Report No 80
March 2023

A decriminalised sex-work industry for Queensland

Report summary

Queensland
Law Reform Commission

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The Queensland Government has committed to decriminalising sex work.

In August 2021, the Attorney-General asked us – the Queensland Law Reform Commission – to conduct a review and recommend a framework for a decriminalised sex-work industry in Queensland.

Our recommended framework treats sex work as work, not as a crime. It aims to regulate sex work as far as possible under the same general laws and in the same way as other work. Our review found that this is a better way to enhance safety, promote health and protect the human rights of people working in the industry.

Why changes are needed

The current system regulates sex work as prostitution, under criminal laws and licensing laws. These laws stigmatise sex workers, increase their vulnerability to exploitation and violence, and fail to protect their human rights. They prevent sex workers from working together and adopting safe work practices. Sex workers should not have to choose between working lawfully and working safely.

The current laws are difficult to comply with and inhibit sex workers from accessing basic work rights. They isolate sex workers and create barriers to accessing health, safety and legal protections. Sex workers are reluctant to report crimes committed against them to police, because they fear being arrested or not being believed. We heard sex workers experience stigma and discrimination, in part because sex work is criminalised. The current licensing system for brothels has been taken up by only a small part of the industry. This has created a two-tiered industry where most sex workers are criminalised or working outside the licensed sector.

The law should respond to reality, not myths. Stereotypes about most sex workers being street workers, victims of exploitation or trafficking, or 'vectors of disease' are not supported by the evidence or reflected in the diversity of the sex-work industry. The assumption that decriminalising sex work will increase the size of the industry is also unsupported.

The reality is that sex workers already operate in suburbs, towns and commercial areas. Sex-worker organisations told us most sex workers value their privacy and operate discreetly. Most prefer not to work in the industrial zones in which licensed brothels mainly operate. Single operators work from their homes or other places in residential areas. Most sex work is arranged online or by phone, not by sex workers soliciting on the street. Research shows sex workers take care of their sexual health, have high levels of voluntary uptake of safer sex practices, and do not have rates of sexually transmissible infections (STIs) that are higher than the general population. Evidence from other jurisdictions suggests decriminalisation will not lead to an increase in the number of sex workers.

Any criminal elements in the industry are best targeted by police enforcing criminal laws, not by licensing laws that are ill-equipped for that task.

Research and evidence supports decriminalisation as the best way to safeguard sex workers' rights, health and safety.

The aims of decriminalisation

Decriminalisation recognises sex work as work, not as a crime. It does not mean no regulation. Our recommended framework aims to treat sex-work businesses the same as other lawful businesses, with the same general laws applying to all. Sex-work businesses should be neither unfairly disadvantaged nor unfairly privileged.

Special laws that single out sex work are not needed since laws of general application are fit for purpose. These general laws – including work, public health, advertising and public amenity laws – protect the rights of individuals and the public interest.

Decriminalisation aims to help reduce stigma and discrimination, and safeguard sex workers' rights, health and safety.

Safeguards against exploitation

Decriminalising sex work does not mean there should be no laws to protect the vulnerable. Sex work is between consenting adults. It is not the same as sexual exploitation, which is coercive or involves children. We recommend criminal laws with serious penalties for those who coerce individuals to provide commercial sexual services or involve children in commercial sexual services. This is needed to protect human rights.

Our review process

We released a public consultation paper and consulted widely in our review. Our recommendations are based on research, evidence and careful deliberation. We looked at laws and experiences in other jurisdictions, including New Zealand and other states in Australia.

