

REPORT

Report No. 28/14ccs

**TO: CORPORATE AND COMMUNITY SERVICES COMMITTEE –
10 FEBRUARY 2014**

SUBJECT: ESCORT AGENCIES AND LOCAL GOVERNMENT

**AUTHOR: DIRECTOR CORPORATE AND COMMUNITY SERVICES –
CRAIG CATCHLOVE**

EXECUTIVE SUMMARY

This report provides information on how some local governments deal with planning requests for escort agencies/brothels and the response from the NT Government to an ASTC request for input into applications for such businesses within the Alice Springs municipality.

RECOMMENDATION

That it be a recommendation to Council:

That Council note this report.

REPORT

1. BACKGROUND

When an application was made to the NT Government by a private consortium to operate an escort agency from a residential abode, it came to Council's attention that the NT Government was under no obligation to seek the views of Council regarding this application as it would for either a liquor or gambling establishment.

This was considered anomalous by Council and a letter was written to the Deputy Chief Minister and Minister for Business, the Hon. David Tollner MLA, seeking a change to legislation to ensure Councils in the NT had the right to comment, and be heard, on any such application. The letters are shown at Attachments A and B.

Information from other interstate local governments was to be sought to determine how the issue was handled in other jurisdictions.

2. DISCUSSION

The reply from the Deputy Chief Minister has advised that the Department of Business is currently working on reforms across a number of licensing related acts to establish consistency across these acts and that information should be available in early 2014 regarding these reforms.

The CEO approached a number of interstate local government associations to seek information on how this issue is handled in other jurisdictions and the two responses are attached for Elected Members' information (Attachment C).

Please note they responded regarding brothels not escort agencies so there is limited directly pertinent information, but they do identify that where Council do have the responsibility for planning that community feedback into these kind of applications is of paramount importance.

4. **POLICY IMPACTS**

NIL

5. **FINANCIAL IMPACTS**

NIL

6. **SOCIAL IMPACTS**

NIL

7. **ENVIRONMENTAL IMPACTS**

NIL

8. **PUBLIC RELATIONS**

NIL

9. **ATTACHMENTS**

Attachment A - Letter from ASTC to Department of Chief Minister

Attachment B - Letter of Response from Department of Chief Minister to ASTC

Attachment C - Email responses from LGAs



Craig Catchlove

DIRECTOR CORPORATE AND COMMUNITY SERVICES



Chief Executive's Office

14 October 2013

Hon David Tollner MLA
Deputy Chief Minister
GPO Box 3146
DARWIN NT 0801

Dear Deputy Chief Minister

PROSTITUTION REGULATION ACT – COMMUNITY CONSULTATION

I write to you in your capacity as Minister for Business.

This Council would like to raise its concern that with respect to an application to be an operator or manager of an escort agency business under the *Prostitution Regulation Act*, there seems to be no requirement on the Northern Territory Licensing Commission to seek community consultation, including with this Council, before approval.

This is in contrast to applications under the *Liquor Act* and *Gaming Machine Act* where such consultation presently exists. Council is of the view that the activities regulated by the *Prostitution Regulation Act* are no less deserving of its notice and input as part of the approval process than the activities regulated by the other two Acts.

I therefore request that your Government give consideration to requiring the Commission to consult with Council as part of the approval process for an application to be an operator or manager of an escort agency business in Alice Springs.

I look forward to hearing from you.

Yours faithfully,



Damian Ryan
MAYOR



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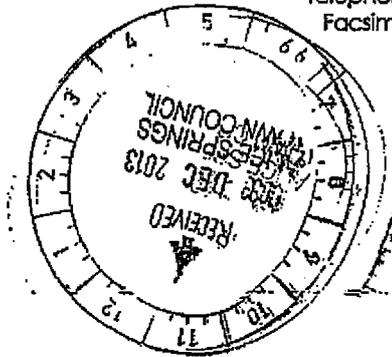
MINISTER FOR BUSINESS

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Darwin NT 0801
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His Worship the Mayor of Alice Springs
Mr Damien Ryan
Alice Springs Town Council
PO Box 1071
ALICE SPRINGS NT 0871

Damien
Dear Mayor Ryan



Thank you for your letter dated 14 October 2014 raising concerns that there is no requirement to consult with councils when the Northern Territory Licensing Commission considers an application to operate an escort agency.

The *Prostitution Regulation Act* (the Act) currently requires notification of an application to be given to the Commissioner of Police, who then is able to make representations in respect of whether the applicant is eligible and suitable to hold a licence. I do however note your concerns regarding broader community consultation around these types of licence applications.

The Gambling and Licensing Division of the Department of Business (DoB) is currently working on reforms across a range of licensing related acts, including the *Prostitution Regulation Act*, to establish consistency across licensing and regulatory processes. This will include, among other things, a review of the consultation provisions across several acts to ensure effective and appropriate consultation with all relevant bodies. It is expected that information on this aspect of the reforms will be available in early 2014.

Should you have any further queries in relation to this matter, I encourage you to contact the Senior Director Regulatory Systems and Operations, Gambling and Licensing Services Division, DoB, Ms Anna McGill, on 8999 7826 or via email: anna.mcgill@nt.gov.au.

