

Report No 80  
March 2023

# A decriminalised sex-work industry for Queensland

Report Volume 2: Table of drafting instructions

# Table of drafting instructions

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# Introduction

As part of our review to recommend a framework for a decriminalised sex-work industry in Queensland, the Attorney-General asked us to provide ‘any drafting instructions and/or information which supports’ our recommendations.<sup>1</sup>

Our drafting instructions are included in this document. They should be read with volume 1 of our report. We use the same legislation names, abbreviations and terms as used in the first volume.

We recommend repeal of all provisions in chapter 22A of the Criminal Code. Accordingly chapter 22A can be repealed in full. We also recommend repeal of most substantive provisions of the Prostitution Act. Depending on the government’s policy approach to the remaining provisions, it may be that the Prostitution Act can also be repealed in full.<sup>2</sup> If it is retained, our view is that its name should be changed.

In our report, we also recommend some new provisions be enacted. We recommend a new chapter be inserted in part 5 of the Criminal Code for offences against coercion or involving a child in commercial sexual services. We also recommend a legislative requirement for the decriminalisation laws to be reviewed, which will need to be inserted in the sex-work decriminalisation Bill.

As well as the principal amendments to current sex work laws, our drafting instructions identify consequential amendments to other legislation which will need to be made (or considered and decided by the government) as a result of changes to the law to decriminalise the sex-work industry.

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1 See terms of reference para 3, available on our website <<https://www qlrc.qld.gov.au/>>.

2 See further the table entry below for ss 1–4 of the *Prostitution Act 1999* (Qld).

# Principal amendments and provisions

## Criminal Code<sup>3</sup>

Section	Section heading	Recommended action and drafting instruction	Explanatory comments	Rec No. and report vol 1 reference
<b>CHAPTER 1 (INTERPRETATION)</b>				
<b>1</b>	<b>Definitions</b>	Amend s 1 to remove the definitions of ‘approved manager’, ‘brothel licence’, ‘licensed brothel’, ‘licensee’ for a licensed brothel and ‘prostitution’	<p>Section 1 defines ‘approved manager’, ‘brothel licence’, ‘licensed brothel’ and ‘licensee’ for a licensed brothel by reference to defined terms in the Prostitution Act. Section 1 defines ‘prostitution’ by reference to s 229E in ch 22A of the Criminal Code.</p> <p>These definitions are relevant for ch 22A.</p> <p>If the brothel licensing system is removed and the offences in ch 22A are repealed, as we recommend, s 1 will need to be changed to remove these definitions.</p>	See generally R1, R6, R25–R26, R47 (in chapters 2, 3, 6 and 8)
<b>CHAPTER 22A (PROSTITUTION)</b>				
<b>ch 22A</b>	<b>Prostitution</b>	Repeal ch 22A	<p>Chapter 22A (Prostitution) should be repealed.</p> <p>We recommend repeal of each of the provisions of ch 22A (see below). Accordingly, the chapter can be repealed in full.</p>	R1, R25 (in chapters 2 and 6)
<b>229C</b>	<b>Definitions for ch 22A</b>	Repeal s 229C	Section 229C defines terms used in the offences in ch 22A. The definitions are not needed if the offences are repealed.	R1 (in chapter 2)
<b>229D</b>	<b>Meaning of sexual intercourse for ch 22A</b>	Repeal s 229D	Section 229D defines ‘sexual intercourse’ for the purpose of defining ‘prostitution’ in s 229E. The definition is not needed if s 229E is repealed.	R1 (in chapter 2)

<sup>3</sup> See [Criminal Code \(Qld\)](#) reprint current from 22 March 2023 to date (accessed 28 March 2023).

<b>Section</b>	<b>Section heading</b>	<b>Recommended action and drafting instruction</b>	<b>Explanatory comments</b>	<b>Rec No. and report vol 1 reference</b>
<b>229E</b>	<b>Meaning of prostitution</b>	Repeal s 229E	<p>Section 229E defines ‘prostitution’ for ch 22A. It is not needed if the offences in ch 22A are repealed.</p> <p>The definition in s 229E also applies to the Prostitution Act. We recommend the brothel licensing system be removed and not replaced. If a definition of ‘sex work’ is needed for any remaining provisions in the Prostitution Act, a new definition should be inserted.</p>	<p>R1 (in chapter 2)</p> <p>See also R6 (in chapter 3) and the discussion of social escort services in chapters 2 and 6.</p>
<b>229F</b>	<b>Meaning of carry on a business</b>	Repeal s 229F	<p>Section 229F defines ‘carry on a business’ for the offence in s 229HB. The definition is not needed if the offence is repealed.</p>	R1 (in chapter 2)
<b>229FA</b>	<b>Obtaining prostitution from person who is not an adult</b>	Repeal s 229FA	<p>Section 229FA is an exploitation offence and should be removed from ch 22A. Repeal is needed to help distinguish between sex work and exploitation.</p> <p>Offences relating to children in commercial sexual services should be in a different chapter of the Criminal Code.</p>	R25 (in chapter 6)
<b>229G</b>	<b>Procuring engagement in prostitution</b>	Repeal s 229G	<p>Section 229G criminalises sex work and should be repealed. Repeal is consistent with decriminalisation.</p> <p>The offence carries a higher maximum penalty if the person involved in the prostitution is a child or a person with an impairment of the mind. Offences relating to coercion or children in commercial sexual services should be in a different chapter of the Criminal Code.</p>	<p>R1 (in chapter 2)</p> <p>See also R25 (in chapter 6)</p>
<b>229H</b>	<b>Knowingly participating in provision of prostitution</b>	Repeal s 229H	<p>Section 229H criminalises sex work and should be repealed. Repeal is consistent with decriminalisation.</p> <p>The offence carries a higher maximum penalty if the person involved in the prostitution is a child or a person with an impairment of the mind. Offences relating to coercion or children in commercial sexual services should be in a different chapter of the Criminal Code.</p>	<p>R1 (in chapter 2)</p> <p>See also R25 (in chapter 6)</p>
<b>229HA</b>	<b>When s 229H does not apply</b>	Repeal s 229HA	<p>Section 229HA qualifies the offence in s 229H and is not needed if s 229H is repealed.</p>	R1 (in chapter 2)

<b>Section</b>	<b>Section heading</b>	<b>Recommended action and drafting instruction</b>	<b>Explanatory comments</b>	<b>Rec No. and report vol 1 reference</b>
<b>229HB</b>	<b>Carrying on business of providing unlawful prostitution</b>	Repeal s 229HB	Section 229HB criminalises sex work and should be repealed. Repeal is consistent with decriminalisation.  The offence carries a higher maximum penalty if the person involved in the prostitution is a child or a person with an impairment of the mind. Offences relating to coercion or children in commercial sexual services should be in a different chapter of the Criminal Code.	R1 (in chapter 2)  See also R25 (in chapter 6)
<b>229HC</b>	<b>Persons engaging in or obtaining prostitution through unlawful prostitution business</b>	Repeal s 229HC	Section 229HC criminalises sex work and should be repealed. Repeal is consistent with decriminalisation.	R1 (in chapter 2)
<b>229I</b>	<b>Persons found in places reasonably suspected of being used for prostitution</b>	Repeal s 229I	Section 229I criminalises sex work and should be repealed. Repeal is consistent with decriminalisation.  The offence carries a higher maximum penalty if the person involved in the prostitution is a child or a person with an impairment of the mind. Offences relating to coercion or children in commercial sexual services should be in a different chapter of the Criminal Code.	R1 (in chapter 2)  See also R25 (in chapter 6)
<b>229J</b>	<b>Certificate of discharge for particular offences</b>	Repeal s 229J	Section 229J applies if a person is charged with an offence against ss 229HC or 229I and is not needed if those offences are repealed.	R1 (in chapter 2)
<b>229K</b>	<b>Having an interest in premises used for prostitution etc</b>	Repeals s 229K	Section 229K criminalises sex work and should be repealed. Repeal of the offence, and related provisions in s 229K, is consistent with decriminalisation.  The offence in s 229K(3) carries a higher maximum penalty if the person involved in the prostitution is a child or a person with an impairment of the mind. Offences relating to coercion or children in commercial sexual services should be in a different chapter of the Criminal Code.	R1 (in chapter 2)  See also R25 (in chapter 6)

<b>Section</b>	<b>Section heading</b>	<b>Recommended action and drafting instruction</b>	<b>Explanatory comments</b>	<b>Rec No. and report vol 1 reference</b>
<b>229L</b>	<b>Permitting young person etc to be at place used for prostitution</b>	Repeal s 229L	Section 229L is an exploitation offence and should be removed from ch 22A. Repeal is needed to help distinguish between sex work and exploitation.  Offences relating to coercion or children in commercial sexual services should be in a different chapter of the Criminal Code.	R25 (in chapter 6)
<b>229M</b>	<b>Evidence that business of prostitution is being carried on</b>	Repeal s 229M	Section 229M states what can and cannot be used as evidence that a business of prostitution is being carried on (including that evidence of condoms and other material for safe sex practices is not admissible against a defendant). It is not needed if the offences in ch 22A are repealed.	R1 (in chapter 2)
<b>229N</b>	<b>Evidence that place is being used for prostitution</b>	Repeal s 229N	Section 229N states what can and cannot be used as evidence that a place is being used for the purposes of prostitution (including that evidence of condoms and other material for safe sex practices is not admissible against a defendant). It is not needed if the offences in ch 22A are repealed.	R1 (in chapter 2)
<b>229O</b>	<b>Non-compellability of health service providers</b>	Repeal s 229O	Section 229O allows a health services provider to refuse to disclose information for the investigation or prosecution of an offence against ch 22A. It is not needed if the offences in ch 22A are repealed.	R1 (in chapter 2)

Section	Section heading	Recommended action and drafting instruction	Explanatory comments	Rec No. and report vol 1 reference
<b>NEW CHAPTER (COMMERCIAL SEXUAL SERVICES) [RECOMMENDED]</b>				
pt 5	<b>Offences against the person</b>	In pt 5 insert new chapter: <i>Commercial sexual services</i>	<p>We recommend updated offences relating to coercion and children in commercial sexual services, similar to those in Victoria, the Northern Territory and New South Wales. Offences are needed to protect human rights and deter exploitation of vulnerable people.</p> <p>Decriminalisation applies to sex work between consenting adults, not commercial sexual services that are coerced or involve children. For this purpose, a child means a person under 18 years.</p> <p>Sex work is distinguished from exploitation. Offences relating to coercion and children in commercial sexual services should be in a different chapter of the Criminal Code. The new chapter should have the heading ‘Commercial sexual services’ and be included in pt 5. It could be inserted after ch 30 (Assaults) or after ch 32 (Rape and sexual assaults).</p> <p>The offences we recommend are offences against the person and are of general application.</p>	R26 (in chapter 6)



Section	Section heading	Recommended action and drafting instruction	Explanatory comments	Rec No. and report vol 1 reference
[new]	<b>Definition—commercial sexual services</b> [recommended]	<p>Insert recommended definition of commercial sexual services:</p> <p><i>For new chapter [insert ch number], ‘commercial sexual services’ means—</i></p> <p><i>Services that involve the person engaging in a sexual act with another person in return for payment or reward under an arrangement of a commercial character (whether the payment or reward is given to the person providing the services or another person). ‘Sexual act’ is limited to acts involving physical contact, and includes sexual intercourse, oral sex and masturbation</i></p>	<p>The new chapter should include a definition of ‘commercial sexual services’ for the offences we recommend.</p>	R26 (in chapter 6)
[new]	<b>Inducing commercial sexual services by coercion</b> [recommended]	<p>Insert recommended coercion offence:</p> <p><i>A person who, by coercion, intentionally induces another person to:</i></p> <p><i>(a) provide or continue to provide commercial sexual services or</i></p> <p><i>(b) provide or continue to provide payment derived directly or indirectly from commercial sexual services</i></p> <p><i>commits a crime—with a maximum penalty of imprisonment for 10 years</i></p>	<p>The new chapter should include an offence to protect a person from being coerced into providing, or providing payment from, commercial sexual services.</p> <p>The recommended offence does not criminalise the coerced person. The maximum penalty should be 10 years’ imprisonment.</p>	R26, R27(b) (in chapter 6)

Section	Section heading	Recommended action and drafting instruction	Explanatory comments	Rec No. and report vol 1 reference
[new]	<b>Inducing commercial sexual services by coercion—definition of coercion [recommended]</b>	<p>Insert recommended definition of coercion:</p> <p><i>For the recommended coercion offence above, ‘coercion’ includes:</i></p> <ul style="list-style-type: none"> <li><i>i. intimidation or threats of any kind</i></li> <li><i>ii. improper use of a position of trust or influence</i></li> <li><i>iii. taking advantage of a person’s vulnerability</i></li> <li><i>iv. assault of any person</i></li> <li><i>v. damage to the property of any person</i></li> <li><i>vi. false representation, false pretence or other fraud</i></li> <li><i>vii. supplying or offering to supply a dangerous drug (within the meaning of section 4 of the Drugs Misuse Act 1986) to a person</i></li> </ul>	<p>The recommended coercion offence should be made as certain as possible by defining coercion. An inclusive definition gives some flexibility.</p>	<p>R27(a) (in chapter 6)</p> <p>See also the discussion of fraudulent promises to pay in chapter 8</p>
[new]	<b>Obtaining commercial sexual services from a child [recommended]</b>	<p>Insert recommended offence against obtaining commercial sexual services from a child:</p> <p><i>A person who obtains commercial sexual services from a person under 18 commits a crime—with a maximum penalty of imprisonment for 10 years or, if the child is under 16, imprisonment for 14 years</i></p>	<p>The new chapter should include an offence against obtaining commercial sexual services from a child. This is similar to s 229FA.</p> <p>The recommended offence does not criminalise the child. The maximum penalty should be 10 years’ imprisonment or, if the child is under 16, 14 years’ imprisonment.</p>	R28 (in chapter 6)

Section	Section heading	Recommended action and drafting instruction	Explanatory comments	Rec No. and report vol 1 reference
[new]	<b>Causing, inducing, etc commercial sexual services of a child [recommended]</b>	<p>Insert recommended offences against causing, inducing, etc commercial sexual services of a child:</p> <p><i>A person who:</i></p> <p>(a) <i>causes or induces a person under 18 to provide commercial sexual services</i></p> <p>(b) <i>enters or offers to enter into an agreement for a person under 18 to provide commercial sexual services or</i></p> <p>(c) <i>receives payment the person knows, or ought reasonably to know, is derived directly or indirectly from commercial sexual services provided by a person under 18</i></p> <p><i>commits a crime—with a maximum penalty of imprisonment for 14 years</i></p>	<p>The new chapter should include offences against:</p> <ul style="list-style-type: none"> <li>causing or inducing a child to provide commercial sexual services</li> <li>entering or offering to enter into an agreement for a child to provide commercial sexual services, or</li> <li>receiving payment the person knows or ought reasonably to know is derived from commercial sexual services provided by a child.</li> </ul> <p>The focus is on the criminal responsibility of people who cause, induce, arrange or profit from the use of a child in commercial sexual services.</p> <p>The recommended offences do not criminalise the child. The maximum penalty should be 14 years' imprisonment.</p>	R29 (in chapter 6)
[new]	<b>Allowing a child on premises for the purpose of taking part in commercial sexual services [recommended]</b>	<p>Insert recommended offence against allowing child on premises for purpose of taking part in commercial sexual services:</p> <p><i>An owner, occupier or person in control of premises who allows a person under 18 to be at the premises for the purpose of taking part in commercial sexual services commits a crime—with a maximum penalty of imprisonment for 14 years</i></p>	<p>The new chapter should include an offence against allowing a child to be at premises for the purpose of taking part in commercial sexual services.</p> <p>The recommended offence does not prevent a child from being at premises where the child lives or where commercial sexual services are carried out unless the purpose is for the child to take part in commercial sexual services. This limitation is not included in s 229L of the Criminal Code.</p> <p>The recommended offence does not criminalise the child. The maximum penalty should be 14 years' imprisonment.</p>	R30 (in chapter 6)

