

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

## Explanatory Notes

### Short title

The short title of the Bill is the Criminal Code (Decriminalising Sex Work) and Other Legislation Amendment Bill 2024.

### Policy objectives and the reasons for them

The objective of the Criminal Code (Decriminalising Sex Work) and Other Legislation Amendment Bill 2024 (the Bill) is to establish a legal framework that will enact a safe, decriminalised sex work industry in Queensland, while improving the health, safety, rights and legal protections for sex workers. The decriminalisation of the sex work industry also protects the rights of all individuals, while balancing the needs and expectations of the community.

The Bill establishes a decriminalised framework for the sex work industry based on the recommendations of the Queensland Law Reform Commission (QLRC) report: *A decriminalised sex-work industry for Queensland* (the QLRC Report).

#### **Queensland Law Reform Commission Report**

On 24 August 2021, the then Attorney-General and Minister for Justice, Minister for Women and Minister for the Prevention of Domestic and Family Violence asked the QLRC to conduct an independent review and recommend a framework for a decriminalised sex work industry in Queensland.

The QLRC's review included extensive evidence-based research and consultation with stakeholder groups and the public while considering laws in other Australian jurisdictions including the Northern Territory, Victoria and New South Wales, and international jurisdictions including New Zealand.

The QLRC delivered its report on 31 March 2023. The QLRC Report contains 47 recommendations across the areas of: Decriminalisation (Chapter 2); Licensing (Chapter 3); Health, safety and worker rights (Chapter 4); Planning and local laws (Chapter 5); Coercion and the exploitation of children (Chapter 6); Implementation (Chapter 7) and Other matters (Chapter 8).

In making its recommendations, the QLRC was guided by the key principles of safety, health and fairness.

On 24 April 2023, the Government announced that it broadly supported the recommendations in the QLRC Report and committed to decriminalising the sex work industry, while balancing the needs and expectations of the community.

The main purpose of the Bill is to broadly give effect to the recommendations of the QLRC Report by:

- repealing sex work specific offences such as those relating to working alone or with others, public solicitation and sex work advertising, as located in the Criminal Code, *Prostitution Act 1999* (Prostitution Act) and Prostitution Regulation 2014 (Prostitution Regulation);
- removing the current licensing system and specific obligations on brothel licensees relating to alarms, lighting and signs;
- repealing sex work specific health offences that are located in the Prostitution Act and Prostitution Regulation;
- implementing the QLRC's recommendations to update discrimination protections in the *Anti-Discrimination Act 1991* (AD Act);
- ensuring that the power to make local laws, which reside with local government authorities, should be restricted so that a local law must not be made which prohibits or regulates sex work or the conduct of sex work businesses;
- repealing sex work specific offences in the Criminal Code, and introducing a definition of 'commercial sexual services' in addition to new offences that address coercion and the exploitation of children in commercial sexual services;
- introducing a legislated review requirement to assess the operation and effectiveness of the new regulatory framework of the Bill and the decriminalised sex work industry in Queensland; and
- implementing consequential amendments to reflect the decriminalisation of the sex work industry and removal of the brothel licensing system.

The Bill implements these recommendations through amendments to the AD Act, the *City of Brisbane Act 2010* (City of Brisbane Act), the Criminal Code, the *District Court of Queensland Act 1967* (District Court of Queensland Act), the *Liquor Act 1992* (Liquor Act), the *Local Government Act 2009* (Local Government Act), the *Penalties and Sentences Act 1992* (PS Act), and the *Workplace Health and Safety Act 2011*. The Bill will make consequential amendments as set out in Schedule 1 to the Bill.

The social escort advertising provisions within the Prostitution Act and Prostitution Regulation fell outside the scope of the QLRC's review. Removal of these provision is consistent with the decriminalised framework. Given this, and in conjunction with implementation of the QLRC's recommendations, it is appropriate to repeal the entirety of the Prostitution Act and the Prostitution Regulation.

The QLRC did not make any recommendations about the future regulation of the adult entertainment industry or amendments to the Liquor Act to reflect the decriminalisation of the sex work industry. The QLRC noted these are complex policy issues which require separate consultation and Government consideration.

Accordingly, the objective of the Liquor Act amendments in the Bill is to maintain the *status quo* on the conduct of adult entertainment on liquor licensed premises until separate consultation and consideration of these matters occurs.

The Bill also makes related consequential and transitional amendments.

## **Achievement of policy objectives**

The Bill will achieve the policy objectives by implementing the reforms outlined below:

### **Amendment to the *Anti-Discrimination Act 1991***

The QLRC found that sex workers experience barriers to exercising their rights along with significant stigma and discrimination from other people. The QLRC Report considered that protections under the AD Act needed strengthening as part of the decriminalisation framework. This is consistent with the aim of reducing stigma and safeguarding sex workers' human rights, including the right to equal and effective protection against discrimination.

The Bill amends the AD Act to give effect to Recommendations 12 and 13 of the QLRC Report.

The Bill omits the attribute of 'lawful sexual activity' from section 7 of the AD Act and replaces it with 'sex work activity'. The Bill amends Schedule 1 (Dictionary) to omit 'lawful sexual activity' and insert a definition for 'sex work activity'.

Consistent with the aim of reducing stigma and discrimination, the Bill repeals current section 106C (Accommodation for use in connection with work as sex worker) of the AD Act. Section 106C provides that it is not unlawful for an accommodation provider to discriminate against another person if they reasonably believe that the other person is using, or intends to use, the accommodation in connection with that person's, or another person's, work as a sex worker by refusing to supply accommodation; evicting a person from the accommodation; or treating a person unfavourably in any way in connection with the accommodation.

Recommendation 14 of the QLRC Report recommends the repeal of section 28(1) (Work with children) of the AD Act. As section 28 of the AD Act is repealed by the *Births, Deaths and Marriages Registration Act 2023* (BDMR Act), a provision giving effect to recommendation 14 is not included in the Bill.

### **Amendment to the *City of Brisbane Act 2010***

Recommendation 23 of the QLRC Report proposed that the power to make local laws, which resides with local government authorities including the Brisbane City Council, should be restricted so that a local law may not be made which prohibits or regulates sex work. The objective of the recommendation is to ensure the aims and benefits of decriminalisation may be realised across all of Queensland.

The Bill amends the City of Brisbane Act to give effect to the recommendation.

**Amendment to the *Criminal Code***

The Bill amends the Criminal Code to give effect to Recommendations 1 and 25 to 31 of the QLRC Report.

The QLRC noted that existing Chapter 22A (Prostitution) of the Criminal Code contains offences that make many forms of sex work a crime. Recommendation 1 of the QLRC Report is that offences that criminalise sex work other than in licensed brothels or that require sex workers to work on their own should be removed. As recommended by the QLRC Report, the Bill repeals Chapter 22A of the Criminal Code.

The Bill also makes a related consequential amendment to section 552B(1)(k) (Charges of indictable offences that must be heard and decided summarily unless defendant elects jury trial) to accord with the repeal of Chapter 22A.

