

## ***NZPC comment on the***

### **Petition 2011/60 of Elizabeth Subritzky and 2919 others. PART 2 Addendums**

#### **ADDENDUMS**

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**ADDENDUM 1 R03143 Brothel Statistics R03143 Brothel Statistics (Official Data except for green column showing \$ earnings per count)**

Levy Risk Group is equal to 690 Personal & Community Services, 690 Personal & Other Services, 690 Personal & Other Services (medium risk group), 690 Personal and Community Activities

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	Levy Risk Group	Classification Unit	Liabe Earnings	Liabe Earnings ACC Number Count	Work Levy Ex GST	Added Column Earnings/Number
2009	690 Personal and Community Activities	66110 Parking Services	\$83,077,131	82	\$239,623	\$1,013,136
		95240 Funeral, Crematorium and Cemetery Services	\$157,892,877	390	\$416,193	\$404,854
		95260 Hairdressing and Beauty Services	\$994,895,261	9,962	\$3,175,937	\$99,869
		95270 Diet and Weight Reduction Centre Operation	\$22,611,718	38	\$27,545	\$595,045
		95290 Personal Services (not elsewhere classified)	\$243,538,793	6,062	\$609,539	\$40,175
		95300 Brothel Keeping, Massage Parlour and Prostitution Services	\$7,332,257	179	\$25,487	<b>\$40,962</b>
		96291 Community Based Multi-functional Activities (not elsewhere classified)	\$212,747,356	385	\$540,240	\$552,591
		97000 Private Households Employing Staff	\$10,895,102	326	\$36,263	\$33,421
2010	690 Personal and Community Activities	66110 Parking services	\$99,489,367	82	\$303,902	\$1,213,285
		95240 Funeral, crematorium, and cemetery services	\$188,852,845	407	\$500,991	\$464,012
		95260 Hairdressing and beauty services	\$934,089,184	10,242	\$3,496,023	\$91,202
		95270 Diet and weight-reduction centre operation	\$15,415,350	46	\$47,327	\$335,116
		95290 Personal services (not elsewhere classified)	\$616,190,992	6,669	\$838,312	\$92,396
		95300 Brothel-keeping, massage parlour, and prostitution services	\$11,040,453	208	\$37,338	<b>\$53,079</b>
		96291 Community-based, multi-functional activities (not elsewhere classified)	\$257,587,156	449	\$781,740	\$573,691
		97000 Private households employing staff	\$10,780,508	297	\$40,008	\$36,298

2011	690 Personal and Community Activities	66110 Parking services	\$213,805,032	82	\$533,544	\$2,607,378
		95240 Funeral, crematorium, and cemetery services	\$178,722,505	399	\$805,874	\$447,926
		95260 Hairdressing and beauty services	\$999,312,776	10,332	\$5,505,718	\$96,720
		95270 Diet and weight-reduction centre operation	\$11,421,523	51	\$81,147	\$223,951
		95290 Personal services (not elsewhere classified)	\$1,003,412,153	6,797	\$1,623,564	\$147,626
		95300 Brothel-keeping, massage parlour, and prostitution services	\$15,649,694	<b>226</b>	\$58,817	<b>\$69,246</b>
		96291 Community-based, multi-functional activities (not elsewhere classified)	\$313,507,212	482	\$1,357,497	\$650,430
		97000 Private households employing staff	\$11,604,642	368	\$68,173	\$31,534

### NZPC Comments

This table omits the fact that sex workers and brothels also pay tax under other BIC codes. These others include "95290 Personal services (not elsewhere classified)", and other codes that companies that own other businesses other than brothels, such as gyms, for example, may be used. Furthermore, those sex workers who have had help completing their tax have generally earned under \$20,000. It should also be noted that the inclusion of these statistics appears to indicate that the group *Freedom From Sexual Exploitation* is more interested in tax compliance than sexual exploitation. For example, these BIC codes are not included in the above: S953430, Q853950, S953420.

## ADDENDUM

### 2

#### review comments Compared to Legal Business Legislation. Data Sheet. July 2013

Legislation Reference	CSOM Section	Description of Legal Business Requirement	Does the Sex industry Comply with this Legislation	Usual Business Practice	Comment	NZPC Response
		When Pat Taylor, chairman of the Hunters Corner Town Centre Society, does a sausage sizzle for Rotary he has to get "\$2 million public liability insurance". The street sex workers get a free ride, able to work where they wish, untroubled by insurance, tax, rates, brothel fees. And all while some collect a benefit. (from Hunters Corner Herald History.doc)			<b>This is a Comment by Pat Taylor NOT a Legal item</b>	It is clear that they are focussing on other issues ("insurance, tax, rates, brothel fees"), and not on the sexual exploitation of sex workers.
Companies Act 1993 – Part 2, Section 10 & Part 4, Sections 20 & 22		A Company name reserved by the Registrar of Companies	<b>No</b>	<b>Yes</b>	These sections of the Companies Act apply to all business regardless of their nature or type of entity	The claim is false. A managed brothel owned by a company would have to comply with this. Often the company name is very different from the name of the brothel.
Companies Act 1993 – Part 2, Section 10 and Part 8, Section 150		At least one shareholder and one director.	<b>No</b>	<b>Yes</b>	Must supply an address for both shareholder and director – forms part of the consent forms when registering a new company	The claim is false. A managed brothel owned by a company would have to comply with this. Often the company name is very different from the name of the brothel.

Legislation Reference	CSOM Section	Description of Legal Business Requirement	Does the Sex industry Comply with this Legislation	Usual Business Practice	Comment	NZPC Response
Companies Act 1993 – Part 10, Section 186		A registered office for the company	No	Yes	Can be an accountants office or lawyers but must be provided	The claim is false. A managed brothel owned by a company would have to comply with this. Often the company name is very different from the name of the brothel.
Companies Act 1993 – Part 10, Sections 186 & 192		An address for service	No	Yes	Can be an accountants office or lawyers but must be provided	The claim is false. A managed brothel owned by a company would have to comply with this. Often the company name is very different from the name of the brothel.
Companies Act 1993 – Part 10, Section 189		Company Records	No	Yes	Records meetings of shareholders and resolutions of directors/shareholders – covers a range of requirements for the company including dividend payment requirements, annual meetings etc.	The claim is false. A managed brothel owned by a company would have to comply with this. Often the company name is very different from the name of the brothel.
Companies Act 1993 – Part 10 Section 189 and Part 11		Accounting records	<b>A slight possibility, but there are only 232 IRD returns is there any incentive?</b>	Yes	Can be kept private but must be maintained in accordance with GAAP (Generally Accepted Accounting Practice) and the IRD Tax requirements	The claim is incorrect on at least two accounts. A managed brothel owned by a company would have to comply with this; and it ignores the fact managed brothels and individual sex workers use different BIC codes.

Legislation Reference	CSOM Section	Description of Legal Business Requirement	Does the Sex industry Comply with this Legislation	Usual Business Practice	Comment	NZPC Response
Companies Act 1993 – Part 8		Director particulars including residential address	<b>PLA 2003 has a Certificate for a Brothel Keeper</b>	<b>Yes</b>	Lists the requirements and duties of a director which is applicable to all companies regardless of their nature	A managed brothel owned by a company would have to comply with this. An operator's certificate is a completely different matter, and may also apply to receptionists. An Operator's Certificate applies to any person who is involved in determining a sex worker's working conditions and payments.
Companies Act 1993 – Part 12, Section 214		Filing of Annual Company Returns	<b>A slight possibility, but there are only 232 IRD returns is there any incentive?</b>	<b>Yes</b>	Annual return must be lodged with the Companies Office – if not filed, the Company can be removed	The claim is incorrect on at least two accounts. A managed brothel owned by a company would have to comply with this; and it ignores the fact managed brothels and individual sex workers use different BIC codes.
Companies Act 1993 – Part 8		Directors Duties of Care	<b>Doubtful.</b>	<b>Yes</b>	Part 8 covers directors with the main section being Section 131 which is a listing of specific duties	A managed brothel owned by a company would have to comply with this. It is not doubtful; it is a "yes".
Companies Act 1993 – Part 8, Section 120		Company tax/Annual Audit	<b>No</b>	<b>Yes/No</b>	Can elect under the Companies Act to not have an annual audit where all shareholders agree and are resident in NZ for tax purposes.	The claim is false. A managed brothel owned by a company would have to comply with this.

Legislation Reference	CSOM Section	Description of Legal Business Requirement	Does the Sex industry Comply with this Legislation	Usual Business Practice	Comment	NZPC Response
Company Tax – Income Tax Act GST – GST Act		GST/Company Tax	<b>Very doubtful - based on IRD returns</b>	Yes	GST Act requirements is that an entity with a turnover >\$60,000 per annum must be GST registered and must furnish a return on a regular basis dependent on the level of turnover. GST Act also prescribes the form and manner of how an invoice must be prepared and provided for each transaction >\$50 Tax Act requires an entity to furnish within a prescribed period of time, an annual set of accounts for the entity and requires that proper records are maintained for a seven year period. All entities must comply with these regulations.	Once again, they ignore the fact that brothels and sex workers use a multitude of different BIC codes when completing their tax. Businesses may opt to use bar and hospitality work, or any other BIC code that is relevant to their business.

Legislation Reference	CSOM Section	Description of Legal Business Requirement	Does the Sex industry Comply with this Legislation	Usual Business Practice	Comment	NZPC Response
ACC Levy for employees From Ministry Funded Report <a href="http://www.justice.govt.nz/policy/commercial-property-and-regulatory/prostitution/prostitution-law-health-safety/executive-summary-review-committee/publications/impact">http://www.justice.govt.nz/policy/commercial-property-and-regulatory/prostitution/prostitution-law-health-safety/executive-summary-review-committee/publications/impact</a>			<b>“Over a third of sex workers in these locations work privately” Main cities total is 2332 approx So Just from these there should be over 700 returns (actual is 226) Brothels would be additional?</b>	<b>Yes</b>	Under the ACC Act, there is a requirement to provide at least annual returns for ACC. The information needs to be able to verified against the IRD records supplied for payroll data.	Once again, they ignore the fact that brothels and sex workers use a multitude of different BIC codes when completing their tax. Businesses may opt to use bar and hospitality work, or any other BIC code that is relevant to their business.
Self Employed		GST	<b>No</b>	<b>Yes</b>	SI-No accurate or assessed record of transactions so even if some payment is made, there is no accountability. Provided the contractor’s turnover is >\$60,000. Young girls have stated they can earn \$600 a night	Once again, they ignore the fact that brothels and sex workers use a multitude of different BIC codes when completing their tax. Businesses may opt to use bar and hospitality work, or any other BIC code that is relevant to their business.

Legislation Reference	CSOM Section	Description of Legal Business Requirement	Does the Sex industry Comply with this Legislation	Usual Business Practice	Comment	NZPC Response
		Income Tax	<b>Little see attached document R03143 Brothel Statistics A large proportion is in drugs and alcohol</b>	Yes	SI-No accurate or assessed record of transactions so even if some payment is made, there is no accountability. All individuals are required to provide income tax information on an annual basis Young girls have stated they can earn \$600 a night	Once again, they ignore the fact that brothels and sex workers use a multitude of different BIC codes when completing their tax. Businesses may opt to use bar and hospitality work, or any other BIC code that is relevant to their business. It is false to claim that " <i>a large proportion is in drugs and alcohol</i> ". Table 5.6 in the CSOM Report allows multiple answers. While it states 55.4% of street based sex workers accept drugs as a form of payment, it also states that 100% of street based sex workers accept money as a form of payment. While the claim is made that "Young girls have stated they can earn \$600 a night", this is a minority.
		ACC Levy	<b>Little see attached document R03143 Brothel Statistics</b>	Yes	Annual information is provided to ACC from the IRD once accounts have been submitted to the IRD. SI-No accurate or assessed record of transactions (some payment is in drugs etc) so even if some payment is made, there is no accountability.	Once again, they ignore the fact that brothels and sex workers use a multitude of different BIC codes when completing their tax. Businesses may opt to use bar and hospitality work, or any other BIC code that is relevant to their business.

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	9.7 Comment	The location of Premises for Business are regulated	No	Yes	Under the same regulations as a company – sole traders can be considered as companies.	Sole traders in any business are not necessarily companies. This is a leap of logic that does not exist in the business world. The claim is therefore false. There is not a 9.7 in the CSOM, but 9.7 in the PLRC Report is about the inadvisability of bylaws that impinge on the right of a brothel to operate in a business zone, or a private operator to work from their own home. Managed brothels have to abide by District Plans. The bylaws that were overturned prevented brothels from locating in business zones as well as residential zones. Any other business that was excluded from operating in a business zone through a bylaw would also apply to have that bylaw overturned.
	4.2.2	Premise Location	No	Yes	No list of premises is officially available from any source. The only official documentation is a private address for a Brothel Operator, not the location of the Brothel or other business premises.	There is a list of premises of managed brothels that is officially available that is readily accessed by any person right in their home. For security reasons, to prevent violence, private workers only give their address out if they accept a client, and it is an in-call. Much is made of the lack of a list, yet Councils and government departments cannot recall valid reasons utilised when they have had to contact brothels en masse.

Legislation Reference	CSOM Section	Description of Legal Business Requirement	Does the Sex industry Comply with this Legislation	Usual Business Practice	Comment	NZPC Response
	4.2.2	Premise inspections by Dept of Labour and Medical Officers	<b>None since only 12 were in 2007 Ref CSOM report item 4.2.2</b>	Yes	The PRA provides that Medical Officers are the official “Inspectors and that they cannot be refused entry into places of work (Other than private homes?).	As with any business, OSH and the Medical Officers of Health only visit premises after a complaint has been received. Sometimes, OSH or the Medical Officer of Health may decide to visit a premise without a complaint. This has been done in the past, and is compliant with standard business practice.
	4.2.2	Premise inspections by Dept of Labour and Medical Officers	<b>None since only 12 were in 2007 Ref 4.2.2 see page 14 &amp; 15 of A Health and Safety of Freedom submission</b>	Yes	SI is actively discouraged since no list of premises are available. Inspectors are supposed to locate any premises themselves. See para.	As with any business, OSH and the Medical Officers of Health only visit premises after a complaint has been received. Sometimes, OSH or the Medical Officer of Health may decide to visit a premise without a complaint. This has been done in the past, and is compliant with standard business practice. The Medical Officer of Health in some regions, such as Hamilton and Auckland, are proactively visiting brothels. Others visit if, and when, complaints are made.

Legislation Reference	CSOM Section	Description of Legal Business Requirement	Does the Sex industry Comply with this Legislation	Usual Business Practice	Comment	NZPC Response
CSOM Section 4	4.1.1	Safety Equipment available and correctly used.	<b>No A large percentage do not use condoms which is illegal.</b>	Yes	SI – NZPC and other inspections confirm that condoms and other equipment are frequently not used as stipulated by OSH guide. No action taken by OSH. Under normal business practice, failure to comply with OSH regulations can and does result in shutdown of business or worksite and legal action being imposed.	See the above comment as well. Evidence based research indicates that sex workers are better than the general population at condom compliance. The CSOM reported (table 6.7) that only 5.5% of sex workers had unprotected penile/vaginal sex in the last 12 months, while only 2.1% had unprotected penile/anal sex in the last 12 months. Roguski (2013) shows that over a 5 year period to June 2012, there were no cases of HIV, Syphilis or Gonorrhoea among 102 sex workers. Furthermore, the law states that brothel operators, sex workers, and client must take all reasonable steps to ensure condom use. This is vastly different from what is claimed. It should also be noted that where complaints have been made to the police about clients removing condoms, the clients have been prosecuted.

Legislation Reference	CSOM Section	Description of Legal Business Requirement	Does the Sex industry Comply with this Legislation	Usual Business Practice	Comment	NZPC Response
		Use of Drugs and Alcohol prohibited	<b>Some 50% of sellers use drugs or alcohol while selling</b>	<b>Yes</b>	SI No drug testing or other independent testing or control.	A large number of businesses do not have random drug testing at work, so they often have no idea if their staff are using, or have used drugs. Similarly, a number of business people will have a drink over lunch, and then return to their office to work after that. Furthermore, the "50%" claim is false, with the PLRC Report stating: "Contrary to popular perception, only 16.7% reported working to support alcohol or drug usage" (PLRC, 2008: 164). It should also be noted that Abel (2010: 306) reports that over 60% of sex workers <b>never</b> use drugs while working.
	4.2 item 6	OSH publication A Guide for Employees and Employees on dealing with Violence at Work. ISBN 0477-03563-9	<b>No</b>	<b>Yes</b>	Prostitution is not listed as a likely occupation to receive violence. However it is covered by the OSH manual for the Sex Industry.	The OSH guidelines and NZPC's materials lets sex workers know what to do if and when violence may occur. This brings it in line with, and perhaps exceeding, business norms.

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	4.2	Hazard Register kept by management	<b>Unlikely because no Health &amp; Safety inspections are carried out – unless authorities are notified. Ref 4.2.2 see page 14 &amp; 15 of A Health and Safety of Freedom submission</b>	Yes	SI while this is stipulated in the Guide section 14 page 52 These have never been inspected because the authorities policies is to tip toe and not upset the operators.	A managed brothel, like any workplace, is required to keep a hazard register, and thus complies with business norms.
	4.2.1	Knowledge of the OSH Requirements & Rights Guide	<b>Less than 30% .</b>		A survey showed that only 30% of Sex Workers had read the Guide. 33% of Brothel Operators had not seen the Guide. Not surprising because it is only available as a PDF document. Ref 4.2.1. Document is Comprehensive for the safety of workers and the sex industry <b>Standard Industry practice makes new employees sign a declaration that they have read the relevant guide.</b>	Most people in most workplaces would be unaware of the OSH requirements of their own industry. Even where material is available in print form, it may never reach individual workers. The Department of Labour, in its questions about hiring new employees, only asks if employees have: "Advised them of hazards in the workplace, and how to avoid being injured by them?? Advised them what to do in case of an emergency and shown them where safety equipment is located? Provided them with personal protective equipment (PPE) (if applicable)?" This may not be adhered to in all businesses.

Legislation Reference	CSOM Section	Description of Legal Business Requirement	Does the Sex industry Comply with this Legislation	Usual Business Practice	Comment	NZPC Response
Occupational Health & Safety Requirements & Rights	4.2.1	Booklet - Occupational Health & Safety In NZ Sex Industry – Available in printed booklet	<b>A good booklet but only available as a PDF. Street workers etc would not have ready access</b>	Yes	Ref Margaret at OSH. Email 22/7/2013 from Beth	NZPC new worker information available in print form to all sex workers covers far more than the OSH guidelines in relation to safe working in a brothel, in your own home, or on the streets. Many brothels provide information as they can now do so as they are not breaking a law. Furthermore, NZPC staff and outreach workers also inform new sex workers of how to work safely. This exceeds business norms. Prior to decriminalisation, NZPC were restricted on what they could tell people.
Adherence to OSH Requirements	4.2.2	Place of work Inspections by Medical Officers of Health.	<b>In real terms none. Ref 4.2.2 see page 14 &amp; 15 of A Health and Safety of Freedom submission</b>	Yes	A register of place of work is not available to organisations as a matter of official policy. Hence no one knows officially of the extent of the industry. Ref 4.2.2 see page 14 & 15 of A Health and Safety of Freedom submission	The Adult Entertainment columns in a newspaper also contain information on how to contact managed brothels and sex workers working privately. Medical officers of Health are just as capable as the general population at using these materials.
	4.2.2	Relevant Training for Medical Officers for specific Industry to be inspected.	<b>None</b>	Yes	Ref 4.2.2 para 8 (Medical Officer of Health CSOM 2007)	The claim is false. Training materials developed by the Ministry of Health was provided to the Medical Officers of Health in 2003, and is continuing.

Legislation Reference	CSOM Section	Description of Legal Business Requirement	Does the Sex industry Comply with this Legislation	Usual Business Practice	Comment	NZPC Response
		Prosecutions for unsafe industry practices	1	Multiple	SI Client fined \$400	More than one client has been fined for removing a condom during sex. The majority of clients are condom compliant.
Payment of ACC Levy	4.2.1??	Levy Code Provided	Yes	Yes	Estimate of contribution per worker \$69K	Once again, they ignore the fact that brothels and sex workers use a multitude of different BIC codes when completing their tax. Businesses may opt to use bar and hospitality work, or any other BIC code that is relevant to their business.
General Safety	4.3	Violence of held against will, rape, physical violence	Yes	No	Read CSOM Table 11 Adverse Experiences while Working in the Last 12 months by Sector i.e. Raped : Total 3% (5.3% Street Workers) Held against will : Total 4.7% (10,2% Street Workers) Physically Assaulted: Total 9.8% (13.4% Street Workers)	These figures need to be compared to the situation prior to law reform. Plumridge and Abel (2000) reported (in Abel, 2010: 350) the following figures for 1999: <i>Raped: Indoor 8% (27% Street workers)</i> <i>Held against will: Indoor 13% (23% Street workers)</i> <i>Physically Assaulted: Indoor 21% (41% Street workers)</i> <b>This indicates that violence, etc., has reduced since decriminalisation</b> and that sex work is therefore safer in a decriminalised situation.
General Safety	4.3	Stigma by officials against Reporting Violence	Yes	No		CJRC states that sex workers are now more likely to report violence to the police, and that sex workers were relieved that the fear of the police had been lifted.

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	9.?	Business Advertising, method and place are subject to control by local council??	Yes, But none on street soliciting and 'marketing'	Yes	Beth – What are the advert restrictions (signage etc)	<p>According to s11 of the PRA: <i>Advertisements for commercial sexual services may not be—</i></p> <p><i>(a) broadcast on radio or television;</i></p> <p><i>or</i></p> <p><i>(b) published in a newspaper or periodical, except in the classified advertisements section of the newspaper or periodical; or</i></p> <p><i>(c) screened at a public cinema.</i></p> <p>Local bodies also have varying rules in relation to signage, etc., of brothels. Some of these are highly restrictive, others are open.</p>
Human Rights – Personnel must not be subjected to degrading or disproportionately severe treatment	3.1.1	Prostitute workers are routinely subjected to degrading and severe treatment	<b>Prostitute workers are routinely subjected to degrading and severe treatment</b>	No	Criminal law would be invoked in the normal work place	Where people are violent towards sex workers, they can, and do, complain to the police. Prior to decriminalisation, sex workers often felt they could not complain to the police.

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Rights for Adults Not to be Forced to Engage in Sex Wk.	3.2	Workers being forced to carry out tasks	<b>Forced to perform degrading acts.</b>	No	<p>There are still some sex sellers who are required to provide commercial sexual services against their will. Table 10 – shows some 10% had been penalised for refusing clients in the past 12 months. On average 35% had and were obliged to take clients they did not want.</p> <p>If 35% can't refuse a client then the PRA isn't working &amp; protecting the sellers of sex. Perhaps they think 67% can refuse a client so that makes it ok.</p>	<p>Again, a comparison with 1999 is valid. While in 2007, 38% of Christchurch private indoor sex workers felt they could not refuse a client, <b>this has reduced for that group from 63% in 1999.</b> <u>This is a marked decrease</u>, and indicates that decriminalisation is working. New workers who come into NZPC, regardless of where they are working, are always told they have the right to refuse a client.</p>
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Legislation Reference	CSOM Section	Description of Legal Business Requirement	Does the Sex industry Comply with this Legislation	Usual Business Practice	Comment	NZPC Response
Sub Contractors to mainly one employer	6.4.2	It is not legal for a “sub contractor” to operate as such if they are employed by one employer.	<b>Rule ignored and promoted by the approved system of using SOOBs and Brothels</b>	Yes	Under the guidelines issued by the Ministry of Business, Innovation & Employment, generally if working for only one “entity”, they are an employee.	<p>Sex workers are, in the main, independent contractors, in the same way that courier drivers, are independent contractors. Courier drivers contract only with one employer (see <i>Cunningham v TNT Express Worldwide (NZ) Ltd</i> [1993] 1 ERNZ 695). IRD has a system of establishing whether a contractor is truly an independent contractor or employee.</p> <p>The writer shows an inability to understand what a SOOB (Small Owner Operated Brothel) is. A SOOB is a sex worker who works for their self, from any premises if allowed by the relevant bylaw or District Plan under Home Occupation. No one person is in charge, and all share expenses. As soon as one person is in charge of a sex worker, they are not a SOOB, but a managed brothel, and the person in charge requires an Operator's Certificate. This is quite clear in the PRA.</p>

Legislation Reference	CSOM Section	Description of Legal Business Requirement	Does the Sex industry Comply with this Legislation	Usual Business Practice	Comment	NZPC Response
Information required to start and run a business	6.6.1	Any contractor or business has to know how to meet legislation and Tax requirements. Many industries have to take courses or pass exams or employ consultants.	<b>Since there is little compliance with legal regulations this is not relevant.</b>	Yes	Any worker who is self employed has to comply with ACC and Tax regulations, workplace conditions etc.  Overseas contactors have separate regulations governing their time in NZ and their ability to work here.	Sex workers use a variety of BIC codes, not just the ones specifically pertaining to brothels or sex work. Most managed brothels would be tax and ACC compliant, but may use other BIC codes relevant to their businesses.
Business Registration	6.6.4	Business must be registered Companies Act 1993	<b>Not Required</b>	N/A	The Committee concluded that a register of businesses of prostitution <b>is not required</b> . Mainly because Police registration system prior to the PRA have made both sex sellers & brothel operators extremely apprehensive about registers.	Managed brothels that are companies comply with the registration requirements of the Companies Act. Private operators who are not companies do not need to register under the Companies Act, the same as any other business that is not a company. They therefore comply with the usual business standards

Legislation Reference	CSOM Section	Description of Legal Business Requirement	Does the Sex industry Comply with this Legislation	Usual Business Practice	Comment	NZPC Response
Should Certificates be Linked to Businesses [address]?	6.6.4	2nd paragraph states smaller operators (SOOBS) would be disadvantaged by having to declare the nature of their business if they are renting.		Yes	<p>SOOBs are “Brothels” having less than 4 workers. Do not require an Operators Certificate.  Can Ministry OSH enter?  Are they subject to ANY legislation?</p> <p>What about the Landlord &amp; surrounding families ????</p> <p>What about other businesses which have to comply with local regulations etc.</p>	<p>Small Owner Operator Brothels are not merely brothels with 4 or less workers. The writer shows a certain level of a lack of knowledge here. A SOOB is 1, 2, 3 or 4 private sex workers, working co-operatively, sharing expenses, and no single person is in charge. As soon as one person is in charge of one other sex worker, the person in charge is an operator and requires an Operator's Certificate.</p> <p>SOOBs do comply with local regulations.</p> <p>Standing outside a managed brothel, observing those entering, you will see they do not wish to draw attention to themselves.</p>

Legislation Reference	CSOM Section	Description of Legal Business Requirement	Does the Sex industry Comply with this Legislation	Usual Business Practice	Comment	NZPC Response
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SOOBs		Almost certainly slip under the radar.	<b>They use to a maximum the ineffective system that has been introduced</b>	N/A	Practical implementation of legislation with SOOBs is in doubt and not clear from Review Committee. See Two Tier notes	Several times the PLRC states what it means by two tier: "The danger of a two-tier system of legal and illegal brothels developing must be avoided" (PLRC, 2008: 94). The writer appears not to be aware of this distinction, and forgets that normal business practices fall within the "two-tier" system they are describing.
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#### NZPC Comments

This entire Addendum is written in an attempt to show how brothels do not fit within the normal business practices in New Zealand. Yet it confuses brothels owned by companies with private operators working for themselves from their own home. A complete lack of knowledge about what a Small Owner Operator Brothel (SOOB) actually is, and the requirements of who needs an Operators Certificate are demonstrated. It is clear from this section that it is not about freedom from sexual exploitation, but in vainly seeking to show that brothels, in particular Small Owner Operated Brothels, do not meet normal business practice in New Zealand. Their comments, calling sex workers "sellers" is disrespectful, and their comments are also NIMBYist in many places. This attitude is abolitionist, rather than seeking to genuinely help those who have suffered from sexual exploitation. Furthermore, rather than the Christchurch School of Medicine's (CSOM) 2007 Report, they actually mean the Prostitution Law Review Committee Report (PLRC) 2008. They confuse the reader by calling the PLRC report the CSOM report. Their attitude is insulting and degrading to sex workers.

