

[REDACTED]

From: Moira Deeming
Sent: Thursday, 21 October 2021 10:54 AM
To: [REDACTED]
Subject: RE: RE: Letter to be revised

Dear [REDACTED],

I must raise with you my deep concerns about officer interference or overreach in Councillor affairs. The letter drafted for the purpose of expressing democratically elected Councillor concerns to State Government has been so heavily influenced by completely contrary points of view that I am left seriously concerned.

Rather than summarise and formalise our concerns- an entirely different agenda was put forward in the draft, that is entirely at odds with the one expressly and repeatedly put forward by Councillors.

By way of example, at no time do I recall us ever:

1. Saying that our "primary concern" was a lack of consultation- to my memory it was the proposal itself which was outrageous in and of itself.

"Council's primary concern is the lack of consultation with the Local Government industry"

2. I do not recall Council ever saying that our community did not know how this Bill would negatively impact them, in fact I recall the majority of us agreeing that they *certainly did understand and would not want this Bill to go through at all.*

"It is Council's view that the broader community is largely unaware of the Bill, and the potential implications it has for urban communities"

3. I do not recall any of us even for a moment considering this Bill as appropriate with or without regulatory oversight, and yet that is what is implied here:

"The decriminalising of sex work as proposed raises significant concerns that a number of the proposed changes could potentially compromise the community **if the regulatory framework is inadequate.**"

4. I do not recall us ever even accepting the idea of 'buffers' or 'time zones', or this Bill at all, in any way, and yet it is implied that the current problem is they are not well enough defined.

"The current proposal puts an ambiguous and unrealistic expectation on both workers and compliance officers to establish appropriate buffers"

5. We never ever said we would ever accept home based brothels, we rejected residential and commercial sex work in total and without equivocation, and yet here I see a suggestion for how to make it work!!!!

"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."

6. **We never ever said it should be trialled or that it was acceptable in any way shape or form anywhere other than Industrial Zones, and yet here I find this suggestion:**

"We therefore suggest that before the Bill is enacted, 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."

My revised draft for your consideration, is below.

Dear [REDACTED]

Re: Sex Work Decriminalisation Bill 2021

Further to previous correspondence on the above Bill, I appreciate your request for Council to make further comment on its many concerns.

The lack of in-depth consultation with the Local Government industry and the communities we represent, along with extremely restrictive timelines, we were unable to conduct a proper consultation with our residents about the proposal.

Council submits that sex work is simply not compatible with commercial or residential areas, and **should operate only within the industrial zones**. The Government's current proposal to deregulate sex work is completely inappropriate, and will **significantly undermine the safety, amenity and financial stability of our community**. All people, and especially children, have the right to live and work in an environment free from unwanted sexualisation and sexual solicitation and that residents and business owners in urban environments have the right and the responsibility to live and work in community and family-oriented environments.

Council further submits that deregulating and extending sex work into residential and commercial areas will not actually deliver on the objective of enhanced safety for sex workers. If this model is adopted sex-workers will tragically continue to be harmed, and likely at **greater rates** and with greater impunity due to the removal of every safeguard currently in place.

Council suggests instead that the government increase regulatory power, funding, and resources to the police and health services units dedicated to serving the sex work industry. By way of example, the Government could strengthen rather than abandon the Victorian Sex Act (1994) by:

- **Introducing strict testing regulations to make sure that every 'customer' is free of STIs prior to 'hiring' a prostitute.**
- **Introducing strict regulations to make sure that the prostitute is free of STIs (sexually-transmitted infections) and that testing must be conducted in between each and every 'customer'.**
- Introducing occupational health & safety regulations for the sex work industry in line with other professions, (e.g. surgeons and nurses), in which the worker is at high risk of coming into contact with human biological fluids.
- **Introduce strict record keeping protocols for the sake of public health, for the purposes of efficient 'contact tracing' for sexually transmitted infections.**

Council is particularly concerned about the proposed deregulation of sex work for the following reasons:

