

# **Prostitution Reform Bill**

Member's Bill

As reported from the committee of the whole House

---

## Key to symbols used in reprinted bill

### As reported from a select committee

#### Struck out (majority)

Subject to this Act,

Text struck out by a majority

#### New (majority)

Subject to this Act,

Text inserted by a majority

~~Subject to this Act,~~

Words struck out by a majority

Subject to this Act,

Words inserted by a majority

### As reported from the committee of the whole House

#### Struck out

Subject to this Act,

Text struck out

#### New

Subject to this Act,

Text inserted

~~Subject to this Act,~~

Words struck out

~~Subject to this Act,~~

Words struck out

Subject to this Act,

Words inserted

---

Tim Barnett

# Prostitution Reform Bill

Member's Bill

## Contents

1	Title	<i>Protections for persons refusing to work as sex workers</i>
	<b>Part 1</b>	
	<b>Preliminary provisions</b>	
2	Commencement	8A Refusal to work as sex worker does not affect entitlements
3	Purpose	<i>Application of Immigration Act 1987</i>
4	Interpretation	8B Application of Immigration Act 1987
4AA	Definition of operator	
4A	Act binds the Crown	<i>Prohibitions on use in prostitution of persons under 18 years</i>
	<b>Part 2</b>	
	<b>Commercial sexual services</b>	
	<i>Contracts for commercial sexual services not void</i>	9 No person may assist person under 18 years in providing commercial sexual services
5	Contract for provision of commercial sexual services not void	9A No person may receive earnings from commercial sexual services provided by person under 18 years
	<i>Health and safety requirements</i>	9B No person may contract for commercial sexual services from, or be client of, person under 18 years
6	Operators of businesses of prostitution must adopt and promote safer sex practices	9C Offence to breach prohibitions on use in prostitution of persons under 18 years
6A	Sex workers and clients must adopt safer sex practices	
6B	Application of Health and Safety in Employment Act 1992	<i>Powers to enter and inspect compliance with health and safety requirements</i>
	<i>Advertising restrictions</i>	9D Purpose of inspection
6BA	Restrictions on advertising commercial sexual services	9E Inspectors
	<i>Territorial authority may make bylaws</i>	9F Powers to enter and inspect compliance with health and safety requirements
6C	Bylaws controlling signage advertising commercial sexual services	9G Entry of homes
6D	Procedure for making bylaws	9H Requirements when carrying out inspection
6E	Bylaws regulating location of brothels	9I Obstructing inspectors
	<i>Resource consents</i>	<i>Powers of entry</i>
6F	Resource consents in relation to businesses of prostitution	9J Warrant for police to enter
	<i>Protections for sex workers</i>	9K Form and content of warrant
7	Inducing or compelling persons to provide commercial sexual services or earnings from prostitution	9L Powers conferred by warrant
8	Refusal to provide commercial sexual services	9M Requirements when executing warrant

<b>Part 2A</b>			
<b>Operator certificates</b>			
9MA	Operators of businesses of prostitution to hold certificates	9P	Other provisions on appointment, removal, term, and resignation of members
9MB	Application for, and grant of, certificates	9Q	Remuneration of members
9MC	Disqualification from holding certificate	9R	Procedure of Prostitution Law Review Committee
9MD	Waiver of disqualification		<i>Regulations</i>
9ME	Expiry, renewal, and replacement of certificate	9S	Regulations
9MF	Cancellation of certificate		<i>Repeals, amendments, and transitional provisions</i>
9MG	Operator to produce certificate on request	10	Repeals coming into force on day after Royal assent
9MH	Court records	10A	Repeals and revocations coming into force when Part 2A comes into force
<b>Part 3</b>		11	Consequential amendments
<b>Miscellaneous provisions</b>		12	Transitional provisions for past offences
<i>Review of operation of Act and related matters by Prostitution Law Review Committee</i>			
9N	Review of operation of Act and related matters		<b>Schedule</b>
9O	Prostitution Law Review Committee		<b>Consequential amendments to enactments</b>

**The Parliament of New Zealand enacts as follows:**

**1 Title**

This Act is the Prostitution Reform Act **2000**.

**New (majority)**

<p><b>Part 1</b></p> <p><b>Preliminary provisions</b></p>
---

**2 Commencement**

(1) This Act other than the provisions referred to in **subclause (2)** comes into force ~~on the day~~ ~~((3 months))~~ on the day after the date on which it receives the Royal assent.

5

**New**

<p>(2) <b>Part 2A</b> and <b>sections 10A and 11(2)</b> come into force 6 months after the date on which this Act receives the Royal assent.</p>
--

10

**Struck out (majority)****3 Purpose**

The purpose of this Act is to decriminalise prostitution, and to create a framework which safeguards the human rights of sex workers and protects them from exploitation, ensures the legislative framework of welfare and occupational health and safety protections is able to apply to sex workers, creates an environment which is conducive to public health, and protects children from exploitation in relation to prostitution.

5

**New (majority)****3 Purpose**

The purpose of this Act is to decriminalise prostitution (while not endorsing or morally sanctioning prostitution or its use) and to create a framework that—

10

- (a) safeguards the human rights of sex workers and protects them from exploitation:
- (b) promotes the welfare and occupational health and safety of sex workers:
- (c) is conducive to public health:
- (d) prohibits the use in prostitution of persons under 18 years of age:
- (e) implements certain other related reforms.

15

20

**Struck out (majority)****4 Interpretation**

In this Act, unless the context otherwise requires,—

**brothel** means any house, room, set of rooms, or place of any kind kept or habitually used for the purposes of prostitution; but does not include premises at which accommodation is normally provided on a commercial basis if any prostitution that occurs at those premises occurs under an arrangement initiated elsewhere

25

**business of prostitution** means—

- (a) any firm, organisation, body of persons in the nature of a partnership within the meaning of the Partnership Act 1908 (whether incorporated or not), which; or

30

## Struck out (majority)

- (b) any person who,—  
 carries on a business of providing commercial sexual services  
**child** means a person who is under 18 years  
**coerce** means knowingly to act to prevent another person  
 from exercising freedom of choice or action, or to induce or 5  
 compel another person to undertake any action against his or  
 her will, including actual, or implied or explicit threats of,—
- (a) physical harm:  
 (b) sexual or psychological abuse:  
 (c) intimidation; including— 10
- (i) the improper use of any power or authority arising out of any occupational or vocational position held by any person; or  
 (ii) the making of an accusation or disclosure (whether true or false) about the misconduct of 15  
 any person that is likely to damage seriously the reputation of the person against or about whom the accusation or disclosure is made:
- (d) harassment:  
 (e) damage to that person's property: 20  
 (f) supplying a controlled drug within the meaning of the Misuse of Drugs Act 1975:  
 (g) withholding supply of a controlled drug within the meaning of the Misuse of Drugs Act 1975:  
 (h) withholding money or property owed to that person: 25  
 (i) imposing any pecuniary or other penalty, or taking disciplinary action, otherwise than in accordance with a person's agreed conditions of employment or service
- commercial sexual services** means sexual services provided for monetary or material reward (irrespective of whether the 30  
 reward is, or is to be, paid or given (directly or otherwise) to the person who provided the sexual services)
- prostitution** means the provision of commercial sexual services
- safer sex practices** includes actions to minimise the risk of 35  
 acquiring or transmitting sexually transmissible diseases

