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**CONSULTATION QUESTIONS**

This is a list of consultation questions from our Consultation Paper, *A framework for regulating the sex work industry in Queensland* (WP 80). The Consultation Paper can be accessed on our [website](https://www.qlrc.qld.gov.au/current-reviews).

Information about making a submission and privacy is included in our Consultation Paper and on page 7 of this document.

**CHAPTER 7: WHAT MIGHT A DECRIMINALISED SEX WORK INDUSTRY  
LOOK LIKE?**

1. What should be the main purposes of the recommended framework for a decriminalised sex work industry in Queensland, and why?
2. Overall, what might the new framework look like?
3. What changes would need to be made to the current framework, and why?
4. Who should the new framework apply to, and why?

**CHAPTER 8: OFFENCES TO PROTECT AGAINST COMMERCIAL SEXUAL EXPLOITATION**

1. What offences or other provisions should be included to protect people from being exploited in commercial sexual activity? For example:
   1. Should the offences in section 77 of the Prostitution Act and sections 229G, 229FA and 229L of the Criminal Code be reformulated in another part of the Criminal Code or in another law?
   2. Should any other offences be included in the Criminal Code or another law (like the exploitation offences in other decriminalised places)?
   3. Should the *Child Employment Act 2006* be amended to prohibit a person from requiring or allowing a child to work as a sex worker or in a sex work business?

**CHAPTER 9: LICENSING OF SEX WORK BUSINESS OPERATORS**

**Whether a licensing system is needed**

1. Should sex work business operators be required to have some form of licence to operate a sex work business in Queensland? Why or why not?

**Features of a licensing system**

1. If a licence were to be required what should the system look like?
2. Should the requirement to hold a licence apply to:
   1. all sex work businesses; or
   2. only those who employ a certain number of sex workers?
3. What should a suitability check involve? For example, should it:
   1. be limited to checking whether the person has convictions for serious disqualifying offences (like New Zealand)?
   2. include checking whether the person has been bankrupt, had another licence for operating a sex work business revoked, or been an executive officer of a body corporate that was found guilty of a serious offence against workplace laws (like the Northern Territory)?
   3. require the decision‑maker to form an opinion that the person is ‘suitable’, based on any relevant matter (like the Prostitution Act or in the Northern Territory)
4. Should the fee for a licence be set at a nominal amount (like the Northern Territory and New Zealand) or a higher amount (like the Prostitution Act)?
5. For how long should a licence be valid?
6. What should happen if an operator:
   1. does not hold a valid licence? For example, should there be a criminal penalty, civil penalty, or both?
   2. does not follow any requirements or conditions imposed by the licence? For example, should there be a civil penalty, suspension or cancellation of the licence, or both?
7. Who should be responsible for carrying out suitability checks and issuing licences? For example, should this be:
   1. an existing body that deals with other industries, like the Office of Fair Trading; or
   2. an existing or newly created body with a role specific to the sex work industry, like the PLA?
8. Should decisions to refuse an application for a licence or to suspend or cancel a licence be reviewable by QCAT?

**Other considerations or options**

1. What is the best way for a licensing system (if any) to balance:
   1. the need to protect against illegal activity; and
   2. the need to limit the administrative and resource burden on government and the sex work industry?
2. Apart from a licensing system, what is the best way to deter illegal activity and to protect sex workers from being exploited under the new regulatory framework?
3. What other factors should we consider (if any) in recommending a licensing system

**CHAPTER 10: WORKPLACE LAWS**

1. What is the best way to make sure people in the sex work industry meet their work health and safety standards?
2. Should there be a guide for the sex work industry on how to meet work health and safety obligations (for example, a code of practice made under the *Work Health and Safety Act 2011* or guidelines)?
3. Are there any other work health and safety matters we should consider in developing a framework for a decriminalised sex work industry?
4. Under a decriminalised framework for the sex work industry, should legislation state that a contract for or to arrange sex work is not illegal or void on public policy or similar grounds?
5. Should there be a new law stating that a person may, at any time, refuse to perform or continue to perform sex work?