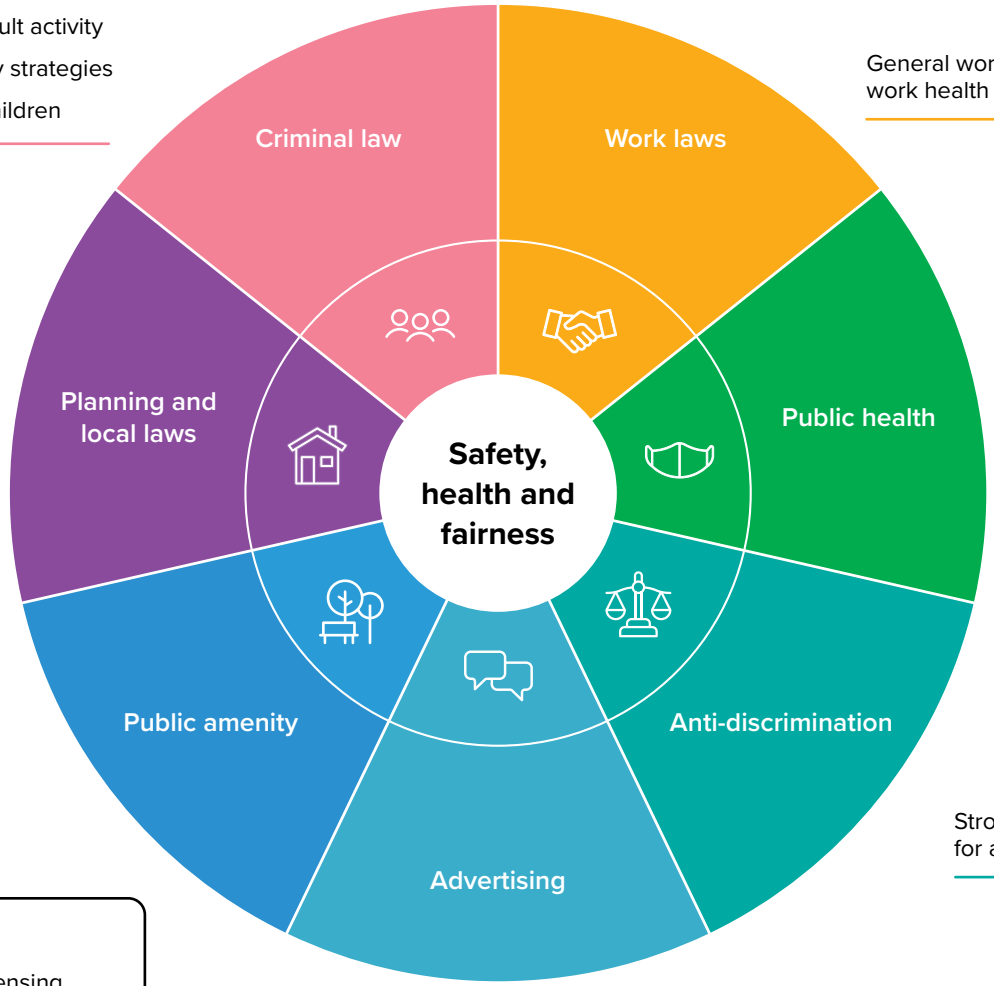
In making our recommendations, we were guided by the key principles of **safety, health and fairness**. All Queenslanders have the right to be safe and healthy at work, have a shared responsibility to protect public health, and should have equal access to justice and protection from discrimination.

Our recommended framework

No sex-work offences against consensual adult activity

Can work alone or with others and use safety strategies

Serious penalties for coercion or involving children



General work laws and rights apply, with industry work health and safety guidelines

General public health laws apply

Stronger anti-discrimination protections for all sex workers

General advertising laws, codes and standards apply

General public nuisance and amenity rules apply

Planning laws treat sex work like other businesses

No sex-work-specific local laws or prohibitions

Licensing removed

No sex-work licensing and Prostitution Licensing Authority abolished

Education and review

Changes implemented with education and training, and reviewed after 4–5 years

What we recommend

Decriminalisation

> ‘Each time I work I have to decide if it’s worth possible criminal charges … to have someone working with me for security in order to be safe, or if it’s best to risk an assault, robbery or rape just to make sure I don’t face any criminal charges and ensure stability in my life.’
>
> **—Sex worker submission**

Working alone or with others

The offences in chapter 22A of the Criminal Code create barriers to sex worker safety and access to justice. They make all sex work a crime, except in licensed brothels or by private sex workers working alone. The offences isolate sex workers, forcing them to choose between working safely or working lawfully. The offences are broad, unworkable and stigmatising.

Research from decriminalised jurisdictions shows that removing sex work offences results in better outcomes for sex workers without expanding the size of the industry.