**Coercion and the exploitation of children**

The QLRC found that the current law does not clearly distinguish between sex work and exploitation. The decriminalised framework should clearly distinguish between sex work, which is between consenting adults, and sexual exploitation. The QLRC indicated that the decriminalisation of sex work does not require the removal of criminal laws against exploitation. The QLRC also observed that new offences are needed to address coercion and the exploitation of children in commercial sexual services. Recommendations 25 to 31 of the QLRC Report relate to repealing sex work specific offences in the Criminal Code to help distinguish between sex work and exploitation, inserting a definition of ‘commercial sexual services’, and introducing new offences that address the coercion and exploitation of children in commercial sexual services.

The QLRC Report recommended the inclusion of a new definition of ‘commercial sexual services’ which is a term used in the new offences which address the coercion and exploitation of children in commercial sexual services.

The Bill inserts a new definition for Chapter 22 (Offences against morality) of ‘commercial sexual service’.

The Bill creates three new offences in Chapter 22:

- New section 217A creates an offence for obtaining commercial sexual services from a person who is not an adult. The maximum penalty is 10 years imprisonment. If the child is under 16 years of age the maximum penalty is 14 years imprisonment, and if the child is under 12 years of age the maximum penalty is life imprisonment.
- New section 217B creates an offence for allowing a person who is not an adult to take part in commercial sexual services. The maximum penalty is 14 years imprisonment.
- New Section 217C creates an offence for conduct relating to the provision of commercial sexual services by a person who is not an adult. The maximum penalty is 14 years imprisonment.

The location of the offences within Chapter 22 of the Criminal Code means that the new offences are subject to section 229 (Knowledge of age immaterial) of the Criminal Code.

Each new offence contains a subsection which provides that 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 that the accused person believed, on reasonable grounds, that the child was an adult. The defence places an evidential onus on the accused.

The Bill amends existing section 218 (Procuring sexual acts by coercion etc.) of the Criminal Code to additionally apply to coercion in the context of commercial sexual services, and ensure that participation in the sex work industry is voluntary.

The amendment to existing section 218 specifies that coercion includes, for example, inducement by:

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

The definition of coercion is inclusive. The examples provided in the Bill are not intended to limit the ability for the offence to be charged where coercion arises in other circumstances such as through an improper use of trust, exploitation of vulnerability or the supply of dangerous drugs. In circumstances where an offer to supply or the actual supply of dangerous drugs occurs to induce a person to engage in a sexual act or provide or continue to provide commercial sexual services, the matter may also be prosecuted under the *Drugs Misuse Act 1986*.

#### Other amendments

Consistent with the repeal of Chapter 22A (Prostitution) of the Criminal Code, the Bill amends the definitions in section 1 of the Criminal Code to omit the definitions of ‘approved manager’, ‘brothel licence’, ‘licensed brothel’, ‘licensee’ and ‘prostitution’, and insert references to the definition for ‘commercial sexual service’.

The Bill amends section 77 by removing the relevant repealed Chapter 22A offences (sections 229H, 229HC, 229I and 229K) from the list of relevant offences in relation to consorting provisions contained in Chapter 9A of the Criminal Code.

The Bill amends section 678 of the Criminal Code, as amended by the Criminal Code (Double Jeopardy Exception and Subsequent Appeals) Amendment Bill 2023, to expand the list of prescribed offences to include new section 217A(1) where the punishment in new section 217A(3) applies.

#### Transitional provisions

The Bill includes transitional provisions to provide for the continuation of proceedings for offences against former Chapter 22A of the Criminal Code.

**Amendment to the *District Court of Queensland Act 1967***

The Bill amends section 61 of the District Court of Queensland Act to ensure that the District Court of Queensland has jurisdiction in relation to the new section 217A of the Criminal Code.

**Amendment to the *Liquor Act 1992***

The Bill amends the Liquor Act to maintain the current legislative provisions until consultation and final determination is made about the extent and nature of adult entertainment and sex work which can occur at liquor licensed premises.

The Bill replaces outdated definitions in section 4 of the Liquor Act ('brothel licence', 'interest in a brothel' and 'licensed brothel') with new definitions ('commercial sexual service', 'interest in a sex work business', and 'sex work business') to reflect the repeal of the Prostitution Act which provided for the licensing of brothels.

The new definition for 'commercial sexual service' has the meaning given by the amended Criminal Code, section 1, but does not include a sexual act if it is required to be authorised by an adult entertainment permit, maintaining the current legislative framework around adult entertainment approvals.

The new definition for 'interest in a sex work business' replaces the previous definition 'interest in a brothel' with updated terminology.

The Bill updates terminology in subsection 106(3) to prescribe that a person who has an interest in a sex work business may not apply for or hold a licence or permit. This reflects and maintains the existing prohibition on sex work at liquor licensed premises.

The Bill variously amends adult entertainment permit and adult entertainment controller provisions by replacing references to brothel licences and the Prostitution Act with the updated definitions in relation to sex work businesses.

The removal of the reference to an offence under the Prostitution Act as a consideration in the approval process for adult entertainment controllers will not lessen the suitability assessment as the new offences under the Criminal Code are indictable offences and able to be considered when assessing the suitability of an applicant under the existing provisions.

The Bill also amends section 103N of the Liquor Act to remove the Police Commissioner's role in approving the Adult Entertainment Code. Any future changes to the Code will only require approval by the Commissioner for Liquor and Gaming.

**Amendment to the *Local Government Act 2009***

The QLRC Report proposed that the power to make local laws, which reside with local government authorities should be restricted so that a local law may not be made which prohibits or regulates sex work. The objective of the recommendation is to ensure the aims and benefits of decriminalisation may be realised across all of Queensland.

The Bill amends the Local Government Act to give effect to Recommendation 23 of the QLRC Report. The amendment is consistent with the amendment to the City of Brisbane Act which is also in the Bill.

### **Amendment to the *Penalties and Sentences Act 1992***

The Bill amends the Penalties and Sentences Act to give effect to Recommendation 31 of the QLRC Report. Recommendation 31 is that the circumstance of aggravation for serious organised crime in section 161Q of the PS Act should apply to offences created under the recommended framework.

Through including the new Criminal Code offences in Schedule 1C of the PS Act, the Bill provides that they are subject to the operation of Part 9D (Serious and Organised Crime) of the PS Act.

The Bill includes transitional provisions to provide that repealed sections 229G, 229H, 229HB, 229K and 229L of the Criminal Code continue to be prescribed offences for Part 9D.

### **Amendment to the *Work Health and Safety Act 2011***

#### Review provision

The Bill amends the Work Health and Safety Act to give effect to Recommendations 35, 36 and 37 by inserting new Part 14, Division 2A ‘Review of Criminal Code (Decriminalising Sex Work) and Other Legislation Amendment Act 2024’.

