

## Community Protection (Closure of Illegal Brothels) Bill 2003

### Explanatory note

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

#### Overview of Bill

The underlying principle of this Bill is to recognise the danger to public health and safety that is caused by the operation of illegal brothels in inappropriate locations within the community.

Accordingly, the objects of this Bill are as follows:

- (a) to protect the community from the operation of illegal brothels,
- (b) to encourage the restriction and regulation of brothels under instruments and policies made or adopted by local councils,
- (c) to facilitate the prompt closure of illegal brothels by local councils.

#### 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 that gives effect to the amendments to the *Environmental Planning and Assessment Act 1979* set out in Schedule 1.

#### **Schedule 1 Amendment of Environmental Planning and Assessment Act 1979**

At present under section 121B of the *Environmental Planning and Assessment Act 1979* (*the principal Act*), local councils may give a person an order to do or refrain from doing specified things in certain circumstances. **Schedule 1 [3]** amends the Table to section 121B to specifically provide for the giving of an order under that section to cease using premises for the purposes of an illegal brothel (ie in circumstances where the use of the premises as a brothel is prohibited under an environmental planning instrument or where development consent is required but has not been obtained). The order may be given to the owner of the premises or the person by whom the premises are being used as a brothel.

**Schedule 1 [1]** provides that the term *brothel* in the principal Act has the same meaning as in the *Restricted Premises Act 1943* (namely, premises habitually used for the purposes of prostitution, or that have been used for that purpose and are likely to be used again for that purpose).

**Schedule 1 [2]** excludes development for the purposes of a brothel from the operation of *State Environmental Planning Policy No 1—Development Standards*.

**Schedule 1 [4]** entrenches the underlying principles and objects of the proposed amendments in the principal Act.

**Schedule 1 [5]** provides that certain requirements under the principal Act relating to the giving of orders under section 121B will not apply to an order to cease using premises as an illegal brothel (eg it will not be necessary for a council to give advance notice of the proposed order or to allow representations to be made concerning the proposed order).

**Schedule 1 [6]** provides that if a council gives a person an order to cease using premises as an illegal brothel, then the order must require compliance with its terms within 48 hours.

**Schedule 1 [7]** authorises a council, if the council is satisfied that an order referred to above is not being complied with, to take action to prevent persons from entering the premises to which the order relates. The council will be able to recover any reasonable costs that it incurs in taking that action. Also, a council

will be able to recover from the person required to comply with the order certain other costs incurred by the council in making the order.