Version
as at 23 September 2026

Prostitution Reform Act 2003

Public Act	2003 No 28
Date of assent	27 June 2003
Commencement	see section 2

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Note

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

This Act is administered by the Ministry of Justice.

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1 Title

This Act is the Prostitution Reform Act 2003.

Part 1
Preliminary provisions

2 Commencement

(1) This Act (other than the provisions referred to in subsection (2)) comes into force on the day after the date on which it receives the Royal assent.

(2) Part 3 and sections 49 and 50(2) come into force 6 months after the date on which this Act receives the Royal assent.

3 Purpose

The purpose of this Act is to decriminalise prostitution (while not endorsing or morally sanctioning prostitution or its use) and to create a framework that—

(a) safeguards the human rights of sex workers and protects them from exploitation:

(b) promotes the welfare and occupational health and safety of sex workers:

(c) is conducive to public health:

(d) prohibits the use in prostitution of persons under 18 years of age:

(e) implements certain other related reforms.

4 Interpretation

(1) In this Act, unless the context otherwise requires,—

brothel means any premises kept or habitually used for the purposes of prostitution; but does not include premises at which accommodation is normally provided on a commercial basis if the prostitution occurs under an arrangement initiated elsewhere

business of prostitution means a business of providing, or arranging the provision of, commercial sexual services

client means a person who receives, or seeks to receive, commercial sexual services

commercial sexual services means sexual services that—

(a) involve physical participation by a person in sexual acts with, and for the gratification of, another person; and

(b) are provided for payment or other reward (irrespective of whether the reward is given to the person providing the services or another person)

member means a member of the Prostitution Law Review Committee

premises includes a part of premises

prostitution means the provision of commercial sexual services

Prostitution Law Review Committee means the committee appointed under section 43

public place—

(a) means a place that is open to, or being used by, the public, whether admission is free or on payment of a charge and whether any owner or occupier of the place is lawfully entitled to exclude or eject a person from that place; and

(b) includes any aircraft, hovercraft, ship, ferry, or other vessel, train, or vehicle carrying or available to carry passengers for reward

sex worker means a person who provides commercial sexual services

small owner-operated brothel means a brothel—

(a) at which not more than 4 sex workers work; and

(b) where each of those sex workers retains control over his or her individual earnings from prostitution carried out at the brothel

territorial authority has the same meaning as in section 5(1) of the Local Government Act 2002.

(2) In this Act, a reference to **providing** or **receiving** commercial sexual services means to provide or receive those services personally (rather than arranging another person to provide the services or arranging for the services to be received by another person).

5 Definition of operator

(1) In this Act, **operator**, in relation to a business of prostitution, means a person who, whether alone or with others, owns, operates, controls, or manages the business; and includes (without limitation) any person who—

(a) is the director of a company that is an operator; or

(b) determines—

(i) when or where an individual sex worker will work; or

(ii) the conditions in which sex workers in the business work; or

(iii) the amount of money, or proportion of an amount of money, that a sex worker receives as payment for prostitution; or

(c) is a person who employs, supervises, or directs any person who does any of the things referred to in paragraph (b).

(2) Despite anything in subsection (1), a sex worker who works at a small owner-operated brothel is not an operator of that business of prostitution, and, for the purposes of this Act, a small owner-operated brothel does not have an operator.

6 Act binds the Crown

This Act binds the Crown.

Part 2
Commercial sexual services

Contracts for commercial sexual services not void

7 Contract for provision of commercial sexual services not void

No contract for the provision of, or arranging the provision of, commercial sexual services is illegal or void on public policy or other similar grounds.

Health and safety requirements

8 Operators of businesses of prostitution must adopt and promote safer sex practices

(1) Every operator of a business of prostitution must—

(a) take all reasonable steps to ensure that no commercial sexual services are provided by a sex worker unless a prophylactic sheath or other appropriate barrier is used if those services involve vaginal, anal, or oral penetration or another activity with a similar or greater risk of acquiring or transmitting sexually transmissible infections; and

(b) take all reasonable steps to give health information (whether oral or written) to sex workers and clients; and

(c) if the person operates a brothel, display health information prominently in that brothel; and

(d) not state or imply that a medical examination of a sex worker means the sex worker is not infected, or likely to be infected, with a sexually transmissible infection; and

(e) take all other reasonable steps to minimise the risk of sex workers or clients acquiring or transmitting sexually transmissible infections.

(2) Every person who contravenes subsection (1) commits an offence and is liable on conviction to a fine not exceeding $10,000.

(3) The obligations in this section apply only in relation to commercial sexual services provided for the business and to sex workers and clients in connection with those services.