Consistent with these recommendations, the Bill requires the Minister to ensure the review of the amendments occurs at least 4 years, but not more than 5 years after commencement, that it be carried out by an independent and appropriately qualified entity and that the review’s report be tabled in the Legislative Assembly as soon as practicable after the review is completed.

#### Transitional provisions

The Bill inserts new Part 16, Division 9 ‘Transitional provisions for Criminal Code (Decriminalising Sex Work) and Other Legislation Amendment Act 2024’.

This Part includes transitional provisions to provide for the continuation of proceedings for offences against the former Prostitution Act.

This Part also includes transitional provisions to address the dissolution of the Prostitution Licensing Authority.

### **Repeal of the *Prostitution Act 1999***

The Bill repeals the Prostitution Act to give effect to Recommendations 2, 3, 5, 6, 11, 22 and 25 of the QLRC Report.

## **Alternative ways of achieving policy objectives**

There are no alternative ways to achieve the policy objectives.

## **Estimated cost for government implementation**

Costs arising from these legislative amendments will be met from existing agency resources. Any funding required beyond existing agency resources will be subject to normal budget processes.

## **Consistency with fundamental legislative principles**

The Bill has been drafted with due regard to the fundamental legislative principles (FLPs) outlined in section 4 of the *Legislative Standards Act 1992* (LS Act) by achieving the appropriate balance between individual rights and liberties. Potential impacts on fundamental legislative principles are addressed below.

### ***Amendments to the Anti-Discrimination Act***

Clause 4 of the Bill omits the protected attribute of ‘lawful sexual activity’ from section 7 of the AD Act and replaces it with ‘sex work activity’. This ensures the protection applies to all adult persons engaging in sex work activity. Expanding the scope of a protected attribute may limit the rights and liberties of individuals (section 4(2)(a) LS Act). It is considered that the restriction is justifiable in that it serves a legitimate purpose in reducing stigma and safeguarding sex workers’ human rights, including the right to equal and effective protection against discrimination.

Clause 5 of the Bill removes section 106C of the AD Act. Omitting section 106C will mean that accommodation providers will no longer be able to discriminate against an individual they reasonably believe is using or intends to use the accommodation for sex work. The amendments affect the rights and liberties of accommodation providers (section 4(2)(a) LS Act), however, the repeal is considered justified to ensure sex workers are not singled out for discrimination by the operation of special laws. Accommodation providers will still be able to control the use of their premises in the same way they can for any other person, including to comply with criminal and planning laws. The proposed repeal is therefore considered proportionate and appropriate.

### ***Amendments to the City of Brisbane Act and Local Government Act***

Amendments to the City of Brisbane Act and Local Government Act prohibit councils from making a local law that prohibits or regulates sex work or the conduct of a sex work industry. The amendments render any local law contrary to this prohibition as having no effect. This limitation on the power of local governments to legislate is justifiable in that the limitation ensures that the aims and benefits of the decriminalised framework established by the Bill may be realised across all of Queensland. In this regard, consideration has been given to the appropriate delegation of legislative power (section 4(4)(a) LS Act).



### **Amendment to the *Criminal Code***

Section 4(3)(g) of the LSA provides that whether legislation has sufficient regard to the rights and liberties of individuals may depend on whether legislation adversely affects rights and liberties, or imposes obligations, retrospectively.

Clause 17 of the Bill amends section 678 of the Criminal Code, as amended by the Criminal Code (Double Jeopardy Exception and Subsequent Appeals) Amendment Bill 2023, to expand the list of prescribed offences to include new section 217A(1) to which section 217A(3) applies. The inclusion of this offence to the list of prescribed offences will not operate retrospectively and does not constitute a departure from the FLPs.

### **Consultation**

The QLRC sought comment from a broad range of stakeholders. The QLRC received 160 submissions during its review, including from current and former sex workers, sex worker organisations, members of the public, academics, interested organisations, health professionals, sexual health professionals and allied services and individuals.

The Department of Justice and Attorney-General engaged in consultation with respective government departments and agencies, sex worker representative bodies, and other external organisations. A consultation draft of the Bill was provided to key stakeholders. Stakeholders were invited to provide feedback on the Bill and this feedback has been taken into account in finalising the Bill.

### **Consistency with legislation of other jurisdictions**

The Bill is specific to the State of Queensland. Although uniformity with other jurisdictions is not required, due regard has been had to the approach taken in other Australian jurisdictions in the development of the Bill.

## Notes on provisions

### Part 1 Preliminary

*Clause 1* provides that the short title of the Act is the *Criminal Code (Decriminalising Sex Work) and Other Legislation Amendment Act 2024*.

*Clause 2* provides that the Act will commence upon proclamation.

### Part 2 Amendment of Anti-Discrimination Act 1991

*Clause 3* states that this part amends the *Anti-Discrimination Act 1991*.

*Clause 4* replaces a reference to ‘lawful sexual activity’ with ‘sex work activity’ in section 7 (Discrimination on the basis of certain attributes prohibited).

*Clause 5* omits section 106C (Accommodation for use in connection with work as sex worker).

*Clause 6* omits the definition of ‘lawful sexual activity’ from Schedule 1 (Dictionary) and inserts the definition of ‘sex work activity’.

### Part 3 Amendment of City of Brisbane Act 2010

*Clause 7* states that this part amends the *City of Brisbane Act 2010*.

*Clause 8* inserts new section 40A (Regulation of sex work). New subsection 40A(1) provides that a local government must not make a local law that prohibits or regulates sex work or the conduct of a sex work business. New subsection 40A(2) provides that a local law has no effect to the extent that it is contrary to subsection (1). New subsection 40A(3) defines ‘sex work’ and ‘sex work business’.

### Part 4 Amendment of Criminal Code

*Clause 9* states that this part amends the *Criminal Code*.

*Clause 10* amends section 1 (Definitions). Subclause (1) omits the definitions of ‘approved manager’, ‘brothel licence’, ‘licensed brothel’, ‘licensee’, and ‘prostitution’. Subclause (2) inserts a definition for ‘commercial sexual service’.

*Clause 11* amends the definition of ‘relevant offence’ under section 77 (Definitions for chapter) which applies to the consorting provisions contained in Chapter 9A (Consorting). This clause removes the following offences from the definition:

- section 229H (Knowingly participating in provision of prostitution);
- section 229HC (Persons engaging in or obtaining prostitution through unlawful prostitution business);
- section 229I (Persons found in places reasonably suspected of being used for

prostitution etc.); and

- section 229K (Having an interest in premises used for prostitution etc).

*Clause 12* inserts in section 207A (Definitions for this chapter) a definition of ‘commercial sexual service’.

*Clause 13* inserts new section 217A (Obtaining commercial sexual services from person who is not an adult); new section 217B (Allowing person who is not an adult to take part in commercial sexual services); and new section 217C (Conduct relating to provision of commercial sexual services by person who is not an adult).

New section 217A(1) provides that a person who obtains commercial sexual services from another person who is not an adult (the child) commits a crime and is liable to a maximum penalty of 10 years imprisonment.

