DHB Office Braemar Campus



Private Bag 18 Nelson, New Zealand

13 August 2019



Dear

Thank you for your request for official information as transferred from the Ministry of Health and received 8 July 2019 by Nelson Marlborough Health (NMH)¹, followed by the necessary extension of time 2 August 2019, where you seek the following information:

Prostitution Act 2003 Compliance

Could you provide the statistics of how many inspections have been carried out of (a)
establishments and (b) homes in respect of sections 24 to 29 of the Prostitution Reform Act
from 2003 until 2019, by year. To avoid doubt, these are inspections of licensed brothels or
home-based sex work to ensure that Health and Safety standards are adhered to.

The NMH Public Health Service may undertake an inspection of licensed/certified brothels or small owner-operated brothels following a formal complaint regarding compliance with health and safety requirements, as defined in sections 8 to 9 of the Prostitution Reform Act 2003 ("the Act").

NMH has no record of receipt of any formal complaint in relation to operators of businesses of prostitution not taking all reasonable steps to adopt and promote safer sex practices. As such, no inspections have been conducted.

Apart from complaint notifications, public health services do not routinely inspect premises used for commercial sexual services, and it would be difficult to carry out formal inspections;

- Operators of businesses of prostitution must apply for, and be granted, a Brothel Operator Certificate from the Registrar of the District Court at Auckland and 'the address to which the applicant wishes any certificate and related correspondence to be sent' (section 35(4)(c)) may be the owner's address rather than the address of the brothel in which case public health services would need to rely on public advertisements to identify the location of the premises
- A 'small owner-operated brothel does not have an operator' (section 5(2)) and, as such, the owner is not required to hold a Brothel Operator Certificate, and may seldom publicly advertise services.

¹ Nelson Marlborough District Health Board

2. Can you provide statistics on how many investigations or prosecutions of breaches of health and safety have resulted from the above inspections for the same period, by year. Of the number of investigations, please provide data on what proportion of investigations and prosecutions relate to owner-operators versus licensed brothels.

Please see our response to Question 1.

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This response has been provided under the Official Information Act 1982. You have the right to seek an investigation by the Ombudsman of this decision. Information about how to make a complaint is available at www.ombudsman.parliament.nz or free phone 0800 802 602.

If you have any questions about this decision please feel free to email our OIA Coordinator OIArequest@nmdhb.govt.nz

I trust that this information meets your requirements. NMH, like other agencies across the state sector, supports the open disclosure of information to assist the public's understanding of how we are delivering publicly-funded healthcare.

This includes the proactive publication of anonymised Official Information Act responses on our website from 10 working days after they have been released.

If you feel that there are good reasons why your response should not be made publicly available, we will be happy to consider this.

Yours sincerely

Dr Peter Bramley Chief Executive

cc: Ministry of Health via email: SectorOIAs@moh.govt.nz