**Struck out (majority)**

**sex worker** means a person who personally provides commercial sexual services, including, but not exclusively, services provided as part of the business of a brothel or business of prostitution

**New (majority)****4 Interpretation**

5

(1) In this Act, unless the context otherwise requires,—

**brothel** means any premises kept or habitually used for the purposes of prostitution; but does not include premises at which accommodation is normally provided on a commercial basis if the prostitution occurs under an arrangement initiated elsewhere

10

**business of prostitution** means a business of providing, or arranging the provision of, commercial sexual services

**client** means a person who receives, or seeks to receive, commercial sexual services

15

**commercial sexual services** means sexual services that—

- (a) involve physical participation by a person in sexual acts with, and for the gratification of, another person; and
- (b) are provided for payment or other reward (irrespective of whether the reward is given to the person providing the services or another person)

20

**member** means a member of the Prostitution Law Review Committee

**premises** includes a part of premises

**prostitution** means the provision of commercial sexual services

25

**Prostitution Law Review Committee** means the committee appointed under **section 90**

**public place**—

- (a) means a place that is open to, or being used by, the public, whether admission is free or on payment of a charge and whether any owner or occupier of the place is lawfully entitled to exclude or eject a person from that place; and

30

**New (majority)**

(b) includes any aircraft, hovercraft, ship, ferry, or other vessel, train, or vehicle carrying or available to carry passengers for reward

**sex worker** means a person who provides commercial sexual services

5

**New**

**small owner-operated brothel** means a brothel—

(a) at which not more than 4 sex workers work; and

(b) where each of those sex workers retains control over his or her individual earnings from prostitution carried out at the brothel

10

**Struck out**

**territorial authority** has the same meaning as in section 2(1) of the Local Government Act 1974; but does not include the Minister of Local Government.

**New**

**territorial authority** has the same meaning as in section 5(1) of the Local Government Act 2002.

15

**Struck out**

(2) For the purposes of this Act, a person **operates**—

(a) a business of prostitution if the person—

(i) carries on that business:

(ii) manages or takes part in the management of that business:

20



**New (majority)**

**Struck out**

(iii) has day-to-day control of the conduct of that business:

(b) a brothel if the person operates a business of prostitution at the brothel.

5

(3) In this Act, a reference to **providing** or **receiving** commercial sexual services means to provide or receive those services personally (rather than arranging another person to provide the services or arranging for the services to be received by another person).

10

**New**

**4AA Definition of operator**

(1) In this Act, **operator**, in relation to a business of prostitution, means a person who, whether alone or with others, owns, operates, controls, or manages the business; and includes (without limitation) any person who—

15

(a) is the director of a company that is an operator; or

(b) determines—

(i) when or where an individual sex worker will work; or

(ii) the conditions in which sex workers in the business work; or

20

(iii) the amount of money, or proportion of an amount of money, that a sex worker receives as payment for prostitution; or

(c) is a person who employs, supervises, or directs any person who does any of the things referred to in **paragraph (b)**.

25

(2) Despite anything in **subsection (1)**, a sex worker who works at a small owner-operated brothel is not an operator of that business of prostitution, and, for the purposes of this Act, a small owner-operated brothel does not have an operator.

30

## New (majority)

**4A Act binds the Crown**

This Act binds the Crown.

**Part 2****Commercial sexual services**

*Contracts for commercial sexual services not void*

5

**5 Contract for provision of commercial sexual services not void**

⟨Subject to the provisions of this Act, no⟩ ⟨No⟩ contract for the provision of⟨, or arranging the provision of,⟩ commercial sexual services is illegal or void on public policy or other similar grounds.

10

## Struck out (majority)

**6 Operators of brothels and businesses of prostitution to promote safer sex practices**

(1) Every person who operates a brothel or who has effective control of a business of prostitution, must—

15

(a) take all practical steps to ensure the use of prophylactic sheaths by clients of that brothel or business of prostitution; and

(b) give information on safer sex practices to sex workers operating in or from, and clients of, that brothel or business of prostitution; and

20

(c) display information on safer sex practices prominently in any premises used as part of the business of the brothel or business of prostitution; and

(d) not use the fact of a sex worker's attendance at a medical examination, or the result of such an examination, for the purpose of inducing a person to believe the sex worker is not infected with a sexually transmissible disease.

25

(2) Every person commits an offence and is liable to a fine not exceeding \$10,000 who contravenes **subsection (1)**.

30

(3) For the purposes of this section,—

**Struck out (majority)**

- (a) a person operates a brothel if he or she controls or manages, or takes part in the control or management of, the brothel:
- (b) a person has effective control of a business of prostitution if he or she personally supervises, manages and controls the conduct of the business of prostitution. 5

**New (majority)***Health and safety requirements***6 Operators of businesses of prostitution must adopt and promote safer sex practices**

- (1) *(Every person who operates a business of prostitution (other than a business for which that person is the only sex worker must))* Every operator of a business of prostitution must— 10
  - (a) take all reasonable steps to ensure that no commercial sexual services are provided by a sex worker unless a prophylactic sheath or other appropriate barrier is used if those services involve vaginal, anal, or oral penetration or another activity with a similar or greater risk of acquiring or transmitting sexually transmissible infections; and 15
  - (b) take all reasonable steps to give health information (whether oral or written) to sex workers and clients; and 20
  - (c) if the person operates a brothel, display health information prominently in that brothel; and
  - (d) not state or imply that a medical examination of a sex worker means the sex worker is not infected, or likely to be infected, with a sexually transmissible infection; and 25
  - (e) take all other reasonable steps to minimise the risk of sex workers or clients acquiring or transmitting sexually transmissible infections.
- (2) Every person who contravenes **subsection (1)** commits an offence and is liable on summary conviction to a fine not exceeding \$10,000. 30
- (3) The obligations in this section apply only in relation to commercial sexual services provided for the business and to sex workers and clients in connection with those services. 35

**New (majority)**

- (4) In this section, **health information** means information on safer sex practices and on services for the prevention and treatment of sexually transmissible infections.