Section	Section heading	Recommended action and drafting instruction	Explanatory comments	Rec No. and report vol 1 reference
[new]	<b>Serious organised crime circumstance of aggravation</b> [recommended]	Insert provision for serious organised crime circumstance of aggravation:  <i>The Penalties and Sentences Act 1992, section 161Q states a circumstance of aggravation for an offence against this chapter</i>	The circumstance of aggravation for serious organised crime in section 161Q of the <i>Penalties and Sentences Act 1992</i> should, if retained, apply to the recommended offences relating to coercion or children in commercial sexual services.	R31 (in chapter 6)

## Prostitution Act<sup>4</sup>

Section	Section heading	Recommended action and drafting instruction	Explanatory comments	Rec No. and report vol 1 reference
<b>PART 1 (PRELIMINARY)</b>				
1–4	<b>Short title, Commencement, Purpose, Act binds all persons</b>	Repeal pt 1 (ss 1–4) [conditional]	<p>We recommend repeal of most substantive provisions of the Prostitution Act. Subject to any other provisions remaining in the Act, ss 1–4 will not be needed.</p> <p>We make no recommendations about the social escort advertising provisions in pt 6 div 4 subdiv 3, which are not about sex work. It is a policy matter for the government to consider the extent to which the social escort industry should continue to be regulated by specific laws and if specific advertising laws for social escort services are still needed.</p> <p>If provisions about social escort services are removed from the Act, the Act can be repealed in full. However, if they are retained in the Act, related definitional provisions and other parts of the Act will also need to be retained, with any necessary changes (pt 1, s 5, s 92, pts 8–9, sch 4).</p> <p>If the Act is retained, consideration should be given to changing its name.</p>	<p>R47 (in chapter 8)</p> <p>See generally R1–R3, R6, R11, R22, R25 (in chapters 2–6, 8) and the discussion of social escort advertising in chapter 2</p>
<b>PART 2 (DEFINITIONS)</b>				
5	<b>Definitions</b>	Repeal s 5 [conditional]	<p>Section 5 provides that the dictionary in sch 4 defines particular words used in the Act. We recommend repeal of most provisions of the Prostitution Act. Most definitions in sch 4 are not needed if those provisions are repealed.</p> <p>However, repeal of s 5 is subject to whether the social escort advertising provisions in pt 6 div 4 subdiv 3 are removed from or retained in the Act. If they are retained, related definitions in sch 4 will also need to be retained (see definitions of ‘social escort’ and ‘social escort provider’).</p>	<p>R6 (in chapter 3) and the discussion of social escort advertising in chapter 2</p>

<sup>4</sup> See [Prostitution Act 1999 \(Qld\)](#) reprint current from 1 March 2023 to date (accessed 10 March 2023).

Section	Section heading	Recommended action and drafting instruction	Explanatory comments	Rec No. and report vol 1 reference
6–7	<b>Meaning of associate, Meaning of interest in a brothel</b>	Repeal ss 6–7	Sections 6 and 7 define ‘associate’ and ‘interest in a brothel’, which relate to provisions about brothel licensees, approved managers and the Prostitution Licensing Authority (PLA). The definitions are not needed if the licensing provisions are repealed.	R6 (in chapter 3)
<b>PART 3 (LICENSING SYSTEM)</b>				
8–33	<b>Division 1 (Brothel licences)</b>	Repeal pt 3 divs 1–2 (ss 8–58)	The brothel licensing system under the Prostitution Act should be removed and no new licensing system for sex-work business operators introduced.	R6 (in chapter 3)
34–58	<b>Division 2 (Approved managers)</b>		<p>Sex-work-specific licensing is not needed. It creates a two-tiered industry, undermining sex worker access to rights, health, safety and justice. Serious crime is a matter for criminal laws, not licensing. Work health and safety is addressed under general laws.</p> <p>Under decriminalisation, general laws apply to all sex-work business operators, including work health and safety, and criminal laws.</p> <p>Part 3 divs 1–2 deal with brothel licences, approved manager certificates and disciplinary proceedings. Repeal is needed for removal of the licensing system.</p>	
59–61	<b>Division 3 (Powers of entry)</b>	Repeal pt 3 div 3 (ss 59–61)	<p>Part 3 div 3 deals with powers of entry by police to licensed brothels, and should be repealed as part of the removal of the licensing system.</p> <p>Repeal is consistent with decriminalisation, including the aim of applying standard laws to sex-work businesses. Police have general entry, search and seizure powers under the Police Powers Act.</p>	R6 (in chapter 3)

Section	Section heading	Recommended action and drafting instruction	Explanatory comments	Rec No. and report vol 1 reference
<b>PART 4 (DEVELOPMENT APPROVALS FOR BROTHELS)</b>				
<b>62, 63A</b>	<b>Division 1 (Preliminary)</b>	Repeal pt 4 divs 1–2 (ss 62–63B)	Part 4 div 1 defines terms and states how the Planning Act applies for this part.	R22 (in chapter 5) and R47 (in chapter 8)
<b>63B</b>	<b>Division 2 (Particular provisions about relevant applications)</b>		Part 4 div 2 requires notice about development applications for brothels to be given to the PLA.  These provisions are not needed if the other provisions in part 4 div 3 are repealed and the PLA is abolished, as we recommend.	
<b>64A–64E</b>	<b>Division 3 (Review by QCAT)</b>	Repeal pt 4 div 3 (ss 64A–64E)	Part 4 div 3 provides an alternative dispute resolution avenue to the Queensland Civil and Administrative Tribunal (QCAT) for some development application matters about brothels.  The QCAT dispute resolution avenue is not needed. Appeals and declaratory proceedings about sex work development can occur in the Planning and Environment Court.	R22 (in chapter 5)
<b>PART 5 (PROHIBITED BROTHELS)</b>				
<b>65–72</b>		Repeal pt 5 (ss 65–72)	Part 5 allows a police officer, the PLA or a local government to apply to a Magistrates Court for a declaration that a premises is a prohibited brothel. It creates related offences for interfering with a posted-up declaration, being found in, entering or leaving a prohibited brothel, or using a prohibited brothel as a brothel.  Part 5 is not needed under decriminalisation. The licensing system will be removed, the PLA will be abolished, and general development offences exist under the Planning Act.	R6 (in chapter 3) and the discussion of pt 5 in chapter 5

Section	Section heading	Recommended action and drafting instruction	Explanatory comments	Rec No. and report vol 1 reference
<b>PART 6, DIVISION 1 (GENERAL OFFENCES RELATING TO PROSTITUTION)</b>				
<b>73</b>	<b>Public soliciting for purposes of prostitution</b>	Repeal s 73	<p>Section 73 creates a sex-work-specific criminal offence about public soliciting, and should be repealed. Repeal is consistent with decriminalisation.</p> <p>The offence is not needed. General public nuisance laws and move-on powers apply. Non-regulatory approaches can also be taken to address amenity concerns.</p> <p>Restricting public soliciting for sex work in certain areas or at certain times is not justified. We are not aware of evidence that street-based sex work is prevalent or an issue of concern around schools, places of worship or hospitals.</p>	R2 (in chapter 2)
<b>74</b>	<b>Exception to soliciting offences—persons in licensed brothels</b>	Repeal s 74	Section 74 states when the offence in s 73 does not apply. It is not needed if the offence is repealed.	R2 (in chapter 2)
<b>75</b>	<b>Exception to soliciting offences—police officers</b>	Repeal s 75	Section 75 states when the offence in s 73 applies if one of the people is a police officer. It is not needed if the offence is repealed.	R2 (in chapter 2)
<b>76</b>	<b>Nuisances connected with prostitution</b>	Repeal s 76	<p>Section 76 creates a sex-work-specific criminal offence for nuisances, and should be repealed. Repeal is consistent with decriminalisation.</p> <p>The offence is not needed. General laws apply to public nuisances.</p>	R1 (in chapter 2)
<b>77</b>	<b>Duress</b>	Repeal s 77	<p>Section 77 is an exploitation offence and should be removed from the Prostitution Act. Repeal is needed to help distinguish between sex work and exploitation.</p> <p>Offences relating to coercion in commercial sexual services should be in a different chapter of the Criminal Code.</p>	R25 (in chapter 6)



Section	Section heading	Recommended action and drafting instruction	Explanatory comments	Rec No. and report vol 1 reference
77A	<b>Prostitute providing sexual intercourse or oral sex without a prophylactic</b>	Repeal s 77A	<p>Section 77A creates sex-work-specific criminal offences about use of prophylactics by sex workers and clients, and should be repealed. Repeal is consistent with decriminalisation, including the aims of reducing stigma and supporting positive health outcomes.</p> <p>The offences are not needed. General laws and related guidance on public health and work health and safety apply. We recommend guidelines be developed on work health and safety for the sex-work industry.</p> <p>The government has committed to introducing ‘stealthling’ laws for when a person does not use a condom as agreed or removes or tampers with a condom without the other person’s consent.</p>	<p>R11 (in chapter 4)</p> <p>See also R8, R10 (in chapter 4) and the discussion of stealthling in chapter 8</p>
<b>PART 6, DIVISION 2 (OFFENCES RELATING TO THE OPERATION OF A LICENSED BROTHEL)</b>				
78–88		Repeal pt 6 div 2 (ss 78–88)	<p>Part 6 div 2 (ss 78–88) creates offences that support the brothel licensing system, including offences to restrict a licensee’s activities in certain ways, require personal supervision of licensed brothels, prohibit the possession of liquor at licensed brothels, require the display of licences, and require a person to comply with particular directions by police.</p> <p>Repeal is needed for removal of the licensing system and is consistent with decriminalisation, including the aim of applying standard laws to sex-work businesses.</p> <p>General laws apply, including work health and safety laws. Police have general powers under the Police Powers Act. Liquor licensing is a matter for the Liquor Act and the Office of Liquor and Gaming Regulation.</p>	<p>R6 (in chapter 3)</p> <p>See also R46 (in chapter 8)</p>

Section	Section heading	Recommended action and drafting instruction	Explanatory comments	Rec No. and report vol 1 reference
<b>PART 6, DIVISION 3 (OFFENCES RELATING TO PROSTITUTES WORKING IN LICENSED BROTHELS)</b>				
89	<b>Permitting prostitute infective with a disease to work in a licensed brothel</b>	Repeal ss 89–90	Sections 89 and 90 create sex-work-specific criminal offences to prevent sex workers at licensed brothels from working with a sexually transmissible infection (STI), and have the effect that sexual health testing is mandatory for sex workers at licensed brothels.	R11 (in chapter 4) See also R8 (in chapter 4)
90	<b>Prostitute working while infective with a disease</b>		<p>Repeal is consistent with decriminalisation, including the aims of reducing stigma and supporting positive health outcomes. Repeal aligns with evidence-based best practice in public health, including voluntary adoption of safer sex practices.</p> <p>The offences are not needed. General laws and related guidance on public health and work health and safety apply. We recommend guidelines be developed on work health and safety for the sex-work industry. General criminal laws against intentionally transmitting a serious disease also apply.</p>	
<b>PART 6, DIVISION 4 (ADVERTISING OFFENCES)</b>				
92	<b>Subdivision 1 (Definitions)</b>	Repeal pt 6 div 4 subdiv 1 (s 92) [conditional]	<p>Section 92 defines words used in pt 6 div 4.</p> <p>To the extent they apply to the prostitution advertising offences in subdiv 2, which we recommend be repealed, the definitions are not needed.</p> <p>However, repeal or amendment of s 92 is subject to whether the social escort advertising provisions in subdiv 3 are removed from, or retained in, the Act.</p>	R3 (in chapter 2)

Section	Section heading	Recommended action and drafting instruction	Explanatory comments	Rec No. and report vol 1 reference
93–96	<b>Subdivision 2 (Advertising offences about prostitution)</b>	Repeal pt 6 div 4 subdiv 2 (ss 93–96)	<p>Sections 93–95 create sex-work-specific offences about advertising, and should be repealed. Section 96 is a related evidentiary provision, and is not needed if those offences are repealed. Repeal is consistent with decriminalisation, including the recognition of sex work as work.</p> <p>The offences are not needed. General laws, standards and codes apply to all advertising in Australia.</p> <p>Guidelines issued by the PLA under s 139A of the Act for the approved form for sex-work advertisements, can also be removed.</p>	R3 (in chapter 2)
96A–96B	<b>Subdivision 3 (Advertising offences about social escort services)</b>	n/a	We make no recommendations about the social escort advertising provisions in pt 6 div 4 subdiv 3, which are not about sex work. It is a policy matter for the government to consider if specific advertising laws for social escort services are still needed.	See the discussion of social escort advertising in chapter 2
<b>PART 6, DIVISION 5 (OTHER OFFENCES)</b>				
97–98	<b>False or misleading statements, False or misleading documents</b>	Repeal ss 97–98	<p>Sections 97–98 deal with false or misleading statements or documents given to the PLA in connection with the Act.</p> <p>These offences are not needed if the licensing provisions are repealed and the PLA is abolished, as we recommend.</p>	R6 (in chapter 3)

Section	Section heading	Recommended action and drafting instruction	Explanatory comments	Rec No. and report vol 1 reference
<b>PART 7 (PROSTITUTION LICENSING AUTHORITY)</b>				
100–101	Div 1 (Establishment)	Repeal pt 7 (ss 100–108I)	The PLA should be abolished, as part of the removal of the brothel licensing system.	R6 (in chapter 3)
102–108I	Div 2 (Membership)		<p>Part 7 deals with the establishment, membership and status of the PLA, including its functions, suitability and terms of appointment of members, status as a statutory body, and budget. Repeal is needed to abolish the PLA.</p> <p>The temporary working group we recommend be established to help implement the decriminalisation reforms should include representation from the PLA, prior to its abolition (and the former PLA, after its abolition).</p> <p>Cost savings from closing the PLA could be redirected to help fund education and other measures we recommend to support transition to and implementation of the decriminalisation framework.</p>	See also R43, R44 (in chapter 7)
<b>PART 7A (OFFICE OF THE PROSTITUTION LICENSING AUTHORITY)</b>				
109–110A	Div 1 (Establishment)	Repeal pt 7A (ss 109–110V)	The Office of the PLA should be removed, as part of the removal of the brothel licensing system.	R6 (in chapter 3)
110B–110KD	Div 2 (Executive director)		Part 7A deals with the establishment and function of the Office, the appointment and function of the Executive Director, and the suitability and employment of staff.	
110L–110V	Div 3 (Staff of the office)		<p>The function of the Office is to help the PLA carry out its functions. The Office consists of the Executive Director in charge of the Office and staff. Repeal is needed to remove the Office of the PLA.</p> <p>Ending the appointment of the Executive Director is an act of the Governor in Council (s 110H). Staff are appointed under the <i>Public Sector Act 2022</i>.</p>	

Section	Section heading	Recommended action and drafting instruction	Explanatory comments	Rec No. and report vol 1 reference
<b>PART 7B (ADMINISTRATION)</b>				
111	<b>Div 1 (Register)</b>	Repeal pt 7B div 1 (s 111)	Part 7B div 1 deals with the requirement to record information about brothel licences and approved manager certificates in a register, which may be inspected by police or, on payment of a fee, any other person. Repeal is needed as part of the removal of the brothel licensing system.	R6 (in chapter 3)
123–126	<b>Div 2 (Prostitution Licensing Authority Fund)</b>	Repeal pt 7B div 2 (ss 123–126)	Part 7B div 2 deals with the establishment of and payments into and out of the Prostitution Licensing Fund. Repeal is needed as part of the removal of the brothel licensing system and abolishing the PLA.  Transitional provisions may be needed to facilitate the redirection of cost savings from closing the PLA.	R6 (in chapter 3)
<b>PART 8 (GENERAL)</b>				
127–132	<b>Div 1 (Proceedings for offences)</b>	Repeal pt 8 (ss 127–141) [conditional]	Part 8 div 1 deals with how offences under the Act are classified, what proceedings apply, and particular evidentiary matters.	R6 (in chapter 3), and the discussion of social escort advertising in chapter 2
133–141	<b>Div 2 (Other matters)</b>		Part 8 div 2 deals with various administrative matters, including the disclosure and confidentiality of information under the Act, destruction of identifying particulars, protection of officials and health professionals from liability, non-compellability of health service providers, reasons for decisions, delegation of the PLA's powers, making approved forms, guidelines and regulations, and review of the Act.  To the extent it applies to the brothel licensing and related provisions and sex work offences in the Act, which we recommend be repealed, pt 8 is not needed. The related approved forms made under s 139 of the Act are also not needed and can be removed.  However, repeal of pt 8 is subject to whether the social escort advertising provisions in pt 6 div 4 subdiv 3 (and related guidelines made under s 139A) are removed from or retained in the Act.	

