



REVIEW UPDATE

Queensland Law Reform Commission

Sex work industry decriminalisation review—review update 4 November 2022

The Commission is progressing its review about a framework for a decriminalised sex work industry in Queensland. We are working hard to analyse submissions, carefully consider the issues in the review, and develop our recommendations.

Our reporting date has been revised to 31 March 2023. This will enable us to complete a complex task and propose the best framework. Our ongoing work is based on extensive consultation and the best available evidence so that the framework can meet the needs of sex workers, the sex work industry and the Queensland community.

Our aim is to develop a regulatory framework focused on **safety, health and fairness**.

This document gives stakeholders and the public an update on our progress on the review.

Our task

The Queensland Government has committed to decriminalising the sex work industry. Research supports decriminalisation as the best way to improve sex workers' safety and health. The Commission's task is to recommend an appropriate legislative framework to give effect to this. You can read more about this in our [terms of reference](#).

A shortcoming of the current laws, including the licensing system, is that they create a two-tiered industry. They create barriers for sex workers to operate lawfully and to access standard workplace protections. Current laws force many sex workers to choose between working legally and working safely.

Decriminalising sex work will mean sex work is no longer a crime. But it does not mean no regulations or safeguards. People in the sex work industry will have protections and obligations under standard workplace, health, planning and other existing general laws.

For example, existing, complex planning laws will need to address how legal sex work businesses are regulated. These businesses range from home-based sex workers who work on their own to large businesses.

Many people we have heard from emphasise the need for specific laws to prevent particular harms, such as the exploitation of children and coercion of the vulnerable.

Changes to our reporting date, and supporting the drafting of legislation

On 3 November 2022, the Attorney-General extended the reporting time for our review by four months, to 31 March 2023. This recognises the complexity and size of our task, and the importance of having enough time to get our recommendations right.

The Attorney-General also removed the requirement for us to prepare draft legislation. Instead, we are asked to include drafting instructions or information to support the drafting of legislation based on our

recommendations. This will support Government to prepare legislation quickly, with the benefit of its own further consultations.

You can see the changes in our updated [terms of reference](#).

We did not want the need to draft the minutiae of a large body of legislation across many fields to delay the completion of our report. Our report will still contain considerable detail about the laws that need to be repealed, amended, or enacted to give effect to our recommendations and how those laws should be drafted. However, it will not descend to the fine print of drafting the laws and regulations. This change will help us deliver a report sooner and in a form that is both informative and user-friendly—giving a clear roadmap for the legislative steps that are needed to decriminalise the sex work industry in Queensland.

Much of our work so far has focused on identifying issues and consulting with our stakeholders. The review covers many issues and areas of law, including work health and safety, public health, land use planning, human rights and discrimination. Our revised reporting date will help us bring together everything we have heard and finalise our recommendations.

Experience in other jurisdictions shows that drafting legislation (including regulations) can be time-consuming. Decriminalisation reforms can affect almost every area of government. Ideally the proposed changes should be considered by government departments and taken into account when preparing the legislation.

Our report will include specific recommendations about the legislative changes needed for our recommended framework. It will give clear drafting instructions, and allow for further consultation by Government.

This will support Government to prepare legislation with the practical benefit of:

- the Commission’s detailed recommendations and drafting instructions;
- Government consultation with the sex work industry and other stakeholders; and
- direct input from government departments and agencies on specific legislation, policy and implementation issues.

Our consultation process

In April 2022, we released a comprehensive [Consultation Paper](#) and called for public submissions.

To help us prepare the paper, we spoke with experts, gathered research, and looked at approaches in other jurisdictions.

The Consultation Paper posed 55 important questions. It was written to inform public discussion and help our consultation. You can see the questions and the topics covered in the paper on our [website](#).

The questions in our paper are not proposals. We asked them to hear directly from people in the sex work industry and others in the Queensland community. It is important for us to give people an opportunity to have their say on what decriminalisation should look like to them and the Queensland community.

The closing date for submissions was 3 June 2022. Most submissions were received on or substantially after the closing date, up to the end of June. Many people asked for extra time to make submissions. We granted their requests so that we could be better informed by their views.

We have also been engaging with people directly to hear their experiences and ask for their input.

The review team has consulted with many key stakeholders, including sex worker organisations in Queensland and other jurisdictions, the Prostitution Licensing Authority (PLA), licensed brothel operators, local and state government officers, industry regulators, police officers, non-government organisations working in the health sector, sex work academics and researchers, government officers in the Northern Territory, Victoria and New Zealand and other interested people and organisations.

Commission members have also received direct briefings on specific topics from some stakeholders, including sex worker organisations, the Queensland Adult Business Association (QABA), and the PLA. They have also heard from government officers from the Northern Territory and Victoria about their recent reforms to decriminalise the sex work industry.

We are grateful to all those people and organisations for taking time to meet with us to share their views and give us information.

Analysing submissions and consultation

We have received 160 submissions. Many of these are from individual sex workers, members of the public, and various health sector and community advocacy organisations. Other submitters include sex worker organisations, some brothel licensees and managers, academics, regulatory and industry bodies, local governments, and some sex work clients. Many people made submissions anonymously.

Many of the submissions are detailed. Several include research or data, and many share personal stories and experiences.

We are grateful to all those who have made a submission, especially individuals who may find it difficult or confronting to tell their story.

We appreciate every submission. We are working hard to read and analyse them all, along with feedback from our consultations. This is a time-consuming process.

Careful consideration of the issues

The review is based on a simple idea: regulating sex work as work, not as a crime. But working out the legislative details for this is a complex job. It requires us to identify:

- what should happen to each provision of the Prostitution Act, Prostitution Regulation and chapter 22A of the Criminal Code;
- what consequential amendments flow from these decisions to numerous other Acts;
- how planning, health, safety and other existing general laws apply to the industry; and
- what other supporting measures might be needed, such as guidelines and education.

The Commission is carefully working through all these issues. Our review team includes people with special expertise in the regulation of prostitution, planning law, health law and workplace law.

Conclusion

The Commission welcomes the Attorney-General's changes to our terms of reference. We gratefully acknowledge the assistance we have received from submissions and the people and organisations we have consulted.

We are committed to producing a report and recommendations that will:

- give sex workers the same rights, protections and obligations as other workers;
- improve workplace health and safety;

- improve public health;
- protect the vulnerable from exploitation; and
- ensure that planning and other laws are adapted to regulate the activities of a decriminalised sex work industry.

The legislative framework we are developing is based on evidence, extensive consultation, and careful reflection on many issues. We aim to provide a report and detailed drafting instructions that will create a legislative framework based on principles of **safety, health and fairness**.

We look forward to delivering our report, with drafting instructions, by 31 March 2023.

The Hon Justice Peter Applegarth AM

Chair

Queensland Law Reform Commission

4 November 2022