does not fulfil a condition that—

- (i) terminates, or allows a person to terminate, an instrument or obligation; or
 - (ii) modifies, or allows a person to modify, the operation or effect of an instrument or obligation; or
 - (iii) allows a person to avoid or enforce an obligation or liability contained in an instrument; or
 - (iv) requires a person to perform an obligation or liability contained in an instrument; or
 - (v) requires any money to be paid before its stated maturity; and
- (d) does not release a surety or other obligee, wholly or partly, from an obligation.
- (2) If, apart from this section, the advice, consent or approval of a person would be necessary to do something under this subdivision, the advice is taken to have been obtained or the consent or approval is taken to have been given unconditionally.
- (3) If giving notice to a person would be necessary to do something under this subdivision, the notice is taken to have been given.
- (4) A reference in this section to the State includes a reference to an employee or agent of the State.

351 References to Authority

In an Act or document, a reference to the Authority is, if the context permits, taken to be a reference to the State.

352 Annual report

Despite its repeal, section 108I(4) of the repealed Act applies in relation to an annual report of the Authority prepared after the commencement.

353 Prostitution Licensing Authority Fund

- (1) Despite the commencement of the amendment Act, section 35, the fund continues in existence from the commencement until it is abolished under subsection (2).
- (2) The fund is abolished on the day that is 1 year after the commencement.
- (3) Until the fund is abolished—
 - (a) sections 125(1)(a) and (b) and 126 of the repealed Act continue to apply in relation to the fund; and
 - (b) a reference to the Authority in section 125(1) of the repealed Act is taken to be a reference to the State.
- (4) Any amounts held in the fund on the day the fund is abolished must be paid to the consolidated fund.

Subdivision 3 Other transitional provisions

354 Applications for brothel licence made but not decided before commencement

- (1) This section applies if an application for a brothel licence was made under the repealed Act, part 3, division 1 and, before the commencement, the application had not been—
 - (a) withdrawn under the repealed Act, section 12; or

-
- (b) decided under the repealed Act, section 18.
 - (2) On the commencement—
 - (a) the application lapses; and
 - (b) the State—
 - (i) may, at its discretion, direct the refund of the whole or part of the application fee; and
 - (ii) must direct the refund of the licence fee.

355 Applications for approved manager's certificate made but not decided before commencement

- (1) This section applies if an application for an approved manager's certificate was made under the repealed Act, part 3, division 2 and before the commencement, the application had not been—
 - (a) withdrawn under the repealed Act, section 37; or
 - (b) decided under the repealed Act, section 43.
- (2) On the commencement—
 - (a) the application lapses; and
 - (b) the State—
 - (i) may, at its discretion, direct the refund of the whole or part of the application fee; and
 - (ii) must direct the refund of the certificate fee.

356 Relevant applications under Planning Act made but not decided before commencement

- (1) This section applies if—

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- (a) before the commencement, a relevant application was made to which the repealed Act, part 4 applied; and
 - (b) immediately before the commencement, the application has not been decided under the Planning Act; and
 - (c) before the commencement, no application had been made under the repealed Act, section 64A.
- (2) On the commencement, the application may continue to be decided under the Planning Act as if the repealed Act, part 4 had never applied.
- (3) However, if, before the commencement, an application had been made to QCAT for a review of a decision under the repealed Act, section 64A or 64B—
 - (a) the application may continue to be heard and decided under the repealed Act, part 4, division 3; and
 - (b) the repealed Act, part 4, division 3 continues to apply in relation to the application as if the amendment Act, section 35 had not commenced.
- (4) If, immediately before the commencement, a development approval had been suspended because of the operation of the repealed Act, section 64E and no application had been made to QCAT for a review as mentioned in subsection (3), on the commencement the suspension ends.
- (5) If this section is inconsistent with a provision of the Planning Act, this section prevails to the extent of the inconsistency.

357 Confidentiality

- (1) Despite the repeal of the repealed Act, each of the

following provisions of the repealed Act continues to apply in relation to a report or information to which the provision applied immediately before the commencement—

- (a) section 108B(7);
 - (b) section 110KA(7);
 - (c) section 110P(5);
 - (d) section 110T(5).
- (2) Also, despite the repeal of the repealed Act—
- (a) section 133 of the repealed Act continues to apply in relation to the disclosure of information obtained before the commencement; and
 - (b) section 133A of the repealed Act continues to apply in relation to information or a document acquired or accessed before the commencement; and
 - (c) section 136 of the repealed Act continues to apply in relation to identifying particulars obtained before the commencement; and
 - (d) section 138 of the repealed Act continues to apply in relation to a decision of the Authority made before the commencement.
- (3) Without limiting the *Acts Interpretation Act 1954*, section 20, a proceeding for an offence against section 133 or 133A of the repealed Act may be continued or started, and the person may be convicted of and punished for the offence, as if the amendment Act, section 35 had not commenced.
- (4) Subsection (3) applies—
- (a) despite the Criminal Code, section 11; and
 - (b) whether the disclosure of information mentioned in section 133(1) or 133A(1)

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occurred before or occurs after the commencement.

