

10 NOV 2020

John  
[fyi-request-14046-8b0392c3@requests.fyi.org.nz](mailto:fyi-request-14046-8b0392c3@requests.fyi.org.nz)

Dear John

### Official Information Act 1982 request

Thank you for your Official Information Act 1982 (OIA) request of 28 October 2020 regarding brothel operation certificates. Your request was as follows:

1. *In your website (<https://www.justice.govt.nz/licences-certificates/brothel-operator-certification/apply-for-a-brothel-operator-certificate/>), under “People who need a brothel operator certificate”, it states that “To be given an operator’s certificate, you must be: over the age of 18, and a New Zealand or Australian citizen, or have permanent residency for New Zealand or Australia.”*

*However, under the Section 19(4) of the Prostitution Reform Act 2003, it states “Any conditions of a resident visa are deemed not to have been met and resident is liable for deportation under section 159 of the Immigration Act 2009 if the Minister of Immigration or an immigration officer determines that the holder or a resident visa acts as an operator of, or invests in, a New Zealand business of prostitution.”*

*Could you please clarify whether the information on your website is conflicting with the Prostitution Reform Act 2003? And please clarify who can apply the operator’s certificate?*

2. *Since the enforcement of the Prostitution Reform Act 2003, how many people with permanent residency for New Zealand or Australia, or Australian citizenship have successfully applied for the operator’s certificate?*

In response to question 1, the information supplied on the Ministry of Justice website about applying for an operator’s certificate is consistent with the Prostitution Reform Act 2003 (the Act). Section 19(4) of the Act relates to Resident Visas, which hold different conditions and can be distinguished from Permanent Resident Visas. A person holding a Permanent Resident Visa is eligible to apply for an operator’s certificate under section 35 of the Act, whereas a person holding a Resident Visa who operates or invests in a business of prostitution is deemed to have not met the conditions of their visa under section 19(4) of the Act, and therefore liable for deportation.

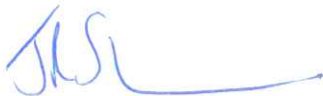
In response to question 2, I can confirm there have been 1185 successful applications for operation certificates under section 35 of the Prostitution Reform Act 2003 since the Act commenced on 28 June 2003. However, the Ministry does not hold information on the citizenship or residency status of applicants. This is because the application form for a certificate does not ask the applicant to specify their

residency or citizenship status (however, proof of official identification is required, such as a passport or driver's licence). Therefore, I am declining this part of your request under section 18(g) of the OIA.

Please note the response I have provided to question 1 does not constitute legal advice. If you or any other person wishes to apply for a brothel operator's certificate, I would suggest they seek independent legal advice to explain their legal rights and responsibilities in applying for a certificate.

If you are not satisfied with this response, you have the right to complain to the Ombudsman under section 28(3) of the OIA. You can contact the Office of the Ombudsman by writing to PO Box 10152, Wellington 6143; calling 0800 802 602; or emailing [info@ombudsman.parliament.nz](mailto:info@ombudsman.parliament.nz)

Yours sincerely

A handwritten signature in blue ink, appearing to read 'JS', with a long horizontal flourish extending to the right.

Jacquelyn Shannon

**Group Manager, Courts and Tribunals, Regional Service Delivery**

Ref: 84301