(4) In this section, **health information** means information on safer sex practices and on services for the prevention and treatment of sexually transmissible infections.

Section 8(2): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

9 Sex workers and clients must adopt safer sex practices

(1) A person must not provide or receive commercial sexual services unless he or she has taken all reasonable steps to ensure a prophylactic sheath or other

appropriate barrier is used if those services involve vaginal, anal, or oral penetration or another activity with a similar or greater risk of acquiring or transmitting sexually transmissible infections.

(2) A person must not, for the purpose of providing or receiving commercial sexual services, state or imply that a medical examination of that person means that he or she is not infected, or likely to be infected, with a sexually transmissible infection.

(3) A person who provides or receives commercial sexual services must take all other reasonable steps to minimise the risk of acquiring or transmitting sexually transmissible infections.

(4) Every person who contravenes subsection (1), subsection (2), or subsection (3) commits an offence and is liable on conviction to a fine not exceeding $2,000.

Section 9(4): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

10 Application of Health and Safety at Work Act 2015

(1) A sex worker is at work for the purposes of the Health and Safety at Work Act 2015 while providing commercial sexual services.

(2) However, nothing in this Act (including subsection (1)) limits that Act or any regulations or approved codes of practice under that Act.

Section 10 heading: amended, on 4 April 2016, by section 232 of the Health and Safety at Work Act 2015 (2015 No 70).

Section 10(1): amended, on 4 April 2016, by section 232 of the Health and Safety at Work Act 2015 (2015 No 70).

Advertising restrictions

11 Restrictions on advertising commercial sexual services

(1) Advertisements for commercial sexual services may not be—

(a) broadcast on radio or television; or

(b) published in a newspaper or periodical, except in the classified advertisements section of the newspaper or periodical; or

(c) screened at a public cinema.

(2) A person who does any of the things described in subsection (1), or who authorises any of the things described in that subsection to be done, commits an offence and is liable on conviction to,—

(a) in the case of a body corporate, a fine not exceeding $50,000; and

(b) in any other case, a fine not exceeding $10,000.

(3) In this section, **advertisement** means any words, or any pictorial or other representation, used to notify the availability of, or promote the sale of, commercial sexual services, either generally or specifically.

Section 11(2): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Territorial authority may make bylaws

12 Bylaws controlling signage advertising commercial sexual services

(1) A territorial authority may make bylaws for its district that prohibit or regulate signage that is in, or is visible from, a public place, and that advertises commercial sexual services.

(2) Bylaws may be made under this section only if the territorial authority is satisfied that the bylaw is necessary to prevent the public display of signage that—

(a) is likely to cause a nuisance or serious offence to ordinary members of the public using the area; or

(b) is incompatible with the existing character or use of that area.

(3) Bylaws made under this section may prohibit or regulate signage in any terms, including (without limitation) by imposing restrictions on the content, form, or amount of signage on display.

(4) Parts 8 and 9 of the Local Government Act 2002 (which are about, among other things, the enforcement of bylaws and penalties for their breach) apply to a bylaw made under this section as if the bylaw had been made under section 145 of that Act.

13 Procedure for making bylaws

(1) A bylaw made under section 12 must be made in the same manner in all respects as if it were a bylaw made under the Local Government Act 2002.

(2) Despite subsection (1), a bylaw may be made under section 12 even if, contrary to section 155(3) of the Local Government Act 2002, it is inconsistent with the New Zealand Bill of Rights Act 1990.

14 Bylaws regulating location of brothels

Without limiting section 145 of the Local Government Act 2002, a territorial authority may make bylaws for its district under section 146 of that Act for the purpose of regulating the location of brothels.

Resource consents

15 Resource consents in relation to businesses of prostitution

(1) When considering an application for a resource consent under the Resource Management Act 1991 for a land use relating to a business of prostitution, a territorial authority must have regard to whether the business of prostitution—

(a) is likely to cause a nuisance or serious offence to ordinary members of the public using the area in which the land is situated; or

(b) is incompatible with the existing character or use of the area in which the land is situated.

(2) Having considered the matters in subsection (1)(a) and (b) as well as the matters it is required to consider under the Resource Management Act 1991, the territorial authority may, in accordance with sections 104A to 104D of that Act, grant or refuse to grant a resource consent, or, in accordance with section 108 of that Act, impose conditions on any resource consent granted.

(3) Subsection (1) does not limit or affect the operation of the Resource Management Act 1991 in any way, and it may be overriden, with respect to particular areas within a district, by the provisions of a district plan or proposed district plan.