358 Protection of officials from liability

Despite its repeal, section 134 of the repealed Act continues to apply in relation to an official in relation to an act done, or omission made, before the commencement.

359 Proceedings for offences generally

- (1) This section applies in relation to an offence against the repealed Act committed by a person before the commencement, other than an offence against a relevant offence provision under section 360.
- (2) The person may not be convicted of or punished for the offence unless the person was charged with the offence before the commencement.
- (3) If the person was charged with the offence before the commencement, a proceeding for the offence may be continued, and the person may be convicted of and punished for the offence, as if the amendment Act, section 35 had not commenced.

360 Proceedings for particular offences

- (1) This section applies in relation to an offence against a relevant offence provision committed by a person before the commencement.
- (2) Without limiting the *Acts Interpretation Act 1954*, section 20, a proceeding for the offence may be continued or started, and the person may be convicted of and punished for the offence, as if the amendment Act, section 35 had not commenced.

-
- (3) Subsection (2) applies despite the Criminal Code, section 11.
- (4) In this section—
- relevant offence provision*** means each of the following provisions of the repealed Act—
- (a) section 77;
 - (b) section 97;
 - (c) section 98;
 - (d) section 108;
 - (e) section 108C;
 - (f) section 108D;
 - (g) section 110S.

361 Transitional regulation-making power

- (1) A regulation (a ***transitional regulation***) may make provision about a matter for which—
- (a) it is necessary to make provision—
 - (i) to allow or facilitate the doing of anything to achieve the transition associated with the repeal of the *Prostitution Act 1999*; or
 - (ii) to allow or facilitate the doing of anything to help the operation of the amendment Act in relation to the repeal of the *Prostitution Act 1999*; and
 - (b) the amendment Act does not provide or sufficiently provide.
- (2) A transitional regulation may have retrospective operation to a day that is not earlier than the day this section commences.
- (3) A transitional regulation must declare it is a transitional regulation.

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- (4) This section and any transitional regulation expire on the day that is 2 years after the day this section commences.

Part 10 Repeal of legislation

35 Repeals

The Prostitution Act 1999, No. 73 is repealed.

Part 11 Other amendments

36 Legislation amended

Schedule 1 amends the legislation it mentions.

Schedule 1 Other amendments

section 36

Child Employment Act 2006

1 Section 8B(2)—

omit, insert—

(2) In this section—

health service see the *Hospital and Health Boards Act 2011*, schedule 2.

social escort—

- (a) means a person who, under an arrangement of a commercial character, is held out to the public for hire to—
- (i) accompany another person to social affairs or to places of entertainment or amusement; or
 - (ii) consort with another person in any place, whether public or private; but
- (b) does not include a person who provides the services mentioned in paragraph (a) as part of health services for the other person.

Child Protection (Offender Reporting and Offender Prohibition Order) Act 2004

1 Schedule 1, item 9(a), entries for sections 229G, 229H, 229I and 229L—

omit.

2 Schedule 1, item 9(a)—

insert—

- section 217A (Obtaining commercial sexual services from person who is not an adult)
- section 217B (Allowing person who is not an adult to take part in commercial sexual services)
- section 217C (Conduct relating to provision of commercial sexual services by person who is not an adult)

3 Schedule 1, item 9—

insert—

(ea) an offence against any of the following provisions the Criminal Code, as in force from time to time before being repealed by the *Criminal Code (Decriminalising Sex Work) and Other Legislation Amendment Act 2024—*

- section 229G (Procuring engagement in prostitution)
- section 229H (Knowingly participating in provision of prostitution)
- section 229I (Persons found in places reasonably suspected of being used for prostitution etc.)

- section 229L (Permitting young person etc. to be at place used for prostitution);

4 Schedule 1, item 9(ea) to (i)—

renumber as item 9(f) to (j).

Corrective Services Act 2006

1 Schedule 1, entry for Criminal Code, entry for section 229L—

omit.

