

A framework for a decriminalised sex work industry in Queensland

Consultation Paper WP 80

April 2022

Appendix A & B

Published by:
Queensland Law Reform Commission

Postal address:
PO Box 13312
George Street Post Shop
Brisbane QLD 4003

Telephone: (07) 3564 7777
Facsimile: (07) 3564 7794
Email: lawreform.commission@justice.qld.gov.au
Website: [www.qlrc.qld.gov.au](http://www qlrc.qld.gov.au)

© State of Queensland
(Queensland Law Reform Commission) 2022

ISBN: 978-0-6451809-2-3

COMMISSION MEMBERS

Chairperson:
The Hon Justice Peter Applegarth AM

Part-time members:
Ms Penelope White
His Hon Judge Anthony Rafter SC
Mr Mark Hinson QC
Ms Clare Endicott
President Fleur Kingham
Dr Alice Taylor

SECRETARIAT

Director:
Mr David Groth

Assistant Director:
Mrs Cathy Green

Secretary:
Mrs Jenny Manthey

Principal Legal Officer:
Ms Paula Rogers

Senior Legal Officers:
Ms Anita Galeazzi
Mrs Elise Ho (to 3 January 2022)

Administrative Officer:
Ms Kahren Giles

REFERENCE CONSULTANTS

Senior Legal Officers:
Mr Bob Wallace
Ms Rachel Gallagher

Administrative Officer:
Mrs Brie Henri

A framework for a decriminalised sex work industry in Queensland

Consultation Paper WP 80

April 2022

Appendix A & B

APPENDIX

A

Prostitution-related offences in Queensland

Appendix A: Prostitution-related offences in Queensland

- A.1 The tables on the following pages describe the offences in the Prostitution Act and the Prostitution Regulation, and relevant offences in the Criminal Code (Qld). The offences are listed by section number and described by the wording of the section or by subject matter.
- A.2 To see the provisions set out in full, see the legislation available at: Queensland Parliamentary Counsel, 'In force legislation' <<https://www.legislation.qld.gov.au/browse/inforce>>. ⁷⁷¹

771

See *Prostitution Act 1999* (Qld); *Prostitution Regulation 2014* (Qld); Criminal Code (Qld) ch 22A.

Prostitution Act		
Section	Offence	Maximum penalty
Part 3 Licensing system, Division 1 Brothel licences		
s 11	Requirement for applicant to update licence application— If, before a licence application is decided, an applicant becomes aware of a change in the information given to the PLA, they must, within 10 days of becoming aware, give particulars of the change to the PLA by signed notice	60 penalty units (\$8271)
s 20	Requirement for licensee to notify changes in information given for the licence application— If a licensee becomes aware of a change in the information given at any time to the PLA by the licensee for the application for the licence, they must, within 10 days of becoming aware, give particulars of the change to the PLA by signed notice	60 penalty units (\$8271)
s 22	Endorsement of licence— Licensee must comply with any requirement to produce the licence to endorse a variation, revocation or addition to a condition or restriction of the licence	10 penalty units (\$137 850)
s 28C	Failure by licensee to take oath or answer question— Licensee must not fail to take an oath or answer a question (without reasonable excuse) at a hearing of a licensee disciplinary inquiry	60 penalty units (\$8271)
s 28D(3)	PLA may require information relevant to licensee disciplinary inquiry— Licensee or another person must not fail to give PLA (without reasonable excuse) required information relevant to a disciplinary inquiry	60 penalty units (\$8271)
s 28E(4)	Attendance notice for hearing of a licensee disciplinary inquiry— A person given a notice to attend a hearing or to give evidence or to produce stated documents or other things at a hearing must not fail, without reasonable excuse, to attend as required by the notice or to continue to attend as required by the PLA	60 penalty units (\$8271)
s 28E(5)	Requirements for a witness at a hearing of a licensee disciplinary inquiry—	60 penalty units (\$8271)