The two tier system of legal/illegal impacts on migrants who are sex workers, who are often in an underground setting and disguising their involvement in sex work to all. This population has some contact with NZPC, and we have in depth research on migrant sex workers in New Zealand. It is available from <http://www.communityresearch.org.nz/research/occupational-safety-and-health-of-migrant-sex-workers-in-new-zealand/>

## ADDENDUM 3

### CSOM Accepted Business Practice Items – Extracted from CSOM Report 2008

Page #	Section # Title and Quotation	Summary of Item Issue	Response Required Comment	NZPC Response
A D	<p><b>4.2.1 Knowledge of OSH Requirements &amp; Rights</b></p> <p>“Forty-one percent of sex workers surveyed by the CSOM reported that they had seen the OSH Guide. Threequarters of the participants who reported having seen it FuShad read it. Most (66.2%) of the participants who had read the OSH Guide reported that they found it very useful and informative and a quarter reported that the guidelines had made them more aware of their rights.”</p>	<p>35% Brothel owners (mainly SOOBs) are unfamiliar with the OSH Guide.</p> <p>59% of Sex sellers reported that they had not seen the OSH Guide.</p> <p>67% had seen Min of Health pamphlets &amp; posters about clients &amp; Sex sellers being required to use condoms</p>	<p>Interpolating the figures given: Only 75% of the 41% workers who had seen the guide had read it. This means that only 30% had read the guide.</p> <p>Figures are for those who replied to the survey. Number of surveys issued was not stated.</p> <p>In normal businesses at least one person in management is required to understand all OSH requirements. – Normally a company will have employed a person who is responsible for these aspects of the business.</p> <p>Since no authorities are checking Brothels or SOOBS and Brothel certificates are issued yearly – The understanding of the manual will now be less.</p> <p>Part of the cert process should be a test of the OSH manual.</p> <p>Appendix 1 of the CSOM gives the Roles of Regulatory Agencies</p>	<p>For many sex workers working in Small Owner Operated Brothels, they are working in their own home. It is not normal business practice for a home business to have an OSH plan, etc. Many workers in other industries would have little idea of the OSH guidelines that apply to them. Large managed brothels would comply with their legal requirements. OSH and the Medical officers of Health respond to complaints made, just as they do in other industries, so the business norms apply.</p> <p>The Appendix of the Christchurch School of Medicine (the only appendix) is the questionnaire used, while Appendix 1 of the PLRC report is the biographies of those who served on the Committee. It is therefore unclear what they mean by "Appendix 1 of the CSOM gives the Roles of Regulatory Agencies", as there does not appear to be such a list in any of the material considered by the PLRC.</p>

Page #	Section # Title and Quotation	Summary of Item Issue	Response Required Comment	NZPC Response
	<p><b>4.2.2 Adherence to OSH Requirements</b></p> <p>See the full text of this item on pages 15 &amp; 16 of Health &amp; Safety (Cat A) of this submission 2007</p>	<p>Medical Officers of Health decided that monitoring of the sex industry was NOT feasible, except to be reactive. They did not have the resources</p>	<p>OSH does not have an official list of brothels so Inspectors wishing to go beyond a complaints-based regime must find brothels themselves.</p> <p>The Med Officers do not use their statutory rights to carry out any inspections. The only ones were in 2007 when a project was set up and 12 brothels were inspected. See the full text from Medical Officers reproduced from the report (ref in column 1 on this line).</p>	<p>Any person wishing to visit a brothel need only look in the yellow pages, or the classified section of the newspaper. OSH inspectors, Medical Officers of Health, and others are well aware of this.</p>

Page #	Section # Title and Quotation	Summary of Item Issue	Response Required Comment	NZPC Response
A D G	4.3 Table 11 General Safety of Sex Workers	<p>St sellers more likely to report non payment, rape, being held against their will etc etc</p> <p>The majority felt the PRA could do little about the violence. NZPC sends out alerts of potentially violent clients</p>	<p>From Table 11 Adverse Experiences while Working in the Last 12 months by Sector show: Total Workers =2332 (Table 3) of which:</p> <p>Raped : Total 3% (5.3% Street Workers) = 70 (total rapes NZ population =approx 600 pa ('96-2006 Statistics NZ)</p> <p>Held against will : Total 4.7% (10.2% Street Workers)</p> <p>Physically Assaulted: Total 9.8% (13.4% Street Workers)</p> <p>What an outcry if this was normal across the pro rata population of 4 million. ie NZ wide Rapes would then be equal to 70/2332 x 4m equals 12,000 pa</p>	<p>The manipulation of statistics here is not unusual. Street based sex workers were over-represented in the CSOM figures, and weightings applied. It would therefore not be possible to compare this to a nationwide estimation of all women.</p> <p>What can be compared are similar figures, such as those from the earlier 1999 study. This comparison shows that all forms of violence has decreased.</p> <p>Furthermore, decriminalising sex work does not mean you are decriminalising violence, but allowing the law to be applied equally. To claim that the PRA should have stopped all violence is naive, and assumes that making a law will stop all forms of violence.</p>

Page #	Section # Title and Quotation	Summary of Item Issue	Response Required Comment	NZPC Response
A D	<p><b>Section 4.3 Para 1</b>  <b>General Safety of Sex Workers.</b>  <b>“Few participants</b> [of the Workers Surveyed] <b>indicated that they reported adverse incidents to the Police,</b> but most reported that they did tell some other person instead of the Police.”</p>		<p>“Of those feeling in a position to comment, [The CJRC informants] the majority (70%) felt sex workers were now more likely to report incidents of violence to the Police. It appeared that this was particularly true for the street workers.”</p> <p>So 30% don't report violence, it should be 100% even for low level violence. This would be normal with any other business or every day life.</p> <p>If clients were prosecutable the workers would know that the violent client would be summarily prosecuted, even if the violence itself could not be validated. A wider knowledge of violent offenders would then be public knowledge.</p>	<p>This also implies that every rape or sexual assault should be reported to the Police. Dunedin Rape Crisis indicates that around 33% of women would have suffered some form of sexual abuse, yet only 3512 complaints of sexual assault and related offences were received in 2012 nationwide. It is therefore not normal for even serious types of violence to be recorded. It is even less so for "low level violence".</p> <p>As noted above, comparisons between 1999 and 2007 indicate that violence has decreased and reporting increased.</p>
A D	<p><b>3.2 Rights for Adults Not to be Forced to Engage in Sex Wk</b>  [From 3.1]  “In summary, the focus of human rights instruments is two-fold. First they condemn any form of child prostitution. Second, with regard to prostitution by adults, international human rights standards target 'forced prostitution' or 'exploitation of women in prostitution', rather than the abolition of prostitution itself.”</p>	<p>Ref Table 10 A substantial number, 35%, reported that they had to accept a client when they didn't want to.</p> <p>“One 18 year old worker had just finished a job. A big Samoan guy was waiting who she had not even had a chance to check out. He was really rough with her, held her down by her throat. She went out to complain to the manager who told her to 'go back in'.”</p>	<p>Refer Table 10  If one third can't refuse a client then the PRA isn't working It is not protecting the sex sellers.</p> <p>How can this be acceptable? Only two thirds can refuse a client which cannot make it ok.</p> <p>Table 10 – shows some 10% had been penalised for refusing clients in the past 12 months. On average 35% had were obliged to take clients they did not want.  The committee's quoted example shows brothel workers will find it more difficult to refuse.</p>	<p>As indicated above, figures must be compared to the situation prior to the enactment of the PRA before making the claim that the PRA is not working. In 1999, 63% of private sex workers felt they could not refuse a client. This decreased to 38% in 2007 (table 6.3, CSOM, 2007: 117). This indicates the PRA has been successful.</p>

Page #	Section # Title and Quotation	Summary of Item Issue	Response Required Comment	NZPC Response
D	<p><b>Rationale Behind the System 6.1.1 Comment.</b></p> <p>“The current system ensures, within certain parameters, the suitability of people to be brothel operators. It excludes people whose criminal histories may suggest they are not fit to be in a position of power over sex workers. <b>However, as the Select Committee noted, it is possible to circumvent such a system by using a front person who has no disqualifying convictions.</b>”</p> <p>“Operators no longer needed to supply the name and address of each business they were involved in, and did not need to supply the name of any managers or other staff they employed.”</p>	<p>To protect sex sellers. Soobs aren’t required to have operator certificates</p>	<p>Refer recent Herald Article re unscrupulous Operator Panmure Brothel Reference?</p>	<p>This again shows their confusion over what a Small Owner Operated Brothel is. The example given, of the "<i>unscrupulous Operator Panmure Brothel</i>" is not a SOOB by definition. It is a managed brothel. The difference between a managed brothel and a Small Owner Operated Brothel (SOOB) is clear in s4 PRA:</p> <p><b><i>small owner-operated brothel means a brothel—</i></b></p> <p><i>(a) at which not more than 4 sex workers work; and</i></p> <p><i>(b) where each of those sex workers retains control over his or her individual earnings from prostitution carried out at the brothel</i></p> <p>It may be a sex worker working alone, or with up to 3 others, at home or in an apartment, depending on local District Plans regarding Home Occupation. They share costs, and no one person is in charge of any other. If one person (person A) is in charge of one sex worker (person B), that person (person A) requires an Operator's Certificate, and is running a managed brothel, not a Small Owner Operated Brothel. The writer seems confused about this simple fact.</p>

Page #	Section # Title and Quotation	Summary of Item Issue	Response Required Comment	NZPC Response
C B	<p><b>6.2 How the System Operates</b></p> <p><b>6.2.1 Who Requires a Certificate?</b>  “Under section 34, every operator of a business of prostitution must hold a valid operator's certificate.”</p> <p>“This definition includes managers and receptionists.”</p> <p>“Some street workers have 'minders', who could be considered operators of businesses of prostitution under the PRA; however, this is yet to be tested by the courts.”</p>	<p><b>The definition of operator (section 5)</b>  <b>Anyone who determines when or where Sex sellers will work. Includes Mangers &amp; [some] receptionists. Street sellers ‘minders’ have not yet been tested by the courts (i.e. real pimps)</b>  <b>Quoting from 6.1 Comment:</b>  “However, as the Select Committee noted, it is possible to circumvent such a system by using a front person who has no disqualifying convictions.”</p>	<p>Only permanent NZ residents can apply. Maybe get a minder who doesn't have a certificate, prosecuted</p> <p>SOOBs are NOT excluded from requiring an Operators Certificate using the PRA definition. Minders have never been tested in court. Check Section 5 of PRA for definition. See also 6.3.2 and 6.4.2 and 6.6</p>	<p>Any person who is on a temporary permit may not own or operate a brothel, and may not be a sex worker (s19 PRA). As Roguski (2013) shows, this causes problems for migrant workers, and leaves them open to coercion.</p> <p>SOOBS, Small Owner Operated Brothels are specifically excluded from requiring an Operators Certificate. A Small Owner Operated Brothel does not have an operator. S5(2) PRA states:  <i>(2) Despite anything in subsection (1), a sex worker who works at a small owner-operated brothel is <b>not an operator</b> of that business of prostitution, and, for the purposes of this Act, a small owner-operated brothel does not have an operator.</i></p> <p>See the comment above regarding the difference between a Small Owner Operated Brothel and a managed brothel.</p>

Page #	Section # Title and Quotation	Summary of Item Issue	Response Required Comment	NZPC Response
C D	<p><b>6.2.5 Register of Brothel Operators</b>            “The Auckland District Court maintains the register of holders of brothel operator's certificates.”</p>	<p>No authority holds a register or list of business premises. The record only lists a residential address for the person who holds an Operator Certificate.</p> <p><b>Quoting from 6.1 Comment:</b>            “However, as the Select Committee noted, it is possible to circumvent such a system by using a front person who has no disqualifying convictions.”</p>	<p>Business address MUST be supplied. Also for SOOBs Address of Brothels MUST be recorded to ensure inspections can be made.</p>	<p>A business address is supplied to the Auckland District Court, as is the address for service. A company also provides an address when registering, so a brothel owned by a company complies with Company Law, and can be found that way. Any person who has access to the Yellow Pages, the internet, or the Adult Entertainment columns of their local newspaper has the addresses of managed brothels for inspection. Furthermore, people in SOOBs are often working from their own homes, so would not want those addresses being made public. Anyone can find the address by ringing the number provided in their advert in the Adult Entertainment columns or on the Internet. How many Government agencies have needed to contact brothels en masse? NZPC is only aware that Statistics NZ has needed to do so for the Census, which was successfully completed with the help of NZPC, and IRD, which had already obtained the information it needed by using phone records, and advertisements online, in newspapers, and in the Yellow Pages. We are unaware of any other Government agency needing to contact the sex industry en masse.</p>

Page #	Section # Title and Quotation	Summary of Item Issue	Response Required Comment	NZPC Response
A C	<p><b>6.3 Criticism of the Victorian Licensing Regime</b></p> <p><b>6.3.2 Victoria’s Brothel Licensing Regime.</b>  “Compliance costs too high. As a result, non-compliance is common and a two-tiered industry of legal (licensed) and illegal unlicensed) brothels has developed (Jordan, 2005).”</p>	<p>However “some businesses were avoiding certification by operating under the guise of SOOBs. This may in part be due to some confusion over who is required to hold a certificate “(CJRC, 2007).</p>	<p>Workers in licensed brothels in Vic have no control over their working conditions  Nil  <b>NZ already have a two tiered system because of SOOBs See quote item 6.6</b></p> <p><b>Who should hold a certificate needs to be clearly stated.</b></p>	<p>Several times the PLRC makes it quite clear in their report that the two tiers they do not wish to see are a legal tier and an illegal tier. This is completely different from Managed Brothels and Small Owner Operated Brothels (SOOB). The writer completely confuses what a SOOB is. They continually confuse a SOOB with a managed brothel. One person in charge of one other person is a managed brothel, and therefore the person in charge is required to have an Operator's Certificate. One person working by themselves or with up to three others in their home or in a rented apartment has no operator. They share costs. Each person is in charge of their own self, and only their own self. There is no manager in a Small Owner Operated Brothel. S5 PRA is quite clear as to who needs, and doesn't need, to have an Operators Certificate. A managed brothel is often like a shop on the main street: there is an owner/manager, and staff. A SOOB is a person working independently from their own home, or other premises, with or without fellow sex workers, with no manager. A SOOB may operate from any premise in accordance with bylaws or the District Plan, just the same as any other Home Occupation.</p>

Page #	Section # Title and Quotation	Summary of Item Issue	Response Required Comment	NZPC Response
B D	<p><b>6.4 The NZ Certification System</b>  <b>6.4.1 Information From Brothel Operators</b>  , a two-tier system of certified and uncertified (illegal) brothels does not seem to have developed in New Zealand.</p> <p>“However, some operators reported that it was in fact too easy to get a certificate.</p> <p>They are too easy to get. I've lost confidence in the system. I used to be a car dealer and to get a licence was really hard. For this, there is no training, no interview, no asking what you know. What's the point? “</p>	<p>Some operators reported it was too easy to get a certificate. Some operators don't require their receptionists &amp; staff to hold certificates. Some (all?) hid under the guise of SOOBs</p>	<p>The law is too easy. Car dealers need a certificate which is not easy to obtain, yet brothel operators who are selling body parts have very few restrictions &amp; obligations&amp; the certificate is easy to get.</p>	<p>Brothel operators are not "<i>selling body parts</i>", and to imply such is insulting and degrading to sex workers. Brothel operators provide a place where sex workers can provide their services to clients. There are restrictions on who may obtain an Operator's Certificate, and these are given in the PRA. Some receptionists are not managers, but simply welcome the client into the building, take money from the client, and take them through to where sex workers are in the bar or lounge. Unlike an operator, these receptionists do not have a say in how much of the fee that the client has paid the sex worker will get.</p>

Page #	Section # Title and Quotation	Summary of Item Issue	Response Required Comment	NZPC Response
C	<p><b>6.4.2 Small Owner-Operated Brothels (SOOBs)</b>  Some operators who took part in the CJRC interviews questioned the definition of a SOOB and whether the rule of four or less sex workers was per shift or in total. Police have also raised this question, and suggest clarifying the definition of SOOB would close the theoretical loophole that is being exploited by some operators who claim to be SOOBs because only four sex workers work at one time (NZ Police, 2007).</p>	<p>Health &amp; Safety may inspect any place of work. Many brothels have liquor licences. This allows inspections by Police, Authorities &amp; Health officials. Immigration officers with police may enter brothels &amp; SOOBs  Police can only gain entry to investigate an offence.</p>	<p>It would appear that an inspector needs a warrant from a Judge to enter private homes (e.g. SOOBs). NZPC fulfils advocacy role of sex workers union but has no responsibility or authority   But NO Addresses are available from any authoritative source. Inspectors would have to look at advertisements.</p>	<p>Police may enter a brothel with a warrant in respect to breaches of ss23 and 34 PRA. A police officer may enter a brothel without a warrant under the Liquor Act and the Misuse of Drugs Act if they suspect offences under those Acts. An inspector, as defined by the PRA may enter a Small Owner Operated Brothel, usually the private home of the sex worker, with the permission of the sex worker, or with a warrant. The claim by the writer here is false, and it appears they have not read ss24-30 PRA.</p> <p>Any person who has access to the Yellow Pages, the internet, or the Adult Entertainment columns of their local newspaper has the addresses of managed brothels for inspection. It is very simple to do this. Furthermore, as noted, people in SOOBs are often working from their own homes, so would not want those addresses being made public. Anyone can find the address by ringing the number provided by the sex workers in their advert in the Adult Entertainment columns or on the Internet.</p> <p>As noted above, NZPC is unaware of Government Agencies having difficulties in identifying brothels.</p>

Page #	Section # Title and Quotation	Summary of Item Issue	Response Required Comment	NZPC Response
A D	<p><b>6.4.4 Brothel Operators' Comments on Inspections</b>            "In the CJRC interviews, the fact that their certificates were never checked made the system pointless.</p> <p>I have never had anyone ask about our operator certificate."</p>	<p>Checks are made on liquor licences but not certificates for brothels</p>	<p>Operators should have knowledge of the PRA &amp; appropriate management practices in the sex industry            No Inspections since 2007 except for the occasional complaint by sellers who will usually find it easier to change their workplace.</p>	<p>Some operators have had their certificate checked.</p> <p>OSH inspections and inspections by the Medical Officer of Health are on a complaints based process, as is usual. Even when changing workplace, sex workers may make complaints about conditions in previous workplaces, and have done so. This is particularly so in regards to complaints to the Disputes Tribunal, something sex workers could not access while their work was illegal.</p>
D	<p><b>6.4.5 Numbers of Operator Certificates Issued</b>            "There is no process for identifying whether the new applications are from new brothel owners, or merely new staff in existing brothels."</p>	<p>Number of new applications has dropped each year.</p>	<p>This paragraph contradicts itself. Given that there are no checks made on certificates in (6.4.4) why do they bother to issue certificates?</p> <p>No Inspections since 2007 ref See the full text of this item on pages 15 &amp; 16 of Health &amp; Safety (Cat A) of this submission 2007</p>	<p>Brothel operators have informed NZPC they receive renewal notices from the Auckland District Court, so it is possible to see if it is a new application or a new staff member of an existing business. The application form asks "Is this the applicant's first application for a certificate?" It also asks for the current or previous certificate number. It also asks for the "Address of applicant to which certificate and any related correspondence is to be sent".</p> <p>Certificates are issued to ensure that those managing sex workers have no convictions for offences under the PRA, certain offences under the Crimes Act, the Arms Act, or the Misuse of Drugs Act. Certificates have been checked, and can be checked at any time, without a warrant being required (s40 PRA).</p>

Page #	Section # Title and Quotation	Summary of Item Issue	Response Required Comment	NZPC Response
D B	<p><b>6.6.4 Should Certificates be Linked to Businesses?</b></p> <p>“However, a minority of the Committee strongly disagreed. It was argued that smaller operators would be disadvantaged by having to declare their business address as they may be operating from a rental property where the landlord is unaware of the nature of their business. In addition, smaller operators often move premises. The requirement to update certificate details each time they moved would become onerous and may become a reason for non-compliance”.</p> <p>However, the Committee also acknowledges the very real fear that exists within the sex industry. Any possibility that this fear could be reason for brothel operators not to comply with certification should be taken seriously</p> <p>The Committee also notes information from Immigration New Zealand that the absence of a list of businesses of prostitution does not prevent inspections and compliance operations. In addition, IRD has been able to contact brothel operators without the aid of a list of businesses.</p>		<p>2nd paragraph states <b>smaller operators would be disadvantaged by having to declare the nature of their business if they are renting. What about the Landlord &amp; surrounding families?</b></p> <p>Freedom has an example of this. Landlord was overseas &amp; his property on Ladies Mile was used as a brothel without his knowledge (probably a SOOB so that it didn't need a certificate) Foot &amp; car traffic increased &amp; the disruption to the neighbourhood was huge. Also Firecats which moved from Ascot Ave, Remuera to opposite a school in Ponsonby.</p> <p><b>The IRD has only approx 10% of workers returns.</b></p> <p><b>See appendix R03143 Brothel Statistics</b></p>	<p>Freedom are unaware that in publicising the addresses of Small Owner Operated Brothels, those sex workers, often women working by themselves from their own property, leads to victimisation of the sex worker on that property. This has been witnessed several times.</p> <p>As noted in the NZPC notes on Addendum 1, sex workers use more than just the 95300 brothel BIC code. They use several others not included in their list, for example 953430, massage not elsewhere classified; 853950 massage therapy service; 696240 human relations consultancy service, etc. A number of these do not indicate they are sex workers. It is therefore not possible to state that "<i>The IRD has only approx 10% of workers returns</i>" with any accuracy.</p>

Page #	Section # Title and Quotation	Summary of Item Issue	Response Required Comment	NZPC Response
A D G	<p><b>8.5.3 Drugs &amp; Alcohol</b>  “71.8% of Auckland street workers interviewed said they would accept drugs instead of money, compared with 45.3% of street workers in Wellington and only 37% of Christchurch street workers.”</p>		<p>Hence frequent SUPPLY and use of drugs as self medication is ignored. Why are drugs required if it is an acceptable profession?  Evidence of mental state. Cross ref Ref 8.5.4</p> <p>Some are Trapped in a cycle of addiction.  Some are Self medicating to numb the pain</p>	<p>The CSOM study shows that 21.4% of all sex workers (52.3% of street based sex workers) started sex work to obtain money for drugs. It also shows that 16.7% of all sex workers (45.1% of street based sex workers) continue working in the sex industry to pay for drugs. This is a reduction in both cases.</p> <p>The claim that "<i>Some are Self medicating to numb the pain</i>" is an untested hypothesis, and demonstrates an ideology that if sex workers are taking drugs, it must be to numb the "pain" of sex work. This ideology ignores other factors that may exist in that person's life (i.e., while 69.9 of Auckland street based sex workers would also accept drugs as a form of payment, 28.4% would also accept a place to stay as payment, indicating a high degree of homelessness), and ignores the fact that the number of people using drugs while doing sex work reduces.</p>

Page #	Section # Title and Quotation	Summary of Item Issue	Response Required Comment	NZPC Response
C G	<p><b>8.5.5. Social Marginalisation</b>  “Street-based sex workers are the most at risk sex workers, but are also vulnerable members of society for reasons other than their involvement in sex work. In the CSOM study, street workers were significantly more likely to report accepting food or a place to stay in lieu of money for sex work, indicating higher levels of poverty and homelessness amongst street workers than other sex workers.”</p>		<p>Receiving food and goods in lieu of cash – still captured under the NZ tax requirements to account for the amount received and also to provide the FBT Tax payable on this type of supply.</p> <p>High levels of poverty among St sellers of sex.</p>	<p>Again, this is indicative that Freedom From Sexual Exploitation, rather than having true concern with sexual exploitation, or even concerns about why street based sex workers in Auckland may have a high level of poverty, they are concerned more about whether tax is being gathered. Their use of the words "sellers of sex" also shows their lack of respect for sex workers as a whole.</p>

Page #	Section # Title and Quotation	Summary of Item Issue	Response Required Comment	NZPC Response
D	<p><b>8.6.1 Social Nuisance</b></p> <p>“It is not the sex workers per se that are the cause of the disruptive behaviour witnessed. Often, it is the negative attention from members of the public,”</p> <p>“A common complaint is that used condoms, excrement and other bodily waste are left in the street, in shop doorways and car parks, or on private property.”</p>	<p>Street sellers proposition members of the public.</p>	<p>Take Comments from 8,5,5 This refutes no specific complaints. Again shows committee appear out of touch. The committee need to correctly assess the situation in order that they can make recommendations. Individual members of the committee need to visit the areas in order that they can make informed decisions. This needs to be carried out incognito. Freedom would be willing to facilitate this experience. The committee state it is the clients that often cause the noise etc. – i.e. a good reason to prosecute the clients.</p> <p>Georgina Beyer has stated that one of the main reasons that the PRA was introduced was that they believed Street prostitution would decline. Ref 8.5.5 John McCracken City Councillor.</p>	<p>Committee members did visit the areas where street based sex work takes place incognito, and were able to watch what was happening from a vehicle. They were thus able to "to correctly assess the situation", and were not "out of touch". The PLRC did not say that "<i>clients that often cause the noise etc.</i>", they stated "<i>Often, it is the negative attention from members of the public, some of whom drive by specifically to shout at and harass the workers standing on the street. ... Residents and NZPC outreach workers also report 'hoons' throwing eggs at sex workers. In addition, where street workers come into direct contact with late night bar patrons there is often conflict. Abuse and harassment of street-based sex workers by drunken members of the public is common</i>" (PLRC, 2008: 124). There is no mention in subsection 8.6.1 of clients causing the trouble. To claim this is false, thus, to claim that it is a good reason to prosecute clients stands on a false premise.</p> <p>NZPC outreach workers have also found dirty disposable nappies, used tampons, and discarded school lunch boxes, with</p>

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				<p>photographs supplied to the Local Government and Environment Committee.</p> <p>The numbers of street based sex workers did decline. <b>The numbers of street based sex workers in Counties Manukau (150) and Auckland (360) totalled 510 prior to law reform (PLRC 2005: 28). This reduced to 230 for the whole of Auckland by 2007 (CSOM, 2007: 38). <u>This is a 54.9% decrease.</u></b></p>

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A D	<p><b>8.6.2 Means Available to Deal with Social Nuisance</b>            “We believe that it is important for nongovernmental organisations doing this work to be adequately funded and subject to proper accountability to produce the best results. We hope that if sex workers respect the areas where they conduct street work, then residents will be more tolerant of their presence.”</p>	<p>Some Street sellers don't respect their areas of work- residents are expected to tolerate Street sellers. NGOs need more funds.</p>	<p>Are the NGOs truly accountable for the funds they have been given? Some <b>\$8.6m</b> given to NZPC over 10 years collective. What are the identifiable benefits? What accountability and reporting has resulted from this cost? Local Residents are not happy when sellers are located in their area.</p> <p>What NGO looks after Manufacturing businesses etc for any litter they create, they just get prosecuted?</p> <p>Ref 8.5.5 John McCracken City Councillor has expressed this clearly. The Manukau City Council (Regulation of Prostitution in Specified Places) Bill attempts to deal with this issue.</p> <p>However this does not target the demand that fuels prostitution. It does not send a clear message to society that women, men, girls and boys are not for sale. And should not be sold in any circumstance.</p>	<p>As noted above, NZPC is accountable to the Ministry of Health for both service provision and finances. Six monthly reports on activities are presented to the Ministry of Health. Good public health outcomes, and the fact there are few cases of STIs among sex workers (Roguski, 2013: 37), indicates positive identifiable benefits.</p> <p>The writer conflates voluntary sex work with involuntary, as if sex workers are incapable of giving consent for anything - or of withdrawing consent. This is disrespectful and fuels stigma and violence. Sex work is voluntary, consensual adult sexual activity. It does not involve children or young people, who, by the definition in the law, cannot consent. There is a very big difference between the two, and it is insulting to sex workers to imply they cannot think for themselves.</p>

Page #	Section # Title and Quotation	Summary of Item Issue	Response Required Comment	NZPC Response
B D	<p><b>8.10 Comment</b>  “Decriminalisation did not create the problems experienced by communities in which street prostitution takes place</p> <p>“...decriminalisation, via the PRA, is partially achieving one of its purposes in terms of promoting the welfare and occupational health and safety of sex workers. However, the Committee recognises decriminalising prostitution alone cannot fully achieve this aim.”</p>		<p>Committee recognises decriminalising alone has not solved all problems associated with Street sellers (The committee mean the decriminalisation of the seller.)</p> <p>The view that De-criminalising sellers did not create problems with communities is incorrect with regards to nuisance –John McCracken Georgina Beyer has stated that a main reason that the PRA was introduced was that they believed Street prostitution would decline.</p>	<p>As noted above, the number of street based sex workers in all of Auckland reduced from 510 (360 in Auckland, 150 in Counties Manukau), to 230 for the entire city. This is a decline.</p> <p>There were many reasons the PRA was introduced, and these are covered by the purpose of the PRA:  <i>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—</i>  <i>(a) safeguards the human rights of sex workers and protects them from exploitation:</i>  <i>(b) promotes the welfare and occupational health and safety of sex workers:</i>  <i>(c) is conducive to public health:</i>  <i>(d) prohibits the use in prostitution of persons under 18 years of age:</i>  <i>(e) implements certain other related reforms.</i></p>

Page #	Section # Title and Quotation	Summary of Item Issue	Response Required Comment	NZPC Response
A D	<p><b>8.11 PLRC Position on St Based Sex Work</b> Therefore, the Committee considers street-based sex workers should be encouraged to either move to a safer, indoor setting, or leave sex work altogether</p> <p>“There must be accurate identification of the problem to be addressed; thorough investigation into the causes of the problem; and a clear idea of the outcomes sought, as well as an understanding of the needs of the target group and how best to meet those needs.”</p>	<p>Manage St Sex sellers so that disturbance to local residents is minimised</p>	<p>St Sex sellers are a minority in the community yet police &amp; NGO resources are expected to help manage the needs.</p> <p>As the committee recommends they need to correctly assess the situation in order that they can make recommendations. We suggest the committee try to encourage the on the spot workers to move to safer settings. Individual members of the committee need to visit the areas in order that they can make informed decisions. This needs to be carried out incognito. Freedom would be willing to facilitate this experience.</p>	<p>Victims of domestic violence are also a minority, "yet police &amp; NGO resources are expected to help manage the needs".</p> <p>The writer and "Freedom" are unaware that the PLRC did visit the areas where street based sex work occur incognito and were able to observe the situations in each area.</p>
A D	<p><b>8.11.1 Street Workers Should be Supported to Work Safely and with Consideration for Local Communities</b> “Street-based sex workers should be encouraged to work in areas where they will be safe, while at the same time cause the least disturbance to residents”</p> <p>“The Committee also considers consistent enforcement of laws prohibiting littering, offensive behaviour and intimidation may ameliorate the social nuisance”</p>	<p>Committee recommends greater support for NGOs &amp; Outreach workers The use of CPTED guidelines will enhance Street C25 workers safety</p>	<p>CPTED (Crime Prevention Through Environmental Design). This is a generic model covering many aspects of city planning and seems to be an excuse for the issues.</p> <p>Litter prosecution is promoted but in item 8.10 it is recommended not to promote prosecution. “In addition, imposing fines and other criminal sanctions on streetbased sex workers is contrary to the intent of the PRA”</p> <p>Ref comments John McCracken on Hunters Corner re disruption and offensive mess.</p>	<p>As noted above, the offensive litter also includes used tampons in an area where the street based sex workers are transgender, and do not use tampons, used disposable baby nappies, discarded school lunches, and general household rubbish (photos can be supplied as evidence). Manukau City Council closed the toilets over night, so bar patrons in the area had nowhere to relieve themselves after closing time. Yet sex workers are scapegoated as being the cause of all offensive litter, etc.</p>

Page #	Section # Title and Quotation	Summary of Item Issue	Response Required Comment	NZPC Response
D	<p><b>8.11.4 Local Govt Should Adopt Practical Solutions</b>  “TAs should invest in street cleaning, lighting, and city ambassador schemes. In addition, territorial authorities should provide adequate rubbish bins and toilet facilities in and around street prostitution areas”</p> <p>“Auckland, Manukau, Wellington and Christchurch City Councils should continue to work in consultation with NZPC, other NGOs, sex workers and communities to find answers to specific problems, and encourage community ownership of street prostitution areas.”</p>	<p>TAs adopt CPTED Auckland, Wellington &amp; Christchurch to work with NZPC &amp; NGOs to find answers and “encourage community ownership of street prostitution areas”!!</p>	<p>Communities &amp; rate payers do not want to take ownership of street prostitution operations. E.g. Manukau.  <b>Extra street cleaning lighting and toilet facilities is utterly unfair for a minority group who are making huge profits without any overheads taking a free ride on the rate payers whilst causing excessive nuisance and abuse.</b></p> <p><b>This is squandering ratepayers’ money since these extra exceptional services do not provide any investment or return for the good of the community.</b></p> <p>What about the govt policy of user pays. Toilet facilities get trashed.  Ref also to item 8.11.1</p> <p>What tax and council contributions come from this “industry”? See ACC data</p>	<p>There are fast food outlets, bars, etc., in these same areas, and that the offensive litter includes used tampons, used disposable baby nappies, etc. Sex workers are not the only ones to blame, yet they are scapegoated. The extra street lighting, the cleanliness of toilets, and availability of rubbish bins benefits the entire community, not just street based sex workers who are <b>also part of their community</b>, who live, work, shop, and play in that community. It is offensive for the writer to suggest that sex workers are not part of the community.</p>
B D	<p><b>9.3 Role of Territorial Authorities under the PRA</b></p>	<p>Brothels can only be regulated, they cannot be prohibited altogether. Each TA must determine the most appropriate &amp; efficient response(to the PRA) given the risks &amp; consequences of adverse effects on environment &amp; sectors of the community (Local Govt NZ 3003)</p>	<p><b>Does any other businesses have the right NOT to be prohibited?</b>  This is how the Chow Bros successfully got resource consent for the Mega Brothel. Auckland Council engineer said it will bring vibrancy to the area. Sadly the Mega Brothel will set precedents for Auckland</p>	<p>Businesses do have the right not to be prohibited entirely from an area, unless it is written into legislation. Restriction of trade laws, as well as case law, prevent wholesale prohibition of businesses. The "Mega Brothel" is not only a brothel, but other forms of entertainment, and other types of businesses. The brothel only takes up 2 floors of the planned 15, yet media hype would incorrectly have you believe it is the whole building.</p>

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A D	<b>9.5.4 The Resource Management Act 1991</b>	The RMA provides that each TA has a district plan & any land use that breaches a district plan must apply for a resource consent	This provides an effective means for TAs to control the location of brothels RMA <b>How can this be applied if addresses are not provided to carry on Sex Business!</b>	Managed brothels, on the whole, establish themselves in business precincts. The Lovely Lily case in Wellington is a relevant situation to consider here. It was established in a residential suburb, was granted an increase in allowable staff from 3 to 5 under the District Plan, complaints were made by local residents, and the case went to the courts. The initial Council Decision was overturned. Addresses of most managed brothels can be obtained from the Yellow Pages, Adult Entertainment columns in newspapers, or from adverts on the internet. Small Owner Operated Brothels, being classed as Home Occupation, should be treated the same as any other Home Occupation or business. In most cities and districts, they are. There are only a few where bylaws and District Plans have been made that restrict Small Owner Operated Brothels. Hamilton City Council is one such case, and has taken action against these Home Occupations when Council officials have discovered them.

