

# Planning (Brothels) Bill

## NOTES ON CLAUSES

*Clause 1* provides the short title.

*Clause 2* provides that the several provisions of the Act shall come into operation on a day or days to be fixed by the Governor in Council.

*Clause 3* inserts in section 3 of the *Town and Country Planning Act 1961* an interpretation of "brothel".

*Clause 4* inserts section 27A into the *Town and Country Planning Act 1961* which makes provision for the refusal or revocation of planning permits for brothels where the person seeking or holding the permit or owning or occupying the land has been convicted of a drug-related or serious indictable offence.

*Clause 5* amends section 49 of the *Town and Country Planning Act 1961* to provide greater and additional penalties for a person found guilty of an offence in relation to land used for the operation of a brothel.

*Clause 6* amends section 49A of the *Town and Country Planning Act 1961* to provide that, for the purpose of ascertaining whether planning controls are being complied with, an authorized officer or a police officer may enter a brothel without giving notice or obtaining consent of the occupier. A higher penalty is provided for persons hindering or obstructing such officers.

*Clause 7* inserts sections 49C to 49O into the *Town and Country Planning Act 1961*.

Section 49C prohibits a person from holding an interest in more than one planning permit granted in respect of a brothel.

Section 49D prohibits the admission of a minor into a brothel in respect of which a planning permit has been granted.

Section 49E provides for the prescribing of health requirements in respect of brothels with planning permits.

Section 49F provides that a brothel without a planning permit or any brothel in which drug-related offences, offences relating to venereal diseases or serious indictable offences have been committed may be declared by the Supreme Court to be a proscribed brothel, and provides for the rescission of such a declaration.

Section 49G provides for notification in the *Government Gazette* of a declaration under section 49F or of the rescission of such a declaration.

Section 49H provides that notice of a declaration under section 49F shall be published in a local newspaper, served on the owner or occupier and posted up on the premises concerned, and prohibits the covering removal defacing or destruction of a notice so posted up on the premises.

Section 49I prohibits any person from entering a proscribed brothel.

Section 49J provides a higher penalty for a person convicted under section 49I who has a prior conviction for an indictable offence.

Section 49K prohibits the carrying on of any business at a proscribed brothel.

Section 49L prohibits the owner of a proscribed brothel from permitting its continued use as a brothel.

Section 49M prohibits the occupier of a proscribed brothel from permitting its continued use as a brothel.

Section 49N provides for powers of entry and arrest in respect of proscribed brothels.

Section 49O empowers the making of Rules of the Supreme Court to enforce and carry out the provisions of the *Town and Country Planning Act 1961*.

*Clause 8* inserts a new Schedule into the *Town and Country Planning Act 1961* which contains a form of information for an offence against section 49I.

*Clause 9* amends section 10 of the *Vagrancy Act 1966* to make provision in respect of a person conducting a brothel with a planning permit from which he receives an income.

*Clause 10* amends section 11 (1) of the *Vagrancy Act 1966* to exclude brothels with planning permits.

*Clause 11* amends section 12 (1) of the *Vagrancy Act 1966* to exclude brothels with planning permits.

*Clause 12* inserts a new section 18AA into the *Summary Offences Act 1966* to provide that an act done in a brothel with a planning permit does not constitute an offence against section 18 or 18A unless the act is visible in a public place outside the brothel.

*Clause 13* inserts section 59A into the *Crimes Act 1958* which prohibits the publication of any statement likely to induce a person to seek employment in a brothel.

*Clause 14* provides that the common law offence of keeping a disorderly house shall not be constituted by reason only of the fact that the house is kept as a brothel. It also makes provision in relation to proceedings instituted and offences alleged to have been committed before the commencement of the section. An interpretation of "brothel" is provided.