Subsection (2) provides that if the child is under 16 years of age, the maximum penalty is 14 years imprisonment.

Subsection (3) provides that if the child is under 12 years of age, the maximum penalty is life imprisonment.

Subsection (4) provides that the serious organised crime circumstance of aggravation under section 161Q of the PS Act applies to this offence.

Subsection (5) provides that an indictment containing an offence against new section 217A with the serious organised crime circumstance of aggravation under 161Q of the PS Act may not be presented without the consent of a Crown Law Officer.

Subsection (6) provides that in relation an offence 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.

New section 217B(1) (Allowing person who is not an adult to take part in commercial sexual services) provides that it is a crime for a person who owns or occupies, or is in control of, premises to allow a person who is not an adult to enter or remain on the premises for the purpose of taking part in providing commercial sexual services. The maximum penalty for this offence is 14 years imprisonment.

Subsection (2) provides that the serious organised crime circumstance of aggravation under section 161Q of the PS Act applies to this offence.

Subsection (3) provides that an indictment containing an offence against new section 217B with the serious organised crime circumstance of aggravation under 161Q of the PS Act may not be presented without the consent of a Crown Law Officer.

Subsection (4) provides that in relation an offence 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.

New section 217C(1) (Conduct relating to provision of commercial sexual services by person who is not an adult) provides that it is a crime for a person to: (a) cause or induce another person who is not an adult to provide commercial sexual services; or (b) enter into or offer to enter into an agreement under which another person who is not an adult is to provide commercial sexual services; or (c) receive a payment or reward that the person knows, or ought reasonably to know, is derived directly or indirectly from commercial sexual services that is provided by another person who is not an adult. The maximum penalty for this offence is 14 years imprisonment.

Subsection (2) provides that the serious organised crime circumstance of aggravation under section 161Q applies to this offence.

Subsection (3) provides that an indictment containing an offence against new section 217C with the serious organised crime circumstance of aggravation under 161Q of the PS Act may not be presented without the consent of a Crown Law Officer.

Subsection (4) provides that in relation to an offence 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.

*Clause 14* amends the offence under section 218 (Procuring sexual acts by coercion etc). Amended section 218 makes it a crime for 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 a commercial sexual service in Queensland or elsewhere; 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.

The maximum penalty for this offence is 14 years imprisonment.

Subclause (2) inserts a definition of ‘coercion’ into new section 218(4).

*Clause 15* omits Chapter 22A (Prostitution).

*Clause 16* omits section 552B(1)(k) which refers to an offence under Chapter 22A (Prostitution).

*Clause 17* amends section 678 of the Criminal Code, as amended by the Criminal Code (Double Jeopardy Exception and Subsequent Appeals) Amendment Bill 2023, to expand the list of prescribed offences to include new section 217A(1) where the penalty in section 217A(3) applies.

*Clause 18* inserts new Part 9, Chapter 111 (Transitional provisions for Criminal Code (Decriminalising Sex Work) and Other Legislation Amendment Bill 2024.

New section 763 inserts definitions of ‘amendment Act’ and ‘former’ for the chapter.

New section 764 provides for proceedings for offences against former Chapter 22A (Prostitution) generally.

Subsection (1) states that this section applies in relation to an offence against former Chapter 22A committed by a person before the commencement, other than a relevant chapter 22A provision under section 765.

Subsection (2) provides that a person may not be convicted of or punished for an offence against former Chapter 22A that was committed before commencement unless the person was charged with the offence before commencement.

Subsection (3) states that if the person was charged with the offence before commencement, the proceeding 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.

New section 765 provides for proceedings for particular offences against former Chapter 22A (Prostitution).

Subsection (1) states that this section applies to an offence against a relevant chapter 22A provision committed by a person before commencement.

Subsection (2) provides that without limiting section 20 (Saving of operation of repealed Act etc.) of the *Acts Interpretation Act 1954*, a proceeding for the offence against may be continued or started, and that the person may be convicted of and punished for the offence, as if the amendment Act, section 15 and 31 had not commenced.

Subsection (3) provides that subsection (2) applies despite section 11 (Effect of changes in law) of the Criminal Code.

Subsection (4) provides that a ‘relevant chapter 22A provision’ means the following provisions as in force before commencement:

- section 229FA (Obtaining prostitution from person who is not an adult);
- section 229G (Procuring engagement in prostitution);
- section 229H (Knowingly participating in provision of prostitution), if the offence is alleged to have been committed with the circumstance of aggravation mentioned in section 229H(2);
- section 229HB (Carrying on business of providing unlawful prostitution) where a person who is not an adult or is a person with an impairment of the mind is, to the offender’s knowledge, engaged in the provision of prostitution;
- section 229I (Persons found in places reasonably suspected of being used for prostitution etc.) where a person who is not an adult or is a person with an

impairment of the mind is, to the offender's knowledge, in the place at the time of the offence;

- section 229K (Having an interest in premises used for prostitution etc.) where a person who is not an adult or is a person with an impairment of the mind was, to the offender's knowledge, in the premises when the offender was allowing the person to be using the premises for prostitution.

New section 766 provides for the continuation of section 229J (Certificate of discharge for particular offences).

Subsection (1) provides that, on commencement, former section 229J continues to apply in relation to an application made but not decided under that section before commencement as if section 15 of the amendment Act had not commenced.

Subsection (2) provides that an order made under former section 229J(8), whether before or after commencement, continues in effect indefinitely or until a further order under that section is made. Further, without limiting section 20 (Saving of operation of repealed Act etc.) of the *Acts Interpretation Act 1954*, a proceeding for an offence of knowingly contravening an order under former section 229J(10) may be continued or started, and a person may be convicted of and punished for the offence as if section 15 of the amendment Act had not commenced.

Subsection (3) provides that subsection (2) applies despite section 11 (Effect of changes in law) of the Criminal Code.

## **Part 5      Amendment of District Court of Queensland Act 1967**

*Clause 19* provides that this part amends the *District Court of Queensland Act 1967*.

*Clause 20* inserts a reference to new offence 217A (Obtaining commercial sexual services from person who is not an adult) of the Criminal Code into section 61(2)(b) of the District Court of Queensland Act.

## **Part 6      Amendment of Liquor Act 1992**

*Clause 21* provides that this part amends the *Liquor Act 1992*.

*Clause 22* amends section 4 (Definitions).

Subclause (1) omits the definitions of 'brothel licence', 'family', 'interest in a brothel' and 'licensed brothel' to reflect the repeal of the Prostitution Act which included the licensing framework for brothels.

Subclause (2) inserts definitions for 'commercial sexual service', 'family', 'interest in a sex work business' and 'sex work business'.

The new definition for 'commercial sexual service' has the meaning given by the amended Criminal Code, section 1 but does not include a sexual act if it is authorised

by an adult entertainment permit, maintaining the current legislative framework around adult entertainment approvals.

