

# A framework for a decriminalised sex work industry in Queensland

Consultation Paper WP 80

April 2022

Chapter 14

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## Public solicitation

<b>INTRODUCTION</b> .....	<b>166</b>
<b>PUBLIC SOLICITATION LAWS</b> .....	<b>166</b>
Queensland .....	166
Other jurisdictions .....	167
<b>OTHER LAWS USED TO REGULATE STREET-BASED SEX WORK</b> .....	<b>170</b>
Move on powers .....	170
Public nuisance offences .....	171
Local laws .....	171
<b>Consultation questions</b> .....	<b>173</b>

## Introduction

- 14.1 In Queensland and some other jurisdictions, it is an offence to publicly solicit for sex work. These offences can apply to any person, but they are most likely to affect street-based sex workers and their clients.
- 14.2 This chapter looks at how public solicitation is regulated in Australia and New Zealand. It also considers other laws used to regulate street-based sex work (such as police move on powers and public nuisance offences).
- 14.3 Jurisdictions that have decriminalised sex work have either removed the offence or restricted the circumstances in which it applies. The issues raised by street-based sex work and public solicitation are complex and involve balancing the rights of street-based sex workers and community interests. This includes concerns about public amenity and safety.

## Public solicitation laws

- 14.4 In Queensland and some other jurisdictions, there are laws that prohibit public solicitation.

### Queensland

- 14.5 Under the Prostitution Act, it is an offence for a person to ‘publicly solicit’ for sex work. This offence applies broadly, including to sex workers and their clients. It prohibits a person from offering or accepting an offer for sex work in a public place and loitering in a public place for that purpose: see figure 1.<sup>588</sup>

Figure 1: Public solicitation in Queensland

Who can commit the offence?	What is solicitation?	Where is solicitation prohibited?	What is the maximum penalty?
<ul style="list-style-type: none"> <li>• Males</li> <li>• Females</li> <li>• Sex workers</li> <li>• Clients of sex workers</li> <li>• People acting for sex workers</li> <li>• People acting for clients of sex workers</li> </ul>	<ul style="list-style-type: none"> <li>• A person ‘solicits’ if they offer to provide sex work</li> <li>• A person also ‘solicits’ if they accept an offer to provide sex work</li> <li>• Soliciting will not be an offence if it happens in a licensed brothel and cannot be seen by anyone outside the brothel</li> <li>• Loitering for the purpose of soliciting for sex work is prohibited; ‘loitering’ is not defined</li> </ul>	<ul style="list-style-type: none"> <li>• It is an offence to solicit a person:                             <ul style="list-style-type: none"> <li>• who is in a public place; or</li> <li>• at a place that can be seen or heard by someone who is in a public place</li> </ul> </li> <li>• It is an offence to loiter in a public place or a place that can be seen from a public place</li> <li>• ‘Public place’ is not defined</li> </ul>	<ul style="list-style-type: none"> <li>• First offence: A fine of 15 penalty units (\$2067)</li> <li>• Second offence: A fine of 25 penalty units (\$3446)</li> <li>• Third or subsequent offence: A fine of 30 penalty units (\$4135) or six months imprisonment</li> </ul>

588

*Prostitution Act 1999* (Qld) s 73. A person does not commit this offence if the soliciting happens in a licensed brothel: s 74. There is also an exception to soliciting offences where the soliciting is done by a police officer under an authority given under chs 10 or 11 of the *Police Powers and Responsibilities Act 2000* (Qld): s 75. See also ch 2.

14.6 In Queensland, the number of reported offences of public solicitation has substantially declined over the years. There were approximately 800 offences reported in 2002–03, approximately 60 in 2009–10 and three in 2016–17. In most years, public solicitation has remained one of the more commonly reported prostitution-related offences. Since 2010, the majority of reported offences have occurred in Brisbane.<sup>589</sup>

14.7 At various times, changes to Queensland's approach to public solicitation have been considered. Broadly, options have included continuing to criminalise or partly criminalising public solicitation, relying on other laws to regulate behaviour and implementing initiatives to support street-based sex workers: see box 1.<sup>590</sup>

14.8 Evaluating these approaches involved balancing the interests of sex workers and the community, which have both undergone changes. On the one hand, continuing to prohibit solicitation was seen to be consistent with community attitudes and protective of street-based sex workers, who may be vulnerable and disadvantaged. There were also concerns that changing the law would lead to an increase in street-based sex work. On the other hand, it was thought that decriminalising solicitation could ensure positive health outcomes for sex workers and the public, and improve access to services for sex workers.

