



Queensland

# Justice (Decriminalising Sex Work) and Other Legislation Amendment Regulation 2024

## Subordinate Legislation 2024 No. 136

made under the

*Criminal Proceeds Confiscation Act 2002*

*Planning Act 2016*

*Police Powers and Responsibilities Act 2000*

*Public Sector Act 2022*

*Public Sector Ethics Act 1994*

*Queensland Civil and Administrative Tribunal Act 2009*

*State Penalties Enforcement Act 1999*

## Contents

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		Page
<b>Part 1</b>	<b>Preliminary</b>	
1	Short title .....	3
2	Commencement .....	3
<b>Part 2</b>	<b>Amendment of Criminal Proceeds Confiscation Regulation 2023</b>	
3	Regulation amended .....	3
4	Amendment of sch 1 (Serious criminal offences) .....	3
5	Amendment of sch 2 (Confiscation offences) .....	3
<b>Part 3</b>	<b>Amendment of Planning Regulation 2017</b>	
6	Regulation amended .....	4
7	Insertion of new pt 3, div 1, hdg .....	4
8	Amendment of s 17 (Assessment benchmarks that local categorising instruments may not be inconsistent with—Act, s 43) .....	4
9	Insertion of new pt 3, div 2 .....	5
	Division 2          Matters prescribed for material change of use for	

Contents

---

	home-based business	
17A	Material change of use for home-based business if assessable development . . . . .	5
10	Amendment of sch 3 (Use terms for local planning instruments)	6
11	Amendment of sch 4 (Administrative terms for local planning instruments) . . . . .	6
12	Amendment of sch 6 (Development local categorising instrument is prohibited from stating is assessable development) . . . . .	6
13	Amendment of sch 8 (Assessment manager for development applications) . . . . .	7
14	Amendment of sch 10 (Development assessment) . . . . .	8
15	Amendment of sch 24 (Dictionary) . . . . .	8
<b>Part 4</b>	<b>Amendment of Police Powers and Responsibilities Regulation 2012</b>	
16	Regulation amended . . . . .	8
17	Amendment of sch 3 (Prescribed Acts—Act, section 41(g)) . . . . .	9
<b>Part 5</b>	<b>Amendment of Public Sector Ethics Regulation 2023</b>	
18	Regulation amended . . . . .	9
19	Amendment of sch 1 (Entities prescribed as public service agencies)	9
<b>Part 6</b>	<b>Amendment of Public Sector Regulation 2023</b>	
20	Regulation amended . . . . .	9
21	Amendment of sch 1 (Prescribed persons) . . . . .	9
<b>Part 7</b>	<b>Amendment of Queensland Civil and Administrative Tribunal Regulation 2019</b>	
22	Regulation amended . . . . .	10
23	Amendment of s 8 (Fee for application, referral or counter-application for another matter) . . . . .	10
24	Amendment of s 10 (Fee for appeal or application for leave to appeal—Act, s 143) . . . . .	10
<b>Part 8</b>	<b>Amendment of State Penalties Enforcement Regulation 2014</b>	
25	Regulation amended . . . . .	11
26	Amendment of sch 1 (Infringement notice offences and fines for nominated laws) . . . . .	11

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## **Part 1 Preliminary**

### **1 Short title**

This regulation may be cited as the *Justice (Decriminalising Sex Work) and Other Legislation Amendment Regulation 2024*.

### **2 Commencement**

This regulation commences on 2 August 2024.

## **Part 2 Amendment of Criminal Proceeds Confiscation Regulation 2023**

### **3 Regulation amended**

This part amends the *Criminal Proceeds Confiscation Regulation 2023*.

### **4 Amendment of sch 1 (Serious criminal offences)**

Schedule 1, dot points 2 and 4—  
*omit.*

### **5 Amendment of sch 2 (Confiscation offences)**

Schedule 2, dot point 1—  
*omit.*



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## 9 Insertion of new pt 3, div 2

Part 3—

*insert—*

### **Division 2           Matters prescribed for material change of use for home-based business**

#### **17A Material change of use for home-based business if assessable development**

- (1) This section applies if, under a local planning instrument, a material change of use of premises for a home-based business is assessable development.
- (2) If, under the local planning instrument, the category of assessment for the material change of use is impact assessment, the category of assessment for the material change of use is code assessment.
- (3) The code assessment for the material change of use must be carried out against the following assessment benchmarks—
  - (a) whether no more than 2 persons work on the premises in the home-based business at a time;
  - (b) whether no more than 2 visitors attend the home-based business on the premises at a time;
  - (c) the assessment benchmarks in a local planning instrument applying to the premises.
- (4) For section 43(5)(c) of the Act, a local planning instrument may not, in its effect, be inconsistent with an assessment benchmark stated in subsection (3)(a) or (b).

