

Manukau City

by Amanda Cameron and Patrick Crewdson

Manukau City Council took much the same approach as its Auckland counterparts when grappling with developing a brothel control bylaw.

"I would prefer to have no brothels at all in Manukau, but prostitution is now a lawful activity," said Manukau Mayor Sir Barry Curtis.

Manukau senior planner Max Smitheram says councils have the power to decide where brothels can operate but cannot ban them from their area.

"The operation of brothels is a legitimate activity, but what council can do with its bylaw is control licensing, location and signage," he says.

"That's what the bylaw is all about."

Board member Councillor Len Brown of Otara says a significant proportion of his ward did not support the Prostitution Reform Act in the first place.

"This law has basically upset the sleeping dog that was lying quite happily, in terms of people operating brothels in residential areas. They had reasonable rights under the Massage Parlours Act, and what people didn't know didn't worry them," says Mr Brown.

"And now for anyone to operate a brothel in any area they need to register, or need to be registered and licensed. So all the neighbours will know. And in knowing, they won't like it."

After developing a draft bylaw, the council began public consultation in February.

Eighty-three submissions, and days of public hearings later, the Brothel Control Bylaw was adopted by full council at the end of April.

The bylaw will come into force on July 1.

The bylaw specifies where brothels can set up, how close to community facilities they can be, and what signage they are allowed to display.

Under the bylaw, brothels can only operate in certain business zones and cannot be closer than 250m to the main entrance of any school, church or any other "community facility".

The bylaw also forbids sandwich board advertising and signs that "are sexually explicit, lewd, or otherwise offensive".

Perhaps more significantly for Manukau's relatively demure looking parlours, the draft also says that total signage for a business must not be larger than 1 sq m.

Brothels that breach the signage rules have until June next year to comply, but any establishment that is too close to a school, church, marae, scout hall or any other sensitive facility will be illegal from the day the bylaw comes into force.

Brothel owners will have to get a licence from the council. To do so, they'll have to meet building and hygiene standards and pay \$200.

In banning brothels from residential areas, the mayor and the councillors are reflecting what the community would want, says Mr Brown.

The city council estimates that between 10 and 12 commercial brothels operate in Manukau, Papatoetoe and East Tamaki, and that a further 80 to 100 home-based or outcall services — that is, sole prostitutes or escorts — work in residential areas.

So in effect, the bylaw could force as many as 100 small businesses to close.

Councillor Ian McGeachie, who sat on both the board and the safety committee, says home-based brothels had passed under the radar of many councillors.

"A lot of us weren't aware that it was actually happening," says the



DEMURE: Most of Manukau's commercial parlours — including the Diamond Lounge — have relatively inoffensive signs.

Small brothels under threat

Papatoetoe councillor.

Mr McGeachie expects the estimated 80 to 100 home-based prostitutes will shift to areas where the bylaw permits them to work. He believes the bylaw will be enforceable, but he doubts it will be high on the police's priority list.

Mr Brown has practised as a lawyer for 20 years and he thinks the bylaw is probably going to "run hard up against the Act".

He expects the New Zealand Prostitutes Collective to challenge it in court.

Home-based prostitutes, he says, will probably challenge the council on the basis of 'existing use rights'.

"[Until] now they have all by and large been operating as home enterprises, and operating within the bylaws but operating outside of the general law as an illegitimate business. Now they'll be operating outside of the bylaw but within the law."

Mr Brown says in Otara, which has more churches per capita than any other community in New Zealand, the belief that prostitution is wrong springs from a strong moral Christian ethos.

"If you took a poll of the people in our community, 70% to 75% would say 'no way can you do that' and therefore no way can we legitimise prostitution, and therefore no way can we have it in our neighbourhood," he says.

If the spread of public submissions on the bylaw is anything to go by, Mr Brown has gauged public feeling fairly accurately.

Among the 83 submissions received during the six-week public consultation process, nearly 90% supported the draft or wanted it to be even tougher.

Predictably, the group submissions fell into two distinct camps: in support, more than a dozen from church and community groups worried about the welfare of children and the public; opposed, a small group — including the Prostitutes Collective, the AIDS Foundation, the Family Planning Association and the Auckland District Health Board — concerned about the health and safety of sex workers and the wider community.

Falling squarely in the 'support' camp was the Maxim Institute, a charitable trust that describes itself as "committed to promoting the princi-

ples that underpin a civil society".

