

NORTHERN TERRITORY OF AUSTRALIA

PROSTITUTION REGULATIONS

As in force at 17 March 2004

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NORTHERN TERRITORY OF AUSTRALIA

As in force at 17 March 2004

PROSTITUTION REGULATIONS

Regulations under the *Prostitution Regulation Act*

1 Citation

These Regulations may be cited as the *Prostitution Regulations*.

2 Commencement

These Regulations shall come into operation on the commencement of the *Prostitution Regulation Act 1992*.

3 Forms to be used

The Forms set out in Schedule 2 are to be used for the purposes of the Act by reference to and in accordance with the Table in Schedule 1.

4 Advertisements in newspapers

- (1) In this regulation, ***newspaper*** means a paper:
 - (a) that contains public news, reports of occurrences or remarks or observations on public news, occurrences or political matters; and
 - (b) that is printed for sale or gratuitous distribution and published periodically or in parts or numbers at intervals not exceeding 26 days between each publication.
- (2) An advertisement for prostitution services published in a newspaper must only appear:
 - (a) in that part of the newspaper referred to as the "classifieds section"; and
 - (b) under the heading "Escort Services" or "Adult Entertainment".

-
- (3) An advertisement for prostitution services published in a newspaper shall not:
- (a) contain photographic or other pictorial representation of a person (whether real or symbolic) unless the photograph or picture is restricted to the head and shoulders of the person;
 - (b) refer to the race, colour or ethnic origin of the person offering prostitution services or refer to any of those matters in the name of an escort agency;
 - (c) refer to the age of the person offering prostitution services;
 - (d) refer to the physical attributes of the person offering prostitution services or refer to personal physical attributes in the name of an escort agency;
 - (e) refer to "massage" or "masseur" or other parts of speech or grammatical forms of those words unless preceded by the word "erotic"; or
 - (f) be larger than 3.5 cm x 4.5 cm.

5 Fee for grant or renewal of licence, &c.

- (1) For the purposes of section 25(1)(e) of the Act the fee for the grant or renewal of a licence is:
- (a) in the case of an application by a body corporate:
 - (i) \$1,000; and
 - (ii) \$100 for each business name the agency will operate under; and
 - (b) in the case of an application by a person other than a body corporate:
 - (i) \$400; and
 - (ii) \$80 for each business name the agency will operate under.
- (2) For the purposes of section 42(1)(b) of the Act, the fee for an inspection of the Public Register of Escort Agency Licences is \$5.
- (3) For the purposes of section 43(1) of the Act, the fee for an application to remove or vary a condition or restriction upon a licence is \$50.

6 Issuing of infringement notices

Where a member of the Police Force has reason to believe that an offence has been committed against section 9(6), (7) or (10), 10 or 20(3) of the Act, the member may serve on the person who appears to have committed the offence an infringement notice.

7 Particulars to be shown on infringement notice

An infringement notice issued under regulation 6 shall have clearly shown on it:

- (a) the date, time and place of the offence;
- (b) the nature of the offence and the penalty payable;
- (c) the place or places at which a penalty may be paid;
- (d) the date of the infringement notice and a statement that the penalty may be paid within 28 days after that date; and
- (e) a statement to the effect that, if the amount specified in the infringement notice as the penalty for the offence is paid at a place referred to in the notice within the time specified in the notice, no further action will be taken.

8 Penalty for offence

The penalty payable under these Regulations in lieu of the penalty that may otherwise be imposed in respect of an offence in respect of which an infringement notice has been issued is, where the offence is against:

- (a) section 9(6), (7), or (10) or 20(3) of the Act, \$200; or
- (b) section 10 of the Act, \$100.

9 Payment before expiry date of infringement notice

- (1) Subject to regulation 10, where, before the expiration of the period specified in an infringement notice for the payment of a penalty, the amount of the penalty shown on the notice is paid at a place specified in the notice the person in respect of whom the notice was issued shall be deemed to have expiated the offence by payment of the penalty.
- (2) Where the amount of a penalty under this Part is paid by cheque, payment shall be deemed not to be made unless the cheque is cleared on presentation.

