

**Submission
No 150**

INQUIRY INTO THE REGULATION OF BROTHELS

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Submission to Select Committee on the Regulation of Brothels

Introduction

I would like to thank the Chairman and Committee members for the opportunity to make this submission.

Having been first elected to local government in 1999, it has been particularly frustrating to see how problems relating to the regulation (or lack) of brothels have been ignored by the State Government for most of this time. When the O'Farrell Government was elected in 2011, there was genuine hope among many in local government that something may finally get done. Sadly nothing has been done until now.

What is wrong with the current policy?

Following the Wood Royal Commission in to Police Corruption, the decision was made to de-criminalise prostitution with responsibility for the regulation of brothels given to local government. This has proven to be totally ineffective.

Local government does not have the enforcement powers that the police have.

Many in the community are concerned about the involvement of a criminal element in brothels and the wider sex industry. My experience is that less people are worried about what consenting adults do behind closed doors than about brothels attracting a criminal element to their neighbourhoods and being used as fronts for drug dealing and human trafficking. Local government is totally incapable of dealing with these types of issues.

Part of the rationale of removing brothel regulation from the police was avoid the corruptions risks that the Wood Royal Commission had identified. This has simply shifted the corruption on to local government. Some cases have attracted the attention of the Independent Commission Against Corruption (ICAC), [REDACTED].

While planning controls are effective for regulating most businesses and other land uses, they have proven to have little deterrent value with regard to brothels. Often Orders and other requests from Council are totally ignored. Further, the legal processes are abused to draw out the length of a case, while a brothel continues to operate illegally. The current laws also give Councils no choice but to hire private investigators to use the services of sex workers in a brothel to gather evidence – much to the horror of residents.

Case study

In January of 2014, two suites in [REDACTED] Hornsby [REDACTED] started being used as brothels. This was apparent to a number of other businesses in the centre and their customers.

Under current legislation, it took Hornsby Shire Council more than a year to gather evidence and present it to the courts. Council was able to prove that a sex worker was operating illegally in these premises, however, the current legislation says that the definition of a brothel requires proving two or more sex workers are active at the one time. The case was lost and this brothel continues to operate.

Meanwhile, the neighbouring businesses continue to suffer inconvenience and costs. [REDACTED]

Areas of concern

The operation of brothels cuts across fairly serious areas of public policy, involving significant expense to the public. Many of these policy areas are federal government responsibilities:

- Public health
- Immigration
- Tax
- Social security
- Land use.

Local government is incapable of effectively dealing with issues of this importance.

Solution

It is clear that an independent licensing authority is required to effectively regulate this industry, in a similar way that the Liquor Administration Board regulates licensed premises (ie pubs, bars and clubs). Both the police and councils would have roles to play with the oversight of the Authority.

At the very least, probity checks would be required to ensure that those with criminal records are not involved with the industry. This type of measure proved effectively with removing organised crime from the management of casinos.