

Passed by both Houses



New South Wales

Disorderly Houses Amendment (Brothels) Bill 2001

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I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

*Clerk of the Legislative Assembly.
Legislative Assembly,
Sydney, , 2001*



New South Wales

Disorderly Houses Amendment (Brothels) Bill 2001

Act No , 2001

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

I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

Chairman of Committees of the Legislative Assembly.

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Disorderly Houses Amendment (Brothels) Act 2001*.

2 Commencement

This Act commences on the date of assent.

3 Amendment of Disorderly Houses Act 1943 No 6

The *Disorderly Houses Act 1943* is amended as set out in Schedule 1.

Schedule 1 Amendments

(Section 3)

[1] Section 2A

Insert after section 2:

2A Notes

Notes included in this Act are explanatory notes and do not form part of this Act.

[2] Section 17A

Insert after section 17:

17A Evidence of use of premises as brothel

- (1) This section applies to proceedings before the Land and Environment Court:
 - (a) on an application under section 17 for premises not to be used as a brothel, or
 - (b) under the *Environmental Planning and Assessment Act 1979* to remedy or restrain a breach of that Act in relation to the use of premises as a brothel.
- (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.
- (3) However, the presence in any premises of articles or equipment that facilitate or encourage safe sex practices does not of itself constitute evidence of any kind that the premises are used as a brothel.

Note. Examples of circumstantial evidence include (but are not limited to) the following:

- (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,
- (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),

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Schedule 1 Amendments

- (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,
- (d) evidence of information in books and accounts that is consistent with the use of the premises for prostitution,
- (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.