Section	Section heading	Recommended action and drafting instruction	Explanatory comments	Rec No. and report vol 1 reference
<b>PART 9 (TRANSITIONAL PROVISIONS)</b>				
<b>142–167</b>		Repeal pt 9 (ss 142–167) [conditional]	<p>Part 9 deals with transitional provisions arising as a result of previous amendments to the Act.</p> <p>To the extent they apply to the brothel licensing and related provisions and sex work offences in the Act, which we recommend be repealed, the provisions are not needed. However, repeal or amendment of pt 9 is subject to whether the social escort advertising provisions in pt 6 div 4 subdiv 3 are removed from or retained in the Act.</p>	See R6, R47 (in chapters 3 and 8) and the discussion of social escort advertising in chapter 2
<b>SCHEDULES 1–2 (DISQUALIFYING OFFENCE PROVISIONS)</b>				
<b>sch 1</b>	<b>Disqualifying offence provisions under the Criminal Code</b>	Repeal schs 1–2	Schedules 1 and 2 list offences under the Criminal Code and the <i>Migration Act 1958</i> (Cth) that disqualify a person from holding a brothel licence or an approved manager’s certificate. They are not needed if the licensing provisions are repealed.	R6 (in chapter 3)
<b>sch 2</b>	<b>Disqualifying offence provisions under the Migration Act 1958 (Cwlth)</b>			
<b>SCHEDULE 3 (RESTRICTIONS ON NUMBERS OF PROSTITUTES AT LICENSED BROTHEL)</b>				
<b>sch 3</b>		Repeal sch 3	Schedule 3 lists the total number of prostitutes permitted at any one time on licensed brothel premises under s 78(2) of the Act. It is not needed if the licensing provisions are repealed.	R6 (in chapter 3)

Section	Section heading	Recommended action and drafting instruction	Explanatory comments	Rec No. and report vol 1 reference
<b>SCHEDULE 4 (DICTIONARY)</b>				
<b>sch 4</b>		Repeal sch 4 in part [conditional]	<p>Schedule 4 lists definitions for the Act.</p> <p>Most definitions are not needed if the brothel licensing and related provisions and sex work offences in the Act are repealed.</p> <p>However, repeal of sch 4 is subject to whether the social escort advertising provisions in pt 6 div 4 subdiv 3 are removed from or retained in the Act. Sch 4 includes definitions of 'social escort' and 'social escort provider' for those provisions. If the provisions are retained, the reference to 'prostitution' in the definition of 'social escort' may need to be amended.</p>	R6 (in chapter 3) and the discussion of social escort advertising in chapter 2

## Prostitution Regulation<sup>5</sup>

Section	Section heading	Recommended action and drafting instruction	Explanatory comments	Rec No. and report vol 1 reference
<b>PART 1 (PRELIMINARY)</b>				
1–2	<b>Short title, Commencement</b>	Repeal pt 1 (ss 1-2) [conditional]	<p>We recommend repeal of most substantive provisions of the Regulation, consistently with the repeal of provisions of the Prostitution Act. Subject to any other provisions remaining in the regulation, ss 1–2 will not be needed.</p> <p>We make no recommendations about the social escort advertising provisions in the Regulation, which relate to pt 6 div 4 subdiv 3 of the Act and are not about sex work.</p> <p>If provisions about social escort services are retained in the Act, related provisions and definitions in the Regulation will also need to be retained, with any necessary changes (ss 16, sch 4). Otherwise, the Regulation can be repealed in full.</p>	<p>R47 (in chapter 8)</p> <p>See generally R3–R4, R6–R7, R11, R19 (in chapters 2–5) and the discussion of social escort advertising in chapter 2</p>
3	<b>Definitions</b>	Repeal pt 1 (s 3) [conditional]	<p>Section 3 provides that the dictionary in sch 4 defines particular words used in the Regulation. We recommend repeal of most provisions of the Regulation. Most definitions in sch 4 are not needed if those provisions are repealed.</p> <p>However, repeal of s 3 is subject to whether the social escort advertising provisions in s 16 are removed from or retained in the Regulation. If they are retained, related definitions in sch 4 will also need to be retained (see definitions ‘oral sex’, ‘permitted size’ for an advertisement, ‘sexual act’ and ‘sexual organs’).</p>	<p>R47 (in chapter 8)</p> <p>See generally R3–R4, R6–R7, R11, R19 (in chapters 2–5) and the discussion of social escort advertising in chapter 2</p>

<sup>5</sup> See [Prostitution Regulation 2014 \(Qld\)](#) reprint current from 1 July 2022 to date (accessed 14 February 2023). The Regulation is scheduled to expire automatically on 1 September 2024.



Section	Section heading	Recommended action and drafting instruction	Explanatory comments	Rec No. and report vol 1 reference
<b>PART 2 (LICENSING SYSTEM)</b>				
4–12		Repeal pt 2 (ss 4–12)	Part 2 deals with matters relating to applications for brothel licences and approved manager certificates, conditions of licences and certificates, and powers of entry by police, under pt 3 divs 1–3 of the Act. The provisions are not needed if the licensing system is removed.	R6 (in chapter 3)
<b>PART 3 (REQUIREMENT ABOUT PROHIBITED BROTHELS)</b>				
13	<b>Requirement for copy of declaration that premises are prohibited brothel—Act, s 67</b>	Repeal pt 3 (s 13)	Part 3 relates to the provisions in pt 5 of the Act about prohibited brothel declarations, and specifies that a copy of a declaration must be in the approved form. Section 13 is not needed if pt 5 of the Act is repealed.	R6 (in chapter 3) and the discussion of pt 5 of the Act in chapter 5
<b>PART 4 (PROVISIONS ABOUT OFFENCES)</b>				
14	<b>Interval for medical examination or testing—Act, ss 89 and 90</b>	Repeal s 14	Section 14 specifies the interval of 3 months for sexual health testing referred to in ss 89 and 90 of the Act. It should be removed as part of the repeal of the sex-work-specific health offences in ss 89 and 90 of the Act.	R11 (in chapter 4)
15	<b>Approved form for advertisement for prostitution</b>	Repeal s 15	Section 15 details the approved form for sex work advertising, for the offences in pt 6 div 4 subdiv 2 of the Act. Section 15 should be removed as part of the removal of those advertising offences.	R3 (in chapter 2)
16	<b>Approved form for advertisement for social escort services</b>	n/a	Section 16 details the approved form for social escort services advertising, for the offences in pt 6 div 4 subdiv 3 of the Act. We make no recommendations about the social escort advertising provisions in the Act, which are not about sex work. If they are retained, s 16 in the Regulation will also need to be retained, with any necessary changes.	See the discussion of social escort advertising in chapter 2

Section	Section heading	Recommended action and drafting instruction	Explanatory comments	Rec No. and report vol 1 reference
<b>PART 5 (PROSTITUTION LICENSING AUTHORITY)</b>				
17–18	<b>Authority to consult with licensee, Agencies with which Authority is to liaise—Act, s 101</b>	Repeal pt 5 (ss 17–18)	Part 5 includes requirements about consultation with licensees, and liaison with particular agencies, by the PLA. They relate to the PLA’s functions under s 101 (in pt 7) of the Act. The provisions are not needed if the licensing system is removed and the PLA is abolished.	R6 (in chapter 3)
<b>PART 6 (MISCELLANEOUS)</b>				
19–22, 24		Repeal pt 6 (ss 19–22, 24)	Part 6 deals with various matters related to the licensing provisions and offences under the Act, including definitions for s 134A of the Act, licensing fees, records to be kept by licensees, the PLA’s complaints policy, and documents to be given to the PLA. These provisions are not needed if the licensing system and sex work offences are removed and the PLA is abolished.	R6 (in chapter 3)
23	<b>Licensee’s duty about alarm, lighting and sign</b>	Repeal pt 6 (s 23)	Section 23 imposes an obligation on brothel licensees about alarms, lighting and signs. This requirement is not needed and should be removed as part of the removal of the brothel licensing system.	R6, R7 (in chapters 3 and 4)
25	<b>Assessment benchmarks for Planning Act—Act, s 140(2)(f)</b>	Repeal pt 6 (s 25)	Section 25 provides for the assessment benchmarks for brothels, under s 140 of the Act. The current assessment benchmarks should be removed. They should be replaced with new assessment benchmarks in the Planning Regulation.	R4, R6, R19(a) (in chapters 2, 3 and 5)
26	<b>Sexually transmissible diseases</b>	Repeal pt 6 (s 26)	Section 26 prescribes the sexually transmissible diseases for the definition in sch 4 of the Act, relating to the sex-work-specific health offences in ss 89–90 of the Act. It is not needed if those offences, and the related definition of ‘sexually transmissible disease’, are removed.	R6, R11 (in chapters 3 and 4)
<b>SCHEDULE 1 (AGENCIES WITH WHICH AUTHORITY IS TO LIAISE)</b>				
sch 1		Repeal sch 1	Schedule 1 lists the agencies the PLA is authorised to liaise with, for the purpose of pt 5 of the Regulation and s 101 of the Act. It is not needed if those provisions are removed, and the PLA is abolished as we recommend.	R6 (in chapter 3)

Section	Section heading	Recommended action and drafting instruction	Explanatory comments	Rec No. and report vol 1 reference
<b>SCHEDULE 2 (FEES)</b>				
<b>sch 2</b>		Repeal sch 2	Schedule 2 specifies the licensing and other fees that are payable under the Act, for s 20 (in pt 6) of the Regulation. It is not needed if the licensing system is removed.	R6 (in chapter 3)
<b>SCHEDULE 3 (CODE SETTING OUT ASSESSMENT BENCHMARKS)</b>				
<b>sch 3</b>		Repeal sch 3	Schedule 3 specifies the assessment benchmarks for brothels, under s 25 (in pt 6) of the Regulation and for s 140 of the Act. The assessment benchmarks should be repealed. They should be replaced with new assessment benchmarks in the Planning Regulation.	R19(a) (in chapter 5) See also R4, R6 (in chapters 2 and 3)
<b>SCHEDULE 4 (DICTIONARY)</b>				
<b>sch 4</b>		Repeal sch 4 [conditional]	Schedule 4 defines terms used in the Regulation. Many definitions are not needed if the other provisions in the Regulation are removed, as we recommend.  However, repeal of sch 4 is subject to whether the social escort advertising provisions in s 16 of the Regulation (and in pt 6 div 4 subdiv 3 of the Act) are removed or retained. Sch 4 includes definitions of 'oral sex', 'permitted size', for an advertisement, 'sexual act' and 'sexual organs', which are relevant to s 16. If the social escort advertising provisions are retained, these definitions will also need to be retained, with any necessary changes.	R6 (in chapter 3) and the discussion of social escort advertising in chapter 2

## Police Powers Act<sup>6</sup>

Section	Section heading	Recommended action and drafting instruction	Explanatory comments	Rec No. and report vol 1 reference
<b>CHAPTER 2, PART 5 (DIRECTIONS TO MOVE ON)</b>				
<b>46(5)</b>	<b>When power applies to behaviour</b>	Repeal s 46(5)	<p>Section 46(5) gives police a specific power to move a person on if a police officer reasonably suspects a person is soliciting for prostitution. Repeal is consistent with decriminalisation.</p> <p>The specific move-on power is not needed. General move-on powers in s 46 apply.</p> <p>Repeal is consistent with the recommended repeal of the public soliciting provisions in ss 73–75 of the Prostitution Act.</p>	R2 (in chapter 2)
<b>SCHEDULE 2 (RELEVANT OFFENCES FOR CONTROLLED OPERATIONS AND SURVEILLANCE DEVICE WARRANTS)</b>				
<b>item 4</b>	<b>Criminal Code</b>	Amend sch 2 item 4 to remove the references to ss 229H, 229I and 229K of the Criminal Code	<p>Schedule 2 lists offences for the purpose of controlled activities, controlled operations, and use of surveillance devices, including the sex-work-specific offences in ss 229H, 229I and 229K in ch 22A of the Criminal Code.</p> <p>Sex-work-specific covert powers given to police by sch 2 are inconsistent with decriminalisation and should be removed. The powers are not needed if the offences in ch 22A of the Criminal Code are repealed.</p> <p>If the offences relating to coercion or children in commercial sexual services are inserted in pt 5 of the Criminal Code, as we recommend, it is a policy matter for the government if any of those offences should be included in sch 2.</p>	<p>R5 (in chapter 2)</p> <p>See also R1 (in chapter 2)</p>
<b>item 5</b>	<b>Prostitution Act 1999</b>	Amend sch 2 to remove item 5, which refers to ss 78(1), 79(1), 81(1) and 82 of the Prostitution Act	<p>Schedule 2 lists offences for the purpose of controlled activities, controlled operations, and use of surveillance devices, including the sex-work-specific offences in ss 78(1), 79(1), 81(1) and 82 of the Prostitution Act.</p> <p>Sex-work-specific covert powers given to police by sch 2 are inconsistent with decriminalisation and should be removed. The powers are not needed if the offences in the Prostitution Act are repealed.</p>	<p>R5 (in chapter 2)</p> <p>See also R6 (in chapter 3)</p>

<sup>6</sup> See [Police Powers and Responsibilities Act 2000 \(Qld\)](#) reprint current from 22 March 2023 to date (accessed 28 March 2023).