Section 15(1): amended, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

Section 15(2): amended, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

Section 15(3): amended, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

Protections for sex workers

16 Inducing or compelling persons to provide commercial sexual services or earnings from prostitution

(1) No person may do anything described in subsection (2) with the intent of inducing or compelling another person (**person A**) to—

(a) provide, or to continue to provide, commercial sexual services to any person; or

(b) provide, or to continue to provide, to any person any payment or other reward derived from commercial sexual services provided by person A.

(2) The acts referred to in subsection (1) are any explicit or implied threat or promise that any person (**person B**) will—

(a) improperly use, to the detriment of any person, any power or authority arising out of—

(i) any occupational or vocational position held by person B; or

(ii) any relationship existing between person B and person A:

(b) commit an offence that is punishable by imprisonment:

(c) make an accusation or disclosure (whether true or false)—

(i) of any offence committed by any person; or

(ii) of any other misconduct that is likely to damage seriously the reputation of any person; or

(iii) that any person is unlawfully in New Zealand:

(d) supply, or withhold supply of, any controlled drug within the meaning of the Misuse of Drugs Act 1975.

(3) Every person who contravenes subsection (1) commits an offence and is liable on conviction to imprisonment for a term not exceeding 14 years.

Section 16(3): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

17 Refusal to provide commercial sexual services

(1) Despite anything in a contract for the provision of commercial sexual services, a person may, at any time, refuse to provide, or to continue to provide, a commercial sexual service to any other person.

(2) The fact that a person has entered into a contract to provide commercial sexual services does not of itself constitute consent for the purposes of the criminal law if he or she does not consent, or withdraws his or her consent, to providing a commercial sexual service.

(3) However, nothing in this section affects a right (if any) to rescind or cancel, or to recover damages for, a contract for the provision of commercial sexual services that is not performed.

Protections for persons refusing to work as sex workers

18 Refusal to work as sex worker does not affect entitlements

(1) A person's benefit, or entitlement to a benefit, under the Social Security Act 2018 may not be cancelled or affected in any other way by his or her refusal to work, or to continue to work, as a sex worker (and, in this case, that work is not suitable employment for that person under that Act).

(2) A person's entitlements under the Injury Prevention, Rehabilitation, and Compensation Act 2001 may not be lost or affected in any other way by his or her being capable of working as a sex worker if he or she refuses to do, or to continue to do, that kind of work.

(3) In this section, refusal means a **refusal** to do this kind of work in general, rather than a refusal of a particular job or at a particular time.

Section 18(1): amended, on 26 November 2018, by section 459 of the Social Security Act 2018 (2018 No 32).

Application of Immigration Act 2009

19 Application of Immigration Act 2009

(1) No visa may be granted under the Immigration Act 2009 to a person on the basis that the person—

(a) has provided, or intends to provide, commercial sexual services; or

(b) has acted, or intends to act, as an operator of a business of prostitution; or

(c) has invested, or intends to invest, in a business of prostitution.

(2) It is a condition of every temporary entry class visa granted under the Immigration Act 2009 that the holder of the visa may not, while in New Zealand,—

(a) provide commercial sexual services; or

(b) act as an operator of a New Zealand business of prostitution; or

(c) invest in a New Zealand business of prostitution.

(3) It is sufficient reason for the Minister of Immigration or an immigration officer to determine that a temporary entry class visa holder is liable for deportation under section 157 of the Immigration Act 2009 if the Minister or the officer believes, on reasonable grounds, that the holder is engaged in any of the things listed in subsection (2)(a) to (c) of this section.

(4) Any conditions of a resident visa are deemed not to have been met and the 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 of a resident visa acts as an operator of, or invests in, a New Zealand business of prostitution.

(5) This section applies to all visas and permits held and all requirements and conditions imposed under the Immigration Act 1987 or the Immigration Act 2009, whether granted or imposed before or after the commencement of this section.

Section 19: substituted, at 2 am on 29 November 2010, by section 406(1) of the Immigration Act 2009 (2009 No 51).

Prohibitions on use in prostitution of persons under 18 years

20 No person may assist person under 18 years in providing commercial sexual services

No person may cause, assist, facilitate, or encourage a person under 18 years of age to provide commercial sexual services to any person.

21 No person may receive earnings from commercial sexual services provided by person under 18 years

No person may receive a payment or other reward that he or she knows, or ought reasonably to know, is derived, directly or indirectly, from commercial sexual services provided by a person under 18 years of age.

22 No person may contract for commercial sexual services from, or be client of, person under 18 years

(1) No person may enter into a contract or other arrangement under which a person under 18 years of age is to provide commercial sexual services to or for that person or another person.

(2) No person may receive commercial sexual services from a person under 18 years of age.

23 Offence to breach prohibitions on use in prostitution of persons under 18 years

(1) Every person who contravenes section 20, section 21, or section 22 commits an offence and is liable on conviction to imprisonment for a term not exceeding 7 years.

