



MORROW PETERSEN
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6 August, 2004

The Chief Executive
Department of Local Government, Planning, Sport
and Recreation
Level 18
41 George Street
BRISBANE QLD 4000

BY FACSIMILE NO (07) 3247 3679

Dear Sir/Madam

**AART BRONS -V- CAIRNS CITY COUNCIL
PLANNING AND ENVIRONMENT COURT APPLICATION**

We act for Aart Brons. Mr Brons has filed an Application in the Planning and Environment Court at Cairns seeking a declaration that the establishment of a licenced brothel on the land in question is Code Assessable because the land is in "an Industrial Area" (Schedule 1 of the *Integrated Planning Regulation 1998* and Section 63A(3) of the *Prostitution Act 1999*).

We are obliged to serve the State with the Application pursuant to Section 4.1.21(6) of the *Integrated Planning Act*. We enclose an unsealed copy of the Application which was filed on 3 August 2004.

The matter involves interpretation of a relatively new amendment to the *Prostitution Act*, Section 63A (introduced by the *Prostitution Amendment Act 2001*). It is our respectful submission that the Cairns City Council is maintaining an untenable position in its interpretation of that provision, by insisting that the subject application is Impact rather than Code Assessable. The Council's position is also contrary to the view expressed by the Prostitution Licencing Authority, whose Chair has written stating that "the Application of Section 63A to the land in question should properly lead to the conclusion that the land is in "an Industrial Area" and the Application is therefore Code Assessable".

It is our view that the matter involves a State Interest in "ensuring that there is an efficient, effective and accountable planning and development assessment system" and in the IDAS Code for Licenced Brothels.

We have not yet received a sealed copy of the Application from the Planning and Environment Court. The application has been set down for a callover at 2:15pm next Thursday, 12 August 2004 in the Planning and Environment

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Court at Cairns. That callover is for sittings before His Honour Senior Judge Skoien in Cairns from Monday, 30 August 2004 to Friday, 10 September 2004.

At the callover on 12 August 2004 we will be seeking a hearing date for the Application during those sittings before Senior Judge Skoien. We estimate a hearing time of 1 day.

We also enclose for your information an Entry of Appearance which has been filed by Cairns City Council.

Yours faithfully



Tracy Fantin
for MORROW PETERSEN
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