Section	Section heading	Recommended action and drafting instruction	Explanatory comments	Rec No. and report vol 1 reference
<b>SCHEDULE 5, PART 2 (SIMPLE OFFENCES)</b>				
<b>item 9</b>	<b>Prostitution Act 1999</b>	Amend sch 5 pt 2 to remove item 9, which refers to s 73 of the Prostitution Act	<p>Schedule 5 lists additional offences for the purpose of controlled activities, including the public soliciting offence in s 73 of the Prostitution Act.</p> <p>Sex-work-specific covert powers given to police by sch 5 are inconsistent with decriminalisation and should be removed. The powers are not needed if the public soliciting offences in the Prostitution Act are repealed.</p>	R5 (in chapter 2) See also R2 (in chapter 2)

## Anti-Discrimination Act<sup>7</sup>

Section	Section heading	Recommended action and drafting instruction	Explanatory comments	Rec No. and report vol 1 reference
<b>CHAPTER 2, PART 2 (PROHIBITED GROUNDS OF DISCRIMINATION)</b>				
7	<b>Discrimination on the basis of certain attributes prohibited</b>	Retain s 7(l)	<p>Section 7(l) provides that ‘lawful sexual activity’ is a protected attribute. It protects sex workers and should be retained. Sex workers experience significant stigma and discrimination and should be protected from unlawful discrimination.</p> <p>See also the recommended change to the definition of ‘lawful sexual activity’ (below).</p>	R12 (in chapter 4)
<b>CHAPTER 2, PART 4, DIVISION 2, SUBDIVISION 2 (EXEMPTIONS FOR DISCRIMINATION IN WORK AND WORK-RELATED AREAS)</b>				
28	<b>Work with children</b>	Repeal s 28(1), to the extent it applies to sex workers	<p>The work with children exemption in s 28(1) allows discrimination against sex workers in work or work-related areas involving the care or instruction of minors. Repeal is consistent with decriminalisation.</p> <p>The exemption is not justified and is not needed. General laws for risk management screening in work with children apply.</p> <p>(The exemption also allows discrimination on the basis of gender identity.)</p>	R14 (in chapter 4)
<b>CHAPTER 2, PART 5 (GENERAL EXEMPTIONS FOR DISCRIMINATION)</b>				
106C	<b>Accommodation for use in connection with work as sex worker</b>	Repeal s 106C	The exemption in s 106C allows accommodation providers to discriminate against a person if the person is using, or intends to use, the accommodation for sex work. Repeal is consistent with decriminalisation, including the aims of reducing stigma and discrimination, and treating sex work the same as other businesses.	R13 (in chapter 4)

<sup>7</sup> See [Anti-Discrimination Act 1991 \(Qld\)](#) reprint current from 1 March 2023 to date (accessed 10 March 2023).

Section	Section heading	Recommended action and drafting instruction	Explanatory comments	Rec No. and report vol 1 reference
<b>SCHEDULE 1 (DICTIONARY)</b>				
	<b>Definition of ‘lawful sexual activity’</b>	Replace existing definition of ‘lawful sexual activity’ with new definition: <i>‘lawful sexual activity’ includes being a sex worker or engaging in sex work</i>	The current definition is limited to a person’s status as a lawfully employed sex worker and is unclear. Our recommended new definition strengthens the ‘lawful sexual activity’ protected attribute, making it clear that the attribute applies to being a sex worker and extending the protection to engaging in sex work. The new definition is consistent with decriminalisation.	R12 (in chapter 4)
[new]	<b>Definition of ‘sex work’ [recommended]</b>	Insert recommended new definition of ‘sex work’: <i>‘sex work’ means an adult providing consensual sexual services, involving physical contact, to another adult in return for payment or reward</i>	Our recommended new definition of ‘sex work’ applies for the purpose of the ‘lawful sexual activity’ protected attribute. The definition makes it clear that protection applies to sex work, within the meaning of our review.	R12 (in chapter 4)

## Planning Act<sup>8</sup>

Section	Section heading	Recommended action and drafting instruction	Explanatory comments	Rec No. and report vol 1 reference
<b>CHAPTER 5 (OFFENCES AND ENFORCEMENT)</b>				
[new]	<b>Admissions in development applications</b> [recommended]	<p>Insert new section in ch 5 pt 9 (Miscellaneous), after s 228 to the effect that:</p> <p>(a) <i>for properly made applications for:</i></p> <p>(i) <i>sex work services and</i></p> <p>(ii) <i>home-based business involving sex work</i></p> <p><i>made within 1 year of decriminalisation commencing, information in the development application material (about operating a sex work business without development approval) cannot be used as evidence of a development offence or as a springboard for seeking evidence of a development offence and</i></p> <p>(b) <i>receipt of the protected information should not trigger the limitation periods in s 173A of the Act</i></p>	<p>This new provision is to assist existing unlawful sex work businesses to legitimise after decriminalisation starts. It will do this by ensuring admissions of development offences (relating to operating a sex work business without approval) in development application material are not used against them directly, or indirectly by being used as a springboard to launch an investigation to gain evidence as a result of the information.</p> <p>It is not intended to prevent enforcement action on the basis of other evidence that is not linked to the development application (for example, in response to verified complaints relating to tangible amenity impacts).</p> <p>This should apply only to development applications properly made (see s 51(5) of the Planning Act) within 12 months after decriminalisation starts. This timeframe is intended to give applicants a reasonable period to seek planning advice and make a planning application to regularise.</p> <p>Although the protection applies only to applications properly made within the timeframe, the protection against using the admissions should be ongoing.</p> <p>As the protected information cannot be acted upon for enforcement purposes, it should not trigger limitation periods in the Planning Act.</p>	R21 (in chapter 5)

<sup>8</sup> See [Planning Act 2016 \(Qld\)](#) reprint current from 10 June 2022 to date (accessed 31 January 2023).



Section	Section heading	Recommended action and drafting instruction	Explanatory comments	Rec No. and report vol 1 reference
<b>CHAPTER 8 (REPEAL, TRANSITIONAL AND VALIDATION PROVISIONS)</b>				
[new]	<b>Transitional provisions</b> [recommended]	<p>Insert new transitional provisions in ch 8, as necessary. This should include provisions to the effect that:</p> <p><i>A reference to a ‘brothel’ in an approval (a development permit or preliminary approval, for example), including a deemed approval, is taken to be a reference to ‘sex work services’</i></p> <p><i>Any existing brothel prohibitions applying in local government areas under sch 10 pt 2 s 2(1)(c) of the Planning Regulation – which is to be repealed – (and any previous iterations of this provision) cease to have effect</i></p>	<p>Any necessary transitional provisions should be included in this Act.</p> <p>One of these provisions should ensure any existing approved ‘brothels’ automatically transition to approved ‘sex work services’.</p> <p>Another provision should ensure that any existing town-wide brothel prohibitions cease to have effect. There will be no prohibited development provisions for sex work services after decriminalisation. Any existing prohibitions on brothels must not carry over to the new sex work services land use.</p> <p>Transitional provisions may also be needed in this Act, the Local Government Act and the City of Brisbane Act in relation to fees and charges resolutions – to ensure that any fees or charges applicable to brothels apply to sex work services until new resolutions are made.</p>	R17, R24(a) (in chapter 5) and the discussion of transition in chapter 5
<b>SCHEDULE 2 (DICTIONARY)</b>				
[new]	<b>Definition of ‘home-based business’</b> [recommended]	Amend sch 2 to insert the definition of ‘home-based business’ from sch 24 of the Planning Regulation	The existing definition for ‘home-based business’ from the Planning Regulation should be relocated to the Planning Act to aid interpretation of the new provision in ch 5 pt 9 of the Act.	See R21, R24(b) (in chapter 5)

Section	Section heading	Recommended action and drafting instruction	Explanatory comments	Rec No. and report vol 1 reference
[new]	<b>Definition of ‘sex work services’ [recommended]</b>	<p>Amend sch 2 to insert a definition of ‘sex work services’, with examples:</p> <p><i>‘sex work services’ means the use of premises for sex work, with or without an ancillary outcall service</i></p> <p><i>Examples – brothel, erotic massage parlour and sex work collective</i></p> <p>Also consider if a legislative note should be inserted for the new definition:</p> <p><i>Note – ‘sex work services’ does not include a ‘home-based business’, escort agency ‘office’ where no sex work occurs on premises, adult entertainment or other sex-on-premises venues</i></p>	<p>The new land use term ‘sex work services’ should be defined as the use of premises for sex work, with or without an ancillary outcall service. The new term will cover a variety of sex-work business types, including brothels, erotic massage parlours and sex work collectives. This should be made clear by listing these as examples for the definition. (The listed examples do not need to be defined.)</p> <p>The new land use is not intended to include sex-work businesses that fall within the land uses ‘home-based business’ or ‘office’, adult entertainment or non-sex-work sex on premises venues (e.g. swinger clubs). Consideration should be given to including a legislative note to the definition to make this clear (or otherwise leaving this to extrinsic material).</p> <p>Although land use terms are included in a schedule in the Planning Regulation, this definition is needed in the Act to aid interpretation of new Act provisions.</p>	See R15 (in chapter 5)
[new]	<b>Definitions of ‘sex work’ and ‘sexual services’ [recommended]</b>	<p>Amend sch 2 to insert definitions of ‘sex work’ and ‘sexual services’:</p> <p><i>‘sex work’ means an adult providing consensual sexual services to another adult for payment or reward</i></p> <p><i>‘sexual services’ means participating in sexual activities that involve physical contact, including sexual intercourse, masturbation, oral sex or other activities involving physical contact for the other person’s sexual gratification</i></p>	<p>Definitions for ‘sex work’ and ‘sexual services’ (which will be administrative terms in the Planning Regulation) should also be included in the Act to aid interpretation of the new provisions we recommend in the Act.</p>	See R16 (in chapter 5)

## Planning Regulation<sup>9</sup>

Section	Section heading	Recommended action and drafting instruction	Explanatory comments	Rec No. and report vol 1 reference
<b>PART 2 DIVISION 2 (LOCAL PLANNING INSTRUMENTS)</b>				
[new]	<b>Home-based business parameters</b> [recommended]	Amend pt 2 div 2 subdiv 1 (Regulated requirements) to insert a new provision to the effect that:  <i>a local planning instrument must not treat a home-based business that involves sex work differently from any other home-based business in the same zone in the same local government area</i>	We recommend that State-imposed planning parameters ensure local planning instruments treat home-based sex-work businesses like any other home-based business land use, with no additional requirements or restrictions and no higher level of assessment.  This is to prevent local governments distinguishing home-based sex-work businesses from other home-based businesses and treating them differently. They should be treated the same as any standard home-based business.  This provision should apply to all local planning instruments that include the ‘home-based business’ land use.	R18(c) (in chapter 5)

<sup>9</sup> See [Planning Regulation 2017 \(Qld\)](#) reprint current from 14 March 2023 to date (accessed 28 March 2023).

Section	Section heading	Recommended action and drafting instruction	Explanatory comments	Rec No. and report vol 1 reference
[new]	<b>Sex work services parameters</b> [recommended]	<p>Amend pt 2 div 2 subdiv 1 (Regulated requirements) to insert a new provision setting out (either in the section or in a new schedule) the State planning parameters for the new land use ‘sex work services’</p> <p>This provision should apply if a local government chooses to make or amend a local planning instrument to include its own sex work services planning provisions instead of relying on the State provisions</p> <p>The State should design the planning parameters to make sure:</p> <ul style="list-style-type: none"> <li>• the principles outlined in the planning chapter of our report are implemented and</li> <li>• reasonable opportunities are available for sex work services to establish or become compliant with planning laws</li> </ul> <p>The State will need to further consider guidance or requirements relating to categories of assessment to ensure that reasonable opportunities are provided for sex work services to establish in a range of zones, including centre and mixed use zones</p>	<p>State-imposed planning parameters should guide local government planning provisions relating to sex-work services, based on the recommendations in our report. Although local governments can choose to rely on State provisions, these parameters will apply if local governments choose to prepare their own provisions.</p> <p>For the sex work services land use, the planning parameters should:</p> <ul style="list-style-type: none"> <li>• not allow planning provisions about separation distances</li> <li>• limit any provisions relating to size (e.g. gross floor area, number of rooms or number of workers) to those that apply to other commercial land uses in the area</li> <li>• allow sex work services to be categorised as accepted development in suitable circumstances</li> <li>• provide guidance or requirements relating to the categories of assessment applying to sex work services to ensure reasonable opportunities for sex work services to establish in a range of zones, including centre and mixed use zones</li> <li>• require that the local planning provisions require all activities relating to sex work be contained wholly within a building and not be visible from windows, doors or outside the premises.</li> </ul>	R18 and R19 (in chapter 5)

Section	Section heading	Recommended action and drafting instruction	Explanatory comments	Rec No. and report vol 1 reference
	<b>Sex work services parameters [recommended] cont.</b>	<p>Also, the State should not prevent a local categorising instrument making sex work services accepted development</p> <p>Other parameters should include:</p> <ul style="list-style-type: none"> <li>• Not allowing planning provisions about separation distances between sex work services and other land uses or other sex work businesses</li> <li>• Limiting any provisions relating to size (e.g. gross floor area) to those that apply to other commercial land uses in the area</li> <li>• Requiring that the planning provisions require:</li> </ul> <p><i>All activities relating to sex work be contained wholly within a building and not be visible from windows, doors or outside the premises</i></p>		

Section	Section heading	Recommended action and drafting instruction	Explanatory comments	Rec No. and report vol 1 reference
<b>PART 3 (LOCAL CATEGORISING INSTRUMENTS)</b>				
17	<b>Assessment benchmarks that local categorising instruments may not be inconsistent with—Act, s 43</b>	<p>Amend s 17 to remove s 17(e), referring to sch 3 of the Prostitution Regulation, and replace it with a reference to the new schedule of assessment benchmarks for sex work services</p> <p>However, local categorising instruments must only be prevented from being inconsistent with the new schedule of assessment benchmarks if they have not been made or amended in compliance with the new State parameters for sex work services</p>	<p>We recommend sch 3 of the Prostitution Regulation be repealed and new State assessment benchmarks for sex work services be included in the Planning Regulation. The new assessment benchmarks will apply unless or until a local government makes or amends a local categorising instrument in compliance with the new State parameters for sex work services.</p>	R19 (in chapter 5)
<b>SCHEDULE 3 (USE TERMS FOR LOCAL PLANNING INSTRUMENTS)</b>				
sch 3	<b>'brothel', 'home-based business' and new use terms</b>	<p>Amend sch 3 to:</p> <ul style="list-style-type: none"> <li>omit the column 1 use term 'brothel' and its column 2 definition</li> <li>insert the new column 1 use term 'sex work services'</li> <li>insert a new column 2 definition of 'sex work services' that refers to the new definition (to be inserted) in the Planning Act</li> <li>amend the column 2 definition of 'home-based business' to refer to the definition (to be inserted in) the Planning Act</li> </ul>	<p>The land use term 'brothel' and its definition should be removed. It should be replaced with the new land use term and definition of 'sex work services'.</p> <p>The definition of 'home-based business' should be relocated from sch 24 of the Regulation to the Planning Act. This will affect the definition in this schedule.</p>	<p>R15, R24(b) (in chapter 5)</p> <p>See also R21 (in chapter 5)</p>

Section	Section heading	Recommended action and drafting instruction	Explanatory comments	Rec No. and report vol 1 reference
<b>SCHEDULE 4 (ADMINISTRATIVE TERMS FOR LOCAL PLANNING INSTRUMENTS)</b>				
<b>sch 4</b>	<b>new administrative terms</b>	Amend sch 4 to insert: <ul style="list-style-type: none"> <li>the new column 1 administrative term 'sex work'</li> <li>a new column 2 definition of 'sex work' that refers to the new definition (to be inserted) in the Planning Act</li> <li>another new column 1 administrative term 'sexual services'</li> <li>a new column 2 definition of 'sexual services' that refers to the new definition (to be inserted) in the Planning Act</li> </ul>	New administrative terms for 'sex work' and 'sex work services' will support the new land use term and definition.	R16 (in chapter 5)
<b>SCHEDULE 8 (ASSESSMENT MANAGER FOR DEVELOPMENT APPLICATIONS)</b>				
<b>sch 8</b>	<b>Table 2</b>	Amend table 2, item 1(b)(iv) to replace the words 'a brothel' with the words 'sex work services'	The term 'brothel' needs to be removed and replaced with the new land use term 'sex work services'.	See R15 (in chapter 5)
<b>SCHEDULE 10, PART 2 (BROTHELS)</b>				
<b>pt 2 div 1</b>	<b>Brothels (Prohibited development)</b>	Omit sch 10 pt 2 div 1 (and do not replace)	All prohibited development provisions relating to brothels are to be repealed so there are no sex-work-specific prohibited development provisions.	R17 (in chapter 5)
<b>pt 2 div 2</b>	<b>Brothels (Assessable development)</b>	Omit sch 10 pt 2 div 2	Schedule 10, pt 2 div 2 can be omitted. A new part about sex work services will be included in sch 10 instead.	See R15 (in chapter 5)
<b>pt 2 div 3</b>	<b>Brothels (Assessment by assessment manager)</b>	Omit sch 10 pt 2 div 3	Schedule 10, pt 2 div 3 can be omitted. A new part about sex work services will be included in sch 10 instead.	See R15 (in chapter 5)
<b>SCHEDULE 10 NEW PART (SEX WORK SERVICES) [recommended]</b>				
<b>[new]</b>	<b>Sex work services [recommended]</b>	Amend sch 10 to insert a new part, titled 'Sex work services'	This part will contain new provisions about sex work services.	R15 (in chapter 5)