Prostitution Act		
Section	Offence	Maximum penalty
	A witness at a hearing must not (without reasonable excuse) fail to take an oath or affirmation, answer a question, or produce a document or other thing, as required	
s 32	Surrendered, suspended or cancelled licence must be returned— Licensee must return the licence to the PLA within 7 days after licence is surrendered, suspended or cancelled	10 penalty units (\$137 850)
Part 3 Licensing system, Division 2 Approved managers		
s 36	Requirement to update application for an approved manager's certificate— If, before a certificate application is decided, an applicant becomes aware of a change in the information given to the PLA, they must, within 10 days of becoming aware, give particulars of the change to the PLA by signed notice	60 penalty units (\$8271)
s 45	Requirement for approved manager to notify changes in information given— Approved manager or licensee must notify PLA of any changes in information given, at any time, for the application for an approved manager's certificate	60 penalty units (\$8271)
s 48	Endorsement of certificate— Approved manager must comply with any requirement to produce the certificate to endorse a variation, revocation or addition to a condition or restriction of the approved manager's certificate	10 penalty units (\$137 850)
s 54C	Failure by approved manager to take oath or answer question— Approved manager must not fail to take an oath or answer a question (without reasonable excuse) at a hearing of an approved manager disciplinary inquiry	60 penalty units (\$8271)
s 54D(3)	PLA may require information relevant to approved manager disciplinary inquiry— Approved manager or another person must not fail to give PLA (without reasonable excuse) required information relevant to a disciplinary inquiry	60 penalty units (\$8271)
s 54E(4)	Attendance notice for hearing of an approved manager disciplinary inquiry—	60 penalty units (\$8271)

Prostitution Act		
Section	Offence	Maximum penalty
	A person given a notice to attend a hearing or to give evidence or to produce stated documents or other things at a hearing must not fail, without reasonable excuse, to attend as required by the notice or to continue to attend as required by the PLA	
s 54E(5)	Requirements for a witness at a hearing of an approved manager disciplinary inquiry— A witness at a hearing must not (without reasonable excuse) fail to take an oath or affirmation, answer a question, or produce a document or other thing, as required	60 penalty units (\$8271)
s 58	Surrendered, suspended or cancelled certificate must be returned— Approved manager must return the certificate to the PLA within 7 days after the certificate is surrendered, suspended or cancelled	10 penalty units (\$137 850)
Part 5 Prohibited brothels		
s 68	Offence in relation to posted up declaration— A person must not interfere with (that is, cover, remove, deface or destroy) a copy of a declaration posted up on a prohibited brothel	60 penalty units (\$8271) or 6 months imprisonment
s 69	Offence of being in or entering or leaving prohibited brothel— A person must not be found in or entering or leaving a prohibited brothel However, a person other than the owner or occupier may enter or leave the premises for a lawful purpose, and the owner or occupier may enter the premises under a court order	60 penalty units (\$8271) or 1 years' imprisonment
s 70	Offence if prohibited brothel used as brothel after declaration given— The occupier and owner of the premises each commit an offence if a prohibited brothel is used as a brothel after notice has been given	200 penalty units (\$27 570) or 3 years imprisonment
Part 6 Offences, Division 1 General offences relating to prostitution		
s 73	Public soliciting for purposes of prostitution— A person must not publicly solicit for prostitution	First offence: 15 penalty units (\$206 775)

