

NORTHERN TERRITORY OF AUSTRALIA

Regulations 1992, No. 30*

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 26 June 1992.

J.H. MUIRHEAD
Administrator

AMENDMENTS OF THE PROSTITUTION REGULATIONS

1. SCHEDULE 1

Schedule 1 to the Prostitution Regulations is amended by inserting in the appropriate columns after the item relating to section 9(9)(c), the following:

"25(1)	Application for grant or renewal of operator's or manager's licence	13
25(1)	Application for grant or renewal of operator's or manager's licence where applicant is body corporate	14
25(1)	Authority to release criminal history	15
31(1)	Application for cancellation of licence under section 31	20
32(3)	Application for cancellation suspension or variation of licence pursuant to section 32(3)	21
35(1)	Request for reasons for decision	16
36(1)	Notice of appeal	17

* Notified in the *Northern Territory Government Gazette* on 30 June 1992.

Amendments of the Prostitution Regulations

36(5)(b)	Notice of hearing	18
43(1)	Application for variation or removal of condition or restriction on licence	19".

2. SCHEDULE 2

Schedule 2 to the Prostitution Regulations is amended by adding at the end the forms set out in the Schedule.

3. NEW REGULATION

The Prostitution Regulations are amended by inserting after regulation 4 the following:

"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."

Amendments of the Prostitution Regulations

SCHEDULE

Regulation 2

"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:

Amendments of the Prostitution Regulations

- (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
 - (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).

* Cross out whichever does not apply.

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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 spouse/homosexual 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:

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):

* Cross out whichever does not apply.

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.....
.....
(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 Escort Agency Licensing Board and any of the details you have provided change between the date you lodge it and the date on which that Board decides your application, you must advise the Registrar of that Board of those changes. Penalty: \$2,000.
- (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

* Cross out whichever does not apply.

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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 Board you will be investigated by the Northern Territory Police Force to assist the Board 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.

* Cross out whichever does not apply.

Amendments of the Prostitution Regulations

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.

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:

* Cross out whichever does not apply.

Amendments of the Prostitution Regulations

(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
 - (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.

* Cross out whichever does not apply.

Amendments of the Prostitution Regulations

(C) DETAILS OF RELATIONSHIPS

You must provide the following details of your spouse/de facto spouse/homosexual 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:

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.

* Cross out whichever does not apply.

Amendments of the Prostitution Regulations

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

Secretary

Member.....

Date

Common Seal

NOTES

** 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, plus \$100 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 Escort Agency Licensing Board and any of the details you have provided change between the date you lodge it and the

* Cross out whichever does not apply.

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date on which that Board decides your application, you must advise the Registrar of that Board of those changes. 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 Board you will be investigated by the Northern Territory Police Force to assist the Board 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:
.....
.....
.....
.....

* Cross out whichever does not apply.

Amendments of the Prostitution Regulations

I,
(insert your name here)

hereby authorise the Commissioner of Police for the Northern Territory of Australia to release to the Registrar of the Escort Agency Licensing Board 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 16

Section 35(1)

Prostitution Regulation Act

REQUEST FOR REASONS FOR DECISION

TO: Escort Agency Licensing Board

1. APPLICATION

I,
(name of applicant for reasons)

request the reasons for the decision referred to below.

2. TYPE OF DECISION

On (date of decision) ...the Board decided to -
(tick the correct box)

- (i) grant **
- (ii) refuse to grant
- (iii) renew
- (iv) refuse to renew

* Cross out whichever does not apply.

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- (v) impose conditions or restrictions on
- (vi) to remove or vary conditions or restrictions imposed on
on
(date conditions or restrictions imposed)
- (vii) cancel ***

a licence/an application for a licence* in the name of.....
on..... (date of issue of licence).

3. DATE OF NOTIFICATION

I was notified of the decision on
(date)

Signed
(signature of applicant)

Date

NOTES

** Only the Minister may apply for a statement of the reasons why the Board has granted or renewed a licence.

*** Only a person or body corporate who has had a licence cancelled may apply for a statement of the reasons for that cancellation.