Section	Section heading	Recommended action and drafting instruction	Explanatory comments	Rec No. and report vol 1 reference
[new]	<b>Assessable development – material change of use for sex work services [recommended]</b>	<p>Insert new div ('Assessable development') with a new provision about 'Assessable development—material change of use for sex work services'</p> <p>The new provision should make sex work services assessable development only in circumstances where it is not made accepted development by the State or local government. It should contain the other matters decided by the State government</p>	<p>The equivalent provision of pt 2 prevented brothels from being accepted development.</p> <p>The recommended new provision should make sex work services assessable development only in circumstances where it is not made accepted development by the State or local government.</p> <p>It should not prevent the State or local governments from making sex work services accepted development in some circumstances (if they choose to do so).</p> <p>It is a matter for the State government to determine the contents of the provision (e.g. if or when sex work services will be made accepted development by the State in circumstances where local governments have not made or amended a local categorising instrument in compliance with the State parameters for sex work services in the new provision in pt 2 div 2 subdiv 1 of the Regulation).</p> <p>If the State chooses to make sex work services accepted development in some circumstances when the default State provisions apply, this (and any associated accepted development requirements) will also need to be set out in the Planning Regulation.</p>	R19(e) (in chapter 5)



Section	Section heading	Recommended action and drafting instruction	Explanatory comments	Rec No. and report vol 1 reference
[new]	<b>Assessment by assessment manager (Table 1—Assessable development)</b> <b>[recommended]</b>	<p>Insert new div ('Assessment by assessment manager') with a new table about assessable development for a material change of use for sex work services</p> <p>The new table should address the following headings:</p> <ol style="list-style-type: none"> <li>1. Category of assessment</li> <li>2. Assessment benchmarks</li> <li>3. Matters code assessment must have regard to</li> <li>4. Matters impact assessment must have regard to</li> </ol> <p>The category of assessment should be that set by the State (which is subject to further decision by the State about when code assessment or impact assessment applies) or stated in a local categorising instrument made in compliance with the State parameters for sex work services</p> <p>The assessment benchmarks row should refer to – if the local government is the prescribed assessment manager:</p> <ol style="list-style-type: none"> <li>(a) for an application to which the assessment benchmarks set by the State in a new schedule apply – the State's assessment benchmarks (to be included in a new sch)</li> <li>(b) otherwise – those stated in a local categorising instrument made in compliance with the State parameters for sex work services (to be included in the new provision in pt 2 div 2 subdiv 1 of the Regulation)</li> </ol> <p>No content is proposed for the 'matters to have regard to' rows</p>	<p>The new div should follow the structure of pt 2 div 3 of sch 10 (which is to be repealed), but will contain new content.</p> <p>The reference to 'if the local government is the prescribed assessment manager' is an existing qualifier from sch 10 pt 2, as applications on strategic port land could be subject to a different assessment manager and assessment under a port land use plan. In most cases the local government will be the assessment manager for sex work services.</p> <p>The intent of this provision is for the category of assessment, and assessment benchmarks, set by the State to apply across all local government areas, unless or until a local government makes or amends a local categorising instrument in compliance with new State parameters around planning for sex work services. If this occurs, that local government can apply the category of assessment and assessment benchmarks in their compliant local categorising instrument.</p>	R19 (in chapter 5)

Section	Section heading	Recommended action and drafting instruction	Explanatory comments	Rec No. and report vol 1 reference
<b>NEW SCHEDULE (ASSESSMENT BENCHMARKS FOR SEX WORK SERVICES) [RECOMMENDED]</b>				
[new]	<b>Assessment benchmarks for sex work services [recommended]</b>	<p>Insert a new sch ('Assessment benchmarks for sex work services'), comprising:</p> <ol style="list-style-type: none"> <li>1. Application of schedule – to apply unless or until a local categorising instrument is made or amended in compliance with the State parameters for sex work services (The State should consider the extent of the impact beyond the Planning Act)</li> <li>2. Assessment benchmarks (to be prepared by the State based on the State parameters in the new provision in pt 2 div 2 subdiv 1 of the Regulation and the planning recommendations in our report)</li> </ol> <p>One of the assessment benchmarks should require that:</p> <p><i>All activities relating to sex work be contained wholly within a building and not be visible from windows, doors or outside the premises</i></p>	<p>The new schedule should contain the assessment benchmarks for sex work services prepared by the State.</p> <p>It should apply unless or until the local government, where the application for sex work is made, makes or amends a local categorising instrument in compliance with the State parameters for sex work services.</p>	R19 (in chapter 5)

Section	Section heading	Recommended action and drafting instruction	Explanatory comments	Rec No. and report vol 1 reference
<b>SCHEDULE 24 (DICTIONARY)</b>				
<b>sch 24</b>	<b>Definitions of ‘brothel’ and ‘home-based business’</b>	Amend sch 24 to omit the definitions of ‘brothel’ and ‘home-based business’	<p>The term ‘brothel’ and its definition should be removed from the Planning Regulation.</p> <p>As the ‘home-based business’ definition is to be relocated to the Planning Act, the definition in the Planning Regulation can be omitted.</p> <p>The new definitions for ‘sex work services’, ‘sex work’ and ‘sexual services’ are to be included in the Planning Act.</p>	<p>See R15, R24(b) (in chapter 5)</p> <p>See also R16 (in chapter 5)</p>

## Local Government Act<sup>10</sup>

Section	Section heading	Recommended action and drafting instruction	Explanatory comments	Rec No. and report vol 1 reference
<b>CHAPTER 3 PART 1 DIVISION 3 (LOCAL LAWS THAT CAN NOT BE MADE)</b>				
[new]	<b>Sex work</b> [recommended]	<p>Amend ch 3 pt 1 div 3 to insert a new section that relates to sex work, to the effect that:</p> <p><i>A local government must not make a local law that:</i></p> <p>(a) <i>re-establishes a sex-work licensing system, or sex-work offences that are the same or substantially similar to those removed from state law under decriminalisation (i.e. the licensing system and offences established in the Prostitution Act and those being removed from ch 22A of the Criminal Code)</i></p> <p>(b) <i>prohibits sex work</i></p> <p>(c) <i>applies exclusively to sex work, sex workers or sex-work businesses</i></p>	<p>This is to prevent local laws from singling out sex work after decriminalisation so that the aims and benefits of decriminalisation are not adversely affected.</p> <p>However, we note that local laws that apply to every person or every business apply to sex work, sex workers and sex-work businesses like anyone else.</p>	R23 (in chapter 5)

<sup>10</sup> See [Local Government Act 2009 \(Qld\)](#) reprint current from 1 March 2023 to date (accessed 10 March 2023).

Section	Section heading	Recommended action and drafting instruction	Explanatory comments	Rec No. and report vol 1 reference
<b>SCHEDULE 4 (DICTIONARY)</b>				
[new]	<b>Definitions of ‘sex work’, ‘sexual services’, ‘sex worker’ and ‘sex-work business’</b> [recommended]	<p>Amend sch 4 to insert new definitions of ‘sex work’, ‘sexual services’, ‘sex worker’ and ‘sex-work business’:</p> <p><i>‘Sex work’ has the meaning in the Planning Act</i></p> <p><i>‘Sexual services’ has the meaning in the Planning Act</i></p> <p><i>‘Sex worker’ means a person who performs sex work</i></p> <p><i>‘Sex work business’ means:</i></p> <p>(a) <i>sex work services (as defined in the Planning Act)</i></p> <p>(b) <i>an escort agency or</i></p> <p>(c) <i>a home-based business (as defined in the Planning Act) that involves sex work</i></p>	<p>Any new definitions to aid interpretation of the new provision should be consistent with those inserted in the Planning Act.</p> <p>No terms need to be removed.</p>	See R15, R16, R23, R24(b) (in chapter 5)

## City of Brisbane Act<sup>11</sup>

Section	Section heading	Recommended action and drafting instruction	Explanatory comments	Rec No. and report vol 1 reference
<b>CHAPTER 3 PART 2 DIVISION 3 (LOCAL LAWS THAT CAN NOT BE MADE)</b>				
[new]	<b>Sex work</b> [recommended]	<p>Amend ch 3 pt 2 div 3 to insert a new section that relates to sex work, to provide that:</p> <p><i>A local government must not make a local law that:</i></p> <p>(a) <i>re-establishes a sex-work licensing system, or sex-work offences that are the same or substantially similar to those removed from state law under decriminalisation (i.e. the licensing system and offences established in the Prostitution Act and those being removed from ch 22A of the Criminal Code)</i></p> <p>(b) <i>prohibits sex work</i></p> <p>(c) <i>applies exclusively to sex work, sex workers or sex-work businesses</i></p>	<p>This is to prevent local laws from singling out sex work after decriminalisation so that the aims and benefits of decriminalisation are not adversely affected.</p> <p>However, we note that local laws that apply to every person or every business apply to sex work, sex workers and sex-work businesses like anyone else.</p>	R23 (in chapter 5)

<sup>11</sup> See [City of Brisbane Act 2010 \(Qld\)](#) reprint current from 1 March 2023 to date (accessed 10 March 2023).

Section	Section heading	Recommended action and drafting instruction	Explanatory comments	Rec No. and report vol 1 reference
<b>SCHEDULE 2 (DICTIONARY)</b>				
[new]	<b>Definitions of ‘sex work’, ‘sexual services’, ‘sex worker’ and ‘sex-work business’</b> [recommended]	<p>Amend sch 2 to insert new definitions of ‘sex work’, ‘sexual services’, ‘sex worker’ and ‘sex-work business’:</p> <p><i>‘Sex work’ has the meaning in the Planning Act</i></p> <p><i>‘Sexual services’ has the meaning in the Planning Act</i></p> <p><i>‘Sex worker’ means a person who performs sex work</i></p> <p><i>‘Sex work business’ means:</i></p> <p>(a) <i>sex work services (as defined in the Planning Act)</i></p> <p>(b) <i>an escort agency or</i></p> <p>(c) <i>a home-based business (as defined in the Planning Act) that involves sex work</i></p>	<p>Any new definitions to aid interpretation of the new provision should be consistent with those inserted in the Planning Act.</p> <p>No terms need to be removed.</p>	See R15, R16, R23, R24(b) (in chapter 5)

## Review requirement

Section	Section heading	Recommended action and drafting instruction	Explanatory comments	Rec No. and report vol 1 reference
<b>SEX-WORK DECRIMINALISATION BILL [RECOMMENDED]</b>				
[new]	<b>Review of Act</b> [recommended]	<p>Insert recommended review provisions to the effect that:</p> <p><i>The responsible Minister must ensure that the operation of the legislation is reviewed no sooner than 4 years and no later than 5 years after the new regulatory framework is implemented</i></p> <p><i>The responsible Minister must establish a committee to carry out the review</i></p> <p><i>The review committee must:</i></p> <p>(i) <i>review the operation of the legislation</i></p> <p>(ii) <i>consider if any amendments to the legislation or any other laws are necessary or desirable in relation to sex workers or sex work</i></p> <p>(iii) <i>consider if any further review of assessment of the matters in paragraphs (i) and (ii) is necessary or desirable, and</i></p> <p>(iv) <i>give a written report to the Minister</i></p> <p><i>The Minister must table a copy of the report about the outcome of the review in the Legislative Assembly as soon as practicable</i></p>	<p>Legislation to decriminalise the sex-work industry, if passed, should include a process to review and evaluate the decriminalisation laws after 4–5 years. The Minister responsible for the legislation should be responsible for the review, by establishing a review committee to carry out the review and tabling a copy of the report on the review outcomes in Parliament.</p> <p>The review committee should include people with relevant expertise and experience, giving representatives of government agencies and non-government agencies, including sex-worker organisations, the opportunity to be involved. The constitution of the committee should be a matter for the Minister, rather than being prescribed by the legislation.</p> <p>The review committee might consider, but should not be compelled by law, to assess the number of sex workers, or to collect baseline data since accurate data may be hard for it to obtain.</p>	R35–R37 (in chapter 7)



# Consequential amendments to other legislation

Section	Section heading	Recommended action and drafting instruction	Explanatory comments	Rec No. and report vol 1 reference
<b>CHILD EMPLOYMENT ACT 2006<sup>12</sup></b>				
<b>8B</b>	<b>Prohibition on work as social escort</b>	Amend or replace definition of 'social escort' in s 8B(2) [conditional]	Section 8B(2) defines 'social escort' by reference to the definition of that term in sch 4 of the Prostitution Act. If the definition in the Prostitution Act is removed or the Prostitution Act is renamed, s 8B(2) will need to be amended or replaced.  (Note, we do not make recommendations about the social escort advertising provisions in the Prostitution Act.)	R47 (in chapter 8), and see [6.75] (in chapter 6)
<b>CHILD PROTECTION (OFFENDER REPORTING AND OFFENDER PROHIBITION ORDER) ACT 2004<sup>13</sup></b>				
<b>sch 1</b>	<b>Prescribed offences</b>	Amend sch 1 item 9 to remove, or change, the references to ss 229G, 229H, 229I and 229L of the Criminal Code  Consider if sch 1 item 9 should be amended to insert references to the new offences relating to coercion or children in commercial sexual services	Item 9 of sch 1 refers to prostitution offences in ch 22A of the Criminal Code (ss 229G, 229H, 229I and 229L). If those offences are repealed, as we recommend, sch 4 will need to be amended to remove those references.  It is a policy matter for the government if any of those repealed offences should remain prescribed (reportable) offences for this Act, and be listed in sch 1 as relevant repealed offences.  If the offences relating to coercion or children in commercial sexual services are inserted in pt 5 of the Criminal Code, as we recommend, it is a policy matter for the government if any of those offences should be prescribed offences under sch 1 of this Act.	R47 (in chapter 8)

<sup>12</sup> See [Child Employment Act 2006 \(Qld\)](#) reprint current from 1 March 2017 to date (accessed 15 February 2023).

<sup>13</sup> See [Child Protection \(Offender Reporting and Offender Prohibition Order\) Act 2004 \(Qld\)](#) reprint current from 1 March 2023 to date (accessed 10 March 2023).