(2) No person contravenes section 20 merely by providing legal advice, counselling, health advice, or any medical services to a person under 18 years of age.

(3) No person under 18 years of age may be charged as a party to an offence committed on or with that person against this section.

Section 23(1): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Powers to enter and inspect compliance with health and safety requirements

24 Purpose of inspection

(1) The powers of inspection in section 26 may be used only for the purpose of determining whether or not a person is complying, or has complied, with section 8 or section 9.

(2) This section does not limit the ability of an inspector to report any other offence or suspected offence to the Police or any other relevant agency.

25 Inspectors

(1) Every person designated as a Medical Officer of Health by the Director-General of Health under the Health Act 1956 is an inspector for the purposes of this Act.

(2) A Medical Officer of Health may also appoint persons as inspectors for his or her health district, on a permanent or temporary basis, for the purposes of this Act.

(3) A Medical Officer of Health may appoint a person as an inspector only if satisfied that he or she is suitably qualified or trained to carry out that role.

(4) That appointment must be in writing and must contain—

(a) a reference to this section; and

(b) the full name of the appointed person; and

(c) a statement of the powers conferred on the appointed person by section 26 and the purpose under section 24 for which those powers may be used.

26 Powers to enter and inspect compliance with health and safety requirements

(1) An inspector may, at any reasonable time, enter premises for the purpose of carrying out an inspection if he or she has reasonable grounds to believe that a business of prostitution is being carried on in the premises.

(2) For the purposes of the inspection, the inspector may—

(a) conduct reasonable inspections:

(b) take photographs and measurements and make sketches and recordings:

(c) require any of the following persons to provide information or assistance reasonably required by the inspector:

(i) a person who operates the business of prostitution, or an employee or agent of that person:

(ii) a sex worker or client of the business of prostitution:

(d) take copies of the information referred to in paragraph (c).

(3) An inspector may seize and retain any thing in premises entered under this section that the inspector has reasonable grounds to believe will be evidence of the commission of an offence against section 8 or section 9.

(4) Nothing in this section limits or affects the privilege against self-incrimination.

(5) An inspector may take any person acting under the inspector's direct supervision into the premises to assist him or her with the inspection.

27 Entry of homes

(1) An inspector may not enter a home under section 26 unless he or she—

(a) has the consent of an occupier of that home; or

(b) is authorised to do so by a warrant issued under subsection (2).

(2) A District Court Judge, Justice, Community Magistrate, or Registrar of the District Court (who is not a constable) may issue a warrant to enter a home or part of a home if, on application made on oath, he or she is satisfied that there are reasonable grounds for believing that—

(a) a business of prostitution is being carried on in the home; or

(b) the home or the part of the home is the only practicable means through which to enter premises where a business of prostitution is being carried on.

(3) The warrant must be directed to an inspector by name and must be in the prescribed form.

Section 27(2): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 27(2): amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

28 Requirements when carrying out inspection

(1) An inspector must, on entering premises under section 26 and when reasonably requested at any subsequent time, produce—

(a) evidence of his or her designation as a Medical Officer of Health or appointment as an inspector by a Medical Officer of Health; and

(b) evidence of his or her identity; and

(c) a statement of the powers conferred on the inspector by section 26 and the purpose under section 24 for which those powers may be used; and

(d) if entering a home under a warrant issued under section 27(2), that warrant.

(2) If the owner or occupier of the premises is not present at the time an inspector enters and inspects the premises, the inspector must—

(a) leave in a prominent location at those premises a written statement that includes the following information:

(i) the time and date of the entry; and

(ii) the name of the person who entered the premises; and

(iii) the fact that the person is an inspector; and

(iv) the reasons for the entry; and

(v) the address of the office of the Ministry of Health to which enquiries should be made; and

(b) take all other reasonable steps to give that information to the owner or occupier of the premises.

(3) If any thing is seized in the course of an inspection, the inspector must leave in a prominent location at the premises, or deliver or send by registered mail to the owner or occupier within 10 working days after the entry, a written inventory of all things seized.

(4) Section 199 of the Summary Proceedings Act 1957 applies to any thing seized in the course of an inspection (as if the inspector were a constable and with any other necessary modifications).

29 Obstructing inspectors

Every person commits an offence, and is liable on conviction to a fine not exceeding $2,000, who intentionally obstructs, hinders, or deceives an inspector in the execution of a power or duty under this Act.

