



# **SUPPLEMENTARY BUSINESS PAPER**

## **GENERAL MEETING**

**Wednesday 11 March 2015  
at 6:30PM**



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**18 BROTHEL REGULATIONS**

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Council has been unsuccessful in taking action in the Local Court regarding the alleged use of a property in Edgeworth David Avenue, Hornsby as a sex service premises. The judgement found that Council had not met the “standard of proof” that the premises was a brothel.

Although Council had demonstrated that one worker was providing sex, the Court found that the legal definition of a brothel involves more than one prostitute using the premises at any one time. In this regard, the case highlighted anomalies in respect to the definition of a brothel under the Environmental Planning and Assessment Act and the Restricted Premises Act. The case also provided a clear direction regarding the high burden of proof required by councils in taking action in the Court. This has significant resource and financial implications for local government.

In response to media coverage of this issue in the Sydney Morning Herald on 8 March 2015, Premier Mike Baird announced he would ask the NSW Parliament to establish a “full parliamentary inquiry” into the regulation of brothels across the State, saying it was a complex issue and he wanted to get it right. Council has previously written to the NSW Government requesting an update on the NSW Government’s progress in establishing a licensing regime for the better regulation of brothels in NSW with no definitive response concerning the status or timing for the completion of its review and implementation of recommendations.

In light of the Court’s decision, it is appropriate that Council make representations to the Attorney General in support of a parliamentary inquiry into the regulation of brothels across the State and suggesting that in particular, strong regulation akin to the licensing requirements for alcohol and tobacco is required with compliance and enforcement responsibilities to be assumed by the State Government.

**RECOMMENDATION**

THAT Council write to the:

1. Attorney General in support of a parliamentary inquiry into the regulation of brothels across the State to implement a licensing regime for the better regulation of brothels in NSW, including the transfer of compliance and enforcement responsibilities to the State Government.
2. NSW Department of Planning and Environment seeking an urgent review of the legislative definitions of a brothel.

STEVE RUSSELL

Mayor

**Attachments:**

There are no attachments for this report.

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