Section	Section heading	Recommended action and drafting instruction	Explanatory comments	Rec No. and report vol 1 reference
<b>CORRECTIVE SERVICES ACT 2006<sup>14</sup></b>				
<b>sch 1</b>	<b>Sexual offences</b>	Amend sch 1 to remove reference to s 229L of the Criminal Code  Consider if sch 1 should be amended to insert references to the new offences relating to coercion or children in commercial sexual services	Schedule 1 refers to one of the prostitution offences in ch 22A of the Criminal Code (s 229L). If that offence is repealed, as we recommend, sch 1 will need to be amended to remove this reference.  If the offences relating to coercion or children in commercial sexual services are inserted in pt 5 of the Criminal Code, as we recommend, it is a policy matter for the government if any of those offences should be a 'sexual offence' under sch 1 of this Act.	R47 (in chapter 8)
<b>CRIMINAL CODE: PART 2, CHAPTER 9A (CONSORTING)<sup>15</sup></b>				
<b>77</b>	<b>Definitions for chapter</b>	Amend s 77 to remove the references to ss 229H, 229HC, 229I and 229K in para (b)(i) of the definition of 'relevant offence'  Consider if the definition of 'relevant offence' in s 77 should be amended to insert references to the new offences relating to coercion or children in commercial sexual services	The definition of 'relevant offence' in s 77, for the consorting provisions in pt 2 ch 9A, refers to prostitution offences under ch 22A (ss 229H, 229HC, 229I and 229K).  If those offences are repealed, as we recommend, the definition in s 77 will need to be amended to remove those references.  If the offences relating to coercion or children in commercial sexual services are inserted in pt 5 of the Criminal Code, as we recommend, it is a policy matter for the government if any of those offences should be a relevant offence under pt 2 ch 9A.	R47 (in chapter 8)

<sup>14</sup> See [Corrective Services Act 2006 \(Qld\)](#) reprint current from 6 March 2023 to date (accessed 28 March 2023).

<sup>15</sup> See [Criminal Code \(Qld\)](#) reprint current from 22 March 2023 to date (accessed 28 March 2023).

Section	Section heading	Recommended action and drafting instruction	Explanatory comments	Rec No. and report vol 1 reference
<b>CRIMINAL PRACTICE RULES 1999<sup>16</sup></b>				
<b>sch 3</b>	<b>Forms for indictments, informations and complaints—statement of offences under the Code</b>	Amend pt 4 to remove ‘Chapter 22A Prostitution’ and Forms 131A–137, and insert a new heading and forms for the new offences relating to coercion or children in commercial sexual services	<p>Part 4 of sch 3 specifies the forms for indictments for offences under ch 22A of the Criminal Code. If those offences are repealed, as we recommend, sch 3 will need to be amended to remove the corresponding forms.</p> <p>If the offences relating to coercion or children in commercial sexual services are inserted in pt 5 of the Criminal Code, as we recommend, sch 3 will need to be amended to insert new forms for those offences.</p> <p>(We note that the Criminal Practice Rules are made by the Governor in Council, with consent of the rules committee.)</p>	See generally R1, R25–R31, R47 (in chapters 2, 6 and 8)
<b>REHABILITATION OF OFFENDERS ACT<sup>17</sup></b>				
<b>9A</b>	<b>Disclosure of particulars in special cases</b>	Amend s 9A(1) to remove items 11–12 in columns 1 and 2 of the table	Items 11–12 of the table in s 9A(1) refer to a person who applies for a licence or an approved manager’s certificate under the Prostitution Act. If the brothel licensing system is removed, as we recommend, s 9A will need to be amended to remove those references.	R47 and [8.52] (in chapter 8)

<sup>16</sup> See [Criminal Practice Rules 1999 \(Qld\)](#) reprint current from 2 October 2020 to date (accessed 15 February 2023).

<sup>17</sup> See [Criminal Law \(Rehabilitation of Offenders\) Act 1986 \(Qld\)](#) reprint current from 6 March 2023 to date (accessed 10 March 2023).

Section	Section heading	Recommended action and drafting instruction	Explanatory comments	Rec No. and report vol 1 reference
<b>CRIMINAL PROCEEDS CONFISCATION ACT 2002<sup>18</sup></b>				
<b>sch 1</b>	<b>Examples (Part 2: Proceeds assessment example)</b>	<p>Amend sch 1 pt 2 item 3 to remove the reference in the example to ‘procuring another person to engage in prostitution’, and substitute a different type of activity</p> <p>Consider if item 3 should be substituted with an example based on one of the new offences relating to coercion or children in commercial sexual services</p>	<p>Part 2 of sch 1 sets out an example of the practical operation of ch 2 pt 5, dealing with proceeds assessment orders. The example refers to a person found to have engaged in the serious crime related activity of ‘procuring another person to engage in prostitution’.</p> <p>If the offence of procuring engagement in prostitution in s 229G of the Criminal Code (and other offences in ch 22A) are repealed, as we recommend, the example, in sch 1 will need to be changed to refer to a different type of serious crime related activity.</p> <p>If the offences relating to coercion or children in commercial sexual services are inserted in pt 5 of the Criminal Code, as we recommend, consideration could be given to using one of those offences as the basis for the example in sch 1.</p>	R47 (in chapter 8)
<b>sch 2</b>	<b>Offences (Part 1: Section 29 offences)</b>	<p>Amend sch 2 pt 1 to remove item 1(l) referring to ‘prostitution’</p> <p>Consider if item 1(l) should be replaced with a reference based on the new offences relating to coercion or children in commercial sexual services</p>	<p>Part 1 of sch 2 lists activities to describe certain offences that are relevant to applications for restraining orders under the Act. One of the listed activities is ‘prostitution’.</p> <p>If the provisions in the Prostitution Act and offences in ch 22A of the Criminal Code are repealed, as we recommend, sch 2 will need to be amended to remove the reference to ‘prostitution’.</p> <p>If the offences relating to coercion or children in commercial sexual services are inserted in pt 5 of the Criminal Code, as we recommend, consideration could be given to inserting a reference to ‘commercial sexual services’ or similar in sch 2 pt 1.</p>	R47 (in chapter 8)

18 See [Criminal Proceeds Confiscation Act 2002 \(Qld\)](#) reprint current from 27 September 2021 to date (accessed 15 February 2023).

Section	Section heading	Recommended action and drafting instruction	Explanatory comments	Rec No. and report vol 1 reference
<b>CRIMINAL PROCEEDS CONFISCATION REGULATION 2013<sup>19</sup></b>				
<b>sch 1</b>	<b>Serious criminal offences</b>	Amend sch 1 to remove item 2, referring to ss 229H(1), 229I(1) and 229K(2) of the Criminal Code, and to remove item 4, referring to s 70 of the Prostitution Act	Schedule 1 refers to prostitution offences in ch 22A of the Criminal Code (ss 229H(1), 229I(1) and 229K(2)) and the Prostitution Act (s 70).  If those offences are repealed, as we recommend, sch 1 will need to be amended to remove those references.	R47 (in chapter 8)
<b>sch 2</b>	<b>Confiscation offences</b>	Amend sch 2 to remove the reference to s 73(1) of the Prostitution Act	Schedule 2 refers to the public soliciting offence in s 73 of the Prostitution Act. If that offence is repealed, as we recommend, sch 2 will need to be amended to remove this reference.	R47 (in chapter 8)
<b>DISABILITY SERVICES ACT 2006<sup>20</sup></b>				
<b>sch 4</b>	<b>Current disqualifying offences</b>	Amend sch 4 item 4 to remove the references to ss 229FA, 229G, 229H, 229HB, 229I and 229L of the Criminal Code, and consider relocating them to sch 5 item 1  Consider if sch 4 item 4 should be amended to insert references to the new offences relating to coercion or children in commercial sexual services	Item 4 of sch 4 refers to prostitution offences in ch 22A of the Criminal Code (ss 229FA, 229G, 229H, 229HB, 229I and 229L). If those offences are repealed, as we recommend, sch 4 will need to be amended to remove those references.  It is a policy matter for the government if any of those repealed offences should remain disqualifying offences and be inserted into sch 5 item 1.  If the offences relating to coercion or children in commercial sexual services are inserted in pt 5 of the Criminal Code, as we recommend, it is a policy matter for the government if any of those offences should be disqualifying offences under sch 4 of this Act.	R47 and [8.53]–[8.54] (in chapter 8)

19 See [Criminal Proceeds Confiscation Regulation 2013 \(Qld\)](#) reprint current from 28 August 2020 to date (accessed 15 February 2023).

20 See [Disability Services Act 2006 \(Qld\)](#) reprint current from 1 March 2023 to date (accessed 10 March 2023).

Section	Section heading	Recommended action and drafting instruction	Explanatory comments	Rec No. and report vol 1 reference
<b>sch 6</b>	<b>Offences that may form basis of investigative information</b>	<p>Amend sch 6 item 4 to remove the references to ss 229G, 229H and 229L of the Criminal Code, and consider relocating them to sch 7</p> <p>Consider if sch 6 item 4 should be amended to insert references to the new offences relating to coercion or children in commercial sexual services</p>	<p>Item 4 of sch 6 refers to prostitution offences in ch 22A of the Criminal Code (ss 229G, 229H and 229L). If those offences are repealed, as we recommend, sch 6 will need to be amended to remove those references.</p> <p>It is a policy matter for the government if any of those repealed offences should remain offences that may form the basis of investigative information and be inserted into sch 7.</p> <p>If the offences relating to coercion or children in commercial sexual services are inserted in pt 5 of the Criminal Code, as we recommend, it is a policy matter for the government if any of those offences should be offences that may form the basis of investigative information under sch 6 of this Act.</p>	R47 and [8.53]–[8.54] (in chapter 8)

#### INTEGRITY ACT 2009<sup>21</sup>

<b>sch 1</b>	<b>Statutory office holders for section 40E</b>	Amend sch 1 to remove the reference to the ‘executive director of the Office of the Prostitution Licensing Authority’ under the Prostitution Act	<p>Schedule 1 lists statutory officer holders who must declare interests under the Act. It refers to the executive director of the Office of the PLA under the Prostitution Act.</p> <p>If the PLA is abolished and its associated Office removed, as we recommend, sch 1 will need to be amended to remove this reference.</p>	R47 (in chapter 8)
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#### INTRODUCTION AGENTS ACT 2001<sup>22</sup>

<b>17</b>	<b>Providers of prostitution</b>	Consider amending s 17 to change references to ‘prostitution’ to ‘sex work’	<p>Section 17 refers to the provision of ‘prostitution’, which is defined in the Act by reference to s 229E of the Criminal Code.</p> <p>If s 229E is repealed, as we recommend, a new definition for s 17 will be needed. Consistently with the aims of decriminalisation, consideration should also be given to changing the term ‘prostitution’ to ‘sex work’.</p>	R47 (in chapter 8)
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21 See [Integrity Act 2009 \(Qld\)](#) reprint current from 1 March 2023 to date (accessed 10 March 2023).

22 See [Introduction Agents Act 2001 \(Qld\)](#) reprint current from 25 May 2020 to date (accessed 15 February 2023).

<b>Section</b>	<b>Section heading</b>	<b>Recommended action and drafting instruction</b>	<b>Explanatory comments</b>	<b>Rec No. and report vol 1 reference</b>
<b>21</b>	<b>Disqualifying criteria—individuals</b>	Amend s 21(d) to remove the reference to a person who ‘is’ a licensee or an approved manager	<p>Section 21(d) refers to a person who is, or within the last 5 years has been, a licensee or an approved manager under the Prostitution Act.</p> <p>If the brothel licensing system is removed, as we recommend, s 21(d) will need to be amended to remove the reference to a person who ‘is’ a licensee or an approved manager.</p>	R47 (in chapter 8)
<b>22</b>	<b>Disqualifying criteria—corporations</b>	Amend s 22(d)(iv) to remove the reference to a person who ‘is’ a licensee or an approved manager	<p>Section 22(d)(iv) refers to an associated person of a corporation who is, or in the last 5 years has been, a licensee or an approved manager under the Prostitution Act.</p> <p>If the brothel licensing system is removed, as we recommend, s 22(d)(iv) will need to be amended to remove the reference to a person who ‘is’ a licensee or an approved manager.</p>	R47 (in chapter 8)
<b>37</b>	<b>Introduction agent not to use premises used for prostitution</b>	Consider amending s 37 to change references to ‘prostitution’ to ‘sex work’	<p>Section 37(1) refers to premises where a person is engaged in ‘prostitution’, which is defined in the Act by reference to s 229E of the Criminal Code.</p> <p>If s 229E is repealed, as we recommend, a new definition for s 37 will be needed. Consistently with the aims of decriminalisation, consideration should also be given to changing the term ‘prostitution’ to ‘sex work’.</p>	R47 (in chapter 8)
<b>sch 1</b>	<b>Disqualifying offence provisions under the Criminal Code</b>	<p>Amend sch 1 pt 1 to remove item 4, Chapter 22A (Prostitution)</p> <p>Consider if sch 1 pt 2 should be amended to insert reference to ch 22A</p>	<p>Part 1 of sch 1 refers to ch 22A of the Criminal Code. If the offences in ch 22A repealed, as we recommend, sch 1 pt 1 will need to be amended to remove that reference.</p> <p>It is a policy matter for the government if any of those repealed offences in ch 22A should remain disqualifying offence provisions and be inserted into sch 1 pt 2.</p>	R47 and [8.54] (in chapter 8)

Section	Section heading	Recommended action and drafting instruction	Explanatory comments	Rec No. and report vol 1 reference
<b>sch 2</b>	<b>Dictionary</b>	Consider amending definition of 'disqualifying offence' para (c)	<p>Paragraph (c) of the definition of 'disqualifying offence' in sch 2 refers to an offence against the Prostitution Act.</p> <p>If the offences in the Prostitution Act are repealed, as we recommend, the definition may need to be changed.</p> <p>It is a policy matter for government if any of those repealed offences should remain disqualifying offences for this Act.</p> <p>If the offences relating to coercion or children in commercial sexual services are inserted in pt 5 of the Criminal Code, as we recommend, it is a policy matter for the government if any of those offences should be disqualifying offences for this Act.</p>	R47 and [8.53]–[8.54] (in chapter 8)
<b>sch 2</b>	<b>Dictionary</b>	Consider amending or replacing definition of 'prostitution'	<p>Schedule 2 includes a definition of 'prostitution', which refers to the definition of that term in s 229E of the Criminal Code.</p> <p>If s 229E is repealed, as we recommend, the definition in sch 2 will need to be amended. Consistently with the aims of decriminalisation, consideration should also be given to changing the term 'prostitution' to 'sex work'.</p>	R47 (in chapter 8)
<b>JUDICIAL REVIEW ACT 1991<sup>23</sup></b>				
<b>sch 2</b>	<b>Decisions for which reasons need not be given</b>	Amend sch 2 to remove item 5B, referring to particular decisions under the Prostitution Act	<p>Schedule 2 refers to decisions (of the PLA) to which the Act does not apply, under a Supreme Court order under s 138 of the Prostitution Act.</p> <p>If the PLA is abolished, as we recommend, and s 138 of the Prostitution Act is repealed, sch 2 will need to be amended to remove the reference to these decisions.</p>	R47 (in chapter 8)

<sup>23</sup> See [Judicial Review Act 1991 \(Qld\)](#) reprint current from 1 March 2023 to date (accessed 10 March 2023).