Page #	Section # Title and Quotation	Summary of Item Issue	Response Required Comment	NZPC Response
D	<p><b>9.7 Comment</b> Bylaws must be made on legal, rather than moral grounds.</p>	<p>Case law was included, But court went to pains to point out that each case will be different. The sex industry should be regulated, as far as possible, in the same manner as other industries</p>	<p>No other industry that would be allowed to set up business selling on the street curb. Even a cake stall or sausage sizzle needs paper work. John McCracken statements</p>	<p>It is not possible establish healthy public policy on an "Eww, ick!" Factor. The tone here is exactly that, and establishes that the Freedom From Sexual Exploitation group is not truly concerned about freeing anyone from exploitation, sexual or otherwise.</p>
D	<p><b>9.9 The Manukau City Council's Concerns About Street-Based Sex Work</b></p>	<p>If the Manukau bill was passed citizens would be subject to conflicting criminal laws. It would set an undesirable precedent. MCC s Bylaw limited SOOBs to Business Zones &amp; Street sellers can be regulated or prohibited</p>	<p>The Committees fear is that the Manukau Bill will drive Sex sellers underground. This is where it should go, because the alternative is for local law abiding citizens to go underground. The demand should be targeted. Allow decriminalisation of the seller to continue but Target the purchaser with prosecution just as they should be for underage sellers at present.</p>	<p>Driving the sex industry underground, violence increases. <b>The Swedish Government also admitted that their law stigmatises women, and that this is a good thing</b> (Skarhed, 2010: 130).</p>

Page #	Section # Title and Quotation	Summary of Item Issue	Response Required Comment	NZPC Response
D	<p><b>10.2 The Sex industry Prior to 2003</b>            With the introduction of visa &amp; eftpos the industry became exploitative. It was hoped that decriminalisation would eliminate exploitative practices”</p>	<p>“It was hoped that decriminalisation of the sex industry would eliminate exploitative practices such as these, as sex workers came to enjoy the same employment protections as those enjoyed by workers in other industries.”</p>	<p>The Committee needs to recognise that an illegal market thrives alongside a legal industry such as this. When sex sellers remain anonymous they will be open to exploitation.  <b>What about cash? Are the sellers legally bound to provide cash receipts for services as do other industries?</b> Also see 10.3.1 where 70% street workers receive payment in kind  <b>Surely This is promoting a Black economy.</b></p>	<p>The quote in the third column is talking about follows this paragraph:  <i>"Sex workers paid these fines and fees out of the money paid to the workers by their clients. In the 1980s and early 1990s, payment for services was often made directly by the client to the worker, without the involvement of the brothel operator. However, with the increasing use of credit cards, and later the prevalence of EFTPOS in most parts of the country, it soon became standard for the operator to charge an 'all inclusive fee' which included sexual services. From this position, the operator could both set the price for sexual services, and extract fines and fees from the workers' earnings before they were paid."</i>            Furthermore, the given quote ends with:  <i>"Research indicates that, while this process may have commenced, it is by no means complete."</i>            It is clear the PLRC is talking about the exploitative practices of fining and taking money out of sex worker's earnings. The implication by Freedom From Sexual Exploitation by taking the quote out of context, is otherwise.</p>

Page #	Section # Title and Quotation	Summary of Item Issue	Response Required Comment	NZPC Response
D	<p><b>10.3 Employment Rights After Decriminalisation</b> 10.3.1 <b>The Status of the Sex Industry</b> “A decriminalised sex industry theoretically has the same status as any other industry, and those working in it experience the same sort of employment practices as those in any 'normal' industry However, in reality this is not the case. There is a deeply ingrained moral and social stigma attached to working in the sex industry.”</p>	<p>“Exploitative practices are long standing in the sex industry, and, in the absence of a legal challenge to them, there remains uncertainty as to their legality amongst many in the industry.”</p>	<p>Decriminalisation has not removed the sellers wish to remain anonymous and has not removed their reluctance to legally challenge exploitive practices. Can other industries remain anonymous to the authorities? What about cash. Are the sellers legally bound to provide receipts for services as do other industries? Also see 10.2 Ref item where 70% street workers receive payment in kind (drugs &amp; alcohol)</p> <p><b>Surely This is promoting a Black economy</b></p>	<p>Stigma means that most sex workers wish to remain anonymous. The tenor of the Freedom From Sexual Exploitation writing is a good example of this as it constantly refers to sex workers as "sellers", a derogatory term. Brothels that use EFTPOS do give the EFTPOS receipt, though this is often discarded, even though it may be a somewhat innocuous business name, such as Sunset Cafe. Furthermore, sex workers do not issue receipts to clients as they generally would not accept them.</p>
C B	<p><b>10.6 The Formalisation of Employment Relationships</b> The formalisation of employment relations would provide more certainty with regard to the payment of tax by sex workers. It has become apparent to the Committee that some employers are not taking their responsibilities in respect of employment arrangements seriously. They have a role to play in regularising the contract arrangements with managed workers. This includes employment status and the provision of best practice employment arrangements. Brothel operators must recognise the new legal status of the sex industry, and align their practices with other industries in the service sector.</p>	<p>Workers are concerned their details may be passed on to the IRD by the operators – and they will be charged back tax. Brothel operators &amp; sex workers cannot contract out of the protections provided by sections 16&amp;17 of the PRA</p>	<p>Refer to appendix 'R03143 Brothel Statistics '</p> <p><b>IRD &amp; ACC are receiving revenue from less than 10% of the 2332 Or so of Sex industry. This equates to an average income is approximately \$69,000 pa.</b></p> <p><b>Freedom has a statement that a young girl can earn some \$600 per night.</b></p> <p><b>The Authorities have only been collecting ANY returns since 2008 – What happened before that?</b></p>	<p>Sex workers and brothels also pay tax under other BIC codes. These others include "95290 Personal services (not elsewhere classified)", and other codes that companies that own other businesses other than brothels, such as gyms, for example, may be used. It should also be noted that the inclusion of these statistics appears to indicate that the group Freedom From Sexual Exploitation is more interested in tax compliance than sexual exploitation. For example, these BIC codes are not included in the above: S953430, Q853950, S953420.</p> <p>IRD has been collecting tax revenues from sex workers and brothels since prior to decriminalisation. IRD have always upheld that they are amoral in this respect.</p>

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C B	<p><b>10.7 Next Steps</b>  “Best practice employment relationships would be an excellent way to foster the 'normalisation' of the industry that the PRA foreshadows. As a first step, the Committee considers that extra information on employment matters could be included when providing brothel operators with brothel certificates.”</p>	<p><b>“The Committee notes that streetbased workers &amp; workers in SOOBs are self employed,</b> and do not have employment contracts to negotiate. However, as self employed workers they have tax, ACC &amp; OSH obligations that they must meet.”</p>	<p>Most brothels also use “contractors”, but legally a contractor must prove that they work for more than one employer – otherwise they are actually employees and should have a ‘contract of employment’.</p>	<p>Small Owner Operated Brothels are, on the whole, a sex worker working from their own home. Who would they sign an employment contract with? Sex workers are, in the main, independent contractors, in the same way that courier drivers are independent contractors. Courier drivers contract only with one employer (see <i>Cunningham v TNT Express Worldwide (NZ) Ltd</i> [1993] 1 ERNZ 695). IRD has a system of establishing whether a contractor is truly an independent contractor or employee. There seems to be a problem understanding, despite what the law states, exactly what a Small Owner Operated Brothel is, seemingly assuming it has a manager or operator. This is a continual error throughout.</p>

## ADDENDUM 3 (4)

### Health & Safety Cat A Notes on CSOM (PLRC) Report 2008

Page #	Section # Title and Quotation	Summary of Item Issue	Submission Comments	NZPC Response
A	<p><b>Recommendation</b>            “Committee considers ongoing counting of the numbers of sex workers may be necessary to monitor the impact of the PRA.”</p>	<p>Committee recommends NZPC maintains the databases and continues to monitor numbers of sellers in brothels, soobs and on the Street.</p> <p>Committee also recommends any future research focuses on the health &amp; safety of sex sellers, employment status and human rights rather than solely the number of people involved in the industry.</p>	<p>The PRA does not provide protection. Rather it provides a reporting system by which rapes, assaults, robberies and other crimes common within prostitution can be reported to Police. In any other work environment this would not be tolerated and every effort made to shut such an industry down.</p> <p>No6.            As noted elsewhere in the report (Chapter 5), there are currently no programmes specifically designed to assist people to avoid working in or exit the sex industry</p>	<p>The PRA does provide protection as it allows sex workers to come forward without fear of prosecution to report violence against them. Many felt this was not possible prior to law reform in case they themselves would get into trouble for breaking the law.</p> <p>Other businesses are prone to violence. Not every violent incident in a workplace is reported to police. Yet there is no call to close those businesses down. Taxi drivers, for example, are often assaulted, robbed, and threatened.</p> <p>NZPC provides information and support to those who wish to leave sex work, and offers referrals to external agencies where appropriate.</p>

Page #	Section # Title and Quotation	Summary of Item Issue	Submission Comments	NZPC Response
AD	<p><b>3.2 Rights for Adults Not to be Forced to Engage in Sex Wk</b> [From 3.1] “In summary, the focus of human rights instruments is two-fold. First they condemn any form of child prostitution. Second, with regard to prostitution by adults, international human rights standards target 'forced prostitution' or 'exploitation of women in prostitution', rather than the abolition of prostitution itself.”</p>	<p>Ref Table 10 A substantial number, 35%, reported that they had to accept a client when they didn't want to. “One 18 year old worker had just finished a job. A big Samoan guy was waiting who she had not even had a chance to check out. He was really rough with her, held her down by her throat. She went out to complain to the manager who told her to 'go back in'.”</p>	<p>Refer Table 10 If one third can't refuse a client then the PRA isn't working It is not protecting the sex sellers.</p> <p>How can this be acceptable? Only two thirds can refuse a client which cannot make it ok.</p> <p>Table 10 – shows some 10% had been penalised for refusing clients in the past 12 months. On average 35% had were obliged to take clients they did not want. The committee's quoted example shows brothel workers will find it more difficult to refuse.</p>	<p>Again, as noted earlier, this has to be compared to earlier data. In 1999, 63% of private sex workers felt they could not refuse a client. This decreased to 38% in 2007 (table 6.3, CSOM, 2007: 117). This indicates the PRA has been successful. To ignore this is wilful, and insulting to Parliament by providing the Select Committee with incorrect information.</p> <p>If a brothel were to do the actions quoted in column 3, it would be a breach of both the PRA and the Crimes Act, and the operator should be prosecuted. Sex workers know that brothel operators can be prosecuted for making them see clients they do not want to see, or use the threat of enforcement to stop coercion.</p>

Page #	Section # Title and Quotation	Summary of Item Issue	Submission Comments	NZPC Response
A B	<p><b>4.1.1 Safer Sex</b>  “Over three-quarters of all CSOM survey participants reported that they always used a condom for any form of penetrative sex”</p>	<p>“Hence a quarter of the CSOM &amp; CJRC reported they don’t use condoms</p>	<p>When ‘Freedom’ are out with Drug Arm we are regularly asked for condoms. It proves some Sex sellers are unprepared. Often under the influence of drugs or alcohol.  “Both the CJRC and the CSOM reports cite numerous examples of sex workers being able to negotiate safer sex by stating that it is against the law for them not to practice it”  If they are not prepared then they are breaking the law ref OSH guide.  Something does not ring true here- 0% out of 343 workers were HIV positive. Ref 4.1  Comment  NZPC are contracted promote education – BUT Who monitors HIV?</p>	<p>It is false to say that because 75% always use a condom, the remaining 25% don't. They may not have 100% compliance (i.e., may not use a condom for oral), but will use a condom for vaginal or anal sex. The phrase "any form of penetrative sex" includes oral sex, and "Freedom" seem to be unaware of this. This also does not mean oral sex till completion, as masturbation may be used to complete the job. A sex worker asking Drug Arm or "Freedom" for condoms does not indicate they are unprepared, but that they expect advocacy groups to be able to provide condoms and water based lubricants. However, Drug Arm is hardly a sex worker advocacy group. "Freedom" needs to understand the difference between "must use" and "take all reasonable steps to use". NZPC not only promotes sexual and reproductive health, but also provides support if a sex worker becomes HIV positive. HIV figures are monitored by the AIDS Epidemiology Unit at Otago University  (<a href="http://dnmeds.otago.ac.nz/departments/psm/research/aids/index.html">http://dnmeds.otago.ac.nz/departments/psm/research/aids/index.html</a>), which puts out the 6 monthly</p>

Page #	Section # Title and Quotation	Summary of Item Issue	Submission Comments	<i>NZPC Response</i>
				<p>publication AIDS New Zealand (<a href="http://dnmeds.otago.ac.nz/departments/psm/research/aids/pdf/71_AIDS-NZ_March2013.pdf">http://dnmeds.otago.ac.nz/departments/psm/research/aids/pdf/71_AIDS-NZ_March2013.pdf</a>). The language here "sex sellers" is insulting to sex workers, and their lack of knowledge indicates they are not concerned about freeing anyone from sexual exploitation.</p>

Page #	Section # Title and Quotation	Summary of Item Issue	Submission Comments	NZPC Response
A D	<p>One third of Brothel owners (mainly SOOBs) are unfamiliar with the OSH Guide. 59% of Sex sellers reported that they had not seen the OSH Guide. Two thirds had seen Ministry of Health pamphlets and posters about clients and Sex sellers being required to use condoms</p>	<p><b>4.2.1 Knowledge of OSH Requirements &amp; Rights</b></p> <p>“Forty-one percent of sex workers surveyed by the CSOM reported that they had seen the OSH Guide. Three-quarters of the participants who reported having seen it had read it. Most (66.2%) of the participants who had read the OSH Guide reported that they found it very useful and informative and a quarter reported that the guidelines had made them more aware of their rights.”</p>	<p>Interpolating the figures given: Only three quarters of the 41% workers who had seen the guide had read it. This means that only 30% had read the guide.</p> <p>Figures are for those who replied to the survey. Number of surveys issued was not stated.</p> <p>In normal businesses at least one person in management is required to understand all OSH requirements.</p> <p>Since no authorities are checking Brothels or SOOBs and Brothel certificates are issued yearly – The understanding of the manual will now be less.</p> <p>Part of the cert process should be a test of the OSH manual. Appendix 1 of the CSOM gives the Roles of Regulatory Agencies</p>	<p>For many sex workers working in Small Owner Operated Brothels, they are working in their own home. It is not normal business practice for a home business to have an OSH plan, etc. Many workers in other industries would have little idea of the OSH guidelines that apply to them. Large managed brothels would comply with their legal requirements. OSH and the Medical officers of Health respond to complaints made, just as they do in other industries, so the business norms apply.</p> <p>The Appendix of the actual Christchurch School of Medicine study (the only appendix) is the questionnaire used, while Appendix 1 of the PLRC report is the biographies of Committee members. It is therefore unclear what Freedom means by "Appendix 1 of the CSOM gives the Roles of Regulatory Agencies".</p>

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A C	<p><b>4.2.2 Adherence to OSH Requirements</b></p> <p>A short quotation is too large <b>but totally relevant to this submission. It is reproduced on pages 14 and 15 of this section</b> ‘4.2.2 Adherence to OSH Requirements’</p> <p>However a extracted quote from a Medical Officer is:</p> <p>“So I realised there was just no way I could make any ability to, um, use the legislation constructively; a) if I wasn't known and our role wasn't known; and, um, b) if I had no idea of how the sex industry worked and, um, and of what, where it was and who was in it and what a brothel, actually what you could expect to find in a brothel.” (Medical Officer of Health, CSOM, 2007)</p>	<p>Medical Officers of Health decided that monitoring of the sex industry was NOT feasible, except to be reactive. They did not have the resources.</p> <p>The Medical Officer quoted that he</p>	<p>OSH do not have an official list of brothels. Inspectors wishing to go beyond the existing complaints-based regime must locate the address of brothels themselves.</p> <p>The Medical Officers do not use their statutory rights to carry out any inspections. The only ones were in 2007 ref the quotation. The MO would need training if they did inspect.</p> <p>What are the contents of the NZPC database and who are they accountable to?</p>	<p>Do OSH have a complete list of every other type of business? Any person wishing to visit a brothel need only look in the yellow pages, or the classified section of the newspaper. OSH inspectors, Medical Officers of Health, and others are well aware of this.</p> <p>Medical Officers of Health did receive training on inspecting brothels shortly after the PRA came into force. This training manual is still available.</p> <p>Like any other business, NZPC uses the Yellow Pages, Adult Entertainment adverts from newspapers, and information readily available on the internet. NZPC is accountable to the Ministry of Health for its contract pertaining to sexual and reproductive health.</p>

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A D G	4.3 Table 11 General Safety of Sex Workers	<p>Street sellers more likely to report non payment, rape, being held against their will etc etc</p> <p>The majority felt the PRA could do little about the violence. NZPC sends out alerts of potentially violent clients</p>	<p>From Table 11 Adverse Experiences while Working in the Last 12 months by Sector show: Total Workers =2332 (Table 3) of which:</p> <p>Raped : Total 3% (5.3% Street Workers) = 70</p> <p>(total rapes NZ population =approx 600 pa ('96-2006 Statistics NZ)</p> <p>Held against will : Total 4.7% (10.2% Street Workers)</p> <p>Physically Assaulted: Total 9.8% (13.4% Street Workers)</p> <p>What an outcry if this was normal across the pro rata population of 4 million. ie NZ wide Rapes would then be equal to <math>70/2332 \times 4m</math> equals 12,000 pa</p>	<p>These figures need to be compared to the situation prior to law reform. Plumridge and Abel (2000) reported (in Abel, 2010: 350) the following: Raped: Indoor 8% (27% Street workers)</p> <p>Held against will: Indoor 13% (23% Street workers)</p> <p>Physically Assaulted: Indoor 21% (41% Street workers)</p> <p><b>This indicates that violence, etc., has reduced since decriminalisation</b> and that sex work is therefore safer in a decriminalised situation.</p> <p>Furthermore, decriminalising sex work does not mean you are decriminalising violence, but allowing the law to be applied equally. No single law can eliminate violence against any population. The PRA has, however, been helpful to sex workers in preventing violence, and allowing them to report violence without fear of legal repercussions.</p>

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A D	<p>Section 4.3 para 1  <b>General Safety of Sex Workers.</b>  “Few participants [of the Workers Surveyed] indicated that they reported adverse incidents to the Police, but most reported that they did tell some other person instead of the Police.”</p>		<p>“Of those feeling in a position to comment, [The CJRC informants]the majority (70%) felt sex workers were now more likely to report incidents of violence to the Police. It appeared that this was particularly true for the street workers.”</p> <p><b>So 30% don’t report violence, it should be 100% even for low level violence. This would be normal with any other business or every day life.</b>  <b>If clients were prosecutable the workers would know that the violent client would be summarily prosecuted, even if the violence itself could not be validated. A wider knowledge of violent offenders would then be public knowledge.</b></p>	<p>This also implies that every rape or sexual assault should be reported to the Police. Dunedin Rape Crisis indicates that around 33% of women would have suffered some form of sexual abuse, yet only 3512 complaints of sexual assault and related offences were received in 2012. It is therefore not normal for even serious types of violence to be recorded. It is even less so for "low level violence".</p> <p>As noted above, comparisons between 1999 and 2007 indicate that violence has decreased and reporting of violence has increased.</p>

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A C	<p><b>6.3 Criticism of the Victorian Licensing Regime</b></p> <p><b>6.3.2 Victoria’s Brothel Licensing Regime.</b>  “compliance costs too high. As a result, non-compliance is common and a two-tiered industry of legal (licensed) and illegal (unlicensed) brothels has developed (Jordan, 2005).”</p>	<p>However “some businesses were avoiding certification by operating under the guise of SOOBs. This may in part be due to some confusion over who is required to hold a certificate “(CJRC, 2007).</p>	<p>Workers in licensed brothels in Victoria have no control over their working conditions  NZ already have a two tiered system because of SOOBs See quote item 6.6</p> <p>Who should hold a certificate? - needs an interpretation Should be clearly stated. We believe ALL SOOBs are being omitted.</p>	<p>It appears "Freedom" have not understood what the PLRC means when it talks about a two tier system in Victoria. It is clear the PLRC are talking about legal (tier one) and illegal (tier two) brothels. it is standard business practice to have various levels of operating: managed businesses (like Michael Hill Jewellery), privately run businesses run by the owner (Jewellery on Cuba), and street workers (people who sell jewellery on the streets).</p> <p>The definition of a Small Owner Operated Brothel (SOOB) is clear. A SOOB often a person working by their self, sometimes with a few others, sharing expenses, but none of them are in charge of each other. They manage only themselves, not other workers. An operator is a person who manages one or more sex worker.</p>

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A D	<p><b>6.4.3 Inspections &amp; Ongoing Monitoring</b>  “Medical Officers of Health may enter and inspect brothels for the purposes of determining compliance with requirements for sex workers and brothel operators to adopt and promote safer sex practices. In addition, under section 31 of the Health and Safety Act, Health and Safety inspectors (formally known as OSH inspectors) may enter and inspect any place of work”  “Inspectors may enter homes (e.g. SOOBs) either with the consent of the occupier or if authorised to do so by a warrant”</p>	<p>Health and Safety may inspect any place of work. Many brothels have liquor licences. This allows inspections by Police, Authorities and Health officials.  Immigration officers with police may enter brothels &amp; SOOBs</p> <p>Police can only gain entry to investigate an offence.</p>	<p>An inspector needs a warrant from a Judge to enter private homes (e.g. SOOBs).</p> <p>NO Addresses are available from any authoritative source. Inspectors would have to look at advertisements.</p> <p>NZPC usually has access to their workers and fulfils an advisory and advocacy role. They have no legal responsibility or authority. The authorities have provided the NZPC with approx \$8.6m over the past 10 years to help the workers.</p>	<p>This is false. An inspector only needs a warrant to enter a private home if the sex worker does not allow them entry. S27 (1) PRA states:  <b>27 Entry of homes</b>  (1)An inspector may not enter a home under section 26 unless he or she—  (a)has the consent of an occupier of that home; or  (b)is authorised to do so by a warrant issued under subsection (2)  This is similar to the requirements of s31 of the Health and Safety in Employment Act. To imply this is therefore unusual is incorrect.</p> <p>Any person who has access to the Yellow Pages, the internet, or the Adult Entertainment columns of their local newspaper has the addresses of managed brothels for inspection. Furthermore, people in SOOBs are often working from their own homes, so would not want those addresses being made public. Anyone can find the address by ringing the number provided by the sex workers in their advert in the Adult Entertainment columns or on the Internet.</p> <p>NZPC is responsible to the Ministry</p>

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				of Health for both service provision and a large part of its finances. Six monthly reports are presented to the Ministry of Health.
A D	<p><b>6.4 The New Zealand Certification System</b>  <b>6.4.4 Brothel Operators' Comments on Inspections</b>  <b>“in the CJRC interviews, the fact that their certificates were never checked made the system pointless.”</b>  <b>I have never had anyone ask about our operator certificate.”</b></p>	Checks are made on liquor licences but not certificates for brothels.	<p>Operators should have knowledge of the PRA and appropriate management practices in the sex industry</p> <p>No Inspections since 2007 except where an offence has been notified to the Health and Safety Officers. i.e. No random inspections as with other business sectors.</p>	<p>Checks can be made on Operator's Certificates at any time, and on request, they must be shown, or produced at a police station within 24 hours. The system isn't pointless if it prevents people with violence convictions, etc., from operating a brothel.</p> <p>Those operators in contact with NZPC have a knowledge of the Prostitution Reform Act. When prospective new operators come into NZPC, a copy of the Act is given to them, and key points explained. NZPC is also contacted by people intending to operate brothels.</p> <p>It is typical of OSH that they only respond to complaints. If they wanted to do a random inspection of Brothels, they could do so. NZPC believes the balance is right.</p>

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A C	<p>6.6.2 Who Should be Eligible for a Certificate</p> <p>“Operators should also ensure their management staff comply with the PRA, and health and safety in employment requirements.”</p> <p>“The Committee recommends that, to obtain a certificate, an applicant must also agree to facilitate inspections.”</p>	<p>Current threshold to hold a certificate is (over 18 and NZ citizen/permanent resident)</p> <p>Committee suggests no amendment to this. Operators should ensure their management staff comply with PRA, and Health &amp; safety employment requirements.</p>	<p>Committee recommends that, to obtain a cert, applicant must also agree to facilitate inspections.</p> <p>As far as we have been able to establish no changes have been made to the system as a result of the CSOM 2008 review.</p> <p>The sale of alcohol licence responsibilities are more robust than a certificate to sell body parts.</p> <p>This is madness and they are saying that the system is operating without the confidence and support of the industry’</p> <p>In the sad event that the present system continues, the Committee recommendations should be implemented together with a current business address and confirmation that the H &amp; S documents have been read and understood.</p> <p>Also the Committee recommendation that an applicant must agree to facilitate inspections to obtain a certificate.</p> <p>These requirement This MUST include SOOBs</p>	<p>If there have been no changes to the system since 2007, then it is because Government has decided not to, or that the changes were unnecessary. There is no need for an operator to agree in facilitate inspections as they could potentially happen at any time. Medical Officers of Health have made brothel inspections.</p> <p>Small Owner Operated Brothels typically consist of one sex worker, managing their own sex work. There is no operator as no other person has control over that sex worker. Operator's Certificates are required by those who hold power or control over a sex worker. Claiming that Operator's Certificates "<i>MUST include SOOBs</i>" indicates that the writer is unaware of the law.</p>

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B A	<p>6.7 Recommendations  “Committee recommends that the current brothel certification system be maintained, but that the PRA be amended to extend the period of certificate validity to three years  The majority of the Committee recommends that the PRA be amended to ensure that the list of cert holders be available to be searched by Police, Immigration, OSH, and Medical Officers of Health for the purpose of facilitating the inspection of brothels &amp; brothel operators”</p>		<p>Current Business Premise Addresses must be added to the Op Certificate application form and no change made to the period of validity – especially considering the statement that SOOBs move regularly, they need to notify address changes within 1 week.</p> <p>In the sad event that the present system continue, the Committee recommendations should be implemented together with a current business address and confirmation that the H &amp; S documents have been read and understood. Also the Committee recommendation that an applicant must agree to facilitate inspections to obtain a certificate.</p> <p>These requirement MUST include SOOBs</p>	<p>There is no requirement for an address of the place of business as it is the not the business, but the Operator who obtains the Operator's Certificate, and they, like anyone else, should be able to move from one business to another without having to get a new Certificate. If the Certificate were for the Business, it would be so named.</p> <p>Small Owner Operated Brothels typically consist of one sex worker, managing their own business. There is no operator as no other person has control over that sex worker. Operator's Certificates are required by those who hold power or control over a sex worker. Claiming that Operator's Certificates "<i>MUST include SOOBs</i>" indicates that the writer is unaware of the law.</p>

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A F G	7.6 Reasons for Under Age Involvement in Prostitution	<p>“The CSOM study authors also noted the young people in their study spoke of the need to survive and make money, and their inability to gain financial support through either their parents or the government.”</p>	<p>Show the Committee or Select Committee that the PRA has made prostitution an attractive occupation for vulnerable young people.</p> <p>Saphira Herbert “The Involvement of Children in Commercial Sexual Activity” Quote: 59% of respondents disclosed childhood sexual abuse.</p> <p>Young people who have experienced a high rate of abuse and who lack the guidance and security of a stable home could be very susceptible to suggestion from other people.</p> <p>Witness M was sexually abused as a child. Witness A was introduced to prostitution by an underage friend.</p> <p>Both girls needed money.</p> <p>“Speaking for Ourselves“ ecpat ChildAlert Sarah</p> <p>I got into a fight with my dad and ended up running away coz he was hitting every goddamn person he saw; and I had no money. I met some boys and they said, coz I used to be straight and skinny, I’d be good as a prostitute, but I didn’t know what it was at first. I’ve been doing it since I was 12; they just kept telling me I’d be good until I started doing it.</p> <p>Who were the boys?</p> <p>Boys from Black Power. They’re still my managers today.....</p> <p>Then one of them raped me. He said he was “only showing me what it [prostitution] was like;” and after that I was like “oh nah, I don’t care no</p>	<p>While it is true that some people do start work under the age of 18, it is rare that people under the age of 15 start work.</p> <p>Though there are few comparative studies between sex workers and the general population in respect to sexual abuse, Perkins (1991: 206) shows that there is little difference in the rates of childhood sexual abuse of sex workers and the rates of childhood sexual abuse of health care workers in New South Wales, and little difference between their age of first sexual experience (1991: 202). Perkins (1991: 202) noted that 66.1% of health care workers had their first sexual experience under the age of 10, compared to 44.6% of sex workers, and 60% of students. It is always important to address sexual abuse.</p>

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			<p>more...and I started working.”  Christina  Growing up ...I was sexually abused when I was twelve. My father came into my room and he assaulted me...he fucked me. We were shifting house to house to house...apparently my mum was a worker as well, I didn't know until I was 12.  When did you start sex working?  I started when I was 12...I'd get rolled all the time – by clients and workers, they'd smack me up, take my stuff off me and I'd have to walk home half naked. I feel scared walking outside now, even walking to the bus I feel scared.</p>	

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A	<p><b>8.4 Impact on Street workers</b>  “Street-based sex workers reported that it is now easier to refuse a client. 61.9% of street-based workers in the CSOM study reported that it was now easier to refuse to 'do' a client since the law reform (CSOM, 2007).”</p>	<p>61.9 % of workers find it easier to refuse Johns</p>	<p>38.1% a forced 'to do' a client.   <b>Would YOU put up with this?</b></p>	<p>As noted above, the percentage of sex workers who felt they had to accept a client has reduced from 63% to 38% because of decriminalisation. The confidence of sex workers to object to conditions is growing with the support of the law.</p>
A G	<p><b>8.5.1 The 'Problem' of Street Work for Sex Workers</b>  “The CSOM study found that street-based sex workers are significantly more likely than other sex workers to have experienced violence, threats of violence, to have been raped, had money stolen from them or been held somewhere against their will.”  “The CSOM study also found that street-based sex workers reported receiving requests for sex without a condom more often than workers in other sectors of the industry”</p>		<p>Violence for these workers sadly is widely recognised</p> <p>When out with Drug Arm we are regularly asked for condoms Street Sex sellers are often unprepared. Spreading disease.</p> <p>No improvement since pre PRA.</p>	<p>Contrary to the beliefs of Freedom From Sexual Exploitation and the writer, the relationship between the Police and street based sex workers has improved remarkably since law reform. Police are no longer seen as the enemy, with a prosecutorial position, but are seen as allies and protectors. Street based workers have provided evidence of this help to NZPC indicating that Police have arrested those who have threatened violence against, or have helped ensure that a client has paid for services rendered.</p> <p>Sexual health data indicates a very low level of infection among sex workers.</p>

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A D G	<p><b>8.5.3 Drugs &amp; Alcohol</b>  “71.8% of Auckland street workers interviewed said they would accept drugs instead of money, compared with 45.3% of street workers in Wellington and only 37% of Christchurch street workers.”</p>		<p>Hence frequent SUPPLY and use of drugs as self medication is ignored. Why are drugs required if it is an acceptable profession?  Evidence of mental state. Cross ref Ref 8.5.4  Some are Trapped in a cycle of addiction.  Some are Self medicating to numb the pain</p>	<p>Note that the CSOM report stated that 21.4% of all sex workers started work to support drug or alcohol use, while 16.6% of all sex workers remain in the sex industry to support drug or alcohol use. This indicates a minority of people use drugs or alcohol, and were already using drugs or alcohol before they started sex work. The other claims indicate a lack of knowledge in relation to drug use, and indicate that there is no concern for issues relating to sexual exploitation.</p>

