



26. 2. 2004

**SUPPLEMENTARY REPORT BY THE  
GENERAL MANAGER REGULATION AND DEMOCRACY SERVICES FOR  
THE PROSTITUTION REFORM ACT SUBCOMMITTEE**

**PART B - REPORTS FOR INFORMATION**

**1. PROSTITUTION REFORM ACT**

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On page 199 of the Council's 26 February 2004 agenda there is a report from the Prostitution Reform Act Subcommittee recommending that the Council adopt a draft bylaw regarding the location of brothels and signage advertising commercial sexual services.

The Subcommittee had met on Monday 16 February 2004 to consider the report and make the recommendations set out at pages 202-203 of the Agenda.

One matter considered by the Subcommittee on 16 February 2004, upon which it had sought additional legal advice, relates to the fact that the proposed shaded area on the map at p210 of the agenda where brothels will be permitted under the proposed bylaw includes eight existing massage parlours, with the effect that another eight existing massage parlours are outside that shaded area and consequently (while they will be able to continue to operate as a massage parlour) would not be able to operate as a brothel under the bylaw.

The location of the eight massage parlours outside the shaded area are:

<b>Name of Premises</b>	<b>Address</b>
Gillanders	48 McGregors Road
JoJo's	464 Worcester Street
Givenchys	284 Kilmore Street
The House	317 Madras Street
B.J.'s	127 Worcester Street
Temptation	344 Durham Street
Tender Touch	183 Bealey Avenue
Executive Girls	2/276 Lincoln Road

The Subcommittee considered legal advice on the question of whether the Council would be liable to pay compensation to the owners of the eight massage parlours where they are outside the area in which brothels are permitted in the bylaw. Attached to this report is a legal opinion dated 11 February 2004 from Simpson Grierson in which that firm advises that the Council would not be liable to pay such compensation.

However the advice at paragraph 3.9-3.11 noted that the Council should set out its reasons for not permitting the eight massage parlours to operate as brothels, such as by listing them in a schedule to the bylaw.

The Council has two options:

- (a) Allow those eight premises outside the permitted area to be able to operate as brothels by listing them in a schedule attached to the bylaw. This would have the effect of those premises being able to operate as brothels, but new premises would not be able to commence;
- (b) Not listing those eight premises in a schedule so that they could not operate as a brothel.

As Simpson Grierson has noted, the Council should set out its reasons as to why it would not allow those existing massage parlours to operate as brothels and the Subcommittee will be tabling its recommendation to the Council on this aspect at the Council meeting on 26 February 2004.

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**1 Cont'd**

The Subcommittee draws to the Councillors' attention that the proposed bylaw would ban the location of all brothels outside of the shaded area. This includes brothels operated by one to three persons for which an operator's certificate is not otherwise required under the Prostitution Reform Act. The Council's bylaw-making power applies to all brothels and not just those brothels with four or more sex workers, that require an operator's certificate.

**Recommendation:** That the information be received.

**CONSIDERED THIS 26TH DAY OF FEBRUARY 2004**

**MAYOR**