Yours sincerely

DAVID TOLLNER

23 NOV 2013

Rex Mooney

From: Jessica Hacket
Sent: Tuesday, 17 December 2013 10:52 AM
To: Rex Mooney
Subject: FW: Prostitution Regulation - consultation

FYI below response.

Kind Regards,
Jessica Hackett
Executive Assistant to the Mayor & CEO
08 8950 0525

From: Luke Hannan [mailto:Luke_Hannan@lgaq.asn.au]
Sent: Tuesday, 17 December 2013 10:40 AM
To: Jessica Hackett
Cc: Greg Hoffman
Subject: RE: Prostitution Regulation - consultation

Hi Jessica

Thank you for your below enquiry. To clarify, your email refers to "escort agencies" but the subject matter refers to "prostitution". Under Queensland legislation, escort services and brothels are two discrete matters. The following response is in regard to establishing a brothel in Queensland.

A general overview of establishing a brothel in Queensland can be found at the following website -

<http://www.pla.qld.gov.au/brothels/establishingBrothel.htm>

In summary:

- To establish a brothel and operate it lawfully requires a person to obtain a brothel licence as well as obtaining local government planning approval for the brothel. Once these two requirements are met, the brothel may be operated in accordance with State and local laws which apply to the brothel, any conditions that attach to the brothel licence and any code of practice for licensed brothels which may be in operation.
- Like any other business, the decision as to where a brothel may be located is largely a matter for local governments, subject to the planning legislation. A development approval will not be granted by the local government if the proposed brothel -
 - is in or within 200 metres of the closest point on any boundary of a primarily residential area or an area approved for residential development or intended to be residential in character; or
 - is within 200 metres of the closest point on any boundary of land on which there is a residential building, place of worship, hospital, school, kindergarten or any other facility or place regularly frequented by children for recreational or cultural activities;
 - measured according to the shortest route a person may reasonably or lawfully take, by vehicle or on foot, between the application land and the other land; or
 - the application land is within 100m of the closest point on any boundary of land on which there is a residential building, place of worship, hospital, school, kindergarten, or any other facility or place regularly frequented by children for recreational or cultural activities, measured in a straight line; or
 - has more than five rooms, which are to be used for providing prostitution.
- Also, it is possible for the local authority of a town with less than 25,000 residents to automatically refuse development applications for brothels, if the local authority has sought and received approval from the Minister to be an exempt town under the planning legislation.

I trust the above is of assistance.

Kind regards

Luke



Luke Hannan

Manager - Advocacy

Planning, Development & Natural Environment

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From: Jessica Hacket [<mailto:JHacket@astc.nt.gov.au>]

Sent: Tuesday, 10 December 2013 10:50 AM

To: lgasa@lga.sa.gov.au; info@walqa.asn.au; Enquiries; vlqa@vlqa.org.au; lgnsw@lgnsw.org.au; admin@lqat.tas.gov.au

Cc: Rex Mooney

Subject: Prostitution Regulation - consultation

Dear respective Local Government Associations,

The Alice Springs Town Council is enquiring as to the process that your State local governments follow in relation to consultation that is in place relating to applications to operate escort agencies.

Local government within the Northern Territory is not given the opportunity to make comment in relation to the establishment of escort agencies. Please see attached self-explanatory correspondence.

The NT Government is responsible for planning control in the Northern Territory. It is not a local government function.

Any information or background you can provide would be greatly appreciated.

Thank you,

Kind Regards,

Jessica Hackett

Executive Assistant to the Mayor & CEO

Alice Springs Town Council

Ph: 8950 0525

Mob: 0447 782 851

www.alicesprings.nt.gov.au

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Rex Mooney

From: Jessica Hacket
Sent: Tuesday, 17 December 2013 4:49 PM
To: Rex Mooney
Subject: FW: Inquiry into prostitution controls - escort agencies and local government

Kind Regards,
Jessica Hackett
Executive Assistant to the Mayor & CEO
08 8950 0525

From: Jan Black [mailto:JBlack@mav.asn.au]
Sent: Tuesday, 17 December 2013 3:15 PM
To: Jessica Hackett
Subject: Inquiry into prostitution controls - escort agencies and local government

Hello Jessica

I am responding to your email seeking advice about local government's role in relation to prostitution controls.

Whilst I am not an expert – I have been involved recently in a task force looking at illegal brothels and sex slavery

My understanding is the local councils receive planning applications for legal brothels which can only be approved if they meet criteria such as distance from schools, correct zoning etc. Councils do not have the opportunity to approve or otherwise any applications for licencing as escort agencies. The licencing of the business is conducted through the State Department of Consumer Affairs. The onus on checking on illegal brothels then often falls on local councils to determine whether they are in breach of planning laws in terms of their physical position. This is where it gets tricky because the business may be advertising as 'massage' which is a legitimate activity in a particular zone and it is up to the person inspecting to 'prove' sexual services were offered in order for the business to be 'proscribed' and the operations halted for a period of time.

This is just a snapshot of the issues where prostitution and local government intersect and there are some inner city councils such as Yarra and Port Philip council where alliances with those working in this field have been forged over a long time.

Please feel free to give me a call if you wish to discuss
Warm Regards
Jan

Jan Black | Policy Adviser

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