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A G	<p><b>8.5.4. Access to Health Services</b>            “The CSOM study found that street-based workers were more likely to have contact with a mental health practitioner, counsellor or social worker than other sex workers; but they were less likely to have contact with health professionals or have their own doctor.”</p>		<p>ref 8.5.3</p> <p>Most suffer from mental stress or PTSD either as a result as children or due to trauma of prostitution.</p> <p>See Posttraumatic stress disorder among female streetbased sex workers in the greater Sydney area, Australia Amanda Roxburgh, 1 Louisa Degenhardt,1 and Jan Copeland1</p> <p><a href="http://www.ncbi.nlm.nih.gov/pmc/articles/PMC1481550/#maincontent#maincontent">http://www.ncbi.nlm.nih.gov/pmc/articles/PMC1481550/#maincontent#maincontent</a></p> <p>Has Legalisation failed to increase health checkups?</p> <p>When out with Drug Arm we have met many Street sellers of sex with mental health problems. Many suffer from Post Traumatic Stress Disorder. Workers will often not admit to their own Doctor of their employment</p>	<p>These claims are made without comparison to earlier data. Furthermore, their claim that "When out with Drug Arm we have met many Street sellers of sex with mental health problems. Many suffer from Post Traumatic Stress Disorder" cannot be verified. It requires a considerable amount of work to enable a psychiatrist to diagnose a person with PTSD. A number of the studies completed claiming that sex workers have PTSD use a short questionnaire without any in-depth interviews. It is impossible to effectively diagnose PTSD in this way. It is certainly improper to make claims of this kind in the context of what is probably a fleeting contact made on outreach with Drug Arm.</p> <p>The study cited is among 72 street-based sex workers from Sydney, and cannot be used to extend data to all sex workers in the CSOM study, which included street-based sex</p>

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				<p>workers, brothel-based managed sex workers, and private sex workers. Furthermore, the study states "Almost half (47%) of the sample met DSM-IV criteria for a lifetime diagnosis of PTSD. ... Among those with PTSD, a median of 17 years (range 1 to 52) had passed since the most stressful traumatic event occurred. Despite this, 62% of those who met criteria for PTSD (31% of the sample) met DSM-IV criteria for current PTSD (i.e. within the preceding 12 months)." While Freedom From Sexual Exploitation claim "Most suffer from mental stress or PTSD either as a result as children or due to trauma of prostitution", it will be seen that 47% of people meeting PTSD criteria, and 31% meeting DSM-IV criteria for PTSD, is not "most" sex workers. The claim is therefore false. Furthermore, there were also a number of other factors, unrelated to sex work, which may have been the cause of PTSD symptoms.</p>

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A D	<p><b>8.6.2 Means Available to Deal with Social Nuisance</b>            “We believe that it is important for nongovernmental organisations doing this work to be adequately funded and subject to proper accountability to produce the best results. We hope that if sex workers respect the areas where they conduct street work, then residents will be more tolerant of their presence.”</p>	<p>Some Street sellers don’t respect their areas of work- residents are expected to tolerate Street sellers. NGOs need more funds.</p>	<p>Are the NGOs truly accountable for the funds they have been given? Some \$8.6m given to NZPC over 10 years collective. What are the identifiable benefits?</p> <p>What accountability and reporting has resulted from this cost?</p> <p>Local Residents are not happy when sellers are located in their area.</p> <p>What NGO looks after Manufacturing businesses etc for any litter they create, they just get prosecuted?</p> <p>Ref 8.5.5 John McCracken City Councillor has expressed this clearly. The Manukau City Council (Regulation of Prostitution in Specified Places) Bill attempts to deal with this issue.</p> <p><b>However this does not target the demand that fuels prostitution. It does not send a clear message to society that women, men, girls and boys are not for sale. And should not be sold in any circumstance.</b></p>	<p>NZPC is responsible to the Ministry of Health for the provision of services pertaining to the prevention of HIV and STIs, and sexual and reproductive health by providing community based education. New Zealand has a low incidence of HIV among the heterosexual population.</p> <p>It should be noted that the former Manukau City Council never put in more rubbish bins as recommended by the Ministry of Justice. The Local Government and Environment Select Committee has heard evidence on the Manukau City Council (Regulation of Prostitution in Specified Places) Bill. Photographic evidence has been provided to that Committee in regards to the litter in South Auckland.</p> <p>Saying that involvement in sex work is selling a person ignores that it is sexual services being provided, not the rights to a person's body to do whatever is wished. It denies the ability of adult sex workers to consent to commercial sex.</p>

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A D	<p><b>8.11 PLRC Position on Street Based Sex Work</b> Therefore, the Committee considers streetbased sex workers should be encouraged to either move to a safer, indoor setting, or leave sex work altogether “There must be accurate identification of the problem to be addressed; thorough investigation into the causes of the problem; and a clear idea of the outcomes sought, as well as an understanding of the needs of the target group and how best to meet those needs.”</p>	<p>Manage St Sex sellers so that disturbance to local residents is minimised</p>	<p>St Sex sellers are a minority in the community yet police &amp; NGO resources are expected to help manage the needs.</p> <p>As the committee recommends they need to correctly assess the situation in order that they can make recommendations. We suggest the committee try to encourage the on the spot workers to move to safer settings. Individual members of the committee need to visit the areas in order that they can make informed decisions. This needs to be carried out incognito. Freedom would be willing to facilitate this experience.</p>	<p>Victims of domestic violence are also a minority, "yet police &amp; NGO resources are expected to help manage the needs". It is insulting to make such a claim. The language used is also insulting and derogatory, indicating the true aims of the writer and of "Freedom".</p> <p>The writer and Freedom appear to be unaware that the PLRC did visit the areas where street based sex work occurs incognito and were able to observe the situations in each area.</p>
A D	<p><b>8.11.1 Street Workers Should be Supported to Work Safely and with Consideration for Local Communities</b> “Street-based sex workers should be encouraged to work in areas where they will be safe, while at the same time cause the least disturbance to residents” “The Committee also considers consistent enforcement of laws prohibiting littering, offensive behaviour and intimidation may ameliorate the social nuisance”</p>	<p>Committee recommends greater support for NGOs &amp; Outreach workers The use of CPTED guidelines will enhance Street workers safety</p>	<p>CPTED (Crime Prevention Through Environmental Design). This is a generic model covering many aspects of city planning and seems to be an excuse for the issues. Litter prosecution is promoted but in item 8.10 it is recommended not to promote prosecution. “In addition, imposing fines and other criminal sanctions on street-based sex workers is contrary to the intent of the PRA” Ref comments John McCracken on Hunters Corner re disruption and offensive mess.</p>	<p>The Ministry of Justice, in their 2010 report, recommended CPTED measures in Manukau, along with a number of other issues. This recommendation has not yet been completed.</p> <p>Claims that sex workers are the source of offensive litter are an attempt to scapegoat sex workers for the behaviour of others. Photographic evidence provided to the Local government and Environment Select committee shows that sex workers are not the only source of offensive litter: used disposable nappies, etc.</p>

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A	<p><b>9.2 Local Government 9.2.1 Introduction of Local Government in NZ</b></p> <p>“Community consultation by some TAs, notably in Christchurch, Manukau, Auckland and Hamilton revealed strong opposition to the establishment of brothels, particularly in residential areas. The bylaws that resulted from this consultation attempted to control the location of brothels, as well as regulating signage.”</p> <p>“In some cases, the local government and community concern was at odds with the aims of Parliament when it decriminalised prostitution.”</p>		<p>Surely the health &amp; safety of communities, families, children on their way to school etc comes before the health &amp; safety of the sex sellers who are a minority.</p> <p>Communities don't want brothels but they have no choice.</p>	<p>This denies that sex workers and their clients are part of the community that they live and work in, and is an example of "othering".</p> <p>The fact that small owner operated brothels exist in communities indicates that those small owner occupied brothels are wanted.</p>

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A	<p><b>9.4 Comment</b>  “Where there has been a lot of TA activity, such as Manukau and Christchurch, it is often a response to a wide range of social problems that do not necessarily relate to prostitution.” Chapter eight discusses this further.”</p>	<p>This <b>comment is an insult</b> to the people in communities who have to tolerate unwanted legalised prostitution.  The people of Manukau and Papatoetoe were responding specifically to the prostitution issues. Both brothels &amp; Street sellers</p>	<p>These areas are poor areas but the residents, home owners and rate payers still have pride in their community. Unfortunately, poverty and prostitution go together. Is our Govt saying it’s now normal so accept this along with all of your other social problems?  <b>Laws should be provided to protect the majority, not the minority.</b></p> <p>From 9.5.1:  TAs may make bylaws for one or more of the following purposes  *protecting the public from nuisance  * protecting, promoting and maintaining public health and safety  * minimising the potential for offensive behaviour in public places.</p> <p>Refer to statements by John McCracken  And the Prostitution Reform (Control of Street Prostitution) Amendment Draft Bill proposed by the Rt Honorable Mrs Lole Taylor MP Member’s Bill</p>	<p>It seems that Freedom from Sexual Exploitation are willing to overlook the wide range of issues that causes some people to take part in street based sex work. Issues regarding homelessness, family violence, family exclusion, and a number of other issues identified by Save the Children Australia are ignored as "not being important" by the attitude expressed here.</p> <p>The proposed Bill would have negative effects on the lives of street based sex workers, and therefore the communities they live in.</p>
A D	<p><b>9.5.4 The Resource Management Act 1991</b>  “The RMA provides that each TA shall have a district plan covering its district, and that any land use (amongst other things) that would breach a district plan must be the subject of an application for a resource consent.”</p>		<p>“This provides an effective means for TAs to control the location of commercial sexual service businesses,”</p> <p>How can this be applied if an address does not need to be supplied in order to open a brothel or SOOB?</p>	<p>The example of the "Lovely Lily" case in Wellington is an example of how this part of the law is applied.</p> <p>The writer once again forgets that brothels have to advertise in order to get business. Contact details are therefore easily found.</p>

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A C G	<p><b>11.1 Coercion</b>  “4.3% or approximately 28 of the 656 female participants in the CSOM study reported being made to work by someone. This was twice the number of male workers (2.1%); no transgender workers reported being made to work. Of the 201 street workers surveyed, 8% (about 16 people) reported being made to work by someone. Participants who started sex work before the age of 18 (18.3% or approximately 141 people) were more likely to report being made to work by someone (9.5% or approximately 13 people), than those who started after the age of 18 (2.5% or approximately 3 people).”</p>	<p>Participants who started sex work before the age of 18 (18.3% - or approx 141 People of 656 women) were more likely to report being made to work by someone (9.5% or approx 13 people), Of those who started after the age of 18 (2.5% or approx 3 people)</p>	<p>Taking those being forced to work (of only one sector) of the sample of 656 people was 141 people.</p> <p>Who would allow in another business sector where nearly one fifth of the workers were forced to carry out tasks they objected to because it interfered with their private parts?</p> <p>18.3% of underage being made to work by someone is hugely significant i.e. One person in five – Yet the committee does not see coercion as widespread.</p> <p><b>UNDER 18 i.e. IS THE AGE THAT MOST PROSTITUTES START!</b></p>	<p>Age at commencement of sex work is different from age at time of study. While Freedom From Sexual Exploitation are correct in claiming 18.3% of all participants in the CSOM study commenced sex work under the age of 18, the percentage of people under 18 at the time the study was completed was 1.3% (10 people). Furthermore, 35.6% of sex workers entered sex work between the ages of 18 and 21; 35.6% is greater than 18.3%. In acknowledging that 18.3% of people commenced sex work under 18 years of age, Freedom's capitalised statement that most sex workers start under 18 is therefore seen as false.</p>

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A B C	<p><b>11.3 Drug Use</b>  “Street-based workers are also more likely than other sex workers to report accepting drugs, alcohol, food or accommodation as payment for sexual services.”</p>	<p>45.1% of street sellers are more likely to report needing to pay for drugs or alcohol.  10.7% of managed and  13.5% of indoor workers (SOOBs?) needed to pay for drugs or alcohol.</p>	<p>See Table 15  Are they saying its no big deal if up to 45% of other businesses sell to pay for drugs.  Also ref See NSW highlight in yellow  What % are street workers to total 395/2332 = 17%  This is fuelling the black economy  Freedom see some very sad addiction cases while out with Drug Arm</p>	<p>Approximately 17% of sex workers are street based sex workers. A number of these street workers are vulnerable, and have chaotic lives. They may be homeless, and couch-surfing, while some may not even have that. It should be noted that upon starting sex work, 52.3% of street based sex workers, 14.3% of managed indoor sex workers, and 18.8% of private indoor workers started sex work to pay for drugs or alcohol. When compared to those who remain in sex work to pay for drugs or alcohol, the respective percentages reduced to 45.1% (down by 6.2%), 10.7% (down by 3.6%), and 13.5% (down by 5.3%). This indicates that sex work has a stabilising effect on at least some people. Nevertheless, there are still some people who continue to use alcohol and drugs. Rather than criminalising these vulnerable people, it would be better to ensure that resources were made available to help them in regard to these issues if they so wished.</p>

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A E	<p><b>12.3 Comment</b> “While demand to buy sex persists, ways need to be found to reduce the vulnerability of workers and increase perceptions of them as human beings with rights that need safeguarding.”</p>	<p>Committee wants research to identify NZ clients &amp; their motivations. They don’t want to criminalise clients and unintentionally increase the vulnerability of Sex sellers</p>	<p>This is a supply and demand industry but Demand will fall if the client knows he will face criminal penalties for fuelling the industry as per Sweden’s example. Particularly if he is violent.</p> <p>The PRA has made the purchase of sex legal; therefore it has provided protection to the men who drive the demand and to the pimps and managers who live off the sellers.</p> <p>The focus of the PRA is on promoting the rights, health &amp; well being of sex sellers Since they are making it legal it also protects the clients and produces the demand of these clients seeking to purchase sex.</p> <p>The more it is normalised the more the demand will increase.</p> <p>It states that demand to buy sex will persist SO why don’t the authorities ensure they reduce the vulnerability of workers by providing monitoring that the PRA provides. i.e OSH inspections instead of doing Lip Service.</p>	<p>The PRA enables sex workers to hold brothel operators and clients to account if necessary, and to address sexual exploitation through Employment Mediation, etc., For example, NZPC has supported sex workers making complaints to the Police, the Human Rights Commission, Disputes Tribunal, etc. Sex workers would be unlikely to report violence if clients are criminalised, as this would become known through forums, as it does in Sweden, and the sex worker would get few further clients, forcing that worker to do other work they do not want to do. Sex workers are already complaining about a lack of clients and about having to do other work they do not want to do.</p> <p>There are a number of problems</p>

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			Freedom's submission of prosecuting clients will enable the workers to report violence to police and KNOW that the clients will be convicted.	with the Swedish law criminalising clients. It is claimed by the Swedish Government that the number of sex workers has decreased, yet there was no accurate estimation of the number of sex workers before and after the law came into effect. How can something have decreased when it not known what the original figure was? Similarly, there are claims by the supporters of the Swedish law that the number of clients has reduced. Again, there was no accurate estimation of the number of clients of sex workers before and

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				<p>after the law came into effect, so again, it is impossible to say whether the number of clients has decreased. The official evaluation, which is filled with errors, states that:</p> <p><i>"People who are currently being exploited in prostitution state that the criminalization has intensified the social stigma of selling sex. They describe having chosen to prostitute themselves and do not consider themselves to be unwilling victims of anything. Even if it is not forbidden to sell sex, they feel they are hunted by the police. They feel that they are being treated as incapacitated persons because their actions are tolerated but their wishes and choices are not respected. Moreover, they state that there is a difference between voluntary and forced prostitution. ... For people who are still being exploited in prostitution, the above negative effects of the ban that they describe must be viewed as positive from the perspective that the purpose of the law is indeed to combat prostitution."</i></p> <p>In other words, <b>the report states that it is good that sex workers are stigmatised and harassed by the police, and treated as second class citizens without rights.</b></p>

## ADDENDUM 4

### Bias in the Review Report Cat B Notes on CSOM Report 2008

Page #	Section # Title and Quotation	Summary of Item Issue	Submission Comments	NZPC Response
B	<p><b>2.6.3 Decriminalisation as a Reason for Entering the Sex Industry.</b></p> <p>“A quarter of respondents to the CSOM quantitative survey said that one of the reasons for entering the sex industry was that it was no longer illegal. However, few sex workers who took part in the qualitative interviews cited decriminalisation as the reason, or a major reason for entering the sex industry. The main reasons for entering the sex industry remained financial.</p> <p>Workers who had considered the legal status of sex work were not asked whether they would have entered the sex industry if it was still illegal. Therefore, it is not possible to know whether decriminalisation precipitated their entry, or whether they would have started sex work regardless of its legal status.</p> <p>The committee considers decriminalisation has not become a significant factor in peoples decisions to enter the sex industry”</p>		<p>Freedom has two witnesses who say decriminalisation &amp; financial were the reasons they started.</p> <p>This is major reason for young people entering the industry.</p> <p>It has reduced the publicity from prosecution and hence the criminal stigma of people being aware of their profession</p>	<p>Freedom has two witnesses out of a total 230 street based sex workers in Auckland that say "decriminalisation &amp; financial were the reasons they started." Freedom then claim that "This is the major reason for young people entering the industry". They do not make it clear if, as indicated in column 2, that the major reason is decriminalisation (untrue) or financial (true). The Christchurch School of Medicine found that 30.1% of 395 street based sex workers around New Zealand started sex work because it was not against the law (compared to 28.1% of indoor managed workers and 23.3% of private indoor workers). For street based sex workers, the most common reason for starting work was the need for money, then to pay for household expenses, then to pay for luxuries, and it isn't until 13 place, out of 18 reasons, that "Because it is not against the law" appears as a reason to start work. This compares to 8th place for managed workers, and 10th place</p>

				for independent workers. Therefore decriminalisation is not a major reason for street based sex workers starting work in the sex industry, but is one of many factors. There is no break down of reasons for starting sex work by age.
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A B	<p><b>4.1.1 Safer Sex</b></p> <p>“Over three-quarters of all CSOM survey participants reported that they always used a condom for any form of penetrative sex”</p>	<p>“Hence a quarter of the CSOM &amp; CJRC reported they don’t use condoms.</p>	<p>When ‘Freedom’ are out with Drug Arm we are regularly asked for condoms. It proves some Sex sellers are unprepared. Often under the influence of drugs or alcohol. “Both the CJRC and the CSOM reports cite numerous examples of sex workers being able to negotiate safer sex by stating that it is against the law for them not to practice it” If they are not prepared then they are breaking the law ref OSH guide. Something does not ring true here- 0% of 343 workers were HIV positive. Ref 4.1 Comment NZPC are contracted promote education – BUT Who monitors HIV?</p>	<p>This is an assumption only. Street based sex workers are used to people who provide outreach to them providing them with condoms, so it usual for them to ask, regardless of who is doing the outreach. The claim by Freedom that ““Hence a quarter of the CSOM &amp; CJRC reported they don’t use condoms”, ignores the comment in the Christchurch School of Medicine report which states: <i>Over three quarters (77.8%) of all survey participants reported that they always used a condom for vaginal, anal and oral sex, with only small differences between sectors. There were few reports of unprotected sex in the last 12 months for vaginal or anal sex (see Table 6.7). However, more than one tenth of participants indicated that they had not used protection with a client in the last 12 months for oral sex; both oral sex performed on the clients (blow jobs) and oral sex which the client had performed on them (going down).</i> Freedom should have read this before making their comment. It is clearly stated in the PLRC report in the next paragraph from that cited, that the AIDS Epidemiology Group (at Otago university) monitors HIV.</p>

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B D G	<p><b>5 Avoiding or Exiting the Sex Industry</b></p> <p><b>5.1 Introduction</b></p> <p>“The Committee concludes that amendment to the PRA is not required, nor feasible, regarding avoiding entry and assisting with exiting.”</p>	<p>“First, the most common reason for entering the industry is financial. The most effective way to ensure people do not enter the sex industry is to help them find other ways of earning money. Second, exiting the industry is difficult, and often involves several attempts. Third, by no means all sex workers want to exit, and some sex workers find it offensive that they should be being offered assistance to leave a job where they are quite happy. Finally, there are as many reasons for exiting as there are reasons for entering the sex industry, and a 'one size fits all' approach to 'exiting interventions' or 'support and assistance in exiting' will not be appropriate.”</p>	<p>If there are less clients driving the demand, there will be less incentive to enter prostitution.</p> <p><i>OSH implemented programmes concerned with employers causing mental stress in the work place, in every other industry.</i></p>	<p>As the overwhelming reason sex workers start work is to provide money, and most of that is for household expenses, it is unlikely a reduction in clients would mean less sex workers. It would mean more competition between sex workers, with sex workers offering cheaper rates, and therefore having to stay out longer to make ends meet, subjecting those sex workers to mental stress in the workplace. Furthermore, there is no evidence from Sweden that the law criminalising clients actually reduced the number of clients. There was no base number acquired before the law came in to establish the number of clients at that point, and there has been no count of the number of clients since clients were criminalised. It is therefore impossible to say whether the number of clients has decreased. While the visible number of clients may appear to have decreased, the clients who are no longer visible may be meeting sex workers in other venues.</p>

Page #	Section # Title and Quotation	Summary of Item Issue	Submission Comments	NZPC Response
B G	<p>5.2.1 Entering the Sex Industry  “that a combination of 'push' and 'pull' factors are at play when entering sex work. Push factors – particularly for young street workers – can include abuse and neglect, a breakdown in care-giving, school exclusion, homelessness, and lack of money. Pull factors can include excitement, encouragement from others involved in sex work, and a way of seeking affection. Freedom to work one's own hours to accommodate childcare or study responsibilities is another pull, particularly for brothel or small owner-operator brothel (SOOB) workers. Of most importance, though, seems to be that sex work can offer more money than is available from 'straight' jobs.”</p>	<p>Abuse, neglect, breakdown of family, homelessness. More money than straight jobs, excitement</p>	<p>A quarter of CSOM surveyed sellers said they entered because it's not illegal [bottom of Table 12]but this was not highlighted by the CSOM committee.  Note: The CSOM review is based on Otago University research paper:-  <a href="http://www.justice.govt.nz/policy/commercialproperty-and-regulatory/prostitution/prostitutionlaw-review-committee/publications/impacthealthsafety/documents/report.pdf">http://www.justice.govt.nz/policy/commercialproperty-and-regulatory/prostitution/prostitutionlaw-review-committee/publications/impacthealthsafety/documents/report.pdf</a>  Disadvantages reported in the qualitative interviews included:  The continuing stigma of sex work and harassment by the general public.  Many participants talked of the physical and mental stress of the work.  This item is from the Otago University Report Executive Summary page 11 under the heading benefits of working: But is omitted from the Committee's report.  Refer CSOM report Table 12: Reasons for Entry. I have two witnesses who will say they entered because it was legal.  When talking to witness m, she hadn't realised how childhood abuse led her</p>	<p>See response to 2.6.3  Decriminalisation as a Reason for Entering the Sex Industry for a reply to their 2 witnesses.</p> <p>Perkins (1991: 206) shows that there is little difference in the rates of childhood sexual abuse of sex workers and the rates of childhood sexual abuse of health care workers in New South Wales, and little difference between their age of first sexual experience (1991: 202), indicating that 66.1% of health care workers had their first sexual experience under the age of 10, compared to 44.6% of sex workers, and 60% of students.</p> <p>While continuing stigma is still a problem for many sex workers, it should be noted that the Swedish evaluation of their law reports that criminalising clients has increased stigma against sex workers, and led to greater amounts of police harassment, and that sex workers are treated as second class citizens without rights. Furthermore, the report concludes this increased stigma against sex workers is a good thing.</p>

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			to entry. It began with payment via alcohol & cigs while still at school. Many female and transgender sex sellers that I speak to on the Street have been sexually abused as children.	
B G	<p><b>5.2.2 Expected Length of Stay in the Sex Industry</b></p> <p>“Almost a third of participants were unsure of how long they would be working in the industry,”</p>	Table 13 shows that 48% of workers with less than 1 year experience expected to stay less than 1 year.	<p>Refer Table 13</p> <p>The fact that 48% of workers with less than 1 year experience expected to stay less than 1 year. This is a huge indictment as to those who wanted (rather than needed) to stay in the industry.</p> <p>The table indicates that after they have worked for more than a year it becomes a way of life to sustain their “problems”.</p>	The conclusions drawn here are not supported by the text in either the PLRC or the Christchurch School of Medicine report.

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B G	<p><b>5.4 Exciting the Sex Industry</b>  <b>5.4.1 Sex Workers who do not wish to Exit-</b></p> <p>. “While there is a common perception that sex workers are in the industry through desperation or lack of choice, most are not, and some may be offended by being offered assistance to leave.”</p>	<p>17.6% remain as they don’t know what else to do. Sellers in Soobs &amp; brothels managed to save. Table 15 shows that 44% of St Workers and around 70% of other workers saved. Survival was key benefit for 96% of Street sellers</p>	<p>See Pdf. Of Otago Report</p> <p>See p 190 Questionnaire Q22 and Q23 Q24 specifically on stress/health – Also Q 25/6/7 on Alcohol &amp; Drugs. But is there any comments in report? If so why not picked up by committee? P197 Q41 Reasons for refusing client. i.e . dangerous client–Any report?</p> <p>Liken camaraderie to being in Christchurch earthquake street. Refer Tables 15&amp;16 [CJRC =Crime and Justice Research Centre, Victoria University of Wellington]</p> <p>I’ve survived?  97% of street sellers Ref table 16 (same as Top of parge 68 2013 Otago report). What does this really mean? (refer to Freedoms written summary for the answer)</p> <p>Note Otago Uni paid the sellers essentially the same price as Melissa Farely paid her sample sellers. But Georgina Beyer rubbished Melissa Farely for paying consolation for time</p>	<p>The PLRC does report on alcohol and drugs, clearly stating on page 69 that other than street based sex workers, it is a relatively small driver for people entering or remaining within the sex industry. There are several other places where alcohol is mentioned as well. A simple search would have located these for Freedom. Table 11 of the PLRC reports reasons for refusal. Again, a simple search by Freedom would have revealed this.</p> <p>Is camaraderie part of any job, or do people in other jobs all dislike each other? This comment makes little sense.</p> <p>As with any job, if you are still able to work, etc, you have survived. Even if your standards are extremely high, it is possible to show some benefits of a particular type of employment. The author here is value loading their own bias. There were a number of other things wrong with Farley's study into 2002 - among with were the lack of ethical approval from the New Zealand Psychological Society, complaints about the manipulation of</p>

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			<p>spent. When your, or any standard is incredibly low, it is very easy to show some benefits (improvements). Also ref 5.2.4</p> <p>This table needs to relate to Table 13 which says those in industry less than a year do not see themselves staying in it.</p>	<p>data, etc. It has also been found that Dr Farley has continually repeated the false claims about a "400% increase" in Auckland street based workers, and has also misrepresented the situation in New Zealand. She was a witness in the Bedford case in Canada, and Himmell J found her to be unreliable.</p>
C B	<p><b>6.2 How the System Operates</b>  <b>6.2.1 Who Requires a Certificate?</b>  "Under section 34, every operator of a business of prostitution must hold a valid operator's certificate."  "This definition includes managers and receptionists."  "Some street workers have 'minders', who could be considered operators of businesses of prostitution under the PRA; however, this is yet to be tested by the courts."</p>	<p>The definition of operator (section 5) Anyone who determines when or where Sex sellers will sell.  Includes Mangers &amp; [some] receptionists. Street sellers 'minders' have not yet been tested by the courts (ie real pimps)  Quoting from 6.1 Comment: "However, as the Select Committee noted, it is possible to circumvent such a system by using a front person who has no disqualifying convictions."</p>	<p>Only permanent NZ residents can apply.  Appears SOOBs are NOT excluded judging by PRA definition. Minders have never been tested in court.  See also 6.32 and 6.4.2 and 6.6</p>	<p>While citing and quoting s5 of the Prostitution Reform Act, Freedom appear to be deliberately omitting ss5(2), which states:  <i>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.</i>  It is difficult to understand how Freedom could miss this subsection after reading, copying, and pasting subsection 5(1).</p> <p>"Minders" may also be partners of sex workers who are there to ensure their partners safety while they are at work on the streets. They take note of number plates, etc. Sex workers may also hire minders for this role, as opposed to the minder determining their sex work. As such, they would</p>

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				not be operators as they are not managing a sex worker.
C D B??	<p><b>6.2.5 Register of Brothel Operators</b></p> <p>“The Auckland District Court maintains the register of holders of brothel operator's certificates.”</p> <p>“The register only contains the details provided on the application forms, and therefore does not include the name or names of any business of prostitution the certificate holder is associated with.”</p>	<p>No authority holds a register or list of business premises. The record only lists a residential address for the person who holds an Operator Certificate.</p> <p>Quoting from 6.1 Comment: “However, as the Select Committee noted, it is possible to circumvent such a system by using a front person who has no disqualifying convictions.”</p>	<p>Business address MUST be supplied.</p> <p>Also for SOOBs</p> <p>Address of Brothels MUST be recorded to ensure inspections can be made.</p>	<p>Again, Freedom shows a lack of knowledge about Small Owner Operated Brothels. There is also no legal requirement for a territorial authority to make a bylaw that requires them to hold a register of brothels. There is good reason for this, as explained by the Select Committee:</p> <p><i>The District Court should issue the certificates. This would keep costs low and parallel other licensing regimes. The District Court also has previous experience with licensing under the Massage Parlours Act 1978 (p29).</i></p> <p>If the addresses for private workers (SOOBs) are made publicly available, this leaves them open to threats or violence from neighbours or others who do not brothels in residential areas. The request from Freedom to make these addresses public therefore endangers these sex workers, and indicates that Freedom is not seeking to ensure the safety and health of sex workers.</p>

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B D	<p><b>6.4 The NZ Certification System</b>  <b>6.4.1 Information From Brothel Operators</b>  , “a two-tier system of certified and uncertified (illegal) brothels does not seem to have developed in New Zealand.”  “However, some operators reported that it was in fact too easy to get a certificate.  They are too easy to get. I've lost confidence in the system. I used to be a car dealer and to get a licence was really hard. For this, there is no training, no interview, no asking what you know. What's the point? “</p>	<p>Some operators reported it was too easy to get a certificate. Some operators don't require their receptionists and staff to hold certificates. Some hid under the guise of SOOBs.</p>	<p>Point out The law is too easy. Sellers if liquor and Car dealers need a certificate which is not easy to obtain, yet brothel operators who are selling body parts have very few restrictions or obligations and the certificate is easy to get.</p>	<p>There a small number of brothel owners who make this claim, primarily because they think that other's are opening brothels "too easily", and therefore threatening their income. These brothel operators also believe that all sex workers should work within brothels, and not be allowed to work independently. Working for themselves and independently, or with other sex workers allows options and reduces coercion and exploitation that may occur if sex workers had to work solely with brothels. The Select Committee stated it wanted an easy system:  <i>A certification regime should be simple and straightforward. It should not be onerous or expensive as this may discourage compliance. Extending it to factors other than disqualifying convictions leads to a more complex regime.</i></p>

