

Local Communities (Brothels—Flexible Zoning) 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 allow councils to establish brothel-free zones in local government areas. An occupier of premises in a brothel-free zone who uses the premises or allows the premises to be used for the purpose of a brothel will be guilty of an offence.

Outline of provisions

Part 1 Preliminary

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 defines certain words and expressions used in the proposed Act. In particular, **brothel** is defined as premises used for the purposes of prostitution, including premises used by only one prostitute for the purposes of prostitution.

Part 2 Establishment of brothel-free zone

Clause 4 allows a council to prepare a proposal for the establishment of a brothel-free zone, either on its own motion or on application by specified persons. The brothel-free zone may comprise the whole or any part of the area of the council.

Clause 5 requires the council to give public notice of the proposal to establish a brothel-free zone and to consider any representations and submissions made in relation to the proposal.

Clause 6 allows the council to adopt a proposal to establish a brothel-free zone, after complying with the procedures set out in clauses 4 and 5. The council is required to give public notice of the declaration of the brothel-free zone.

Clause 7 provides that a brothel-free zone operates from the date specified by the council, but no earlier than 30 days after the date public notice is given of the establishment of the brothel-free zone.

Clause 8 allows a council to cancel the operation of a brothel-free zone.

Clause 9 requires the council to undertake public consultation before changing the boundaries of a brothel-free zone.

Part 3 Enforcement

Clause 10 makes it an offence for an occupier of premises in a brothel-free zone to use the premises or allow the premises to be used for the purpose of a brothel. The maximum penalty for the offence is 100 penalty units (currently \$11,000).

Clause 11 allows a police officer to obtain a search warrant in respect of premises in a brothel-free zone if he or she has reasonable grounds for believing that they are being used for the purpose of a brothel.

Clause 12 provides for the summary disposal of proceedings for an offence under the proposed Act by a Local Court or the Land and Environment Court.

Part 4 Miscellaneous

Clause 13 provides that the proposed Act has effect despite the provisions of any other Act or law. In particular, the brothel-free zone has effect despite the provisions of any environmental

planning instrument or development consent.

Clause 14 provides that compensation is not payable by a council or the Crown for the operation of the proposed Act or anything done under the proposed Act.

Clause 15 contains an amendment to the *Search Warrants Act 1985* that is required as a consequence of clause 11.