**6A Sex workers and clients must adopt safer sex practices**

- (1) A person must not provide or receive commercial sexual services unless he or she has taken all reasonable steps to ensure a prophylactic sheath or other appropriate barrier is used if those services involve vaginal, anal, or oral penetration or another activity with a similar or greater risk of acquiring or transmitting sexually transmissible infections. 5
- (2) A person must not, for the purpose of providing or receiving commercial sexual services, state or imply that a medical examination of that person means that he or she is not infected, or likely to be infected, with a sexually transmissible infection. 10
- (3) A person who provides or receives commercial sexual services must take all other reasonable steps to minimise the risk of acquiring or transmitting sexually transmissible infections. 15
- (4) Every person who contravenes **subsection (1), subsection (2), or subsection (3)** commits an offence and is liable on summary conviction to a fine not exceeding \$2,000. 20

**6B Application of Health and Safety in Employment Act 1992**

- (1) A sex worker is at work for the purposes of the Health and Safety in Employment Act 1992 while providing commercial sexual services. 25
- (2) However, nothing in this Act (including **subsection (1)**) limits that Act or any regulations or approved codes of practice under that Act.

**New***Advertising restrictions*

30

**6BA Restrictions on advertising commercial sexual services**

- (1) Advertisements for commercial sexual services may not be—

**New (majority)**

**New**

- (a) broadcast on radio or television; or
  - (b) published in a newspaper or periodical, except in the classified advertisements section of the newspaper or periodical; or 5
  - (c) screened at a public cinema.
- (2) A person who does any of the things described in **subsection (1)**, or who authorises any of the things described in that subsection to be done, commits an offence and is liable on summary conviction to,— 10
- (a) in the case of a body corporate, a fine not exceeding \$50,000; and
  - (b) in any other case, a fine not exceeding \$10,000.
- (3) In this section, **advertisement** means any words, or any pictorial or other representation, used to notify the availability of, or promote the sale of, commercial sexual services, either generally or specifically. 15

**Struck out**

*Limits on signage advertising commercial sexual services*

- 6C Bylaws prohibiting and regulating offensive signage advertising commercial sexual services** 20
- (1) A territorial authority may make bylaws for the purpose of prohibiting or regulating signage that—
- (a) is visible to a person in a public place (other than only in a brothel or other premises in which a business of prostitution is carried on); and 25
  - (b) advertises commercial sexual services in a way that the territorial authority is satisfied would unreasonably cause offence to the community generally.
- (2) The territorial authority must, before making the bylaw, have regard to the interests of businesses of prostitution in its district. 30

## New (majority)

## Struck out

- (3) The bylaw may—
- (a) apply throughout a district or part of a district; and
  - (b) make different provision for different parts of a district.

**6D General provisions about bylaws** 5

- (1) Any bylaws made under **section 6C** must be made in accordance with the Local Government Act 1974 (except as otherwise provided by this Act) and must be treated as having been made under that Act.
- (2) **Section 6C** does not limit any other powers that a territorial authority has under any other enactment. 10

## New

*Territorial authority may make bylaws***6C Bylaws controlling signage advertising commercial sexual services**

- (1) A territorial authority may make bylaws for its district that prohibit or regulate signage that is in, or is visible from, a public place, and that advertises commercial sexual services. 15
- (2) Bylaws may be made under this section only if the territorial authority is satisfied that the bylaw is necessary to prevent the public display of signage that— 20
- (a) is likely to cause a nuisance or serious offence to ordinary members of the public using the area; or
  - (b) is incompatible with the existing character or use of that area.
- (3) Bylaws made under this section may prohibit or regulate signage in any terms, including (without limitation) by imposing restrictions on the content, form, or amount of signage on display. 25
- (4) Parts 8 and 9 of the Local Government Act 2002 (which are about, among other things, the enforcement of bylaws and 30

---



---

**New**

---



---

penalties for their breach) apply to a bylaw made under this section as if the bylaw had been made under section 145 of that Act.

**6D Procedure for making bylaws**

- (1) A bylaw made under **section 6C** must be made in the same manner in all respects as if it were a bylaw made under the Local Government Act 2002. 5
- (2) Despite **subsection (1)**, a bylaw may be made under **section 6C** even if, contrary to section 155(3) of the Local Government Act 2002, it is inconsistent with the New Zealand Bill of Rights Act 1990. 10

**6E Bylaws regulating location of brothels**

Without limiting section 145 of the Local Government Act 2002, a territorial authority may make bylaws for its district under section 146 of that Act for the purpose of regulating the location of brothels. 15

*Resource consents*

**6F Resource consents in relation to businesses of prostitution**

- (1) When considering an application for a resource consent under the Resource Management Act 1991 for a land use relating to a business of prostitution, a territorial authority must have regard to whether the business of prostitution— 20
- (a) is likely to cause a nuisance or serious offence to ordinary members of the public using the area in which the land is situated; or 25
- (b) is incompatible with the existing character or use of the area in which the land is situated.
- (2) Having considered the matters in **subsection (1)(a) and (b)** as well as the matters it is required to consider under the Resource Management Act 1991, the territorial authority may, in accordance with sections 104A to 104D of that Act, grant or refuse to grant a resource consent, or, in accordance with section 108 30
- 
-

## New

of that Act, impose conditions on any resource consent granted.

- (3) **Subsection (1)** does not limit or affect the operation of the Resource Management Act 1991 in any way, and it may be overridden, with respect to particular areas within a district, by the provisions of a district plan or proposed district plan. 5

## Struck out (majority)

7 **Coercion**

- (1) No person may coerce or attempt to coerce any person into providing commercial sexual services.
- (2) No person may coerce any person into surrendering the proceeds of commercial sexual services provided by that person. 10
- (3) Every person commits an offence and is liable to imprisonment for a term not exceeding 7 years who contravenes **subsection (1)** or **subsection (2)**.

8 **Right to refuse to provide commercial sexual service** 15

Every sex worker may at any time refuse to provide any commercial sexual service or, where the provision of that service has commenced, to continue to provide that service, and any agreement purporting to remove the right to refuse to provide or refuse to continue to provide such a service is void. 20

## New (majority)

*Protections for sex workers*7 **Inducing or compelling persons to provide commercial sexual services or earnings from prostitution**

- (1) No person may do anything described in **subsection (2)** with the intent of inducing or compelling another person (**person A**) to— 25
- (a) provide, or to continue to provide, commercial sexual services to any person; or



