



New South Wales

Disorderly Houses Amendment (Brothels) Bill 2001

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to facilitate proof of the use of premises as a brothel in proceedings before the Land and Environment Court:

- (a) on an application under the *Disorderly Houses Act 1943*, or
- (b) under the *Environmental Planning and Assessment Act 1979*.

The Bill makes it clear that, in any such proceedings, the Court may rely on circumstantial evidence to establish that particular premises are used as a brothel. The provision includes a note containing a list of examples of relevant circumstantial evidence.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on the date of assent.

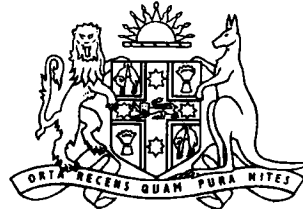
Clause 3 is a formal provision giving effect to the amendments to the *Disorderly Houses Act 1943* set out in Schedule 1.

Schedule 1 Amendments

Schedule 1 [2] sets out the amendment described in the above overview.

Schedule 1 [1] provides that notes in the principal Act do not form part of the Act.

First print



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New South Wales

Disorderly Houses Amendment (Brothels) Bill 2001

No. , 2001

A Bill for

An Act to amend the *Disorderly Houses Act 1943* in relation to evidence about the use of premises as a brothel.

The Legislature of New South Wales enacts:	1
1 Name of Act	2
This Act is the <i>Disorderly Houses Amendment (Brothels) Act 2001</i> .	3
2 Commencement	4
This Act commences on the date of assent.	5
3 Amendment of Disorderly Houses Act 1943 No 6	6
The <i>Disorderly Houses Act 1943</i> is amended as set out in Schedule 1.	7

Schedule 1	Amendments	1
	(Section 3)	2
[1]	Section 2A	3
	Insert after section 2:	4
	2A Notes	5
	Notes included in this Act are explanatory notes and do not form part of this Act.	6 7
[2]	Section 17A	8
	Insert after section 17:	9
	17A Evidence of use of premises as brothel	10
	(1) This section applies to proceedings before the Land and Environment Court:	11 12
	(a) on an application under section 17 for premises not to be used as a brothel, or	13 14
	(b) under the <i>Environmental Planning and Assessment Act 1979</i> to remedy or restrain a breach of that Act in relation to the use of premises as a brothel.	15 16 17
	(2) In any proceedings to which this section applies, the Court may rely on circumstantial evidence to find that particular premises are used as a brothel.	18 19 20
	Note. Examples of circumstantial evidence include (but are not limited to) the following:	21 22
	(a) evidence relating to persons entering and leaving the premises (including number, gender and frequency) that is consistent with the use of the premises for prostitution,	23 24 25
	(b) evidence of the premises being advertised expressly or implicitly for the purposes of prostitution (including advertisements on or in the premises, newspapers, directories or the Internet),	26 27 28
	(c) evidence of appointments with persons at the premises for the purposes of prostitution that are made through the use of telephone numbers or other contact details that are publicly advertised,	29 30 31 32

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Schedule 1 Amendments

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|-----|--|---|
| (d) | evidence of information in books and accounts that is consistent with the use of the premises for prostitution, | 1 |
| | | 2 |
| (e) | evidence of the arrangement of the premises, or of the furniture, equipment or articles in the premises, that is consistent with the use of the premises for prostitution. | 3 |
| | | 4 |
| | | 5 |