

Frequently Asked Questions (FAQ) - Prostitution Law Reform

Who is eligible to apply for a certificate?

To be eligible to be issued an operator's certificate you must be:

- Over the age of 18, and
- A citizen of New Zealand or Australia, or otherwise have a permanent residency permit for New Zealand or Australia.

A person in New Zealand who has a temporary or a limited purposes permit is not allowed to act as an operator of a New Zealand business of prostitution, nor to provide commercial sexual services.

Who should apply for a certificate?

Anyone who is, or wants to be, an operator of a business of prostitution. The Act defines an operator as a person who, whether alone or with others, owns, operates, controls, or manages the business. This includes:

- Every director of a company that owns a prostitution business,
- Someone who determines:
 - When or where a sex worker will work, or
 - The conditions in which sex workers in the business work, or
 - The amount of money, or proportion of an amount of money that a sex worker receives as payment for prostitution;
- A person who employs, supervises or directs any person who does any of the things referred to above.

If more than one of us has management responsibility, do we all need to get an operator's certificate?

Yes. Certificates are held by operators and not by businesses. Everyone who falls into the category of an operator requires a certificate and this is regardless of how many others in the business may also have a certificate.

Who does not need a certificate?

A sex worker who works at a small owner-operated brothel is not an operator of that business of prostitution, if

- There are not more than four sex workers working at that brothel, and
- Each of these sex workers retains control over his/her individual earnings from prostitution at this brothel.

In this situation, a small owner-operated brothel is deemed not to have an operator who should have a certificate.

What must be included with an application for an operator's certificate?

Every application for a certificate must include:

- The application fee of \$205.00 (which includes \$22.78 GST); and
- An authenticated copy of an official photo identification – if you have a passport, send a copy of the pages that show your full name, photo, date of birth, signature and the passport number; otherwise send a copy of your driver's licence or some other form of photo identification issued by a New Zealand Government agency (see [Note](#) below) ; and
- One authenticated passport-style photo that is 50 mm high and 40 mm wide and should be
 - a colour print,
 - a full-front view of the face, head and shoulders only, with eyes open,
 - without hat, head covering or headband (if you wear these for religious or medical reasons, the reasons should be stated),
 - without sunglasses – tinted prescription glasses may be worn as long as the eyes are still visible,
 - a true image and not altered in any way,
 - clear, sharp and in focus, with minimum reflective light on face,
 - with a plain light coloured background (not white or dark).

Note: If you have any doubt about what is an acceptable form of official photo identification, please ring the Auckland District Court (09) 916 9027, or email to PRA@justice.govt.nz

What are the authentication requirements?

Authentication of your photo identification and photograph is similar to what is required when you apply for a passport.

You need an organized person to complete and sign the panel in paragraph 7 of your application form. They should also write on the back of the photograph "*Certified true likeness of [full name], the applicant*", and sign and date it to certify that the photograph is of you and is a true likeness of you. You must ask the person yourself so that he/she can see you. No-one else can do this for you.

In addition you need an organized person to complete and sign the panel in paragraph 10 of your application form. They should also write on the photocopy of your official photo identification “*Certified to be a true copy of the original (which I have seen)*” and sign and date it to certify that the photocopy is a true copy. This person needs to see the original document to compare with the photocopy.

An organized person is someone who is one of the following:

- Lawyer
- Registrar / Deputy Registrar of any District Court,
- Justice of the Peace (JP),
- Kaumatua,
- Minister of Religion,
- Police Officer,
- Registered Medical Professional.

The same person can authenticate both your photograph and the copy of your photo identification. A person who does the authentication for you must not:

- Be your relative, or part of your family group, or your partner,
- Live at the same address as you, nor
- Be your employer.

Where should I send my application?

Post your application to:

The Registrar (Prostitution Reform Act)
Auckland District Court
Private Bag 92020
Auckland 1020

How will my application be assessed?

Assuming you are over 18 and your application has been done correctly, the only criterion the Registrar has is whether you have criminal convictions that will disqualify you. The relevant convictions are shown in section 36 of the Act, and include offences under

- Parts of the Crimes Act 1961, punishable by 2 or more years imprisonment, including participation in an organized criminal group, sexual crimes, murder, manslaughter, assault, abduction, robbery, extortion, burglary, money laundering;
- The Arms Act 1983, punishable by imprisonment;
- Parts of the Misuse of Drugs Act 1975.

Checks will be done for all applicants to determine whether they have any relevant criminal convictions.

If I have a conviction that disqualifies me from holding an operator's certificate, can I still get one?

Possibly. Anyone who has been refused a certificate because of a conviction that disqualifies them can apply to the Registrar of the Auckland District Court to have their disqualification waived. A District Court Judge will consider your application and needs to be satisfied that the offending happened so long ago, or was of such a nature that it should not be a barrier to you getting an operator's certificate. The Judge also needs to be satisfied you haven't been associating with people who might themselves be disqualified and will ask the Police to provide a report.

What do I do with my certificate once I get it?

Your certificate must be produced when requested by a member of the New Zealand Police.

How long is the certificate valid for?

Your certificate will be valid for one year from its date of issue. About two months before it expires you will be sent a reminder to the address you have provided. If you change your postal address, please advise the Registrar of the Auckland District Court.

What if I lose or destroy my certificate?

You may apply for a replacement certificate. The Registrar must be satisfied that your current certificate has been lost or destroyed. This can be done by making a statutory declaration. The fee for a replacement certificate is \$25.

What if I am an operator and don't get a certificate?

After 28 June 2004, an operator who does not hold a valid certificate commits an offence and, if convicted, may be fined up to \$10,000.

(Source: <http://www.justice.govt.nz>)