Prostitution Act		
Section	Offence	Maximum penalty
	<p>A person publicly solicits for prostitution if, for that purpose, the person solicits a person who is in a public place or at a place within the view or hearing of a person who is in a public place, or loiters in or near a public place or in a place that can be viewed from a public place</p> <p>'Solicit' includes offering to provide prostitution and accepting an offer to provide prostitution</p> <p>This applies to both prostitutes and their clients, and those acting on their behalf</p>	<p>Second offence: 25 penalty units (\$344 625)</p> <p>Third or subsequent offence: 30 penalty units (\$413 550) or 6 months imprisonment</p>
s 76	<p>Nuisances connected with prostitution—</p> <p>A person must not cause unreasonable annoyance to, or unreasonable disruption to the privacy of, another person</p> <p>This applies to conduct that:</p> <p>(a) happens in the vicinity of a place that is reasonably suspected of being used for prostitution; and</p> <p>(b) to a significant extent, is caused by the presence, or suspected presence, of prostitution at the place</p>	<p>First or second offence: 15 penalty units (\$206 775)</p> <p>Third or subsequent offence: 25 penalty units (\$344 625)</p>
s 77	<p>Duress—</p> <p>A person must not do any of the following acts, either directly or indirectly, to make another person continue to provide prostitution:</p> <p>(a) cause or threaten wilful injury to the person or anyone else;</p> <p>(b) cause or threaten wilful damage to property of the person or anyone else;</p> <p>(c) intimidate or harass the person or anyone else;</p> <p>(d) make a false representation or use any false pretence or other fraudulent means</p>	<p>200 penalty units (\$27 570) or 7 years imprisonment</p>
s 77A(1)–(2)	<p>Use of prophylactics by prostitute—</p> <p>A prostitute must not provide, or offer to provide, prostitution involving sexual intercourse or oral sex unless a prophylactic is used</p>	<p>100 penalty units (\$13 785)</p>
s 77A(3)	<p>Use of prophylactics by client—</p>	<p>100 penalty units (\$13 785)</p>

Prostitution Act		
Section	Offence	Maximum penalty
	A client must not ask for, accept an offer of, or obtain prostitution involving sexual intercourse or oral sex without a prophylactic being used	
s 77A(4)	<p>Client not to interfere with prophylactics—</p> <p>A person obtaining prostitution involving sexual intercourse or oral sex must not:</p> <p>(a) interfere with the efficacy of a prophylactic used by the person; or</p> <p>(b) use, or continue to use, a prophylactic that the person knows, or could reasonably be expected to know, is damaged</p>	100 penalty units (\$13 785)
s 77A(5)	<p>Ensuring safe sex at brothels—</p> <p>A person who is a licensee or an approved manager of a licensed brothel must, for any period the licensed brothel is being used to provide prostitution, take reasonable steps to ensure that:</p> <p>(a) a person does not provide or obtain prostitution involving sexual intercourse or oral sex at the licensed brothel unless a prophylactic is used; or</p> <p>(b) a person does not offer to provide, or ask a prostitute to provide, prostitution involving sexual intercourse or oral sex at the licensed brothel without a prophylactic being used</p>	120 penalty units (\$16 542)
s 77A(6)	<p>Not discourage the use of prophylactics—</p> <p>A person who is a licensee or an approved manager of a licensed brothel must not discourage the use of prophylactics at the brothel</p>	120 penalty units (\$16 542)
Part 6 Offences, Division 2 Offences relating to the operation of a licensed brothel		
s 78(1)	<p>Brothel offences—</p> <p>A person who is a licensee or an approved manager of a licensed brothel must not:</p> <p>(a) provide prostitution under the licence at a place other than the brothel; or</p> <p>(b) have more than 13 staff at the brothel at any 1 time; or</p> <p>(c) provide prostitution at the brothel in contravention of any condition or restriction of a licence or a certificate; or</p>	200 penalty units (\$27 570) or 5 years imprisonment

