



Have your
Say!



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BROTHEL LOCATION BYLAW

Consultation Document

We're updating the Brothel Location Bylaw – tell us what you think! We're proposing some minor changes in the draft Brothel Location Bylaw 2016. We want to hear the community thinks so find out more and have your say.

We are accepting feedback until Tuesday 7 April

ABOUT THE BROTHEL LOCATION BYLAW

Council has operated bylaws regulating brothels in Ashburton District since 2008. Under the Prostitution Reform Act 2003 (“the PRA”) Council is allowed to control where brothels can operate, and to regulate or ban signs that advertise commercial sexual services. Rules about signage are covered in the Advertising Signage in Public Places Bylaw 2017.



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WHY DO WE HAVE A BYLAW?

The purpose of the Bylaw is to:

- ✓ regulate the location of brothels;
- ✓ minimise potential and/or perceived community harm or offence; and
- ✓ support the intent of the Prostitution Reform Act 2003.

The Brothel Location Bylaw has the following key provisions:

1. The bylaw allows brothels within a Business Zone of the Operative District Plan and aims to ensure that brothels are not located within 100 metres of a sensitive site.
2. Sensitive sites include early learning centres, schools, places of worship such as churches, mosques, and maraes.
3. The current Bylaw does not restrict the location of small owner-operated brothels in the district. Section 4(1) of the PRA defines small owner-operated brothels as:

“a brothel –

- a) at which not more than 4 sex workers work; and*
- b) where each of those sex workers retains control over his or her individual earnings from prostitution conducted at the brothel”*

WHAT ARE THE PROBLEMS AND ISSUES?

There are currently no known issues with the location of brothels in our district. However, Council wants to ensure it is prepared to respond should any issues arise in the future.

The purpose of this review is to ensure that the Bylaw remains fit for purpose.

WHAT CHANGES ARE PROPOSED?

Council proposes the following minor amendments to the draft Brothel Location Bylaw;

- ✓ include updated references to related legislation and regulations.
- ✓ include definitions of Offence, Person, and Premises in the body of the Bylaw to increase clarity and readability of the document.

Council is not proposing any changes to the key provisions of the bylaw.

What are the advantages and disadvantages?

Advantages

- ✓ Updating references to legislation and regulations ensures the Bylaw is legally accurate and correct.
- ✓ Additional definitions make the document easier for the reader to use, improve clarity and ensure consistency with Council's Explanatory Bylaw.
- ✓ Keeping the main rules the same helps maintain a fair balance between allowing a legal business to operate and having rules in place to prevent disturbance or offence to people in the area where a brothel might be located.
- ✓ Consultation enables community views to be heard on the bylaw.

Disadvantages

- ✗ If a draft bylaw is presented in a way that suggests the main rules are not going to change, it limits Council's ability to make meaningful changes to those rules based on community feedback. If Council later decides to make major changes to those key rules, the way that decision was made could potentially be challenged in court.

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ABOUT BYLAWS

Powers to make bylaws come with legal checks and balances so that Councils make rules that are lawful, needed, and protect people's rights and freedoms.

Has Council looked at other ways to fix the problems?

Yes. When a bylaw is reviewed, the Council must think about four possible choices:

- 1 Change the current Bylaw
- 2 Revoke the Bylaw and make a brand new one
- 3 Revoke the Bylaw and not replace it
- 4 Keep the Bylaw exactly the same

After looking at all these, Council decided that Option 1 was the best way to address the issues.

Creating a whole new bylaw (Option 3) was not needed and would be less efficient.

Revoking the Bylaw (Option 2) and keeping the Bylaw exactly the same would not address the problems.