10 General

(1) Nothing in these Regulations:

- (a) prevents the service of more than one infringement notice in relation to the same offence but it is sufficient for the application of regulation 9 to a person on whom more than one such notice has been served for that person to pay the amount of the penalty in accordance with any one notice so served on that person;
- (b) prejudices or affects (except as provided by regulation 9) the institution or prosecution of proceedings, or limits the penalty that may be imposed by a court, in relation to an offence; or
- (c) shall be construed as requiring the serving of an infringement notice or as affecting the liability of a person to be prosecuted in a court in relation to an offence in respect of which an infringement notice has not been served.

Schedule 1 Table of Forms

regulation 3

Section of Act	Description of Instrument	No. of Form
9(2)	Statutory declaration by prostitute	2
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Schedule 2

NORTHERN TERRITORY OF AUSTRALIA

Prostitution Regulation Act

FORM 2

section 9(2)

STATUTORY DECLARATION BY PROSTITUTE

I, (1)
of (2)

previously resident at,
do solemnly and sincerely declare as follows:

1. (a) My maiden name is
(b) My married name is
(c) My working name is
(d) My alias or nickname is (3)

2. My date of birth is

3. I was born in (4)

4. Physical description:

- (a) I am cms tall.
- (b) I weigh kgs.
- (c) My complexion is (5)
- (d) The colour of my eyes is
- (e) (i) My natural hair colour is
(ii) My present hair colour is
- (f) I have the following distinguishing
features: (6)

5. I have/have not (7) been convicted in the last 10 years of committing a serious drug offence or a violent offence, as those offences are defined in section 9(11) of the *Prostitution Regulation Act*, or of attempting to commit such an offence.

6. If you have been convicted of an offence referred to in item 5, complete the following:

(a) Date of conviction:
Offence:
Court

(b) Date of conviction:
Offence:
Court (8)

7. I have provided prostitution services on behalf of the following escort agencies:
..... (9)

8. I intend to work as a prostitute for the following escort agencies:
..... (10)

And I make this solemn declaration by virtue of the *Oaths Act* and conscientiously believing the statements contained in this declaration to be true in every particular.

Signed (11)

Declared at (12)

on the day of 19 (13)

Before me (14)

..... (15)

IMPORTANT NOTE:

A person wilfully making a false statement in a statutory declaration is liable to a penalty of \$2,000 or imprisonment for 12 months, or both.

The notes below refer to the numbers shown in brackets on Form 2, and are designed to help you fill in that form. You should read them before you start to fill in the form.

NOTES

- (1) Write your full name.
 - (2) Write your residential address.
 - (3) If you do not have one of these types of name (e.g. you are not married) please write "not applicable" in the appropriate blank space.
 - (4) Write down the town, the State or Territory and the country in which you were born.
 - (5) E.g. black, fair, olive.
 - (6) For example describe any tattoos or scars you may have, and where they are, e.g. upper arm.
 - (7) Cross out the words which do not apply to you. You will need to look at section 9(11) of the *Prostitution Regulation Act* in order to be able to answer this question.
 - (8)
 - (a) Write the name of the court e.g. Local Court, Magistrates Court, Supreme Court, and the town or city that court was in, e.g. Darwin, Sydney.
 - (b) Describe the offence. Use any documents you have from the court, or, if you do not have any documents, briefly describe the incident, e.g. I hit someone.
 - (c) Write down the town or city and the State or Territory where the offence took place (e.g. Tennant Creek, N.T.).
- (If you require more space to write down your previous convictions, please use the back of the page, setting out the information required by paragraphs (a) (b) and (c) above. You must make sure the back of the form is also signed in accordance with the notes 11 to 14.)
- (9) Write down the name and address of any escort agencies you have worked for, whether in the N.T. or elsewhere.
 - (10) Write down the name, address and telephone number of the escort agency or agencies you intend to work for in the N.T.
 - (11) You should sign here with your usual signature.
 - (12) Write down the town or city in which you have signed this form, e.g. Alice Springs.
 - (13) E.g. 28th day of June 1992.