- The government's claim that 'social attitudes' cause most of the harm that prostitutes experience has is highly contested. Decades of research has consistently shown that **"prostitution itself is a traumatic stressor,"** because prostitutes, be they free or trafficked, adults or children, suffer PTSD at more than twice the rates of active combat veterans, whether they live in a culture that embraces sex as 'work' or not.
- The removal of police oversight, and replacement with 'Council Officer' oversight in an industry world renowned for its **close ties to human trafficking**, child trafficking, drug trafficking, gangs and general violence is particularly egregious. Our Council officers do not have any of the required weapons, **combat training, psychological training**, or legislated enforcement powers that would be required to ensure **any level of safety** in this industry at all. This amounts to **cost shifting** from the State to Local Government, that will inevitably put our officers, our residents and our prostitutes themselves at greater risk of harm.
- 'Buffer distances' and 'time zones' for sex work activity in residential and commercial zones are unrealistic, impractical and most importantly, do not alleviate the negative impacts of public prostitution on the safety, amenity, liveability and **commercial viability of Melton**. Children have the right to a public environment free from age inappropriate sexualisation, such as public prostitution. All areas of our community are frequented by children every day of the week, from very early in the morning until at least 9pm at night, due to before and after school activities, weekend sporting, social and religious activities. Thus, it is inappropriate to allow prostitution outside of industrial zones.
- Council submits that sex work is simply not compatible with commercial areas and should not be categorised as a general commercial business. Public street-based sex solicitation and shop front brothels are **selling highly dangerous products**, which **carry extremely high risks of sexually transmitted diseases**. **Therefore, they belong in the Industrial Zone**. Further, businesses in our municipality have already raised concerns about close proximity 'sex work' resulting in families, children and all those who want to avoid being solicited in public or mistaken as brothel customers- avoiding the surrounding shops entirely. Clearly, this policy will negatively impact the safety, amenity, and **economic viability** of the area.
- Council submits that sex work is simply not compatible with residential areas and should not, under any circumstances, be categorised as a home business. **The negative impacts on homeowners' investments**, on the safety and comfort of women and children, are simply unacceptable. Further, Council also has a real concern that were sex workers to operate from a dwelling, it would be **almost impossible to ensure victims of trafficking, or minors or children, were not also on the premises**. That is an entirely unacceptable risk.

Council looks forward to your response to this important issue for the community.

[REDACTED]

I would like to speak with you about this matter at your earliest convenience,

Kind regards,

Cr Moira Deeming

Watts Ward Councillor | **Melton City Council**

M: 0499 801 198

E: moira.deeming@melton.vic.gov.au | **W:** melton.vic.gov.au

From: [REDACTED]

Sent: Tuesday, 19 October 2021 3:52 PM

To: Moira Deeming <MoiraD@melton.vic.gov.au>

Subject: RE: Letter to be revised

Hi Cr Deeming

I was hoping you could assist in this matter.

Can you please review this draft letter that was provided to me in relation to the discussions that Councillors, CEO and GM's had last night?

I feel that some elements have been missed altogether to capture our genuine concerns about the Sex Decriminalisation Bill 2021.

Thank you much appreciated.

[REDACTED]

[REDACTED]

A draft for your consideration.

Dear [REDACTED]

Re: Sex Work Decriminalisation Bill 2021

Further to previous correspondence on the above Bill, I appreciate your request for Council comment on its concerns.

Council's primary concern is the lack of consultation with the Local Government industry, and the communities we represent coupled with extremely restrictive timelines. While Council did make submission to the Department of Justice and Community Safety's discussion paper on this subject, we were unable to consult with our community on the proposal. It is Council's view that the broader community is largely unaware of the Bill, and the potential implications it has for urban communities

The decriminalising of sex work as proposed raises significant concerns that a number of the proposed changes could potentially compromise the community if the regulatory framework is inadequate. Council is not convinced that extending sex work into residential and commercial areas will actually deliver on the objective of enhanced safety for sex workers, as the disbursement of activity will lead to more "remote" or "isolated" workers. Furthermore, it is noted that management of community dissatisfaction from matters such as compliance are proposed to be largely loaded onto Councils to manage, which is another unacceptable example of cost shifting from the State.

Council is particularly concerned about the conduct of sex work:

- 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. How will **explicit advertising** and “street walking touting for business” be controlled.

- 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 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, if not impossible, to control whether minors or children were also on the premises, and **who would be responsible for monitoring this** and taking appropriate compliance action. Similarly there is a real lack of **clarity around how many workers could operate from a home based business**.

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

Council has one permitted brothel within the municipality which has generally operated in accordance with its permit. Sex work does **not appear to be prevalent** within the area however given the social vulnerabilities

of some sectors of our community this Bill **could facilitate a greater uptake**. We therefore suggest that before the Bill is enacted, 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 your response to this important issue for the community.

[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]