**Permission Application – Insolvent Brothel Manager**

***Sex Work Act 1994***

### Warning:

* Enter text in spaces provided only. The Business Licensing Authority (BLA) will not accept your form, nor consider it lodged, if you remove or change any questions or other text.
* If completing this form by hand, please complete details in block letters, using a black or blue pen.

### Who needs to complete this form?

* ***Approved brothel managers who have had their approval cancelled due to insolvency.***

Section 53A of the *Sex Work Act 1994* (the Act) provides that approved brothel mangers who have become bankrupt (i.e. insolvent under administration) and have had their approval automatically cancelled under section 53(1)(e) of the Act may apply to the BLA to continue managing a sex work service providing business.

The Act provides that the BLA may give its permission if it is satisfied that it is not contrary to the public interest to do so.

### If you need more information about applying for permission

* refer to sections 53A, 53B and 53C of the Act.
* call the BLA on **1300 13 54 52**
* seek your own independent legal advice
* visit the website [consumer.vic.gov.au/sexwork](http://www.consumer.vic.gov.au/sexwork).

### It is important:

* for you to provide full information in answering all relevant questions
* for you to provide all documents that are listed in the Document Checklist on the last page of this form. If you do not provide the documents, your application will be returned to you or delayed
* that if you are unsure of any information, you make enquiries before completing this form
* that if you are unsure about anything referred to in this form or how it applies to your circumstances, you seek independent legal advice.

### Fees

There is no fee for this application.

### Privacy

The BLA is committed to responsible and fair handling of personal information consistent with the *Privacy and Data Protection Act 2014* and its obligations under the *Business Licensing Authority Act 1998*. In accordance with the *Sex Work Act 1994*, certain information must be provided on a public register. For privacy information, please refer to our privacy statement available at [consumer.vic.gov.au/sexwork](http://consumer.vic.gov.au/sexwork) or telephone 1300 13 54 52.

## Section 1 - Details of approved brothel manager applying for permission

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| Title  Mr/Ms/Mrs/etc |  | Surname |  | | | |
| Given names |  | | | | | |
| Previous names  Including maiden name, previous married name |  | | | | | |
| Date of Birth  dd/mm/yyyy |  | | | | | |
| Sex  (Female/Intersex/Male) |  | | | | |
| Residential address |  | | | Postcode |  | |
| Postal address  If different from residential address |  | | | Postcode |  | |
| Home telephone number  Including area code |  | Mobile |  | | | |
| Fax number  Including area code |  | Email address |  | | | |

### Refusal of permission and conditions imposed on permission – review rights

If permission is:

* refused; or
* conditions are imposed on your permission; or
* a decision is made by the BLA in relation to an application by you to vary or revoke any conditions on the permission that the BLA has imposed; or
* permission is revoked by the BLA,

Section 56 of the Act enables you to apply to the Victorian Civil and Administrative Tribunal (VCAT) for review of the BLA’s decision within 28 days after the later of

* the date of the BLA’s decision or
* if under the *Victorian Civil and Administrative Tribunal Act 1998*, you request a statement of reasons for the decision, the day on which the statement of reasons is given to you or you are informed under section 46(5) of the *Victorian Civil and Administrative Tribunal Act 1998*, that a statement of reasons will not be given.

## Section 2 – Permission Details

**You must complete each question in this section.**

If you need extra space to answer any of the questions in this section, attach extra pages. If you attach extra pages, clearly reference your answers to the relevant question number.

