

**Minutes of a hearing of submissions on the Brothel Control Bylaw 2024 held in the Council Chambers, 10 Gorge Road, Queenstown on Tuesday 25 June 2024 commencing at 10.00am**

**Present:**

Councillor Cody Tucker(Chairperson), Councillor Gavin Bartlett and Councillor Melissa White

**In attendance:**

Ms Isabelle Logez (Monitoring, Enforcement and Environmental Manager), Mr Anthony Hall (Manager, Regulatory), Ms Carrie Williams (Policy Manager), Mr Jon Winterbottom (Team Leader, Governance), Ms Jane Robertson (Senior Governance Advisor); one member of the media and one member of the public; five submitters who all joined on line

**Commencement of the hearing: Election of Chairperson**

The Governance Advisor called the meeting to order and asked the Councillors to elect a Chairperson for the hearing.

**It was moved (Councillor White/Councillor Bartlett):**

**“That the hearing panel resolve that Councillor Tucker be appointed to chair the hearing.”**

**The motion was carried unanimously, and Councillor Tucker duly took the chair.**

**Declarations of conflicts of interest**

No conflicts were notified.

**Confirmation of Agenda**

**It was moved (Councillor Tucker/Councillor White):**

**That the hearing panel resolve that the agenda be confirmed without addition or alteration.**

**Motion carried unanimously.**

**Introduction by reporting officer**

Ms Williams introduced her report. She noted the broadness of views expressed in submissions from those who supported regulation via a bylaw through to those who favoured regulating via the District Plan. She also clarified that she had deemed doubling the size of the permitted area as ‘slight’ in her report because the original size was very small. There had also been a minor error in the draft bylaw presented for consultation as the previous map had not been deleted as intended.

### Hearing of submissions

1. Dame Catherine Healy New Zealand Prostitutes' Collective/Aotearoa New Zealand Sex Workers' Collective (on line)

Dame Catherine stated that she had worked for sex workers for a number of years and it was 21 years since the New Zealand parliament had passed the Prostitution Reform Act 2003 by a margin of one vote. She noted that in Queenstown there were some local sex workers who were working in breach of the bylaw and this was potentially harmful to workers because it discouraged the reporting of crime. Rotorua and Upper Hutt had recently adopted a more liberal view regarding sex workers and she noted that they were not a group of people to be feared. Rather, a bylaw that prevented people from coming forward was something to be feared and currently Queenstown Lakes District's Council's control of brothels was very restrictive. Sex workers could not afford to operate in the permitted zones as it was too expensive. There was compelling evidence that sex workers working within a good legislative framework had a good outcome for occupational health and safety. By contrast, a hostile and restrictive means of management discouraged victims from coming forward. She believed the Council should consider liberalising the sex industry and cover it under the District Plan instead.

In response to a question from the panel about what should change, Dame Catherine wanted sex workers to be treated like other occupational groups who ran a small business.

2. Jennifer Scott SuffragettesNZ (on line)

Ms Scott noted that the organisation she represented worked hard to protect the rights of women and was opposed to extending the permitted area. The preference was option 3 (i.e. no changes to the bylaw). It dismissed the assertion that the area needed to be larger to meet market demand. Since 2018, there had been eight complaints in Queenstown of sex work taking place outside the permitted areas but there had been no prosecutions or other action taken and workers themselves were reluctant to report offences to police. There were numerous negative impacts of prostitution and anything that enabled the sex industry simply resulted in more violence against women.

3. Bob McCoskrie Family First New Zealand (FFNZ) (on line)

Mr McCoskrie advised that FFNZ believed prostitution was harmful and many participants in the industry were victims. Prostitution work was high risk and the enactment of legislation had not improved safety for workers. Prostitution was harmful to workers and the community but was legitimised by the State. A review was supposed to have taken place in 2018 but had not happened and there were continuing health and safety breaches including violence. Prostitution reform had been sold to New Zealand as a success story, largely by the Prostitutes Collective, but there was no other occupation where rape was a risk at work. However, it had proved impossible to wipe out violence in the sex industry with fewer than 20% of crimes reported to police. There were problems with underage prostitution and a lack of support for workers exiting the industry. FFNZ recommended that the Council did not liberalise the industry by changing the provisions of the bylaw.

