

CHiLD POVERTY ACTION GROUP

Child Poverty Action Group

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Local Government and Environment Select Committee

Parliament Buildings

Wellington

Manukau City Council (Regulation of Prostitution in Specified Places) Bill

Child Poverty Action Group thanks the Select Committee for the opportunity to submit on this Bill. Child Poverty Action Group (CPAG) comprises a group of academics and workers in the field dedicated to achieving better policies for children. The aims of our organisation are:

- The development and promotion of better policies for children and young people.
- Sharing information and connecting with other groups with similar concerns.
- Elimination of child poverty in Aotearoa New Zealand.

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We wish to speak to this submission

Introduction

This Bill seeks to restrict street prostitution in areas designated by the Manukau City Council. CPAG submits this Bill makes a mockery of the existing law, and will force street prostitutes back to the position they had under the previous law. Essentially this would recriminalise prostitution, driving it underground once again, with all the attendant health and safety and other issues parliament worked so hard to address in 2003.

The issue is poverty

There are several issues CPAG wishes to note before turning to the substance of the Bill. The first key point is that this is not a moral issue – it is an economic issue.

Prostitution is not simply a matter of men exploiting young women. Prostitutes are not necessarily ‘young’, and, importantly, they are not always women. Nor are prostitutes and children mutually exclusive. 68% of sex workers have children, and 64% are Maori. This suggests that it is economically vulnerable women who are more likely to become prostitutes. According to the Prostitutes Collective, with whom we consulted in the drafting of this submission, most street workers started working for financial reasons, to meet household expenses and the like. Poverty is the real issue here, and we urge the Committee to recognise this. If women with children need to work as sex workers, this suggests there is a gaping hole in New Zealand’s social safety net. CPAG urges the Committee to acknowledge this, and report accordingly.

CPAG is also aware that there has been concern about the number of young street workers in Auckland. We share this concern, but differ with respect to its causes and possible solutions. Anecdotally, there is evidence that the number of young street workers has increased since the onset of the recession in late 2007. Generally, young women, teens in particular, do not prostitute themselves because they see it as a valid career choice. As with women with children, they do it out of economic necessity. In parts of Auckland we understand young women work the streets because money is needed in the household, especially as other family members are made redundant or have their work hours cut back. This is a much deeper issue than anything this Bill seeks to address. If the

concern is young women working the streets, then the solution is to ensure there are sufficient economic resources available to the wider family and whanau to meet their day-to-day expenses.

It is no coincidence that street prostitution has become more visible with the onset of the recession, increased unemployment, and the clampdown on beneficiaries the government is presently pursuing. We submit that pretending these deeper issues will vanish as prostitutes are driven once again into the back streets is misguided, and will achieve nothing.

Clause 5

This clause allows the council to outlaw street prostitution in a 'specified place'. We submit this clause is too broad, as there is no definition of what constitutes 'nuisance', 'serious offence' or who is to be regarded as 'an ordinary member of the public'. We are all ordinary members of the public, but share different views of what is acceptable. This clause is more vague than the normal legal test of the reasonable person. We **submit** that the Committee substitute 'reasonable person' for 'ordinary member of the public'.

Nor is there any indication what might constitute 'the existing character or use' of a specified area. This Bill was drafted partially in response to pressure from Papatoetoe and Manurewa business people who complained about street prostitutes operating in their respective areas. These areas have had street prostitutes working them from many years, and long before the current Act was passed in 2003. This Bill will not remove them, no matter whether the areas they work in are 'designated areas' or not. On the contrary there is an argument that they are part of the 'existing character and use' of both of these areas. Designating areas will only make street workers move a block either side of the main road, as used to be the case. This raises serious safety concerns for these workers. It is curious that the Carmen Thomas case has highlighted the danger that exists for sex workers under the existing law, yet parliament is now contemplating making their work even more dangerous. We must be clear; designating an area will not make prostitutes go away, and will not curb the demand which is the other side of this business.

Clause 5 specifies that any by-law must be introduced through the special consultative procedure outlined in the Local Government Act 2002. This procedure essentially allows the council to cut the public out of the consultation process. This is unacceptable for a bylaw that affects so many members of the community in different ways. We **submit** that this clause be removed, and that the bylaw be subject to the existing requirement for full public consultation.

Clause 12

CPAG reminds the Committee that the majority of sex workers are parents, and in the business to meet ordinary expenses associated with raising children, and, further, that an increasing number of street sex workers are very young. We therefore have grave concerns about the Bill enabling the imposition of a \$2,000 fine on any person buying or selling sex in a specified area. This is unreasonable, and is an unwarranted penalty on the most vulnerable sex workers.

We also believe that it is fundamentally wrong to enact criminal law which applies to one limited geographical area of New Zealand. Criminal law should apply to the whole country, or not at all.

We **submit** this clause be deleted.

Address the real issues in Manukau – Some Solutions

CPAG acknowledges the genuine concerns of local people on the issue of street prostitution in Manukau. We should like to offer a few ideas about how some of the problems might be solved, in ways that do not involve rewriting criminal law to apply to one geographical location, and do not result in further harassment and punishment of some of the most vulnerable young people in our society, and their children.

a) Underage prostitution

- Encourage Work & Income to make it easier for 16 and 17 year olds who have no support from their families or who live in very difficult domestic situations to receive the Independent Youth Benefit and other MSD support.
- Provide more resources for community organisations to offer supported housing and other services for vulnerable young people.

b) Street prostitution

- Ensure and encourage ongoing Government and Local Government support to groups like the NZ Prostitutes Collective and other local organisations who work in practical ways to assist Manukau street workers with their health, safety and other real needs.
- Take into account that some of the reasons behind street prostitution in Manukau relate to high levels of poverty and homelessness. The solutions to these issues include HNZC doing more to meet real housing need, and a Government commitment to raising income support, including discretionary assistance, to levels at which people can support themselves and their families.

c) Health and safety issues on the street

- Encourage the new Auckland Council to work in a developmental way providing practical solutions to the issues which concern those supporting this bill. Problems need to be identified one by one, and dealt with.

For example, we suggest that issues like people relieving themselves in public places, excessive littering, drunken behaviour and traffic problems are all matters which would normally be worked through by a local authority in conjunction with groups like the Police and Maori Wardens, rather than be the subject of Parliamentary consideration.

Conclusion

CPAG is very concerned that this Bill seeks to criminalise vulnerable street sex workers, many of whom are parents, and many others who are very young and, we have reason to believe, have few other economic options. This Bill does not address the deeper issue of poverty that is driving much of this business, and in fact does not even acknowledge it. Until the poverty of mothers and young women is addressed prostitution will continue to be a social issue.

The Bill is a misguided attempt to regulate behaviour, and as was the case with the previous law, will do absolutely nothing to stop street prostitution or even moderate it. Instead, it will simply put street workers back in the position they were previously, where they were driven to operate in dangerous back streets. We urge the Committee to consider this as a health and safety issue, not a moral issue, and recommend that this Bill not be passed.