

# Criminal Code (Decriminalising Sex Work) and Other Legislation Amendment Bill 2024

Amendments during consideration in detail to be moved by  
The Honourable the Attorney-General and Minister for Justice and Minister  
for the Prevention of Domestic and Family Violence

## 1 After clause 18

Page 16, after line 25—

*insert—*

### **Part 4A**                      **Amendment of Criminal Law (Coercive Control and Affirmative Consent) and Other Legislation Amendment Act 2024**

#### **18A Act amended**

This part amends the *Criminal Law (Coercive Control and Affirmative Consent) and Other Legislation Amendment Act 2024*.

#### **18B Amendment of s 2 (Commencement)**

Section 2(1)(a)—

*omit, insert—*

(a) parts 3 and 3A;

#### **18C Amendment of s 8 (Code amended)**

Section 8—

*insert—*

*Note—*

See also the amendment in schedule 1.

## **18D Insertion of new pt 3A**

After part 3—

*insert—*

## **Part 3A                      Amendment of Criminal Law (Sexual Offences) Act 1978**

### **25A Act amended**

This part amends the *Criminal Law (Sexual Offences) Act 1978*.

### **25B Omission of pt 2 (Evidence)**

Part 2—

*omit.*

### **25C Omission of s 5 (Exclusion of public)**

Section 5—

*omit.*

### **18E Amendment of s 55 (Act amended)**

Section 55—

*insert—*

*Note—*

See also the amendment in schedule 1.

### **18F Amendment of sch 1 (Other amendments)**

Schedule 1—

*insert—*

## Division 4      Other amendments

### Childrens Court Act 1992

**1    Section 20(1)(f), ‘Criminal Law (Sexual Offences) Act 1978’—**

*omit, insert—*

*Evidence Act 1977, section 103ZZL*

### Criminal Code

**1    Section 228F(2)(f), from ‘or 21AV’—**

*omit, insert—*

, 21AV or 103ZE(2)(g); or

### Evidence Act 1977

**1    Section 14B, definition *essential person*, paragraph (e), from ‘or 21AV’—**

*omit, insert—*

, 21AV or 103ZE(2)(g);

### 18G Amendment of long title

Long title, after ‘the Criminal Code,’—

*insert—*

**the Criminal Law (Sexual Offences) Act  
1978,**

**2 Clause 22 (Amendment of s 4 (Definitions))**

Page 19, lines 10 to 15—

*omit.*

**3 Clause 22 (Amendment of s 4 (Definitions))**

Page 19, line 16, ‘Also’—

*omit, insert—*

However

**4 Clause 22 (Amendment of s 4 (Definitions))**

Page 19, line 22, ‘In addition’—

*omit, insert—*

Also

**5 Clause 22 (Amendment of s 4 (Definitions))**

Page 19, line 31, ‘1’—

*omit, insert—*

2

**6 After clause 31**

Page 23, after line 8—

*insert—*

**Part 8A                      Amendment of  
   Planning Act 2016**

**31A Act amended**

This part amends the *Planning Act 2016*.

## 31B Insertion of new ch 8, pt 10

Chapter 8—

*insert—*

### Part 10

### Transitional provisions for Criminal Code (Decriminalising Sex Work) and Other Legislation Amendment Act 2024

#### 362 Application of part

- (1) This part applies in relation to the carrying out, before the commencement, of a material change of use of premises for a use that is a sex work business (the *relevant sex work business*).
- (2) However, this part applies in relation to the material change of use only to the extent that—
  - (a) when the material change of use was carried out, it was—
    - (i) prohibited development, or assessable development, under the *Planning Regulation 2017*, schedule 10, part 2; or
    - (ii) assessable development under a planning instrument because the material change of use was for a shop, or a home-based business, as defined in the *Planning Regulation 2017*, schedule 24; and

- (b) the carrying out of the material change of use contravened section 162 or 163(1).

### **363 Definitions for part**

In this part—

*relevant MCU* means a material change of use of premises in relation to which this part applies.

*relevant sex work business* see section 362(1).

*sex work* means the provision by a person of the following services for payment or reward—

- (a) services involving the person participating in a sexual activity with another person;
- (b) services involving the use or display of the person's body for the sexual arousal or gratification of another person.

*sex work business* means a business that provides services that include sex work and includes, for example—

- (a) an escort agency providing services that include sex work; or
- (b) a home-based sex work business.

### **364 Proceedings for particular offences if material change of use is accepted development on commencement**

- (1) This section applies if, on the commencement, a material change of use of the premises for a use that is the relevant sex work business is categorised as accepted development.

- (2) A proceeding may not be started after the commencement for—
  - (a) an offence against section 162 or 163(1) in relation to the carrying out of the relevant MCU before the commencement; or
  - (b) an offence against section 165(a) in relation to the use of the premises for the relevant sex work business before the commencement.
- (3) If a proceeding for an offence mentioned in subsection (2)(a) or (b) had started, but not ended, before the commencement, the proceeding may be continued as if this Act, as in force immediately before the commencement, were still in force.

**365 Proceedings for particular offences, and restricting use of information, if material change of use is assessable development on commencement**

- (1) This section applies if, on the commencement—
  - (a) a material change of use of the premises for a use that is the relevant sex work business is categorised as assessable development; and
  - (b) all of the development permits necessary for the carrying out of the material change of use mentioned in paragraph (a) are not in effect.
- (2) A proceeding may not be started for a relevant offence committed by a person—
  - (a) during the person’s moratorium period; or

- (b) after the person's moratorium period ends if, when the moratorium period ends—
  - (i) all of the development permits necessary for the carrying out of the material change of use mentioned in subsection (1)(a) are in effect; or
  - (ii) the use of the premises for the relevant sex work business has been abandoned.
- (3) If a proceeding for a relevant offence has started, but not ended, before the commencement, the proceeding may be continued as if this Act, as in force immediately before the commencement, were still in force.
- (4) Subsection (5) applies if—
  - (a) a person gives information in a development application for the material change of use mentioned in subsection (1)(a); and
  - (b) the development application is made before the day that is 1 year after the day this section commences; and
  - (c) the information relates to—
    - (i) the carrying out of the relevant MCU; or
    - (ii) the use of the premises for the relevant sex work business.
- (5) Evidence of the information is not admissible against the person in a proceeding for an offence committed by the person against section 162, 163(1), 165(a) or 226.
- (6) In this section—



***finally decided***, in relation to a development application, means the later of the following days—

- (a) if a development permit is given for the application—the day the development permit takes effect under chapter 3, part 5;
- (b) if the development application is refused—the day notice of the refusal is given or, if an appeal about the refusal is started, the day the appeal ends.

***moratorium period***, for a person, means the period—

- (a) starting on the commencement; and
- (b) ending on—
  - (i) if a development application for each development permit necessary for the material change of use mentioned in subsection (1)(a) is made before the day that is 1 year after the day this section commences—the day the development application for the last development permit is finally decided; or
  - (ii) otherwise—the day that is 1 year after the day this section commences.

***relevant offence*** means—

- (a) an offence against section 162 or 163(1) in relation to the carrying out of the relevant MCU before the commencement; or
- (b) an offence against section 165(a) in relation to the use of the premises for

the relevant sex work business before  
or after the commencement.

**7 Long title**

Long title, after ‘Criminal Code,’—

*insert—*

***the Criminal Law (Coercive Control and  
Affirmative Consent) and Other Legislation  
Amendment Act 2024,***

**8 Long title**

Long title, after ‘Penalties and Sentences Act 1992,’—

*insert—*

***the Planning Act 2016,***

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