




Speech By  
**Ann Leahy**

**MEMBER FOR WARREGO**

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Record of Proceedings, 2 May 2024

## **CRIMINAL CODE (DECRIMINALISING SEX WORK) AND OTHER LEGISLATION AMENDMENT BILL**

 **Ms LEAHY** (Warrego—LNP) (3.18 pm): I rise to contribute to the debate on the Criminal Code (Decriminalising Sex Work) and Other Legislation Amendment Bill 2024. I would like to thank the members of the committee for their examination of the bill. I would particularly like to thank the committee secretariat for their work in managing the hearings and the production of the committee report.

While the LNP believes that sex workers should have safe access to services and to police, in this instance and in the absence of any regulation regarding the ownership of brothels, the ability of accommodation providers to make their own decisions and the amenity issues that are not satisfactorily resolved with local governments, the LNP will be opposing this bill. While we want to see sex workers treated with respect, we cannot support the bill as it stands. Queensland's sex work industry is currently regulated by the Prostitution Act 1999, the Prostitution Regulation 2014 and chapter 22A of the Criminal Code. Sex work specific provisions in the Police Powers and Responsibilities Act 2000 have already been repealed.

The parliamentary committee heard from the Hon. Colin Forrest SC, who is the current chair of the Prostitution Licensing Authority. The authority was established in the wake of the Fitzgerald report and the further specific report from the Crime and Corruption Commission. The Prostitution Licensing Authority and the regulatory system that it oversees were established around the twin pillars of public interest. One of those was to keep criminal elements out of the sex work industry and the other was to reasonably address the health and safety concerns arising around the sex work industry.

There are two legal forms of sex work in Queensland. The first form of lawful sex work is that which is provided in a licensed brothel. The second form of lawful sex work is that which is provided by a sole operator. In this instance, the sex worker works alone from a premise providing either in-house or outcall services or both. Sex work in any other form is illegal presently in Queensland.

The bill establishes a decriminalised framework for the sex work industry based on the recommendations of the Queensland Law Reform Commission report titled *A decriminalised sex-work industry for Queensland* referred to as the QLRC report, but there are concerns in relation to the infiltration of the commercial sex work industry by criminal elements. Presently, under the regulation, brothel licences must pass probity tests to acquire and maintain their licences. With the removal of this regulatory system, this may enable outlaw motorcycle gangs, crime syndicates and other criminal elements to become involved in the ownership and management of brothels. There are further concerns in relation to the mandatory health checks. Once licensing is disbanded, there will also be no regulation requiring sex workers to undertake mandatory three-monthly health checks for sexually transmitted infections. This is a concern for both the sex workers and the broader community.

I now turn to the concerns raised by Queensland local governments. Under the current legislation, the committee heard that in Queensland only 12 of the 77 Queensland local governments have approved a brothel. The bill enacts recommendation 23 of the QLRC report. The intent of the legislation is to take the power away from the local government to prohibit sex work businesses or regulate sex work or sex work businesses in a way different to other businesses. To facilitate this, the government is also developing a planning regulation. Concerningly, the detail of that Planning Regulation has not been released and the evidence before the committee about this was vague and inconclusive.

There is a lack of clarity about this new regulatory system that will be in place at a state level. It is not good enough to say that it is underway. These issues should have been resolved prior to the introduction of the bill and there was ample time to do so. There is a serious lack of transparency from the Labor government when it comes to the community, and local governments cannot see what is contained in this planning regulation. The full impacts and operation cannot be assessed by local government in the absence of this regulation.

The Queensland Local Government Association raised concerns about a regulatory regime without regulatory certainty. The LGAQ stated their concerns that the bill removes the ability of local governments to make local laws that regulate sex work businesses as local governments do with other businesses. As currently drafted, these provisions of the bill remove the ability of local governments to make those local laws that regulate any aspect of sex work businesses including, for example, the size of advertising signage associated with sex work businesses. This is very concerning from a local government and community perspective. It is treating sex work businesses different to other businesses, which the LGAQ understands is inconsistent with the state government's policy intent to ensure that sex work businesses are treated the same as other businesses. The LGAQ are concerned about local governments not being able to regulate the need for separation distances in certain circumstances; the amenity considerations such as traffic, car parking, size, scale, hours of operation and noise; as well as the importance of achieving performance outcomes such as active street frontages in certain zones. The LGAQ were very clear in their opposition to any attempt to remove the discretion and autonomy from local governments in favour of a blanket statewide approach.

Under this bill, the public health considerations will fall to the state government. However, the LGAQ at the public hearing stated there would be a potential cost shift onto councils if their interpretation of the bill was to proceed without the community interest/public amenity test that councils would typically apply to all other businesses. Cost shifting has been a focus of the LGAQ and their members. They have done research showing that cost shifting from other spheres of government and the private sector onto councils has increased by around 360 per cent in the last two decades.

Again, I want to reiterate that the LNP believes all Queenslanders should feel safe in their homes, communities and workplaces and we will continue to work to that priority. Our opposition to this legislation is based on the lack of regulatory certainty, the removal of planning powers from council as well as the potential for criminals to get involved in the sex work industry to the detriment of sex workers and the wider community.