


TRANSITIONING
TO DECRIM

SEX WORK & THE LAWS IN QUEENSLAND

INFO SHEET



In Queensland, new sex work laws commenced in August 2024. Sex work has been decriminalised and is no longer a crime. Sex work is now officially recognised as work.

Sex work laws are different in each state and territory in Australia. What's legal in one place may not be legal in another.

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This information sheet outlines the changes based on the most up-to-date information available.

Regulations and Police Involvement

With decriminalisation, the Prostitution¹ Enforcement Taskforce and the Prostitution Licensing Authority (PLA) have been shut down. The Queensland Police Service (QPS) will no longer have a role in regulating sex work.

Many laws criminalising sex work have been repealed, including:

- The Prostitution Act (Qld) 1999 (licensing).
- The Criminal Code 1899, Chapter 22a (individual sex workers).
- The Police Powers and Responsibilities Act 2000.

¹ Our preferred terminology is 'sex work'; the term 'prostitution' is used only where it is directly quoted from legislation or the name of entities.

Police are no longer allowed to pretend to be clients to entrap sex workers. This is a big change in how QPS should relate to us.

You should expect to be treated with respect and if you report crime it should be treated seriously.

If police approach you about sex work, write down their badge number, name, and which station they are from, and [contact Respect Inc.](#)

Workplace Health and Safety (WHS)

With the criminal laws on sex work gone, regular workplace laws and rights now apply to sex work, just like in any other job. Instead of a criminal approach, sex work is regulated as work and WHS laws will apply to every workplace.

Every place where sex workers work is a workplace, and everyone there has WHS responsibilities. A Person Conducting a Business or Undertaking (PCBU)—which could be a business owner or a private sex worker—has the primary duty to keep workers and others safe from health and safety risks.

Under WHS laws, businesses are required to provide personal protective equipment (PPE) like condoms, water-based lubricant and dams at no cost and in a variety of sizes. They must also offer training on how to use these items correctly. PCBUs also have to consult with all workers regarding safety measures and equipment.

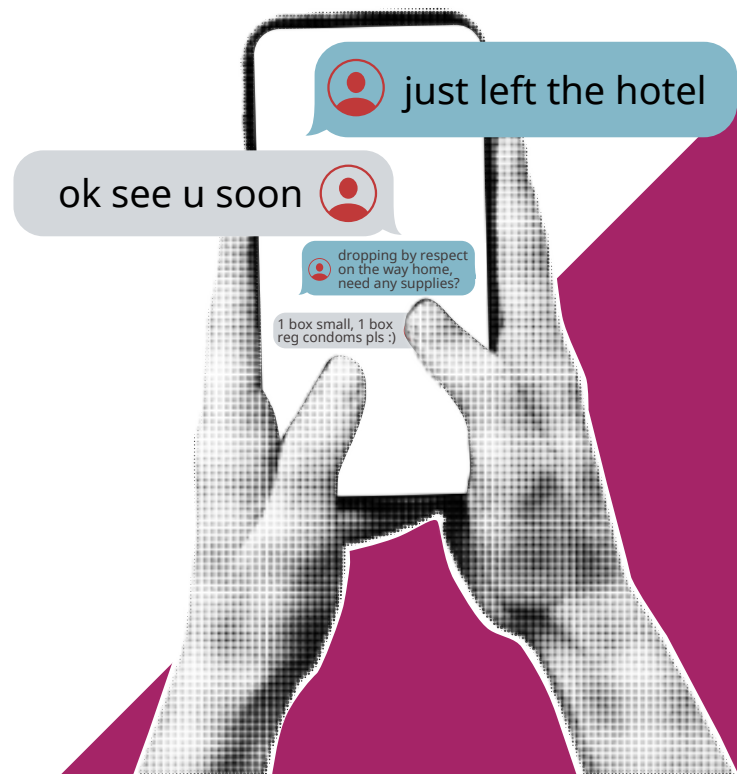
Workplace Health and Safety Queensland (WHSQ) is in charge of WHS. They have a guide for sex workers about your rights and responsibilities. You can find [the guide](#), and more videos and resources on their [website](#).

Working With Others

Sex workers can:

- hire support staff, such as drivers, bodyguards, and receptionists, to assist with their work.
- refer clients to other workers and communicate with each other about locations and schedules.
- share a location or accommodation with another sex worker and provide services together (e.g. doubles).

Escort agencies and massage parlours that provide sexual services are not illegal.



Advertising

There are no sex work-specific advertising guidelines or fines and it is no longer prohibited to describe your services or to say that you provide massage in your advertising.

Sex workers need to adhere to the same advertising rules as any other industry. Advertising must not use sex, sexuality, or nudity in a harmful way.

Ads should use these elements with the audience who will see it or hear it in mind, and avoid overly sexual images in areas visible to the general public.

The Australian Association of National Advertisers has codes for advertising, and Ad Standards is the advertising regulator that receives and follows up complaints.