Prostitution Act		
Section	Offence	Maximum penalty
	(d) provide prostitution at the brothel while the licensee's licence is suspended	
s 78(2)	Exceeding the permissible number of prostitutes at a brothel— A person who is a licensee or an approved manager of a licensed brothel that is, under the development permit for the licensed brothel, permitted to have a total number of rooms stated in schedule 3, column 1, used for providing prostitution must not, at any 1 time, have at the licensed brothel more than the number of prostitutes set out opposite in schedule 3, column 2	200 penalty units (\$27 570) or 5 years imprisonment
s 79	Operating licensed brothel other than in a building— A licensee must not operate a licensed brothel other than in a building	200 penalty units (\$27 570) or 5 years imprisonment
s 80	Personal supervision of brothel— A licensed brothel must at all times when open for business be personally supervised by the licensee or an approved manager	60 penalty units (\$8271) or 6 months imprisonment
s 81	Licensee not to operate brothel in partnership or in association with unlicensed person— A licensee must not operate a brothel in partnership with, or otherwise in association with, a person who is not also licensed to operate the brothel	200 penalty units (\$27 570) or 5 years imprisonment
s 82	Having an interest in more than 1 licensed brothel— A person must not have, at any 1 time, an interest in more than 1 licensed brothel	200 penalty units (\$27 570) or 5 years imprisonment
s 83	Possessing liquor in brothel— A person must not possess liquor at a licensed brothel If liquor is found, the licensee and any approved manager whose duty it was to personally supervise the brothel at the relevant time each commit an offence	40 penalty units (\$5514)
s 84	Complying with police requirement— If a police officer enters a licensed brothel under s 59, a person must comply with a requirement made under s 60(1)(c) or (d) unless the person has a reasonable excuse	20 penalty units (\$2757)

Prostitution Act		
Section	Offence	Maximum penalty
s 85	<p>Person to state age—</p> <p>If police officer reasonably believes a person in a licensed brothel may be a minor, the police officer may require the person to give particulars of their age, and in some cases, give evidence to verify the particulars</p> <p>The person must not fail to comply and must not give false particulars or evidence about the person's age</p>	20 penalty units (\$2757)
s 86	<p>Giving name and address—</p> <p>Licensee and approved manager must not (without reasonable excuse) fail to state their name or address if a police officer or the PLA requires it, and must not give false particulars of their name or address</p>	20 penalty units (\$2757)
s 87	<p>Display of licence—</p> <p>Licensee must clearly display either their licence for the brothel or a notice stating the licence number, address of the brothel and date on which the licence expires, and must not display a document falsely purporting to be a licence</p>	100 penalty units (\$13 785)
s 88	<p>Production of licence or certificate—</p> <p>A licensee or approved manager must not, without reasonable excuse, fail to produce his or her licence or certificate to a police officer or the PLA if the police officer or PLA asks the licensee or approved manager to do so</p>	10 penalty units (\$137 850)
Part 6 Offences, Division 3 Offences relating to prostitutes working in licensed brothels		
s 89(1)	<p>Permitting prostitute to work while infective with a sexually transmissible disease—</p> <p>A person who is a licensee or an approved manager of a licensed brothel must not permit a person to work as a prostitute at the brothel during any period in which the person knows the prostitute is infective with a sexually transmissible disease</p>	120 penalty units (\$16 542)
s 89(4)	<p>Use of medical examination by licensee or approved manager—</p> <p>A person who is a licensee or an approved manager of a licensed brothel must take reasonable steps to prevent the fact that a prostitute has been medically examined or tested, or the results of the examination or</p>	40 penalty units (\$5514)

Prostitution Act		
Section	Offence	Maximum penalty
	test, from being used to induce a client of the prostitute to believe that the prostitute is not infective with a sexually transmissible disease	
s 90(1)	Working while infective with a sexually transmissible disease— A person must not work as a prostitute at a licensed brothel during any period in which the person knows he or she is infective with a sexually transmissible disease	100 penalty units (\$13 785)
s 90(4)	Use of medical examination by prostitute— A prostitute must not, for the purpose of prostitution, use the fact that the prostitute has been medically examined or tested, or the results of the examination or test, to induce a client of the prostitute to believe that the prostitute is not infective with a sexually transmissible disease	40 penalty units (\$5514)
Part 6 Offences, Division 4 Advertising offences		
s 93	Advertising prostitution— A person must not publish an advertisement for prostitution that describes the services offered, that is not in the approved form, or through radio or television or by film or video recording	<p>If a website has been established for the advertisement:</p> <ul style="list-style-type: none"> if the cost of establishing the website is \$1000 or less—70 penalty units (\$964 950) if the cost of establishing the website is more than \$1000—an amount that is 10 times the commercial cost of establishing the website <p>Otherwise:</p> <ul style="list-style-type: none"> if the cost of publishing the advertisement is \$1000 or less—70 penalty units (\$964 950) if the cost of publishing the advertisement is more than \$1000—an amount that is 10

