



## House of Representatives

# Supplementary Order Paper

Tuesday, 25 March 2003

### Prostitution Reform Bill

#### *Proposed amendments*

Dr Wayne Mapp, in Committee, to move the following amendments:

*New headings and clauses 6CA to 6CC*

To insert, after clause 6C (after line 20 on page 9), the following headings and clauses:

#### *Territorial authorities to have power to restrict locations of soliciting*

##### **6CA No soliciting in prohibited public places**

- (1) No person may offer, or invite or accept offers of, commercial sexual services in, or that are visible to a person in, a public place if a bylaw made under **section 6CB** has applied this prohibition to that place.
- (2) This section applies to—
  - (a) sex workers and their clients; and
  - (b) persons acting for sex workers or for clients of sex workers.

##### **6CB Bylaws applying prohibition on soliciting**

- (1) A territorial authority may make bylaws for the purpose of applying the prohibition on soliciting in **section 6CA** to a specified public place or a specified part of a public place.
- (2) A territorial authority may make bylaws for the purpose of applying the prohibition on soliciting in a public place in **section 6CA** to—
  - (a) all areas under its jurisdiction; or
  - (b) all areas under its jurisdiction except those areas where soliciting customarily takes place.

- (3) Bylaws made under **subsection (1) or (2)** must comply with the notice requirements specified in **section 6CC**.

**6CC Notice requirements for prohibition on soliciting**

- (1) A territorial authority must, before a prohibition on soliciting in a public place provided for in **sections 6CA and 6CB** comes into operation, give public notice (within the meaning of section 5(1) of the Local Government Act 2002) of the prohibition.
- (2) The notice referred to in subsection (1) must—
- (a) state the date on and from which the prohibition will apply; and
  - (b) identify the specified public place or area (or specified part of a public place or area) concerned; and
  - (c) state the prohibition that is to be applied; and
  - (d) state the maximum penalty for an offence against the prohibition.

*General provisions about bylaws*

*Clause 6D*

To omit from subclause (1) the words “must be made in accordance with the Local Government Act 1974” (lines 23 to 24 on page 9), and substitute the words “or **section 6CB** must be made in accordance with the Local Government Act 2002”.

To omit from subclause (2) the words “**Section 6C** does” (line 26 on page 9), and substitute the words “**Sections 6C and 6CB** do”.

*New headings and clauses 6DA to 6DC*

To insert, after clause 6D (after line 27 on page 9), the following headings and clauses:

*Limits on conduct of soliciting*

**6DA Soliciting not to cause nuisance in public places**

- (1) No person may offer, or invite or accept offers of, commercial sexual services in, or that are visible to a person in, a public place in a way that—
- (a) unreasonably hinders normal use or enjoyment of the public place by a person at that time; or
  - (b) unreasonably obstructs normal access to or from a place (whether or not a public place), or normal passage within the public place, by a person at that time.
- (2) This section applies to—
- (a) sex workers and their clients; and
  - (b) persons acting for sex workers or for clients of sex workers.
- (3) Every person who contravenes **subsection (1)** commits an offence and is liable on summary conviction to a fine not exceeding \$2,000.

**6DB Soliciting not to harass**

Any person commits an offence and is liable on summary conviction to a fine not exceeding \$2 000 who,—

- (a) as a client; or
  - (b) as a person acting on behalf of a client; or
  - (c) as a sex worker; or
  - (d) as a person acting on behalf of a sex worker,—
- engages in harassment within the meaning of section 3(1) of the Harassment Act 1997 when offering, or inviting an offer of, commercial sexual services.

*Police to have power to enforce prohibitions*

**6DC Power of arrest for breaches of limitations on soliciting**

Any member of the police, and all persons who the member calls to his or her assistance, may arrest a person without a warrant if the member of the police has good cause to suspect that person of having committed an offence against **section 6CA, 6DA, or 6DB**.

*New clause 9T*

To insert, before clause 10 (after line 1 on page 23), the following clause:

**9T Amendment to Crimes Act 1961**

Section 147(2) of the Crimes Act 1961 is amended by omitting the words “, whether by one person”, and substituting the words “by 3 persons”.

*Clause 10*

To omit from subclause (1)(a) the words “sections 147 to” (line 4 on page 23), and substitute the word “section”.

*Schedule*

To omit from the entry relating to Part I of the First Schedule of the Summary Proceedings Act 1957 the words “sections 147 to” (line 14 on page 25), and substitute the word “section”.

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## Explanatory note

This Supplementary Order Paper makes several amendments to the Prostitution Reform Bill to maintain important existing prohibitions in this area and impose additional controls with respect to prostitution.

*New clauses 6CA to 6CC* will be included to make provision for territorial authority bylaws to prohibit soliciting in, or within the visibility of persons in, specified public places or specified parts of public places or in areas under the jurisdiction of territorial authorities. Territorial authorities will be able, if they wish to do so, to prohibit soliciting altogether or to confine it to areas where it customarily takes place. Notice of such prohibitions must be given in advance.

*New clauses 6DA to 6DB* will be included to create new offences where soliciting is causing a nuisance to other persons in public places or amounting to harassment of other persons.

*New clause 6DC* is included to ensure that the police have necessary accompanying powers in both cases.

*New clause 9T* is included to make an amendment to section 147 of the Crimes Act 1961, the brothel-keeping offence, so that it will apply only to brothels used by 3 or more (rather than 1 or more) prostitutes.

*Clause 10* is amended to retain the existing offences of brothel-keeping, living on the earnings of prostitution, and procuring for prostitution in the Crimes Act 1961. A consequential amendment is also made to the *Schedule*.

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