Section 29: amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Powers of entry

30 Warrant for Police to enter

(1) An issuing officer (within the meaning of section 3 of the Search and Surveillance Act 2012) may issue a warrant to enter a place if he or she is satisfied that—

(a) there is good cause to suspect that an offence under either of the following provisions is being, has been, or is likely to be committed in the place:

(i) section 23 (which concerns using persons under 18 years in prostitution):

(ii) section 34 (which concerns being an operator while not holding a certificate); and

(b) there are reasonable grounds to believe that it is necessary for a constable to enter the place for the purpose of preventing the commission or repetition of that offence or investigating that offence.

(2) The provisions of Part 4 of the Search and Surveillance Act 2012 apply as if a warrant referred to in subsection (1) were a search warrant.

(3) *[Repealed]*

Section 30(1): amended, on 1 October 2012, by section 293(2) of the Search and Surveillance Act 2012 (2012 No 24).

Section 30(1)(b): amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

Section 30(2): replaced, on 1 October 2012, by section 293(3) of the Search and Surveillance Act 2012 (2012 No 24).

Section 30(3): repealed, on 1 October 2012, by section 293(3) of the Search and Surveillance Act 2012 (2012 No 24).

31 Form and content of warrant

[Repealed]

Section 31: repealed, on 1 October 2012, by section 293(4) of the Search and Surveillance Act 2012 (2012 No 24).

32 Powers conferred by warrant

[Repealed]

Section 32: repealed, on 1 October 2012, by section 293(4) of the Search and Surveillance Act 2012 (2012 No 24).

33 Requirements when executing warrant

[Repealed]

Section 33: repealed, on 1 October 2012, by section 293(4) of the Search and Surveillance Act 2012 (2012 No 24).

Part 3
Operator certificates

34 Operators of businesses of prostitution to hold certificates

(1) Every operator of a business of prostitution (other than a company) must hold a certificate issued under section 35.

(2) Every person who, while required by subsection (1) to hold a certificate, does not hold a certificate commits an offence and is liable on conviction to a fine not exceeding $10,000.

(3) If a person who is charged under subsection (2) claims that he or she is not an operator because he or she is a sex worker at a small owner-operated brothel and is not an operator of any other business of prostitution, it is for the person charged to prove that assertion on the balance of probabilities.

(4) Despite subsection (2), no person may be convicted of an offence under that subsection if the period during which the person does not hold a certificate is the first 6 months after this section comes into force.

Section 34(2): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

35 Application for, and grant of, certificates

(1) An applicant for a certificate must apply to the Registrar.

(2) In this Part, **Registrar** means the Registrar of the District Court at Auckland, or the Registrar of any other office of the District Court identified in regulations made under this Act as the, or a, Registrar who may accept applications under this section.

(3) The application must be in the prescribed form and be accompanied by the prescribed fee.

(4) The application may require the applicant to provide no more than the following:

(a) the applicant's full name, date of birth, and gender:

(b) any other names by which the applicant is, or ever has been, known:

(c) the address to which the applicant wishes any certificate and related correspondence to be sent:

(d) a photocopy of any form of official identification that contains a photograph of the applicant, such as a passport or driver licence, that is authenticated in the prescribed manner, or verification of identity by presenting an electronic driver licence in a manner that accords with the Land Transport Act 1998 and any regulations or rules made under that Act:

(e) 1 or more recent photographs of the applicant that comply with the prescribed requirements and are authenticated in the prescribed manner:

(f) if an order has been made under section 37, a copy of the order.

(5) The Registrar must issue a certificate to an applicant if—

(a) the applicant pays the prescribed fee, supplies a properly completed application form, and attaches the required photographs and provides the required photocopy or presents an electronic driver licence; and

(b) the applicant is aged 18 years or older; and

(c) the applicant is either—

(i) not disqualified under section 36 from holding a certificate; or

(ii) is disqualified, but has been granted a waiver of disqualification under section 37 and the waiver has not been cancelled.

(6) Every certificate must be in the prescribed form and must contain a photograph of the holder.

(7) If a certificate is refused, the Registrar must notify the applicant in writing, with reasons, and give information about how to apply for a waiver of disqualification under section 37.

Section 35(2): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 35(4)(d): amended, on 19 May 2026, by section 132(1) of the Regulatory Systems (Transport) Amendment Act 2026 (2026 No 21).

Section 35(5)(a): amended, on 19 May 2026, by section 132(2) of the Regulatory Systems (Transport) Amendment Act 2026 (2026 No 21).

36 Disqualification from holding certificate

(1) A person is disqualified from holding a certificate if he or she has been convicted at any time of any of the disqualifying offences set out in subsection (2), or has been convicted of an attempt to commit any such offence, of conspiring to commit any such offence, or of being an accessory after the fact to any such offence.