14.9 Changes to public solicitation laws were not recommended by government bodies, but a need for '[n]ew policies and strategies to support the health and human rights of street-based sex workers' was identified in a 2003 study commissioned by the PLA.<sup>591</sup>

#### Box 1: Alternatives to the offence of public solicitation

- Options considered in Queensland for removing or changing the offence of public solicitation have included:
  - removing the offence and relying on other laws, such as public nuisance laws and police powers, to regulate behaviour
  - permitting solicitation in some places, for example, in designated zones or in any place that is not near a dwelling, place of worship, hospital or school
  - keeping the offence but implementing other initiatives, such as safe places to take clients and health and support services for street-based sex workers

## Other jurisdictions

14.10 Public solicitation for sex work is also an offence in most other Australian jurisdictions. Usually, these offences apply to any person—including sex workers and clients—and prohibit soliciting or loitering in a public place.<sup>592</sup> Some jurisdictions define a 'public place' as a place that is open to the public (or some of the public) all or part of the time, for free or with payment. For

589 CMC Prostitution Report (2011) 14; CMC Prostitution Report (2004) 78–9; Queensland Police Service, *Annual Statistical Review 2016-17* (2017) 14, 153. See also annual statistics for other years at: Queensland Police Service, 'Annual Statistics' (14 October 2021) <<https://www.police.qld.gov.au/maps-and-statistics/annual-statistics>>.

590 See generally CJC Prostitution Report (1991) 61, 66, 146–54, 218–19; Queensland Government, *Review of Prostitution Laws in Queensland* (Discussion Paper, November 1998) 23–5, 121–22; C Woodward et al, *Selling Sex in Queensland 2003: A Study of Prostitution in Queensland* (PLA, June 2004) 55; CMC Prostitution Report (2004) xiii, 24–5, 45–6, 85–8, Rec 10. See also, eg, in other jurisdictions, Brothels Task Force (NSW), *Report of the Brothels Task Force* (Final Report, October 2001) 23–5; B Donovan et al, *The Sex Industry in New South Wales: A Report to the NSW Ministry of Health* (Kirby Institute, University of New South Wales, 2012) 20–1, 30–2, Rec 6; Attorney-General's Street Prostitution Advisory Group (Vic), *Final Report* (2002); M Neave, *Inquiry into Prostitution* (Final Report, October 1985) 48–51, 177, 254–62.

591 Woodward above n 590, 12.

592 *Sex Work Act 1992* (ACT) s 19; *Summary Offences Act 1988* (NSW) ss 19, 19A; *Summary Offences Act 1953* (SA) s 25; *Sex Industry Offences Act 2005* (Tas) s 8; *Sex Work Decriminalisation Act 2022* (Vic) ss 6, 28, repealing *Sex Work Act 1994* (Vic) ss 12–14 and inserting new div 3A in the *Summary Offences Act 1966* (Vic); *Prostitution Act 2000* (WA) ss 5, 6.

example, a public place could be a park, church, school, road, footpath, railway station or public vehicle.<sup>593</sup>

- 14.11 In jurisdictions that have decriminalised sex work, different approaches have been taken to public solicitation.
- 14.12 In the Northern Territory and New Zealand, public solicitation is no longer an offence. In New Zealand, research found that decriminalisation did not increase the number of street-based sex workers. It also found that decriminalisation has improved the safety of street-based sex workers. They no longer need to hide their work, meaning they can work in safer areas and more easily screen, negotiate with or refuse clients. It has also improved relationships between street-based sex workers and police, leading to increased information sharing and police being seen as ‘protectors’. Some sex workers are now more confident in reporting matters to the police.<sup>594</sup>
- 14.13 In New South Wales and Victoria, solicitation (and, in Victoria, loitering) is usually prohibited only in or near some places, such as schools, churches and hospitals. Also, the Victorian offence is limited to solicitation happening at particular times of the day: see figure 2.<sup>595</sup>

Figure 2: Public solicitation in New South Wales and Victoria

Where is public solicitation prohibited in New South Wales?	Where and when is public solicitation prohibited in Victoria?
<ul style="list-style-type: none"> <li>• In a school, church or hospital</li> <li>• In a road or road related area (such as a footpath) that is near or within view of a dwelling, school, church or hospital</li> <li>• In, near or within view of a dwelling, school, church, hospital or public place in a way that harasses or distresses the other person</li> </ul>	<ul style="list-style-type: none"> <li>• In a public place that is at or near a school, education and care service or children’s service between 6am and 7pm on any day</li> <li>• In a public place that is at or near a place of worship, at any time on a prescribed day and between 6am and 7pm on any other day</li> <li>• A ‘prescribed day’ would be a holy day or a day of religious significance, if it is relevant to a particular place of worship</li> </ul>

