

## The Prostitution Reform Act August 2003

The Prostitution Reform Act 2003 came into force on 28 June 2003 and decriminalised prostitution. There is a phase in period of six months for some of the changes to take effect. Here are some of the key features.

### Brothels

Many prostitutes used to work in licensed massage parlours. Although it was illegal to offer sex for sale in a public place, what occurred behind closed doors was between the masseuse and client. Under the new law, massage parlours will disappear as a legal term and be replaced by brothels.

Operators of brothels are required to be licensed, to safeguard the human rights of sex workers, and to adopt and promote safe sex practices. Brothel operators must hold a certificate from the Court and will be disqualified from holding a licence if they have specified criminal convictions.

Escort agencies will also come under the brothel licensing regime.

### Clients and prostitutes

Under the massage legislation generally the client paid the parlour operator for a massage. As it was illegal to live off the earnings of prostitution, the parlour operator could not be involved in any offering or payment for sexual services. Under the new law, it is legal to live off the earnings of prostitution. Legal contracts are possible and clients who refuse to pay could be taken to court.

The new legislation prevents people coming to New Zealand to work as sex workers or brothel operators.

People under 18 years of age are prohibited from becoming sex workers and providing commercial sexual services. Employers and customers of a person under 18 years risk imprisonment for a term of up to seven years.

### Soliciting (offering sexual services for money)

Soliciting will no longer be an offence, however prostitutes acting in an offensive manner can be dealt with under the Summary Offences Act 1981.

### Council controls

Massage parlours were covered by normal resort consent and zoning. The new legislation allows local councils to create bylaws to influence where brothels can operate and to take in to account the physical impact of brothels.

### Advertising

Councils have been given the power to ban offensive signs promoting prostitution. The new legislation bans advertising prostitution on radio and television. Newspapers advertising used to be left up to the newspaper concerned but now an advertising code is to be developed.

### Health and Safety

Occupational Safety and Health is to develop a voluntary code with the industry. Brothels will be legally required to practice safe sex.