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B	<p><b>6.6. The Way Forward</b></p> <p>“The danger of a two-tier system of legal and illegal brothels developing must be avoided.” Therefore, regulation should initially be kept to a minimum whilst still providing adequate checks on those managing sex workers.</p> <p>Gradual changes are needed to ensure the confidence and support of the industry.”</p>	<p>Current provisions require greater enforcement to give effect to the purpose of the PRA.</p>	<p>Current system does nothing to prevent exploitative or coercive practices.</p> <p>If laws are passed they must be enforced. What other industry is fed on baby milk?</p> <p><b>NZ already has a two tiered system because of SOOBs See item 6.3.2</b></p>	<p>Here Freedom once again shows a lack of understanding regarding a "two tier" system that is discussed by both the Select Committee and the PLRC. Both Committees understood "two tier" to mean a legal sector regulated by employment and other relevant law, and an illegal sector, working outside the law, where exploitation may occur. The current system allows sex workers to come forward and complain to the Disputes Tribunal, the Employment tribunal, the Human Rights Commission, the Police, and any other relevant authority without being arrested themselves. This ensures that exploitation and coercion are kept to a minimum. The laws are enforced. NZPC has assisted a number of sex workers through these systems, and have seen sex workers access justice on a number of occasions</p>

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D B	<p><b>6.6.4 Should Certificates be Linked to Businesses?</b></p> <p>“However, a minority of the Committee strongly disagreed. It was argued that smaller operators would be disadvantaged by having to declare their business address as they may be operating from a rental property where the landlord is unaware of the nature of their business. In addition, smaller operators often move premises. The requirement to update certificate details each time they moved would become onerous and may become a reason for non-compliance”.</p> <p>“However, the Committee also acknowledges the very real fear that exists within the sex industry. Any possibility that this fear could be reason for brothel operators not to comply with certification should be taken seriously.”</p> <p>“The Committee also notes information from Immigration New Zealand that the absence of a list of businesses of prostitution does not prevent inspections and compliance operations. In addition, IRD has been able to contact brothel operators without the aid of a list of businesses.”</p>		<p>The second paragraph states smaller operators would be disadvantaged by having to declare the nature of their business if they are renting. What about the Landlord and surrounding families. Bryan Johnson has an example of this. Landlord was overseas &amp; his property on Ladies Mile was used as a brothel without his knowledge (probably a SOOB so that it didn't need a certificate) Foot and car traffic increased and the disruption to the neighbourhood was huge.</p> <p>SOOB Firecats moved from Ascot Ave, Remuera to opposite a school in Ponsonby.</p> <p><b>The IRD has only approx 10% of workers returns.</b></p>	<p>Firecats is not a SOOB, but a managed brothel whose operator requires an operator's certificate.</p> <p>It should also be noted that the inclusion of the claim regarding tax also appears to indicate that Freedom is more interested in tax compliance than sexual exploitation. Sex workers use a variety of BIC codes that are not included in the list they gave in "Accepted Business Practice".</p> <p>IRD has been collecting tax revenues from sex workers and brothels since prior to decriminalisation. IRD have always upheld that they are amoral in this respect.</p>

Page #	Section # Title and Quotation	Summary of Item Issue	Submission Comments	NZPC Response
B A	<p><b>6.7 Recommendations</b>  “Committee recommends that the current brothel certification system be maintained, but that the PRA be amended to extend the period of certificate validity to three years The majority of the Committee recommends that the PRA be amended to ensure that the list of cert holders be available to be searched by Police, Immigration, OSH, and Medical Officers of Health for the purpose of facilitating the inspection of brothels &amp; brothel operators”</p>		<p>Business Premise Addresses must be added to the Operators Certificate and no change made to the period of validity – especially considering the statement that SOOBs move regularly, they need to notify address changes within 1 week.</p> <p>This must include SOOBs</p> <p>We agree with the Committee recommends that comprehensive information on brothel operators’ rights and responsibilities should be provided to applicants at the time they receive a certificate. Committee recommends that an applicant must agree to facilitate inspections to obtain a certificate.</p>	<p>The addresses of brothels are easily obtained from their adverts in newspapers and on the internet. There is therefore no need to have that address on the Certificate. It is the person that is being certified, not the business. The certification scheme is about the employment relationship between two or more people. SOOBs are specifically exempted as indicated above.</p>

Page #	Section # Title and Quotation	Summary of Item Issue	Submission Comments	NZPC Response
B F	<p><b>7.6 Comment</b>            “The Committee does not consider the PRA has made prostitution an attractive occupation for young people. The number of young people in crisis or lacking other means of support who become involved in prostitution to survive is outweighed by those young people in similar situations who do not. Nevertheless, the involvement of an under age person in prostitution adds to, rather than alleviates, the problems they face.”</p> <p>All measures should be taken to divert under age people from entering the sex industry as a means of survival.”</p>		<p>But nothing effective has been introduced. The number of young people in crisis or lacking other means of support who become involved in prostitution to survive is outweighed by those young people in similar situations who do not. i.e nearly 50% is deemed to be okay            Committee does not believe underage selling automatically means a young seller should have support.</p>	<p>On pages 24-25, the Select Committee made various recommendations in regards to underage prostitution. The PLRC noted that while "not all young people faced with similar challenges will become involved in under age prostitution":  <i>entry into the sex industry may be caused by homelessness, family breakdown, the influence of others, abuse (sexual, physical and psychological), poverty, drug and/or alcohol abuse, educational underachievement, or unemployment.</i>            These underlying issues would need to be addressed by government, territorial authorities, and others, in relation to underage prostitution.</p> <p>The final sentence of Freedom's comment is an impossible reading of the PLRC Report.</p>
B D	<p><b>8.10 Comment</b>            “Decriminalisation did not create the problems experienced by communities in which street prostitution takes place “Wrong – see John McCracken . doc            “...decriminalisation, via the PRA, is partially achieving one of its purposes in terms of promoting the welfare and occupational health and safety of sex workers. However, the Committee</p>		<p>----- Committee recognises decriminalising alone has not solved all problems associated with Street sellers</p> <p>The committee mean the decriminalisation of the seller. Need to Criminalise the clients            The view that De-criminalising sellers did not create problems with communities is incorrect with regards</p>	<p>Perceived problems with street based sex workers existed before sex work was decriminalised. Street based sex workers were in South Auckland prior to 1998, and complaints have been received since before 2000. Street based sex workers in South Auckland prior to 2003 were subject to arrest for soliciting. This often meant that sex workers were worried about carrying condoms as these could have</p>

Page #	Section # Title and Quotation	Summary of Item Issue	Submission Comments	NZPC Response
	recognises decriminalising prostitution alone cannot fully achieve this aim.”		<p>to nuisance – see appendix Street Prostitution your Neighbourhood.doc John McCracken Geogina Beyer has stated that a main reason that the PRA was introduced was that they believed Street prostitution would decline.</p> <p>NZ needs to follow the Swedish (Nordic) Model.</p>	<p>been used as evidence if they were arrested. Street based sex workers were subjected to violent and threatening behaviour prior to the PRA, and had little or no recourse. Now, street based sex workers complain to the police if someone threatens them or withholds payment. Furthermore, corruption with rogue police officers has also been addressed. The complainant in 2009 made it clear it was only because sex work had been decriminalised she felt confident enough to make the complaint that led to the conviction and imprisonment of a police officer.</p> <p><b>The estimated number of street based sex workers in all of Auckland (Auckland and Counties Manukau Police Districts) prior to the PRA was 510. In 2007, the number of all sex workers in Auckland was estimated at 230. <u>This is a reduction.</u></b></p>

Page #	Section # Title and Quotation	Summary of Item Issue	Submission Comments	NZPC Response
B D	<p><b>9.3 Role of Territorial Authorities under the PRA</b></p>	<p>, “the location of brothels can only be regulated; brothels cannot be prohibited altogether. In addition, rights under the Bill of Rights Act, such as the right to freedom of association, must be respected.”</p> <p>“Ultimately it is for each TA to determine the most appropriate and efficient response [to the PRA] given the risks and consequences of adverse effects on the environment and particular actors of the community' (Local Government New Zealand, 2003).”</p> <p>Brothels can only be regulated, they cannot be prohibited altogether.</p>	<p>Do any other businesses have the right NOT to be prohibited?</p> <p>This is how the Chow Bros successfully got resource consent for the Mega Brothel. Auckland Council engineer says it will bring vibrancy to the area.</p> <p>Sadly it has set precedents for Auckland</p>	<p>It is unlikely that 2 floors in a 15 floor building that will include a hotel, bars, and restaurants could be called a "mega brothel", yet the media, and therefore Freedom, mistakenly call it such. There are already larger brothels in Auckland, yet these are not called "mega brothels". It is likely that the businesses other than the brothel - hotels, restaurants, and other forms entertainment - that that council engineer is seeing as adding vibrancy to the area.</p>

Page #	Section # Title and Quotation	Summary of Item Issue	Submission Comments	NZPC Response
C B	<b>10.6 The Formalisation of Employment Relationships</b>	<p>“Some sex workers are concerned about brothel operators passing their personal information on to other authorities, such as the Inland Revenue Department. NZPC reports that some sex workers are concerned that they will be assessed for back taxes if they become known to IRD and, in a meeting between IRD and the Committee's secretariat, IRD reported that there had been some calls from sex workers for a tax amnesty for their earnings before the industry was decriminalised. This was confirmed by NZPC.”</p>	<p>IRD &amp; ACC are receiving revenue from less than 10% of the 2300? or so of Sex industry.</p> <p>They have only been collecting ANY returns since 2008 – What happened before that?</p>	<p>This shows the difficulty in only selecting a small sample. As already indicated, sex workers use far more BIC codes than those chosen by Freedom, therefore the claim of 10% is false and misleading.</p> <p>Again, as previously indicated, IRD have been collecting tax from sex workers since before the PRA was introduced to Parliament, during the time sex work was criminalised.</p> <p>NZPC first met with IRD when the Special Audit unit became proactively interested in approaching sex workers in 1994. Booklets targeting sex workers were developed by the IRD after this.</p>

Page #	Section # Title and Quotation	Summary of Item Issue	Submission Comments	NZPC Response
CB	<p><b>10.6 Comment</b>            “The formalisation of employment relations would provide more certainty with regard to the payment of tax by sex workers. It has become apparent to the Committee that some employers are not taking their responsibilities in respect of employment arrangements seriously. They have a role to play in regularising the contract arrangements with managed workers. This includes employment status and the provision of best practice employment arrangements. Brothel operators must recognise the new legal status of the sex industry, and align their practices with other industries in the service sector.”</p> <p><b>10.6 Comment</b>            Some employers are not taking their responsibilities seriously</p>	<p>Operators must align their practices with other industries in the service sector. Committee is concerned professionally written contracts might lead to a two tier industry.</p>	<p>There is much mentioned about employment contracts in light of a previous comment that All brothel owners interviewed said that their workers were independent contractors SOOBs mean that a two tier industry has already been created.</p> <p>If every worker does not have a contract of employment or contract of service they are illegal anyway.</p>	<p>Again, Freedom shows a lack of knowledge about Small Owner Operated Brothels. The "two tier industry" the Select Committee and the PLRC were concerned about were the legal/illegal tiers.</p> <p>Many sex workers have contracts with brothel operators.</p>
C B	<p><b>10.7 Next Steps</b>            “best practice employment relationships would be an excellent way to foster the 'normalisation' of the industry that the PRA foreshadows. As a first step, the Committee considers that extra information on employment matters could be included when providing</p>	<p>“The Committee notes that streetbased workers &amp; workers in SOOBs are self employed, and do not have employment contracts to negotiate. However, as self employed workers they have tax, ACC &amp; OSH obligations that they must meet.”</p>	<p>‘Normalisation’ is not what residents and rate payers want.</p> <p>See xls ACC spreadsheet</p>	<p>Again, this shows that Freedom is not interested in the safety and health of sex workers, but seeks abolition, even at the risk of violence against sex workers.</p>

Page #	Section # Title and Quotation	Summary of Item Issue	Submission Comments	NZPC Response
	brothel operators with brothel certificates.”			
B	11.2 <b>Links with Crime and Gangs</b>	“underage people involved in Auckland may have connections to ‘youth gangs The (Police) Association said there was no evidence of a linkage between under age people used in prostitution and the 'traditional' patched gangs.” “One reason given for gangs' lack of interest is that it is high risk for little reward.”	Anecdotally, A has told me that gang members do take young girls out to stand on the street corner but when the girls realise most of the money is going to their (minder) gang member they quit. With prostitution now legal this doesn't make sense – or does the mafia have it wrong? Ecpat book "Speaking for Ourselves" that I have included in Data Sheet 7. There a couple of stories that mention gang involvement.  How can the PRA have made it LESS attractive to gangs when it was illegal before?	A few stories do not indicate widespread involvement of criminal gangs. Sex workers no longer fear prosecution from the police and other authorities. Police are now there to protect sex workers, rather than prosecute them. Because of this, any possible gang threats of intimidation are countered by the Police, thus making it less lucrative and attractive to gang involvement. Furthermore, historically, gang involvement has not been significant in the sex industry, nor is it relevant today. There are some people with connections to gangs who work as sex workers in brothels, in SOOBs, and on the streets.

Page #	Section # Title and Quotation	Summary of Item Issue	Submission Comments	NZPC Response
A B C	<p><b>11.3 Drug Use</b></p> <p>“Street-based workers are also more likely than other sex workers to report accepting drugs, alcohol, food or accommodation as payment for sexual services.”</p>	<p>45.1% of street sellers are more likely to report needing to pay for drugs or alcohol.</p> <p>10.7% of managed and 13.5% of indoor workers (SOOBs?) needed to pay for drugs or alcohol.</p>	<p>See Table 15</p> <p>This is concerning that up to 45% of other industry of sellers, sell to pay for drugs. Also see ref to NSW Govt funded report Amanda Roxburgh, 1 Louisa Degenhardt,1 and Jan Copeland1</p> <p><a href="http://www.ncbi.nlm.nih.gov/pmc/articles/PMC1481550/#maincontent#maincontent">http://www.ncbi.nlm.nih.gov/pmc/articles/PMC1481550/#maincontent#maincontent</a></p> <p>What % are street workers to total 395/ 2332 = 17%</p> <p>This is fuelling the black economy</p>	<p>Upon starting sex work (table 12 in the PLRC Report), these figures were 52.3%, 14.3%, and 18.8%, indicating that there is some form of reduction in drug use. The Sydney report cited by Freedom, indicates that 82% of the 72 participants in the study were heroin dependant, almost twice that of the Abel et al (2007) study who used any form of drugs. Furthermore, The Sydney study shows that of those street based sex workers in the study (the entire 72), 53% used drugs to facilitate sex work, while in New Zealand, it is 30.8% of the street based sex workers who use drugs (i.e., about 23% of all street based sex workers in the Abel et al study), use drugs to help them get through sex work. This is a significantly lesser percentage than the Sydney study.</p>

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B	<p><b>13</b></p> <p>1st paragraph</p> <p>“The Committee considers that in New Zealand, there is no link between the sex industry &amp; human trafficking.”</p> <p>“The New Zealand definition of trafficking requires international movement.”</p>	<p>“Section 16 of the PRA, makes it an offence to compel (via threat or any other means) a person to provide commercial sexual services, or earnings from prostitution.”</p>	<p>NZ only considers trafficking when it is across a border.</p> <p>Connection of Section 16 to 11.1 Participants who started sex work before the age of 18 (18.3% or approx 141 People) were more likely to report being made to work by someone</p> <p>“Brothel operators and sex workers cannot contract out of the protections provided by sections 16 and 17 of the PRA (the right not to be induced or compelled to provide commercial sexual services, and the right to refuse to do so). Any such contract will be illegal, and shall have no effect under the Illegal Contracts Act 1970.PRA “</p> <p><a href="http://www.nzherald.co.nz/nz/news/article.cfm?c_id=1&amp;objectid=10912052">http://www.nzherald.co.nz/nz/news/article.cfm?c_id=1&amp;objectid=10912052</a></p>	<p>The Ministry of Business, Innovation, and Employment states that:</p> <p><i>"People trafficking is a crime against humanity that crosses international borders. It is the act of recruiting, transporting, transferring, harbouring and receiving a person through the use of force, coercion or other means for the purpose of exploiting them. A victim of people trafficking is deceptively recruited into exploitative conditions; they may be bonded to their traffickers through an unacceptable debt and in many cases kept in slave-like conditions."</i></p> <p>Coercion covered by the PRA does not require "transporting, transferring, harbouring" or "use of force" as a means of exploitation, and therefore has a wider means of protection than the definition of trafficking.</p> <p>The woman mentioned in the article included by Freedom was raped repeatedly by her uncle before he forced her into a brothel. This rape and sexual assault is separate from the coercion used to force her into a brothel, and the case is not trafficking. It could have been dealt with under both s16 PRA and ss127-135 of the Crimes Act.</p>

Page #	Section # Title and Quotation	Summary of Item Issue	Submission Comments	NZPC Response
B	<p><b>Conclusion</b> 14.0 Paragraph One</p> <p>“On the whole, the PRA has been effective in achieving its purpose, and the Committee is confident that the vast majority of people involved in the sex industry are better off under the PRA than they were previously.”</p>		<p>This is not the case.</p> <ol style="list-style-type: none"> <li>1. Stigma attached.</li> <li>2. Many wouldn't have entered if it wasn't legalised</li> <li>3. Clients are better off.</li> <li>4. Communities have been forced to accept brothels and sex sellers in their streets.</li> </ol>	<p>Stigma against sex workers will remain while groups like Freedom continue to target them. This is something omitted by Freedom and other abolitionist groups. The words they use continue to stigmatise sex workers.</p> <p>If someone is going to enter any occupation, is it better to have employment rights, access to occupational safety and health, and an ability to complain if something is wrong, or is it better to be under the fear of arrest, and be coerced into doing something you don't want to as you cannot complain?</p> <p>Prior to the PRA, communities ignored what was happening in brothels, pretending they didn't exist. Community action by those who would prefer to abolish sex work creates alienation amongst, and hostility against, sex workers or those clients who remain active.</p>

## ADDENDUM 5

### Legal Business Regulations Category C Extracted from CSOM Report 2008 (NB - Freedom actually mean the Prostitution Law Review Committee Report)

Page #	Section # Title and Quotation	Summary of Item Issue	Submission Comments	NZPC Response
A C	<p>4.2.2 Adherence to OSH Requirements</p> <p>“ After this initial push, some public health service managers and Medical Officers of Health sought clarification from the Ministry of Health about whether there would be additional Ministry of Health funding to assist them to carry out their new functions under the PRA. The response was that the new requirements were a statutory function and that they would need to be carried out within existing resources”</p>	<p>Medical Officers of Health (inspectors) decided that monitoring of the sex industry was NOT feasible, except to be reactive. They did not have the resources</p>	<p>“OSH do not have an official list of brothels so Inspectors wishing to go beyond a complaints-based regime must find brothels themselves.”</p>	<p>Brothels advertise in newspapers and on-line. Inspectors are capable of using these tools to find a specific managed brothel. Furthermore, NZPC is unaware of OSH requiring a list of all brothels to attend an emergency situation in one of them, ever.</p>

Page #	Section # Title and Quotation	Summary of Item Issue	Submission Comments	NZPC Response
C B	<p><b>6.2 How the System Operates</b>  <b>6.2.1 Who Requires a Certificate?</b>  “Under section 34, every operator of a business of prostitution must hold a valid operator's certificate.”  “This definition includes managers and receptionists.”  “Some street workers have 'minders', who could be considered operators of businesses of prostitution under the PRA; however, this is yet to be tested by the courts.”</p>	<p>The definition of operator (section 5) Anyone who determines when or where Sex sellers will sell. Includes Managers and (some) receptionists. Street sellers ‘minders’ have not yet been tested by the courts (i.e. real pimps)  <b>Quoting from 6.1 Comment:</b>  “However, as the Select Committee noted, it is possible to circumvent such a system by using a front person who has no disqualifying convictions.”</p>	<p>6.6 Quote from a Committee member.  “The member notes the current system does nothing to prevent exploitative or coercive practices in the sex industry, however concedes it also does no harm.”  This is a contradiction.  This is a large loophole that is being exploited.  It also appears that SOOBs are NOT excluded judging by PRA definition.  Minders of street sex sellers have never been tested in court.</p>	<p>The quote is mischievous, and taken out of context. The full paragraph, to give context is:  <i>The majority of the Committee considers the current system of certification has merit, but the current provisions require greater enforcement to give effect to the purpose of the PRA. One Committee member considers a certification system is unnecessary, and would prefer the system be abandoned. The member notes the current system does nothing to prevent exploitative or coercive practices in the sex industry, however concedes it also does no harm.</i>  It is clear that it is the Operator's certification regime the member is discussing, not the entire PRA system. As indicated above, private workers, SOOBs, are exempted from the certification regime by s5(2) of the PRA, which must have been read by Freedom when they read and quoted in their documents s5(1) PRA.   See comments above re minders.</p>

Page #	Section # Title and Quotation	Summary of Item Issue	Submission Comments	NZPC Response
C D B	<p><b>6.2.5 Register of Brothel Operators</b>            “The Auckland District Court maintains the register of holders of brothel operator's certificates.”            “The register only contains the details provided on the application forms, and therefore does not include the name or names of any business of prostitution the certificate holder is associated with.”</p>	<p>No authority holds a register or list of business premises. The record only lists a residential address for the person who holds an Operator Certificate.</p> <p><b>Quoting from 6.1 Comment:</b>            “However, as the Select Committee noted, it is possible to circumvent such a system by using a front person who has no disqualifying convictions.”</p>	<p>The name or names of any business of prostitution that the certificate holder is associated with should also be included as the current situation leaves a large loophole.</p> <p>Business address of brothels and SOOBs MUST be supplied and recorded to ensure inspections can be made.</p>	<p>As noted above, managed brothels advertise in newspapers and on the Internet. Authorities concerned about issues in brothels are as capable of accessing this information as any other member of the public. The certificate is not related to a brothel, but is for the person. The certification regime is about employment relationships between two or more people, not about a building or business. Providing a public register of the addresses of independent sex workers, also known as private workers, would encourage those who are against sex workers to harass them. There have been leafleting exercises of neighbours of private sex workers that has led to increased stigma against those workers, and fear for their safety.</p>
A C	<p><b>6.3 Victoria’s Brothel Licensing Regime</b>  <b>6.3.2 Criticism of the Victorian Licensing Regime NSW</b></p> <p>“compliance costs too high. As a result, non-compliance is common and a two-tiered industry of legal (licensed) and illegal (unlicensed) brothels has developed (Jordan, 2005).”</p>	<p>However “some businesses were avoiding certification by operating under the guise of SOOBs. This may in part be due to some confusion over who is required to hold a certificate “(CJRC, 2007).</p>	<p><b>NZ already has a two tiered system because of SOOBs See quote item 6.6 Who should hold a certificate ? This needs an interpretation and should be clearly stated. We believe ALL SOOBs are currently omitted.</b></p>	<p>It is quite clear from reading the Select Committee report in 2002, the PLRC report of 2008, the CSOM report of 2007, and the CJRC reports of 2007, that the "two tiered" system that is discussed is a legal tier and an illegal tier, which happens in Victoria (a separate State from NSW) under their heavily regulated legalised system. An operator's certificate is required by all people in charge of any sex worker, whether that is one sex worker or</p>

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				many sex workers. The law is clear.
C	<p>6.4.2 Small Owner-Operated Brothels (SOOBs)          "Some operators who took part in the CJRC interviews questioned the definition of a SOOB and whether the rule of four or less sex workers was per shift or in total. Police have also raised this question, and suggest clarifying the definition of SOOB would close the theoretical loophole that is being exploited by some operators who claim to be SOOBs because only four sex workers work at one time (NZ Police, 2007)."</p>	<p>Some operators claim to be SOOBs and exploit the loophole and avoid applying for a certificate because they have only four sex sellers working at one time The reason no certificates for SOOBs are required, is that the sex sellers within the SOOB are not managed . Only people who have control over sex workers should be required to be certified. If an operator sets the working conditions of any sex workers (even one), they are required to hold a certificate. This includes SOOBs.</p>	<p>(Close the loophole as per NZ Police 2007) This is important because many assume SOOBs are excluded from a need for an Operators Licence .          If you are self employed contractor but mainly sub contract to only one company – you cannot – you must become an employee of that company.</p>	<p>The law is clear. If a person has any authority over a sex worker, even just one sex worker, that person needs an operator's certificate. It is a managed brothel, not a SOOB. S4 of the PRA states:  <b>small owner-operated brothel means a brothel—</b>  <i>(a)at which not more than 4 sex workers work; and</i>  <i>(b)where each of those sex workers retains control over his or her individual earnings from prostitution carried out at the brothel</i>          while s5 of the PRA states:  <b>5 Definition of operator</b>  <i>(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—</i>  <i>(a)is the director of a company that is an operator; or</i>  <i>(b)determines—</i>  <i>(i)when or where an individual sex worker will work; or</i>  <i>(ii)the conditions in which sex workers in the business work; or</i>  <i>(iii)the amount of money, or</i></p>

Page #	Section # Title and Quotation	Summary of Item Issue	Submission Comments	NZPC Response
				<p><i>proportion of an amount of money, that a sex worker receives as payment for prostitution; or</i></p> <p><i>(c) is a person who employs, supervises, or directs any person who does any of the things referred to in paragraph (b).</i></p> <p><i>(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.</i></p> <p>It is clear an operator is someone who has power and authority over a sex worker, not someone who works by their self or with up to three other friends as equals.</p>

Page #	Section # Title and Quotation	Summary of Item Issue	Submission Comments	NZPC Response
A C	<p><b>6.6.2 Who Should be Eligible for a Certificate</b></p> <p>“Operators should also ensure their management staff comply with the PRA, and health and safety in employment requirements.”</p> <p>“The Committee recommends that, to obtain a certificate, an applicant must also agree to facilitate inspections.”</p>	<p>Current threshold to hold a certificate is (over 18 and NZ citizen/permanent resident)</p> <p>Committee suggests no amendment to this. Operators should ensure their management staff comply with PRA, and Health &amp; safety employment requirements.</p>	<p>Committee recommends that, to obtain a cert, <b>applicant must also agree to facilitate inspections.</b></p> <p>As far as we have been able to establish no changes have been made to the system as a result of the CSOM 2008 review.</p> <p>The sale of alcohol licence responsibilities are more robust than a certificate to sell body parts.</p> <p>This is madness and they are saying that the system is operating without the confidence and support of the industry’</p> <p>In the sad event that the present system continue, the Committee recommendations should be implemented together with a current business address and confirmation that the H &amp; S documents have been read and understood. Also the Committee recommendation that an applicant must agree to facilitate inspections to obtain a certificate.</p> <p><b>These requirement This MUST include SOOBs</b></p>	<p>A person applying for an Operator's Certificate must also not have any disqualifying convictions.</p> <p><b>s36(2) PRA - The disqualifying offences are as follows:</b></p> <p>(a)an offence under this Act (other than an offence under section 39(3), section 40(2), and section 41(3));</p> <p>(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:</p> <p>(i)section 98A (participation in an organised criminal group);</p> <p>(ii)sections 127 to 144C (includes sexual crimes);</p> <p>(iii)Part 8 (includes murder, manslaughter, assault, and abduction);</p> <p>(iv)sections 234 to 244 (robbery, extortion, and burglary);</p> <p>(v)section 257A (money laundering);</p> <p>(c)an offence under the Arms Act 1983 that is punishable by imprisonment;</p> <p>(d)in relation to the Misuse of Drugs Act 1975,—</p> <p>(i)an offence under section 6 (other than possession of a Class C controlled drug);</p> <p>(ii)an offence under section 9, section</p>

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				<p><i>12A, section 12AB, or section 12B: (iii)an offence under any other section, but only if it relates to a Class A or a Class B controlled drug.</i></p> <p>Operator's certificates are about employment relationships between two or more people. It is ridiculous to extend this to a person who is in charge of their own self, and only their own self. This shows that Freedom is not interested in the health and safety of sex workers.</p>
C G	<p><b>8.5.5. Social Marginalisation</b>  “Street-based sex workers are the most at risk sex workers, but are also vulnerable members of society for reasons other than their involvement in sex work. In the CSOM study, street workers were significantly more likely to report accepting food or a place to stay in lieu of money for sex work, indicating higher levels of poverty and homelessness amongst street workers than other sex workers.”</p>	<p>Receiving food and goods in lieu of cash.</p> <p>High levels of poverty among Street sellers of sex</p>	<p>Some of New Zealand’s most vulnerable members of society are reduced to survival while the power rests in those who can buy and use them at will.</p>	<p>The suggestions made by Freedom would make these vulnerable people even more vulnerable and marginalised. It would also increase stigma and violence against street based sex workers.</p>

Page #	Section # Title and Quotation	Summary of Item Issue	Submission Comments	NZPC Response
C B	<p><b>10.6 The Formalisation of Employment Relationships</b></p> <p>“Formalising the employment status of sex workers would increase costs for brothel operators. Making brothel operators responsible for paying tax, ACC levies, holiday and sick pay for each worker would certainly decrease the profitability of running a brothel.”</p>	<p>“From the government's point of view, the benefits of formal employment agreements in the sex industry include increased tax and ACC compliance from both workers and operators. In addition, the government has a duty to protect all its citizens, and the existence of formal contracts for sex workers helps to meet that duty by lessening the risk that they are the victims of exploitative employment conditions.”</p> <p>“the Committee's secretariat, IRD reported that there had been some calls from sex workers for a tax amnesty for their earnings before the industry was decriminalised. This was confirmed by NZPC.”</p>	<p>IRD and ACC are receiving revenue from less than 10% of the 2,300 or so sellers in the Sex industry. This would not be tolerated in any other industry. They have only been collecting returns since 2008 – What happened before that?</p>	<p>This claim has been dealt with several times before. Sex workers use a variety of BIC codes not included in Freedom's table, which really only covers some of the larger managed brothels, but even so, a number of them may also be using other BIC codes as well. The IRD made it quite clear they have been taxing sex workers since before decriminalisation in 2003.</p>

Page #	Section # Title and Quotation	Summary of Item Issue	Submission Comments	NZPC Response
CB	<p><b>10.6 Comment</b>            “The formalisation of employment relations would provide more certainty with regard to the payment of tax by sex workers. It has become apparent to the Committee that some employers are not taking their responsibilities</p>	<p>Operators must align their practices with other industries in the service sector. Committee is concerned professionally written contracts might lead to a two tier industry.</p>	<p>There is much mentioned about employment contracts in light of a previous comment that All brothel owners interviewed said that their workers were independent contractors.</p> <p>SOOBs indicate that a two tier industry has already been created. If every worker does not have a contract of employment or contract of service they are selling illegally.</p>	<p>As already stated, the PLRC made it quite clear the two tier system they were worried about creating consists of a legal tier, and an illegal tier. "Normal business practice" allows for a variety of "tiers" to exists, from, for example, a large scale, managed, business, such as Michael Hill Jeweller, to a private person running their own home based business.</p>
C B	<p><b>10.7 Next Steps</b>            “best practice employment relationships would be an excellent way to foster the 'normalisation' of the industry that the PRA foreshadows.</p> <p>“It is in society's interest that the sex industry operates under lawful, fair employment conditions, in terms of both the health and safety of New Zealand citizens, and New Zealand's international reputation as a promoter of human rights.”</p> <p>As a first step, the Committee considers that extra information on employment matters could be included when providing brothel operators with brothel certificates</p>	<p>“The Committee notes that street-based workers &amp; workers in SOOBs are self employed, and do not have employment contracts to negotiate. However, as self employed workers they have tax, ACC &amp; OSH obligations that they must meet.”</p>	<p>Clearly the PRA has not worked in Societies best interests. It is not operating under lawful, fair practices.</p> <p><b>Normalisation’</b> has not worked.</p>	<p>The PRA allows, and supports, the same business practices in other business, such as the example above, to be applied to the sex industry, where you have managed brothels, private workers in charge of themselves, and street-based sex workers. Sex workers and brothels use a variety of BIC codes not included in the list earlier in their document. Criminalising clients has led to greater violence against sex workers in Sweden and Norway, and even the Swedish government has admitted it increases the stigmatisation of sex workers.</p>

