

City of Melton submission

Discussion Paper on Decriminalising Sex Work

Introduction

Council would like to thank the Department of Justice and Community Safety for the opportunity to make a submission on this important discussion paper.

Council notes that the Victorian Government will decriminalise sex work in Victoria to maximise sex workers' safety, health, and human rights, while also reducing stigma and fear of criminal repercussions for sex workers. It is also noted that the questions posed in the paper are intended to guide feedback on the implementation of sex work decriminalisation in Victoria, and that these insights will help to ensure that the changes are appropriate and that the decriminalisation of sex work is applied in a way that reflects community attitudes and expectations.

City of Melton's current experience

By way of context, the City of Melton is Victoria's fastest developing municipality located on Melbourne's western fringe. It encompasses a mix of established and developing urban areas, and green wedges.

Some of the urban areas contain what could be termed vulnerable communities from a socio-economic perspective. As the City continues to grow and mature, there are a number of challenges that must be considered. These include rapid population growth, COVID-19 recovery, social cohesion, access to health and community services, provision of and access to local infrastructure, transport, education and employment, and preservation and protection of the natural environment.

The prevalence of sex workers is not significant, with the municipality only having one legal brothel which is located in the existing industrial area in Melton Township. By all accounts, this brothel has operated in accordance with its planning permit and does not cause a nuisance to surrounding properties.

Council concerns

Council supports and appreciates the positive aspects of the decriminalising of sex work as proposed however, it is concerned that some of the proposed changes could potentially compromise the community if the legislative framework is inadequate. Furthermore, we note that management of community dissatisfaction from matters such as compliance are proposed to be largely managed by Council.

In general terms, Council has the following concerns with the proposals as expressed in the discussion paper:

- It is proposed to decriminalise sex work without a proper planning and public health regulatory framework being in place. It is unclear under which jurisdiction responsibilities for approvals, compliance and industry support will sit.
- There does not appear to be a clear process for developing that policy framework and no consultation / engagement strategy with local government has been presented to date.

- The proposed timeframe for finalising the framework by the end of 2021 does not seem to be realistic given the extent of changes proposed.
- The proposal introduces new land uses which are likely to have conflicts between the community and industry (namely street work, home based services and the removal of separation buffers). The ramifications on council's compliance process do not appear to have been thoroughly considered.
- The existing planning legislation is ill-equipped to manage the new land uses and is impractical particularly for compliance and enforcement matters.
- Further consideration should be given to the upskilling, resourcing and safety of Council staff, particularly should the compliance expectation sit within Council.
- There appears to be uncertainty between the compliance responsibilities of the Police (under the Crimes Act) and Council officers (under planning and public health legislation)
- The proposal presents a significant shift in what is permitted in residential and commercial areas for the community. It introduces a land use that is at odds with the existing perception of those environments. Given the scale of the proposal, extensive community consultation should be undertaken. Community consultation will ensure all members of the community and their views are considered.

Council has concerns regarding the provision of sexual services:

- In commercial areas, particularly shopping centres which are typically frequented by families and children. In particular, there appears to be no distinction made between massage parlours and brothels in a regulatory sense.
- Council is undertaking extensive measures to optimise the use of our local centres and commercial areas. These measures include the provision of community services, parks, etc to act as a community anchor. Council queries how the agent of change principal will apply for sex work based businesses as we do not want community based services prejudiced by the proposal.
- From road reserves and public land where there is uncertainty about appropriate separation distances from sensitive uses, and which agency would ensure compliance with any separation requirements. We note that currently buffer distances are established through a detailed site and neighbourhood analysis carried out in the preparation of a planning application. This is a complex process as not all land uses such as a place of worship is obvious. The current proposal puts an ambiguous and unrealistic expectation on both workers and compliance officers to establish appropriate buffers.
- Within the residential zones, particularly under the current home business provision of the planning scheme. Council's submits that sex work is simply not compatible with residential areas and should not be categorised as a home business. If it is to be permitted it should be implemented through a land use specific particular provision which includes measures to be met which minimise detriment to surrounding residents, and maximise the safety and security of the people working in and living in the particular premises.

Council also has a real concern that were sex workers to operate from a dwelling, it would be difficult to control whether minors or children were also on the premises, and who would be responsible for monitoring this and taking appropriate compliance action.

Conclusion

Council fundamentally believes that the current regulatory framework for sex work is adequate within the City of Melton.

An appropriate regulatory framework is required to ensure the efficient operation of the business with minimal community impact.

As noted, Council has one permitted brothel within minimal planning enforcement issues. Sex work does not appear to be prevalent within the area however given social vulnerabilities of some sectors of our community this proposal could see a greater uptake. We therefore encourage that should the proposal go ahead, it be trialled within a municipality where sex work is more prevalent. This would enable an understanding of impacts and if necessary, the further development of an appropriate policy framework and compliance structure.

Council looks forward to future opportunities to be involved in the development of the regulatory model for sex work.