



Yarra City Council

Anti Slavery and Sexual Servitude Local Law

Local Law No.14 of 2009

TABLE OF CONTENTS

PART A – INTRODUCTION	3
1. Title	3
2. Objectives of this Local Law	3
3. Authorising Provision	3
4. Operation Date.....	3
5. Revocation.....	3
6. Application.....	3
7. Interpretation	3
8. Notes in this Local Law	4
PART B – SIGNAGE	4
9. Requirement to Display Sign	4
10. Content and Location of the Sign	4
11. Language of the Sign	5
PART C – ADMINISTRATION AND ENFORCEMENT	5
12. Notices to Comply	5
13. Offences.....	6
14. Infringement Notices.....	6
15. Payment of Penalties.....	6
16. Acceptance of Infringement Notice	6
17. Waiver of Infringement Notice	6
18. Withdrawing a Notice	7
19. Failure to Comply with Notice.....	7
20. Requirement to Act Fairly and Reasonably.....	7
PART D – SCHEDULES	8
21. Schedule 1 – Sample Notice to Comply	8

PART A – INTRODUCTION

1. Title

- 1.1 This Local Law is called the "Anti Slavery and Sexual Servitude Local Law" and is Local Law No. 14 of 2009 of the Yarra City Council.

2. Objectives of this Local Law

- 2.1 The objectives of this Local Law are to:

- 2.1.1 enable the Council to require information signs in relation to slavery and sexual servitude to be displayed in brothels within the Municipal District;
- 2.1.2 provide information on the serious crime of slavery and sexual servitude, and on how to seek help for those involved in sex slavery;
- 2.1.3 raise awareness in the community of the serious crimes of slavery and sexual servitude;
- 2.1.4 improve the overall quality of life of people in the local community; and
- 2.1.5 provide generally for the peace, order and good government of the Municipal District.

3. Authorising Provision

- 3.1 This Local Law is made under section 111 of the Act.

4. Operation Date

- 4.1 This Local Law commences to operate on 20 October 2009.

5. Revocation

- 5.1 Unless sooner revoked, this Local Law ceases to operate on 19 October 2019.

6. Application

- 6.1 This Local Law applies and operates throughout the whole of the Municipal District.

7. Interpretation

- 7.1 Unless the contrary intention appears in this Local Law:

- 7.1.1 a reference to a clause is a reference to a clause of this Local Law;
- 7.1.2 a reference to a sub-clause is a reference to a sub-clause of the clause in which the reference is made;
- 7.1.3 a reference to a paragraph is a reference to a paragraph of the sub-clause in which the reference is made;
- 7.1.4 a reference to a Schedule is a reference to a Schedule of this Local Law; and
- 7.1.5 the following words are defined as indicated:

- (a) **"the Act"** means the *Local Government Act 1989*;

- (b) **"act of prostitution"** means the provision of a sexual service for payment of a fee or reward;
- (c) **"authorised officer"** means a person appointed under section 224 of the Act;
- (d) **"brothel"** has the same meaning as in the Prostitution Control Act 1994;
- (e) **"the Council"** means Yarra City Council;
- (f) **"Municipal District"** means the Municipal District of the Council;
- (g) **"proprietor of a brothel"** means the owner, occupier and person in charge of a brothel;
- (h) **"sexual service"** has the same meaning as in section 3 of the *Prostitution Control Act 1994*;
- (i) **"slavery"** has the same meaning as in the Criminal Code (Cth) (a schedule to the Criminal Code Act 1995(Cth));
- (j) **"sexual servitude"** has the same meaning as in the Criminal Code (Cth) (a schedule to the Criminal Code Act 1995(Cth));
- (k) **"sex slavery"** means the condition of a person who provides sexual services and who, because of the use of force or threats:
 - (i) is not free to cease providing sexual services; or
 - (ii) is not free to leave the place or area where the person provides sexual services; and
- (l) **"the Sign"** has the meaning assigned by sub-clause 9.1.

8. Notes in this Local Law

- 8.1 Introductions to Parts, headings and notes are explanatory notes and do not form part of this Local Law. They are provided to assist understanding.

PART B – SIGNAGE

Introduction:

This Part of the Local Law sets out the obligation to ensure the display of a sign containing information about slavery and sexual servitude in brothels in the Municipal District.

9. Requirement to Display Sign

- 9.1 A proprietor of a brothel must, at all times, ensure that there is displayed in the brothel a sign which complies with clauses 10 and 11 of this Local Law.

Penalty: 5 penalty units for each sub-clause or paragraph not complied with

10. Content and Location of the Sign

- 10.1 The Sign must be:

- 10.1.1 in the form as prescribed by the Council and published in the Procedures and Protocol Manual;
- 10.1.2 displayed in the reception area of the brothel and in every room where an act of prostitution takes place;
- 10.1.3 displayed in a conspicuous place in the reception area and in each room where an act of prostitution takes place; and
- 10.1.4 clearly visible and legible to any person in the reception area or room.

11. Language of the Sign

11.1 The Sign must be written in each of the following languages:

- 11.1.1 English;
- 11.1.2 Chinese (Mandarin);
- 11.1.3 Korean;
- 11.1.4 Russian; and
- 11.1.5 Thai.

PART C – ADMINISTRATION AND ENFORCEMENT

Introduction:

This Part aims to supplement the preceding provisions of the Local Law by explaining how the Local Law may be administered and enforced. In particular, powers to serve Notices to Comply and Infringement Notices are conferred.