- (1) Where the Board has made any other decision in respect of a licence only the Minister, the applicant for that licence or the holder of that licence may apply for a statement of the reasons for that decision.
- (2) Under section 35(4) of the Act the Board is not required, in certain circumstances, to disclose reasons for decisions or other information. If you are entitled under the Act to appeal against a decision of the Board and the Board is required to disclose the reasons for that decision, the Board must, within 28 days from the day you lodge this Form, disclose to you those reasons, and any evidence or other matters which it considered in reaching that decision.

* Cross out whichever does not apply.

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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 BOARD*

made on
(date of decision)

to
(describe the decision)

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

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

received them from the Board 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)

I was notified of the decision of the Commissioner of
Police on
(date)

* Cross out whichever does not apply.

Amendments of the Prostitution Regulations

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 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 Board 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 Board 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.

* Cross out whichever does not apply.

Amendments of the Prostitution Regulations

NORTHERN TERRITORY OF AUSTRALIA

FORM 18

Section 36(5)(b)

Prostitution Regulation Act

NOTICE OF HEARING

FROM: The Registrar

TO:

- Licensee *
- Applicant for licence *
- Individual in respect of whom certificate has been issued *
- The Minister *
- The Escort Agency Licensing Board *
- 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 Escort Agency Licensing Board/
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 Board which is the subject of an appeal.

Signed
(Registrar's signature)

Date

* Cross out whichever does not apply.

Amendments of the Prostitution Regulations

NORTHERN TERRITORY OF AUSTRALIA

FORM 19

Section 43(1)

Prostitution Regulation Act

APPLICATION FOR VARIATION OR REMOVAL
OF CONDITION OR RESTRICTION ON LICENCE

TO: The Escort Agency Licensing Board

1. APPLICATION:

I,
(name of applicant)

the holder of an operator's/manager's* licence granted
on in the name of apply
(date)

for the variation/removal* of a condition/restriction* on
that licence.

2. DETAILS OF LICENCE

- (a) List all conditions or restrictions on licence:
- (b) Date each condition or restriction imposed:
- (c) Condition(s) or restriction(s) you wish to have varied/removed:
- (d) Reason why you wish to have condition or restriction removed/varied:

Signature of applicant

Date of signature

NOTE: You should attach the prescribed fee to this application.

* Cross out whichever does not apply.

Amendments of the Prostitution Regulations

NORTHERN TERRITORY OF AUSTRALIA

FORM 20

Section 31(1)

Prostitution Regulation Act

APPLICATION FOR CANCELLATION OF LICENCE
UNDER SECTION 31

To: The Escort Agency Licensing Board

I,
(full name and rank)

a delegate of the Commissioner of Police under section 51 of the *Prostitution Regulation Act* by virtue of an instrument signed by the Commissioner of Police on, hereby apply to have the following licence cancelled:

- Name of licensee:
- Licence type: operator's/manager's licence*
- Business names under which licence is operated:
- Date of grant of licence:
- Date licence renewed (if applicable):

Police records indicate that
(name of person to whom record relates)

the licensee/an officer of a body corporate to whom a licence has been granted* was convicted on
(date)

at
(name of court)

of the following offence, which, under section 31 of the *Prostitution Regulation Act*, is a disqualifying offence:

(set out the offence to which the record relates)

Signed
Dated

* Cross out whichever does not apply.

Amendments of the Prostitution Regulations

NORTHERN TERRITORY OF AUSTRALIA

FORM 21

Section 32(3)

Prostitution Regulation Act

APPLICATION FOR CANCELLATION,
SUSPENSION OR VARIATION OF
LICENCE PURSUANT TO SECTION 32(3)

To: Escort Agency Licensing Board

I,
(full name and rank)

a delegate of the Commissioner of Police under section 51 of the *Prostitution Regulation Act* by virtue of an instrument signed by the Commissioner of Police on, hereby apply for the cancellation/suspension/variation of a condition or restriction * of the following licence:

- Name of licensee:
- Licence type: operator's/manager's licence*
- Business names under which licence is operated:
- Date of grant of licence:
- Date licence renewed (if applicable):

for the following reasons:

Signature
Date

* Cross out whichever does not apply."