Decriminalising sex work means recognising and regulating sex work as work, rather than as a crime. In our view, sections 229G to 229K of the Criminal Code are inconsistent with decriminalisation and should be repealed, along with related provisions in sections 229C to 229F and 229M to 229O. Repeal is needed to remove barriers to safe work practices, remove disincentives for sex workers to report crimes to police, and protect the human rights of sex workers and others.

The related nuisance offence in section 76 of the Prostitution Act is inconsistent with decriminalisation and should also be repealed. Public nuisances are covered by existing general laws.

What our recommendation means

Sex work will not be a crime.

Subject to compliance with laws of general application, like planning laws and public nuisance laws:

- it will be lawful for sex workers to work alone or for 2 or more sex workers to work together
- it will be lawful to operate sex-work businesses, for sex workers to work at them and for clients to obtain services from them.

Public soliciting

Street-based sex work is a very small part of Queensland’s sex-work industry. It has become less common and there are no longer any specific locations in the state that are known for this form of work. Soliciting for sex work has shifted from the street to online.

In our view, sex workers should not be singled out for special laws about public soliciting. These laws are not compatible with decriminalising sex work and treating it as legitimate work. The specific public soliciting offence and related provisions in sections 73–75 of the Prostitution Act should be removed.

General laws about commercial soliciting and touting in public places apply to sex workers, like anyone else. Local governments should not make local laws specifically regulating public soliciting for sex work.

Submissions were overwhelmingly opposed to any continued criminal law specifically against public soliciting for sex work.

Research and submissions tell us people engaging in street-based sex work are more likely to be socio-economically marginalised and vulnerable. Continued criminal offences for public soliciting when other forms of sex work are decriminalised would further marginalise these workers.

Street-based sex workers are more likely to experience violence and abuse. Risks to their health and safety are made worse by public solicitation offences. When these offences are removed, relationships between sex workers and the police may improve, allowing police to be seen as protectors of these workers rather than their prosecutors. Removing the offence may also reduce barriers to street-based sex workers accessing support services.

Removing the public soliciting offence is consistent with human rights, especially in promoting sex workers' freedom of movement. In our view, there is insufficient justification for restricting public soliciting in certain areas or at certain times. In submissions and consultations, we did not hear of any evidence that street-based sex work is prevalent or an issue of concern around schools, places of worship or hospitals.

The specific move-on power for police if they suspect a person is soliciting for sex work, in section 46(5) of the Police Powers Act, should be removed. No other form of work is singled out in this way. It would be inconsistent to remove public soliciting offences and keep a specific move-on power. If police continued to have a sex-work-specific move-on power, sex workers might prioritise avoiding police over their own health and safety.

Without a public soliciting offence and a specific police move-on power, there will still be several options to address any public amenity impacts of street-based sex work, including the public nuisance offence, general police move-on powers and non-regulatory solutions. Importantly, these options arise under existing general laws that apply to everyone. This is consistent with the aims of decriminalisation.

What our recommendation means

The same general public nuisance laws and police move-on powers apply to everyone, including sex workers.

Sex workers will not be singled out by special laws against public soliciting or street-based sex work.

Sex-work advertising

The Prostitution Act includes several sex-work-specific advertising offences. As explained in chapter 13 of our consultation paper, the legislation imposes many strict requirements on what ads can contain, where they can be published, what size they can be, and the wording or images that can be used. Many of these requirements are included in section 15 of the Prostitution Regulation and in the guidelines issued by the Prostitution Licensing Authority (PLA) under section 139A of the Prostitution Act.

We heard these laws negatively affect sex workers and business operators. They are difficult to comply with, create barriers to negotiating with clients effectively and safely, and put people at risk of being fined and having a criminal record.

In our view, the sex-work-specific advertising offences are not needed and should be removed. No new offences should be made. Singling out sex work for special advertising offences is inconsistent with the aims of decriminalisation, including the recognition of sex work as legitimate work.

The Prostitution Regulation currently includes assessment benchmarks for brothel signage. In our view, these benchmarks should be removed. Signs for sex-work businesses should be regulated by any relevant planning requirements and local laws, like signs for other businesses.

