




Speech By
Hon. Meaghan Scanlon

MEMBER FOR GAVEN

Record of Proceedings, 2 May 2024

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

 **Hon. MAJ SCANLON** (Gaven—ALP) (Minister for Housing, Local Government and Planning and Minister for Public Works) (3.25 pm): Today I rise to support the Criminal Code (Decriminalising Sex Work) and Other Legislation Amendment Bill. The recommendations from the Queensland Law Reform Commission and this bill pave the way for decriminalising Queensland's sex work industry, enhancing the safety and rights of sex workers in this state. This is about ensuring sex workers do not have to choose between working legally or safely. Out of the 47 recommendations put forward by the Queensland Law Reform Commission, 10 pertain to planning with the clear intent of these recommendations aiming for the equitable treatment of sex work businesses alongside other businesses within the planning framework. Currently, Queensland recognises two legal forms of sex work within licensed brothels and by private individuals working alone. The decriminalisation of sex work does not imply a lack of regulation.

The Housing, Big Build and Manufacturing Committee, like the QLRC, emphasised the importance of fair and consistent regulation, proposing that sex work should be regulated no more and no less than other lawful businesses. To give effect to this bill, changes are necessary in the Planning Act 2016 and the Planning Regulation 2017 to ensure that sex work businesses are treated comparably to other businesses including home-based operations under the Queensland planning framework. My department has prepared amendments to the Planning Regulation to support the implementation of the bill and the recommendations of the QLRC and the committee. These amendments are focused on protecting the safety of sex workers to operate as a home-based business while still allowing local governments the autonomy to regulate other important and locally relevant aspects of amenity for their communities.

These amendments will: remove provisions which relate to the ability of a local government to prohibit brothels and the existing assessment requirements for any lawful brothel application; remove the definition of 'brothel' as a land use term and amend the land use definition of home-based business and shop to include a sex work business as an example; include a new administrative definition of 'sex work business' to clarify it is either a home-based business or a shop under the planning framework; include new requirements capping the category of assessment for all home-based businesses to a maximum code assessment; and ensure a sole operator as a home-based business cannot be made an accessible development where there is only one worker and one visitor. My department will prepare supporting guidance material for local governments to support the amendments to the Planning Regulation in consultation with relevant stakeholders to assist in reviewing their planning schemes and to ensure they are consistent with the intent of the Planning Regulation.

The Queensland Law Reform Commission recommended amendments to the City of Brisbane Act 2010 and the Local Government Act 2009 to ensure that local laws about sex work should be restricted to make sure the aims and benefits of decriminalisation filter down to local government areas throughout Queensland. The bill inserts new sections into the Local Government Act and the City of

Brisbane Act to prohibit local governments from making a local law that prohibits or regulates sex work or the conduct of sex work businesses. Recommendation 15 from the Queensland Law Reform Commission report was to eliminate the classification of brothel as a specific land use within the planning framework. It is important to clarify that any adjustments made to the planning framework will not affect brothels that are lawfully operating.

Similar to any lawful land use, a brothel that has already obtained approval from the local government will retain its rights to operate even if the brothel related provisions are removed from the planning regulation and local government planning schemes. However, changes are necessary to the Planning Act 2016 provisions to ensure that an unlawful sex work business will have a 12-month period following the commencement of the bill to pursue appropriate development approvals without facing enforcement or compliance actions. These provisions are temporary and will cease to apply after the 12th month of the transition period. The goal is to incentivise existing unlawful businesses to obtain the necessary approvals within the planning framework to become lawful. These amendments directly address the committee's report and the feedback received during the inquiry on the bill.

Queensland's journey towards decriminalising sex work aligns with similar steps taken by other Australian jurisdictions and New Zealand. In New South Wales, the Northern Territory, Victoria and New Zealand, sex work has been decriminalised, with each region following a slightly different path. However, the overarching principle remains consistent: recognising and regulating sex work as legitimate work rather than a criminal activity.

These reforms are a long time coming. I extend my sincere appreciation to Respect Inc, DecrimQld and Scarlet Alliance for their dedicated advocacy over many years, and to the Queensland Council of Unions, the LGAQ and the Planning Institute of Australia for their ongoing input into the necessary planning amendments. This bill is a vital step towards a more equitable and safer environment for Queensland workers. I commend the bill to the House.