- 14.14 In New South Wales, this law was made after a period of time when solicitation was not an offence. Sex work was seen as a commercial activity and the aim was to redirect it from residential areas into commercial and industrial areas.<sup>596</sup>

<sup>593</sup> *Summary Offences Act 1988* (NSW) s 3; *Summary Offences Act 1953* (SA) s 4; *Summary Offences Act 1966* (Vic) s 3; *Prostitution Act 2000* (WA) s 3.

<sup>594</sup> See, eg, Prostitution Law Review Committee, *Report on the Operation of the Prostitution Reform Act 2003* (May 2008) 119, 121–22; GM Abel, L Fitzgerald & C Brunton, ‘The impact of decriminalisation on the number of sex workers in New Zealand’ (2009) 38(3) *Journal of Social Policy* 515, 527–29; L Platt et al, ‘Associations between sex work laws and sex workers’ health: a systematic review and meta-analysis of quantitative and qualitative studies’ (2018) 15(12) *PLoS Medicine* (online) 35, 37, 45; L Armstrong, ‘Screening clients in a decriminalised street-based sex industry: insights into the experiences of New Zealand sex workers’ (2014) 47(2) *Australian and New Zealand Journal of Criminology* 207; L Armstrong, ‘From law enforcement to protection? Interactions between sex workers and police in a decriminalized street-based sex industry’ (2017) 57(3) *British Journal of Criminology* 570.

<sup>595</sup> *Summary Offences Act 1988* (NSW) ss 3(1) (definition of ‘road related area’), 19, 19A; *Road Transport Act 2013* (NSW) s 4 (definition of ‘road related area’); *Sex Work Decriminalisation Act 2022* (Vic) ss 6, 28, repealing *Sex Work Act 1994* (Vic) ss 12–14 and inserting *Summary Offences Act 1966* (Vic) div 3A. The new Victorian offence will commence on 10 May 2022: s 2(1)–(2). In New South Wales, it is also an offence to use or allow the use of premises held out as being available for massage, sauna or steam baths, physical exercise or photography (or similar) for the purpose of sex work or soliciting for sex work: *Summary Offences Act 1988* (NSW) ss 16, 17.

<sup>596</sup> New South Wales, *Parliamentary Debates*, Legislative Assembly, 29 March 1983, 5244 (Walker, Minister for Youth and Community Services, Minister for Aboriginal Affairs, and Minister for Housing).



- 14.15 Unlike in Victoria and some other jurisdictions, loitering is not included in the New South Wales law. There were concerns that it could be abused, impact on a person's right to lawfully use a street and create opportunities for corruption in the form of 'deals' between sex workers and police. Criminalising loitering was also considered to be an attempt to outlaw street-based sex work altogether, which would force sex workers 'underground' and impact on public health.<sup>597</sup>
- 14.16 The aim of the street-based sex work offences in Victoria is to 'limit where and when street-based sex work can occur'. There is no intention to prevent sex workers or clients going to these places for other reasons (for example, to take a child to school or attend a religious service) or prevent people travelling to another public or private place where they intend to solicit, loiter or participate in sex work.<sup>598</sup>
- 14.17 In Victoria, it was explained that decriminalisation is generally consistent with the right to privacy and reputation, allowing people to exercise autonomy and make their own choices about sex work. It was observed that the proposed laws about public solicitation might limit a sex workers' right to freedom of movement, by limiting their ability to work where they choose. However, it was reasoned that this is 'proportionate, reasonable and necessary' to promote the protection of children and the right to practice religion, and that including prescribed hours and days means that the right is limited in the least restrictive way.<sup>599</sup>
- 14.18 Some sex workers say that prohibiting solicitation near churches and schools will force them to work in unsafe and isolated industrial areas. They believe this approach continues to criminalise part of the sex work industry, which 'undermines decriminalisation' and means that concerns about policing sex work will still exist.<sup>600</sup> In parliament, there was some support for removing this provision altogether because of the vulnerability of street-based sex workers (and it was suggested that regulation is unnecessary as most solicitation now happens online).<sup>601</sup>
- 14.19 Scarlet Alliance advocates for street-based sex work to be decriminalised. They state that laws attempting to control this work are ineffective and consider New Zealand an example of successful decriminalisation. They also say that laws reduce the safety of street-based sex workers because those workers:<sup>602</sup>
- are forced to operate in unsafe or unfamiliar locations;
  - have to prioritise avoiding arrest over using safety strategies, such as screening and negotiating with clients;
  - may be separated from their peer networks, and outreach services may not be able to find them; and
  - do not report crimes to police as they fear being arrested.