Prostitution Act		
Section	Offence	Maximum penalty
		times the cost of publishing the advertisement
s 94	Statements inducing persons to become prostitutes— A person must not publish a statement intended or likely to induce a person to seek employment as a prostitute	100 penalty units (\$13 785)
s 95	Advertising prostitution as massage services— A person providing prostitution must not hold out or publish advertisements that the business supplying the service provides or is connected with massage services	40 penalty units (\$5514)
s 96A	Advertising social escort services— A person must not publish an advertisement for social escort services that does not, by the use of the words 'non-sexual' or 'sexual services are not provided', unequivocally state that the services are not sexual or that sexual services are not provided A person must not publish an advertisement for social escort services that is not in the approved form	If the cost of establishing the website (for an ad on an internet website) or the cost of publishing the ad is: <ul style="list-style-type: none"> • \$1000 or less—70 penalty units (\$964 950); or • more than \$1000—an amount that is 10 times the commercial cost of establishing the website or of publishing the ad
s 96B	Clients of social escort services to be informed that prostitution is not provided— An employee of a social escort provider and a social escort must not arrange for the provision of a social escort service, or begin a social escort service, to a person, unless they have clearly informed the person that prostitution is not provided	70 penalty units (\$964 950)
Part 6 Offences, Division 5 Other offences		
s 97	False or misleading statements— A person must not, in connection with this Act, state anything to the PLA that the person knows is false or misleading in a material particular	100 penalty units (\$13 785)

Prostitution Act		
Section	Offence	Maximum penalty
s 98	<p>False or misleading documents—</p> <p>A person must not, in connection with this Act, give to the PLA a document containing information the person knows is false or misleading in a material particular</p> <p>This does not apply if the person tells the PLA, to the best of their ability, how the document is false or misleading, and gives the correct information (if the person has, or can reasonably, obtain it)</p>	100 penalty units (\$13 785)
Part 7 Prostitution Licensing Authority		
s 108(2)	<p>Member of PLA disclosing an interest—</p> <p>If a member of the PLA has a direct or indirect interest in a matter being considered, or about to be considered, by the PLA, the member must disclose the nature of the interest to a meeting of the PLA as soon as practicable after the relevant facts come to the member's knowledge</p>	100 penalty units (\$13 785)
s 108(4)	<p>Member of the PLA voting on a matter they have an interest in—</p> <p>If the interest is a material personal interest, the member must not vote on the matter, vote on a proposed resolution about the matter, be present while the matter, or a related matter, is being considered by the PLA, or otherwise take part in any decision in relation to the matter or a related resolution</p>	100 penalty units (\$13 785)
s 108C(1)	<p>Disclosure of a change in criminal history by PLA member—</p> <p>If there is a change in the extended criminal history of a member of the PLA, the member must, unless the member has a reasonable excuse, immediately disclose the change to the Minister</p>	100 penalty units (\$13 785) or 2 years imprisonment
s 108D	<p>Disclosure about change in criminal history by PLA member must not be false, misleading or incomplete—</p> <p>A member of the PLA must not give the Minister an approved form under s 108C(1) that is false, misleading or incomplete in a material particular</p>	100 penalty units (\$13 785) or 2 years imprisonment
s 110KB	<p>Executive Director must disclose change in criminal history—</p> <p>If there is a change in the extended criminal history of the executive director, the executive director must, unless the executive director has a reasonable excuse, immediately disclose the change to the Minister</p>	100 penalty units (\$13 785) or 2 years imprisonment