**New (majority)**

- |          |   |    |
|----------|---|----|
|          | (b) provide, or to continue to provide, to any person any payment or other reward derived from commercial sexual services provided by person A.   |    |
| (2)      | The acts referred to in <b>subsection (1)</b> are any explicit or implied threat or promise that any person ( <b>person B</b> ) will—   | 5  |
|          | (a) improperly use, to the detriment of any person, any power or authority arising out of—  |    |
|          | (i) any occupational or vocational position held by person B; or  |    |
|          | (ii) any relationship existing between person B and person A:   | 10 |
|          | (b) commit an offence that is punishable by imprisonment:   |    |
|          | (c) make an accusation or disclosure (whether true or false)—   |    |
|          | (i) of any offence committed by any person; or  | 15 |
|          | (ii) of any other misconduct that is likely to damage seriously the reputation of any person; or  |    |
|          | (iii) that any person is unlawfully in New Zealand:   |    |
|          | (d) supply, or withhold supply of, any controlled drug within the meaning of the Misuse of Drugs Act 1975.  | 20 |
| (3)      | Every person who contravenes <b>subsection (1)</b> commits an offence and is liable on conviction on indictment to imprisonment for a term not exceeding 14 years.  |    |
| <b>8</b> | <b>Refusal to provide commercial sexual services</b>  |    |
| (1)      | Despite anything in a contract for the provision of commercial sexual services, a person may, at any time, refuse to provide, or to continue to provide, a commercial sexual service to any other person.   | 25 |
| (2)      | The fact that a person has entered into a contract to provide commercial sexual services does not of itself constitute consent for the purposes of the criminal law if he or she does not consent, or withdraws his or her consent, to providing a commercial sexual service. | 30 |
| (3)      | However, nothing in this section affects a right (if any) to rescind or cancel, or to recover damages for, a contract for the provision of commercial sexual services that is not performed.  | 35 |

**New (majority)***Protections for persons refusing to work as sex workers***8A Refusal to work as sex worker does not affect entitlements**

- (1) A person's benefit, or entitlement to a benefit, under the Social Security Act 1964 may not be cancelled or affected in any other way by his or her refusal to work, or to continue to work, as a sex worker (and, in this case, that work is not suitable employment for that person under that Act). 5
- (2) A person's entitlements under the Injury Prevention, Rehabilitation, and Compensation Act 2001 may not be lost or affected in any other way by his or her being capable of working as a sex worker if he or she refuses to do, or to continue to do, that kind of work. 10
- (3) In this section, **refusal** means a refusal to do this kind of work in general, rather than a refusal of a particular job or at a particular time. 15

**Struck out (majority)****9 No person to contract for or be party to provision of commercial sexual services by a child**

- (1) No person may cause a child to provide, or assist a child in the provision of, commercial sexual services. 20
- (2) No person may enter into a contract or arrangement as a result of which any person receives or is to receive commercial sexual services provided by a child.
- (3) No person may receive a payment or other reward that he or she knows, or could reasonably be expected to have known, is derived, directly or indirectly, from commercial sexual services provided by a child. 25
- (4) Every person commits an offence and is liable to imprisonment for a term not exceeding 7 years who contravenes **subsection (1)** or **subsection (2)** or **subsection (3)**. 30
- (5) No person commits an offence against this section who provides counselling or health advice to a child, but who does not otherwise encourage or facilitate the provision of commercial sexual services by that child.

**Struck out (majority)**

- (6) No child may be charged as a party to an offence committed upon or with that child against this section.
- (7) It is no defence to a charge against this section that the child consented or that the person charged believed, reasonably or otherwise, that the child was 18 years or over.

5

**New***Application of Immigration Act 1987***8B Application of Immigration Act 1987**

- (1) No permit may be granted under the Immigration Act 1987 to a person on the basis that the person—
- (a) has provided, or intends to provide, commercial sexual services; or 10
- (b) has acted, or intends to act, as an operator of a business of prostitution; or
- (c) has invested, or intends to invest, in a business of prostitution. 15
- (2) It is a condition of every temporary permit or limited purpose permit granted under the Immigration Act 1987 that the holder of the permit may not, while in New Zealand,—
- (a) provide commercial sexual services; or
- (b) act as an operator of a New Zealand business of prostitution; or 20
- (c) invest in a New Zealand business of prostitution.
- (3) A temporary permit or limited purpose permit granted under the Immigration Act 1987 may be revoked if the holder does any of the things listed in **subsection (2)(a) to (c)**. 25
- (4) If the holder of a residence permit is subject to a requirement under section 18A of the Immigration Act 1987, the requirement is deemed not to have been met (for the purpose of revoking the permit under section 20(1)(d) of that Act) if the permit holder acts as an operator of, or invests in, a New Zealand business of prostitution. 30

## New

- (5) This section applies with respect to every permit granted under the Immigration Act 1987, and to every requirement imposed under section 18A of that Act, whether granted or imposed before or after the commencement of this section.

## New (majority)

*Prohibitions on use in prostitution of persons under 18 years* 5**9 No person may assist person under 18 years in providing commercial sexual services**

No person may cause, assist, facilitate, or encourage a person under 18 years of age to provide commercial sexual services to any person.

10

**9A No person may receive earnings from commercial sexual services provided by person under 18 years**

No person may receive a payment or other reward that he or she knows, or ought reasonably to know, is derived, directly or indirectly, from commercial sexual services provided by a person under 18 years of age.

15

**9B No person may contract for commercial sexual services from, or be client of, person under 18 years**

- (1) No person may enter into a contract or other arrangement under which a person under 18 years of age is to provide commercial sexual services to or for that person or another person.

20

- (2) No person may receive commercial sexual services from a person under 18 years of age.

**9C Offence to breach prohibitions on use in prostitution of persons under 18 years** 25

- (1) Every person who contravenes **section 9, section 9A, or section 9B** commits an offence and is liable on conviction on indictment to imprisonment for a term not exceeding 7 years.

**New (majority)**

- |     |   |   |
|-----|---|---|
| (2) | No person contravenes <b>section 9</b> merely by providing legal advice, counselling, health advice, or any medical services to a person under 18 years of age. |   |
| (3) | No person under 18 years of age may be charged as a party to an offence committed on or with that person against this section.                                  | 5 |

*Powers to enter and inspect compliance with health and safety requirements*

**9D Purpose of inspection**

- |     |   |    |
|-----|---|----|
| (1) | The powers of inspection in <b>section 9F</b> may be used only for the purpose of determining whether or not a person is complying, or has complied, with <b>section 6</b> or <b>section 6A</b> . | 10 |
| (2) | This section does not limit the ability of an inspector to report any other offence or suspected offence to the police or any other relevant agency.  | 15 |

**9E Inspectors**

- |     |   |    |
|-----|---|----|
| (1) | Every person designated as a Medical Officer of Health by the Director-General of Health under the Health Act 1956 is an inspector for the purposes of this Act.    |    |
| (2) | A Medical Officer of Health may also appoint persons as inspectors for his or her health district, on a permanent or temporary basis, for the purposes of this Act. | 20 |
| (3) | A Medical Officer of Health may appoint a person as an inspector only if satisfied that he or she is suitably qualified or trained to carry out that role.          | 25 |
| (4) | That appointment must be in writing and must contain—   |    |
|     | (a) a reference to this section; and  |    |
|     | (b) the full name of the appointed person; and  |    |
|     | (c) a statement of the powers conferred on the appointed person by <b>section 9F</b> and the purpose under <b>section 9D</b> for which those powers may be used.    | 30 |