Page #	Section # Title and Quotation	Summary of Item Issue	Submission Comments	NZPC Response
A C G	<p><b>11.1 Coercion</b>  “4.3% or approximately 28 of the 656 female participants in the CSOM study reported being made to work by someone. This was twice the number of male workers (2.1%); no transgender workers reported being made to work. Of the 201 street workers surveyed, 8% (about 16 people) reported being made to work by someone. Participants who started sex work before the age of 18 (18.3% or approximately 141 people) were more likely to report being made to work by someone (9.5% or approximately 13 people), than those who started after the age of 18 (2.5% or approximately 3 people).”</p>		<p>Taking those being forced to work (of only one sector) of the sample of 656 people was 141 people.</p> <p>Who would allow in another business sector where nearly one fifth of the workers were forced to carry out tasks they objected to because it interfered with their private parts?</p> <p>18.3% of underage being made to work by someone is hugely significant i.e. One person in five – Yet the committee does not see coercion as widespread.</p> <p>UNDER 18 i.e. IS THE AGE THAT MOST PROSTITUTES START!</p>	<p>Freedom is (incorrectly) assuming that all the people under 18 are female. Furthermore, they also incorrectly state this 141 people were forced to work. 18.3% is the fraction of all participants in the study who started work before they were 18 (even if they were in their 30s or 40s at the time of the study), and includes female, male, and transgender sex workers. Perhaps these latter two groups are invisible to Freedom, just as they are under the Swedish law.</p> <p>Furthermore, although Freedom have cited from the real CSOM study (though mainly from the PLRC report), they have omitted the demographics table (table 4.6) in the CSOM study that shows that 18.3% of sex workers did start work under 18 (including those who started prior to law reform), but that 35.6% of sex workers started between 18 and 21. The claim by Freedom that most sex workers start work under 18 is therefore shown to be false.</p>

Page #	Section # Title and Quotation	Summary of Item Issue	Submission Comments	NZPC Response
A B C	<p><b>11.3 Drug Use</b>  “Street-based workers are also more likely than other sex workers to report accepting drugs, alcohol, food or accommodation as payment for sexual services.” Also ref Table 15 of this CSOM report</p>	<p>45.1% of street sex sellers are more likely to report needing to pay for drugs or alcohol.  10.7% of managed and  13.5% of private or indoor workers (SOOBs?) needed to pay for drugs or alcohol.</p>	<p>Reference Table 15 (CSOM )  This is concerning that 45.1% of street sellers, sell sex to pay for drugs.   This is fuelling the black economy</p>	<p>The table is actually table 15 in the <b>PLRC report</b>. There is no table 15 in the CSOM report. Furthermore, these figures are from the table indicating why people stay in the sex industry, and it allowed people to choose multiple reasons. This table also shows that 90% of street based workers, 83.9% of managed indoor workers, and 76.3% of private workers stay in the sex industry to pay household expenses. Furthermore, comparing the number of sex workers who <b>started</b> sex work to pay for alcohol drugs (table 12), indicates a reduction between starting and remaining.</p>

Page #	Section # Title and Quotation	Summary of Item Issue	Submission Comments	NZPC Response
B	<p><b>13.0</b> <b>1st paragraph</b></p> <p>“The Committee considers that in New Zealand, there is no link between the sex industry &amp; human trafficking.”</p> <p>“ The New Zealand definition of trafficking requires international movement.”</p>	<p>“Section 16 of the PRA, makes it an offence to compel (via threat or any other means) a person to provide commercial sexual services, or earnings from prostitution.”</p>	<p>Much has changed since this review in 2007, in that many cases of trafficking have now been reported.  <a href="http://www.nzherald.co.nz/nz/news/article.cfm?c_id=1&amp;objectid=10912052">http://www.nzherald.co.nz/nz/news/article.cfm?c_id=1&amp;objectid=10912052</a>            Connection of Section 16 to 11.1            Participants who started sex wk before the age of 18 (18.3% or approx 141 People) were more likely to report being made to work by someone.            In light of this NZ needs to change its definition of Human Trafficking.</p>	<p>Again, the article provided as evidence of "trafficking" is actually about the horrific childhood sexual abuse and rape of one person by her uncle, who also coerced her into working in a brothel. As noted above, coercion covered by the PRA does not require "transporting, transferring, harbouring" or "use of force" as a means of exploitation, and therefore has a wider means of protection than the definition of trafficking. The case could have been dealt with under both s16 PRA and ss127-135 of the Crimes Act if it had been reported to the police. It is disgusting that a newspaper should take this woman's story and turn it into a news article without ensuring she got the help she needed to report the crimes against her. Confusing trafficking with sexual abuse, rape, and coercion, and conflating it with sex work, is unhelpful.</p>

Page #	Section # Title and Quotation	Summary of Item Issue	Submission Comments	NZPC Response
C	<p><b>13 .0</b></p> <p><b>3rd &amp;4th paragraph</b></p> <p>“Under US law, prostitution is illegal in most states and the transportation of people across state lines for the purpose of prostitution is considered human trafficking. In addition, any under age person used in prostitution is considered a victim of trafficking.”</p> <p>“New Zealand is more likely to deal with the forcible movement of persons within New Zealand (whether for sex work or other purposes) as kidnapping, slavery, or other related forms of offending. The PRA specifically prohibits the use of persons under 18 years in prostitution, whether or not they have been transported internally or internationally.”</p>	<p>Freedom prefers the US definition.</p> <p>Our New Zealand law is farcical. After the victims 18th birthday they will no longer be sexually abused, instead they can be paid for it.</p> <p>Child Friendly Index 2003-2004  <a href="http://www.cpag.org.nz">www.cpag.org.nz</a>  <a href="http://www.cpag.org.nz/assets/Backgrounders/Child%20Friendly%20Index.pdf">www.cpag.org.nz/assets/Backgrounders/Child%20Friendly%20Index.pdf</a></p>	<p>New Zealand has under age people used in prostitution and also some cases of internal trafficking.</p> <p>The Committee does not appear to recognise the horrendous side of child abuse, in that the child becomes a slave, then at the age of 18, often becomes a voluntary slave because their self worth has been stripped away by abuse.</p> <p>Sadly abuse, including sexual abuse of many New Zealand children is high..</p>	<p>Childhood sexual abuse, trafficking, and sex work are three different things and should not be treated as one. If a child is being sexually abused, it does not mean that they are being trafficked, and they are not sex workers. Sex work is between consenting adults, and should not involve coercion. If a person turns 18, and is paid for the abuse they suffer, it is still sexual assault, and would come under the sections of the Crimes Act noted above as well as s16 of the PRA. Trafficking (internal or otherwise) is not sex work as it is not consensual. Furthermore, trafficking also happens in other occupations, but groups like Freedom prefer to conflate trafficking with sex work, and then also confound the issue by claiming it is also sexual abuse, then allying that with childhood sexual abuse. All of these are different issues that are already included as crimes or offences in New Zealand law.</p>

Page #	Section # Title and Quotation	Summary of Item Issue	Submission Comments	<i>NZPC Response</i>
	<p><b>13.0</b></p> <p><b>7th paragraph</b></p> <p>“The Committee considers the prohibition on non-residents working in the sex industry, coupled with New Zealand’s geographical isolation and robust legal system, provides a protection against New Zealand being targeted as a destination for human traffickers.”</p>	<p>The border New Zealand situation is no different from other international borders, including the U.S.A.</p>	<p>New Zealand Herald 14.8.13  <a href="http://www.nzherald.co.nz/nz/news/article.cfm?c_id=1&amp;objectid=10912052">http://www.nzherald.co.nz/nz/news/article.cfm?c_id=1&amp;objectid=10912052</a>  The Committee does not recognise internal trafficking that continues to occur in New Zealand.  Prohibition of using under age prostitutes is not effective, so why assume it would control non residents?</p>	<p>Again, Freedom uses an article about childhood sexual abuse, rape, and coercion, and tries to conflate it with consensual sex work, and (non-consensual) trafficking. This is unhelpful, and confuses the issue even more. As stated above, the case could have been dealt with under both s16 PRA and ss127-135 of the Crimes Act if it had been reported to the police.</p>

## APPENDED 6

### Normal Business Legislation Cat D Notes on CSOM Report 2008

Page #	Section # Title and Quotation	Summary of Item Issue	Submission Comments	NZPC Response
A D	<p><b>3.2 Rights for Adults Not to be Forced to Engage in Sex Work</b></p> <p>[From 3.1] “In summary, the focus of human rights instruments is two-fold. First they condemn any form of child prostitution. Second, with regard to prostitution by adults, international human rights standards target 'forced prostitution' or 'exploitation of women in prostitution', rather than the abolition of prostitution itself.”</p>	<p>Ref Table 10 A substantial number,35%, reported that they had to accept a client when they didn't want to.</p> <p>“One 18 year old worker had just finished a job. A big Samoan guy was waiting who she had not even had a chance to check out. He was really rough with her, held her down by her throat. She went out to complain to the manager who told her to 'go back in'.”</p>	<p>Refer Table 10</p> <p>If one third can't refuse a client then the PRA isn't working It is not protecting the sex sellers. How can this be acceptable? Only two thirds can refuse a client which cannot make it ok.</p> <p>Table 10 – shows some 10% had been penalised for refusing clients in the past 12 months. On average 35% had were obliged to take clients they did not want.</p> <p>The committee's example shows brothel workers will find it more difficult to refuse.</p>	<p>While continuing to confuse the PLRC report, which they are citing from, with the CSOM study (which they cite from occasionally), Freedom omits references to table 6.3 in the CSOM study, which compares sex worker in Christchurch in both 1999 and 2007. This comparison shows that private sex workers who felt that they had to accept a client when they didn't want to in last 12 months decreased from 63% to 38% between 1999 and 2007. This is a massive increase of 25% of workers who felt they could now refuse a client. Similarly, in 1999, only 47% of managed workers had refused a client, yet this increased to 68% in 2007. This indicates that sex workers feel more able to refuse a client, and do refuse clients more often, than sex workers prior to law reform. This indicates the PRA is working.</p>

Page #	Section # Title and Quotation	Summary of Item Issue	Submission Comments	NZPC Response
A D	<p><b>4.2.1 Knowledge of OSH Requirements &amp; Rights</b>  “Forty-one percent of sex workers surveyed by the CSOM reported that they had seen the OSH Guide. Three-quarters of the participants who reported having seen it had read it. Most (66.2%) of the participants who had read the OSH Guide reported that they found it very useful and informative and a quarter reported that the guidelines had made them more aware of their rights.”</p>	<p>One third of Brothel owners (mainly SOOBs) are unfamiliar with the OSH Guide. 59% of Sex sellers reported that they had not seen the OSH Guide. Two thirds had seen Ministry of Health pamphlets and posters about clients and Sex sellers being required to use condoms.</p>	<p>Interpolating the figures given: Only three quarters of the 41% workers who had seen the guide had read it. This means that only 30% had read the guide.</p> <p>Figures are for those who replied to the survey. The number of surveys issued was not stated.</p> <p>In normal businesses at least one person in management is required to understand all OSH requirements.</p> <p>Since no authorities are checking Brothels or SOOBs and Brothel certificates are issued yearly – The understanding of the manual will now be less.</p> <p>Part of the cert process should be a test of the OSH manual.</p> <p>Appendix 1 gives the Roles of Regulatory Agencies</p>	<p>Freedom incorrectly understands the differences between OSH guidelines, which are voluntary, and OSH standards, which are mandatory. Some businesses may have both guidelines and standards, some may have standards, and others, like the sex industry, have guidelines.</p> <p>OSH, like with other businesses, attends to complaints about brothels, and the system is, like those affecting many others, complaint driven.</p>

Page #	Section # Title and Quotation	Summary of Item Issue	Submission Comments	NZPC Response
A D G	<b>4.3 Table 11 General Safety of Sex Workers</b>	Street sellers more likely to report non payment, rape, being held against their will. The majority felt the PRA could do little about the violence. NZPC sends out alerts of potentially violent clients	<p>From Table 11 Adverse Experiences while Working in the Last 12 months by Sector show:</p> <p>Total Workers =2332 (Table 3) of which:</p> <p>Raped : Total 3% (5.3% Street Workers) = 70 (total rapes NZ population =approx 600 pa ('96- 2006 Statistics NZ)</p> <p>Held against will : Total 4.7% (10.2% Street Workers)</p> <p>Physically Assaulted: Total 9.8% (13.4% Street Workers)</p> <p>What an outcry if this was normal across the pro rata population of 4 million.</p> <p>ie NZ wide Rapes would then be equal to <math>70/2332 \times 4m</math> equals 12,000 pa</p>	<p>Comparisons given in the CSOM study indicate that violence against sex workers has decreased since decriminalisation. For example, compared to the figures reported in the PLRC report, given by Freedom to the left, the comparative figures for 1999 were:</p> <p>Raped: 27% (street), 8% (indoor); Held against their will: 23% (street), 13% (indoor); Physically assaulted: 41% (street), 21% (indoor).</p> <p>This therefore indicates that among street workers, the incidence of rape has decreased 21.7%, the incidence of being held against their will has decreased by 12.8%, and the incidence of physical assault has decreased by 27.6%. This indicates that the law is working in favour of sex workers.</p>

Page #	Section # Title and Quotation	Summary of Item Issue	Submission Comments	NZPC Response
A D	<p><b>Section 4.3 para 1</b>  <b>General Safety of Sex Workers.</b>  “Few participants [of the Workers Surveyed] indicated that they reported adverse incidents to the Police, but most reported that they did tell some other person instead of the Police.”</p>		<p>“Of those feeling in a position to comment, [The CJRC informants]the majority (70%) felt sex workers were now more likely to report incidents of violence to the Police. It appeared that this was particularly true for the street workers.”</p> <p>So 30% don’t report violence, it should be 100% even for low level violence. This would be normal with any other business or every day life.</p> <p><b>If clients were prosecutable the workers would know that the violent client would be summarily prosecuted, even if the violence itself could not be validated. A wider knowledge of violent offenders would then be public knowledge.</b></p>	<p>There are large number of people who would never report violence against them for a variety of reasons, particularly low level violence. The claim that even 100% of low level violence would be reported to the police ignores the reality of society, ignores the vulnerability many sex workers feel because of societal stigma.</p> <p>The police do take complaints from sex workers seriously, and have prosecuted people who have been violent towards sex workers.</p>

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B D G	<p><b>5 Avoiding or Exiting the Sex Industry</b></p> <p><b>5.1 Introduction</b></p> <p>“The Committee concludes that amendment to the PRA is not required, nor feasible, regarding avoiding entry and assisting with exiting.”</p>	<p>“First, the most common reason for entering the industry is financial. The most effective way to ensure people do not enter the sex industry is to help them find other ways of earning money</p> <p>. Second, exiting the industry is difficult, and often involves several attempts.</p> <p>Third, by no means all sex workers want to exit, and some sex workers find it offensive that they should be being offered assistance to leave a job where they are quite happy.</p> <p>Finally, there are as many reasons for exiting as there are reasons for entering the sex industry, and a 'one size fits all' approach to 'exiting interventions' or 'support and assistance in exiting' will not be appropriate.”</p>	<p>If there are less clients driving the demand, there will be less incentive to enter prostitution.</p> <p><i>OSH implemented programmes concerned with employers causing mental stress in the work place, in every other industry.</i></p>	<p>It is not true that <i>"If there are less clients driving the demand, there will be less incentive to enter prostitution."</i></p> <p>If it were true, there would have been no new brothels opening in Sweden. Yet, the Swedish police report: <i>In 2009, the National Bureau of Investigation estimated that there were about 90 Thai massage parlours in Stockholm and vicinity, most of which were judged to be offering sexual services for sale. At the turn of 2011/2012, the number of Thai massage parlours in the Stockholm area was estimated to be about 250 and throughout the country about 450.</i></p> <p>This indicates a more than 270% increase in the number of Thai massage parlours, a front for sex work, in Stockholm over the three years between 2009, (10 years after their law criminalising clients came into effect), and 2011/2012. This indicates a failure of the law, and also indicates the assertion by Freedom is incorrect.</p>

Page #	Section # Title and Quotation	Summary of Item Issue	Submission Comments	NZPC Response
D E G	<b>5.2.3 Taking 'Breaks' from the Industry</b>	<p>Most frequent reasons: New relationship, received employment in a straight job, pregnant</p>	<p>Read table 14  Many don't tell their new partners. Need to Show its intrinsically known to be morally wrong.</p> <p>Refer Table 14</p> <p>With around 50% of all workers taking breaks. This – would not happen in normal work.</p> <p><b>Why are breaks needed?</b>  Partners not wanting them to continue etc must indicate something is wrong. STD's being ashamed, stigma. Primal male/female instinct knows it is wrong–.</p>	<p>Societal stigma, fuelled by attitudes demonstrated in the Freedom submission, is the reason many sex workers don't tell their new partners. This does not indicate that it is "<i>intrinsically known to be morally wrong</i>" but are reacting to societal stigma.</p> <p>The majority of people in the sex industry are women. A number of women take breaks because they become pregnant. A number of women in industries other than the sex industry also take breaks when they are pregnant. If the comparison was with all female workers in any other occupation, it would be a more accurate comparison.</p>

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D G	<p><b>5.2.4 Remaining in the Sex Industry</b>            “As a job option, sex work was also valued by more than 80% of the participants because of its flexible working hours.”</p>	<p>Over 90% cited money as the reason. Flexible hours. (39%) said because they enjoyed sex. Street sellers were more likely to report they didn’t know what else to do and didn’t know how to leave.</p>	<p>Read Table 15            Exit strategies will need to offer a realistic economic alternative to sex wk.            Work in the Rain and snow.            Read Table 15            Witness A has exited and is in full time office employment. She could not have done this without help. She says she now feels like somebody instead of a no body.            CAP money is supporting her with budgeting and strategy’s. I don’t believe she will sell again to survive. Although she did enjoy the sense of community on the Street            With over 80% needing to Pay household expenses it indicates poverty and a breakdown in society, which tells a sad story. Also at least 20% having no other income.</p>	<p>If "<i>exit strategies will need to offer a realistic economic alternative to sex wk</i>" then what economic alternatives will Freedom put in place for the sex workers who, according to them, will be without employment if clients are criminalised?            There are a small minority of people who require help to move from any occupation, or to start an new occupation.            it is patronising to say "<i>With over 80% needing to Pay household expenses it indicates poverty and a breakdown in society, which tells a sad story.</i>"            Everyone who works, works to earn money to pay for household expenses, regardless of their income. Food, power, phone, rates, etc., are not free, so those people who are working are working to pay for those expenses.</p>

Page #	Section # Title and Quotation	Summary of Item Issue	Submission Comments	NZPC Response
D	<p><b>5.3 Impact of the PRA on Exiting.</b> The PRA is intended to promote exiting.</p>	<p><b>The PRA does not promote exiting.</b></p> <p><b>Section 18 of PRA says that a persons benefit &amp; ACC cannot be cancelled by their refusal to engage in sex work.</b> <u>But this contradicts the rules for workers in normal businesses.</u></p>	<p><b>The PRA relies on NGOs and existing under resourced social services to promote exiting.</b></p> <p>“The Committee agrees with local authorities that providing support to those who wish to exit is more properly a central government role than a local one.” Central government also has a duty to ensure that staff are properly trained, and are sensitive to the particular needs of exiting sex workers.” .</p> <p><b>“Funding issues have arisen, and will continue to arise, when dealing with the sex industry in New Zealand.”</b></p>	<p>The Select Committee considering the PRA recognised that all people, including sex workers, have the right to say no to sex. By allowing sex workers to have the up to 3 month stand-down waived, the Committee recognised that sex workers needed money very quickly if they were to exit the sex industry. It also recognised that if they were not to do so, the state would be complicit in coercing sex workers. It is also for this reason that government agencies may not tell a person they must work in a brothel or their benefit would be suspended. This section, allowing people to onto a benefit without an extra imposed stand-down promotes safe exiting.</p>
D	<p><b>Recommendations</b> Committee recommends Central Govt provide adequate funding &amp; services to NGOs</p>		<p>Hold Government accountable. To my knowledge none of this has happened What was the \$8.6m given to the NZPC over 10 years used for? Government needs to publish a report detailing how \$8.6m has been spent.</p>	<p>As indicated before, the Ministry of Health monitors its contract with NZPC. This information is publicly available.</p>

Page #	Section # Title and Quotation	Summary of Item Issue	Submission Comments	NZPC Response
D	<p><b>Rationale Behind the System</b>  <b>6.1.1 Comment.</b>            “The current system ensures, within certain parameters, the suitability of people to be brothel operators. It excludes people whose criminal histories may suggest they are not fit to be in a position of power over sex workers. However, as the Select Committee noted, it is possible to circumvent such a system by using a front person who has no disqualifying convictions.” “operators no longer needed to supply the name and address of each business they were involved in, and did not need to supply the name of any managers or other staff they employed.”</p>	<p>To protect sex sellers. Soobs aren’t required to have operator certificates</p>	<p>Unscrupulous Operators            Brothels: Sex in the suburbs  <a href="http://www.nzherald.co.nz/nz/news/article.cfm?_id=1&amp;objectid=11115927">http://www.nzherald.co.nz/nz/news/article.cfm?_id=1&amp;objectid=11115927</a></p>	<p>Despite copying and pasting s5(1) PRA, Freedom seem to have ignored s5(2), and have ignored the definition of "Operator" in s4 PRA. Small owner operated brothels are sex workers who are operating by themselves or with up to three others, where no one single person is in charge of any other sex worker. They are often working from their own home, and may, if found out, be subject to ridicule and stigma, both of which are fuelled by comments made by Freedom, and by the news article in question.</p> <p>The operator's certification regime is not about a particular business, but about the employment relationship between a brothel owner/operator and the sex worker or sex workers working at their premises.</p>

Page #	Section # Title and Quotation	Summary of Item Issue	Submission Comments	NZPC Response
C D B	<p><b>6.2.5 Register of Brothel Operators</b></p> <p>“The Auckland District Court maintains the register of holders of brothel operator's certificates.”</p> <p>“The register only contains the details provided on the application forms, and therefore does not include the name or names of any business of prostitution the certificate holder is associated with.”</p>	<p>No authority holds a register or list of business premises. The record only lists a residential address for the person who holds an Operator Certificate.</p> <p><b>Quoting from 6.1 Comment:</b></p> <p>“However, as the Select Committee noted, it is possible to circumvent such a system by using a front person who has no disqualifying convictions.”</p>	<p>Addresses of all Brothels MUST be recorded to ensure inspections can be made.</p>	<p>Managed brothels advertise in the adult columns of the newspaper. If they wish, Freedom, any territorial authority, or any other person, can obtain this by purchasing a newspaper.</p> <p>As noted above, any public register of the addresses of private sex workers (SOOBs) who usually work from their own home could lead to exposing them to unnecessary pressure from those people who object to sex work. For an organisation that claims to be supporting sex workers, and being against violence, Freedom seem to be willing to overlook this if it will abolish sex work.</p>

Page #	Section # Title and Quotation	Summary of Item Issue	Submission Comments	NZPC Response
B D	<p><b>6.4 The NZ Certification System</b>  <b>6.4.1 Information From Brothel Operators</b>  , “a two-tier system of certified and uncertified (illegal) brothels does not seem to have developed in New Zealand.”  “However, some operators reported that it was in fact too easy to get a certificate.  They are too easy to get. I've lost confidence in the system. I used to be a car dealer and to get a licence was really hard. For this, there is no training, no interview, no asking what you know. What's the point? “</p>	<p>Some operators reported it was too easy to get a certificate. Some operators don't require their receptionists and staff to hold certificates. Many hid under the guise of SOOBs.</p>	<p>The law is too light. Sellers of liquor and Car dealers need a certificate which is not easy to obtain, yet brothel operators who are selling body parts have very few restrictions or obligations and the certificate is easy to get.</p>	<p>Upon introduction the Prostitution Reform Bill had no requirement for the certification of operators. Operators submitting to the Select Committee asked for it to be added to the Bill. Operators got what they asked for. Those operators who claim it is too easy to obtain are usually meaning it is too easy for others to get a certificate and therefore set up in competition to them.</p> <p>The language used by Freedom, reducing sex workers to "body parts" is demeaning, stigmatising, and insulting. Sex workers provide services, not "body parts".</p>

Page #	Section # Title and Quotation	Summary of Item Issue	Submission Comments	NZPC Response
A D	<p><b>6.4.3 Inspections and Ongoing Monitoring</b></p> <p>“Medical Officers of Health may enter and inspect brothels for the purposes of determining compliance with requirements for sex workers and brothel operators to adopt and promote safer sex practices. In addition, under section 31 of the Health and Safety Act, Health and Safety inspectors (formally known as OSH inspectors) may enter and inspect any place of work”</p> <p>“Inspectors may enter homes (e.g. SOOBs) either with the consent of the occupier or if authorised to do so by a warrant”</p>	<p>Health and Safety may inspect any place of work.</p> <p>Police can only gain entry to investigate an offence.</p> <p>Many brothels have liquor licences, which allows inspections by Police, Authorities and Health officials. Immigration officers with police may enter brothels &amp; SOOBs</p>	<p>It would appear that an inspector needs a warrant from a Judge to enter private homes (e.g. SOOBs).</p> <p>NZPC fulfils advocacy role of sex workers union but has no responsibility or authority</p> <p>But NO Addresses are available from any authoritative source. Inspectors would have to look at advertisements.</p>	<p>Under s31 of the Health and Safety in Employment Act, an inspector may not enter a private home without a warrant from a judge. S27 PRA, requiring the same thing, is therefore in line with normal business practice.</p> <p>NZPC is able to provide support to sex workers to address a range of issues related to Occupational Safety and Health and to sexual and reproductive health, as well as facilitate contact with other services such as the Medical Office of Health, the Police, etc.</p> <p>Addresses of managed brothels are available in a newspaper or in online adverts. These would be more up-to-date than a register kept in an office.</p>
A D	<p>6.4.4 Brothel Operators’ Comments on Inspections</p> <p>“in the CJRC interviews, the fact that their certificates were never checked made the system pointless.”</p> <p>“I have never had anyone ask about our operator certificate.”</p>	<p>Checks are made on liquor licences but not certificates for brothels.</p>	<p>Operators should have knowledge of the PRA and appropriate management practices in the sex industry</p> <p>No Inspections since 2007</p>	<p>Checks are made on Operator’s certificates. Most operators have acknowledge of the PRA. Management practices vary between brothels, and what may be "appropriate management practices" for one business may not be appropriate for another. This is also true across other businesses.</p>

Page #	Section # Title and Quotation	Summary of Item Issue	Submission Comments	<i>NZPC Response</i>
D	<p><b>6.4.5 Numbers of Operator Certificates Issued</b>            “There is no process for identifying whether the new applications are from new brothel owners, or merely new staff in existing brothels.”</p>	<p>Number of new applications has dropped each year.</p>	<p>This paragraph contradicts itself. Given that there are no checks made on certificates in (6.4.4) why do they bother to issue certificates? A mega brothel would imply that the size &amp; viability of the industry is increasing. No Inspections since 2007</p>	<p>Administration staff, receptionists, etc., move between brothels, just the same as sex workers do. If a person has an operator's certificate and moves to another brothel, they renew their certificate when the time is appropriate.</p> <p>Two floors in a 15 story building is not a "mega brothel". Freedom seem to believe the media hype, thinking that all 15 floors will be a brothel, when other floors will be a hotel, restaurants, bars, clubs, and other businesses. There are larger brothels in Auckland already.</p>

Page #	Section # Title and Quotation	Summary of Item Issue	Submission Comments	NZPC Response
D B	<p><b>6.6.4 Should Certificates be Linked to Businesses?</b></p> <p>“However, a minority of the Committee strongly disagreed. It was argued that smaller operators would be disadvantaged by having to declare their business address as they may be operating from a rental property where the landlord is unaware of the nature of their business. In addition, smaller operators often move premises. The requirement to update certificate details each time they moved would become onerous and may become a reason for non-compliance”.</p> <p>“However, the Committee also acknowledges the very real fear that exists within the sex industry. Any possibility that this fear could be reason for brothel operators not to comply with certification should be taken seriously.”</p> <p>“The Committee also notes information from Immigration New Zealand that the absence of a list of businesses of prostitution does not prevent inspections and compliance operations. In addition, IRD has been able to contact brothel operators without the aid of a list of businesses.”</p>		<p>The second paragraph states smaller operators would be disadvantaged by having to declare the nature of their business if they are renting. What about the Landlord and surrounding families. Bryan Johnson has an example of this. Landlord was overseas &amp; his property on Ladies Mile was used as a brothel without his knowledge (probably a SOOB so that it didn't need a certificate) Foot and car traffic increased and the disruption to the neighbourhood was huge.</p> <p>SOOB Firecats moved from Ascot Ave, Remuera to opposite a school in Ponsonby.</p> <p><b>The IRD has only approx 10% of workers returns.</b></p>	<p>Firecats was not a SOOB, but a managed brothel. Freedom are continually confused about something that is quite clear in the PRA, and throughout the PLRC Report.</p> <p>Freedom think that sex workers use only the BIC codes they were provided with in their enquiry. Sex workers and brothels use a range of BIC codes that do not appear to be linked to sex work, for reasons expressed in the PLRC Report.</p> <p>Freedom also seem to be continually complaining about there being no register of addresses of sex workers, saying this would aid OSH inspectors, etc. See the earlier points regarding this, which indicate that the register that Freedom wants, is not required.</p>

Page #	Section # Title and Quotation	Summary of Item Issue	Submission Comments	NZPC Response
A D G	<p><b>8.5.3 Drugs &amp; Alcohol</b></p> <p>“71.8% of Auckland street workers interviewed said they would accept drugs instead of money, compared with 45.3% of street workers in Wellington and only 37% of Christchurch street workers.”</p>		<p>So frequent SUPPLY and use of drugs as self medication is ignored. Why are drugs required if it is an acceptable profession?</p> <p>See :Posttraumatic stress disorder among female street-based sex workers in the greater Sydney area, Australia Amanda Roxburgh, 1 Louisa Degenhardt,1 and Jan Copeland1 <a href="http://www.ncbi.nlm.nih.gov/pmc/articles/PMC1481550/#maincontent#maincontent">http://www.ncbi.nlm.nih.gov/pmc/articles/PMC1481550/#maincontent#maincontent</a></p> <p>Proof of mental state. Cross ref Ref 8.5.4</p> <p>Some are trapped in a cycle of addiction.</p> <p>Some are self medicating to numb the pain</p>	<p>As noted earlier, drug use seems to reduce after starting sex work, and chaotic lives seem to stabilise.</p> <p>The PTSD study is limited in number, and the authors state it may not be indicative of other sex workers. The author admits: <i>The findings of this study refer to street-based sex workers, who differ from sex workers employed in other sectors of the industry on several domains [5,28,34]. Street-based sex workers in other Australian jurisdictions are also likely to differ from the current sample due to different legislation.</i></p> <p><i>Inherent to any study of marginalised populations engaging in stigmatised activities is the issue of sample representativeness, which is difficult to achieve among these groups. Findings from the current study may be more indicative of those women who were willing to participate.</i></p>