Prostitution Act		
Section	Offence	Maximum penalty
s 110KC	Disclosure about change in criminal history by Executive Director must not be false, misleading or incomplete— The executive director must not give the Minister an approved form under s 110KC(1) that is false, misleading or incomplete in a material particular	100 penalty units (\$13 785) or 2 years imprisonment
s 110S	PLA staff member to disclose change in criminal history— A staff member must not fail to give the executive director a disclosure required under s 110R or make a false, misleading or incomplete disclosure	100 penalty units (\$13 785) or 2 years imprisonment
Part 8 General		
s 133	Disclosure of information— An official must not disclose information obtained by the official in the administration of this Act	100 penalty units (\$13 785)
s 133A	Confidentiality— A relevant person who acquired information or gained access to a document about someone's criminal history for assessing the person's suitability for appointment as a member of the PLA, appointment as the executive director, or engagement as a staff member under this Act, must not disclose it to anyone else	100 penalty units (\$13 785)

Prostitution Regulation		
Section	Offence	Maximum penalty
s 21	Record keeping at brothels— Brothel licensees must keep certain records of business	40 penalty units (\$5514)
s 22	Documents to be given to PLA—	40 penalty units (\$5514)

Prostitution Regulation		
Section	Offence	Maximum penalty
	Brothel licensee or approved manager must comply with notice to give the PLA a stated document within a stated time (unless have reasonable excuse)	
s 23	<p>Licensee's duty about alarm, lighting and sign—</p> <p>Licensee must ensure there is an alarm button in each room, that there is enough lighting to check for visible signs of sexually transmissible disease, and that there is a sign stating 'only safe sexual activities are practised on these premises' in the reception area</p>	40 penalty units (\$5514)

Criminal Code		
Section	Offence	Maximum penalty
Chapter 22A Prostitution		
s 229FA	<p>Obtaining prostitution from person who is not an adult—</p> <p>A person (a client) who obtains prostitution from a person who is not an adult and who the client knows, or ought reasonably to know, is not an adult, commits a crime</p>	7 years imprisonment or 14 years imprisonment, if the person who provides prostitution is under 16 years of age
s 229G	<p>Procuring engagement in prostitution—</p> <p>A person who:</p> <p>(a) procures another person to engage in prostitution, either in Queensland or elsewhere; or</p> <p>(b) procures another person:</p> <p>(i) to leave Queensland for the purpose of engaging in prostitution elsewhere; or</p> <p>(ii) to come to Queensland for the purpose of engaging in prostitution; or</p> <p>(iii) to leave the other person's usual place of residence in Queensland for the purpose of engaging in prostitution, either in Queensland or elsewhere;</p>	7 years imprisonment or 20 years imprisonment if the procured person is not an adult or is a person with an impairment of the mind

Criminal Code		
Section	Offence	Maximum penalty
	commits a crime	
s 229H	<p>Knowingly participating in provision of prostitution—</p> <p>A person who knowingly participates, directly or indirectly, in the provision of prostitution by another person commits a crime</p> <p>See s 229HA below for exceptions</p>	<p>First offence: imprisonment for 3 years</p> <p>Second offence: imprisonment for 5 years</p> <p>Third or subsequent offence: imprisonment for 7 years</p> <p>However, if a person who is not an adult or is a person with an impairment of the mind is, to the offender's knowledge, engaged in the provision of the prostitution, the offender is liable to a maximum penalty of 14 years imprisonment</p>
s 229HA	<p>When s 229H does not apply</p> <p>Sets out exceptions where section 229H does not apply, eg, the provision of prostitution in licensed brothel or where participant is the holder of a licence under <i>Security Providers Act 1993</i> and is performing the functions of a bodyguard or functions of a driver</p>	
s 229HB	<p>Carrying on business of providing unlawful prostitution—</p> <p>A person who knowingly carries on the business of providing unlawful prostitution commits a crime</p>	<p>7 years imprisonment</p> <p>However, if a person who is not an adult or is a person with an impairment of the mind is, to the offender's knowledge, engaged in the provision of the prostitution, the offender is liable to a maximum penalty of 14 years imprisonment</p>

