

Attachment C – Pre-engagement feedback received on the Brothel Control Bylaw 2017

NZPC: Aotearoa New Zealand Sex Workers' Collective

We are deeply concerned that it's nearly impossible for sex workers to work within the bylaws in this district. It's 20 years since the Prostitution Reform Act 2003 and most councils with previously restrictive bylaws, have repealed these, and adopted a more realistic approach that doesn't create outcomes where sex workers are forced to work in ways that compromise their safety and health. It's extremely difficult for sex workers to find venues to work from that meet the distance requirements for the location of brothels. Consequently, if sex workers have a problem and need to seek support, they are less inclined to do so if they are working in breach of a by-law. It appears to be unreasonable.

Te Whatu Ora Southern - National Public Health Service Southern

Te Whatu Ora Southern, The National Public Health Service- Southern (NPHS-S) appreciates this informal opportunity to provide feedback on the review process of the Brothel Control Bylaw 2017. NPHS-S would like to draw your attention to the following sections of the Prostitution Reform Act 2003:

- Part1 S3 Purpose (c) identifies the Act must be conducive to public health
- Part2 S11 Restrictions on advertising commercial sexual services (1) Advertisements for commercial sexual services may not be— (a) broadcast on radio or television; or (b) published in a newspaper or periodical, except in the classified advertisements section of the newspaper or periodical; or (c) screened at a public cinema.
- Part2S14 Bylaws regulating location of Brothels Without limiting section 145 of the Local Government Act 2002, a territorial authority may make bylaws for its district under section 146 of that Act for the purpose of regulating the location of brothels.

(LGA) S145 General bylaw-making power for territorial authorities A territorial authority may make bylaws for its district for 1 or more of the following purposes: (a) protecting the public from nuisance: (b) protecting, promoting, and maintaining public health and safety: (c) minimising the potential for offensive behaviour in public places.

Recommendations:

1. We therefore do not support the approach QLDC is currently taking where brothels are restricted to small areas of the Central Business Districts in Wanaka and Queenstown. We believe this puts prostitution at risk of operating outside the law and in doing so gives rise to serious health and safety risks. We would support a permissive approach that has exclusions for sensitive areas or situations that have the potential to give rise to nuisance.
2. Defining the following terms in definitions: a. 'small owner-operated brothel' (SOOB) Prostitution Reform Act 2003 Part1 S4(1) b. 'sensitive site(s)' to ensure consistency across sensitive sites for Brothel / SOOB operation regulation. In addition, including minimum requirements for operation near a sensitive site, for example minimum distances from schools, early learning centres, places of worship, Marae etc. c. 'distance' to ensure consistency we would see 100m as not being unreasonable. d. 'nuisance' to allow regulation of noise, disturbance, increased traffic movements, antisocial behaviour etc.

3. Including regulation on advertisements section to ensure compliance to the Prostitution Reform Act Part 2 S11.

Thank you for providing this opportunity and we look forward to having further discussion as the review of the Brothel Control Bylaw 2017 proceeds.