## New (majority)

- |           |   |    |
|-----------|---|----|
| <b>9F</b> | <b>Powers to enter and inspect compliance with health and safety requirements</b>   |    |
| (1)       | An inspector may, at any reasonable time, enter premises for the purpose of carrying out an inspection if he or she has reasonable grounds to believe that a business of prostitution is being carried on in the premises.        | 5  |
| (2)       | For the purposes of the inspection, the inspector may—  |    |
|           | (a) conduct reasonable inspections:   |    |
|           | (b) take photographs and measurements and make sketches and recordings:   | 10 |
|           | (c) require any of the following persons to provide information or assistance reasonably required by the inspector:   |    |
|           | (i) a person who operates the business of prostitution, or an employee or agent of that person:   | 15 |
|           | (ii) a sex worker or client of the business of prostitution:  |    |
|           | (d) take copies of the information referred to in <b>paragraph (c)</b> .  |    |
| (3)       | An inspector may seize and retain any thing in premises entered under this section that the inspector has reasonable grounds to believe will be evidence of the commission of an offence against <b>section 6 or section 6A</b> . | 20 |
| (4)       | Nothing in this section limits or affects the privilege against self-incrimination.   |    |
| (5)       | An inspector may take any person acting under the inspector's direct supervision into the premises to assist him or her with the inspection.  | 25 |
| <b>9G</b> | <b>Entry of homes</b>   |    |
| (1)       | An inspector may not enter a home under <b>section 9F</b> unless he or she—   | 30 |
|           | (a) has the consent of an occupier of that home; or   |    |
|           | (b) is authorised to do so by a warrant issued under <b>subsection (2)</b> .  |    |
| (2)       | A District Court Judge, Justice, Community Magistrate, or Registrar of a District Court (who is not a member of the police) may issue a warrant to enter a home or part of a home   | 35 |

**New (majority)**

- if, on application made on oath, he or she is satisfied that there are reasonable grounds for believing that—
- (a) a business of prostitution is being carried on in the home; or
  - (b) the home or the part of the home is the only practicable means through which to enter premises where a business of prostitution is being carried on. 5
- (3) The warrant must be directed to an inspector by name and must be in the prescribed form.
- 9H Requirements when carrying out inspection** 10
- (1) An inspector must, on entering premises under **section 9F** and when reasonably requested at any subsequent time, produce—
- (a) evidence of his or her designation as a Medical Officer of Health or appointment as an inspector by a Medical Officer of Health; and 15
  - (b) evidence of his or her identity; and
  - (c) a statement of the powers conferred on the inspector by **section 9F** and the purpose under **section 9D** for which those powers may be used; and
  - (d) if entering a home under a warrant issued under **section 9G(2)**, that warrant. 20
- (2) If the owner or occupier of the premises is not present at the time an inspector enters and inspects the premises, the inspector must—
- (a) leave in a prominent location at those premises a written statement that includes the following information: 25
    - (i) the time and date of the entry; and
    - (ii) the name of the person who entered the premises; and
    - (iii) the fact that the person is an inspector; and 30
    - (iv) the reasons for the entry; and
    - (v) the address of the office of the Ministry of Health to which enquiries should be made; and
  - (b) take all other reasonable steps to give that information to the owner or occupier of the premises. 35
- (3) If any thing is seized in the course of an inspection, the inspector must leave in a prominent location at the premises,

**New (majority)**

or deliver or send by registered mail to the owner or occupier within 10 working days after the entry, a written inventory of all things seized.

- (4) Section 199 of the Summary Proceedings Act 1957 applies to any thing seized in the course of an inspection (as if the inspector were a constable and with any other necessary modifications). 5

**9I Obstructing inspectors**

Every person commits an offence, and is liable on summary conviction to a fine not exceeding \$2,000, who intentionally obstructs, hinders, or deceives an inspector in the execution of a power or duty under this Act. 10

*((Powers to enter to enforce prohibitions on use in prostitution of persons under 18 years)) Powers of entry*

**9J Warrant for police to enter (places to enforce prohibitions on use in prostitution of persons under 18 years))** 15

- (1) A District Court Judge, Justice, Community Magistrate, or Registrar of a District Court (who is not a member of the police) may issue a warrant to enter a place if he or she is satisfied that— 20

**Struck out**

- (a) there is good cause to suspect that an offence against **section 9C** has been, is being, or is likely to be committed in the place; and

**New**

- (a) there is good cause to suspect that an offence under either of the following provisions is being, has been, or is likely to be committed in the place: 25



**New (majority)**

**New**

- (i) **section 9C** (which concerns using persons under 18 years in prostitution);
- (ii) **section 9MA** (which concerns being an operator while not holding a certificate); and

5

- (b) there are reasonable grounds to believe that it is necessary for a member of the police to enter the place for the purpose of preventing the commission or repetition of that offence or investigating that offence.
- (2) An application for a warrant must be made in writing and on oath.
- (3) The Judge, Justice, Community Magistrate, or Registrar may impose any reasonable conditions on the exercise of the warrant that he or she thinks fit.

10

**9K Form and content of warrant**

15

- (1) A warrant under **section 9J** must be in the prescribed form and state—
  - (a) the place that may be entered; and

**Struck out**

- (b) that the warrant has been issued in respect of an offence against **section 9C**; and

20

**New**

- (b) which of the offences listed in **section 9J(1)(a)** the warrant has been issued in respect of; and
- (c) the period during which the warrant may be executed, which must not exceed 14 days from the date of issue; and
- (d) any conditions that apply to the warrant under **section 9J(3)**.

25

## New (majority)

- (2) The warrant must be directed generally to every member of the police.

**9L Powers conferred by warrant**

- (1) Subject to any conditions stated in the warrant, a warrant under **section 9J** authorises the person executing it to— 5
- (a) enter and search the place stated in the warrant at any time of the day or night; and
  - (b) use the assistance that is reasonable in the circumstances to enter and search the place; and
  - (c) use the force that is reasonable in the circumstances to gain entry and to break open any thing in, on, over, or under the place; and 10
  - (d) search for and seize any property or thing that the person has reasonable ground to believe will be evidence of the commission of (an offence against **section 9C**) an offence in respect of which the warrant is issued. 15
- (2) A person who is called to assist to execute the warrant may exercise the powers described in **subsection (1)(c) and (d).**
- (3) The power to enter a place under the warrant may be exercised once only. 20

**9M Requirements when executing warrant**

- (1) A member of the police who executes a warrant under **section 9J** must, on entering the place and when reasonably requested at any subsequent time, produce— 25
- (a) the warrant; and
  - (b) if not in uniform, evidence that he or she is a member of the police.
- (2) If the owner or occupier of the place is not present at the time the warrant is executed, the member of the police must— 30
- (a) leave in a prominent location at the place a written statement that includes the following information:
    - (i) the time and date of the entry; and
    - (ii) the name of the member of the police who entered the place; and
    - (iii) the fact that the person is a member of the police; and 35