Criminal Code		
Section	Offence	Maximum penalty
s 229HC	<p>Persons engaging in or obtaining prostitution through unlawful prostitution business—</p> <p>A person who engages in, or who obtains (without reasonable excuse), prostitution through a business suspected on reasonable grounds of providing unlawful prostitution commits a crime</p>	<p>First offence: 3 years imprisonment</p> <p>Second offence: 5 years imprisonment</p> <p>Third or subsequent offence: 7 years imprisonment</p>
s 229I	<p>Persons found in places reasonably suspected of being used for prostitution—</p> <p>A person who, without reasonable excuse, is found in, or leaving after having been in, a place suspected on reasonable grounds of being used for the purposes of prostitution by 2 or more prostitutes commits a crime</p> <p>Exception for licensed brothels</p>	<p>First offence: 3 years imprisonment</p> <p>Second offence: 5 years imprisonment</p> <p>Third or subsequent offence: 7 years imprisonment</p> <p>However, if a person who is not an adult or is a person with an impairment of the mind is, to the offender's knowledge, in the place at the time of the offence, the offender is liable to a maximum penalty of 14 years imprisonment</p>
s 229J	<p>Certificate of discharge for particular offences—</p> <p>If a person has been charged with an unlawful prostitution offence or an unlawful presence offence, and they have been granted a certificate of discharge, the court may make an order prohibiting the identification of that person</p> <p>It is an offence to contravene this order</p>	<p>2000 penalty units (\$275 700), 5 years imprisonment or both</p>

Criminal Code		
Section	Offence	Maximum penalty
s 229K(2), (3), (3A), (3B)	<p>Having an interest in premises used for prostitution—</p> <p>(2) A person who:</p> <p>(a) is an interested person in relation to premises; and</p> <p>(b) knowingly allows the premises to be used for the purposes of prostitution by 2 or more prostitutes</p> <p>commits a crime</p> <p>(3A) Offence does not apply to an interested person in relation to a licensed brothel</p> <p>(3B) However, exception for licensed brothel does not apply if, to the interested person's knowledge, a person who was not an adult or who was a person with an impairment of the mind was in the premises when the interested person was allowing the person to be using the premises for prostitution</p>	<p>First offence: 3 years imprisonment</p> <p>Second offence: 5 years imprisonment</p> <p>Third or subsequent offence: 7 years imprisonment</p> <p>However, if a person who is not an adult or is a person with an impairment of the mind is, to the offender's knowledge, in the premises at a time of the offence, the offender is liable to a maximum penalty of 14 years imprisonment</p>
s 229K(7), (8)	<p>Having an interest in premises used for prostitution—</p> <p>If a person who is an interested person in relation to premises is served with a warning by a police officer that premises are being used for the purposes of prostitution by 2 or more prostitutes, or if the person has reasonable grounds to suspect it is being used for the purposes of prostitution by 2 or more prostitutes, the person may serve an occupier or user of the premises with written notice to leave the premises (not later than 7 days after the service of the notice) and not return</p> <p>A person who contravenes that notice without reasonable excuse commits a crime</p>	7 years imprisonment
s 229L	<p>Permitting young person etc to be at place used for prostitution—</p> <p>A person who knowingly causes or permits a person who is not an adult or is a person with an impairment of the mind to be at a place used for the purposes of prostitution by 2 or more prostitutes commits a crime</p>	14 years imprisonment

B

Comparative table: Regulation of sex work in Australia and New Zealand

Appendix B: Comparative table: Regulation of sex work in Australia and New Zealand

- B.1 The table on the following pages gives a brief overview of the regulation of sex work in Australia and New Zealand.
- B.2 The table refers to laws that are about sex work. It does not typically refer to general laws that apply to everyone, including sex workers and sex work businesses.
- B.3 The information in this table should be read together with the discussion in the body of the consultation paper.