597 New South Wales, *Parliamentary Debates*, Legislative Assembly, 31 May 1988, 80–7 (Dowd, Attorney-General).

598 Explanatory Memorandum, Sex Work Decriminalisation Bill 2021 (Vic) 7–8.

599 Victoria, *Parliamentary Debates*, Legislative Assembly, 13 October 2021, 3875–76 (Horne, Minister for Ports and Freight, Minister for Consumer Affairs, Gaming and Liquor Regulation, Minister for Fishing and Boating).

600 See, eg, R Tuffield, 'Sex workers slam new laws making it illegal to work near schools and churches as "unsafe"', *The Australian* (online, 27 October 2021).

601 Victoria, *Parliamentary Debates*, Legislative Assembly, 27 October 2021, 4298 (Read).

602 Scarlet Alliance, *The Principles for Model Sex Work Legislation* (2014) 19–20, 31–2; Scarlet Alliance, *Full Decriminalisation of Sex Work in Australia*, Briefing Paper <[https://scarletalliance.org.au/library/briefing\\_paper\\_full\\_decrim](https://scarletalliance.org.au/library/briefing_paper_full_decrim)>.

## Other laws used to regulate street-based sex work

14.20 Other laws are used to regulate street-based sex work, including police move on powers and public nuisance laws.

### Move on powers

14.21 In Queensland, a police officer can sometimes direct a person to leave or ‘move on’ from a public place or a prescribed place, and to not return for up to 24 hours. This direction can be given in various circumstances, including when a person’s behaviour causes an officer to reasonably suspect the person is soliciting for sex work: see figure 3.<sup>603</sup>

Figure 3: Police move on directions in Queensland

Where can a police officer direct a person to move on?	When can a police officer direct a person to move on?
<ul style="list-style-type: none"> <li>• In a public place:               <ul style="list-style-type: none"> <li>• a place that the public can access as of right, for free or with payment, even if access is sometimes restricted</li> <li>• part of a place that an occupier lets the public enter, while the place is open to the public</li> <li>• a place that another law says is a public place</li> </ul> </li> <li>• In a prescribed place:               <ul style="list-style-type: none"> <li>• for example, a shop, child care centre, school, railway station, mall or licensed premises</li> <li>• if the person is soliciting for sex work, a ‘prescribed place’ does not include part of a licensed brothel that cannot be seen from outside the brothel</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• If a police officer reasonably suspects that, because of a person’s behaviour, the person is soliciting for sex work</li> <li>• If a person’s behaviour is or has been disorderly, offensive, indecent or threatening to someone entering, at or leaving a place</li> <li>• If a person’s presence or behaviour is or has been:               <ul style="list-style-type: none"> <li>• causing reasonable anxiety to a person entering, at or leaving a place</li> <li>• interfering with trade or business by impeding people who are entering, at or leaving the place</li> <li>• disrupting the peaceable and orderly conduct of an event, entertainment or gathering at a place</li> </ul> </li> </ul>

14.22 Police can give a person a direction to move on instead of charging them with public solicitation. When the Prostitution Act was introduced, it was explained that move on directions would be the ‘general response’ to soliciting. This was intended to give police a way of dealing with the ‘nuisance’ that can be connected to soliciting and lead to community complaints, without requiring police to use excessive resources or take enforcement action. However, it was also explained that people could still be charged with solicitation when necessary; for example, if a person ‘blatantly and repeatedly’ broke the law.<sup>604</sup>

14.23 In 2016–17, police gave a total of 19 move on directions that were specifically connected with soliciting for prostitution. These were spread across all regions of Queensland, with most in Brisbane and the Southern region.<sup>605</sup>

<sup>603</sup> *Police Powers and Responsibilities Act 2000* (Qld) ch 2 pt 5, sch 6 (definitions of ‘prescribed place’ and ‘public place’).

<sup>604</sup> Queensland, *Parliamentary Debates*, 10 November 1999, 4830 (TA Barton, Minister for Police and Corrective Services).

<sup>605</sup> Queensland Police Service, *Annual Statistical Review 2016–17* (2017) 40.

