

NORTHERN TERRITORY OF AUSTRALIA

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Regulations 1992, No. 21\*

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Regulations under the *Prostitution Regulation Act*

I, JAMES HENRY MUIRHEAD, the Administrator of the Northern Territory of Australia, acting with the advice of the Executive Council, hereby make the following Regulations under the *Prostitution Regulation Act*.

Dated 30 April 1992.

J.H. MUIRHEAD  
Administrator

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PROSTITUTION REGULATIONS

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

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\* Notified in the *Northern Territory Government Gazette* on 8 May 1992.

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- (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.
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SCHEDULE 1

Regulation 3

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SCHEDULE 2

Regulation 3

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FORM 1

Section 9(1)

Prostitution Regulation Act

APPLICATION FOR CERTIFICATE THAT PROSTITUTE  
IS FREE OF CONVICTIONS FOR CERTAIN OFFENCES

TO: Commissioner of Police

1. Name of operator applying for certificate:
2. Postal address of operator:
3. Telephone number of operator:
4. List all business names under which the escort agency business is operated:
5. Full name of prostitute to whom this application relates:
6. Working name(s) of prostitute to whom this application relates (if different from full name).

I, the above-named operator, hereby apply for the issue of a certificate stating that no convictions for a violent offence or a relevant drug offence (as defined in section 9(11) of the *Prostitution Regulation Act*) or of an attempt to commit such an offence have been recorded against the name of .....  
 (name of prostitute)  
 in the last 10 years.

Signature of Operator .....  
 Date .....

NOTES

1. This application is to be sent to the Officer in Charge, Bureau of Criminal Intelligence, Berrimah Police Centre, Berrimah, Darwin, and must be accompanied by a statutory declaration in Form 2.
2. The *Prostitution Regulation Act* requires this application to be processed within 7 days of the Police Service receiving it.

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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 .....

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(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.

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- (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.
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FORM 3

Section 9(3)(a)(i)

CERTIFICATE THAT PROSTITUTE IS FREE  
OF CONVICTIONS FOR CERTAIN OFFENCES

To: .....  
(name of operator applying for certificate)

I, .....  
(give full name and rank)  
being a delegate of the Commissioner of Police by virtue  
of section 51 of the *Prostitution Regulation Act*, certify  
that .....  
(insert name of prostitute to whom the application  
relates) has not had a conviction for a relevant drug  
offence or a violent offence (as those offences are  
defined in section 9(11) of that Act) or of an attempt to  
commit such an offence recorded against his/her name in  
the last 10 years.

Signature .....

Date .....

NOTES

- (1) You should keep this certificate until a notice that the certificate has been cancelled under section 9 (9) of the *Prostitution Regulation Act*, is served by the Commissioner of Police .
- (2) You must, not later than 14 days after the date on which a notice of cancellation is served, surrender this certificate to the Commissioner of Police. You should do this by posting it by certified mail to the Officer in Charge, Bureau of Criminal Intelligence, Berrimah Police Centre, Berrimah, Darwin N.T.



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FORM 4

Section 9(3)(a)(ii)

NOTIFICATION TO PROSTITUTE  
THAT CERTIFICATE HAS BEEN ISSUED

TO:.....  
(name of prostitute)

I, .....  
(give full name and rank)

being a delegate of the Commissioner of Police by virtue of section 51 of the *Prostitution Regulation Act*, hereby notify you, ....., that a certificate under section 9(3)(a)(i) of that Act, stating that you have not had a conviction for a relevant drug offence or a violent offence (as those offences are defined in section 9(11) of that Act) or of an attempt to commit such an offence recorded against your name in the last 10 years, has been issued.

Signature .....

Date .....

NOTES

- (1) ..... (name of operator), who applied for this certificate, will retain the certificate until it is cancelled.
- (2) The certificate will remain in force unless or until you are convicted of a relevant drug offence or a violent offence, as those offences are defined in section 9(11) of the *Prostitution Regulation Act*, or of an attempt to commit such an offence.
- (3) The issue of the certificate entitles any licensed escort agency operator or manager to arrange for you to provide prostitution services anywhere in the Territory.
- (4) You are not required to apply for another certificate if you work for another escort agency.

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FORM 5

Section 9(3)(b)(i)

NOTIFICATION TO APPLICANT  
OF REFUSAL TO ISSUE CERTIFICATE

TO: .....  
(name of licensed escort agency operator)

I, .....  
(give full name and rank)

being a delegate of the Commissioner of Police by virtue of section 51 of the *Prostitution Regulation Act*, hereby notify you that your application for a certificate in respect of .....

(name of prostitute)

stating that a conviction for a relevant drug offence or a violent offence (as those offences are defined in section 9(11) of that Act) or of an attempt to commit such an offence has not been recorded against *his/her* name in the last 10 years, has been refused.