- (14) You must sign this form in front of a person who is over 18 years of age. That person must sign his or her name here, and then write his or her name in full, and his or her address and telephone number.

NORTHERN TERRITORY OF AUSTRALIA

FORM 13

section 25(1)

Prostitution Regulation Act

APPLICATION FOR GRANT OR RENEWAL OF OPERATOR'S OR
MANAGER'S LICENCE

I,
(name)

of
(address)

do solemnly and sincerely declare as follows:

1. NAME OF APPLICANT

- (a) Name (in full):
- (b) Maiden name:
- (c) Working name, or any other name by which you are known:
.....

2. ADDRESS

- (a) Residential address:
.....
- (b) Previous residential address:
.....
- (c) Business address:
.....
- (d) Home/Business telephone number:
.....

3. OTHER PERSONAL DETAILS

- (a) Sex:
- (b) Date of birth:
- (c) Place of birth:
- (d) Occupation:

-
- (e) Period of residence in the Northern Territory:
-

4. LICENCE CURRENTLY HELD

- (a) If you currently hold:
- (i) an operator's licence; or
 - (ii) a manager's licence,
- write here the date that licence will expire:
-
- (b) If you currently hold a manager's licence for a business operated by:
- (i) a person, write below that person's full name, residential address and business address:
 -
 - (ii) a body corporate, write below the body corporate's name and business address:
 -

5. CRIMINAL HISTORY

- (1) I have/have not* been convicted in the last 10 years of committing or attempting to commit:
- (a) a relevant drug offence as defined in section 9(11) of the *Prostitution Regulation Act*;
 - (b) an offence against sections 11-16, inclusive, of the *Prostitution Regulation Act*;
 - (c) an offence against sections 127, 128, 130 or 192 of the Criminal Code;
 - (d) a sexual offence involving a female under 16 years of age or a male under 18 years of age; or

* Cross out whichever does not apply.

- (e) an offence against a repealed law of the Territory or a law (including a repealed law) of the Commonwealth, or of a State or another Territory of the Commonwealth, which makes (or, when in force, made) provision substantially similar to a provision specified in paragraphs (a) – (d).

(2) If you have been convicted of an offence referred to in (1), you must complete the following:

- (a) Date of conviction:
Offence:
Court:
- (b) Date of conviction:
Offence:
Court:

(3) I have/have not* been convicted of a criminal offence other than one referred to in (1) in the last 10 years.

(4) If you have been convicted of a criminal offence other than an offence referred to in (1) you must complete the following:

- (a) Date of conviction:
Offence:
Court:
- (b) Date of conviction:
Offence:
Court:

(5) Your application must be accompanied by Form 15.

6. DETAILS OF PERSONAL AND BUSINESS RELATIONSHIPS

Please provide the following details of your spouse/ de facto partner and any business partner or business associate:

- Full name:
- Date of birth:
- Place of birth:
- Residential address:
- Business address:
- Occupation:
- Period of residence in the Northern Territory, another Territory, State or country:
- Relationship to you:

* Cross out whichever does not apply.

7. APPLICATION FOR GRANT

I, hereby
(*applicant's name*)
apply for the grant of an operator's licence/manager's licence* for an escort
agency operated under the following name(s):
.....
(*attach a certificate of registration of business name for each name the
agency will operate under*).

I declare that the statements contained in this application are true in every
particular.

Signed
on
(*date*)

Before me
(*witness*)

NOTES

** You must sign this form in front of a person who is over 18 years of age.
That person must sign here, write his or her name in full and write his or her
address and telephone number.

- (1) It is an offence under section 26 of the *Prostitution Regulation Act* for a
person to make a false or misleading statement in an application for the
grant or renewal of a licence. Maximum penalty: \$2000.
- (2) If you require more space to answer any of the questions on this form,
please use the back of the page, and sign that page as well.
- (3) You must pay the prescribed fee when you lodge this application. The
prescribed fee for the application is \$400 , plus \$80 for each business
name the agency will operate under.
- (4) An operator's or manager's licence remains valid for 12 months from
the date of issue. If you are applying for a renewal of the licence you
must do so at least 2 months before the current licence expires.
- (5) If you lodge this application with the Northern Territory Licensing
Commission and any of the details you have provided change between
the date you lodge it and the date on which the Commission decides
your application, you must advise the Director of the Commission of
those changes. Maximum penalty: \$2,000.