The same general laws, standards and codes that apply to all advertising in Australia apply to sex-work advertising. Removing sex-work-specific offences does not mean sex-work advertising or signage will be unregulated, or that the community will be exposed to explicit and offensive material. Community expectations and concerns can be met by general advertising laws, standards and codes.

What our recommendations mean

The same general laws, standards and codes that regulate all advertising apply to sex-work advertising.

Sex work will not be singled out by special advertising offences.

It will be lawful for sex workers to describe their services (including massage), and for sex-work businesses to advertise job vacancies.

Sex-work advertising will no longer be required to be in an approved form, and will not be prohibited on tv or radio.

Like signs for other businesses, signs for sex-work businesses can be regulated by planning requirements and local laws.

Police powers

Sex-work-specific covert powers given to police under the Police Powers Act create a strong sense of fear and mistrust, and contribute to barriers to sex workers' safety and their access to justice and human rights.

In our view, these police powers will no longer be needed if the sex-work-specific offences in chapter 22A of the Criminal Code and in the Prostitution Act are repealed, as we recommend in our report.

What our recommendation means

Police will not have extra powers, like posing as clients, to gather evidence of sex-work-specific offences, which will be removed.

Licensing

> ‘For my entire time in Queensland there has been a licensing system including screening of brothel owners. … There is no logic behind the idea that licensing deters illegal activity. In Queensland, licensing takes the industry and divides us into legal and illegal.’
>
> **—Sex worker submission**

Queensland’s current licensing system applies to the operators and managers of brothels. A person who operates a sex-work business with 2 or more sex workers must hold a licence and follow licensing rules and conditions. Sex work other than in a licensed brothel or by a private sex worker working alone is criminalised.

With some exceptions, submissions were overwhelmingly opposed to a licensing system for sex-work business operators. In our view, the current licensing system should be removed, and no new licensing system should be introduced. We also consider that a licensing or registration system for individual sex workers is not needed and should not be introduced. The Prostitution Licensing Authority (PLA), and its associated Office of the Prostitution Licensing Authority, will no longer be needed and should be abolished.

Licensing can be a useful regulatory approach, but it does not suit all industries. The current licensing system has had some benefits for those working within it, but licensing has been taken up by only a very small part of the industry.

Licensing creates a two-tiered industry of licensed and unlicensed operators. There are 20 licensed brothels in Queensland, estimated to be 10% of the industry. Most sex workers work outside the licensed sector, whether privately or at unlicensed businesses. In combination with the sex-work offences in the Criminal Code, this undermines sex workers’ rights, health and safety, and access to justice. Relatively simple and inexpensive suitability certificate schemes, such as those in New Zealand and the Northern Territory, can also create a two-tiered industry.

The unlawful sector has continued despite the licensing system. Sex-work licensing does not necessarily ensure the health and safety of workers (most of whom work outside the licensed sector), does not mean that a person will be a good business operator, and is not well suited to keeping criminal elements out of the industry. Any criminal elements in the industry are a matter for the enforcement of criminal laws by law enforcement agencies, not licensing.

In our view, sex-work-specific licensing is not effective and not needed. Work health and safety benefits can be achieved under laws that regulate sex work in the same way as any other work or business. Decriminalising sex work will remove barriers to sex workers’ access to work rights and protections. In chapter 4, we recommend public-health-informed work health and safety guidelines be developed for and in consultation with the sex-work industry.

Removing the current licensing system will reduce costs for the industry and government, and give sex-work business operators a more level playing field.

What our recommendation means

There will be no sex-work licensing or certification.

The Prostitution Licensing Authority will be abolished and there will be no sex-work-specific industry regulator.

Health, safety and worker rights

Work laws, health and safety

> '[T]he best method to ensure individuals in the sex-work industry meet their work health and safety standards is to develop guidelines that appropriately include sex workers and sex-work businesses [under] existing workplace laws.'
>
> **—One Woman Project submission**

Decriminalising the sex-work industry and recognising sex work as lawful work will remove barriers and enhance access to entitlements and protections under existing work laws.