Signed .....

Date .....

NOTES

It is an offence under the Act for a person who holds an operator's licence to arrange for prostitution services to be provided by .....  
..... (name of prostitute). An operator or manager of an escort agency business who does so will automatically lose his or her licence.  
Maximum penalty: \$10,000.

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FORM 6

Section 9(3)(b)(ii)

NOTIFICATION TO PROSTITUTE  
OF REFUSAL TO ISSUE CERTIFICATE

TO: .....  
(name of prostitute)

.....  
(name of operator)

applied for a certificate under section 9(3)(a)(i) of the Act stating that you have not had a conviction for a relevant drug offence or a violent offence (as those offences are defined in section 9(11) of the *Prostitution Regulation Act*) or of an attempt to commit such an offence, recorded against your name in the last 10 years.

I, .....  
(give full name and rank)

being a delegate of the Commissioner of Police by virtue of section 51 of that Act, hereby notify you, .....  
..... (name of prostitute) that I have refused to issue that certificate. Police records indicate that you have the following convictions:

(Specify offence(s) and date and place of conviction for each offence. If required, you may attach another page.)

Signature .....

Date .....

NOTES

- (1) You may appeal against the refusal to issue a certificate, on the grounds that -
  - (a) the police records are incorrect; or
  - (b) there are reasons for disregarding the conviction or convictions which are the basis for refusing to issue that certificate (e.g. because they are minor offences or took place many years ago).

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If you wish to appeal, contact the Registrar of the Escort Agency Licensing Board, GPO Box 3021, Darwin NT 0801, for further information.

- (2) Because the Commissioner of Police has refused to issue a certificate, it is an offence for the holder of a manager's license or an operator's licence to arrange for you to provide prostitution services anywhere in the Territory.
- (3) The refusal by the Commissioner of Police to issue a certificate does not prevent you from working in the prostitution industry. You may operate a "one person escort agency business" if -
  - (a) you are the only person to offer prostitution services;
  - (b) that business is not conducted in partnership or otherwise in association with another person; and
  - (c) you do not employ staff of any kind.

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FORM 7

Section 9(6)

NOTIFICATION THAT AGENCY IS MAKING  
ARRANGEMENTS FOR PROSTITUTE

TO: Commissioner of Police

I,.....,  
(full name of operator, business address and  
business telephone number)

the licensed operator of an escort agency business which  
operates under the following names (list all business  
names used by agency) .....  
.....  
.....  
.....  
.....  
.....

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hereby give notice that I am arranging for the provision  
of prostitution services by .....  
.....  
(full name of prostitute for whom you have  
begun making arrangements)

Signature .....

Date .....

NOTES

- (1) You are only required to notify the Commissioner of Police that you have begun to arrange for the provision of prostitution services by a certified prostitute where another operator applied for the certificate in respect of that prostitute.
  - (2) It is an offence for the licensed operator of an escort agency business to fail to notify the Commissioner of Police that the agency has begun to arrange for the provision of prostitution services by a prostitute. Maximum penalty: \$2000.
  - (3) If an escort agency business ceases, other than temporarily, to arrange for the provision of prostitution services by a prostitute, the operator of that agency must notify the Commissioner of Police. Maximum penalty: \$2,000.
  - (4) Mail this notice to the Officer in Charge, Bureau of Criminal Intelligence, Berrimah Police Centre, Berrimah, Darwin N.T.
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FORM 8

Section 9(7)

NOTIFICATION THAT AGENCY HAS CEASED TO MAKE  
ARRANGEMENTS FOR PROSTITUTE

TO: Commissioner of Police

I, .....  
(full name, business address and business  
telephone number of operator)

the licensed operator of an escort agency business which  
operates under the following names (list all business  
n a m e s u s e d b y a g e n c y )  
.....  
.....  
.....

hereby give notice that I have ceased to make arrangements  
for the provision of prostitution services by .....

(full name of prostitute you have stopped  
making arrangements for)

Signature .....

Date .....

NOTE

- (1) If an escort agency business ceases, other than temporarily, to arrange for the provision of prostitution services by a prostitute, the operator of that agency must notify the Commissioner of Police. Maximum penalty: \$2,000.
- (2) You may give notice to the Commissioner of Police by mailing notice to the Officer in Charge, Bureau of Criminal Intelligence, Berrimah Police Centre, Berrimah, Darwin.

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FORM 9

Section 9(8)

NOTIFICATION OF RECOMMENCING TO MAKE  
ARRANGEMENTS FOR PROSTITUTE

TO: Commissioner of Police

I, .....  
(full name, business address and telephone  
number of operator)

the licensed operator of an escort agency business that  
operates under the following names (list all business  
names used by the escort agency)

.....  
.....  
.....  
.....

hereby give notice that I recommenced making arrangements  
for the provision of prostitution services by .....