**New (majority)**

- |   |                    |
|---|--------------------|
| <ul style="list-style-type: none"> <li style="margin-left: 40px;">(iv) the reasons for the entry; and</li> <li style="margin-left: 40px;">(v) the address of the police station to which enquiries should be made; and</li> <li>(b) take all other reasonable steps to give that information to the owner or occupier of the place.</li> </ul> <p>(3) If any thing is seized in the execution of the warrant, the member of the police must leave in a prominent location at the place, or deliver or send by registered mail to the owner or occupier within 10 working days after the entry, a written inventory of all things seized.</p> <p>(4) Section 199 of the Summary Proceedings Act 1957 applies to any thing seized in the execution of the warrant (with any necessary modifications).</p> | <p>5</p> <p>10</p> |
|---|--------------------|

**New**

**Part 2A**  
**Operator certificates**

15

**9MA Operators of businesses of prostitution to hold certificates**

- |  |                               |
|--|-------------------------------|
| <ul style="list-style-type: none"> <li>(1) Every operator of a business of prostitution (other than a company) must hold a certificate issued under <b>section 9MB</b>.</li> <li>(2) Every person who, while required by <b>subsection (1)</b> to hold a certificate, does not hold a certificate commits an offence and is liable on summary conviction to a fine not exceeding \$10,000.</li> <li>(3) If a person who is charged under <b>subsection (2)</b> claims that he or she is not an operator because he or she is a sex worker at a small owner-operated brothel and is not an operator of any other business of prostitution, it is for the person charged to prove that assertion on the balance of probabilities.</li> <li>(4) Despite <b>subsection (2)</b>, no person may be convicted of an offence under that subsection if the period during which the person does not hold a certificate is the first 6 months after this section comes into force.</li> </ul> | <p>20</p> <p>25</p> <p>30</p> |
|--|-------------------------------|

## New (majority)

## New

**9MB Application for, and grant of, certificates**

- (1) An applicant for a certificate must apply to the Registrar.
- (2) In this Part, **Registrar** means the Registrar of the District Court at Auckland, or the Registrar of any other District Court identified in regulations made under this Act as the, or a, Registrar who may accept applications under this section. 5
- (3) The application must be in the prescribed form and be accompanied by the prescribed fee.
- (4) The application may require the applicant to provide no more than the following: 10
- (a) the applicant's full name, date of birth, and gender;
  - (b) any other names by which the applicant is, or ever has been, known;
  - (c) the address to which the applicant wishes any certificate and related correspondence to be sent: 15
  - (d) a photocopy of any form of official identification that contains a photograph of the applicant, such as a passport or drivers licence, that is authenticated in the prescribed manner: 20
  - (e) 1 or more recent photographs of the applicant that comply with the prescribed requirements and are authenticated in the prescribed manner;
  - (f) if an order has been made under **section 9MD**, a copy of the order. 25
- (5) The Registrar must issue a certificate to an applicant if—
- (a) the applicant pays the prescribed fee, supplies a properly completed application form, and attaches the required photocopy and photographs; and
  - (b) the applicant is aged 18 years or older; and 30
  - (c) the applicant is either—
    - (i) not disqualified under **section 9MC** from holding a certificate; or
    - (ii) is disqualified, but has been granted a waiver of disqualification under **section 9MD** and the waiver has not been cancelled. 35

## New (majority)

## New

- (6) Every certificate must be in the prescribed form and must contain a photograph of the holder.
- (7) If a certificate is refused, the Registrar must notify the applicant in writing, with reasons, and give information about how to apply for a waiver of disqualification under **section 9MD**. 5

**9MC Disqualification from holding certificate**

- (1) A person is disqualified from holding a certificate if he or she has been convicted at any time of any of the disqualifying offences set out in **subsection (2)**, or has been convicted of an attempt to commit any such offence, of conspiring to commit any such offence, or of being an accessory after the fact to any such offence. 10
- (2) The disqualifying offences are as follows:
- (a) an offence under this Act (other than an offence under **section 9MF(3), section 9MG(2), and section 9MH(3)**): 15
- (b) an offence under any of the following sections or Parts of the Crimes Act 1961 that is punishable by 2 or more years' imprisonment:
- (i) section 98A (participation in an organised criminal group): 20
- (ii) sections 127 to 144C (includes sexual crimes):
- (iii) Part VIII (includes murder, manslaughter, assault, and abduction):
- (iv) sections 234 to 244 (robbery, extortion, and burglary): 25
- (v) section 257A (money laundering).
- (c) an offence under the Arms Act 1983 that is punishable by imprisonment:
- (d) in relation to the Misuse of Drugs Act 1975— 30
- (i) an offence under section 6 (other than possession of a Class C controlled drug):
- (ii) an offence under section 9, section 12A, or section 12B:

## New (majority)

## New

- (iii) an offence under any other section, but only if it relates to a Class A or a Class B controlled drug.

**9MD Waiver of disqualification**

- (1) A person who is disqualified from holding a certificate may apply in writing to the Registrar for an order waiving the disqualification. 5
- (2) On receipt of an application, the Registrar must—
- (a) refer the application to a District Court Judge for determination; and 10
- (b) send a copy of the application to the Commissioner of Police for a report on the matters referred to in **subsection (4)(b)**.
- (3) The Commissioner of Police must provide a report to the Registrar within 3 weeks of receipt of the request, and the Registrar must immediately forward a copy of the report to the applicant. 15
- (4) A District Court Judge may make an order waiving a disqualification if he or she is satisfied that—
- (a) the applicant's offending was of a nature, or occurred so long ago, that it ought no longer to be a barrier to obtaining a certificate; and 20
- (b) the applicant is not, and has not recently, been associated or involved with persons who would themselves be disqualified under **section 9MC** and who might reasonably be expected to exert an influence on the applicant. 25
- (5) The District Court Judge who determines the application—
- (a) may not make the order until at least 2 weeks after receipt of the report provided under **subsection (3)**; and 30
- (b) must determine the application on the basis of the material contained in the application, the police report, and any further written material provided by the applicant, whether in response to the police report or otherwise.