**CHAPTER 11: PUBLIC HEALTH AND THE HEALTH OF SEX WORKERS**

1. Should laws or other measures be taken to promote public health and protect the health of sex workers and their clients about:
   1. the use of prophylactics;
   2. managing the risk of sexually transmitted infections
   3. sexual health testing; or
   4. another matter?
2. If yes to Q23, what should those measures be and why?

**CHAPTER 12: PLANNING LAWS AND SEX WORK**

**Local government discretion to prohibit commercial sex work businesses in their entire local government area**

1. Should local governments have discretion to prohibit the development of commercial sex work businesses in their entire local government area? If yes, should this apply to all local governments or only to local governments in areas with smaller populations?

**Assessment of development applications for commercial sex work** **businesses**

1. Should commercial sex work businesses have specific planning requirements, different to other commercial businesses?
2. Should the State set the categories of assessment for commercial sex work businesses, or should local governments have discretion to set the categories of assessment in their local government area?
3. Should local governments have discretion to limit commercial sex work businesses to certain zones (for example, mixed use or industrial zones)? Why or why not?
4. Should there be size limits on commercial sex work businesses, such as gross floor area, number of rooms or number of sex workers?
5. If yes to Q29, should there be different requirements for sex work businesses in different zones?

**Review of decisions about development applications for commercial sex work businesses**

1. Should an alternative review mechanism of development applications for commercial sex work businesses (as currently applies for brothels) be kept?

**Should separation distances apply to commercial sex work businesses?**

1. Should separation distances apply to commercial sex work businesses? Why or why not?
2. If yes to Q32:
   1. What land uses (for example, schools, childcare centres, places of worship) should require a separation distance?
   2. Should local governments have discretion to decide what separation distances (if any) apply in their local government area?

**Home-based sex work businesses**

1. Should there be consistent planning codes across Queensland for home‑based sex work businesses, or should local governments have discretion to set the categories of assessment in their local government area?
2. Should home‑based sex work businesses have the same planning requirements as other home‑based businesses (and therefore be able to operate without a development approval if the requirements for accepted development are met)?
3. Should separation distances apply to home‑based sex work businesses? If yes, what land uses should require a separation distance (for example, schools, childcare centres, places of worship)?
4. Is there a need to limit the number of sex workers, rooms or floor area used for sex work in a home‑based business? If yes, is there an appropriate number of workers in a home‑based sex work business (who live in the dwelling or otherwise)?

**CHAPTER 13: ADVERTISING SEX WORK**

1. Should there be specific restrictions on the advertising of sex work and sex work businesses? Why or why not?
2. If yes to Q38, what should those restrictions be? In particular, should there be specific requirements about:
   1. advertising mediums (for example, should advertising sex work through radio or television or by film or video recording continue to be prohibited?);
   2. advertising on the internet;
   3. advertising employment opportunities for sex workers (for example, should publishing a statement intended or likely to induce a person to seek employment as a sex worker continue to be prohibited?);
   4. advertising sex work as massage services;
   5. size of advertising;
   6. images that may be used;
   7. wording that may be used;
   8. requirements for particular sex work service businesses; or
   9. any other requirements?
3. If there are specific advertising restrictions:
   1. how should a breach of a restriction be dealt with?
   2. who should be responsible for monitoring compliance and enforcing the restrictions?
4. Should there be specific requirements for signage for sex work businesses? If so, how should they be regulated?