The Liquor Act definition for ‘family’, previously referred to the family definition in the Prostitution Act. As the Prostitution Act is being repealed, the same wording of the Prostitution Act definition is used for the Liquor Act definition.

The new definition for ‘interest in a sex work business’ replaces the previous Prostitution Act definition ‘interest in a brothel’. However, the new definition applies the same or similar criteria as the previous definition. The definition maintains the *status quo* as sex work by sole operator is not currently unlawful under section 229C of the Criminal Code.

The new definition for ‘sex work business’ means a business in which commercial sexual services are provided by 1 or more persons.

*Clause 23* amends section 103N (Adult entertainment code).

Subclause 1 omits section 103N(4) requiring both the commissioner (for liquor and gaming) and the police commissioner to make the adult entertainment code and inserts that the code is to be made by the commissioner (for liquor and gaming).

Subclause 2 omits section 103N(7) to remove the sectional definition for oral sex as it is unnecessary; relying on the ordinary meaning of oral sex for the purposes of the section.

*Clause 24* amends section 106(3) (Who may apply for licence or permit) to replace reference to a person who ‘holds a brothel licence, or has an interest in a brothel’ to a person who ‘has an interest in a sex work business’. This maintains the restrictions on who can apply for or hold a liquor licence or permit. This ensures a person who has an interest in a sex work business may not apply for or hold a licence or permit. If a licensee is found to have an interest in a sex work business, the licensee may be subject to disciplinary action under section 136 of the Liquor Act including disqualification from holding a licence.

*Clause 25* amends section 107D(1)(b) (Restriction on grant of adult entertainment permit).

Subclause 1 replaces the reference to ‘licensed brothels’ with ‘sex work businesses’. This amendment ensures the commissioner for liquor and gaming is still required to consider the combined impact of sex work and adult entertainment businesses if an adult entertainment permit application is to be granted in a locality.

Subclause 2 omits an outdated example which refers to a ‘red light district’.

*Clause 26* amends section 142ZK (Deciding application).

Subclause (1) replaces the reference to ‘interest in a brothel’ in section 142ZK(3)(a) with ‘interest in a sex work business’, ensuring the existing restrictions on adult entertainment controllers are maintained.

Subclause (2) omits reference to the Prostitution Act in section 142ZK(3)(b)(ii). The removal of the reference to an offence under the Prostitution Act will have no impact on the approval process for an adult entertainment controller. This is because the new offences added by this Bill to chapter 22 of the Criminal Code are indictable offences, and therefore captured by 142ZK(3)(b)(i).

## **Part 7 Amendment of Local Government Act 2009**

*Clause 27* provides that this part amends the *Local Government Act 2009*.

*Clause 28* inserts new section 37A (Regulation of sex work).

Subsection (1) provides that a local government must not make a local law that prohibits or regulates sex work or the conduct of a sex work business.

Subsection (2) provides that a local law has no effect to the extent that it is contrary to this section.

Subsection (3) defines ‘sex work’ and ‘sex work business’.

## **Part 8 Amendment of Penalties and Sentences Act 1992**

*Clause 29* provides that this part amends the *Penalties and Sentences Act 1992*.

*Clause 30* inserts new Part 14, Division 24 (Transitional provision for Criminal Code (Decriminalisation of Sex Work) and Other Legislation Amendment Act 2024).

New section 261 provides that on commencement repealed sections 229G (Procuring engagement in prostitution); 229H (Knowingly participating in provision of prostitution); 229HB (Carrying on business of providing unlawful prostitution); 229K (Having an interest in premises used for prostitution etc); and 229L (Permitting young person etc. to be at place used for prostitution) of the Criminal Code continue to be prescribed offences for part 9D.

*Clause 31* amends the list of offences prescribed under Schedule 1C (Prescribed offences) for the purpose of part 9D (Serious and organised crime).

Subclause (1) removes the following repealed offences from the list of prescribed offences:

- section 229G (Procuring engagement in prostitution);
- section 229H (Knowingly participating in provision of prostitution);
- section 229HB (Carrying on business of providing unlawful prostitution);
- section 229K (Having an interest in premises used for prostitution etc.); and
- section 229L (Permitting young person etc. to be at place used for prostitution).

Subclause (2) inserts the following new offences into the list of prescribed offences:



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

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

*Clause 32* provides that this part amends the *Work Health and Safety Act 2011*.

*Clause 33* inserts new Part 14, Division 2A, section 275A (Review).

Subsection (1) provides that the Minister must ensure a review of the operation of the *Criminal Code (Decriminalising Sex Work) and Other Legislation Amendment Act 2024* within at least 4 years, but not more than 5 years, after commencement of this section.

Subsection (2) provides that the review must be carried out by an independent and appropriately qualified entity.

Subsection (3) provides that as soon as practicable after the review is completed, the Minister must table the review's report in the Legislative Assembly.

*Clause 34* inserts new Part 16, Division 9 (Transitional provisions for Criminal Code (Decriminalising Sex Work) and Other Legislation Amendment Act 2024).

### **Subdivision 1 Preliminary**

New section 341 (Definitions for division) inserts definitions for 'amendment Act', 'relevant department' and 'repealed Act'.

New section 342 (Particular terms have meaning given under repealed Act) provides that in division 9, 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**

New section 343 (Authority, office and executive director) relates to the Prostitution Licensing Authority, the Office of the Prostitution Licensing Authority, and executive director.

Subsection (1) provides that on commencement (a) the Prostitution Licensing Authority is abolished; (b) each member of the Prostitution Licensing Authority goes out of office; (c) the Office of the Prostitution Licensing Authority is abolished; and (d) the executive director of the Office of the Prostitution Licensing Authority goes out of office.

Subsection (2) provides that no compensation is payable to a person because of subsection (1).

Subsection (3) provides that 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.

New section 344 (State is successor in law of Authority) provides at subsection (1) that the State is the successor in law of the Prostitution Licensing Authority. Subsection (2) provides that subsection (1) is not limited by another provision of this part.

New section 345 (Assets and liabilities) provides that on commencement, the assets and liabilities of the Prostitution Licensing Authority immediately before commencement become assets and liabilities of the State held in the relevant department.

New section 346 (Records and other documents) provides that on commencement, the records and other documents of the Prostitution Licensing Authority immediately before commencement become records and documents of the relevant department.

New section 347 (Proceedings not yet started) provides at subsection (1) that this section applies if immediately before commencement a proceeding could have been started by or against the Prostitution Licensing Authority for a particular period, and at subsection (2) that the proceeding may be started by or against the State within the period.

New section 348 (Current proceedings) provides at subsection (1) that this section applies to a proceeding that, immediately before commencement, had not ended and to which the Prostitution Licensing Authority was a party. Subsection (2) provides that on commencement, the State becomes a party to the proceeding in place of the Prostitution Licensing Authority.

New section 349 (Matters relating to employment) provides at subsection (1) that this section applies to each person who was an employee of the Office of the Prostitution Licensing Authority immediately before commencement, other than the executive director.