Page #	Section # Title and Quotation	Summary of Item Issue	Submission Comments	NZPC Response
D	<p>8.6.1 Social Nuisance            “it is not the sex workers per se that are the cause of the disruptive behaviour witnessed. Often, it is the negative attention from members of the public,”</p>	<p>Street sellers proposition members of the public.            “A common complaint is that used condoms, excrement and other bodily waste is left in the street, in shop doorways and car parks, or on private property.”</p>	<p>This refutes no specific complaints. Again shows committee were out of touch.            DID THE committee GO AND Inspect the areas?            Japanese System – KAIZAN on shop floor.            The committee state it is the users that often cause the noise etc – ie a good reason to propose The Swedish example (Nordic Model.)            Geogina Beyer has stated that one of the main reasons that the PRA was introduced was that they believed Street prostitution would decline. She has since recanted this statement.             Ref 8.5.5 John McCracken City Councillor. <b>Street Prostitution your Neighbourhood.doc</b></p>	<p>Photographs of rubbish in South Auckland, where most complaints originate, can be supplied to this Committee, and have already been supplied to the Local Government and Electoral Committee. Rubbish not only includes condoms, but also dirty nappies, tampons, general household rubbish, etc. Also in South Auckland, there are a number of bars and fast food outlets close to the areas where street based sex work occurs. Council closed the toilets in that area, and has not put in extra rubbish bins. The Ministry of Justice made a series of recommendations for the former Manukau City Council, yet that council, and the subsequent Auckland Council, have yet to implement most of them.             The PLRC visited a variety of managed brothels, a variety of private homes (SOOBs), and all street based sex work sites. The estimated number of street based sex workers in all of Auckland (Auckland and Counties Manukau Police Districts) prior to the PRA was 510. In 2007, the number of all sex workers in Auckland was estimated at 230. <b><i>This is a reduction.</i></b></p>

Page #	Section # Title and Quotation	Summary of Item Issue	Submission Comments	NZPC Response
A D	<p><b>8.6.2 Means Available to Deal with Social Nuisance</b></p> <p>“We believe that it is important for nongovernmental organisations doing this work to be adequately funded and subject to proper accountability to produce the best results. We hope that if sex workers respect the areas where they conduct street work, then residents will be more tolerant of their presence.”</p>	<p>Street sellers don’t respect their areas of work- residents are expected to tolerate Street sellers. NGOs need more funds.</p>	<p>Are the NGOs truly accountable? \$8.6m given to NZPC collective. What accountability and reporting has resulted from this cost? Residents are not happy. Which NGO’s Salvation Army? What NGO looks after Manufacturing businesses etc for any litter they create, they just get prosecuted.</p> <p>Ref 8.5.5 John McCracken City Councillor. <b>Street Prostitution your Neighbourhood.doc</b></p> <p>The Manukau City Council (Regulation of Prostitution in Specified Places) Bill attempts to deal with this issue. But it does not target the demand that fuels prostitution. It does not send a clear message to society that women, men, girls and boys are not for sale.</p>	<p>Street based sex workers are often vilified by local residents. This societal stigma can be seen in the words used by Freedom: "selling body parts", "street sellers", etc. Some years ago, TV1 showed how street based sex workers were targeted and baited by local residents acting as vigilantes. Sadly, this stigma affects street based sex workers.</p> <p>The "Swedish model" that Freedom are seeking to impose increases stigma against sex workers. This is admitted in the official "evaluation". It is surprising that an organisation that claims to seek to help sex workers also seeks to increase the stigma against them.</p>

Page #	Section # Title and Quotation	Summary of Item Issue	Submission Comments	NZPC Response
B D	<p><b>8.10 Comment</b></p> <p>“Decriminalisation did not create the problems experienced by communities in which street prostitution takes place “Wrong – see John McCracken . doc</p> <p>“...decriminalisation, via the PRA, is partially achieving one of its purposes in terms of promoting the welfare and occupational health and safety of sex workers. However, the Committee recognises decriminalising prostitution alone cannot fully achieve this aim.”</p>	<p>----- Committee recognises decriminalising alone has not solved all problems associated with Street sellers</p>	<p>The view that De-criminalising sellers did not create problems with communities is incorrect with regards to nuisance – Ref: John McCracken comment</p> <p><a href="http://www.elocal.co.nz/view_Article~id~901~title~ELocal%20COMMUNITY%20MAGAZINE%20-%20View%20Articles.html">http://www.elocal.co.nz/view_Article~id~901~title~ELocal%20COMMUNITY%20MAGAZINE%20-%20View%20Articles.html</a></p> <p>Geogina Beyer has stated that a main reason that the PRA was introduced was that they believed Street prostitution would decline. She has since recanted this statement.</p> <p>NZ needs to follow the Swedish (Nordic) Model.</p>	<p>These problems already existed, although there were no local residents acting as vigilantes, which aggravated the problems, making them worse.</p> <p>McCracken uses emotive language, but is low on fact based evidence.</p> <p>The estimated number of street based sex workers in all of Auckland (Auckland and Counties Manukau Police Districts) prior to the PRA was 510. In 2007, the number of all sex workers in Auckland was estimated at 230. 230 &lt; 510. This is therefore a reduction.</p> <p>The Swedish model of criminalising clients has increased stigma against sex workers, and has increased violence against them. Furthermore, if it really decreased the number of clients, the number of Thai massage parlours would not have increased in Stockholm from 90 to 250 in a nearly 3 year period.</p>

Page #	Section # Title and Quotation	Summary of Item Issue	Submission Comments	NZPC Response
A D	<p><b>8.11 PLRC Position on St Based Sex Work</b></p> <p>Therefore, the Committee considers streetbased sex workers should be encouraged to either move to a safer, indoor setting, or leave sex work altogether</p> <p>“There must be accurate identification of the problem to be addressed; thorough investigation into the causes of the problem; and a clear idea of the outcomes sought, as well as an understanding of the needs of the target group and how best to meet those needs.”</p>	<p>Manage St Sex sellers so that disturbance to local residents is minimised</p>	<p>St Sex sellers are a minority in the community yet police &amp; NGO resources are expected to help manage the needs.</p> <p>As the committee recommends they need to correctly assess the situation in order that they can make recommendations. We suggest the committee try to encourage the on the spot workers to move to safer settings.</p> <p>Ref: John McCracken comment  <a href="http://www.elocal.co.nz/view_Article~id~901~title~ELocal%20COMMUNITY%20MAGAZINE%20-%20View%20Articles.html">http://www.elocal.co.nz/view_Article~id~901~title~ELocal%20COMMUNITY%20MAGAZINE%20-%20View%20Articles.html</a></p>	<p>There will be little progress while groups such as Freedom, which claim they want to help sex workers, still stigmatise them through their use of language. See the comment above.</p>

Page #	Section # Title and Quotation	Summary of Item Issue	Submission Comments	NZPC Response
A D	<p><b>8.11.1 Street Workers Should be Supported to Work Safely and with Consideration for Local Communities</b></p> <p>“Street-based sex workers should be encouraged to work in areas where they will be safe, while at the same time cause the least disturbance to residents”</p> <p>“The Committee also considers consistent enforcement of laws prohibiting littering, offensive behaviour and intimidation may ameliorate the social nuisance”</p>	<p>Committee recommends greater support for NGOs &amp; Outreach workers</p> <p>The use of CPTED guidelines will enhance Street workers safety</p> <p>Peer training should be used.</p>	<p>Ref: John McCracken comment <a href="http://www.elocal.co.nz/view_Article~id~901~title~ELocal%20COMMUNITY%20MAGAZINE%20-%20View%20Articles.html">http://www.elocal.co.nz/view_Article~id~901~title~ELocal%20COMMUNITY%20MAGAZINE%20-%20View%20Articles.html</a></p> <p>Litter prosecution okay? But ref 8.10 “In addition, imposing fines and other criminal sanctions on street-based sex workers is contrary to the intent of the PRA”</p> <p>CPTED (Crime Prevention Through Environmental Design). This is a generic model covering many aspects of city planning</p> <p>See <a href="http://www.justice.govt.nz/policy/crimeprevention/copy_of_environmental-design">http://www.justice.govt.nz/policy/crimeprevention/copy_of_environmental-design</a> (document is for planners and designers working for local authorities)</p>	<p>See the comment above.</p> <p>In saying “<i>In addition, imposing fines and other criminal sanctions on street-based sex workers is contrary to the intent of the PRA</i>”, the PLRC were specifically addressing the Manukau City Council (Control of Street Prostitution) Bill 2005, which sought to impose fines on sex workers for soliciting in a public place. Freedom has taken this out of context, as this is stated in the preceding paragraph to that quoted.</p>

Page #	Section # Title and Quotation	Summary of Item Issue	Submission Comments	NZPC Response
D	<p><b>8.11.4 Local Govt Should Adopt Practical Solutions</b></p> <p>“TAs should invest in street cleaning, lighting, and city ambassador schemes. In addition, territorial authorities should provide adequate rubbish bins and toilet facilities in and around street prostitution areas”</p> <p>“Auckland, Manukau, Wellington and Christchurch City Councils should continue to work in consultation with NZPC, other NGOs, sex workers and communities to find answers to specific problems, and encourage community ownership of street prostitution areas.”</p>	<p>TAs adopt CPTED Auckland, Wellington &amp; Christchurch to work with NZPC &amp; NGOs to find answers and “encourage community ownership of street prostitution areas” !!</p> <p>Cross Reference 5.3 “The Committee agrees with local authorities that providing support to those who wish to exit is more properly a central government role than a local one.” Central government also has a duty to ensure that staff are properly trained, and are sensitive to the particular needs of exiting sex workers.” .</p> <p>“Funding issues have arisen, and will continue to arise, when dealing with the sex industry in New Zealand.”</p>	<p>Cross referenced with section 5.3..... that states - PRA accepts that it is a Central Government issue not a TA issue.</p> <p>Provision of extra street cleaning, lighting and toilet facilities is an utterly unfair benefit for a minority group who are making huge profits without any overheads, taking a free ride on the rate payers whilst causing excessive nuisance and abuse.</p> <p>This is squandering ratepayers money since these extra exceptional services do not provide any investment or return for the good of the community.</p> <p>The govt policy of user pays. Toilet facilities get trashed. Ref also to item 8.11.1</p> <p>What tax and council contributions come from this “industry”? Refer to Addendum 1 R03143 Brothel Statistics Thought the government was user pays?</p>	<p>Freedom is talking as if street based sex workers are apart from society, not a part of society. Street based sex workers in South Auckland live in that area, and are part of that community. Freedom speaks in a way that denies street based sex workers their community and their humanity. Freedom also ignores that the provision of these services enhances the whole community, and is not solely for the benefit of street based sex workers. Freedom, along with the proponents of the two Manukau City Council Bills (2005, 2010) stigmatise and dehumanise street based sex workers, and scapegoat them for all the problems in that area. Freedom, again, are unaware that sex workers use a variety of BIC codes to avoid being stigmatised in the way Freedom is doing. Sex workers who live in area pay rates in the area. Council would be unaware of what that would amount to as Manukau City Council passed a bylaw that essentially prohibited sex workers working from their own home. Sex workers doing so would therefore not want to identify their occupation to the local authority when paying rates.</p>

Page #	Section # Title and Quotation	Summary of Item Issue	Submission Comments	NZPC Response
B D	<p><b>9.3 Role of Territorial Authorities under the PRA</b></p>	<p>, “the location of brothels can only be regulated; brothels cannot be prohibited altogether. In addition, rights under the Bill of Rights Act, such as the right to freedom of association, must be respected.”</p> <p>“Ultimately it is for each TA to determine the most appropriate and efficient response [to the PRA] given the risks and consequences of adverse effects on the environment and particular sectors of the community' (Local Government New Zealand, 2003).”</p> <p>Brothels can only be regulated, they cannot be prohibited altogether.</p>	<p>Do any other businesses have the right NOT to be prohibited?</p> <p>This is how the Chow Bros successfully got resource consent for the Mega Brothel. Auckland Council engineer says it will bring vibrancy to the area.</p> <p>Sadly it has set precedents for Auckland</p>	<p>It is unlikely that 2 floors in a 15 floor building that will include a hotel, bars, and restaurants could be called a "mega brothel", yet the media, and therefore Freedom, mistakenly call it such. There are already larger brothels in Auckland, yet these are not called "mega brothels". It is likely that the businesses other than the brothel - hotels, restaurants, and other forms entertainment - that that council engineer is seeing as adding vibrancy to the area.</p>

Page #	Section # Title and Quotation	Summary of Item Issue	Submission Comments	NZPC Response
A D	<p><b>9.5.4 The Resource Management Act 1991</b></p>	<p>“The RMA provides that each TA shall have a district plan covering its district, and that any land use (amongst other things) that would breach a district plan must be the subject of an application for a resource consent.”</p>	<p>“This provides an effective means for TAs to control the location of commercial sexual service businesses,”</p> <p>How can this be applied if an address does not need to be supplied in order to open a brothel or SOOB?</p>	<p>Freedom seems to be unaware how District Plans work. If a managed brothel is a non-compliant business for a specific area, it requires permission, which is subject to public submissions, etc. Under a District Plan, a home occupation, such as a private sex worker operating from their own home (a SOOB), does not need to apply for permission so long as it meets all other requirements, the same as any other home occupation.</p>
D	<p><b>9.7 Comment</b></p> <p>“decisions on the making of bylaws must be made on legal, rather than moral grounds. In the Committee's view, this approach reflects the spirit of the PRA, and furthers its purpose.”</p>	<p>Case law was included, but</p> <p>“the Court has gone out of its way to state that each case will be different, depending on the locale, giving later High Court Judges leeway to approach each challenge on its merits.”</p> <p>“The sex industry should be regulated, as far as possible, in the same manner as other industries”</p>	<p>I know of no other industry that would be allowed to set up business selling on the street curb. Even a cake stall or sausage sizzle needs paper work.</p> <p><b>Street Prostitution your Neighbourhood.doc</b></p> <p><b>John McCracken</b></p>	<p>Were every busker and other person who does business on the street to be asked, Freedom would find that a large number do not comply with local bylaws in relation selling goods on the street.</p>

Page #	Section # Title and Quotation	Summary of Item Issue	Submission Comments	NZPC Response
D	<b>9.9 The Manukau City Council's Concerns About Street-Based Sex Work</b>	<p>If the Manukau bill was passed citizens would be subject to conflicting criminal laws. It would set an undesirable precedent. MCCs Bylaw limited SOOBs to Business Zones and Street sellers can be regulated or prohibited</p>	<p>I think the Committees big fear is that the Manukau Bill will drive Sex sellers underground. Sweden's example of targeting the demand. Allow decriminalisation to continue but Target the purchaser with prosecution.</p> <p>Ref: A question for the Prime Minister by Lole-Taylor Ref5.3 John Key should not say that a TA can control the sex industry <a href="http://www.youtube.com/watch?v=xqbMz9QkXrk">http://www.youtube.com/watch?v=xqbMz9QkXrk</a></p>	<p>Sweden has driven the sex industry underground by criminalising the client. The law has also resulted in greater harassment of sex workers by authorities (police, welfare, etc), contrary to claims by those seeking to have that system imposed on their country. Furthermore, the Swedish government has admitted this, and also that the law has led to greater stigmatism of sex workers, in its "evaluation" of the law, and has called this intimidation and stigmatism "a good thing". Sex workers are more vulnerable, and are afraid to engage with authorities for support. As well as this, support in Sweden is only available if you say you are a victim and want to leave.</p>

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D A	<b>10.2 The Sex industry Prior to 2003</b>	“It was hoped that decriminalisation of the sex industry would eliminate exploitative practices such as these, as sex workers came to enjoy the same employment protections as those enjoyed by workers in other industries.”	<p>Witness A has exited and now enjoys office work. She states that her current employment protection and hours of work are incomparable with selling sex.</p> <p>The Committee needs to recognise that an illegal market thrives alongside a legal industry such as this. When sex sellers remain anonymous they will be open to exploitation.</p> <p>What about cash? Are the sellers legally bound to provide cash receipts for services as do other industries?</p> <p>Also see 10.3.1</p> <p>Ref 8.5.3 where 71.8% street sellers in Auckland receive payment in kind (drugs and alcohol) This is promoting a Black economy.</p>	Perhaps witness A would have found it harder to exit while sex work was still criminalised, and their name was on a police register and monitored as part of a criminal class.

Page #	Section # Title and Quotation	Summary of Item Issue	Submission Comments	NZPC Response
D A	<p><b>10.3 Employment Rights After Decriminalisation</b></p> <p><b>10.3.1 The Status of the Sex Industry</b></p> <p>“A decriminalised sex industry theoretically has the same status as any other industry, and those working in it experience the same sort of employment practices as those in any 'normal' industry However, in reality this is not the case. There is a deeply ingrained moral and social stigma attached to working in the sex industry.”</p>	<p>“exploitative practices are long standing in the sex industry, and, in the absence of a legal challenge to them, there remains uncertainty as to their legality amongst many in the industry.”</p>	<p>Decriminalisation has not removed the sellers wish to remain anonymous and has not removed their reluctance to legally challenge exploitive practices.</p> <p>Can other industries remain anonymous to the authorities? What about cash. Are the sellers legally bound to provide receipts for services as do other industries? Also see 10.2</p> <p>Ref item 8.5.3 where 7.1.8% street sellers in Auckland receive payment in kind (drugs and alcohol)</p> <p><b>This is promoting a Black economy</b></p>	<p>See the above points about stigma, and how this affects sex workers, and therefore why they prefer to remain anonymous. Sex workers and debates related to stigma surrounding sex workers are complex.</p> <p>Clients do not want receipts., as indicated above. Also, as indicated above, sex workers use a variety of BIC codes, not just the single one cited. The issue is that IRD have the power to insist on payment of tax. Sex workers are not treated any differently.</p>

## ADDENDUM 7

### Stigma and Child Abuse Cat E Notes on CSOM Report 2008

Page #	Section # Title and Quotation	Summary of Item Issue	Submission Comments	NZPC Response
E G	<p><b>4.1 General Health of Sex Workers</b></p> <p>“only half of the participants who reported having a doctor indicated that they had told him/her they were sex workers”</p>	<p>Most Survey participants have their own Doctor.</p> <p>NZPC was seen as the main provider of health services &amp; information in the CJRC Key Informant interviews</p>	<p>Sex sellers need to tell their Doctor that they are sex sellers. Only half report doing so. They don't because - Stigma</p>	<p>The stigmatising language used within society contributes to societal stigma, which is the reason sex workers often do not tell their doctor they are sex workers. See comments above regarding stigma.</p>
E	<p><b>Section 4.3</b></p> <p><b>Comment – 2</b></p> <p>“The decriminalisation of the sex industry was intended to make it more likely that sex workers would report violent behaviour by clients to the Police, increasing their safety as clients realised that they could no longer 'get away with it'.”</p>	<p>“clearly there is still a marked reluctance amongst sex workers to follow through on complaints. The CSOM report concludes that stigmatisation plays a key role in the non-reporting of incidents. The Committee has commented elsewhere that stigmatisation is still attached to the sex industry, and it will take time before it dissipates.” Committee recommends that Med Officers of Health be resourced to conduct inspections of brothels.</p>	<p>The comment about lack of complaints must mean that there is compliance, is typical of the bias given to the PRA.</p> <p>If Medical Officers are not making inspections they are not fulfilling the law. What are their terms of reference? If they cannot cover, it is an indication that the law is impractical – see comment on it not being a priority in 2003 – and has not been since. Ref 4.2.2 – The legislation is merely a lip service</p> <p><b>If clients were prosecutable (as per the Swedish Model) the workers would know that the violent client would be summarily prosecuted, even if the violence could not be validated.</b></p>	<p>The PLRC states that 'it <b>may</b> mean', not "it <b>must</b> mean". Medical Officers of Health do respond to complaints made. These complaints may be about the lack of signage regarding safer sex. Where this has happened, the Medical Officer of Health has told them to ensure the signs are up before a 2nd visit. The law works. As noted before, criminalising clients in Sweden has led to greater harassment of sex workers by the authorities, and to greater stigmatisation. The Swedish government admitted this was true in its evaluation, yet said these negative outcomes were good. Sex workers in Sweden report violence against them has increased as a result of the legislation.</p>

Page #	Section # Title and Quotation	Summary of Item Issue	Submission Comments	NZPC Response
E	<p><b>5.4.3 Reasons for Wishing to Exit</b>            CSOM research described some negative aspects.            . “These included continuing stigma and harassment from the general public to street-based workers, safety issues for all sex workers, the health consequences of shift work and inequitable work environments experienced by some in the managed sector. Some participants also discussed the temptations of activities on the fringes of the sex industry such as drugs and alcohol.”</p>	<p>“Williamson and Folaron's (2003) study of 21 women who had exited from street work at some stage found it to be the result of 'daily hassles, acute traumas, and chronic conditions'.”</p>	<p><b>Table 17 Pathways to Exiting-</b>            Describes issues workers face, frequently a new relationship or to enter drug treatment, or less chaotic.              In a new relationship how many men approve of sharing their partner?</p>	<p>The cited study is very small, and cannot be extrapolated to other sex workers.              A number of former sex workers are working in a variety of occupations. In some cases, these people found the sex industry to be better than the current job they have, and only left reluctantly.</p>

Page #	Section # Title and Quotation	Summary of Item Issue	Submission Comments	NZPC Response
A E	<p><b>12.3 Comment</b> “While demand to buy sex persists, ways need to be found to reduce the vulnerability of workers and increase perceptions of them as human beings with rights that need safeguarding.”</p>	<p>This is a supply and demand industry but Demand won't persist if the client knows he will face criminal penalties for fuelling the industry as per Sweden's (the Nordic) example.</p>	<p>The PRA has made the purchase of sex legal, therefore it has provided protection to the men who drive the demand.</p> <p>The focus of the PRA is on promoting the rights, health &amp; well being of sex sellers. The report states that demand to buy sex will persist SO why don't the authorities ensure they reduce the vulnerability of workers by providing monitoring that the PRA provides. i.e OSH inspections instead of doing Lip Service. See our submission of how prosecuting clients will enable the workers to report violence to police and KNOW that the clients will be convicted.</p>	<p>There is no evidence that the number of clients in Sweden has decreased. There was never any base estimate taken when the law was introduced, only a guessed estimate. There has been no count of the number of clients in Sweden since the law came into effect. The "evaluation" Sweden did included no real figures of the number of clients, only estimates. There is no real evidence the number of clients has reduced. It should be noted that the number of Thai massage parlours in Stockholm, which the Swedish Police indicate are a front for brothels, increased from 90 to 250 between 2009 and 2012. This indicates there has been no decrease in clients</p>

## ADDENDUM 8

### F. Under Age Entry

Page #	Section # Title and Quotation	Summary of Item Issue	Submission Comments	NZPC Response
F	<p><b>7.4 The Nature of Under Age Prostitution</b></p> <p><b>7.4.1 The number of Under Age People Used in Prostitution in New Zealand</b></p> <p>“November 2003 to April 2004. It was estimated that there were 210 under age people involved in the sex industry at that time, with a majority located in the street-based sector.”</p>	<p>“Police notes that, 'as a result of the legislative changes, Police... has less contact with the sex industry, and there is no systematic intelligence gathering and collation' (NZ Police, 2007”</p> <p>“The Key Informant Interviews undertaken by the CJRC (2007) included discussions about the number of people used in under age prostitution. The majority of informants reported that the PRA had not affected the number of under age people used in prostitution in Christchurch or Wellington.”</p>	<p>Accurate numbers of people should be monitored by the Police</p> <p>Ecpat Child Alert 2010 “Speaking for Ourselves” Speaking for Ourselves confirms the links between underage commercial sexual exploitation and backgrounds of physical, psychological, and sexual abuse.”</p>	<p>When Police are involved in monitoring sex workers, they attempt to hide from the police. In a decriminalised environment, the emphasis of the police is protection, not surveillance or monitoring, treating sex workers like criminals. A decriminalised environment allows police to focus resources where they are needed. A decriminalised environment also means that 15 and 16 year olds are <b>not</b> being arrested for soliciting.</p>

Page #	Section # Title and Quotation	Summary of Item Issue	Submission Comments	NZPC Response
A F	<p><b>7.6 Reasons for Under Age Involvement in Prostitution</b></p> <p>The Protecting our Innocence report (Ministry of Justice, 2002)“notes that some children or young people who are used in prostitution may still be living with parents or caregivers, others may be in residential care and others may be homeless. Their entry into the sex industry may be caused by homelessness, family breakdown, the influence of others, abuse (sexual, physical and psychological), poverty, drug and/or alcohol abuse, educational underachievement, or unemployment.”</p> <p>“Participants in the CSOM survey who started working in the sex industry prior to the age of 18 years were significantly more likely than sex workers who started aged over 18 to report that they could not get an unemployment benefit or parental financial support (35% as opposed to 9.5%) (CSOM, 2007).”</p>	<p>“The CSOM study authors also noted the young people in their study spoke of the need to survive and make money, and their inability to gain financial support through either their parents or the government.”</p>	<p>The PRA has made prostitution an attractive occupation for vulnerable young people.</p> <p>Witness M was sexually abused as a child. Witness A was introduced to selling sex on the street by an underage friend. Both girls needed money.</p> <p>Witness A would never have entered if it was not legal.</p> <p>Saphira Herbert “The Involvement of Children in Commercial Sexual Activity” Quote: 59% of respondents disclosed childhood sexual abuse. Young people who have experienced a high rate of abuse and who lack the guidance and security of a stable home could be very susceptible to suggestion from other people. “Speaking for Ourselves“ ecpat ChildAlert Sarah I got into a fight with my dad and ended up running away coz he was hitting every goddamn person he saw; and I had no money. I met some boys and they said, coz I used to be straight and skinny, I’d be good as a prostitute, but I didn’t know what it was at first.</p>	<p>Freedom appears to be conflating childhood sexual abuse and consensual adult sexual activity. There is a big difference between the two.</p> <p>Rather than blame the presence of an adult sex industry for underage prostitution (and ECPAT Australia, 1999, found no link between the two), the conditions that cause a young person to leave home, the forms of support available to them if they feel they have to leave home, etc., should be examined.</p> <p>NZPC meets regularly with CYFS, the Police Youth team, and other groups in Auckland to assist youth at risk. Furthermore, as indicated in the PLRC report: <i>"I don't think there has been any significant change. From what we see, there has been no change, just seasonal ups and downs. In school holidays, there are more. The papers get it wrong. Over a 12 month period, [NGO] reported 40 to 50 contacts with those under 18 years, but probably 50 contacts are with just five girls.(NGO, Christchurch, CJRC, 2007)."</i> This indicates that underage prostitution is over-reported.</p>

Page #	Section # Title and Quotation	Summary of Item Issue	Submission Comments	NZPC Response
			<p>I've been doing it since I was 12; they just kept telling me I'd be good until I started doing it.</p> <p>Who were the boys?</p> <p>Boys from Black Power. They're still my managers today..... Then one of them raped me. He said he was "only showing me what it [prostitution] was like;" and after that I was like "oh nah, I don't care no more...and I started working."</p> <p>Christina</p> <p>Growing up ...I was sexually abused when I was twelve. My father came into my room and he assaulted me....he fucked me. We were shifting house to house to house...apparently my mum was a worker as well, I didn't know until I was 12. When did you start sex working? I started when I was 12....I'd get rolled all the time – by clients and workers, they'd smack me up, take my stuff off me and I'd have to walk home half naked. I feel scared walking outside now, even walking to the bus I feel scared.</p>	

Page #	Section # Title and Quotation	Summary of Item Issue	Submission Comments	NZPC Response
B F	<p><b>7.6 Comment</b></p> <p>“The Committee does not consider the PRA has made prostitution an attractive occupation for young people. The number of young people in crisis or lacking other means of support who become involved in prostitution to survive is outweighed by those young people in similar situations who do not. Nevertheless, the involvement of an under age person in prostitution adds to, rather than alleviates, the problems they face.”</p> <p>“All measures should be taken to divert under age people from entering the sex industry as a means of survival.”</p>	<p>Sadly it appears that no measures have been introduced to “divert under age people from entering the sex industry as a means of survival.” As recommended by the committee.</p>	<p>The number of young people in crisis or lacking other means of support, who become involved in prostitution to survive, is outweighed by those young people in similar situations who do not. Therefore, nearly 50% is deemed to be an okay number and the Committee does not believe underage selling automatically means a young seller should have support.</p>	<p>The reasons why young people prefer to live on the streets rather than at home must be addressed. NZPC works with CYFS, WINZ, the Police Youth Team, and others to assist those at risk.</p>

Page #	Section # Title and Quotation	Summary of Item Issue	Submission Comments	NZPC Response
F G	<p>7.7 Harm Done [Under Age]  “ These consequences include physical, psychological and emotional harm, and negative social consequences such as ostracism and social stigma.”  The ECPAT New Zealand report Speaking For Ourselves (2007) provided a forum for under age people used in prostitution to talk about their experiences. The experiences of the 13 young people interviewed for the report included histories of family violence, sexual abuse and neglect, as well as violence, rape and drug or alcohol misuse while working in the sex industry.”</p>	<p>Isolation from main stream support.</p> <p>Vulnerable.</p> <p>Reduced educational and employment opportunities.</p> <p>Post Traumatic Stress Disorder</p>	<p>Witness M suffers from Post Traumatic Stress due to rape as a child.</p> <p>The ECPAT New Zealand report Speaking For Ourselves (2007) – see 7.5</p> <p>– It is inevitable that many will suffer from Post Traumatic Stress Disorder.</p> <p>– Christina – “I feel cared walking outside now, even walking to the bus, I feel scared.”</p>	<p>It is not "inevitable that that many will suffer from Post Traumatic Stress Disorder". While some may, there are too many confounding factors to it to be linked only to a person's sex work. These confounding factors include, among other things, incest, childhood sexual abuse, family violence, homelessness, etc., all of which are triggering factors for PTSD. A young person's sex work may be a contributing factor, but it is not the only factor.</p>

Page #	Section # Title and Quotation	Summary of Item Issue	Submission Comments	NZPC Response
F	<p><b>7.8.2 Charges Under Sections 20-22 of the PRA</b></p> <p>“As at 31 March 2008, a total of 92 charges have been laid under sections 20-22 of the PRA. Table 20 provides data on the outcome of disposed charges and the number of active charges.<sup>40</sup>”</p>	<p>“It is possible that where an offence relating to under age prostitution has occurred and the victim is aged under 16 years, the offender may have been charged with an offence under the Crimes Act 1961. For example, in R v Woodhouse the offender was convicted of indecent assault on a 14 year old used in under age prostitution and was sentenced to 5 years imprisonment.<sup>42</sup> The data in Table 20 may therefore not represent the totality of offending relating to under age prostitution.”</p>	<p>Refer to Table 20 CSOM 2008 Note: table may not show total offending since under age of 16 may involve Criminal charges under Crimes Act 1961.</p> <p>There should not be any defence. It should be <b>“absolute liability”</b> see Sections 2-22 of the PRA.</p> <p>Ref 7.9</p>	<p>There have been several prosecutions since the PLRC report was completed in 2008. The Ministry of Justice would be able to supply those figures, though the same rider applying to R v Woodhouse would apply there as well.</p>
F	<p><b>7.8.2 Comment</b></p> <p>“few charges have been disposed in Manukau District Court, although there are numerous reports that under age people are being used in prostitution on the streets of Manukau city”</p>	<p>Of the cases where sentencing notes are available, judges have commented on the protective nature of the PRA and the vulnerability of victims of under age prostitution offences. Judges have also commented on the need for deterrent sentences for offending of this nature.</p>	<p>There should not be any defence. It should be <b>“absolute liability”</b> see Sections 2-22 of the PRA.</p> <p>Ref 7.9 and 7.8.2</p>	<p>See above</p>

Page #	Section # Title and Quotation	Summary of Item Issue	Submission Comments	NZPC Response
F	<p><b>7.9 Sentences Under Sections 20-23 of the PRA</b>            "To date, the highest sentence imposed under section 23 of the PRA is two years' imprisonment, which is considerably less than the maximum penalty of seven years imprisonment. Sentences imposed to date include fines, supervision, community work, home detention and imprisonment."</p>	<p>"judges have commented on the protective nature of the PRA and the vulnerability of victims of under age prostitution offences. Judges have also commented on the need for deterrent sentences for offending of this nature."</p>	<p>Ref Table 22 Maximum sentence imposed was 2 years against max of 7 years possible.            Refer also 7.9 which states the maximum sentence possible is 7yrs            Have sentences increased since 2008?             Ref 7.8.2</p>	<p>See above</p>
F	<p><b>7.10 Role of the Police</b>            "Police officers may request, but have no powers to require, age identification documentation from a person they suspect to be an under age person providing commercial sexual services. Police reported that this makes</p>	<p>"Police now have no right of entry into brothels or other premises,43</p>	<p>· Unless the brothel holds a liquor Licence             Police cannot protect young people since the PRA.            They would like to and suggested making prostitution under 18 to be an offence.             "The Police Association (2008) recommend amending the PRA to include a 'low level' offence provision for under age people involved in prostitution. Such a provision, the Association argues, would assist Police to remove vulnerable young people (particularly 17 year olds) from the streets."            If all clients were prosecuted as the law states for under 18 at present - this problem would not exist.</p>	<p>Note 43, included in the citation in column 2, reads:  <i>"Under section 30 of the PRA, Police may obtain a warrant to enter any premises if they have good cause to suspect that an offence under sections 23 or 34 has or is likely to be committed, or to prevent an offence occurring."</i>            It is thus not accurate that the police have no right of entry. They may obtain a warrant if they suspect an offence is being committed. Furthermore, the police may enter any premises without a warrant under s42 of the Children, Young Person's and their Families Act 1989.             Making sex work under 18 a crime would not be feasible as those underage sex workers would hide from the police, and the protective</p>

Page #	Section # Title and Quotation	Summary of Item Issue	Submission Comments	<i>NZPC Response</i>
				<p>role the police now hold would be destroyed. Sex workers of all ages would lose trust in the police.</p> <p>As noted above, making clients criminal increases harassment, violence, and stigma against sex workers.</p>

Page #	Section # Title and Quotation	Summary of Item Issue	Submission Comments	NZPC Response
F G	<p><b>7.12.3 Changes to the Independent Youth Benefit</b></p> <p>“The CSOM report shows that sex workers who started working in the sex industry prior to the age of 18 years were significantly more likely to report that they could not get a government benefit or parental financial support. Without money or adequate accommodation and support, some young people become involved in under age prostitution to support themselves.”</p> <p>“In the CJRC report Key Informant Interviews (2007), some NGOs also expressed concern that young people are experiencing difficulty in obtaining financial support. Specifically, that the application process for the IYB can be difficult and lengthy and it can be traumatic for some young people to have to provide evidence of a breakdown in family relations in order to be eligible for the IYB.”</p>	Nil	<p>“The IYB is available to those who are looking for work, training for work, in secondary education, or can not work due to sickness, injury, disability or pregnancy, and are not able to rely on parental support. To be eligible for this benefit there needs to be a breakdown in the relationship between the young person and his or her family.48”</p> <p>Young people fall through the system for no fault of their own,so end up getting the IYB</p> <p>Our Submission supports Committee ref “<b>7.12.3 Comment</b> Committee recommends that the Ministry of Social Development develop strategies to assist at risk young people to apply for Independent Youth Benefit (IYB)”</p>	See above re reasons for leaving home. See also comments re NZPC, CYFS, etc.