Queensland's work health and safety laws aim to ensure the health and safety of workers while at work, and others who may be affected by the work. These laws apply to all workers, including sex workers, and Workplace Health and Safety Queensland (WHSQ) is the regulator responsible for making sure these laws are followed.

To further support improved access to work health and safety protections, we recommend that WHSQ develop work health and safety guidelines for the sex-work industry. The guidelines should be developed in consultation with the sex-work industry, including sex-worker organisations and other relevant people and agencies. Guidelines will help sex-work business operators and sex workers understand their rights and duties under work health and safety laws, and give practical guidance about how to meet them.

In a decriminalised context, sex work is legitimate work, not a crime. In our view, special laws like those in some other jurisdictions are not needed to state that:

- a contract for sex work is not illegal or unenforceable on public policy grounds
- a sex worker may, at any time, refuse to perform sex work
- a contract for sex work does not constitute consent for the purposes of criminal law.

These matters will be recognised and addressed by the application of existing laws to sex work as lawful work, including laws dealing with contracts, work health and safety laws, and sexual consent laws.

What our recommendations mean

Sex work will be recognised as lawful work.

The same general work laws that apply to other workers and businesses apply to the sex-work industry, including work health and safety laws.

Workplace Health and Safety Queensland is the regulator responsible for making sure work health and safety laws are followed.

Guidelines will help the sex-work industry understand and implement their work health and safety rights and duties.

Public health and sex workers

'Sex work could be regulated like other businesses using workplace health and safety frameworks supported by existing public health legislation and infection control guidance without the need for additional regulation…'

—Queensland Health submission

'Existing laws regulating sex work contribute to poor public health outcomes by promoting stigma and discrimination towards sex workers, which in turn can lead to increased rates of HIV and other STIs.'

—Australasian Society for HIV, Viral Hepatitis and Sexual Health Medicine (ASHM) submission

In our view, sections 77A, 89 and 90 of the Prostitution Act, which require the use of prophylactics by all sex workers and their clients and prohibit sex workers at licensed brothels from working with a sexually transmissible infection (STI), are not needed and should be removed. No similar sex-work-specific offences should be enacted.

Sex-work-specific health offences criminalise and stigmatise sex workers and are not consistent with the aims of decriminalisation. They are a barrier to good health outcomes and do not align with evidence-based best practice in public health, which promotes informed and voluntary adoption of safer sex practices for the successful prevention of STIs and blood-borne viruses (BBVs).

Public health laws and sexual health policies create a supportive environment to promote the optimal sexual health of sex workers and clients, while providing the necessary safeguards to protect public health. The Public Health Act supports a best-practice framework to manage 'notifiable conditions', including several STIs of particular significance to public health. As discussed in this chapter, work health and safety in the sex-work industry, including safer sex practices, is addressed by general work health and safety laws and will be the subject of specific guidance in the guidelines we recommend be developed for the sex-work industry.

Health promotion, peer education, and access to health and other support services are important factors in the successful prevention of STIs, and we have made recommendations about this in chapter 7 of our report.

What our recommendation means

Public health laws and policy approaches apply to protect public health and promote the health of all Queenslanders, including sex workers and clients.

Work health and safety laws that apply to everyone at work ensure the work health and safety of sex workers and clients, including by the adoption of safer sex practices.

Sex workers will not be singled out by special criminal laws. Informed and voluntary safer sex practices and sexual health testing will be supported.

Discrimination protections

Sex workers experience significant stigma, discrimination, and barriers to exercising their rights. Decriminalising sex work will remove some of these barriers and is a necessary first step to addressing stigma and discrimination. Protections under the Anti-Discrimination Act need to be strengthened as part of the decriminalisation framework. This is consistent with the aim of reducing stigma and safeguarding sex workers' human rights, including the right to equal and effective protection against discrimination.

In our view, the protected attribute of 'lawful sexual activity' in the Anti-Discrimination Act should be retained and its scope clarified and strengthened. The current definition, which limits the attribute to lawful sex workers, should be removed. Instead, 'lawful sexual activity' should be defined in the Act to include being a sex worker or engaging in sex work. For this purpose, 'sex work' should be defined to mean 'an adult providing consensual sexual services, involving physical contact, to another adult in return for payment or reward'. These definitions make it clear that the protection applies to sex workers and includes engaging in sex work within the meaning of this review. However, the 'lawful sexual activity' attribute is defined inclusively and will not be limited to sex work.