2 Schedule 1, entry for Criminal Code—

insert—

section 217A (Obtaining commercial sexual services from person who is not an adult)

section 217B (Allowing person who is not an adult to take part in commercial sexual services)

section 217C (Conduct relating to provision of commercial sexual services by person who is not an adult)

3 Schedule 1—

insert—

Criminal Code provision repealed by Criminal Code (Decriminalising Sex Work) and Other Legislation Amendment Act 2024

section 229L (Permitting young person etc. to be at place used for prostitution)

Criminal Law (Rehabilitation of Offenders) Act 1986

1 Section 9A(1), table, items 11 and 12—

omit.

Criminal Proceeds Confiscation Act 2002

1 Schedule 1, section 3(1), ‘procuring another person to engage in prostitution’—

omit, insert—

inducing, by coercion, another person to provide commercial sexual services

2 Schedule 2, part 1, item 1(l)—

omit, insert—

(l) commercial sexual services under the Criminal Code, section 1;

Disability Services Act 2006

1 Schedule 4, entry for Criminal Code, entries for sections 229FA, 229G, 229H, 229HB, 229I and 229L—

omit.

2 Schedule 4, entry for Criminal Code—

insert—

- 217A Obtaining commercial sexual services from person who is not an adult
- 217B Allowing person who is not an adult to take part in commercial sexual services
- 217C Conduct relating to provision of commercial sexual services by person who is not an adult

3 Schedule 5, entry for Criminal Code—

insert—

- | | | |
|-------|--|--|
| 229FA | Obtaining prostitution from person who is not an adult | as the provision was in force from time to time before its repeal by the <i>Criminal Code (Decriminalising Sex Work) and Other Legislation Amendment Act 2024</i> |
| 229G | Procuring engagement in prostitution | as the provision was in force from time to time before its repeal by the <i>Criminal Code (Decriminalising Sex Work) and Other Legislation Amendment Act 2024</i> only if the penalty under section 229G(2) applies to the offence |
| 229H | Knowingly participating in provision of prostitution | as the provision was in force from time to time before its repeal by the <i>Criminal Code (Decriminalising Sex Work) and Other Legislation Amendment Act 2024</i> only if the penalty under section 229H(2) applies to the offence |

Schedule 1

229HB	Carrying on business of providing unlawful prostitution	as the provision was in force from time to time before its repeal by the <i>Criminal Code (Decriminalising Sex Work) and Other Legislation Amendment Act 2024</i> only if the penalty under section 229HB(2) applies to the offence
229I	Persons found in places reasonably suspected of being used for prostitution etc.	as the provision was in force from time to time before its repeal by the <i>Criminal Code (Decriminalising Sex Work) and Other Legislation Amendment Act 2024</i> only if the penalty under section 229I(2) applies to the offence
229L	Permitting young person etc. to be at place used for prostitution	as the provision was in force from time to time before its repeal by the <i>Criminal Code (Decriminalising Sex Work) and Other Legislation Amendment Act 2024</i>

4 Schedule 6, entry for Criminal Code—

insert—

217A	Obtaining commercial sexual services from person who is not an adult
217B	Allowing person who is not an adult to take part in commercial sexual services
217C	Conduct relating to provision of commercial sexual services by person who is not an adult

5 Schedule 6, entry for Criminal Code, entries for sections 229G, 229H and 229L—*omit.***6 Schedule 7, entry for Criminal Code—***insert—*

229G	Procuring engagement in prostitution	as the provision was in force from time to time before its repeal by the <i>Criminal Code (Decriminalising Sex Work) and Other Legislation Amendment Act 2024</i> only if an offender was or could have been liable as mentioned in section 229G(2)
229H	Knowingly participating in provision of prostitution	as the provision was in force from time to time before its repeal by the <i>Criminal Code (Decriminalising Sex Work) and Other Legislation Amendment Act 2024</i> only if an offender was or could have been liable as mentioned in section 229H(2)
229L	Permitting young person etc. to be at place used for prostitution	as the provision was in force from time to time before its repeal by the <i>Criminal Code (Decriminalising Sex Work) and Other Legislation Amendment Act 2024</i>

Industrial Relations Act 2016**1 Section 295(1), ‘lawful sexual activity’—***omit, insert—*

sex work activity

Integrity Act 2009

- 1** **Schedule 1, entry for Prostitution Act 1999—**
omit.