4. Ally-Marie Diamond, Wahine Toa Rising Charitable Trust (on line)

Ms Diamond noted that Trust worked to support women affected by trauma in the sex industry and it was opposed to any changes to the bylaw that would allow for the expansion of facilities. Prostitution supported exploitation and violence and this would only worsen if the permitted area increased, in the same way that decriminalisation had only served to increase violence. She supported keeping the bylaw without change and retaining the prohibition of brothels at ground or below ground level. The Council needed to act to protect vulnerable women, especially those from ethnic minorities.

5. Janet Alexandra, Women's Declaration International New Zealand (on line)

The organisation she represented had been formed to protect the rights of women and children and it sought to prevent discrimination and promote equality and rights for sex workers. Prostitution was inherently violent towards women. The Prostitution Reform Act 2003 had been enacted not only to legalise prostitution but also to protect workers from violence and exploitation and ensure that they were aged at least 18 years old. It had failed and a Ministry of Justice report showed that violence was happening in every area of sex work. There had been murders of sex workers and the Act had not achieved its aims with health and safety breaches, no brothel inspections and no support for workers exiting. Council had a duty to try to keep women and children safe and the submission was opposed to any expansion, supporting option three (no change to bylaw). No one wanted Queenstown to become a sex tourism destination.

*The hearing of submissions concluded at 10.41am and deliberations commenced immediately.*

### **Deliberations**

The panel agreed that the following key decisions needed determination:

- Bylaw vs District Plan
- Is a purpose statement needed or not?
- Should the provision prohibiting brothels at and below ground level be removed?
- Was any change needed to signage provisions and 100m distance between brothels?

#### *Bylaw vs. District Plan*

All members indicated their support for retaining a bylaw to regulate the activity.

There was further discussion about the proposed enlargement of the permitted area in Queenstown and Wānaka. Members agreed that it was only a slight increase and it did not cover the whole CBD but few submitters had supported this option. It was noted however, that some area was needed where the work could be carried out legally as it was permitted under the Prostitution Reform Act 2003. There were currently no brothels in operation but that was probably because the permitted area was so small.

The panel concluded that the slight change upon which consultation was undertaken increases the opportunity to site a brothel in the permitted zone whilst at the same acknowledging the sensitivity of the activity and still retaining a limited area.

*Addition of a purpose provision*

There was discussion about whether 'meeting market demand' needed to be added to the bylaw's purpose. Members considered that it was not the role of the Council to try to 'meet' demand and questioned whether 'demand' was the correct word. The panel agreed that it was the Council's duty to 'enable' brothels because it was a legal activity but not to meet demand.

*Removal of prohibition on facilities being sited at ground level or below*

Members discussed whether it was appropriate for a brothel to be able to operate at ground level in the permitted area. The panel concluded that it was inappropriate for a facility to be sited at ground level but agreed that there was no need to control one being sited underground or above.

*Signage and 100m distance between brothels (no changes proposed in consultation)*

The panel considered whether the 100m requirement placed an unreasonable restriction over what was still a relatively small area. It was noted that there were no registered brothels at present and reducing or removing the 100m requirement would allow for more options. There was discussion about whether changing to a 50m separation would provide for greater opportunity. It was noted that there was no data to support this, so without further evidence it was agreed to keep the requirement at 100m.

**It was moved (Councillor White/Councillor Bartlett):**

**That the hearing panel resolve to:**

- 1. Note the contents of this report;**
- 2. Give full consideration to the submissions and objections received on the draft Brothel Control Bylaw 2024 and determine the extent to which the submissions are allowed or accepted or disallowed or not accepted;**
- 3. Recommend to Council that the Brothel Control Bylaw 2024 based upon consideration of submissions and objections be adopted as amended.**

**Motion carried unanimously.**

*The meeting concluded at 11.28am.*