

**Submission
No 173**

INQUIRY INTO THE REGULATION OF BROTHELS

Organisation: Marrickville Council
Name: Mr Simon Grierson
Position: Manager Monitoring Services
Date Received: 31/08/2015

28 August 2015

The Chair
Committee on the Regulation of Brothels
Parliament House
Macquarie Street
SYDNEY NSW 2000

BY EMAIL: ROBInquiry@parliament.nsw.gov.au

Dear Hon. Henskens MP

Inquiry into Regulation of Brothels

Thank you for your letter dated 21 July 2015 requesting feedback in respect of the management, enforcement and regulation of unauthorised brothel premises in the Marrickville Local Government Area (LGA).

The Marrickville Council area has 16 approved brothel premises. In the last 5 years Council has received 93 complaints regarding approved brothels, non-approved brothels or sex services premises from residents, police, local business operators, competitors from the sex industry, persons who were alleged to have been offered sexual services or persons not satisfied with the sexual service provided.

Breakdown of Council data

93 complaints received by Marrickville Council, were made against 28 premises.
30 complaints referred to 15 brothels (approved and non-approved);
63 complaints referred to 13 sex services premises.

(Note, two thirds of the total complaints referred to 8 premises).

Complaint Investigation

When a complaint is received by Council it is assigned to the appropriate Officer for investigation.

Marrickville Council is cognizant of the sensitivity surrounding brothels and sex service premises and relies on a higher level of detail to be provided so that the investigating Officer can be confident there is basis to the allegation before approaching the subject premises.

In all cases (excluding anonymous) the investigating Officer will contact the complainant to discuss the nature of the complaint and obtain sufficient information to determine if the investigation will continue.

Where complaints are anonymous, if the complaint does not contain adequate or credible information the complaint will be closed without investigation.

Council does not engage the services of a private investigator as a means to collect evidence because it is cost prohibitive and the results achieved from this method do not guarantee the cessation of the illegal use.

Therefore in order for Council to successfully prove that a premise is operating as a brothel or sex services premises, it is largely dependent on the following forms of evidence:

- **Physical;** during the inspection of the premises physical evidence may include condoms, lubricants, advertising material, price lists, adult toys, sexual explicit magazines and videos;
- **Interviews;** of workers/ owners who may confess to the level and type of sex services provided; and
- **Website Forums;** in more recent times predominately for sex services premises, website material and user forums where blogs identify the premises and the types of sex services provided and may include the description of sexual acts or names of persons who provide the services.

Complaints against brothels

Over the last 5 years a total of 30 complaints were made against brothels;

9 complaints were made against 4 Council approved brothels. The type of complaint included allegations questioning the use, 'unhealthy' conditions and the 'poor' level of service. The investigations resulted in no enforcement action undertaken.

7 complaints were submitted by anonymous sources and were closed without investigation.

16 complaints were made by members of the community alleging 10 premises were operating as non-approved brothels. After initial contact with the complainant the investigating officer was not satisfied that adequate or credible information was forthcoming to enable the investigation to continue.

Only on 1 occasion, where Council received 5 complaints concerning 1 premises operating as a non-approved brothel, were Council Officers able to continue an investigation and undertake a course of action resulting in the closure of the operation. The closure of this illegal use was achieved by the use penalty infringement notices and an Order under the Environmental Planning and Assessment Act, 1979.

Complaints against sex service premises

Over the last 5 years a total of 63 complaints were made against sex service premises. In all but 1 case, the allegations centered on massage premises offering sexual services.

6 complaints were submitted by anonymous sources and were closed without investigation.

57 complaints were made by members of the community implicating 14 premises operating as massage premises offering sexual services.

Of these complaints, enforcement action (penalty infringement notices) was taken against 2 premises where sufficient evidence was obtained by the investigating officers to substantiate the business operation was involved in providing sexual services. At follow up inspections the investigating officer could not find evidence to substantiate the continuing provision of sexual services and the investigations were closed.

Recent investigations of alleged sex services premises have highlighted the following issues:

- **Remedial Massage Businesses;** Council approved remedial massage premises are often reported to Council as providing additional services at the conclusion of the massage such as "rub and tug".

Physical, interview or website evidence obtained

Sometimes physical evidence is found such as condoms and lubricants and or admissions by workers at the initial inspection. When a follow-up site inspection occurs, to confirm if the use has stopped, these physical items have been removed and the operator maintains at interview that any sexual services are no longer provided. Even in the case where the website evidence continues to be online, Council is of the view that this in of itself is not sufficient to prove the continuing illegal sex services premises use and the investigation will conclude with insufficient evidence to continue.

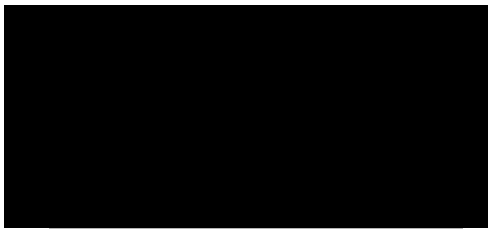
Lack of evidence;

When physical, interview related or website evidence is lacking and there is signage present in each of the consulting rooms stating that “No Sex” is provided, Council is unable to prove sexual services are provided therefore the investigation will conclude.

Marrickville Council appreciates the invitation to appear before the Select Committee on the Regulation of Brothels at the public hearing on Tuesday 1 September, 2015.

If you have any questions about this letter, you can contact George Lerantges, Team Leader Compliance on [REDACTED]

Sincerely,



Simon Grierson
Manager Monitoring Services