* Cross out whichever does not apply.

- (6) It is an offence under section 7 of the *Prostitution Regulation Act* for a licensed operator to carry on an escort agency business in partnership with, or otherwise in conjunction with, a person who does not have a licence to carry on that business. Maximum penalty: \$10,000. If you do so, you will probably lose your licence.
- (7) Once this application has been lodged with the Commission you will be investigated by the Northern Territory Police Force to assist the Commission in its determination of your eligibility and suitability to be granted a licence.

NORTHERN TERRITORY OF AUSTRALIA

FORM 14

section 25(1)

Prostitution Regulation Act

APPLICATION FOR GRANT OR RENEWAL OF OPERATOR'S LICENCE
WHERE APPLICANT IS BODY CORPORATE

I,
(name)

of
(address)

do solemnly and sincerely declare as follows:

1. APPLICATION

.....
(name of body corporate)

of
(registered office)

incorporated on day of 19.....
applies for the grant/renewal* of an operator's licence for an escort agency
business conducted under the following name(s):

.....
(attach a certificate of registration of business name for each name the
agency will operate under)

and declare that the shareholders of this body corporate do not include a body
corporate.

2. DETAILS OF PERSONS CONCERNED IN MANAGEMENT OF BODY
CORPORATE

The details requested in this item must be provided by:

- (a) all directors of; and
- (b) all persons, including the Secretary, General Manager or other
principal officers concerned in the management of,

the body corporate.

* Cross out whichever does not apply.

DETAILS OF INDIVIDUAL

(A) PERSONAL DETAILS

- (a) Name (in full):
- (b) Sex:
- (c) Maiden name, alias, or any other name by which person is known:
- (d) Date of birth:
- (e) Place of birth:
- (f) Residential address:
- (g) Residential address immediately prior to becoming resident at the above address:
- (h) Business address:
- (j) I have been a resident of the Northern Territory for a period of:
- (k) Occupation:
- (m) Office held in body corporate:

(B) CRIMINAL HISTORY

- (a) I have/have not* been convicted in the last 10 years of committing or attempting to commit:
 - (i) a relevant drug offence as defined in section 9(11) of the *Prostitution Regulation Act*;
 - (ii) an offence against sections 11-16, inclusive, of the *Prostitution Regulation Act*;
 - (iii) an offence against section 127, 128, 130 or 192 of the Criminal Code;
 - (iv) a sexual offence involving a female under 16 years of age or a male under 18 years of age; or

* Cross out whichever does not apply.

(v) an offence against a repealed law of the Territory or a law (including a repealed law) of the Commonwealth, or of a State or another Territory of the Commonwealth, which makes (or, when in force, made) provision substantially similar to an offence specified in paragraphs (i) – (iv).

(b) If you have been convicted of an offence referred to in item (a), complete the following:

Date of conviction:
Offence:
Court:

Date of conviction:
Offence:
Court:

(c) I have/have not* been convicted of a criminal offence other than one referred to in item (a) in the last 10 years.

(d) If you have been convicted of a criminal offence other than one referred to in item (a) you must complete the following:

Date of conviction:
Offence:
Court:

Date of conviction:
Offence:
Court:

(e) Your application must be accompanied by Form 15.

(C) DETAILS OF RELATIONSHIPS

You must provide the following details of your spouse/de facto partner/business partner/business associate:

Full name:
Date of birth:
Place of birth:
Residential address:
Business address:
Occupation:
Period of residence in the Northern Territory, another Territory, State or country:
Relationship to you:

* Cross out whichever does not apply.

I declare that the statements contained in this application are true in every particular.