Subsection (2) provides that on 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 Prostitution Licensing Authority; and (c) the Office of the Prostitution Licensing Authority's liability for recreation, sick or long service leave accrued but not taken by the person before commencement is transferred to the State held in the relevant department; and (d) the Office of the Prostitution Licensing Authority's records, to the extent they relate to the person's employment, become records of the State held in the relevant department.

Subsection (3) provides that without limiting subsection (2)(a), if the person is employed under a contract of employment, the person's contract of employment with the Office of the Prostitution Licensing Authority 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.

Subsection (4) provides that 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 (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 of the Prostitution Licensing Authority, 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 of the Prostitution Licensing Authority; 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 of the Prostitution Licensing Authority and the person; or (g) terminate or otherwise end a contract.

New section 350 (Effect on legal relationships) provides at subsection (1) that 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.

Subsection (2) provides that 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.

Subsection (3) provides that if giving notice to a person would be necessary to do something under this subdivision, the notice is taken to have been given.

Subsection (4) provides that a reference in this section to the State includes a reference to an employee or agent of the State.

New section 351 (References to Authority) provides that in an Act or document, a reference to the Prostitution Licensing Authority is, if the context permits, taken to be a reference to the State.

New section 352 (Annual report) provides that despite its repeal, section 108I(4) of the repealed Prostitution Act applies in relation to an annual report of the Prostitution Licensing Authority prepared after commencement.

New section 353 (Prostitution Licensing Authority Fund) provides at subsection (1) that despite the commencement of the amendment Act, section 35, the fund continues in existence from the commencement until it is abolished under subsection (2).

Subsection (2) provides that the fund is abolished on the day that is 1 year after commencement.

Subsection (3) provides that 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 in a provision mentioned in paragraph (a) is taken to be a reference to the State.

Subsection (4) provides that 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**

New section 354 (Applications for brothel licence made but not decided before commencement) provides for applications for a brothel licence made but not decided before commencement.

Subsection (1) provides that this section applies if an application for a brothel licence was made under the repealed Prostitution Act, part 3, division 1 and, before the commencement, the application had not been withdrawn under the repealed Prostitution Act, section 12; or decided under the repealed Prostitution Act, section 18.

Subsection (2) provides that on commencement: (a) the application lapses; and (b) the State may, at its discretion, direct the refund of the whole or part of the application fee; and must direct the refund of the licence fee.

New section 355 (Applications for approved manager's certificate made but not decided before commencement) provides for applications for an approved manager's certificate made but not decided before commencement.

Subsection (1) provides that this section applies if an application for an approved manager's certificate was made under the repealed Prostitution Act, part 3, division 2 and before commencement, the application had not been withdrawn under the repealed Prostitution Act, section 37; or decided under the repealed Prostitution Act, section 43.

Subsection (2) provides that on commencement: (a) the application lapses; and (b) the State may, at its discretion, direct the refund of the whole or part of the application fee; and must direct the refund of the certificate fee.

New section 356 (Relevant applications under Planning Act made but not decided before commencement) provides for relevant applications under the Planning Act made but not decided before commencement.

Subsection (1) provides that this section applies if: (a) before commencement, a relevant application was made to which former part 4 applied; and (b) immediately before commencement, the application has not been decided under the Planning Act;

and (c) before the commencement, no application had been made under the repealed Prostitution Act, section 64A.

Subsection (2) provides that on commencement, the application may continue to be decided under the Planning Act as if the repealed Prostitution Act, part 4 had never applied.

Subsection (3) provides that if, before commencement, an application had been made to QCAT for a review of a decision under section 64A or 64B of the repealed Prostitution Act, then: (a) the application may continue to be heard and decided under part 4, division 3 of the repealed Prostitution Act; and (b) part 4, division 3 of the repealed Prostitution Act continues to apply in relation to the application as if the amendment Act, section 35 had not commenced.

Subsection (4) provides that if, immediately before commencement, a development approval had been suspended because of the operation of section 64E of the repealed Prostitution Act and no application had been made to QCAT for a review as mentioned in subsection (3), on the commencement the suspension ends.

Subsection (5) provides that if this section is inconsistent with a provision of the Planning Act, this section prevails to the extent of the inconsistency.

New section 357 (Confidentiality) provides at subsection (1) that despite the repeal of the Prostitution Act, the following provisions of the repealed Prostitution Act continue to apply in relation to a report or information to which the provision applied immediately before commencement: (a) section 108B(7); (b) section 110KA(7); (c) section 110P(5); (d) section 110T(5).

Subsection (2) provides that despite the repeal of the Prostitution Act: (a) section 133 of the repealed Prostitution Act continues to apply in relation to the disclosure of information obtained before commencement; and (b) section 133A of the repealed Prostitution Act continues to apply in relation to information or a document acquired or accessed before commencement; and (c) section 136 of the repealed Prostitution Act continues to apply in relation to identifying particulars obtained before commencement; and (d) section 138 of the repealed Prostitution Act continues to apply in relation to a decision of the Prostitution Licensing Authority made before commencement.

Subsection (3) provides that without limiting the *Acts Interpretation Act 1954*, section 20 (Saving of operation of repealed Act etc.), a proceeding for an offence against section 133 or 133A of the repealed Prostitution Act may be continued or started, and the person may be convicted of and punished for the offence, as if the *Criminal Code (Decriminalising Sex Work) and Other Legislation Amendment Act 2024*, section 35 had not commenced.

Subsection (4) provides that subsection (3) applies despite section 11 (Effect of changes in law) of the Criminal Code, and applies whether the disclosure of information mentioned in section 133(1) or 133A(1) occurred before or occurs after commencement.

New section 358 (Protection of officials from liability) provides that despite the repeal of the Prostitution Act, section 134 of that Act continues to apply in relation to an official in relation to an act done, or omission made, before commencement.

New section 359 (Proceedings for offences generally) provides in general for the proceedings for offences.

Subsection (1) provides that this section applies in relation to an offence against the repealed Prostitution Act as in force from time to time committed by a person before the commencement, other than an offence against a relevant offence provision under section 360.

Subsection (2) provides that the person may not be convicted of or punished for the offence unless the person was charged with the offence before commencement.

Subsection (3) provides that if the person was charged with the offence before commencement, a proceeding for the offence may be continued, and the person may be convicted of and punished for the offence, as if the *Criminal Code (Decriminalising Sex Work) and Other Legislation Amendment Act 2024*, section 35 had not commenced.

New section 360 (Proceedings for particular offences) provides for proceedings for particular offences.

Subsection (1) provides that this section applies in relation to an offence against a 'relevant offence provision' committed by a person before commencement.

Subsection (2) provides that without limiting the *Acts Interpretation Act 1954*, section 20 (Saving of operation of repealed Act etc.), 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 *Criminal Code (Decriminalising Sex Work) and Other Legislation Amendment Act 2024*, section 35 had not commenced.