Section	Section heading	Recommended action and drafting instruction	Explanatory comments	Rec No. and report vol 1 reference
<b>LIQUOR ACT 1992<sup>24</sup></b>				
<b>4</b>	<b>Definitions</b>	Amend s 4 to remove or replace definitions of ‘brothel licence’, ‘family’ of an individual, ‘interest in a brothel’, and ‘licensed brothel’	<p>Section 4 includes definitions of ‘brothel licence’, ‘family’ of an individual, ‘interest in a brothel’, and ‘licensed brothel’, which each refer to the definitions of those terms in the Prostitution Act.</p> <p>If the definitions in the Prostitution Act are removed, those definitions will need to be amended or replaced.</p> <p>The definition of ‘brothel licence’ and ‘interest in a brothel’ are relevant for s 106(3), which prevents a brothel licensee or person with an interest in a brothel from holding a liquor licence or permit. The definition of ‘interest in a brothel’ also relates to s 142ZK about deciding applications for adult entertainment permits.</p> <p>The definition of ‘family’ is relevant to ss 4C and 107E, concerning a person’s suitability to hold an adult entertainment permit.</p> <p>The definition of ‘licensed brothel’ is relevant for s 107D(1)(b), concerning circumstances when the grant of an adult entertainment permit is restricted.</p> <p>If the brothel licensing system is removed, as we recommend, those provisions will also need to be amended (see below).</p>	R47 and [8.37] (in chapter 8)
<b>103N</b>	<b>Adult entertainment code</b>	Amend the definition of ‘oral sex’ in s 103N(7) to remove the reference to s 229E(5) of the Criminal Code and, if needed, substitute a new definition	<p>Section 103N(7) defines ‘oral sex’ by reference to the definition of that term in s 229E(5) of the Criminal Code.</p> <p>If s 229E of the Criminal Code is repealed, as we recommend, s 103N(7) will need to be changed to remove the reference to that section. If ‘oral sex’ is not to be given its ordinary meaning, a new definition will need to be inserted.</p>	R47 and [8.47] (in chapter 8)

24 See [Liquor Act 1992 \(Qld\)](#) reprint current from 5 December 2022 to date (accessed 15 February 2023).

Section	Section heading	Recommended action and drafting instruction	Explanatory comments	Rec No. and report vol 1 reference
106	Who may apply for licence or permit	<p>Amend s 106(3) to remove the references to holding a ‘brothel licence’ or having an interest in a ‘brothel’</p> <p>Consider if s 106(3) should be repealed and/or replaced</p>	<p>Section 106(3) refers to a person who holds a brothel licence, or has an interest in a brothel. Such a person may not apply for or hold a licence or permit under the Act.</p> <p>If the brothel licensing system is removed, as we recommend, s 106(3) will need to be changed to remove the reference to a brothel licence. If s 106(3) is retained, consideration should also be given to changing the reference to a ‘brothel’ to a ‘sex-work business’.</p> <p>It is a policy matter for the government if any restrictions on holding a licence or permit under the Liquor Act should apply to a person who operates a sex-work business.</p>	R46, R47 and [8.35], [8.37] (in chapter 8)
107D	Restriction on grant of adult entertainment permit	<p>Amend s 107D(1)(b) to remove the reference to ‘licensed brothels’ and consider removing the reference to ‘red light district’ in the example</p> <p>Consider if s 107D(1)(b) should be repealed and/or replaced</p>	<p>Section 107D(1)(b) refers to licensed brothels. An application for an adult entertainment permit can be granted for premises in a locality only if the combined total of licensed brothels and adult entertainment premises would not substantially affect the character of the locality.</p> <p>If the brothel licensing system is removed, as we recommend, s 107D(1)(b) will need to be changed to remove the reference to licensed brothels. Consideration should also be given to changing the example for the section to remove the reference to ‘red light district’. This is consistent with the aim of decriminalisation to reduce stigma.</p> <p>It is a policy matter for the government if the operation of sex-work businesses in a locality should be relevant to deciding an application for an adult entertainment permit.</p> <p>We note that potential amenity impacts from clusters of sex-work businesses can be mitigated and managed under planning laws. We recommend against separation distances between sex-work businesses or from other land uses.</p>	<p>R47 and [8.46]–[8.47] (in chapter 8)</p> <p>See also R18(a), [5.43]–[5.46] and [5.50] (in chapter 5)</p>

Section	Section heading	Recommended action and drafting instruction	Explanatory comments	Rec No. and report vol 1 reference
<b>107E</b>	<b>Suitability of applicant for adult entertainment permit</b>	Consider amending s 107E(1)(b)(ii), (c)(ii) and (d)(ii) to remove the references to the Prostitution Act	<p>Section 107E(1)(b)(ii), (c)(ii) and (d)(ii) refer to an applicant or other relevant person being convicted of an offence against the Prostitution Act.</p> <p>If the offences in the Prostitution Act are repealed, s 107E(1) may need to be changed to remove those references.</p> <p>It is a policy matter for the government if convictions for any of those repealed offences should remain disqualifying convictions for holding an adult entertainment permit. If so, consideration could be given to removing the references to the Prostitution Act in s 107E(1) and instead inserting this within the definition of a ‘prescribed offence’ in s 4.</p> <p>If the offences relating to coercion or children in commercial sexual services are inserted in pt 5 of the Criminal Code, as we recommend, it is a policy matter for the government if a conviction for any of those offences should be a disqualifying conviction for s 107E.</p>	R47 and [8.53]–[8.54] (in chapter 8)
<b>107F</b>	<b>Application to be referred to police commissioner</b>	Amend s 107F(2)(c) to remove the words ‘including inquiries to the Prostitution Licensing Authority’	<p>Section 107F(2)(c) refers to the police commissioner making any other inquiries about a relevant application for an adult entertainment permit as the commissioner considers appropriate, ‘including inquiries to the Prostitution Licensing Authority’.</p> <p>If the PLA is abolished, as we recommend, s 107F(2)(c) will need to be changed to remove the reference to inquiries to the PLA.</p>	R47 and [8.47] (in chapter 8)

Section	Section heading	Recommended action and drafting instruction	Explanatory comments	Rec No. and report vol 1 reference
<b>142ZK</b>	<b>Deciding application</b>	<p>Amend s 142ZK(3)(a) to remove the reference to ‘brothel’</p> <p>Consider amending s 142ZK(3)(b)(ii) to remove the reference to the Prostitution Act</p>	<p>Section 142ZK(3)(a) refers to a person who has an interest in a brothel. Section 142ZK(3)(b)(ii) refers to a person who has been convicted of an offence against the Liquor Act or the Prostitution Act.</p> <p>These are relevant considerations in deciding whether a person is suitable to be an adult entertainment controller under the Act.</p> <p>If the brothel licensing system is removed, as we recommend, s 142ZK(3)(a) will need to be changed to remove the reference to having an interest in a brothel.</p> <p>If the offences under the Prostitution Act are repealed, s 142ZK(3)(b)(ii) may need to be changed to remove the reference to the Prostitution Act.</p> <p>It is a policy matter for the government if convictions for any of those repealed offences should remain relevant considerations for being an adult entertainment controller. If so, consideration could be given to removing the reference to the Prostitution Act in s 142ZK(3)(b)(ii) and instead inserting this within the definition of a ‘prescribed offence’ in s 4.</p> <p>If the offences relating to coercion or children in commercial sexual services are inserted in pt 5 of the Criminal Code, as we recommend, it is a policy matter for the government if a conviction for any of those offences should be a disqualifying conviction for s 107E.</p>	R47 and [8.53]–[8.54] (in chapter 8)
<b>142ZO</b>	<b>Requesting information from police commissioner</b>	<p>Amend s 142ZO(3)(b) to remove the words ‘including inquiries to the Prostitution Licensing Authority’</p>	<p>Section 142ZO(3)(b) refers to the police commissioner making any other inquiries about an adult entertainment controller as the commissioner considers appropriate, ‘including inquiries to the Prostitution Licensing Authority’.</p> <p>If the PLA is abolished, as we recommend, s 142ZO(3)(b) will need to be changed to remove the reference to inquiries to the PLA.</p>	R47 and [8.47] (in chapter 8)

Section	Section heading	Recommended action and drafting instruction	Explanatory comments	Rec No. and report vol 1 reference
142ZQ	<b>Grounds for suspension or cancellation</b>	Consider amending s 142ZQ(1)(b)(ii) to remove the reference to the Prostitution Act	<p>Section 142ZQ(1)(b)(ii) refers to a person who has been convicted of an offence against the Liquor Act or the Prostitution Act. This is a ground for suspending or cancelling a person's approval as an adult entertainment controller.</p> <p>If the offences under the Prostitution Act are repealed, s 142ZQ(1)(b)(ii) may need to be changed to remove the reference to the Prostitution Act.</p> <p>It is a policy matter for the government if convictions for any of those repealed offences should remain grounds for suspending or cancelling a person's approval as an adult entertainment controller. If so, consideration could be given to removing the reference to the Prostitution Act in s 142ZQ(1)(b)(ii) and instead inserting this within the definition of a 'prescribed offence' in s 4.</p> <p>If the offences relating to coercion or children in commercial sexual services are inserted in pt 5 of the Criminal Code, as we recommend, it is a policy matter for the government if a conviction for any of those offences should be grounds for suspension or cancellation under s 142ZQ.</p>	R47 and [8.53]–[8.54] (in chapter 8)

#### LIQUOR (APPROVAL OF ADULT ENTERTAINMENT CODE) REGULATION 2002, ATTACHMENT (ADULT ENTERTAINMENT CODE)<sup>25</sup>

5–6	<b>Interpretation (genitalia, masturbation)</b>	Amend cll 5 and 6 to remove the references to the Prostitution Act	<p>Clauses 5 and 6 of the Adult Entertainment Code relate to the meaning of 'genitalia' and 'masturbation' and refer to the Prostitution Act.</p> <p>If provisions of the Prostitution Act are repealed, as we recommend, cll 5 and 6 may need to be amended to remove the references to the Prostitution Act.</p>	R47 and [8.47] (in chapter 8)
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<sup>25</sup> See [Liquor \(Approval of Adult Entertainment Code\) Regulation 2002 \(Qld\)](#) s 3, reprint current from 1 January 2013 to date (accessed 15 February 2023), approving and attaching the Adult Entertainment Code made under s 103N(5) of the *Liquor Act 1992* (Qld).

<b>Section</b>	<b>Section heading</b>	<b>Recommended action and drafting instruction</b>	<b>Explanatory comments</b>	<b>Rec No. and report vol 1 reference</b>
<b>12–13</b>	<b>Code’s relationship with Acts</b>	Amend cll 12 and 13 to remove the references to the Prostitution Act and Prostitution Regulation	<p>Clauses 12 and 13 of the Adult Entertainment Code state the Code’s relationship with particular Acts and Regulations, and refer to the Prostitution Act and the Prostitution Regulation.</p> <p>If provisions of the Prostitution Act and Prostitution Regulation are repealed, as we recommend, cll 12 and 13 may need to be amended to remove the references to the Prostitution Act and the Prostitution Regulation.</p> <p>If the offences in ch 22A of the Criminal Code are repealed, as we recommend, consideration could also be given to the extent to which cll 12 and 13 should continue to refer to the Criminal Code.</p>	R47 and [8.47] (in chapter 8)
<b>14</b>	<b>The prescribed behaviour for adult entertainment</b>	Consider amending cl 14 to remove, or change, the reference to ‘soliciting any person for the purposes of prostitution’	<p>Clause 14 of the Adult Entertainment Code specifies acts of an explicit sexual nature that must not be performed by an adult entertainer. This includes ‘soliciting any person for the purposes of prostitution’.</p> <p>If provisions of the Prostitution Act are repealed, as we recommend, cl 14 may need to be changed to remove the reference to ‘prostitution’. Consistently with the aims of decriminalisation, consideration should also be given to changing the term ‘prostitution’ to ‘sex work’.</p> <p>It is a policy matter for the government if soliciting for sex work should be an excluded activity under the Adult Entertainment Code.</p> <p>We recommend the repeal of offences in the Prostitution Act against public soliciting for sex work.</p>	<p>R47 and [8.46]–[8.47] (in chapter 8)</p> <p>See also R2 (in chapter 2)</p>

Section	Section heading	Recommended action and drafting instruction	Explanatory comments	Rec No. and report vol 1 reference
<b>PENALTIES AND SENTENCES ACT 1992<sup>26</sup></b>				
<b>sch 1</b>	<b>Serious violent offences</b>	<p>Amend sch 1 to remove item 14A, referring to s 229G of the Criminal Code, and consider relocating this to a new part of sch 1</p> <p>Consider if sch 1 should be amended to insert references to the new offences relating to coercion or children in commercial sexual services</p>	<p>Item 14A of sch 1 refers to the prostitution offence in s 229G of ch 22A of the Criminal Code. If that offence is repealed, as we recommend, sch 1 will need to be amended to remove this reference.</p> <p>It is a policy matter for the government if the repealed offence should remain a serious violence offence and be inserted in a new part in sch 1.</p> <p>If the offences relating to coercion or children in commercial sexual services are inserted in pt 5 of the Criminal Code, as we recommend, it is a policy matter for the government if any of those offences should be serious violent offences under sch 1 of this Act.</p>	R47 (in chapter 8)
<b>sch 1C</b>	<b>Prescribed offences</b>	<p>Amend sch 1C to remove the references to ss 229G, 229H, 229HB, 229K and 229L of the Criminal Code</p> <p>Consider if sch 1C should be amended to insert references to the new offences relating to coercion or children in commercial sexual services</p>	<p>Schedule 1C refers to prostitution offences in ch 22A of the Criminal Code (ss 229G, 229H, 229HB, 229K and 229L). If those offences are repealed, as we recommend, sch 1C will need to be amended to remove these references.</p> <p>If the offences relating to coercion or children in commercial sexual services are inserted in pt 5 of the Criminal Code, as we recommend, it is a policy matter for the government if any of those offences should be prescribed offences under sch 1C of this Act.</p>	R47 (in chapter 8)
<b>POLICE POWERS ACT<sup>27</sup></b>				
<b>19</b>	<b>General power to enter to make inquiries, investigations or serve documents</b>	<p>Amend s 19(2) to change the legislative example, referring to s 59 of the Prostitution Act</p>	<p>Section 19(2) includes a legislative example referring to s 59 of the Prostitution Act.</p> <p>If pt 3 div 3 of the Prostitution Act is repealed, as we recommend, s 19(2) will need to be amended to change the legislative example.</p>	R47 (in chapter 8)

26 See [Penalties and Sentences Act 1992 \(Qld\)](#) reprint current from 1 March 2023 to date (accessed 10 March 2023).

27 See [Police Powers and Responsibilities Act 2000 \(Qld\)](#) reprint current from 22 March 2023 to date (accessed 28 March 2023).