Introduction Agents Act 2001

- 1** **Section 17, ‘prostitution’—**
omit, insert—
sex work
- 2** **Section 21(d)—**
omit.
- 3** **Section 21(e)—**
renumber as section 21(d).
- 4** **Section 22(d)(iv)—**
omit.
- 5** **Section 22(d)(v)—**
renumber as section 22(d)(iv).
- 6** **Section 37, ‘prostitution’—**
omit, insert—
sex work

- (ii) services involving the use or display of the person's body for the sexual arousal or gratification of another person; but
- (b) does not include adult entertainment under the *Liquor Act 1992*, section 4.

Judicial Review Act 1991

1 Schedule 2, section 5B—

omit.

Liquor Act 1992

1 Section 107E(1)(b)(ii) and (iii)—

omit, insert—

- (ii) a prescribed offence;

2 Section 107E(1)(c)(ii) and (iii)—

omit, insert—

- (ii) a prescribed offence;

3 Section 107E(1)(d)(ii) and (iii)—

omit, insert—

- (ii) a prescribed offence;

-
- 4 Section 107F(2)(c), ‘, including inquiries to the Prostitution Licensing Authority,’—**
omit.
- 5 Section 142ZO(3)(b), ‘, including inquiries to the Prostitution Licensing Authority,’—**
omit.
- 6 Section 142ZQ(1)(b)(ii), ‘or the *Prostitution Act 1999*’—**
omit.

Penalties and Sentences Act 1992

- 1 Schedule 1, entry for Criminal Code, after item 11—**
insert—
- 11A section 217A (Obtaining commercial sexual services from person who is not an adult)
 - 11B section 217B (Allowing person who is not an adult to take part in commercial sexual services)
 - 11C section 217C (Conduct relating to provision of commercial sexual services by person who is not an adult)
- 2 Schedule 1, entry for Criminal Code, item 14A—**
omit.
- 3 Schedule 1—**
insert—

Criminal Code (Provision repealed by Criminal Code (Decriminalising Sex Work) and Other Legislation Amendment Act 2024)

1 section 229G(1) (Procuring engagement in prostitution), if section 229G(2) applies

4 Schedule 1C, entry for Criminal Code—

insert—

- section 217A (Obtaining commercial sexual services from person who is not an adult)
- section 217B (Allowing person who is not an adult to take part in commercial sexual services)
- section 217C (Conduct relating to provision of commercial sexual services by person who is not an adult)

5 Schedule 1C, entry for Criminal Code, entries for sections 229G, 229H, 229HB, 229K and 229L—

omit.

Police Powers and Responsibilities Act 2000

1 Section 19(2), note, ‘Prostitution Act 1999, section 59’—

omit, insert—

Disaster Management Act 2003, section 111

-
- 2 **Schedule 6, definitions *licensed brothel, prostitution and solicit*—**
 omit.
- 3 **Schedule 6, definition *identifying particulars offence*, paragraph (b), third dot point—**
 omit.
- 4 **Schedule 6, definition *prescribed place*, from ‘but, in relation to’—**
 omit.
- 5 **Schedule 6, definition *serious indictable offence*, paragraph (i), ‘prostitution or’—**
 omit.

Public Health Act 2005

- 1 **Section 88(3), definition *serious offence*—**
 omit, insert—
 serious offence means an offence under the Criminal Code, section 317.

Public Sector Act 2022

- 1 **Schedule 1, entry for Office of the Prostitution Licensing Authority—**
 omit.

Right to Information Act 2009

1 Insertion of new ch 7, pt 10

Chapter 7—

insert—

Part 10 **Transitional provision for Criminal Code (Decriminalising Sex Work) and Other Legislation Amendment Act 2024**

206S Documents received or created by Prostitution Licensing Authority for repealed Prostitution Act 1999

A document created or received before the commencement by the Prostitution Licensing Authority for the repealed *Prostitution Act 1999* continues, on the commencement, to be a document to which this Act does not apply under section 11.

2 Schedule 1, section 7—

omit.

Transport Operations (Passenger Transport) Act 1994

1 Schedule 1A, part 1, division 1, after item 6—

insert—

6AA section 217A (Obtaining commercial sexual services from person who is not an adult)

6AB section 217B (Allowing person who is not an adult to take part in commercial sexual services)

6AC section 217C (Conduct relating to provision of commercial sexual services by person who is not an adult)

2 Schedule 1A, part 1, division 1, items 12 to 12D—

omit.

3 Schedule 1A, part 1—

insert—

Division 3C Provisions of the Criminal Code repealed by the Criminal Code (Decriminalising Sex Work) and Other Legislation Amendment Act 2024

1 section 229G (Procuring engagement in prostitution) only if an offender was or could have been liable as mentioned in section 229G(2)

2 section 229H (Knowingly participating in provision of prostitution) only if an offender was or could have been liable as mentioned in section 229H(2)

3 section 229I (Persons found in places reasonably suspected of being used for prostitution etc.) only if an offender was or could have been liable as mentioned in section 229I(2)

4 section 229L (Permitting young person etc. to be

at place used for prostitution)

4 Schedule 1A, part 2, entry for Criminal Code, items 1 and 2—

omit.