Subsection 3 provides that subsection (2) applies despite section 11 (Effect of changes in law) of the Criminal Code.

Subsection (4) provides that a 'relevant offence provision' means each of the following provisions of the Prostitution Act before commencement:

- section 77 (Duress);
- section 97 (False or misleading statements);
- section 98 (False or misleading documents);
- section 108 (Member's interest in a matter to be considered by Authority);
- section 108C (Disclosure of changes in extended criminal history);
- section 108D (Disclosure must not be false, misleading or incomplete);
- section 110S (Failing to make disclosure or making false, misleading or incomplete disclosure).

New section 361 (Transitional regulation-making power) provides for the regulation-making power of a transitional regulation.

Subsection (1) provides that 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; 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; and
- b) the amendment Act does not provide or sufficiently provide.

Subsection (2) provides that a transitional regulation may have retrospective operation to a day that is not earlier than the day this section commences.

Subsection (3) provides that a transitional regulation must declare it is a transitional regulation.

Subsection (4) provides that this section and any transitional regulation expire on the day that is 2 years after the day of the commencement of this section.

## **Part 10 Repeal of legislation**

*Clause 35* repeals the *Prostitution Act 1999*.

## **Part 11 Other amendments**

*Clause 36* states that schedule 1 makes consequential amendments to the legislation mentioned in it.

## **Schedule 1 Other amendments**

### **Child Employment Act 2006**

*Clause 1* omits and inserts in section 8B(2) the definitions of ‘health service’ and ‘social escort’.

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

*Clause 1* omits from Schedule 1, item 9, paragraph (a), the dot points for sections 229G (Procuring engagement in prostitution), 229H (Knowingly participating in provision of prostitution), 229I (Persons found in places reasonably suspected of being used for prostitution etc.) and 299L (Permitting young person etc. to be at place used for prostitution).

*Clause 2* inserts into Schedule 1, item 9, paragraph (a) section 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 service), and 217C (Conduct relating to provision of commercial sexual services by person who is not an adult).

*Clause 3* inserts into Schedule 1, item 9 paragraph (ea) which states that 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*, sections 229G (Procuring engagement in prostitution), 229H (Knowingly participating in provision of prostitution), 229I (Persons found in places reasonably suspected of being used for prostitution etc.) and 229L (Permitting young person etc. to be at place used for prostitution).

*Clause 4* renumbers Schedule 1, item 9 paragraphs (ea) to (i) as item 9(f) to (j).

### **Corrective Services Act 2006**

*Clause 1* omits section 229L (Permitting young person etc. to be at place used for prostitution) from Schedule 1 (Sexual Offences), entry for the Criminal Code.

*Clause 2* inserts into Schedule 1 (Sexual Offences), entry for the Criminal Code 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) and section 217C (Conduct relating to provision of commercial sexual services by person who is not an adult).

*Clause 3* inserts into Schedule 1 (Sexual Offences) 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**

*Clause 1* omits from the table in section 9A(1) (Disclosure of particulars in special cases) items 11 (An applicant for a licence or a licensee under the Prostitution Act 1999) and 12 (An applicant for an approved manager's certificate or an approved manager under the Prostitution Act 1999).

### **Criminal Proceeds Confiscation Act 2002**

*Clause 1* omits from Schedule 1, section 3(1), 'procuring another person to engage in prostitution', and inserts 'inducing, by coercion, another person to provide commercial sexual services'.

*Clause 2* omits from Schedule 2, part 1, item 1(1) 'prostitution' and inserts 'commercial services under the Criminal Code, section 1'.

### **Disability Services Act 2006**

*Clause 1* omits from Schedule 4, entry for the Criminal Code entries for sections 229FA (Obtaining prostitution from person who is not an adult), 229G (Procuring engagement in prostitution), 229H (Knowingly participating in provision of prostitution), 229HB (Carrying on business of providing unlawful prostitution), 229I (Persons found in places reasonably suspected of being used for prostitution etc.) and 229L (Permitting young person etc. to be at place used for prostitution).



*Clause 2* inserts in Schedule 4 entry for the Criminal Code, sections 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) and 217C (Conduct relating to provision of commercial sexual services by person who is not an adult).

*Clause 3* inserts into Schedule 5, entry for Criminal Code:

- 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 *Criminal Code (Decriminalising Sex Work) and Other Legislation Amendment Act 2024*;
- 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 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 *Criminal Code (Decriminalising Sex Work) and Other Legislation Amendment Act 2024* only if the penalty under section 229H(2) applies to the offence;
- 229HB (Carrying on business of providing unlawful 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 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 *Criminal Code (Decriminalising Sex Work) and Other Legislation Amendment Act 2024* 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 *Criminal Code (Decriminalising Sex Work) and Other Legislation Amendment Act 2024*.

*Clause 4* inserts into Schedule 6, entry for the Criminal Code, sections 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) and 217C (Conduct relating to provision of commercial sexual services by person who is not an adult).

*Clause 5* omits from Schedule 6, entry for the Criminal Code, sections 229G, 229H and 229L.

*Clause 6* inserts into Schedule 7, entry for the Criminal Code:

- 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);

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

### **Industrial Relations Act 2016**

*Clause 1* omits 'lawful sexual activity' from section 295(1) and inserts 'sex work activity'.

### **Integrity Act 2009**

*Clause 1* omits from Schedule 1 the entry for the *Prostitution Act 1999*.

### **Introduction Agents Act 2001**

*Clause 1* omits 'prostitution' from section 17 and inserts 'sex work'.

*Clause 2* omits section 21(d).

*Clause 3* renumbers section 21(e) as section 21(d).

*Clause 4* omits section 22(d)(iv).

*Clause 5* renumbers section 22(d)(v) as section 22(d)(iv).

*Clause 6* omits 'prostitution' from section 37 and inserts 'sex work'.

*Clause 7* omits Schedule 1 (Disqualifying offence provisions under the Criminal Code), part 1, item 4.

*Clause 8* renumbers Schedule 1, part 1, items 5 and 5A to Schedule 1, part 1, items 4 and 5.

*Clause 9* omits from Schedule 2 (Dictionary), paragraphs (b) and (c) from the definition of disqualifying offence.

*Clause 10* omits from Schedule 2 (Dictionary), paragraph (f) 'to (e)', and inserts 'to (c)'.

*Clause 11* renumbers paragraphs '(d) to (f)' as paragraphs '(b) to (d)'.

*Clause 12* omits from Schedule 2 (Dictionary) 'prostitution'.

*Clause 13* inserts into Schedule 2 (Dictionary) a definition for 'sex work'.

### **Judicial Review Act 1991**

*Clause 1* omits Schedule 2 (Decisions for which reasons need not be given), section 5B (Certain decisions under the *Prostitution Act 1999*).

**Liquor Act 1992**

*Clause 1* omits from Section 107E (Suitability of applicant for adult entertainment permit) (1)(b)(ii) and (iii) and inserts ‘(ii) a prescribed offence’ in (1)(b).