12. Notices to Comply

- 12.1 The Council or an authorised officer may, by serving a Notice to Comply in the form or to the effect of Schedule 1, direct a proprietor of a brothel or any other relevant person to remedy any thing that constitutes a breach of this Local Law.
- 12.2 A Notice to Comply served in accordance with this Local Law must state the date by which the thing must be remedied.
- 12.3 The time required by a Notice to Comply served under this Local Law must be reasonable in the circumstances, and what will be reasonable will vary depending on the matters to be remedied, but should take into account, if applicable:
 - 12.3.1 the amount of work involved;
 - 12.3.2 the degree of difficulty;
 - 12.3.3 the availability of necessary materials or other necessary items; and
 - 12.3.4 any other relevant matter.
- 12.4 Any person who fails to remedy a thing in accordance with a Notice to Comply within the time specified is guilty of an offence under this Local Law.

Penalty: 10 penalty units

- 12.5 Nothing in this Local Law:
- 12.5.1 obliges the Council or an authorised officer to serve a Notice to Comply; or
 - 12.5.2 precludes the Council or an authorised officer from both serving a Notice to Comply and also serving an Infringement Notice or prosecuting for an offence.

13. Offences

- 13.1 A person who contravenes or fails to comply with:
- 13.1.1 any provision under this Local Law; or
 - 13.1.2 a Notice to Comply by the date specified in the Notice to Comply
- is guilty of an offence and is liable to:
- 13.1.3 the penalty stated under a provision or, if no penalty is stated, 1 penalty unit;
 - 13.1.4 a further penalty of 2 units for each date during which the contravention continues; and
 - 13.1.5 upon conviction for a second or subsequent offence, double the penalty stated under a provision of penalty units, whichever is the lesser.

14. Infringement Notices

- 14.1 As an alternative to prosecution for an offence, a person may be served with an Infringement Notice.
- 14.2 The penalty fixed for an Infringement Notice is 5 penalty units.
- 14.3 Where an authorised officer has reason to believe that a person is guilty of an offence or offences for which an Infringement Notice may be served under this Local Law, the authorised officer may serve on that person an Infringement Notice in a form determined by the Council from time to time.

15. Payment of Penalties

- 15.1 Any person served with an Infringement Notice may pay the penalty indicated to a member of Council staff at the Council offices.
- 15.2 To avoid prosecution, the penalty indicated should be paid within 28 days from the date of service of the Infringement Notice.

16. Acceptance of Infringement Notice

- 16.1 A person served with an Infringement Notice is entitled to disregard the Notice and defend the prosecution in court.

17. Waiver of Infringement Notice

- 17.1 If a person served with an Infringement Notice makes a written representation to the Council within 28 days of service of the Infringement Notice, the representation must be brought to the attention of the Chief Executive Officer.
- 17.2 The Chief Executive Officer may consider any written representations and any other relevant information and must consider any such material brought to his or her attention within 28 days of service of the Infringement Notice to which it relates.

18. Withdrawing a Notice

- 18.1 The Council or the Chief Executive Officer may at any time withdraw an Infringement Notice either as a result of consideration of any representations made or with a view to prosecuting for an offence.
- 18.2 Where an Infringement Notice is withdrawn, the person upon whom it was served is entitled to a refund or any payment which that person has made on the Infringement Notice.
- 18.3 If the penalty referred to in an Infringement Notice has been paid within 28 days of its service and no representation has been received by the Council or its staff, no decision may be made to withdraw the Infringement Notice and prosecute the offence after the expiry of 28 days from service of the Infringement Notice.
- 18.4 Any notice of withdrawal of an Infringement Notice may be served in accordance with section 234 of the Act.

19. Failure to Comply with Notice

- 19.1 In the event of the failure of a person served with an Infringement Notice to pay the amount specified within 28 days of service of the notice or such further time as the Council or the authorised officer may permit, the Council or the authorised officer may pursue the matter by prosecuting for an offence or by taking any steps which may be available for enforcing penalties by registration of Infringement Notices.

20. Requirement to Act Fairly and Reasonably

- 20.1 In exercising any power under this Local Law, the Council and authorised officers must act fairly and reasonably and in proportion to the nature and extent of the breach of this Local Law.
- 20.2 Where the Council or authorised officer may take action forming any particular opinion, or, where the Council or an authorised officer is required to form an opinion prior to taking any action under this Local Law, the opinion must be reasonably held having regard to all of the circumstances.

PART D – SCHEDULES

21. Schedule 1 – Sample Notice to Comply

The following is Schedule 1 to this Local Law:

**Yarra City Council
Anti Slavery and Sexual Servitude Local Law No. 14 of 2009
Schedule 2**

NOTICE TO COMPLY

To: Name:

Address:

You have, in the opinion of the Yarra City Council (**Council**) or an authorised officer, committed a breach of clause of Council's Local Law No. ## of 2009 by:

.....

.....

To remedy this breach you must do the following, within days of service of this notice:

.....

.....

Please contact at the Municipal Offices, located at:

.....

between the hours of..... for any further information about this notice.

Please note that if you fail to comply with this Notice, you will be guilty of an offence and liable to a penalty of \$..... and the Council may carry out any required work, for the cost of which, in addition to the above penalty, you will be liable.

Date:

Name of authorised officer:

Telephone No.:

Signature of authorised officer:

This Local Law was made by resolution of Council at a meeting held on 20 October 2009.

THE COMMON SEAL of the **YARRA CITY COUNCIL** was affixed hereto in the presence of:

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Mayor

.....

Chief Executive Officer

Adopted Local Law