- 14.24 Police in other jurisdictions have similar powers. For example, in Western Australia, a police officer can give a move on direction if they suspect a person of committing or intending to commit any sex work-related offence in a public place. A court can also make a restraining order that stops a person from entering or staying in a place if the person has solicited and is likely to do so again, or has already been given a move on direction.<sup>606</sup> In Victoria, police can give a notice to a person suspected of soliciting as a client, banning them from a particular area for up to 72 hours. However, to promote the right to freedom of movement, the *Sex Work Decriminalisation Act 2022* (Vic) repeals those provisions.<sup>607</sup>

## Public nuisance offences

- 14.25 Street-based sex work and public solicitation have sometimes been associated with concerns about public order or 'nuisance' behaviours. These might include increased noise, littering (for example, of a prophylactic or its wrapper) and criminal or antisocial behaviour. There are also concerns that this might impact on the safety or amenity of a community.<sup>608</sup>

- 14.26 In Queensland, other laws might sometimes apply to these behaviours.

- 14.27 The law prohibits 'public nuisance'. A person commits a public nuisance offence if they behave in a disorderly, offensive, threatening or violent way and their behaviour interferes, or is likely to interfere, with another person peacefully passing through or enjoying a public place. A 'public place' is a place that is open to or used by the public, for free or with payment.<sup>609</sup>

### Box 2: Behaviour that might be a public nuisance

- Using offensive, obscene or indecent language in a public place
- Calling a person offensive names in public
- Engaging in sexual acts that others can see in a public place
- Behaving in a way that makes other people leave a public place

- 14.28 Examples of behaviour that might be a public nuisance are listed in box 2.<sup>610</sup>

- 14.29 It is also an offence for a person to litter. The penalty is increased if a person's litter causes or is likely to cause harm to another person (such as a syringe left in a public place).<sup>611</sup>

## Local laws

- 14.30 In Queensland, local governments can make and enforce local laws: see box 3.<sup>612</sup> Each local government makes their own local laws, meaning that different local laws will apply in different areas.

606 *Prostitution Act 2000* (WA) s 24, pt 5.

607 *Sex Work Decriminalisation Act 2022* (Vic) s 11, repealing *Sex Work Act 1994* (Vic) pt 2A. This is due to commence on 10 May 2022: s 2(1)–(2). See also Victoria, *Parliamentary Debates*, 13 October 2021, 3876 (Horne, Minister for Ports and Freight, Minister for Consumer Affairs, Gaming and Liquor Regulation, Minister for Fishing and Boating).

608 See, eg, CJC Report (1991) 150–54, 218–19; Queensland Government, *Review of Prostitution Laws in Queensland* (Discussion Paper, November 1998) 25; CMC Prostitution Report (2004) 24–5, 45; Queensland, *Parliamentary Debates*, 10 November 1999, 4830 (TA Barton, Minister for Police and Corrective Services).

609 *Summary Offences Act 2005* (Qld) s 6, sch 2 (definition of 'public place').

610 Explanatory Notes, *Summary Offences Bill 2004* (Qld) 3–4.

611 *Waste Reduction and Recycling Act 2011* (Qld) s 103.

612 *Local Government Act 2009* (Qld) ch 3 pt 1.

### Box 3: Local government laws in Queensland

- A local government may make and enforce a local law
- The local law must be ‘necessary or convenient for the good rule and local government’ of the area
- Local laws must be consistent with Queensland laws; if there is any inconsistency, Queensland law will apply
- Local laws cannot be made about prohibited subjects, such as alternative development processes for planning
- A local government will sometimes need to consult about Queensland’s interests in a proposed local law before it is made

14.31 Local laws can limit a person’s actions in some places. For example, Brisbane City Council local laws prohibit activities that cause or could cause a nuisance, such as a ‘noise nuisance’, in a park (unless the council has assigned a place for that activity). Also a person must have a permit to carry on a business or commercial activity in or on malls and roads.<sup>613</sup>

14.32 Following decriminalisation in Victoria, a local law must not be inconsistent with the purposes of the *Sex Work Decriminalisation Act 2022 (Vic)* or undermine the purposes of ‘decriminalis[ing] sex work’ and reducing ‘discrimination against, and harm to, sex workers’.<sup>614</sup> It was explained that local laws should not undermine the Act’s intent, for example by re-enacting repealed laws about sex work or providing for sex work businesses to be treated differently to other types of businesses.<sup>615</sup>

14.33 In New Zealand, public solicitation for sex work is not an offence. However, territorial authorities have general powers to make by-laws (see box 4)<sup>616</sup> and some authorities have made by-laws that prohibit solicitation.<sup>617</sup>

14.34 For example, the Hamilton City Council by-laws prohibit soliciting, which means offering commercial sexual services without being invited to do so:<sup>618</sup>

- within the Hamilton City Council area;
- in any street, road, footpath, road reserve, public place or area; or
- within the Hamilton City Council area where the person offering the services is, or may be, visible from a public place, reserve or area.