(2) The disqualifying offences are as follows:

(a) an offence under this Act (other than an offence under section 39(3), section 40(2), and section 41(3)):

(b) an offence under any of the following sections or Parts of the Crimes Act 1961 that is punishable by 2 or more years' imprisonment:

(i) section 98A (participation in an organised criminal group):

(ii) sections 127 to 144C (includes sexual crimes):

(iii) Part 8 (includes murder, manslaughter, assault, and abduction):

(iv) sections 231 to 239 (burglary, robbery, and blackmail):

(v) sections 243 to 245 (money laundering):

(c) an offence under the Arms Act 2026 that is punishable by imprisonment:

(d) in relation to the Misuse of Drugs Act 1975,—

(i) an offence under section 6 (other than possession of a Class C controlled drug):

(ii) an offence under section 9, section 12A, or section 12AB:

(iii) an offence under any other section, but only if it relates to a Class A or a Class B controlled drug.

Section 36(2)(b)(iv): replaced, on 10 July 2026, by section 13(1) of the Regulatory Systems (Occupational Regulation) Amendment Act 2026 (2026 No 43).

Section 36(2)(b)(v): replaced, on 10 July 2026, by section 13(1) of the Regulatory Systems (Occupational Regulation) Amendment Act 2026 (2026 No 43).

Section 36(2)(c): amended, on 23 September 2026, by section 394 of the Arms Act 2026 (2026 No 47).

Section 36(2)(d)(ii): amended, on 10 July 2026, by section 13(2) of the Regulatory Systems (Occupational Regulation) Amendment Act 2026 (2026 No 43).

37 Waiver of disqualification

(1) A person who is disqualified from holding a certificate may apply in writing to the Registrar for an order waiving the disqualification.

(2) On receipt of an application, the Registrar must—

(a) refer the application to a District Court Judge for determination; and

(b) send a copy of the application to the Commissioner of Police for a report on the matters referred to in subsection (4)(b).

(3) The Commissioner of Police must provide a report to the Registrar within 3 weeks of receipt of the request, and the Registrar must immediately forward a copy of the report to the applicant.

(4) A District Court Judge may make an order waiving a disqualification if he or she is satisfied that—

(a) the applicant's offending was of a nature, or occurred so long ago, that it ought no longer to be a barrier to obtaining a certificate; and

(b) the applicant is not, and has not recently, been associated or involved with persons who would themselves be disqualified under section 36 and who might reasonably be expected to exert an influence on the applicant.

(5) The District Court Judge who determines the application—

(a) may not make the order until at least 2 weeks after receipt of the report provided under subsection (3); and

(b) must determine the application on the basis of the material contained in the application, the Police report, and any further written material provided by the applicant, whether in response to the Police report or otherwise.

(6) An order waiving disqualification remains in force until it is cancelled under subsection (7) or subsection (8).

(7) An order waiving a disqualification is cancelled, by operation of this subsection, if the person to whom it applies is convicted of any offence referred to in section 36(2).

(8) A District Court Judge may cancel an order waiving a person's disqualification if—

(a) the Police make an application to the Registrar for an order cancelling the waiver; and

(b) a copy of the Police application is sent to the person at the address supplied in his or her application for a certificate; and

(c) at least 2 weeks after sending that application, either the Registrar has not received any response from the certificate holder or, if the holder has made submissions in writing, the District Court Judge has considered those submissions; and

(d) the District Court Judge is satisfied, on the basis of the Police application and any submissions received from the person concerned, that the waiver ought to be cancelled on the grounds that the person is associated or involved with persons who would themselves be disqualified under section 36 and who might reasonably be expected to be exerting an influence over the person.

38 Expiry, renewal, and replacement of certificate

(1) A certificate expires 1 year after the date on which it is issued.

(2) A certificate holder may apply, at any time within 2 months before the expiry of his or her certificate, for renewal of the certificate, in which case section 35 applies as if the application for renewal were an application for a certificate.

(3) If an application for renewal is made, but not determined, before a certificate expires, the original certificate does not expire until the application for renewal is determined.

(4) The Registrar may issue a replacement certificate to a certificate holder if—

(a) the holder applies for a replacement certificate and the Registrar is satisfied that the original certificate has been lost or destroyed; and

(b) the holder supplies 1 or more recent photographs of himself or herself that comply with the prescribed requirements and are authenticated in the prescribed manner; and

(c) the holder pays the prescribed fee (if any).

39 Cancellation of certificate

(1) The Registrar must cancel a certificate on notification that the certificate holder—

(a) is disqualified from holding a certificate as a result of a conviction for any offence referred to in section 36(2); or

(b) has had his or her waiver of disqualification cancelled.

(2) The cancellation of the certificate takes effect 5 days after notification of the cancellation is sent to the certificate holder at the address supplied in his or her application for a certificate.