**CHAPTER 14: PUBLIC SOLICITATION**

1. Should a person be prohibited from publicly soliciting for sex work? Why or why not?
2. If yes to Q42:
   1. Should public solicitation always be prohibited?
   2. Alternatively, should public solicitation be prohibited in particular circumstances only (like New South Wales and Victoria) and, if so, what should those circumstances be?
3. If public solicitation is prohibited, how should this be regulated? For example, by:
   1. laws that are about sex work;
   2. local laws;
   3. some other form of regulation?
4. Should a police officer be able to direct a person suspected of soliciting to ‘move on’? If yes, in what circumstances should an officer be able to give this direction
5. If publicly soliciting for sex work is prohibited or regulated, then should loitering in public for the purpose of soliciting be treated the same way

**CHAPTER 15: REVIEW OF THE NEW REGULATORY FRAMEWORK**

1. Should there be a requirement in legislation to review the new regulatory framework for the sex work industry within a set period of time after decriminalisation? If so:
   1. who should conduct the review (for example, should it be carried out by a relevant government department or should a review committee be established and, if so, what should its membership be);
   2. when should the review begin; and
   3. what matters should the review consider?
2. If yes to Q47, should there also be a requirement to collect baseline data as soon as possible after decriminalisation commences? If so, who should collect that data and what data should they be required to collect (for example, data about the number of sex workers in Queensland and the nature of the environment in which they work)?

**CHAPTER 16: DISCRIMINATION AGAINST SEX WORKERS**

1. Is there anything you would like to tell us about how the *Anti-Discrimination Act 1991* could best protect sex workers against unlawful discrimination in light of the decriminalisation of the sex work industry?

**CHAPTER 17: OTHER MATTERS**

1. What are the potential impacts of a new framework for the sex work industry?
2. What other supporting measures are needed as part of the decriminalisation framework? For example:
   1. education and training, such as:
      1. public education and awareness programs to address stigma and educate the community about sex workers;
      2. information, education and training for sex workers and sex work business operators on their rights and obligations;
      3. education and training programs for officials and organisations who deal with sex workers;
   2. steps to build positive relationships between sex workers, police and other authorities;
   3. peer support and outreach services for sex workers on health and other matters.
3. Is there anything else you would like to tell us about these or any other matters raised by the terms of reference to ensure the legislative framework for decriminalisation is appropriate and effective?

**CHAPTER 18: FRAUDULENT PROMISE TO PAY A SEX WORKER FOR A SEXUAL ACT**

1. In a decriminalised sex work industry, are Queensland’s criminal laws adequate to deal with circumstances where there is a fraudulent promise by a person to pay money to a sex worker in exchange for a sexual act? Why or why not?
2. If no to Q53, what changes (if any) should be made to the Criminal Code to address this issue? For example, should the Criminal Code be changed:
   1. to widen the list of circumstances in section 348(2) that negate consent (and if so, in what way); or
   2. in some other way?
3. What other factors should we consider (if any) in recommending changes to the criminal law on this issue?

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| **MAKING A SUBMISSION**  You are invited to give us your views on the consultation questions in our paper. Your views on these key issues will help us develop and test our recommendations and any draft laws that go with them. The closing date for submissions is **3 June 2022**.  We ask that you give us your views and comments in writing and by the closing date. You do not have to follow a set format or answer all of the questions.  It will help us if submissions address the specific issues in the review. Our terms of reference are about the framework for a decriminalised sex work industry (not whether sex work should be decriminalised).  You can send us your written submission by:  Emailing us at [LawReform.Commission@justice.qld.gov.au](mailto:LawReform.Commission@justice.qld.gov.au)  Posting it to us at  The Secretary   Queensland Law Reform Commission   PO Box 13312 George Street Post Shop   BRISBANE QLD 4003  **Privacy**  We have a long standing policy of not publishing the submissions we receive. We refer to submissions in our reports and we list the names of submitters in an appendix at the back of the report. Our reports are tabled in parliament and then published on our website.  **Please tell us clearly on your submission if:**   * **You do not want us to refer to your submission or part of it in our report** * **You do not want us to include your name in our report**   We collect personal information in your submission only for the purpose of conducting our review.  However, all submissions can potentially be disclosed under the *Right to Information Act 2009*. If a person applies to us to see a submission, we decide the application for access under that Act. |