Exemptions in the Anti-Discrimination Act that presently allow discrimination specifically against a person because they are a sex worker are not needed, are inconsistent with decriminalisation, and should be removed. We recommend changes to:

- repeal the 'accommodation exemption' that allows accommodation providers to discriminate against sex workers
- repeal the 'work with children' exemption as it applies to sex workers, which allows employers at jobs that involve the care or instruction of children, like schools or childcare centres, to discriminate against a job applicant because the applicant is also a sex worker.

The legislative changes we recommend in this chapter should be accompanied by adequately resourced education and awareness to help address stigma and discrimination, and to support sex workers to understand and exercise their rights.

In developing our recommendations, we considered the Queensland Human Rights Commission's (QHRC) 2022 review of the Anti-Discrimination Act. Our recommendations are limited to current provisions in the Act that are specifically about sex workers.

What our recommendations mean

A person who is a sex worker or engages in sex work is protected from unlawful discrimination under the Anti-Discrimination Act.

The protection applies to 'lawful sexual activity', including but not limited to sex workers or sex work.

Accommodation providers and employers will not have specific exemptions allowing them to discriminate, in particular circumstances, against people because they are sex workers.

Planning and local laws

'When I'm working from home, I am very discreet and conscious of my surroundings and neighbours. I have set business hours, I ask my clients to park in my driveway in order not to impact others. I don't have a red light on my letter box … I do not have a line-up of clients down the street. An average week I would see 5–7 clients … My neighbour gets more visitors than me. It's stigma and prejudice … that creates issues.'

—Sex worker submission

'[S]ex work businesses should, as far as possible, be regulated the same way as other businesses.'

—Queensland Law Society submission

'Sex-work businesses should not be forced into industrial zones or excluded from other areas [where] similar businesses are able to operate.'

—Sex worker submission

Changes are needed to integrate decriminalised sex work into Queensland's planning framework and make sure local planning instruments and local laws support the intent of decriminalisation.

Currently:

- some types of sex-work businesses, such as erotic massage parlours and sex-work collectives, are illegal and not specifically addressed in the planning framework
- licensed brothels are subject to onerous restrictions and guided towards industrial areas
- a sex worker can conduct a home-based business, but other laws limit them to working alone.

We heard from sex workers, local governments and their representative organisations about challenging issues, including sex worker concerns about privacy and discrimination, and local government concerns about meeting community expectations and undertaking enforcement.

Matters we considered included:

- balancing the privacy needs and discrimination concerns of sex workers against the principles of transparency and community input that are features of Queensland's planning system
- the roles of state and local governments in setting planning requirements for sex-work businesses
- the extent to which sex-work businesses should be able to operate in residential areas
- providing viable avenues for existing sex-work businesses to become compliant with planning laws
- sex worker and local government concerns about compliance and enforcement.

We recommend changes to the Planning Act, Planning Regulation, Prostitution Act, Prostitution Regulation and some other legislation. Our recommendations aim to create a balanced approach to dealing with the issues above by treating sex-work businesses like other businesses, while also providing protections so the benefits of decriminalisation filter down to local government areas.

What our recommendations mean

For workers and businesses:

- Planning frameworks will apply to 'sex work services' not 'brothels', better reflecting the variety of sex-work businesses.
- Sex-work-specific prohibitions will be removed.
- Sex-work businesses are to be treated like other businesses, with similar size and location requirements and no sex-work-specific separation distances.
- Planning rules should allow sex work services to operate in centre (commercial) and mixed-use zones, not just in industrial zones.
- Home-based sex-work businesses are to be treated like any other home-based business.
- Sex-work businesses that apply for development approval within the first 12 months after decriminalisation starts will be protected from having information in their application used as evidence of a development offence.

For the community:

- Sex-work businesses are already operating in Queensland.
- Amenity impacts can be addressed through planning requirements and development conditions in the same way as for other businesses. For sex work services, we recommend requiring that all activities relating to sex work be contained wholly within a building and not be visible from windows, doors or outside the premises.

