



ANNO SEPTIMO

EDWARDI VII REGIS.

A.D. 1907.

No. 931.

An Act for the Suppression of Brothels and for other purposes.

[*Assented to, December 12th, 1907.*]

BE it Enacted by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

1. This Act may be cited as “The Suppression of Brothels Act, 1907.” Short title.

2. In this Act the term “brothel” shall mean any house or premises, or part of any house or premises, or any place to which people of opposite sexes resort for the purposes of prostitution, and shall include any house or premises, or part of any house or premises, or any place occupied by a woman or women who is or are accustomed to receive men, or where men are received, for sexual purposes. Definition of brothel.

3. Any person who—

(a) Keeps, or manages, or acts or assists in keeping or managing a brothel, or is in receipt of the whole or part of the moneys received therein; or

(b) Being the tenant, lessee, or occupier of any premises, knowingly permits such premises or any part thereof to be used as a brothel or for the purposes of prostitution; or

(c) Being the lessor or landlord of any premises, or the agent of such lessor or landlord, lets the same or any part thereof with the knowledge that such premises or some part thereof are or is to be used as a brothel or for the purposes of

Prohibition against brothel-keeper.

Compare Imp. Act, 1885, ch. 69, Part II.

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of prostitution, or is wilfully a party to the use of such premises or any part thereof as a brothel or for the purposes of prostitution,

shall be liable—

- (1) For the first offence to a penalty not exceeding Twenty Pounds, or to imprisonment for any term not exceeding three months, with or without hard labor ;
- (2) For the second offence to a penalty not exceeding Forty Pounds, or to imprisonment for any term not exceeding four months, with or without hard labor ;
- (3) For the third or any subsequent offence to the pecuniary penalty mentioned in the immediately preceding subsection, and, in addition, to be required by the Court to enter into a recognizance (with or without sureties, as to the Court seems meet) to commit no offence under this Act for any period not exceeding twelve months ; and in default of entering into such recognizance (with or without sureties, as the case may be), to be imprisoned for any period not exceeding six months with hard labor :

Provided that there shall be no prosecution under this section unless the same shall be authorised in writing by the Commissioner of Police or any Superintendent, Inspector, Sub-Inspector, or Sergeant of Police, who shall in such authority certify that he has reason to believe that the house or premises in respect to which any person is to be prosecuted is a brothel, or used for the purposes of prostitution.

Act not to affect other liability.

4. Nothing in this Act shall operate to relieve any person from any proceedings whatsoever to which he would prior to the passing of this Act have been liable either at common law or by Statute.

Legal procedure.

5. Proceedings for any offence under this Act may be taken and determined by a Special Magistrate or two Justices of the Peace for the said State, and such proceedings shall be regulated by the Ordinance No. 6 of 1850, and "The Justices Procedure Amendment Act, 1883-4."

Appeal.

6. There shall be an appeal to the Local Court of Adelaide of Full Jurisdiction from any order of conviction or dismissal upon any proceedings under this Act, and such appeal shall be heard and determined in manner prescribed by the said Ordinance No. 6 of 1850.

Woman refusing to disclose name of keeper deemed to be herself the keeper of a brothel.

7. On refusal or failure by any woman found in any brothel to disclose the manager thereof such woman shall be deemed to be the keeper or manager or one of the keepers or managers thereof ; and any male person resident therein, or being the husband of any woman residing, managing, or assisting therein, except such husband shall be judicially separated and *bonâ fide* living apart from his wife, shall

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shall be *prima facie* deemed to be the recipient of the whole or part of the moneys taken therein.

8. Any contract or agreement to let any house or premises is hereby declared to be null and void if by its terms such contract or agreement appears to the Court to raise the presumption that the lessor, landlord, or owner knew or ought to have known that such house or premises would be used as a brothel or for the purposes of prostitution, and no action for rent, or other legal proceedings in respect of rent, shall be maintainable in respect of such contract, agreement, or premises.

Contract to let premises as a brothel null and void.

9. Any contract or agreement to let any house or premises which, subsequently to the making of such contract or agreement, shall become or be used as a brothel, or for the purposes of prostitution, shall thereupon be determined and rendered null and void, and thereupon the lessor, landlord, or owner shall be entitled to and may recover possession thereof; and the provisions in the preceding section with regard to rent shall apply in such case also, except that on proof by the lessor, landlord, or owner of his ignorance of the fact that such house or premises had become or were used as a brothel, or for the purposes of prostitution, he shall be entitled to recover from his tenant such sum by way of rent as the Court shall deem equitable during such time as the lessor was so ignorant as aforesaid.

Contract to let rendered null and void when premises become a brothel.

10. It shall be lawful for any police constable, authorised in writing by the Commissioner of Police or any Superintendent, Inspector, Sub-Inspector, or Sergeant of Police, to demand entrance at any time by day or night into any house which is, or is reported to be, or is *bona fide* believed to be, a brothel or place used for the purposes of prostitution; and if admittance be refused or be delayed for such time as shall make it appear that wilful delay was intended, such constable may break into and employ force to enter any such house or place as aforesaid, and into any inner room thereof: Provided that such constable shall, at the time of making such demand, or upon entering the said house or place, produce such written authority as aforesaid.

Power to police to enter.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

GEORGE R. LE HUNTE, Governor.