The Maxim Institute wanted to see the bylaw restrictions tightened by classifying more venues as brothels and placing more stringent limitations on their location and signage.

Specifically, it wanted hotel rooms and other venues classified as brothels if they were often used for prostitution. It also wanted the 250m buffer zone to apply to more community facilities, and to be doubled around pre-schools and schools.

And finally, the Maxim Institute wanted smaller signs with even less information, and for pimping and soliciting to be expressly excluded from residential zones and sensitive areas.

The final bylaw did not include any of the Maxim Institute's recommendations.

The Prostitutes Collective, on the other hand, strongly opposed the bylaw, calling it "flawed, unworkable, inconsistent with current laws, and discriminatory". They argued that the bylaw is a not-so-subtle attempt by the council to ban prostitution in Manukau City, and so defeats the aim of the Act to bring most sex workers within the law.

"It will push the industry underground and [sex workers] will be more at risk," says Prostitutes Collective co-manager Anna Pickering.

Splitting the sex industry into legal and illegal sectors will place sex workers at higher risk from exploitation by larger scale brothels, the submission said.

And sex workers who operate outside the law will not be subject to the same occupational health and safety checks or have access to the same health education services as legal brothels, meaning a greater risk of HIV/AIDS and other sexually transmitted diseases, the collective said.

Sex workers forced to obtain council licences would also experience the social stigma and attacks associated with "outed" sex workers in Auckland, making leaving the industry more difficult, said the collective.

Perhaps most saliently, because it effectively turns most sex workers in Manukau City into criminals, the bylaw runs counter to the spirit of the Act and therefore could be invalid under the Bylaws Act, said the collective.

Green Party MP Sue Bradford, who supported the Act, also found fault with the proposed bylaw, calling some of the restrictions excessive, redun-

dant or outside the remit of the council.

In her submission, she said prohibiting small owner-operated brothels in residential areas to protect the public was needless as such businesses operate discreetly.

Ms Bradford also called the proposed restrictions on signage "excessive" and suggested that they may drive prostitutes to solicit in unsafe places such as bars and the street.

She said that licensing brothels at the council level was "redundant bureaucratic red tape", since the Act already required brothels to meet health, safety and hygiene standards.

Among the throng of bylaw supporters and the small set of detractors, one group of voices was noticeably absent — those of sex industry workers.

People whose livelihoods will be directly affected by any proposed legislation did, on the whole, fail to participate in the public consultation process.

Jenny, the owner of massage parlour and escort service Geneva's in East Tamaki, offers one explanation: there is an assumption among sex workers that the bylaw would be passed regardless of their input, because most of the public is opposed to prostitution.

"What's the point in making a submission?" she asked. "Democracy rules and we are the minority."

And there's another reason. A brief poll of advertised sex workers gives the impression that most home-based sex workers in Manukau are young Asian immigrants with little or no English. Almost none of the prostitutes *Te Waha Nui* spoke to had even heard of the draft brothel control bylaw.

A man whose partner is a part-time home sex worker says that many home sex workers are illegal over-stayers with few English language skills.

"They go private to keep out of harm's way and because the parlours are ripping them off," says the self-employed contractor.

Private workers can earn up to \$10,000 a week, and many send most of their earnings to their families back home, he says.

"I think the councils should take a softer approach — not such a hard line," says the 53-year-old man.

"They won't drive [sex workers] into the parlours, they'll drive them onto the street corners where they're more unsafe."

Another theme that ran through public submissions on the bylaw was a strong desire for something to be done about street prostitution — especially on the now-notorious Hunter's Corner in Papatoetoe.

Mr McGeachie hopes the bylaw won't send more sex workers onto the street.

"We've had street walkers and God knows what else happening, he says. "I guess the community are sick to death of this because prostitutes don't enhance the

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community."

According to Jenny, parlours will close down if the council places excessive restrictions on them. Sex workers will have nowhere legal to go but the streets.

"There'll be more sex workers on the street and more underage girls on the street," she says.

Although it is illegal for parlours to hire girls under 18, underage prostitution still happens, and it is safer for girls in parlours than on the streets.

"It's 10 times more dangerous on the street," Jenny says. "It's madness. The council don't realise what they're doing."

The Prostitution Reform Act 2003 sets out to:

- safeguard the human rights of sex workers and protect them from exploitation
- promote the welfare and occupational health and safety of sex workers
- create an environment which is conducive to public health
- protect children from exploitation in relation to prostitution