Signed
on
(date)

Before me
(witness)

Signed

Dated

3. ATTACHMENTS

You must attach to your application a copy of the:

- (a) certificate of incorporation of the body corporate;
- (b) seal of the body corporate; and
- (c) signature of each officer of the body corporate and the date of signature.

4. PROPRIETARY COMPANIES

If the body corporate is a proprietary company, attach a statement signed by the Secretary of the company setting out the name and address of all shareholders, the class and number of shares held by each, and the date on which each shareholder was registered.

The issued share capital of the body corporate is \$.....

Secretary

Member

Date

Common Seal

NOTES

* Cross out whichever does not apply.

** You must sign this form in front of a person who is over 18 years of age. That person must sign his or her name here, write his or her name in full and write his or her address and telephone number.

- (1) It is an offence under section 26 of the *Prostitution Regulation Act* for a person to make a false or misleading statement in an application for a grant or renewal of a licence. Maximum penalty: \$2000.
- (2) The body corporate will not be eligible for an operator's licence if one of its shareholders is a body corporate.
- (3) If you do not have enough space to answer a question you may attach separate pages provided they are in the prescribed form. You must make sure each attachment is signed by the individual to whom it relates, and that you mark at the top of this form how many of these pages are attached to your application.
- (4) You must pay the prescribed fee when you lodge this application. The prescribed fee for the application is 1 000 revenue units, plus 100 revenue units for each business name the agency will operate under.
- (5) An operator's licence remains valid for 12 months from the date of issue. If you are applying for a renewal of the licence you must do so at least 2 months before the current licence expires.
- (6) If you lodge this application with the Northern Territory Licensing Commission and any of the details you have provided change between the date you lodge it and the date on which the Commission decides your application, you must advise the Director of the Commission of those changes. Maximum penalty: \$2,000.
- (7) It is an offence under section 7 of the *Prostitution Regulation Act* for a licensed operator to carry on an escort agency business in partnership with, or otherwise in conjunction with, a person who does not also have a licence to carry on that business. Maximum penalty: \$10,000. If you do so, you will probably lose your licence.
- (8) Once this application has been lodged with the Commission you will be investigated by the Northern Territory Police Force to assist the Commission in its determination of your eligibility and suitability to be granted a licence.

NORTHERN TERRITORY OF AUSTRALIA

FORM 15

section 25(1)(e)(iii)

Prostitution Regulation Act

AUTHORITY TO RELEASE CRIMINAL HISTORY

1. Name of applicant:
2. Maiden name and any other names:
.....
.....
3. Date of birth:
Place of Birth:
Country of birth:
4. Residential address of applicant:
.....
5. Business address of applicant:
.....
6. Periods of residence (if any) in the Northern Territory, another Territory,
a State, or another country:
.....
.....
.....

I,
(insert your name here)

hereby authorise the Commissioner of Police for the Northern Territory of Australia to release to the Director of the Northern Territory Licensing Commission particulars of all convictions, if any, recorded against my name, and in doing so I hereby indemnify and save harmless the Commissioner of Police and all members of the Northern Territory Police Force against all actions or demands that may be made in regard to the release of those convictions.

Signature of applicant

Signature of Witness

Name of witness (in block letters)

NORTHERN TERRITORY OF AUSTRALIA

FORM 17

section 36(1)

Prostitution Regulation Act

NOTICE OF APPEAL

TO: The Tribunal

1. APPEAL

I,
(full name)

appeal against:

(a) A DECISION OF THE COMMISSION*

made on
(date of decision)

to
(describe the decision)

on the following grounds
.....
(state your reasons for appealing)

I lodged with the Commission a request for the reasons for the decision
on; and
(date)

received them from the Commission on
(date)

(b) A DECISION OF THE COMMISSIONER OF POLICE*

made on
(date of decision)

to refuse to issue /cancel* a certificate issued in respect of myself, on
the grounds that
.....
(state your reasons for appealing)

* Cross out whichever does not apply.

I was notified of the decision of the Commissioner of Police on
.....

