

Residents consider legal move over sex workers

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Christchurch residents fed up with sex workers soliciting outside their homes plan to gather evidence while they prepare their next legal move.

A Christchurch City Council committee this week voted down a proposed bylaw that would limit the areas sex workers can work, and opted instead for a non-regulatory approach.

Residents in St Albans, a suburb north of the central business district, have been pushing for regulation for years, but police, the New Zealand Prostitutes' Collective - and now the council committee - say a bylaw would be unenforceable.

The sex workers solicit on Manchester Street which runs through the central city and St Albans. Residents said condoms and needles have been strewn across their driveways and and people had "fornicated" on their properties.

St Albans resident Matt Bonis believed it was unlikely the full council would vote against the committee's recommendation - the only way a bylaw could be introduced in the immediate future - and doubted a non-regulatory option would make a difference.

"The residents will see how that goes ... we will be looking to gather evidence in the interim in terms of is it working or not," he said.

"I would be very surprised if it did."

Mr Bonis met with lawyers on Friday and said taking the matter to the High Court was a possible next step.

"If it doesn't work, and we have compiled a decent amount of evidence, that would put us in a better position in front of the High Court," he said.

He said legal costs would have to be covered by residents.

Prostitutes' Collective spokesperson Catherine Healy said she understood the frustration of residents, but believed a non-regulatory approach would be the answer.

"The collaborative response suits us," she said after the committee's vote. "We work with sex workers directly and we will continue to try to effect change for the residents."

The council's Regulatory Performance Committee did not close the door completely on regulation, and decided it would review whether the non-regulatory approach was working.

The final say on implementing a bylaw is up to the council, which votes on the issue next month.

The legal arguments

The Prostitution Reform Act 2003 decriminalised prostitution, and made it legal for sex workers to solicit clients on the side of the street.

However, the Local Government Act 2002 allows the city council to implement bylaws which could regulate sex workers.

Residents said section 145 of the Local Government Act could be used to help fix the situation in St Albans. It allowed councils to make bylaws for "protecting the public from nuisance", "protecting, promoting and maintaining public health and safety", or "minimising the potential for offensive behaviour in public spaces."

Council research found the Auckland and Wellington councils did not use section 145 to regulate street-based sex workers.

The council has the Christchurch City Council Public Places Bylaw 2008, used to regulate street-based car window washing, and gave police the power to give instant \$150 tickets for offences from 10 August 2017.

The police said they could enforce window washing under the Public Places Bylaw because the problem was widespread, there was a high potential for harm for people involved, it was easy to monitor, and the potential for legal challenges were low.

Police said they did not see street-based sex workers and window-washing as "similar issues", according to a council report.

Mr Bonis said his lawyers believed the council did have a responsibility under the Public Places Bylaw to regulate street-based sex workers.

<http://www.radionz.co.nz/news/national/341545/residents-consider-legal-move-over-sex-workers>