Condoms, Dams, and Sexually Transmissible Infections (STIs)

There are no longer criminal laws about using condoms or dams, or how often you need to get tested.

Using condoms with water-based lubricant, doing STI checks on your clients, access to peer education, and regular testing remain the most effective ways to prevent STIs.

WHS laws require training and supply (free of charge) of condoms, lubricant, and other PPE by businesses.

The Public Health Act promotes shared responsibility stating 'a person at risk of contracting a notifiable condition should take all reasonable precautions to avoid contracting or being infected with the condition'.

Queensland laws require all people to avoid transmitting a serious disease or putting someone at risk of infection of a notifiable condition. Notifiable conditions include but are not limited to chlamydia, HIV, hepatitis, and syphilis.

Planning

Councils regulate various aspects of businesses, including signage, hours of operation, and location. Councils cannot make laws that prohibit or regulate only sex work or sex work businesses. They can apply the same laws to sex work businesses as they do to other businesses.

Land use definitions for 'home-based business', 'sex work business', and 'shop' have been updated to specifically include sex work businesses as a recognised type of activity.

As part of the transition to decriminalisation there is a 12-month moratorium on planning development offences and enforcement action.

For planning purposes, brothels, escort agencies, or massage parlours offering sexual services are now considered a 'shop' and can operate wherever shops are allowed, following the same local government rules as other shops.

Sex workers working from home are 'home-based businesses'. Most councils have a specific code that identifies where and when home-based businesses can operate.

Hotels and motels are not covered by planning controls.



Anti-Discrimination

Under the Anti-Discrimination Act 1991, it is illegal to discriminate against someone because of sex work activity.

Discrimination means treating someone less favourably because they are, or have been, a sex worker, compared to others in similar circumstances who are not involved in sex work. This applies to all forms of sex work, including porn, online work, and stripping. It is also illegal to discriminate against someone because they are associated with a sex worker, such as a friend, family member, or co-worker.

Sex work activity means providing services that involve sexual activity, or the use or display of the person's body for

the sexual arousal or gratification of another person for payment or reward.

It doesn't matter if the person didn't intend to discriminate—discrimination is still unlawful.

Previous laws that allowed discrimination against sex workers, such as by hotels and accommodation providers, have been removed. For more details, visit the [QHRC website](#).

If you believe that you have been discriminated against because you are a sex worker, Respect Inc can help you take your complaint to the Human Rights Commission.

Coercion

Under section 218 of the Criminal Code it is illegal to procure sexual acts—including but not limited to sexual intercourse or physical contact—through coercion.

Coercion can include:

- intimidation or threats of any kind.
- assaulting a person.
- damaging the property of a person.
- false representations, using false pretence or fraudulent means.

These offences apply whether in Queensland or elsewhere and include procuring the person to provide, or continue to provide, sex work services.

It is also an offence to administer or cause a person to take drugs or any other substance with the intent to stupefy or overpower a person to enable a sexual act to take place.

Consent, Stealthing, and False Payment Offences

Changes to Queensland's consent laws commenced in September 2024.

Stealthing or making false promise of payment are now sexual assault or rape offences.

Consent now means actively agreeing to engage in sexual activity, whether in personal relationships or sex work. Everyone involved in the sexual activity must clearly express their consent—whether through words, actions, or body language. If anyone changes their mind, consent is withdrawn. If someone is unsure whether consent is still given, they must ask or check in.

The circumstances when there is no consent include:

- when a person participates in a sexual act on the basis that a condom is used, but the other person, before or during, the sexual act
 - does not use a condom
 - tampers with or removes the condom
 - continues when they know the condom is no longer effective.
- when a sex worker participates in a sexual act because of a false or fraudulent representation that they will be paid or receive some reward.

In these situations, the law considers the act non-consensual, and therefore the action is rape or sexual assault.

Disclaimer: The information provided in this sheet is for general informational purposes only and should not be considered legal advice or instruction.



GET IN TOUCH



Respect Inc offices are sex worker only drop in spaces, designed **by sex workers for sex workers**. You can drop in for:

- One-on-one peer support, information and advocacy.
- To use the phone, internet or printer.
- Social events, networking and making connections with other sex workers.
- Training, skills sharing and workshops.
- Safer sex products at discounted prices, or freebies to get you through.
- Relax and chill out. We have tea, coffee and time for a chat.


Respect Inc spaces are confidential and non-judgmental. There are private spaces available if, for any reason, you would like more privacy while you are here.

Brisbane/Meanjin

 Monday – Thursday: 12–5pm

 Level 1, 76 Wickham St,
Fortitude Valley

 07 3835 1111

 0424 657 064

Cairns/Gimuy

 Tuesday – Thursday: 12–4pm

 7/24 Florence St, Cairns City

 07 4051 5009

 0413 571 394

Gold Coast/Yugambah & Kombumerri Land

 Tuesday – Friday: 12–4pm

 Level 1, 3 Davenport St, Southport

 07 5564 0929

 0401 969 223

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 info@respectqld.org.au

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