(date)

2. APPLICATION FOR EXTENSION OF TIME

I apply for an extension of time in which to lodge this appeal, for the following reasons

3. SIGNED

Signed

(signature of applicant)

Date

NOTES

- (1) You must lodge this form with the Registrar of the Local Court within 28 days of receiving notification of the decision against which you wish to appeal. If you do so within that period you will not need to fill in item 2. If you do not do so within that period you may apply for an extension of time by filling in item 2 of this Form, as well as the other items.
- (2) Only the Minister may appeal against a decision by the Commission to grant or renew a licence.
- (3) Only a person or body corporate who has had a licence cancelled may appeal against that cancellation.
- (4) Where the Commission has made any other decision in respect of a licence (including the decision not to grant a licence) only the Minister, the applicant for that licence or the holder of that licence may appeal against that decision.
- (5) When an appeal is made to the Tribunal, the evidence and information upon which the original decision was made will be considered again by the Tribunal, and, unless the Tribunal decides otherwise, you may also present it with fresh evidence or information for it to consider.

NORTHERN TERRITORY OF AUSTRALIA

FORM 18

section 36(5)(b)

Prostitution Regulation Act

NOTICE OF HEARING

FROM: The Escort Agency Licensing Appeals Tribunal

TO:

- Licensee *
- Applicant for licence *
- Individual in respect of whom certificate has been issued *
- The Minister *
- The Northern Territory Licensing Commission *
- The Commissioner of Police *

.....
*(Persons prescribed for the purposes of section 27(1)(b))**

The appeal by
(appellant's name)

against a decision of the Northern Territory Licensing Commission/Commissioner of Police will be heard by the Tribunal

at on at
(place) (day) (time)

NOTICE

TO: The Commissioner of Police and

.....
(persons prescribed for the purposes of section 27(1)(b))

Under section 36 of the *Prostitution Regulation Act*, you are entitled to make representations in writing to the Tribunal in respect of a decision of the Commission which is the subject of an appeal.

Signed
(Registrar's signature)

Date

* Cross out whichever does not apply.

ENDNOTES
1 KEY

Key to abbreviations

amd = amended	od = order
app = appendix	om = omitted
bl = by-law	pt = Part
ch = Chapter	r = regulation/rule
cl = clause	rem = remainder
div = Division	renum = renumbered
exp = expires/expired	rep = repealed
f = forms	s = section
Gaz = Gazette	sch = Schedule
hdg = heading	sdiv = Subdivision
ins = inserted	SL = Subordinate Legislation
lt = long title	sub = substituted
nc = not commenced	

2 LIST OF LEGISLATION***Prostitution Regulations (SL No. 21, 1992)***

Notified	8 May 1992
Commenced	8 May 1992 (r 2, s 2 <i>Prostitution Regulation Act 1992 (Act No. 6, 1992)</i> and <i>Gaz S28, 8 May 1992</i>)

Amendments of the Prostitution Regulations (SL No. 30, 1992)

Notified	30 June 1992
Commenced	30 June 1992

Amendment of Prostitution Regulations (SL No. 16, 1996)

Notified	10 April 1996
Commenced	10 April 1996

Prostitution Regulation Amendment Act 2000 (Act No. 69, 2000)

Assent date	14 December 2000
Commenced	19 February 2001 (<i>Gaz S3, 13 January 2001</i>)

Statute Law Revision Act (No. 2) 2001 (Act No. 62, 2001)

Assent date	11 December 2001
Commenced	11 December 2001

Law Reform (Gender, Sexuality and De Facto Relationships) Act 2003 (Act No. 1, 2004)

Assent date	7 January 2004
Commenced	17 March 2004 (<i>Gaz G11, 17 March 2004, p 8</i>)

3 LIST OF AMENDMENTS

r 5	ins No. 30, 1992, r 3
rr 6 – 10	ins No. 16, 1996
sch 1	amd No. 30, 1992, r 1; Act No. 69, 2000, s 9
sch 2	amd No. 30, 1992, r 2; Act No. 69, 2000, s 9; Act No. 62, 2001, s 17; Act No. 1, 2004, s 63