	Qld	ACT	NSW	NT	SA	Tas	Vic ⁷⁷²	WA	NZ
Legislation	<i>Prostitution Act 1999</i> Criminal Code	<i>Sex Work Act 1992</i>	<i>Summary Offences Act 1988</i> <i>Restricted Premises Act 1943</i>	<i>Sex Industry Act 2019</i>	<i>Summary Offences Act 1953</i> <i>Criminal Law Consolidation Act 1935</i>	<i>Sex Industry Offences Act 2005</i>	<i>Sex Work Decriminalisation Act 2022</i>	<i>Prostitution Act 2000</i> Criminal Code	<i>Prostitution Reform Act 2003</i>
Private sex work	Permitted Must work alone	Permitted	Permitted	Permitted Up to two sex workers may work from their residence	Permitted	Permitted Must be self-employed. Can operate with one other sex worker, but neither can employ or manage the other	Permitted	Permitted	Permitted
Sex work businesses (eg, brothels, escort agencies, massage parlours)	Permitted (brothels)	Permitted (brothels and escort agencies)	Permitted (sex services premises)	Permitted (sex services businesses)	Not permitted	Not permitted	Permitted	Permitted (escort agencies)	Permitted (business of prostitution)
Licensing, registration and suitability requirements	Person must be licensed to operate a brothel Person must have an approved manager's certificate to manage a licensed brothel	Operators of commercial brothels and escort agencies must register Sole operators of brothels and escort agencies are exempt		Each operator of a business engaging three or more sex workers must hold a suitability certificate			Stage 1: Licensing will continue to be required, but not registration of small owner-operated businesses Stage 2: Licensing no longer required		Business operators must each hold an operator certificate Sex workers who are working in a small owner-operated brothel are exempt

⁷⁷² The *Sex Work Decriminalisation Act 2022 (Vic)* was given Royal Assent on 1 March 2022. It will commence in two stages. The first stage commences on 10 May 2022. It will: remove offences and criminal penalties for adults participating in the act of consensual sex work in most circumstances; review and amend advertising controls; repeal the exempt small owner-operator register; and introduce anti-discrimination protections for sex workers. The second stage commences on 1 December 2023 (unless proclaimed earlier). It will include the remainder of the reforms and repeal the licensing system.

	Qld	ACT	NSW	NT	SA	Tas	Vic ⁷⁷²	WA	NZ	
Planning	Limits on the size and location of brothels	Brothels may only operate in prescribed locations (unless used by a single sex worker)	Local councils make planning decisions about brothels. There are varying limits on their location. Planning laws sometimes apply to a home-based business	'Home based' sex services: must operate from residence; limits on number of employees and location 'Commercial premises' sex services: limits on the location of services					Planning requirements are to be developed	Territorial authorities may make by-laws regulating location of brothels
Public solicitation	Not permitted	Not permitted	Permitted, except near or in view of a dwelling, school, church or hospital, or in a school, church or hospital	Permitted	Not permitted	Not permitted	Permitted, except during specific times at or near a school, education and care service, children's service or place of worship	Not permitted	Permitted (but some territorial authorities have made by-laws limiting solicitation)	
Advertising	Restricted	No specific restrictions (but regulations can be made)	Restricted	Restricted	No specific restrictions	No specific restrictions	Restricted	No specific restrictions	Restricted	

	Qld	ACT	NSW	NT	SA	Tas	Vic	WA	NZ
Health	Requirements about STIs, prophylactics, sexual health testing and use of test results	Requirements about prophylactics and use of sexual health testing results	Public health offences about transmission of some STIs and use of premises for sex work	Sex work is a public health risk activity; safe sex practices required	No specific requirements	Requirements about STIs and prophylactics	A new public health and infection control framework for the sex work industry will be developed	Requirement to use prophylactics	Requirements about STIs, prophylactics, adoption of safer sex procedures and use of sexual health testing results
WHS codes of practices or guidelines etc for sex work	PLA: Brothel licence conditions PLA: Operational Standards Manual for licensed brothels	Work Health and Safety (Sexual Services Industry) Code of Practice 2011	Health and safety guidelines for sex services premises	Under development			Proposed		Guide to Occupational Health and Safety in the New Zealand Sex Industry
Sex work industry regulator	Specific regulator administers brothel licensing scheme: Prostitution Licensing Authority (PLA)	General regulator registers brothel and escort agencies: Commissioner for Fair Trading		General regulator issues suitability certificates: Commissioner of Consumer Affairs					

