

166. Procuring Prostitution: s 229G (repealed)

166.1 Legislation

[Last reviewed: March 2025]

Criminal Code

[Section 229G](#) – Procuring engagement in prostitution

166.2 Commentary

[Last reviewed: March 2025]

The offence in s 229G of the *Criminal Code*, together with the rest of Chapter 22A (Prostitution), was repealed in 2024 by s 15 of the *Criminal Code (Decriminalising Sex Work) and Other Legislation Amendment Act 2024* (Qld), however, s 765 of the amending Act preserves the existence of the offence if committed before the Act commenced. Prior to repeal, the *Code* contained a range of prostitution offences including ‘procuring engagement in prostitution’ under s 229G.

Pursuant to s 229G, engaging in prostitution was not itself unlawful (see *Kelsey v Hill* [1995] 1 Qd R 182). However, it was unlawful to procure another person to engage in prostitution, subject to exceptions in s 229G(3) concerning licensees or approved managers of licensed brothels.

The section applied equally to males and females: s 229E(3).

Meaning of ‘procure’

Section 229G(5) defined ‘procure’ for the purpose of the offence as ‘knowingly entice or recruit for the purposes of sexual exploitation’.

There are a number of specific offences of procuring in the *Criminal Code* containing the same definition. For example, s 217 (Procuring a young person etc. for penile intercourse), and s 218 (Procuring sexual acts by coercion etc.). In relation to most of the offences of procuring under Chapter 22 (Offences against morality), each section provides a definition of ‘procure’ and it is suggested that in these cases the trial judge direct the jury specifically in terms of this definition.

Meaning of ‘engage in prostitution’

Section 229E stated that a person engaged in prostitution if the person engaged (or offered to engage) in the provision to another person, under an arrangement of a commercial character, of any of the following activities:

- (a) sexual intercourse;

- (b) masturbation;
- (c) oral sex;
- (d) any activity, other than sexual intercourse, masturbation or oral sex that involves the use of one person by another for his or her sexual satisfaction, involving physical contact.

Section 229E(4) further stated that a person does not engage in prostitution if:

- (a) the activity is any activity, other than sexual intercourse, masturbation or oral sex that involves the use of one person by another for his or her sexual satisfaction, involving physical contact; and
- (b) the person is providing adult entertainment under a permit and is an adult and is not a person with an impairment of the mind; and
- (c) the activity is authorised under the permit.

This offence under s 229G was a prescribed offence under s 161Q of the *Penalties and Sentences Act 1992* (Qld), so a serious organised crime circumstance of aggravation was applicable.

166.3 Suggested Direction

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(Note that this suggested direction addresses the offence alternative in s 229G(1)(a). Modify as necessary for the offence alternatives in s 229G(1)(b)(i)-(iii)).

The prosecution must prove beyond reasonable doubt:

1. **That the Defendant knowingly procured the complainant;**

The prosecution must prove that the Defendant knowingly recruited or enticed [the complainant] for the purposes of sexual exploitation.

2. **To engage in prostitution.**

A person engages in prostitution if the person engages (or offers to engage) in the provision to another person, under an arrangement of a commercial character, of any of the following activities:

- (a) **sexual intercourse;**
- (b) **masturbation;**
- (c) **oral sex;**

- (d) any activity, other than sexual intercourse, masturbation or oral sex that involves the use of one person by another for [his/her] sexual satisfaction, involving physical contact.**