[s 10]

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- (5) However, a local planning instrument is, in its effect, inconsistent with an assessment benchmark stated in subsection (3)(a) or (b) only if the local planning instrument includes an assessment benchmark that relates to—
- (a) for subsection (3)(a)—whether no more than 1 person works on the premises in the home-based business at a time; or
  - (b) for subsection (3)(b)—whether no more than 1 visitor attends the home-based business on the premises at a time.

**10 Amendment of sch 3 (Use terms for local planning instruments)**

Schedule 3, entry for brothel—

*omit.*

**11 Amendment of sch 4 (Administrative terms for local planning instruments)**

Schedule 4—

*insert—*

sex work business	<i>sex work business</i> see the <i>Local Government Act 2009</i> , section 37A(3).
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**12 Amendment of sch 6 (Development local categorising instrument is prohibited from stating is assessable development)**

Schedule 6, after section 7—

*insert—*

**7AA Material change of use for particular home-based business**

- (1) A material change of use of premises for a

home-based business if—

- (a) no more than 1 person works on the premises in the home-based business at a time; and
  - (b) no more than 1 visitor attends the home-based business on the premises at a time; and
  - (c) the material change of use complies with any accepted development criteria for the material change of use.
- (2) For subsection (1), the *accepted development criteria* for the material change of use are—
- (a) the criteria stated in a local planning instrument applying to the premises that the material change of use must comply with in order to be categorised as accepted development under the instrument; or
  - (b) if the local planning instrument does not state criteria mentioned in paragraph (a)—the assessment benchmarks—
    - (i) stated in a local government’s categorising instrument applying to the premises; and
    - (ii) described in the instrument as acceptable outcomes for the material change of use.

### 13 **Amendment of sch 8 (Assessment manager for development applications)**

- (1) Schedule 8, table 2, item 1(b)(iv)—  
*omit.*
- (2) Schedule 8, table 2, item 1(b)(v)—  
*renumber* as schedule 8, table 2, item 1(b)(iv).

[s 14]

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**14 Amendment of sch 10 (Development assessment)**

Schedule 10, part 2—

*omit.*

**15 Amendment of sch 24 (Dictionary)**

(1) Schedule 24, definition *brothel*—

*omit.*

(2) Schedule 24—

*insert—*

*sex work business* see the *Local Government Act 2009*, section 37A(3).

(3) Schedule 24, definition *home-based business*—

*insert—*

*Example of a business activity—*

a sex work business

(4) Schedule 24, definition *shop*, examples, after ‘liquor store,’—

*insert—*

sex work business other than a home-based sex work business,

**Part 4 Amendment of Police Powers and Responsibilities Regulation 2012**

**16 Regulation amended**

This part amends the *Police Powers and Responsibilities Regulation 2012*.



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**17 Amendment of sch 3 (Prescribed Acts—Act, section 41(g))**

Schedule 3, ‘*Prostitution Act 1999*’—  
*omit.*

**Part 5 Amendment of Public Sector Ethics Regulation 2023**

**18 Regulation amended**

This part amends the *Public Sector Ethics Regulation 2023*.

**19 Amendment of sch 1 (Entities prescribed as public service agencies)**

Schedule 1, entry for Prostitution Licensing Authority—  
*omit.*

**Part 6 Amendment of Public Sector Regulation 2023**

**20 Regulation amended**

This part amends the *Public Sector Regulation 2023*.

**21 Amendment of sch 1 (Prescribed persons)**

(1) Schedule 1, item 18—

*omit.*

(2) Schedule 1, items 19 to 33—

*renumber* as schedule 1, items 18 to 32.





ENDNOTES

- 1 Made by the Governor in Council on 1 August 2024.
- 2 Notified on the Queensland legislation website on 2 August 2024.
- 3 The administering agency is the Department of Justice and Attorney-General.

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