.....  
(full name of prostitute)

on .....  
(date of arrangement)

Signed .....

Date .....

NOTE

- (1) Where an operator of an escort agency business has notified the Commissioner that the agency has ceased to arrange for the provision of prostitution services by a prostitute but has, after giving that notice, made an arrangement for the provision of prostitution services by that prostitute, the Commissioner of Police must be notified WITHIN 7 DAYS of the making of that arrangement. Maximum penalty: \$2,000.
- (2) You may give notice to the Commissioner of Police by mailing a notice to the Officer in Charge, Bureau of Criminal Intelligence, Berrimah Police Centre, Berrimah, Darwin.

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FORM 10

Section 9(9)(a)

NOTIFICATION TO APPLICANT  
THAT CERTIFICATE IS CANCELLED

TO: .....  
(*name of escort agency operator*)

I, .....  
(*give full name and rank*)

being a delegate of the Commissioner of Police by virtue of section 51 of the *Prostitution Regulation Act*, hereby notify you that the certificate in respect of ..... (*name of prostitute*), stating that *he/she* has not had a conviction for a relevant drug offence or a violent offence, as those offences are defined in section 9(11) of the Act, or of an attempt to commit such an offence, recorded against *his/her* name in the last 10 years, is cancelled.

Signed .....

Date .....

NOTES

- (1) It is an offence for the licensed operator or licensed manager to arrange for the provision of prostitution services by a prostitute in respect of whom a certificate has been cancelled. Maximum penalty: \$10,000.
- (2) If convicted of the offence referred to in (1), the operator or manager of that agency will automatically lose his or her licence under the Act.
- (3) If you applied for the certificate which is cancelled by this notice, you must return the certificate to the Commissioner of Police. You can do this by posting it by certified mail to the Officer in Charge, Bureau of Criminal Intelligence, Berrimah Police Centre, Berrimah, Darwin N.T. within 14 days from the day you receive this notice. Maximum penalty: \$2,000.



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FORM 11

Section 9(9)(b)

NOTIFICATION TO OTHER AGENCIES  
THAT CERTIFICATE IS CANCELLED

TO: .....  
(name of escort agency operator)

I, .....  
(give full name and rank)

being a delegate of the Commissioner of Police by virtue of section 51 of the *Prostitution Regulation Act*, hereby notify you that the certificate in respect of .....  
..... (name of prostitute), stating that a conviction for a relevant drug offence or a violent offence (as those offences are defined in section 9(11) of the Act) or of an attempt to commit such an offence, has not been recorded against *his/her* name in the last 10 years, has been cancelled.

Signed .....

Date .....

NOTES

- (1) It is an offence for a licensed operator or manager to arrange for the provision of prostitution services by a prostitute in respect of whom a certificate has been cancelled. Maximum penalty: \$10,000.
  - (2) If convicted of the offence referred to in (1), the operator or manager of that agency will automatically lose his or her licence under the Act.
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FORM 12

Section 9(9)(c)

NOTIFICATION TO PROSTITUTE  
THAT CERTIFICATE HAS BEEN CANCELLED

TO: .....  
(name of prostitute)

I, .....  
(give full name and rank)

being a delegate of the Commissioner of Police by virtue of section 51 of the *Prostitution Regulation Act*, hereby notify you that the certificate stating that a conviction for a relevant drug offence or a violent offence (as those offences are defined in section 9(11) of the Act) or of an attempt to commit such an offence has not been recorded against your name in the last 10 years, has been cancelled. Police records indicate that you have the following convictions:

(specify offence(s) and date and place of conviction for each offence)

Signature .....

Date .....

NOTES

- (1) You may appeal against the refusal to issue a certificate, on the grounds that -
  - (a) the police records are incorrect; or
  - (b) there are reasons for disregarding the conviction or convictions (e.g. because they are minor offences or took place 9 years ago).

If you wish to appeal, contact the Registrar of the Escort Agency Licensing Board, GPO Box 3021, Darwin NT 0801, for further information.

- (2) Because the Commissioner of Police has refused to issue a certificate, it is an offence for a licensed escort agency operator or manager to arrange for you to provide prostitution services any where in the Territory.

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- (3) The refusal by the Commissioner of Police to issue a certificate does not prevent you from working in the prostitution industry. You may operate a "one person escort agency business" if-
- (a) you are the only person to offer prostitution services;
  - (b) that business is not conducted in partnership or otherwise in association with another person; and
  - (c) you do not employ any staff of any kind.
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