(3) A person whose certificate is cancelled commits an offence, and is liable on conviction to a fine not exceeding $2,000, if he or she fails to return the certificate to the District Court within 1 month of the cancellation of the certificate.

Section 39(3): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 39(3): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

40 Operator to produce certificate on request

(1) A constable may, on producing evidence that he or she is a constable, require any person whom the member believes on reasonable grounds is an operator to produce that person's certificate for inspection, and the person must produce his or her certificate to the member, or to another constable at a local Police station, within 24 hours of the request.

(2) If a request under subsection (1) is made to the holder of a certificate, that holder commits an offence, and is liable on conviction to a fine not exceeding $2,000, if he or she fails without reasonable excuse to produce his or her certificate as required by that subsection.

Section 40(1): amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

Section 40(2): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

41 Court records

(1) Court records concerning the identity of applicants for certificates, applicants for waiver of disqualification, and certificate holders may be searched, inspected, or copied only by—

(a) the applicant or holder concerned; and

(b) the Registrar; and

(c) the Police, but only for the purpose of investigating an offence.

(2) Nothing in this section limits the power of the Registrar to prepare and supply (whether for use by the Department for Courts or any other purpose) statistical information about applicants for certificates, applicants for waiver of disqualification, and certificate holders, as long as the information is supplied in a form that does not identify individual applicants or certificate holders.

(3) A person who, in contravention of this section, obtains or uses information that is sourced from, or purports to be sourced from, the court records referred to in this section commits an offence and is liable on conviction to a fine not exceeding $2,000.

Section 41(3): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Part 4
Miscellaneous provisions

Review of operation of Act and related matters by Prostitution Law Review Committee

42 Review of operation of Act and related matters

(1) The Prostitution Law Review Committee must,—

(a) as soon as practicable after the commencement of this Act,—

(i) assess the number of persons working as sex workers in New Zealand and any prescribed matters relating to sex workers or prostitution; and

(ii) report on its findings to the Minister of Justice; and

(b) no sooner than the expiry of 3 years, but before the expiry of 5 years, after the commencement of this Act,—

(i) review the operation of this Act since its commencement; and

(ii) assess the impact of this Act on the number of persons working as sex workers in New Zealand and on any prescribed matters relating to sex workers or prostitution; and

(iii) assess the nature and adequacy of the means available to assist persons to avoid or cease working as sex workers; and

(iv) consider whether any amendments to this Act or any other law are necessary or desirable and, in particular, whether the system of certification is effective or could be improved, whether any other agency or agencies could or should administer it, and whether a system is needed for identifying the location of businesses of prostitution; and

(v) consider whether any other amendments to the law are necessary or desirable in relation to sex workers or prostitution; and

(vi) consider whether any further review or assessment of the matters set out in this paragraph is necessary or desirable; and

(vii) report on its findings to the Minister of Justice; and

(c) carry out any other review, assessment, and reporting required by regulations made under this Act.

(2) The Minister of Justice must present a copy of any report provided under this section to the House of Representatives as soon as practicable after receiving it.

43 Prostitution Law Review Committee

(1) The Prostitution Law Review Committee must consist of 11 members appointed by the Minister of Justice.

(2) The Minister of Justice must appoint—

(a) 2 persons nominated by the Minister of Justice; and

(b) 1 person nominated by the Minister of Women's Affairs after consultation with the Minister of Youth Affairs; and

(c) 1 person nominated by the Minister of Health; and

(d) 1 person nominated by the Minister of Police; and

(e) 2 persons nominated by the Minister of Commerce to represent operators of businesses of prostitution; and

(f) 1 person nominated by the Minister of Local Government; and

(g) 3 persons nominated by the New Zealand Prostitutes Collective (or, if there is no New Zealand Prostitutes Collective, by any other body that the Minister of Justice considers represents the interests of sex workers).

(3) The Minister of Justice may, on the recommendation of a member's nominator, remove a member from office for inability to perform the members' duties, misconduct by the member, or any other just cause proved to the satisfaction of the nominator.

(4) The member is not entitled to compensation or other payment relating to removal from office.

(5) The Prostitution Law Review Committee ceases to exist on a date appointed by the Minister of Justice, by notice in the *Gazette*, that is after the date of its report to the Minister under section 42(1)(b)(vii).

44 Other provisions on appointment, removal, term, and resignation of members

(1) A member must be appointed or removed by written notice to the member and his or her nominator.

(2) A member holds office for a term stated in that notice of up to 5 years.

(3) A member whose term of office expires continues to hold office until he or she is reappointed or his or her successor is appointed.

(4) However, all members cease to hold office on the date on which the Prostitution Law Review Committee ceases to exist.