*Clause 2* omits from Section 107E (Suitability of applicant for adult entertainment permit) (1)(c)(ii) and (iii) and inserts ‘(ii) a prescribed offence’ in (1)(c).

*Clause 3* omits from Section 107E (Suitability of applicant for adult entertainment permit) (1)(d)(ii) and (iii) and inserts ‘(ii) a prescribed offence’ in (1)(d).

*Clause 4* omits section 107F(2)(c) (Application to be referred to the police commissioner), ‘including inquiries to the Prostitution Licensing Authority’.

*Clause 5* omits section 142ZO(3)(b) (Police commissioner’s information report), ‘including inquiries to the Prostitution Licensing Authority’.

*Clause 6* omits section 142ZQ(1)(b)(ii) (Grounds for suspension or cancellation), ‘or the *Prostitution Act 1999*’.

**Penalties and Sentences Act 1992**

*Clause 1* inserts under Schedule 1 (Serious violent offences), 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) and 11C section 217C (Conduct relating to provision of commercial sexual services by person who is not an adult).

*Clause 2* omits item 14A (section 229G(1) (Procuring engagement in prostitution), if section 229G(2) applies) from Schedule 1 (Serious violent offences), entry for Criminal Code.

*Clause 3* inserts into Schedule 1 (Serious violent offences), 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’.

*Clause 4* inserts into Schedule 1C (Prescribed offences) 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) and section 217C (Conduct relating to provision of commercial sexual services by person who is not an adult).

*Clause 5* omits from Schedule 1C (Prescribed offences), entry for Criminal Code, entries for sections 229G (Procuring engagement in prostitution), 229H (Knowingly participating in provision of prostitution), 229HB (Carrying on business of providing unlawful prostitution), 229K (Having an interest in premises used for prostitution etc.) and 229L (Permitting young person etc. to be at place used for prostitution).

**Police Powers and Responsibilities Act 2000**

*Clause 1* omits from Section 19(2), note, ‘*Prostitution Act 1999*, section 59’ and inserts ‘*Disaster Management Act 2003*, section 111’.

*Clause 2* omits from Schedule 6 (Dictionary), definitions ‘licensed brothel, prostitution and solicit’.

*Clause 3* omits from Schedule 6 (Dictionary), the definitions for identifying particulars offence in paragraph (b), the third dot point.

*Clause 4* omits from Schedule 6 (Dictionary), the definition *prescribed place*, ‘but, in relation to soliciting for prostitution, does not include any area in a licensed brothel that cannot be viewed from outside the brothel’.

*Clause 5* omits from Schedule 6 (Dictionary), the definition serious indictable offence, paragraph (i), ‘prostitution or’.

### ***Public Health Act 2005***

*Clause 1* omits from section 88(3), the definition ‘serious offence’, and inserts ‘serious offence means an offence under the Criminal Code, section 317’.

### ***Public Sector Act 2022***

*Clause 1* omits from Schedule 1 (Public Service entities under section 9(b)), the entry for Office of the Prostitution Licensing Authority.

### ***Right to Information Act 2009***

*Clause 1* inserts new Chapter 7, Part 10, Section 206S (Documents received or created by Prostitution Licensing Authority for repealed Prostitution Act 1999).

*Clause 2* omits Schedule 1 (Documents to which this Act does not apply), section 7 (Document received or created by Prostitution Licensing Authority).

### ***Transport Operations (Passenger Transport) Act 1994***

*Clause 1* inserts into Schedule 1A (Driver disqualifying offences), part 1, division 1, 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) and 6AC section 217C (Conduct relating to provision of commercial sexual services by person who is not an adult).

*Clause 2* omits from Schedule 1A (Driver disqualifying offences), part 1, division 1, items 12 to 12D (section 229G (Procuring prostitution), if section 229G(2) applies; section 229G (Procuring engagement in prostitution), only if an offender was or could have been liable as mentioned in section 229G(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); 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); and section 229L (Permitting young person etc. to be at place used for prostitution).

*Clause 3* inserts into Schedule 1A (Driver disqualifying offences), part 1 new Division 3C – Provisions of the Criminal Code repealed by the *Criminal Code (Decriminalising Sex Work) and Other Legislation Amendment Act 2024*, section 229G (Procuring engagement in prostitution) only if an offender was or could have been liable as mentioned in section 229G(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), 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), section 229L (Permitting young person etc. to be at place used for prostitution).

*Clause 4* omits from Schedule 1A (Driver disqualifying offences), part 2, entry for Criminal Code, items 1 and 2 (section 229G (Procuring prostitution) and section 229L (Permitting young person etc. to be at place used for prostitution)).

### ***Working with Children (Risk Management and Screening) Act 2000***

*Clause 1* inserts into Schedule 2 (Current serious offences), entry for Criminal Code - 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) and 217C (Conduct relating to provision of commercial sexual services by person who is not an adult).

*Clause 2* omits from Schedule 2 (Current serious offences), entry for Criminal Code, entries for sections 229G (Procuring engagement in prostitution) only if an offender was or could have been liable as mentioned in section 229G(2), 229H (Knowingly participating in provision of prostitution) 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.) only if an offender was or could have been liable as mentioned in section 229I(2) and 229L (Permitting young person etc. to be at place used for prostitution).

*Clause 3* inserts into Schedule 3 (Repealed or expired serious offences), entry for Criminal Code - 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).

*Clause 4* omits from Schedule 4 (Current disqualifying offences), entry for Criminal Code, entries for sections 229G (Procuring engagement in prostitution) only if an offender was or could have been liable as mentioned in section 229G(2), 229H (Knowingly participating in provision of prostitution) 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.) only if an offender was or could have been liable as mentioned in section 229I(2), and 229L (Permitting young person etc. to be at place used for prostitution).

*Clause 5* inserts into Schedule 4 (Current disqualifying offences), entry for Criminal Code - 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) and 217C (Conduct relating to provision of commercial sexual services by person who is not an adult).

*Clause 6* inserts into Schedule 5 (Repealed or expired disqualifying offences), entry for Criminal Code - 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).

*Clause 7* inserts into Schedule 6 (Offences that may form basis of investigative information), entry for Criminal Code – 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) and 217C (Conduct relating to provision of commercial sexual services by person who is not an adult).

*Clause 8* omits from Schedule 6 (Offences that may form basis of investigative information), Criminal Code, entries for sections 229G (Procuring engagement in prostitution) only if an offender was or could have been liable as mentioned in section 229G(2), 229H (Knowingly participating in provision of prostitution) only if an offender was or could have been liable as mentioned in section 229H(2), and 229L (Permitting young person etc. to be at place used for prostitution).

*Clause 9* inserts into Schedule 6A (Repealed or expired offences that may form basis of investigative information), entry for Criminal Code - 229G (Procuring engagement in prostitution), 229H (Knowingly participating in provision of prostitution), 229L (Permitting young person etc. to be at place used for prostitution).