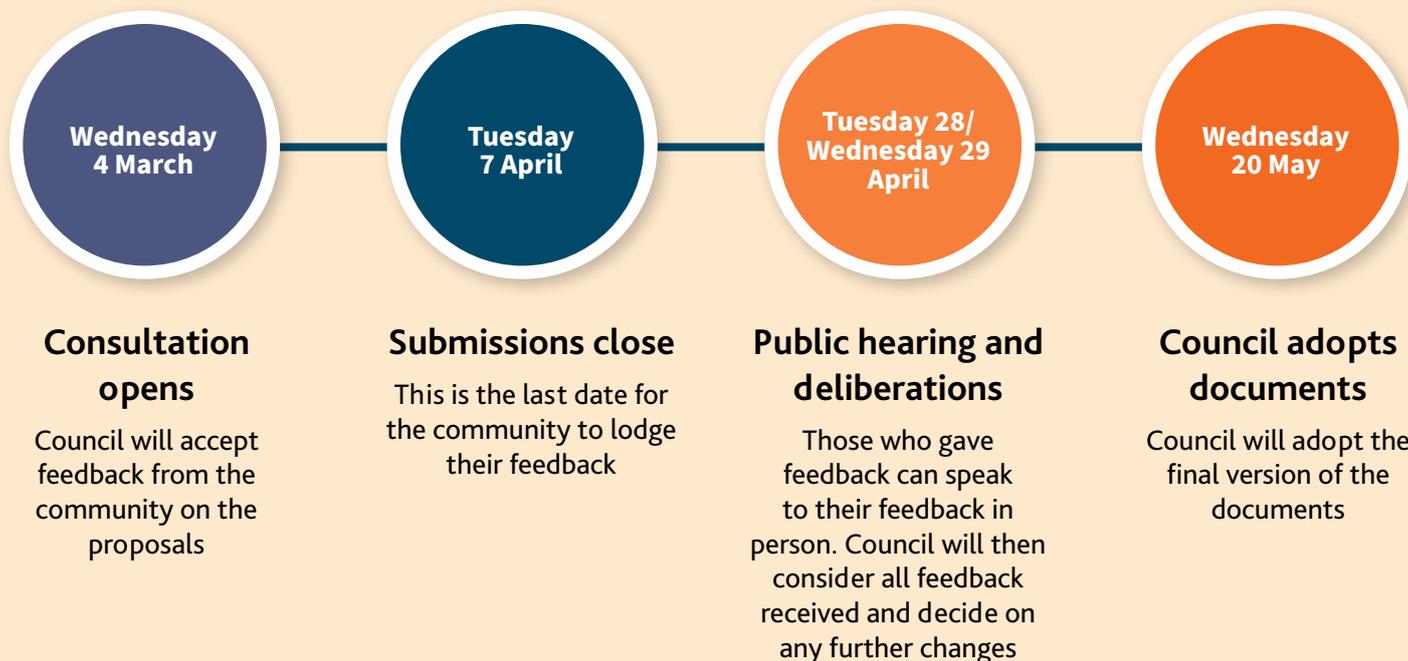
Section 155 tests

Council must also consider three legal tests in Section 155 of the Local Government Act 2002 when reviewing bylaws. Council considered these tests and decided that the proposed amendment to the Bylaw is:

- ✓ the best available way to fix the problems; and
- ✓ the best available form of bylaw; and
- ✓ creates no implications under the New Zealand Bill of Rights Act (NZBORA)



WHAT HAPPENS NEXT?



What's the best option for our community? Let us know!

Submissions close Tuesday 7 April

Fill out the attached short survey and return it via:



FREEPOST
Ashburton District Council
Freepost 230444
PO Box 94
Ashburton 7740



IN PERSON
Dropping it off at:
Ashburton District Council
2 Baring Square East



The easiest way to provide your feedback is online at

You can also provide feedback:



ONLINE
[ItsOurPlace.nz](https://itsourplace.nz)



EMAIL
submissions@adc.govt.nz

[ItsOurPlace.nz](https://itsourplace.nz)

Draft Brothel Location Bylaw Review



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EMAIL

submissions@adc.govt.nz

YOUR DETAILS

Name:

Organisation (if applicable):

Address (optional):

Phone:

Email:

Do you wish to speak in support of your submission at the hearing?

(if no boxes are ticked, it will be considered that you do not wish to be heard)

Yes: The hearing is expected to be held in Hine Paaka (*Council Chamber*) on 28 or 29 April 2026. Please note that hearings will be live-streamed to our online channels.

If yes, do you wish to present: In Person Virtually

No: I do not wish to speak in support of my submission and ask that the following written submission be fully considered.

Please note that submissions are public documents and will be made available on Council's website, including names of submitters (but not contact details). Find out more at ashburtondc.govt.nz/privacy

Submissions presented in the form of a petition or accompanied by multiple signatures will be processed as a single submission.

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Say!

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Do you support the draft Brothel Location Bylaw as proposed?

Support Partially Support Do not Support

Please explain:

Do you have any other comments?

Comments:

 **Have more to say?** Feel free to attach additional pages to your submission.



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