**New (majority)**

**New**

- (6) An order waiving disqualification remains in force until it is cancelled under **subsection (7) or subsection (8)**.
- (7) An order waiving a disqualification is cancelled, by operation of this subsection, if the person to whom it applies is convicted of any offence referred to in **section 9MC(2)**. 5
- (8) A District Court Judge may cancel an order waiving a person’s disqualification if—
  - (a) the police make an application to the Registrar for an order cancelling the waiver; and 10
  - (b) a copy of the police application is sent to the person at the address supplied in his or her application for a certificate; and
  - (c) at least 2 weeks after sending that application, either the Registrar has not received any response from the certificate holder or, if the holder has made submissions in writing, the District Court Judge has considered those submissions; and 15
  - (d) the District Court Judge is satisfied, on the basis of the police application and any submissions received from the person concerned, that the waiver ought to be cancelled on the grounds that the person is associated or involved with persons who would themselves be disqualified under **section 9MC** and who might reasonably be expected to be exerting an influence over the person. 20 25

**9ME Expiry, renewal, and replacement of certificate**

- (1) A certificate expires 1 year after the date on which it is issued.
- (2) A certificate holder may apply, at any time within 2 months before the expiry of his or her certificate, for renewal of the certificate, in which case **section 9MB** applies as if the application for renewal were an application for a certificate. 30
- (3) If an application for renewal is made, but not determined, before a certificate expires, the original certificate does not expire until the application for renewal is determined.

## New (majority)

## New

- (4) The Registrar may issue a replacement certificate to a certificate holder if—
- (a) the holder applies for a replacement certificate and the Registrar is satisfied that the original certificate has been lost or destroyed; and 5
  - (b) the holder supplies 1 or more recent photographs of himself or herself that comply with the prescribed requirements and are authenticated in the prescribed manner; and 10
  - (c) the holder pays the prescribed fee (if any).

**9MF Cancellation of certificate**

- (1) The Registrar must cancel a certificate on notification that the certificate holder—
- (a) is disqualified from holding a certificate as a result of a conviction for any offence referred to in **section 9MC(2)**; or 15
  - (b) has had his or her waiver of disqualification cancelled.
- (2) The cancellation of the certificate takes effect 5 days after notification of the cancellation is sent to the certificate holder at the address supplied in his or her application for a certificate. 20
- (3) A person whose certificate is cancelled commits an offence, and is liable on summary conviction to a fine not exceeding \$2,000, if he or she fails to return the certificate to a District Court within 1 month of the cancellation of the certificate. 25

**9MG Operator to produce certificate on request**

- (1) A member of the police may, on producing evidence that he or she is a member of the police, require any person who the member believes on reasonable grounds is an operator to produce that person's certificate for inspection, and the person must produce his or her certificate to the member, or to another member of the police at a local police station, within 24 hours of the request. 30



**New (majority)****New**

- (2) If a request under **subsection (1)** is made to the holder of a certificate, that holder commits an offence, and is liable on summary conviction to a fine not exceeding \$2,000, if he or she fails without reasonable excuse to produce his or her certificate as required by that subsection. 5

**9MH Court records**

- (1) Court records concerning the identity of applicants for certificates, applicants for waiver of disqualification, and certificate holders may be searched, inspected, or copied only by— 10
- (a) the applicant or holder concerned; and
  - (b) the Registrar; and
  - (c) the police, but only for the purpose of investigating an offence.
- (2) Nothing in this section limits the power of the Registrar to prepare and supply (whether for use by the Department for Courts or any other purpose) statistical information about applicants for certificates, applicants for waiver of disqualification, and certificate holders, as long as the information is supplied in a form that does not identify individual applicants or certificate holders. 15 20
- (3) A person who, in contravention of this section, obtains or uses information that is sourced from, or purports to be sourced from, the court records referred to in this section commits an offence and is liable on summary conviction to a fine not exceeding \$2,000. 25

**Part 3****Miscellaneous provisions**

*Review of operation of Act and related matters by  
Prostitution Law Review Committee* 30

**9N Review of operation of Act and related matters**

- (1) The Prostitution Law Review Committee must,—

## New (majority)

- |     |  |          |
|-----|--|----------|
| (a) | as soon as practicable after the commencement of this Act,—  |          |
|     | (i) assess the number of persons working as sex workers in New Zealand and any prescribed matters relating to sex workers or prostitution; and   | 5        |
|     | (ii) report on its findings to the Minister of Justice; and  |          |
| (b) | no sooner than the expiry of 3 years, but before the expiry of 5 years, after the commencement of this Act,—   | 10       |
|     | (i) review the operation of this Act since its commencement; and   |          |
|     | (ii) assess the impact of this Act on the number of persons working as sex workers in New Zealand and on any prescribed matters relating to sex workers or prostitution; and   | 15       |
|     | (iii) assess the nature and adequacy of the means available to assist persons to avoid or cease working as sex workers; and  |          |
|     | (iv) consider whether any amendments to this Act or any other law are necessary or desirable <del>(to limit or control the location and conduct of prostitution or to license sex workers or persons who operate businesses of prostitution))</del> <u>and, in particular, whether the system of certification is effective or could be improved, whether any other agency or agencies could or should administer it, and whether a system is needed for identifying the location of businesses of prostitution;</u> and | 20<br>25 |
|     | (v) consider whether any other amendments to the law are necessary or desirable in relation to sex workers or prostitution; and  | 30       |
|     | (vi) consider whether any further review or assessment of the matters set out in this paragraph is necessary or desirable; and   | 35       |
|     | (vii) report on its findings to the Minister of Justice; and   |          |
| (c) | carry out any other review, assessment, and reporting required by regulations made under this Act.   |          |

**New (majority)**

- (2) The Minister of Justice must present a copy of any report provided under this section to the House of Representatives as soon as practicable after receiving it.

**90 Prostitution Law Review Committee**

- (1) The Prostitution Law Review Committee must consist of 11 members appointed by the Minister of Justice. 5
- (2) The Minister of Justice must appoint—
- (a) 2 persons nominated by the Minister of Justice; and
  - (b) 1 person nominated by the Minister of Women's Affairs after consultation with the Minister of Youth Affairs; and 10
  - (c) 1 person nominated by the Minister of Health; and
  - (d) 1 person nominated by the Minister of Police; and
  - (e) 2 persons nominated by the Minister of Commerce to represent operators of businesses of prostitution; and 15
  - (f) 1 person nominated by the Minister of Local Government; and
  - (g) 3 persons nominated by the New Zealand Prostitutes Collective (or, if there is no New Zealand Prostitutes Collective, by any other body that the Minister of Justice considers represents the interests of sex workers). 20
- (3) The Minister of Justice may, on the recommendation of a member's nominator, remove a member from office for inability to perform the members' duties, misconduct by the member, or any other just cause proved to the satisfaction of the nominator. 25
- (4) The member is not entitled to compensation or other payment relating to removal from office.
- (5) The Prostitution Law Review Committee ceases to exist on a date appointed by the Minister of Justice, by notice in the *Gazette*, that is after the date of its report to the Minister under **section 9N(b)(vii)**. 30

**9P Other provisions on appointment, removal, term, and resignation of members**

- (1) A member must be appointed or removed by written notice to the member and his or her nominator. 35