For local governments:

- Local governments must not use local laws to single out sex-work businesses or re-establish sex-work licensing or offences.
- State planning requirements for sex-work businesses will apply unless or until a local government makes its own requirements consistent with the principles of decriminalisation.

Coercion and the exploitation of children

> ‘No person should be able to force or coerce another person into providing sexual services.’
>
> **—NZPC: Aotearoa New Zealand Sex Workers’ Collective (NZPC) submission**

Queensland’s current prostitution laws do not clearly distinguish between sex work and exploitation. The exploitation offences in sections 229FA and 229L of the Criminal Code, and section 77 of the Prostitution Act, should be repealed. Offences dealing with coercion and the involvement of children in commercial sexual services should be included in a new chapter in part 5 of the Criminal Code.

Decriminalising sex work will help reduce sex workers’ vulnerability to exploitation. But protection is also needed for children and people who do not identify as sex workers. Decriminalising sex work does not require the removal of criminal laws against exploitation.

Criminal laws against coercion and the involvement of children are needed to protect human rights and support Australia in meeting its international human rights obligations. Such laws are justified to set a clear policy position and avoid any gaps in protection.

The criminal justice system should not be the primary focal point for responding to children and vulnerable adults involved in commercial sexual services. Non-legislative measures are needed, including information and education for sex workers and police.

What our recommendations mean

Sex work, which is between consenting adults, is distinguished from sexual exploitation.

Newly defined criminal offences will ensure there are serious penalties for those who coerce individuals or involve children in commercial sexual services.

Implementation

> ‘It will take some time for the industry to transition and adapt.’
>
> **—Sex worker submission**

> ‘In changing [the] laws, there need to be public education campaigns, peer education, and sensitivity training for organisations [who] deal with sex workers. There should also be steps taken to build positive relationship[s] between sex workers, police and other authorities, and continuation of peer support and outreach services by sex-worker organisations.’
>
> **—Member of the public submission**

Timing of commencement

If the Queensland Parliament passes legislation to decriminalise the sex-work industry, a period of time will be needed to transition to the decriminalisation framework before it commences. This will give the sex-work industry and the Queensland Government time to prepare for the new model of regulation. The timing is a matter for the government to consider and we make no recommendation on how long the transition period should be.

The commencement of decriminalisation reforms in Victoria in 2 stages has caused confusion and uncertainty, resulting in lengthy delays to the start of beneficial reforms. A staged approach is not optimal and should not be followed in Queensland. We recommend all legislative reforms should commence simultaneously.

What our recommendation means

All laws needed for decriminalisation will start at the same time to avoid uncertainty.

Transition of licensed brothels

Decriminalising the sex-work industry will have advantages and disadvantages for brothel licensees. We recommend removing the licensing system, which will mean reducing red tape and allowing brothel owners to better compete with other sex-work business owners. It may be difficult for them to move their businesses to commercial or mixed use areas in response to changes to planning requirements.

Consideration should be given to a compensatory mechanism, such as fee relief, during the transition period, to defray some of the costs of moving from the current licensing system to the recommended new framework.

Review of legislative changes

Decriminalising the sex-work industry will be a significant change to the current regulatory approach. In our view, there should be a legislative requirement for the responsible Minister to ensure that the operation of the legislation giving effect to this change is reviewed by a committee no sooner than 4 years and no later than 5 years after decriminalisation is implemented. The review should focus on the effectiveness of the new regulatory framework. The review 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.

What our recommendations mean

The decriminalisation laws should be reviewed and evaluated after 4–5 years.

Representatives of relevant non-government agencies, including sex-worker organisations, should be involved in the review process.

Education and other measures

Decriminalisation of the sex-work industry will be a significant change to how the industry is regulated in Queensland. Changes to the law will need to be accompanied by broader measures to support transition to, and implementation of, the decriminalised framework, and to help achieve the aims of decriminalisation. The Queensland Government should take the lead role in coordinating, and ensuring adequate funding, for a range of measures we recommend.

Information, awareness programs, education and training will be needed to promote health and safety in the industry, address stigma, and change attitudes to sex work and sex workers. Policies and practices will need to be developed to support the recognition of sex work as work, rather than as a crime.

