

**NORTHERN TERRITORY OF AUSTRALIA**

**PROSTITUTION REGULATIONS 1992**

As in force at 1 January 2015

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# NORTHERN TERRITORY OF AUSTRALIA

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As in force at 1 January 2015

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## PROSTITUTION REGULATIONS 1992

### Regulations under the *Prostitution Regulation Act 1992*

#### 1 Citation

These Regulations may be cited as the *Prostitution Regulations 1992*.

#### 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".

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- (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) 1 150 revenue units; and
    - (ii) 115 revenue units 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) 460 revenue units; and
    - (ii) 90 revenue units 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 revenue units.
- (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 55 revenue units.

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## **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, 1.7 penalty units;  
or
- (b) section 10 of the Act, 0.8 penalty units.

## **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.

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**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.

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**Schedule 1 Table of Forms**

regulation 3

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Section of Act	Description of Instrument	No. of Form
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**Schedule 2 Forms**

NORTHERN TERRITORY OF AUSTRALIA

*Prostitution Regulation Act 1992*

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 1992*, or of attempting to commit such an offence.

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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)

This declaration is true and I know it is an offence to make a statutory declaration knowing it is false in a material particular.

Declared by ..... (11)

at ..... (12)

on ..... (13)

Witnessed by ..... (14)

.....

**IMPORTANT NOTE**

Making a declaration knowing it is false in a material particular is an offence for which you may be fined or imprisoned.

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 1992* 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.

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NORTHERN TERRITORY OF AUSTRALIA

FORM 13

section 25(1)

*Prostitution Regulation Act 1992*

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 1992*;
  - (b) an offence against sections 11-16, inclusive, of the *Prostitution Regulation Act 1992*;
  - (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).

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(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.

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**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 copy of an entry in the Business Names Register provided by ASIC under section 60 of the Business Names Registration Act 2011 (Cth) 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 1992* for a person to make a false or misleading statement in an application for the grant or renewal of a licence. Maximum penalty: 17 penalty units.
- (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.
- (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 any of the details you have provided change between the date you lodge this application and the date on which the Director-General of Licensing determines your application, you must advise the Director-General of those changes.

\* Cross out whichever does not apply.

- (6) It is an offence under section 7 of the *Prostitution Regulation Act 1992* 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: 85 penalty units. If you do so, you will probably lose your licence.
  
- (7) Once this application has been lodged with the Director-General you will be investigated by the Northern Territory Police Force to assist the Director-General in determining your eligibility and suitability to be granted a licence.

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NORTHERN TERRITORY OF AUSTRALIA

FORM 14

Section 25(1)

*Prostitution Regulation Act 1992*

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 copy of an entry in the Business Names Register provided by ASIC  
under section 60 of the Business Names Registration Act 2011 (Cth) 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.

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\* 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 1992*;
  - (ii) an offence against sections 11-16, inclusive, of the *Prostitution Regulation Act 1992*;
  - (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

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\* 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: .....

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\* 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 1992* for a person to make a false or misleading statement in an application for a grant or renewal of a licence. Maximum penalty: 17 penalty units.
- (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.
- (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 any of the details you have provided change between the date you lodge this application and the date on which the Director-General of Licensing determines your application, you must advise the Director-General of those changes.
- (7) It is an offence under section 7 of the *Prostitution Regulation Act 1992* 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: 85 penalty units. If you do so, you will probably lose your licence.
- (8) Once this application has been lodged with the Director-General you will be investigated by the Northern Territory Police Force to assist the Director-General in determining your eligibility and suitability to be granted a licence.

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NORTHERN TERRITORY OF AUSTRALIA

FORM 15

section 25(1)(e)(iii)

*Prostitution Regulation Act 1992*

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-General of Licensing 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) .....

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**ENDNOTES**
**1****KEY**

Key to abbreviations

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

**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</i> (Act No. 6, 1992) and <i>Gaz S28</i> , 8 May 1992)

***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</i> , 13 January 2001)

***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</i> , 17 March 2004, p 8)

***Treasury Legislation Amendment (Revenue Units) Regulations 2006 (SL No. 33, 2006)***

Notified	18 October 2006
Commenced	18 October 2006

***Fees and Charges Amendment Regulations 2009 (SL No. 34, 2009)***

Notified	14 December 2009
Commenced	1 January 2010 (r 2)

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**Justice Legislation Amendment (Penalties) Act 2010 (Act No. 12, 2010)**

Assent date 20 May 2010  
 Commenced 1 July 2010 (*Gaz* G24, 16 June 2010, p 2)

**Oaths, Affidavits and Declarations (Consequential Amendments) Act 2010 (Act No. 40, 2010)**

Assent date 18 November 2010  
 Commenced 1 March 2011 (s 2, s 2 *Oaths, Affidavits and Declarations Act 2010* (Act No. 39, 2010) and *Gaz* G7, 16 February 2011, p 4)

**Business Names (National Uniform Legislation) Implementation Act 2012 (Act No. 8, 2012)**

Assent date 27 April 2012  
 Commenced pts 3 and 4: 28 May 2012 (Cth proclamation F2012L00891: 19 April 2012); rem: 27 April 2012 (s 2)

**Prostitution Amendment Regulations 2013 (SL No. 5, 2013)**

Notified 1 May 2013  
 Commenced 1 May 2013

**Licensing (Repeals and Consequential Amendments) Act 2014 (Act No. 44, 2014)**

Assent date 5 December 2014  
 Commenced 1 January 2015 (*Gaz* S130, 19 December 2014, p 2)

**3 GENERAL AMENDMENTS**

General amendments of a formal nature (which are not referred to in the table of amendments to this reprint) are made by the *Interpretation Legislation Amendment Act 2018* (Act No. 2, 2018) to: r 1 and sch 2.

**4 LIST OF AMENDMENTS**

r 5 ins No. 30, 1992, r 3  
 amd No. 33, 2006, r 5; No. 34, 2009, r 10  
 rr 6 – 7 ins No. 16, 1996  
 r 8 ins No. 16, 1996  
 amd Act No. 12, 2010, s 3  
 rr 9 – 10 ins No. 16, 1996  
 sch 1 amd No. 30, 1992, r 1; Act No. 69, 2000, s 9; Act No. 44, 2014, s 145  
 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; No. 33, 2006, r 5; Act No. 12, 2010, s 3; Act No. 40, 2010, s 157; Act No. 8, 2012, s 30; No. 5, 2013, r 3; Act No. 44, 2014, s 145