**New (majority)**

- |     |   |    |
|-----|---|----|
| (2) | A member holds office for a term stated in that notice of up to 5 years.  |    |
| (3) | A member whose term of office expires continues to hold office until he or she is reappointed or his or her successor is appointed. | 5  |
| (4) | However, all members cease to hold office on the date on which the Prostitution Law Review Committee ceases to exist.               |    |
| (5) | A person may be reappointed as a member.  |    |
| (6) | A member may resign by written notice to the Minister of Justice and his or her nominator.  | 10 |
| (7) | The powers of the Prostitution Law Review Committee are not affected by any vacancy in its membership.                              |    |

**9Q Remuneration of members**

- |     |  |              |
|-----|--|--------------|
| (1) | A member is entitled to receive remuneration by way of fees, salary, or allowances and travelling allowances and expenses in accordance with the Fees and Travelling Allowances Act 1951 (and the provisions of that Act apply as if the Prostitution Law Review Committee were a statutory Board under that Act). | 15<br><br>20 |
| (2) | That remuneration must be paid out of the departmental bank account operated by the Ministry of Justice.   |              |
| (3) | This section does not apply to a person who is a member in his or her capacity as an employee of a department.   |              |

**9R Procedure of Prostitution Law Review Committee**

The Prostitution Law Review Committee may regulate its own procedure, except as provided in regulations made under this Act.

25

*Regulations***9S Regulations**

The Governor-General may, by Order in Council, make regulations for all or any of the following purposes:

- (a) prescribing the forms of warrants to be issued under **sections 9G and 9J:**

30

**New (majority)****New**

- (ab) prescribing the forms, certificates, and fees required under **Part 2A** in connection with operator certificates:
- (ac) prescribing how the photographs and photocopies required under **Part 2A** are to be authenticated: 5
- (ad) prescribing the size, or range of sizes, of photographs to be supplied with an application for a certificate, and the number of copies:
- (ae) prescribing that the Registrar of a particular District Court is the, or a, Registrar for the purposes of **Part 2A**, whether in addition to, or instead of, the Registrar of any other District Court: 10
- (b) prescribing matters relating to the Prostitution Law Review Committee, including its powers, additional functions of reviewing, assessing, and reporting on the operation of this Act or on other matters relating to sex workers or prostitution (if any), any limits on the periods for which it may meet, matters relating to the chairperson and members, its financial provisions, its procedures, and its administration: 15
- (c) providing for any other matters contemplated by this Act, necessary for its administration, or necessary for giving it full effect. 20

**Struck out (majority)***Repeals*

- 10 Repeals** 25
- The following enactments are repealed:
- (a) sections 147 to 149 of the Crimes Act 1961:
- (b) Massage Parlours Act 1978:
- (c) section 26 of the Summary Offences Act 1991:
- (d) Massage Parlours Regulations 1979 (SR 1979/35): 30
- (e) Massage Parlours Regulations 1979, Amendment No 1 (SR 1987/52):

**Struck out (majority)**

- (f) Massage Parlours Regulations 1979, Amendment No 2 (SR 1991/193).

**11 Consequential repeals**

- (1) The enactments specified in the **Schedule** are consequentially repealed.

5

**New (majority)**

*Repeals, amendments, and transitional provisions*

**10 Repeals (~~and revocations~~) coming into force on day after Royal assent**

- (1) The following enactments are repealed:
  - (a) sections 147 to 149A of the Crimes Act 1961 (1961 No 43):

10

**Struck out**

- (b) Massage Parlours Act 1978 (1978 No 13):

- (c) section 26 of the Summary Offences Act 1981 (1981 No 113).

**Struck out**

- (2) The Massage Parlours Regulations 1979 (SR 1979/35) are revoked.

15

**New**

- (2) Sections 30(1)(e), 31(1)(d) and 32 of the Massage Parlours Act 1978 are repealed.

## New (majority)

## New

**10A Repeals and revocations coming into force when Part 2A comes into force**

- (1) The Massage Parlours Act 1978 (1978 No 13) is repealed.
- (2) The Massage Parlours Regulations 1979 (SR 1979/35) are revoked. 5

**11 Consequential amendments**

- (1) The Acts specified in **Part 1** of the Schedule are consequentially amended in the manner set out in that schedule.
- (2) The regulations specified in **Part 2** of the Schedule are consequentially amended in the manner set out in that schedule. 10

**12 Transitional provisions for past offences**

- (1) No person may be convicted of an offence against any of the enactments repealed by **section 10** (other than an offence against section 149A of the Crimes Act 1961) on or after the commencement of this Act if the offence was committed before the commencement of this Act. 15
- (2) The repeal of section 149A of the Crimes Act 1961 does not affect a liability to conviction or to a penalty for an offence committed against that section before the commencement of this Act, and that section continues to have effect as if it had not been repealed for the purposes of— 20
  - (a) investigating the offence:
  - (b) commencing or completing proceedings for the offence: 25
  - (c) imposing a penalty for the offence.

---

**Struck out (majority)**

---

s 11

**Schedule  
Enactments repealed****Building Act 1991** (1991 No 150)

So much of the Fourth Schedule as relates to the Massage Parlours Act 1978.

5

**Fees Regulations 1989** (SR 1987/68)

So much of the Schedule as relates to the Massage Parlours Regulations 1979, Amendment No 1.

**Homosexual Law Reform Act 1986** (1986 No 14)

Section 6(2).

10

**Summary Offences Act 1981** (1981 No 113)

So much of the First Schedule as relates to the Massage Parlours Act 1978.

---



## New (majority)

**Schedule**  
**Consequential amendments to enactments**

s 11

Part 1  
Acts amended

**District Courts Act 1947** (1947 No 16) 5  
Insert in Part II of Schedule IA, after Part A, the following Part:

*Part AB. Offences against the Prostitution Reform Act 2000*

Section of Act	Offence
7	Inducing or compelling persons to provide commercial sexual services or earnings from prostitution

**Summary Offences Act 1981** (1981 No 113) 10  
Omit from the heading before section 26 the words “*Soliciting and*”.

**Summary Proceedings Act 1957** (1957 No 87)

Omit from Part I of the First Schedule the items relating to sections 147 to 149A of the Crimes Act 1961.

Insert, in its appropriate alphabetical order, in Part II of the First Schedule the following item: 15

The Prostitution Reform Act 2000	section 9C	Offence to breach prohibitions on use in prostitution of persons under 18 years
----------------------------------	------------	---

Part 2  
Regulation amended 20

**Fees Regulations 1987** (SR 1987/68)

Revoke so much of the Schedule as relates to the Massage Parlours Regulations 1979, Amendment No 1.

## Prostitution Reform

---

### Legislative history

21 September 2000	Introduction (Bill 66–1)
8 November 2000	First reading and referral to Justice and Electoral Committee
19 February 2003	Second reading
26 March, 30 April, 14 May, 11 June 2003	Committee of the whole House

---