### Box 4: Power of territorial authorities in New Zealand to make by-laws

- A territorial authority may make by-laws to:
  - protect the public from nuisance
  - protect, promote and maintain public health and safety
  - minimise the potential for offensive behaviour in public places
  - regulate trading in public places

<sup>613</sup> *Public Land and Council Assets Local Law 2014* (BCC) ss 11(1)(e), 12(1)(e), (2), 17(1), 23(1), 59–60, 71–2, sch 1 table 1; sch 2 table 1, sch 3 (definitions of ‘council assets’ and ‘council land’).

<sup>614</sup> *Sex Work Decriminalisation Act 2022 (Vic)* s 3. This is due to commence on 1 December 2023 (unless proclaimed earlier): s 2(1), (2), (3). The purposes of the Act are in s 1. See also *Local Government Act 2020 (Vic)* s 72.

<sup>615</sup> Explanatory Memorandum, *Sex Work Decriminalisation Bill 2021 (Vic)* 2.

<sup>616</sup> *Local Government Act 2002 (NZ)* ss 145, 146(1)(a)(vi). The *Prostitution Reform Act 2003 (NZ)* ss 12–14 sets out sex work-related matters territorial authorities can make by-laws about, which do not include public solicitation.

<sup>617</sup> See, eg, Prostitution Law Review Committee, *Report on the Operation of the Prostitution Reform Act 2003* (May 2008), referring to historical by-laws.

<sup>618</sup> Hamilton City Council (NZ), *Prostitution Bylaw 2019* ss 1 (definition of ‘solicit’), 5.

- 14.35 In at least some places, by-laws were made as a precautionary measure, and not in response to complaints about sex work.<sup>619</sup> However, in parts of Auckland and Christchurch, there have been concerns about the ‘public nuisance impacts’ of street-based sex work and soliciting, such as noise and litter.<sup>620</sup>
- 14.36 In Auckland, following unsuccessful attempts to make local laws prohibiting solicitation, the council implemented a non-regulatory response to solicitation and street-based sex work. This involved peer-based education, community engagement and informal agreements about how sex work would take place: see box 5.<sup>621</sup>
- 14.37 In Christchurch, street-based sex work moved to a residential area following earthquakes. This was addressed by having outreach workers encourage sex workers to return to their former locations to avoid the council making regulations. Other non-regulatory approaches, as in Auckland, have since been recommended.<sup>622</sup>

#### Box 5: Auckland’s non-regulatory response

- A peer-based education program to instil a sense of community responsibility into street-based sex workers, including by encouraging them to reduce noise and not litter
- An informal 7am to 7pm curfew on sex workers, allowing areas to be ‘shared’ with businesses and the community
- Community engagement with residents, business owners and sex workers to build relationships and mutual respect

## CONSULTATION QUESTIONS

- Q42** Should a person be prohibited from publicly soliciting for sex work? Why or why not?
- Q43** If yes to Q42:
- (a) Should public solicitation always be prohibited?
  - (b) Alternatively, should public solicitation be prohibited in particular circumstances only (like New South Wales and Victoria) and, if so, what should those circumstances be?
- Q44** If public solicitation is prohibited, how should this be regulated? For example, by:
- (a) laws that are about sex work;
  - (b) local laws;
  - (c) some other form of regulation?
- Q45** Should a police officer be able to direct a person suspected of soliciting to ‘move on’? If yes, in what circumstances should an officer be able to give this direction?
- Q46** If publicly soliciting for sex work is prohibited or regulated, then should loitering in public for the purpose of soliciting be treated the same way?

619 Prostitution Law Review Committee, *Report on the Operation of the Prostitution Reform Act 2003* (May 2008) 125, 139–42.

620 Ibid 146–49; G Abel, ‘Contested space: street-based sex workers and community engagement’ in L Armstrong & G Abel (eds), *Sex Work and the New Zealand Model: Decriminalisation and Social Change* (Bristol University Press, 2020) 199, 203, 211.

621 Abel, above n 620, 203–9.

622 Ibid 209–16.

