

#### 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

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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*.

## Part 3 Amendment of Planning Regulation 2017

#### 6 Regulation amended

This part amends the *Planning Regulation 2017*.

7 Insertion of new pt 3, div 1, hdg

Before section 16—

insert—

Division 1 Matters prescribed for Act, s 43 generally

- Amendment of s 17 (Assessment benchmarks that local categorising instruments may not be inconsistent with—Act, s 43)
  - (1) Section 17(1)(e)—

omit.

(2) Section 17(1)(f) to (h)—

renumber as section 17(1)(e) to (g).

(3) Section 17(1)—

insert—

Note—

For particular assessment benchmarks a local planning instrument may not, in its effect, be inconsistent with for a material change of use for a home-based business, see also section 17A.

(4) Section 17(2), 'subsection (1)(h)'—

omit, insert—

subsection (1)(g)

#### 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).

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

## 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).

#### 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.

## 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.

# Part 7 Amendment of Queensland Civil and Administrative Tribunal Regulation 2019

#### 22 Regulation amended

This part amends the Queensland Civil and Administrative Tribunal Regulation 2019.

## Amendment of s 8 (Fee for application, referral or counter-application for another matter)

Section 8(3)—

omit, insert—

- (3) However, the fee for an application made under the *Fair Trading Act 1989*, section 50A or the *Motor Dealers and Chattel Auctioneers Act 2014*, schedule 1, section 14, or a counter-application made in response to an application under either of those sections, is as follows—
  - (a) if the amount claimed is not more than \$500 or if no amount is claimed—27.90 fee units;
  - (b) if the amount claimed is more than \$500 but not more than \$1,000—71.65 fee units;
  - (c) if the amount claimed is more than \$1,000 but not more than \$10,000—127.50 fee units:
  - (d) if the amount claimed is more than \$10,000—358 fee units.

## Amendment of s 10 (Fee for appeal or application for leave to appeal—Act, s 143)

(1) Section 10(6), definition *prescribed amount*, paragraph (a)— *omit.* 

- (2) Section 10(6), definition *prescribed amount*, paragraph (c), 'or (b)'—

  omit.
- (3) Section 10(6), definition *prescribed amount*, paragraph (e), ', (c) or (d)'—

  omit, insert—

  or (c)
- (4) Section 10(6), definition *prescribed amount*, paragraphs (b) to (f)—

  renumber as paragraphs (a) to (e).

#### Part 8 Amendment of State Penalties Enforcement Regulation 2014

#### 25 Regulation amended

This part amends the *State Penalties Enforcement Regulation* 2014.

### 26 Amendment of sch 1 (Infringement notice offences and fines for nominated laws)

Schedule 1, entries for 'Prostitution Act 1999' and 'Prostitution Regulation 2014'—
omit.

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#### Endnotes

#### **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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