Sex-worker organisations have lived experience and knowledge of sex work and should be involved in shaping and, in some cases, delivering the measures we recommend. Adequately funded health, safety, and other peer-support and outreach services should be provided for sex workers.

Improved relationships between the sex-work industry and police are vital to the success of decriminalisation. Steps should be taken to build positive relationships between sex workers, police and other law enforcement authorities.

A temporary working group should be established to help implement the decriminalisation reforms. It should consist of regulators and other relevant government agencies, sex-worker organisations and other non-government organisations with industry knowledge.

The measures we recommend are likely to be particularly important in the first few years after the sex-work industry is decriminalised, as sex workers, the sex-work industry, police, government agencies, non-government organisations and the community adjust to the new regulatory model. The need for tailored information about general laws and regulations may diminish over time as the sex-work industry is integrated into mainstream regulatory frameworks.

As well as our recommendations in this chapter, we note or recommend some related matters in other chapters of our report (see chapters 4, 5, 6 and 8).

What our recommendations mean

The Queensland Government should ensure the industry, the community, and government agencies are informed about the changes to the law and aims of decriminalisation.

The Queensland Government should ensure sex workers continue to have access to peer-support services.

A temporary working group will help implement the decriminalisation reforms.

Other matters

We were asked to consider if the criminal law should be changed to address concerns about fraudulent promises to pay sex workers for agreed sexual services. Submissions to our review also raised issues about stealthing, supply of alcohol by sex-work businesses, sex work performed by strippers, and expunging sex-work charges and convictions from criminal records.

These are significant and complex issues that highlight important concerns about access to justice and safety for sex workers and others. However, most of these issues are secondary to the decriminalisation of sex work and we do not make recommendations about them for specific changes to the law.

Fraudulent promises to pay a sex worker for agreed sexual services are adequately covered by the current criminal law and our recommended framework for a decriminalised sex-work industry, including the coercion offence recommended in chapter 6. We recommend that guidance be given to police and prosecutors to help them respond to sex-worker complainants, and that community legal services support sex workers to access their legal rights.

Stealthing, which involves the non-consensual removal of or failure to use a condom, is addressed by a Women's Safety and Justice Taskforce recommendation that the Queensland Government has committed to implementing.

The supply of alcohol by sex-work businesses should be regulated by standard liquor licensing laws, with policy developed by the Office of Liquor and Gaming Regulation (OLGR).

Strippers who perform sex work will benefit from decriminalisation, along with other sex workers. The regulation of adult entertainment under the Liquor Act is separate to the regulation of sex work and is not a focus of our review. Workplace exploitation at licensed adult entertainment premises is a matter for regulators under general laws, including for police in cases of serious violence. It is a policy matter for the Queensland Government to consider if changes to the regulation of adult entertainment should be made.

Expungement of sex-work convictions raises considerations outside the scope of our review. Some concerns raised in submissions about disclosure of criminal records for sex-work offences might be addressed by other laws. We note that the Queensland Human Rights Commission (QHRC) recommends that 'irrelevant criminal record' be made a protected attribute in the Anti-Discrimination Act.

In considering these and other issues, we identify consequential amendments to other legislation to reflect our recommendations about changes to the Prostitution Act and chapter 22A of the Criminal Code to decriminalise sex work and remove the brothel licensing system. The details of these amendments are set out in the table of drafting instructions in volume 2 of our report.

What lies ahead

We delivered our report and recommendations to the Attorney-General on 31 March 2023. It is up to the Queensland Government to consider our recommendations, do its own consultation and decide its response.

It is also a matter for the government to consider if any changes should be made to other areas of regulation – which were not the focus of our review – as a result of decriminalising sex work. This includes any changes to the regulation of adult entertainment in the liquor industry.

We recommend that the decriminalisation laws, if enacted, should be reviewed between 4 and 5 years – no earlier and no later – after they take effect.

More information

- For more information about our review, see the following:
- our report
- our report overview
- our consultation paper
- our terms of reference.

Legal framework for a decriminalised sex-work industry based on safety, health and fairness