<b>Section</b>	<b>Section heading</b>	<b>Recommended action and drafting instruction</b>	<b>Explanatory comments</b>	<b>Rec No. and report vol 1 reference</b>
<b>sch 4</b>	<b>Renumbered cross-references</b>	Amend sch 4 to omit the references to ss 60, 65 and 75 of the Prostitution Act	<p>Schedule 4 refers to ss 60, 65 and 75 of the Prostitution Act, which contain references to renumbered provisions in the Police Powers Act.</p> <p>If those sections in the Prostitution Act are repealed, as we recommend, the references to them in sch 4 will no longer be needed.</p>	R47 (in chapter 8)
<b>sch 6</b>	<b>Dictionary</b>	Amend the definition of ‘identifying particulars offences’ to remove the reference to s 73 of the Prostitution Act	<p>The definition of ‘identifying particulars offence’ refers to the public soliciting offence in s 73 of the Prostitution Act.</p> <p>If s 73 is repealed, as we recommend, the definition in sch 6 will need to be amended to remove the reference to that offence.</p>	R47 (in chapter 8) See also R2 (in chapter 2)
<b>sch 6</b>	<b>Dictionary</b>	<p>Amend the definition of ‘prescribed place’ for ch 2 pt 5 to remove the words from ‘but, in relation to soliciting for prostitution’ to ‘outside the brothel’</p> <p>Amend sch 6 to remove the definitions of ‘licensed brothel’, ‘prostitution’ and ‘solicit’</p>	<p>Schedule 6 defines a ‘prescribed place’ for the move-on powers in ch 2 pt 5 of the Act. It provides that, in relation to public soliciting, a prescribed place does not include areas in a licensed brothel that can not be viewed from outside the brothel.</p> <p>If the public soliciting move-on power in s 46(5) of the Act is repealed, as we recommend, this part of the definition in sch 6 will not be needed.</p> <p>Schedule 6 includes definitions of ‘licensed brothel’, ‘prostitution’ and ‘solicit’, which are relevant to the references to public soliciting in the Act. If those references are removed, the definitions are not needed.</p>	R47 (in chapter 8) See also R2 (in chapter 2)
<b>sch 6</b>	<b>Dictionary</b>	Amend the definition of ‘serious indictable offence’ to remove the reference to ‘prostitution’	<p>Schedule 6 defines ‘serious indictable offence’ to include ‘conduct related to prostitution or SP bookmaking’.</p> <p>If the provisions of the Prostitution Act and ch 22A of the Criminal Code are repealed, as we recommend, this part of the definition in sch 6 should be changed to remove the reference to ‘prostitution’.</p>	R47 (in chapter 8)



Section	Section heading	Recommended action and drafting instruction	Explanatory comments	Rec No. and report vol 1 reference
<b>POLICE POWERS AND RESPONSIBILITIES REGULATION 2012<sup>28</sup></b>				
<b>sch 3</b>	<b>Prescribed Acts—Act, section 41(g)</b>	Amend sch 3 to remove the reference to the Prostitution Act [conditional]	<p>Schedule 3 lists relevant Acts for the power to require a person’s name and address under s 41(g) of the Police Powers Act. It refers to the Prostitution Act.</p> <p>If the provisions of the Prostitution Act are repealed, as we recommend, sch 3 may need to be removed.</p> <p>(Note, we do not make recommendations about the social escort advertising provisions in the Prostitution Act.)</p>	R47 (in chapter 8)
<b>PUBLIC HEALTH ACT 2005<sup>29</sup></b>				
<b>88</b>	<b>Access to information in register for serious offence</b>	Amend s 88(3) to remove para (a) of the definition of ‘serious offence’, referring to s 90 of the Prostitution Act	<p>Section 88 allows information in the notifiable conditions register to be released to a State entity to investigate a serious offence. The definition of ‘serious offence’ includes s 90 of the Prostitution Act.</p> <p>If the offence in s 90 of the Prostitution Act is repealed, as we recommend, the definition in s 88(3) will need to be amended to remove the reference to that offence.</p>	R47 (in chapter 8)
<b>PUBLIC SECTOR ACT 2022<sup>30</sup></b>				
<b>sch 1</b>	<b>Public service entities under section 9(b)</b>	Amend sch 1 to remove the references to the Office of the Prostitution Licensing Authority under the Prostitution Act, and the executive director of that Office	<p>Schedule 1 identifies public service entities for the definition in the Act. It refers to the Office of the PLA under the Prostitution Act and the executive director of that Office.</p> <p>If the PLA is abolished and its Office is removed, as we recommend, sch 1 will need to be amended to remove those references.</p>	R47 (in chapter 8)

28 See [Police Powers and Responsibilities Regulation 2012 \(Qld\)](#) reprint current from 6 March 2023 to date (accessed 10 March 2023).

29 See [Public Health Act 2005 \(Qld\)](#) reprint current from 1 March 2023 to date (accessed 10 March 2023).

30 See [Public Sector Act 2022 \(Qld\)](#) reprint current from 1 March 2023 to date (accessed 10 March 2023).

Section	Section heading	Recommended action and drafting instruction	Explanatory comments	Rec No. and report vol 1 reference
<b>PUBLIC SECTOR ETHICS REGULATION 2010<sup>31</sup></b>				
<b>sch</b>	<b>Entities prescribed as public service agencies</b>	Amend the sch to remove the reference to the Prostitution Licensing Authority established under the Prostitution Act	The sch identifies public service agencies for the definition in the <i>Public Sector Ethics Act 1994</i> . It refers to the PLA established under the Prostitution Act.  If the PLA is abolished, as we recommend, the sch will need to be amended to remove this reference.	R47 (in chapter 8)
<b>QUEENSLAND CIVIL AND ADMINISTRATIVE TRIBUNAL REGULATION 2019<sup>32</sup></b>				
<b>8</b>	<b>Fee for application, referral or counter-application for another matter</b>	Amend s 8 to remove s 8(3)(a), referring to ss 64A and 64B of the Prostitution Act	Section 8 sets out the fee for particular applications, including applications under ss 64A and 64B of the Prostitution Act.  If pt 4 div 3 of the Prostitution Act is repealed, as we recommend, s 8(3)(a) will not be needed.	R47 (in chapter 8)
<b>10</b>	<b>Fee for appeal or application for leave to appeal—Act, s 143</b>	Amend s 10 to remove s 10(6)(a), referring to ss 64A and 64B of the Prostitution Act	Section 10 prescribes fees for appeals or applications for leave to appeal, including for decisions of the tribunal under ss 64A and 64B of the Prostitution Act.  If pt 4 div 3 of the Prostitution Act is repealed, as we recommend, s 10(6)(a) will not be needed.	R47 (in chapter 8)
<b>RIGHT TO INFORMATION ACT 2009<sup>33</sup></b>				
<b>sch 1</b>	<b>Documents to which this Act does not apply</b>	Consider whether to retain or remove item 7, referring to documents received or created by the Prostitution Licensing Authority under the Prostitution Act	Schedule 1 identifies documents to which the <i>Right to Information Act 2009</i> does not apply, including documents received or created by the PLA under the Prostitution Act.  If the PLA is abolished, as we recommend, no further documents will be received or created by that entity. However, sch 1 would apply to documents received or created before the PLA ceases to exist.  Consideration should be given to whether item 7 in sch 1 needs to be retained or can be removed.	R47 (in chapter 8)

31 See [Public Sector Ethics Regulation 2010 \(Qld\)](#) reprint current from 4 November 2022 to date (accessed 15 February 2023).

32 See [Queensland Civil and Administrative Tribunal Regulation 2019 \(Qld\)](#) reprint current from 1 January 2023 to date (accessed 15 February 2023).

33 See [Right to Information Act 2009 \(Qld\)](#) reprint current from 1 March 2023 to date (accessed 10 March 2023).

Section	Section heading	Recommended action and drafting instruction	Explanatory comments	Rec No. and report vol 1 reference
<b>TRANSPORT OPERATIONS (PASSENGER TRANSPORT) ACT 1994<sup>34</sup></b>				
<b>sch 1A</b>	<b>Driver disqualifying offences (Part 1: Category A driver disqualifying offences)</b>	<p>Amend sch 1A pt 1 div 1 to remove items 12–12D, and consider inserting those items in a new div 3C</p> <p>Consider if sch 1A pt 1 div 1 should be amended to insert references to the new offences relating to coercion or children in commercial sexual services</p>	<p>Items 12–12D of pt 1 div 1 in sch 1A refer to prostitution offences in ch 22A of the Criminal Code (ss 229G, 229H, 229I and 229L). If those offences are repealed, as we recommend, sch 1A pt 1 will need to be amended to remove those references.</p> <p>It is a policy matter for the government if any of those repealed offences should remain driver disqualifying offences, and be inserted in a new div 3C.</p> <p>If the offences relating to coercion or children in commercial sexual services are inserted in pt 5 of the Criminal Code, as we recommend, it is a policy matter for the government if any of those offences should be driver disqualifying offences under sch 1A pt 1 div 1 of this Act.</p>	R47 and [8.53]–[8.54] (in chapter 8)
<b>sch 1A</b>	<b>Driver disqualifying offences (Part 2: Category B driver disqualifying offences)</b>	<p>Amend sch 1A pt 2 to remove, or change, the references to ss 229G and 229L of the Criminal Code</p> <p>Consider if sch 1A pt 2 should be amended to insert references to the new offences relating to coercion or children in commercial sexual services</p>	<p>Part 2 in sch 1A refers to prostitution offences in ch 22A of the Criminal Code (ss 229G and 229L). If those offences are repealed, as we recommend, sch 1A pt 2 will need to be amended to remove those references.</p> <p>It is a policy matter for the government if either of those repealed offences should remain driver disqualifying offences, and be listed in pt 2 as relevant repealed offences.</p> <p>If the offences relating to coercion or children in commercial sexual services are inserted in pt 5 of the Criminal Code, as we recommend, it is a policy matter for the government if any of those offences should be driver disqualifying offences under sch 1A pt 2 of this Act.</p>	R47 and [8.53]–[8.54] (in chapter 8)

<sup>34</sup> See [Transport Operations \(Passenger Transport\) Act 1994 \(Qld\)](#) reprint current from 27 September 2021 to date (accessed 15 February 2023).

Section	Section heading	Recommended action and drafting instruction	Explanatory comments	Rec No. and report vol 1 reference
<b>WORKING WITH CHILDREN (RISK MANAGEMENT AND SCREENING) ACT 2000<sup>35</sup></b>				
<b>sch 2</b>	<b>Current serious offences</b>	<p>Amend sch 2 item 4 to remove the references to ss 229G, 229H, 229I and 229L of the Criminal Code, and consider relocating them to sch 3 item 1</p> <p>Consider if sch 2 should be amended to insert references to the new offences relating to coercion or children in commercial sexual services</p>	<p>Item 4 in sch 2 refers to prostitution offences in ch 22A of the Criminal Code (ss 229G, 229H, 229I and 229L). If those offences are repealed, as we recommend, sch 2 will need to be amended to remove those references.</p> <p>It is a policy matter for the government if any of those repealed offences should remain serious offences for the screening requirements in this Act, and be inserted into sch 3 item 1.</p> <p>If the offences relating to coercion or children in commercial sexual services are inserted in pt 5 of the Criminal Code, as we recommend, it is a policy matter for the government if any of those offences should be serious offences for the screening requirements in this Act.</p>	R47 and [8.53]–[8.54] (in chapter 8)
<b>sch 4</b>	<b>Current disqualifying offences</b>	<p>Amend sch 4 item 4 to remove the references to ss 229G, 229H, 229I and 229L of the Criminal Code, and consider relocating them to sch 5 item 1</p> <p>Consider if sch 4 should be amended to insert references to the new offences relating to coercion or children in commercial sexual services</p>	<p>Item 4 in sch 4 refers to prostitution offences in ch 22A of the Criminal Code (ss 229G, 229H, 229I and 229L). If those offences are repealed, as we recommend, sch 4 will need to be amended to remove those references.</p> <p>It is a policy matter for the government if any of those repealed offences should remain disqualifying offences for the screening requirements in this Act, and be inserted into sch 5 item 1.</p> <p>If the offences relating to coercion or children in commercial sexual services are inserted in pt 5 of the Criminal Code, as we recommend, it is a policy matter for the government if any of those offences should be disqualifying offences for the screening requirements in this Act.</p>	R47 and [8.53]–[8.54] (in chapter 8)

<sup>35</sup> See [Working with Children \(Risk Management and Screening\) Act 2000 \(Qld\)](#) reprint current from 1 March 2023 (accessed 10 March 2023).

Section	Section heading	Recommended action and drafting instruction	Explanatory comments	Rec No. and report vol 1 reference
<b>sch 6</b>	<b>Offences that may form basis of investigative information</b>	<p>Amend sch 6 item 4 to remove the references to ss 229G, 229H and 229L of the Criminal Code, and consider relocating them to sch 6A</p> <p>Consider if sch 6 should be amended to insert references to the new offences relating to coercion or children in commercial sexual services</p>	<p>Item 4 in sch 6 refers to prostitution offences in ch 22A of the Criminal Code (ss 229G, 229H and 229L). If those offences are repealed, as we recommend, sch 6 will need to be amended to remove those references.</p> <p>It is a policy matter for the government if any of those repealed offences should remain offences that may form the basis of investigative information under this Act, and be inserted into sch 6A.</p> <p>If the offences relating to coercion or children in commercial sexual services are inserted in pt 5 of the Criminal Code, as we recommend, it is a policy matter for the government if any of those offences should be offences that may form the basis of investigative information under this Act.</p>	R47 and [8.53]–[8.54] (in chapter 8)

#### STATE PENALTIES ENFORCEMENT REGULATION 2014<sup>36</sup>

<b>sch 1</b>	<b>Infringement notice offences and fines for nominated laws</b>	Amend sch 1 to remove the entries for the Prostitution Act and the Prostitution Regulation	<p>Schedule 1 identifies offences under the Prostitution Act (ss 11, 20, 22, 32, 36, 45, 48, 58, 68, 69, 73, 77A, 80, 83, 84, 85, 86, 87, 88, 93, 94, 95, 97 and 98) and the Prostitution Regulation (ss 21, 22 and 23) as infringement notice offences. It also identifies the PLA as the administering authority, and approved staff members of the Office of the PLA or a police officer as authorised persons for service.</p> <p>The infringement notice offences relate to licensing, prohibited brothels, public soliciting, sexual health measures, sex work advertising, and work health and safety measures. If each of those offences is repealed, as we recommend, sch 1 will need to be amended to remove the entries for the Prostitution Act and the Prostitution Regulation.</p>	R47 (in chapter 8)
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<sup>36</sup> See *State Penalties Enforcement Regulation 2014* (Qld) reprint current from 2 December 2022 to date (accessed 15 February 2023).

# Notes

Notes	Comments
<b>Offences committed before repeal</b>	
Our drafting instructions include the recommended repeal of various offences in the Prostitution Act and the Criminal Code	<p>We note the operation of default savings provisions in part 6 of the <i>Acts Interpretation Act 1954</i>, including that:</p> <ul style="list-style-type: none"><li>• the repeal of an Act or provision of an Act does not affect a liability incurred under the Act, a penalty incurred in relation to an offence arising under the Act, or an investigation or proceeding in relation to a liability or penalty incurred under the Act (s 20(2)(c)–(e)), and</li><li>• an investigation or proceeding may be started, continued or completed, and the liability may be enforced and penalty imposed, as if the repeal had not happened (s 20(3))</li></ul>
Our drafting instructions include the recommended repeal and replacement of some planning legislation provisions	<p>We note the operation of default savings provisions in part 6 of the <i>Acts Interpretation Act 1954</i>, including that:</p> <ul style="list-style-type: none"><li>• if an Act repeals some or all of the provisions of an Act and enacts new provisions in substitution for the repealed provisions, the repealed provisions continue in force until the new provisions commence (s 21)</li></ul>
<b>Records of the PLA</b>	
Our drafting instructions include the recommended repeal of various provisions to give effect to the abolition of the PLA and removal of the brothel licensing system	<p>We note the application of standard provisions in the <i>Public Records Act 2002</i> to records of the PLA, including that:<sup>37</sup></p> <ul style="list-style-type: none"><li>• if a public authority ceases to exist and its functions are not to be carried out by another public authority, its records must be either given to another public authority prescribed by regulation (none is prescribed for the PLA), or otherwise given to the archives or disposed of in accordance with a decision of the archivist (s 8(3)(b)–(c))</li></ul>
<b>Security of employment (Office of the PLA)</b>	
Our drafting instructions include the recommended repeal of various provisions to give effect to the removal of the Office of the PLA	<p>We note the operation of provisions in the Prostitution Act and the <i>Public Sector Act 2022</i>, relevant to security of employment of the Executive Director and staff of the Office of the PLA when that Office ceases to exist, including that:</p> <ul style="list-style-type: none"><li>• if a public service officer is appointed as the Executive Director of the Office of the PLA, the person's rights of employment as a public service officer are retained and, at the end of their term of appointment, they are entitled to employment at the same classification level they previously held (s 110I of the Prostitution Act), and</li><li>• employment on a permanent basis is the default basis of employment for public sector employees (s 81 of the <i>Public Sector Act 2022</i>)</li></ul>

<sup>37</sup> See also *Information Privacy Act 2009* (Qld) ss 4–5, 7–8, ch 7 pt 1.