

14. ANSWERS TO QUESTIONS WITH NOTICE

14.1 Answers to Questions With Notice

The following answers are provided to questions that were raised at Council's previous Ordinary meeting held 17 March 2015:

Councillor Mead - following up a newspaper report regarding the recent Hornsby case:

1. This question was answered at Council's Ordinary meeting held 17 March 2015 and is documented within those minutes.
2. What is current Council policy and/or practice on this matter? Assuming no council resolution changing policy (that is, based on current policy and practice), would council staff consider using such investigators in the future in a situation where it is suspected or there is a report of illegal sex work occurring at a premises?

Answer: Council does not have a specific policy on this matter.

In the event Council does receive a complaint regarding unauthorised use of a premises as a brothel or for illegal sex work, it usual practice for staff to conduct an investigation into the allegation which would ordinarily involve inspection(s) of the subject premises, a review of available information on the web and advertisements in the local papers and conducting an interview(s) of the occupants to gather available evidence before determining how to proceed.

Council staff have had some success in dealing with such unauthorised activities in the past by conducting regular inspections, issuing Orders upon the owner and occupier (to cease unauthorised use) and penalty notices under the Environmental Planning and Assessment Act to occupiers (for failure to comply with conditions of consent e.g. operating hours for massage parlours), where Council is satisfied that the complaint is valid.

Council has also sometimes worked with other agencies, including the Police and Fire Brigade (fire safety).

Council officers would take advice from its solicitor before making any decision involving the suggestion of the engagement of a private investigator, and take into account the specific circumstances and issues associated with each individual case. Such compliance matters are dealt with at an operational level.