(5) A person may be reappointed as a member.

(6) A member may resign by written notice to the Minister of Justice and his or her nominator.

(7) The powers of the Prostitution Law Review Committee are not affected by any vacancy in its membership.

45 Remuneration of members

(1) A member is entitled to receive remuneration by way of fees, salary, or allowances and travelling allowances and expenses in accordance with the Fees and Travelling Allowances Act 1951 (and the provisions of that Act apply as if the Prostitution Law Review Committee were a statutory Board under that Act).

(2) That remuneration must be paid out of the departmental bank account operated by the Ministry of Justice.

(3) This section does not apply to a person who is a member in his or her capacity as an employee of a department.

46 Procedure of Prostitution Law Review Committee

The Prostitution Law Review Committee may regulate its own procedure, except as provided in regulations made under this Act.

Regulations

47 Regulations

(1) The Governor-General may, by Order in Council, make regulations for all or any of the following purposes:

(a) prescribing the forms of warrants to be issued under sections 27 and 30:

(b) prescribing the forms, certificates, and fees required under Part 3 in connection with operator certificates:

(c) prescribing how the photographs and photocopies required under Part 3 are to be authenticated:

(d) prescribing the size, or range of sizes, of photographs to be supplied with an application for a certificate, and the number of copies:

(e) prescribing that the Registrar of a particular office of the District Court is the, or a, Registrar for the purposes of Part 3, whether in addition to, or instead of, the Registrar of any other office of the District Court:

(f) prescribing matters relating to the Prostitution Law Review Committee, including its powers, additional functions of reviewing, assessing, and reporting on the operation of this Act or on other matters relating to sex workers or prostitution (if any), any limits on the periods for which it may meet, matters relating to the chairperson and members, its financial provisions, its procedures, and its administration:

(g) providing for any other matters contemplated by this Act, necessary for its administration, or necessary for giving it full effect.

(2) Regulations under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 47(1)(e): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 47(2): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Repeals, amendments, and transitional provisions

48 Repeals coming into force on day after Royal assent

Amendment(s) incorporated in the Act(s).

49 Repeals and revocations coming into force when Part 3 comes into force

(1) The Massage Parlours Act 1978 (1978 No 13) is repealed.

(2) The Massage Parlours Regulations 1979 (SR 1979/35) are revoked.

50 Consequential amendments

(1) The Acts specified in Part 1 of the Schedule are consequentially amended in the manner set out in that schedule.

(2) The regulations specified in Part 2 of the Schedule are consequentially amended in the manner set out in that schedule.

51 Transitional provisions for past offences

(1) No person may be convicted of an offence against any of the enactments repealed by section 48 (other than an offence against section 149A of the Crimes Act 1961) on or after the commencement of this Act if the offence was committed before the commencement of this Act.

(2) The repeal of section 149A of the Crimes Act 1961 does not affect a liability to conviction or to a penalty for an offence committed against that section before the commencement of this Act, and that section continues to have effect as if it had not been repealed for the purposes of—

(a) investigating the offence:

(b) commencing or completing proceedings for the offence:

(c) imposing a penalty for the offence.

Schedule
Consequential amendments to enactments

s 50

Part 1
Acts amended

District Courts Act 1947 (1947 No 16)

Amendment(s) incorporated in the Act(s).

Summary Offences Act 1981 (1981 No 113)

Amendment(s) incorporated in the Act(s).

Summary Proceedings Act 1957 (1957 No 87)

Amendment(s) incorporated in the Act(s).

Part 2
Regulation amended

Fees Regulations 1987 (SR 1987/68)

Amendments incorporated in the Regulations.

Notes

1 General

This is a consolidation of the Prostitution Reform Act 2003 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

2 Legal status

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

3 Editorial and format changes

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

4 Amendments incorporated in this consolidation

Arms Act 2026 (2026 No 47): section 394

Regulatory Systems (Occupational Regulation) Amendment Act 2026 (2026 No 43): section 13

Regulatory Systems (Transport) Amendment Act 2026 (2026 No 21): section 132

Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68): section 6

Secondary Legislation Act 2021 (2021 No 7): section 3

Social Security Act 2018(2018 No 32): section 459

District Court Act 2016 (2016 No 49): section 261

Health and Safety at Work Act 2015 (2015 No 70): section 232

Search and Surveillance Act 2012 (2012 No 24): section 293

Criminal Procedure Act 2011 (2011 No 81): section 413

Immigration Act 2009 (2009 No 51): section 406(1)

Policing Act 2003 (2008 No 72): section 116(a)(ii)

Wellington, New Zealand:
Published under the authority of the New Zealand Government—2026