

# Proposed Auckland prostitution ban scrapped

VERNON SMALL | December 5 2014

A law that would have allowed Auckland local bodies to ban prostitution in specified places has been scrapped by a parliamentary select committee.

Instead, councils have been urged to look at other ways to control street prostitutes, such as using bylaws controlling "hawkers".

In recommending the local bill not pass, the committee said it was aware of the issues some communities faced regarding street-based prostitution and understood why the Auckland Council, like the Manukau Council before it, believed the law was the best way to manage them.

Other local authorities had also backed the bill.

"We consider, however, that the matters covered by the bill are not appropriate for a local bill because the problem the bill seeks to address is not unique to the area covered by the bill."

If enacted the bill would cover the whole of Auckland.

"It would also affect the rights of the public in that it would impose constraints on the activities that can occur in specified areas within the Auckland district. Those activities are not specifically prohibited in any other parts of the country."

The committee said there were other options available to the Auckland council to address street-based prostitution, despite the council's belief and its legal advice that a bylaw could be challenged.

"Many complaints about street-based prostitution relate to noise, littering, slow-moving motor vehicles (kerb-crawling) and disorderly behaviour. These kinds of behaviour can be dealt with by bylaws already in existence."

It suggested that "prostitutes provide a service, so can be regulated on that basis" under bylaws controlling street trading or hawking.

For instance, the Rodney District council bylaw specifies that street-based prostitutes meet the definition of hawkers, and so require an operating licence under the Trading in Public Places Bylaw.

Other non-legislative measures could also help limit and reduce the behaviour associated with street-based prostitution, such as drug and alcohol abuse.

"Such measures include increasing the number of public rubbish bins, keeping public toilets open for 24 hours, adequate lighting, and making available disposal kits for needles."

The committee said the bill would have challenged the legal meaning of the Prostitution Reform Act, which decriminalised prostitution and among other things safeguarded the human rights of sex workers.

The Manukau City Council (Regulation of Prostitution in Specified Places) Bill has been on the order paper since 2010 after a similar move by former MP George Hawkins in 2005 failed.

- Stuff

<http://www.stuff.co.nz/national/63879395/Proposed-Auckland-prostitution-ban-scrapped>