Working with Children (Risk Management and Screening) Act 2000

1 Schedule 2, entry for Criminal Code—

insert—

217A Obtaining
commercial sexual
services from
person who is not
an adult

217B Allowing person
who is not an adult
to take part in
commercial sexual
services

217C Conduct relating to
provision of
commercial sexual
services by person
who is not an adult

2 Schedule 2, entry for Criminal Code, entries for sections 229G, 229H, 229I and 229L—

omit.

3 Schedule 3, entry for Criminal Code—*insert—*

229G	Procuring engagement in prostitution	as the provision was in force from time to time before its repeal by the <i>Criminal Code (Decriminalising Sex Work) and Other Legislation Amendment Act 2024</i> , only if an offender was or could have been liable as mentioned in section 229G(2)
229H	Knowingly participating in provision of prostitution	as the provision was in force from time to time before its repeal by the <i>Criminal Code (Decriminalising Sex Work) and Other Legislation Amendment Act 2024</i> , only if an offender was or could have been liable as mentioned in section 229H(2)
229I	Persons found in places reasonably suspected of being used for prostitution etc.	as the provision was in force from time to time before its repeal by the <i>Criminal Code (Decriminalising Sex Work) and Other Legislation Amendment Act 2024</i> , only if an offender was or could have been liable as mentioned in section 229I(2)
229L	Permitting young person etc. to be at place used for prostitution	as the provision was in force from time to time before its repeal by the <i>Criminal Code (Decriminalising Sex Work) and Other Legislation Amendment Act 2024</i>

4 Schedule 4, entry for Criminal Code, entries for sections 229G, 229H, 229I and 229L—*omit.***5 Schedule 4, entry for Criminal Code—***insert—*

Schedule 1

217A Obtaining commercial sexual services from person who is not an adult

217B Allowing person who is not an adult to take part in commercial sexual services

217C Conduct relating to provision of commercial sexual services by person who is not an adult

6 Schedule 5, entry for Criminal Code—

insert—

229G Procuring engagement in prostitution as the provision was in force from time to time before its repeal by the *Criminal Code (Decriminalising Sex Work) and Other Legislation Amendment Act 2024*, only if an offender was or could have been liable as mentioned in section 229G(2)

229H Knowingly participating in provision of prostitution as the provision was in force from time to time before its repeal by the *Criminal Code (Decriminalising Sex Work) and Other Legislation Amendment Act 2024*, only if an offender was or could have been liable as mentioned in section 229H(2)

- | | | |
|------|--|---|
| 229I | Persons found in places reasonably suspected of being used for prostitution etc. | as the provision was in force from time to time before its repeal by the <i>Criminal Code (Decriminalising Sex Work) and Other Legislation Amendment Act 2024</i> , only if an offender was or could have been liable as mentioned in section 229I(2) |
| 229L | Permitting young person etc. to be at place used for prostitution | as the provision was in force from time to time before its repeal by the <i>Criminal Code (Decriminalising Sex Work) and Other Legislation Amendment Act 2024</i> |

7 Schedule 6, entry for Criminal Code—

insert—

- | | |
|------|---|
| 217A | Obtaining commercial sexual services from person who is not an adult |
| 217B | Allowing person who is not an adult to take part in commercial sexual services |
| 217C | Conduct relating to provision of commercial sexual services by person who is not an adult |

8 Schedule 6, entry for Criminal Code, entries for sections 229G, 229H and 229L—

omit.

9 Schedule 6A, entry for Criminal Code—

insert—

229G	Procuring engagement in prostitution	as the provision was in force from time to time before its repeal by the <i>Criminal Code (Decriminalising Sex Work) and Other Legislation Amendment Act 2024</i> , only if an offender was or could have been liable as mentioned in section 229G(2)
229H	Knowingly participating in provision of prostitution	as the provision was in force from time to time before its repeal by the <i>Criminal Code (Decriminalising Sex Work) and Other Legislation Amendment Act 2024</i> , only if an offender was or could have been liable as mentioned in section 229H(2)
229L	Permitting young person etc. to be at place used for prostitution	as the provision was in force from time to time before its repeal by the <i>Criminal Code (Decriminalising Sex Work) and Other Legislation Amendment Act 2024</i>

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