## ADDENDUM 9

### G Mental Stress & PTSD Cat G Notes on CSOM Report 2008

Page #	Section # Title and Quotation	Summary of Item Issue	Submission Comments	NZPC Response
G	<p><b>3.1 International Conventions</b>  <b>Articles 34 &amp; 35 of the Convention of the Rights of the Child</b>            “In summary, the focus of human rights instruments is two-fold. First they condemn any form of child prostitution. Second, with regard to prostitution by adults, international human rights standards target 'forced prostitution' or 'exploitation of women in prostitution', rather than the abolition of prostitution itself.”</p>	<p>They condemn child prostitution. Target forced ‘prostitution’ or ‘exploitation of women in prostitution’</p>	<p>People who sell their bodies are continually exploited.</p> <p>Interestingly there is no mention of men caught in prostitution</p> <p>How can they be treated with dignity when we know that it is intrinsically wrong – as is child abuse.</p>	<p>This is an ideological statement not backed by evidential research.</p> <p>The Swedish law promoted by Freedom is silent on male and transgender sex workers. Apparently it's okay for men and transgender people to "sell their bodies", but not for women to choose to do so.</p>
E G	<p><b>4.1 General Health of Sex Workers</b>            “only half of the participants who reported having a doctor indicated that they had told him/her they were sex workers”</p>	<p>Most Survey participants have their own Doctor.            NZPC was seen as the main provider of health services &amp; information in the CJRC Key Informant interviews</p>	<p>Sex sellers need to tell their Doctor that they are sex sellers. Only half report doing so.            It appears they don’t because - Stigma</p>	<p>As noted above, it is very important to reduce stigma against sex workers. Doing so would enable them to openly discuss issues with their medical services.</p>

Page #	Section # Title and Quotation	Summary of Item Issue	Submission Comments	NZPC Response
A D G	<b>4.3 Table 11 General Safety of Sex Workers</b>	Street sellers more likely to report non payment, rape, being held against their will. The majority felt the PRA could do little about the violence. NZPC sends out alerts of potentially violent clients	From Table 11 Adverse Experiences while Working in the Last 12 months by Sector. Total Workers =2332 (Table 3) Raped : Total 3% (5.3% Street Workers) = 70 (total rapes for NZ country=approx 600 pa '96- 2006 Statistics NZ) Held against will : Total 4.7% (10,2% Street Workers) Physically Assaulted: Total 9.8% (13.4% Street Workers) What an outcry if this was normal across a pro rata population of 4 million? ie Rapes = 70/2332 x 4m =12,000 pa	These adverse effects are a decrease on the figures for these same violent activities in 1999, as noted above. This indicates the PRA is working. A number of other occupations remain vigilant against the potential for violence to occur.

Page #	Section # Title and Quotation	Summary of Item Issue	Submission Comments	NZPC Response
B D G	<p><b>5 Avoiding or Exiting the Sex Industry</b></p> <p><b>5.1 Introduction</b></p> <p>“The Committee concludes that amendment to the PRA is not required, nor feasible, regarding avoiding entry and assisting with exiting.”</p>	<p>“First, the most common reason for entering the industry is financial. The most effective way to ensure people do not enter the sex industry is to help them find other ways of earning money . Second, exiting the industry is difficult, and often involves several attempts. Third, by no means all sex workers want to exit, and some sex workers find it offensive that they should be being offered assistance to leave a job where they are quite happy. Finally, there are as many reasons for exiting as there are reasons for entering the sex industry, and a 'one size fits all' approach to 'exiting interventions' or 'support and assistance in exiting' will not be appropriate.”</p>	<p>If there are less clients driving the demand, there will be less incentive to enter prostitution.</p> <p>Check OSH implemented programmes concerned with employers causing mental stress in the work place, in every other industry.</p>	<p>There is no evidence criminalising clients reduces demand. There was no base figure for the number of clients in Sweden when their law came into effect in 1999. When their "evaluation" was completed in 2010, there was no figure for the number of clients then. In both cases only wild estimates were made. Furthermore, if the claims of the proponents of the Swedish law are correct, why did the number of Thai massage parlours in Stockholm increase from 90 to 250 in around 3 years, nearly a decade after the law criminalising clients came into effect?</p>

Page #	Section # Title and Quotation	Summary of Item Issue	Submission Comments	NZPC Response
B G	<p><b>5.2.1 Entering the Sex Industry</b>  “that a combination of 'push' and 'pull' factors are at play when entering sex work. Push factors – particularly for young street workers – can include abuse and neglect, a breakdown in care-giving, school exclusion, homelessness, and lack of money. Pull factors can include excitement, encouragement from others involved in sex work, and a way of seeking affection. Freedom to work one's own hours to accommodate childcare or study responsibilities is another pull, particularly for brothel or small owner-operator brothel (SOOB) workers. Of most importance, though, seems to be that sex work can offer more money than is available from 'straight' jobs.”</p>	<p>Abuse, neglect, breakdown of family, homelessness. More money than straight jobs, excitement</p>	<p>A quarter of CSOM surveyed sellers said they entered because it's not illegal [bottom of Table 12]but this was not highlighted by the CSOM committee.</p> <p>Note: The CSOM review is based on Otago University research paper:- <a href="http://www.justice.govt.nz/policy/commercialproperty-and-regulatory/prostitution/prostitutionlaw-review-committee/publications/impact-healthsafety/documents/report.pdf">http://www.justice.govt.nz/policy/commercialproperty -and-regulatory/prostitution/prostitutionlaw-review-committee/publications/impact-healthsafety/documents/report.pdf</a></p> <p>Disadvantages reported in the qualitative interviews included:</p> <ul style="list-style-type: none"> <li>· The continuing stigma of sex work and harassment by the general public.</li> <li>· Many participants talked of the physical and mental stress of the work.</li> </ul> <p>This item is from the Executive Summary page 11 under the heading benefits of working: But is omitted from the Committee's report Refer Table 12: Reasons for Entry.</p> <p>Freedom has witnesses who say they entered</p>	<p>Freedom usually mean the Prostitution Law Review Committee Report (PLRC) rather than the CSOM (Christchurch School of Medicine) study. In this section, they actually use the real CSOM study. It should be noted that the reason "because it's not against the law" was 9th out of 18 possible answers, and respondents could answer more than one reason.</p> <p>The qualitative interviews revealed:  <b><i>Few participants reported no benefits of working in the sex industry. The key benefits reported by participants were:</i></b>  <i>They had more money.</i>  <i>They had made new friends.</i>  <i>They had survived.</i>  <i>They enjoyed contact with the clients.</i>  <i>They valued their independence, the flexibility of the work and the camaraderie with other workers.</i>  (CSOM, p11, emphasis added). This immediately preceded the quote given by Freedom.</p>

Page #	Section # Title and Quotation	Summary of Item Issue	Submission Comments	NZPC Response
			<p>because it was legal. When talking to witness M, she hadn't realised how childhood abuse led her to entry. It began with payment via alcohol &amp; cigs while still at school.</p> <p>Many female and transgender sex sellers that I speak to on the Street have been sexually abused as children.</p>	
B G	<p><b>5.2.2 Expected Length of Stay in the Sex Industry</b> "Almost a third of participants were unsure of how long they would be working in the industry,"</p>	<p>Table 13 shows that 48% of workers with less than one year experience expected to stay less than 1 year.</p>	<p>Refer Table 13 The fact that 48% of workers with less than one year experience expected to stay less than one year.</p> <p>This is a huge indictment as to those who wanted (rather than needed) to stay in the industry. The table indicates that after they have worked for more than a year it becomes a way of life to sustain their "problems".</p>	<p>This is an impossible reading of the report. For example, a number of sex workers are university students, earning money to see them through the year and to pay university fees. These women usually want to put their degree to use after graduating, and leave the sex industry.</p>

Page #	Section # Title and Quotation	Summary of Item Issue	Submission Comments	NZPC Response
D E G	<p><b>5.2.3 Taking 'Breaks' from the Industry</b></p>	<p>Most frequent reasons: New relationship, received employment in a straight job, pregnant</p>	<p>Many don't tell their new partners as it is known to be morally wrong.</p> <p>Refer Table 14</p> <p>With around 50% of all workers taking breaks. This – would not happen in normal work.</p> <p><b>Why are breaks are needed? Mental health</b> Partners not wanting them to continue etc must indicate something is wrong. STD's, stigma. Primal male/female instinct knows it is wrong.</p>	<p>They do not tell new partners due to societal stigma.</p> <p>The majority of people in the sex industry are women. Circumstances often change, and people take breaks. This occurs across all occupations.</p>
D G	<p><b>5.2.4 Remaining in the Sex Industry</b>          "As a job option, sex work was also valued by more than 80% of the participants because of its flexible working hours."</p>	<p>Over 90% cited money as the reason. Flexible hours. (39%) said because they enjoyed sex. Street sellers were more likely to report they didn't know what else to do and didn't know how to leave.</p>	<p>Read Table 15          Exit strategies will need to offer a realistic economic alternative to sex wk.</p> <p>Work in the Rain and snow.          Read Table 15          Witness A has exited and is in full time office employment. She could not have done this without help. She says she now feels like somebody instead of a no body.</p> <p>CAP money is supporting her with budgeting and strategy's With over 80% needing to Pay household expenses it indicates poverty and a breakdown in society.</p>	<p>It is true that there are already options for sex workers who wish to leave the sex industry. Formal exit programmes are not necessary. Over 93% of the sex workers surveyed by the Christchurch School of Medicine said they knew of ways to leave sex work. 50% of sex workers report leaving the sex industry, indicating there is little difficulty in doing so. Sex workers do not want to be in a special programme to help them leave.</p>

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			Also at least 20% having no other income.	
G	<p><b>5.2.4 Comment</b> For successful exit strategies each needs to be an individual realistic economic alternative to sex work. “the over-arching theme seems to be financial need”</p>	<p>“For some sex workers, working in the sex industry also fulfils a social need, with street workers in particular reporting that they gain a sense of community in the sex industry that would otherwise be lacking in their lives.”</p>	<p>Social services are not coping now. This seems to admit that those wanting to exit have fallen through the cracks and are unable to sustain themselves? Social issues etc. see 5.4.1</p>	<p>Those who state they "can't get help to leave" are 6.6% of the sex industry. NZPC does provide help to those who seek help to leave the sex industry, and refer them to appropriate agencies, both non-faith based and faith based, such as City Mission, etc. NZPC has more contact with sex workers than Freedom or its companion outreach group, Drug Arm, and is more aware of issues than either organisation.</p>

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B G	<p><b>5.4 Exciting the Sex Industry</b>  <b>5.4.1 Sex Workers who do not wish to Exit-</b>  . “While there is a common perception that sex workers are in the industry through desperation or lack of choice, most are not, and some may be offended by being offered assistance to leave.”</p>	<p>17.6% remain as they don’t know what else to do.  Sellers in Soobs &amp; brothels managed to save.  Table 15 shows that 44% of St Workers and around 70% of other workers saved.  Survival was key benefit for 96% of Street sellers</p>	<p>See Otago University Report  See p 190 Questionnaire Q22 and Q23 Q24  specifically on stress/health – Also Q 25/6/7 on Alcohol &amp; Drugs.  But is there any comments in report?  If so why not picked up by committee?  P197 Q41 Reasons for refusing client. i.e . dangerous client–Any report?  Liken camaraderie to being in Christchurch earthquake street.  Refer Tables 15&amp;16  [CJRC =Crime and Justice Research Centre, Victoria University of Wellington]  I’ve survived. 97% of street sellers Ref table 16 (same as T 68 p 213 Otago).  What does this really mean?</p>	<p>The results of the mental health part of the survey were not yet available, and thus not reported in either the CSOM study, or the PLRC Report. These were published in Dr Abel's Thesis in 2010. These results show that although sex workers perceptions of their general health and energy and vitality are about the same as the general population, their perceptions of their mental health is lower. Abel concludes that the:  <i>"stigma attached to their occupation was regarded by most participants in the in-depth interviews as being detrimental to their emotional health."</i></p>

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G	<p><b>5.4.2 Comment</b>            Accurate numbers are unavailable  <b>Sex Workers Who Want to Exit</b>            “The CSOM report looked at reasons for entering and staying in the industry, as these may remain effective as barriers to exiting. However, it did not quantify the number of survey respondents who wished to leave.”            “The CJRC exiting report refers to Saphira and Herbert's -2004 study of 47 sex workers that showed that two thirds of sex workers had tried to exit, and a quarter had done so. However, the study was limited to those who had entered the sex industry before the age of 18, and its usefulness as a measure of the industry as a whole is limited accordingly.”</p>	<p>“The rewards pose the impediments to exiting.”</p>	<p>Most Street sex sellers that I have spoken to wanted to leave. Salvation Army workers confirm this. Why had two thirds tried to leave?</p> <p>approx 80% enter before they are 18. See a reference Table that a higher proportion under 18 expect to leave before 1 year.</p>	<p>It is a fiction that "<i>approx 80% enter before they are 18</i>". Elsewhere, <b>Freedom have noted that <u>18.3% of sex workers start work before they are 18, yet now claim 80%</u></b>. There is a big difference between 18.3 and 80%. The CSOM study (table 4.6) notes that 35.6% of sex workers started between the ages of 18 and 21. <b><u>It is therefore quite clear that the claim that 80% of sex workers start before they are 18 is incorrect.</u></b></p> <p>See notes above about a female dominated industry, and time away from work.</p> <p>Also note that NZPC has more contact with street based sex workers than Freedom, Salvation Army, or Drug Arm, and our experience is different from theirs in respect to wishing to leave.</p>

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G	<p><b>5.4.3 Comment</b> Government and NGOs need to be accepting and Patient “Access to readily available money was something that 68% of survey participants reported would make staying away from the industry a challenge.” “Sex work can have become an <b>entrenched</b> lifestyle. Low self-esteem and feelings of social exclusion are not uncommon (Hester and Westmarland, 2004). Many, too, have lost the social support networks outside the industry that would ease transition into other sectors of society.”</p>	<p>Worries about financial insecurity ,camaraderie, no other job skills.</p>	<p>Exiting support network needs to be tailored to the individual.</p>	<p>Any occupation can become "entrenched" for some people. Low self esteem and feelings of social exclusion are caused by societal stigma, which, as noted above, the language used by, and the recommendation from, Freedom contributes to this continued stigma.</p>
G	<p><b>5.5.3 Facilitating Free Choice</b> “Free choice is seen as a key factor in sex workers deciding to move into a more stable situation and then finally to exit. Of course, choice is a relative matter, and is reduced when economic necessity is the main driver for working in the sex industry (Hester and Westmarland 2004).“</p>	<p>Free choice is the key but is reduced when financial stress is the main driver.</p>	<p>There is no action plan to offer those wishing to exit.  A National Plan of Action is a huge undertaking. The less expensive alternative is to follow the Swedish (Nordic) example and use our existing social services and NGOs to assist those who wish to exit.</p>	<p>There is no need for a national plan of action, as this is not wanted by the majority of sex workers. For those sex workers who do wish to leave, the existing strategies used by government and non-government agencies, is available. The Swedish model discourages people from leaving, prevents them from reporting abuse, and increases stigma and harassment. It is not needed.</p>

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G	5.5.5 Building Trusting Relationships	Very important. Young sex sellers are unlikely to accept advice other than from 'credible' supporters.	Greater understanding may be created when former and current sex workers staff services. Freedom disagrees with the suggestion that a current sex seller could staff services, as they aren't free from the industry. They would need to be out of the Industry and clear of addiction for at least two years. Guidelines for counselling within places like Salvation Army, Pitman House, CADs and Auckland City Mission	Yes, it is very important to be able to build trusting relationships. Sex workers are wary of those services that are perceived as being "against sex workers".
G	<b>7.5 Street-Based Under Age Prostitution</b> <b>Ref section 8</b> "street-based sex workers are significantly more likely than other sex workers to have experienced violence, threats of violence, to have been raped, had money stolen from them or been held somewhere against their will. "	CSOM reported "Of the sex workers surveyed, 56% of streetbased workers were aged under 18 at entry into sex work. This is compared to 9.6% of managed indoor workers and 15.9% of private indoor workers aged under 18 at entry into sex work (CSOM, 2007). The Christchurch branch of NZPC reported that, based on figures from outreach workers and YCD, there are no more people used in under age prostitution now than there were before the PRA came into force (NZPC, 2007)."	"Under age people are generally more vulnerable because of their age and are more likely to be used in prostitution on the streets, which increases their vulnerability"  : <a href="http://www.ncbi.nlm.nih.gov/pmc/articles/PMC1481550/#maincontent#maincontent">http://www.ncbi.nlm.nih.gov/pmc/articles/PMC1481550/#maincontent#maincontent</a> Sex industry is fed by youngsters (under 18) We need to comment on Why.  Authorities admit this but are not doing anything. <a href="http://www.youtube.com/watch?v=IFnQNaOxNSc">http://www.youtube.com/watch?v=IFnQNaOxNSc</a>	The PTSD study is a small sample of Sydney street based sex workers, and its conclusions or results are not likely to be replicated in New Zealand, and neither could those results be extended to street based sex workers in New Zealand.  This does not relate to the question by Ms Lole-Taylor.

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F G	<p><b>7.7 Harm Done [Under Age]</b>  “ These consequences include physical, psychological and emotional harm, and negative social consequences such as ostracism and social stigma. The ECPAT New Zealand report Speaking For Ourselves (2007) provided a forum for under age people used in prostitution to talk about their experiences. The experiences of the 13 young people interviewed for the report included histories of family violence, sexual abuse and neglect, as well as violence, rape and drug or alcohol misuse while working in the sex industry.”</p>	<p>Post Traumatic Stress Disorder</p>	<p>Witness M suffers from Post Traumatic Stress due to rape as a child.</p> <p>The ECPAT New Zealand report Speaking For Ourselves (2007) – see 7.5</p>	<p>There are too many variables to state whether it is sex work that causes PTSD or, as in the case of Witness M, it is the result of childhood sexual abuse, or some other trauma. Some overseas sex workers who have been diagnosed with PTSD relate that it is caused by the actions of the police and other authorities in a criminalised environment.</p>
G	<p><b>7.11 Social Support for Young People Involved in Under Age Prostitution</b>  <b>7.11.1 Non –Government Social Support</b>  “There are a small number of community-based organisations that provide support and advice to under age people being used”  “A particular gap in services is a lack of residential care and emergency housing. As noted above, homelessness and poverty are key factors for many young people who become involved in prostitution in order to survive.”</p>		<p>“There is a paucity of specialist youth services in this area, which is partly due to the difficulty of sustaining these services in the long term without adequate or continuing funding.”  There currently appears to be no specialist youth services in this area.</p>	<p>In the NGO sector, perhaps. NZPC works with non-judgemental NGOs in Christchurch and Auckland to refer sex workers under the age of 18 for services, such as income support, housing support, general health, drug and alcohol services, etc.</p>

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F G	<p><b>7.12.3 Changes to the Independent Youth Benefit</b>            “The CSOM report shows that sex workers who started working in the sex industry prior to the age of 18 years were significantly more likely to report that they could not get a government benefit or parental financial support. Without money or adequate accommodation and support, some young people become involved in under age prostitution to support themselves.”</p> <p>In the CJRC report Key Informant Interviews (2007), some NGOs also expressed concern that young people are experiencing difficulty in obtaining financial support. Specifically, that the application process for the IYB can be difficult and lengthy and it can be traumatic for some young people to have to provide evidence of a breakdown in family relations in order to be eligible for the IYB</p>	Nil	<p>“The IYB is available to those who are looking for work, training for work, in secondary education, or can not work due to sickness, injury, disability or pregnancy, and are not able to rely on parental support. To be eligible for this benefit there needs to be a breakdown in the relationship between the young person and his or her family.48”            Young people fall through the system for no fault of their own            So end up getting the IYB</p> <p>Our Submission supports Committee ref “7.12.3 Comment            Committee recommends that the Ministry of Social Development develop strategies to assist at risk young people to apply for Independent Youth Benefit (IYB)”</p>	It is important to address issues why a young person has left home, and therefore requires the IYB. It is also important to address other issues external to this in the young person’s life and provide support. It is important that young people who are sex workers have access to the IYB, training, etc., as a means of alternative support. Non-judgemental service providers are required for this.
G E	<p><b>8.3.1 A Matter of Choice</b>            “The Salvation Army rejects the suggestion that a person would freely choose sex work (Salvation Army, 2007).”</p>		Freedom has never met a street seller who wants to be there, only needs to be –see Table 15 (Household expenses, no other support etc) Ref 5.2.1 Number of sellers 108	The evidence based research obtained by the PLRC, the CSOM, and the CJRC, as well as the experience of NZPC, indicate that most sex workers choose sex work.

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A G	<p><b>8.5.1 The 'Problem' of Street Work for Sex Workers</b></p> <p>"The CSOM study found that street-based sex workers are significantly more likely than other sex workers to have experienced violence, threats of violence, to have been raped, had money stolen from them or been held somewhere against their will."</p>	<p>"The CSOM study also found that street-based sex workers reported receiving requests for sex without a condom more often than workers in other sectors of the industry."</p>	<p>Violence for these workers sadly is widely recognised  When out with Drug Arm we are regularly asked for condoms.  Street Sex sellers are often unprepared. Spreading disease.  No improvement</p>	<p>If Freedom had read the CSOM study, they would have seen that rates violence has decreased between 1999 and 2006.</p> <p>Street based sex workers expect any outreach workers who approach them to have condoms available. The following comments by Freedom show they remain unaware of this, and also increases societal stigma against sex workers.</p>

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A D G	<p><b>8.5.3 Drugs &amp; Alcohol</b></p> <p>“71.8% of Auckland street workers interviewed said they would accept drugs instead of money, compared with 45.3% of street workers in Wellington and only 37% of Christchurch street workers.”</p>		<p>So frequent SUPPLY and use of drugs as self medication is ignored. Why are drugs required if it is an acceptable profession? Proof of mental state.</p> <p>See :Posttraumatic stress disorder among female street-based sex workers in the greater Sydney area, Australia Amanda Roxburgh, 1 Louisa Degenhardt,1 and Jan Copeland1  <a href="http://www.ncbi.nlm.nih.gov/pmc/articles/PMC1481550/#maincontent#maincontent">http://www.ncbi.nlm.nih.gov/pmc/articles/PMC1481550/#maincontent#maincontent</a>  Cross ref Ref 8.5.4</p> <p>Some areTrapped in a cycle of addiction.</p> <p>Some are Self medicating to numb the pain</p>	<p>As noted above, the PTSD study is a small sample of Sydney street based sex workers, and it's conclusions or results are not likely to be replicated in New Zealand, and neither could those results be extended to street based sex workers in New Zealand.</p> <p>While the PLRC states 71.8% of Auckland street based sex workers would also accept drugs in place of money, the CSOM study upon which this is based states 69.9%. Furthermore, it was a question with multiple answers available, with 22.1% saying they would also accept food, 27.6% would accept alcohol instead, 28.4% would accept accommodation, 13.6% would accept paying off a debt instead, and 21% would barter.</p> <p>In Abel's thesis, it is stated at 76.0% of the 201 street based sex workers used drugs prior to working in the 2 weeks prior to the study (i.e., 153 people). Of this 153 people, 30.8% (i.e., 47 people) used drugs to "get through the work". This indicates the 53% of the Sydney study is not replicable in New Zealand.</p>

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A G	<p><b>8.5.4. Access to Health Services</b>            “The CSOM study found that street-based workers were more likely to have contact with a mental health practitioner, counsellor or social worker than other sex workers; but they were less likely to have contact with health professionals or have their own doctor.”</p>		<p>Cross Ref 8.5.3            Post Traumatic Stress Disorder.            :<a href="http://www.ncbi.nlm.nih.gov/pmc/articles/PMC1481550/#maincontent#maincontent">http://www.ncbi.nlm.nih.gov/pmc/articles/PMC1481550/#maincontent#maincontent</a>            Legalisation failed to increase health checkups When out with Drug Arm we meet many Street sellers of sex with mental health problems.            Mental health practitioners are not keeping them off the streets.            Many suffer from Post Traumatic Stress Disorder. Workers will often not admit to their own Doctor of their employment</p>	<p>As noted above, the PTSD study is a small sample of Sydney street based sex workers, and its conclusions or results are not likely to be replicated in New Zealand, and neither could those results be extended to street based sex workers in New Zealand.</p> <p>It was not the aim of decriminalisation to "increase health checkups". Allowing a sex worker to come out to their doctor requires a lot more than decriminalisation. It requires at least, a decrease in societal stigma, something that Freedom is increasing.</p>
C G	<p><b>8.5.5. Social Marginalisation</b>            “Street-based sex workers are the most at risk sex workers, but are also vulnerable members of society for reasons other than their involvement in sex work. In the CSOM study, street workers were significantly more likely to report accepting food or a place to stay in lieu of money for sex work, indicating higher levels of poverty and homelessness amongst street workers than other sex workers.”</p>		<p>Receiving food and goods in lieu of cash.</p> <p>High levels of poverty among Streetsellers of sex.</p>	<p>Social marginalisation is a symptom of societal stigmatisation.</p>

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A C G	<p><b>11.1 Coercion</b>  “4.3% or approximately 28 of the 656 female participants in the CSOM study reported being made to work by someone. This was twice the number of male workers (2.1%); no transgender workers reported being made to work. Of the 201 street workers surveyed, 8% (about 16 people) reported being made to work by someone. Participants who started sex work before the age of 18 (18.3% or approximately 141 people) were more likely to report being made to work by someone (9.5% or approximately 13 people), than those who started after the age of 18 (2.5% or approximately 3 people).”</p>	<p>Participants who started sex work before the age of 18 (18.3% - or approx 141 People of 656 women) were more likely to report being made to work by someone (9.5% or approx 13 people), Of those who started after the age of 18 (2.5% or approx 3 people)</p>	<p>18.3% is high - but it possibly reflects those in prostitution who have been sexually abused as children. These sex sellers are most likely to be on the street.</p> <p>The Committee recognises the difficult nature of proving coercion 18.3% of underage being made to work by someone is hugely significant i.e. One person in five – Yet the committee does not see coercion as widespread.</p> <p>UNDER 18 i.e. IS THE AGE THAT MOST PROSTITUTES START.</p>	<p>Freedom makes an incorrect assumption here. The 18.3% includes all sex workers, female, as well as transgender and male sex workers. <b><u>There has been no cross tabulation of demographic results by age and gender.</u></b> There has been <b><u>no</u></b> cross tabulation of demographic results by age at all, at any time. The figures given by Freedom are based on these incorrect assumptions. The age group that most sex workers start is between the ages of 18 and 21: 35.6%.</p> <p>Freedom admit that 18.3% of sex workers start under 18 years of age. No matter how often Freedom repeat their incorrect assertion, <b><u>18.3% is still less than 35.6%</u></b>, the percentage of workers who started work between 18 and 21, the age group in which most sex workers start.</p>
AB	<p><b>12.3 Criminalising Clients</b>  “One way to remedy the ways in which legal jurisdictions have ignored the role of clients has been to criminalise men's participation as clients. The kerbcrawling legislation in the UK is an example of this, as is the Swedish model of criminalising men who buy sex.”</p>		<p>“Men who buy sex and provide the demand that fuels trafficking have stated that greater criminal penalties, having to spend time in jail and having a letter sent home stating that they were arrested for buying sex would deter them from buying sex.”  Equality Now.</p>	<p>Freedom omit the third paragraph of the Comment in section 12.3:  “Efforts to criminalise clients do not appear to deter demand for sex, and the unintended consequences may increase the vulnerability of women offering sexual services. The PRA reflects a more pragmatic sentiment, recognising that, even if viewed by some as undesirable, the practice of</p>

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				<p><i>prostitution is likely to remain given ongoing levels of demand by men seeking to purchase sex.”</i></p> <p>It should be noted that Equality Now misrepresented the PLRC Report to members of the United Nations in their letter. It should also be noted that, as stated several times above, there is no evidence of a reduction in the number of sex workers, or the number of clients in Sweden. Thai massage parlours have increased in Stockholm from 250 to 450 over a period of around 3 years.</p> <p>Furthermore, criminalising clients in Sweden has led to greater harassment of sex workers by the authorities, and to greater stigmatisation. The Swedish government admitted this was true in its evaluation, yet said these negative outcomes were good. Sex workers in Sweden report violence against them has increased as a result of the legislation. Criminalising the client does not work.</p>