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The proposed licensing of brothels in New South Wales – Penny Crofts

The New South Wales Coalition government is proposing to introduce a licensing system for brothels in accordance with pre-election commitments. This article argues that there is no evidence that brothels are criminogenic or inherently corrupting, nor any evidence that a Brothel Licensing Authority would effectively reduce and/or prevent crime and corruption. It considers the current New South Wales planning-based model and compares this with the Queensland and Victorian licensing models. There are other regulatory concerns associated with the sex industry, such as amenity impacts and health and safety concerns; it is argued here that these are regulated effectively under the current planning regime. A licensing authority is unlikely to improve the regulation of brothels in New South Wales in terms of illegality, amenity, and health and safety.

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Existing use rights revisited – permissibility paradox and the species trap – Michael Astill

Existing Use Rights have been subject to greater legislative restriction on change in recent years. Unless the correct approach to characterisation is used these rights could be virtually useless in terms of permitting change, and would only protect the precise use at the relevant date. The correct approach involves identifying the genus of the use and not its species.

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Legal issues and information on natural hazards – Michael Eburn and John Handmer

Information is fundamental to natural hazards management yet councils and other authorities suggest that they are reluctant to provide specific information about risks such as flood or fire risk, to property owners or prospective purchasers. This reluctance arises from a fear that they will be liable to pay damages if the release of the information has adverse consequences, for example by reducing the market value of the affected property. This article will look at Australian law to identify whether authorities would owe a duty of care to homeowners not to disclose risk information; and whether authorities owe a legal duty to disclose known risk information. It will be shown that there is no legal impediment to releasing reasonably accurate hazard information. Failure to do so will distort the property market and the potential liability to subsequent purchasers could be much greater than any risk of legal liability to current owners. Local councils should be proactive in identifying and warning of risk so people can make informed decisions about how they will prepare for and deal with the risks that they face. Releasing hazard information is key to developing resilient communities and sharing responsibility for hazard management.

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