



House of Representatives

Supplementary Order Paper

Wednesday, 14 May 2003

Prostitution Reform Bill

Proposed amendments

Larry Baldock, in Committee, to move the following amendments:

Clause 4(2)

To omit this subclause (line 30 on page 5 to line 2 on page 6).

Heading above clause 5 and clause 5

To omit this clause and the heading above it (lines 12 to 18 on page 6).

Clause 6

To omit this clause (line 16 on page 7 to line 12 on page 8).

Heading above clause 6C and clauses 6C and 6D

To omit *clauses 6C and 6D* and the heading above those clauses (lines 4 to 27 on page 9), and substitute the following heading and clause:

Soliciting in designated location

6C Soliciting in designated location

- (1) For the purposes of this section, a **designated location** is a location in relation to which—
 - (a) a territorial authority allows soliciting; and
 - (b) a defence to the offence of soliciting is available under **subsection (4)**.
- (2) A territorial authority may decide that a location is suitable to be a designated location if it is known to the territorial authority to be a location at which soliciting regularly occurs.
- (3) A decision that a location is to be a designated location does not take effect until that decision has been notified by written notice in the *Gazette*.
- (4) It is a defence to the offence of soliciting under section 26 of the Summary Offences Act 1981 if a person charged with the

offence proves that he or she was in a designated location at the time of the alleged offending.

New heading and clause 9T inserted

To insert, after *clause 9S* (after line 17 on page 22), the following heading and clause:

Certain rooms in licensed massage parlours not public places

9T Certain rooms in licensed massage parlours not public places for purposes of Summary Offences Act 1981

A room in a massage parlour that is licensed under the Massage Parlours Act 1978 in which massage is offered or performed is not a public place for the purposes of section 26 of the Summary Offences Act 1981.

Heading before clause 10

To omit this heading (line 1 on page 23), and substitute the following heading:

Amendments

Clause 10

To omit this clause (lines 2 to 10 on page 23).

Clause 11

To omit from *subclause (1)* the words “**Part 1** of” (line 12 on page 23).

To omit *subclause (2)* (lines 14 and 15 on page 23).

New clause 11A inserted

To insert, after *clause 11* (after line 15 on page 23), the following clause:

11A Amendment to Summary Offences Act 1981

Section 26 of the Summary Offences Act 1981 is amended by omitting the expression “\$200”, and substituting the expression “\$500”.

Clause 12

To omit this clause (lines 16 to 30 on page 23).

Schedule

To omit the heading “**Part 1**” (line 3 on page 25).

To omit so much of *Part 1* of the *Schedule* as relates to the Summary Offences Act 1981 (lines 10 and 11 on page 25).

To omit from *Part 1* of the *Schedule* the words “Omit from Part I of the First Schedule the items relating to sections 147 to 149A of the Crimes Act 1961.”

To omit *Part 2* of the *Schedule* (lines 19 to 23 on page 25).

Explanatory note

This Supplementary Order Paper (SOP) amends the Prostitution Reform Bill by—

- omitting clauses that repeal the Massage Parlours Act 1978 and that decriminalise brothel-keeping and certain other offences relating to prostitution under the Crimes Act 1961; and
- providing that it is a defence to a charge of soliciting if a person proves he or she was in a designated location (as determined by the relevant territorial authority) at the time of any alleged offending; and
- providing that certain rooms in licensed massage parlours are not public places for the purposes of section 26 of the Summary Offences Act 1981; and
- increasing the fine for soliciting from \$200 to \$500; and
- making other amendments consequential to those referred to above.

This SOP seeks to respond to concerns raised by supporters of the Bill regarding the current situation relating to soliciting in New Zealand. The first concern is that prostitutes operating in massage parlours may be subject to possible police entrapment resulting in charges of soliciting in a public place. This concern is addressed in this SOP by making it clear that a private room in a massage parlour is not a public place.

The second concern relates to problems surrounding street soliciting. Since street soliciting is usually conducted by female prostitutes, there is an impression that the current law is unfair to women. There is an impression that women prostitutes are victims of the law, while men, the customers, do not live in fear of prosecution. It is clear that there are districts in some of our larger cities where soliciting occurs. Under the amendments proposed in this SOP, communities, via their territorial authority's consultation process, may decide to permit street soliciting in those districts. This SOP makes that possible, without placing a burden on territorial authorities to place restrictions on other areas where soliciting can be conducted, as would be the case if section 26 of the Summary Offences Act 1981 were repealed.

Clauses 9N to 9R, relating to the Prostitution Law Review Committee, remain in the Bill to enable further evaluation. The evaluation will establish a better database of accurate information regarding the number of prostitutes working in New Zealand and the conditions in which they work.