1. Provide full details of the circumstances under which you became an insolvent under administration (bankrupt).   
   ‘Insolvent under administration’ means:

* you are an undischarged bankrupt under the *Bankruptcy Act 1966* (Cth)(or the corresponding provisions of the law of another jurisdiction); or
* you have made a debt agreement under Part IX of the *Bankruptcy Act 1966* (Cth) (or the corresponding provisions of the law of another jurisdiction) if the debt agreement has not ended or has not been terminated; or
* you have executed a deed of arrangement under Part X of the *Bankruptcy Act 1966* (Cth)(or the corresponding provisions of the law of another jurisdiction) if the terms of the deed have not been fully complied with; or
* your creditors have accepted a composition under Part X of the *Bankruptcy Act 1966* (Cth) (or the corresponding provisions of the law of another jurisdiction) if a final payment has not been made under that composition; or
* you have executed a personal insolvency agreement under Part X of the *Bankruptcy Act 1966* (Cth) (or the corresponding provisions of the law of another jurisdiction) but not if the agreement has been set aside or terminated or all of the obligations that the agreement created have been discharged.

|  |  |
| --- | --- |
| Name of person or organisation acting as your trustee or administrator for the insolvency |  |
| Address of trustee/administrator |  |
| Contact telephone number of your trustee |  |
| Provide details of the circumstances which led to your insolvency | |
|  | |
| 1. Enclose a copy of your completed Statement of Affairs form under the *Bankruptcy Act 1966* (Cth). | |
| 1. Provide details of your current employer and date commenced with this employer. You must ALSO provide details of your employment since your last approval, date(s) commenced and date(s) ceased. | |
|  | |
| 1. The BLA must be satisfied that it is not contrary to the public interest to grant you permission. Is there anything about the circumstances surrounding your insolvency that would affect your capacity to perform the role of brothel manager? Does your insolvency arise from financial dealings between you and any licensee for whom you are working or have worked? Give reasons why you think it would not be contrary to the public interest to grant you permission. | |
|  | |

## Section 3 – Certification

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| This section must be completed and signed by the individual applying for permission.  I certify that the information contained in this application is true and correct | | | | | | | |
| **Signature** of person making this certification |  | | | | Date |  | |
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## What to do next

A) Complete the Records Check  
B) Make sure you provide all documents on the Document Checklist

### A) Records Check

#### Declaration, privacy and consent

I declare that the information I have provided in this application is true and correct.

The personal information you provide will be used to assess the permission application. You may contact the BLA if you would like access to the personal information which has been collected about you on this form.

The BLA may conduct checks of publicly available information held by the Australian Securities and Investments Commission, the Insolvency Trustee Service of Australia or other relevant agencies relating to the information contained in this application concerning you.

Section 53B of the *Sex Work Act 1994* provides that in determining whether to give you permission, the BLA may:

* conduct any inquiries and use any information it thinks fit;
* require you to provide any further information relating to the application that the BLA considers necessary in the form required by the BLA;
* refuse to give its permission if you refuse or fail to provide any information requested within a reasonable time.

I consent to the BLA checking the records of Victoria Police or any other police force in Australia, or any federal or state occupation or business licensing or registration authority, in relation to information about or relating to me contained in this application, and to the release to the BLA of information about me regarding the nature and circumstances of any finding of guilt for any offence, whether or not a conviction is recorded, any charge pending against me, any investigation being undertaken against or involving me, any complaint made against or involving me or any other information known about me that is relevant to the permission application.

|  |  |  |  |
| --- | --- | --- | --- |
| Full Name |  | Date of Birth  dd/mm/yyyy |  |
| Residential address |  | | |
| I hereby consent to Records check under the above terms | | | |
| Signature | X | Date  dd/mm/yyyy |  |

**SPENT CONVICTIONS SCHEMES** – For information on how ‘spent convictions’ are handled by the BLA, please visit [consumer.vic.gov.au/sexwork](http://consumer.vic.gov.au/sexwork)

### B) Document Check

|  |  |
| --- | --- |
| You **must** attach all the following documents for your permission application to be considered. If you do not provide these documents, your application will be returned to you. | |
| Answered all relevant questions. |  |
| Read and signed the Certification |  |
| Completed [Consent to national criminal history and other record checks (Word, 236KB)](https://www.consumer.vic.gov.au/library/forms/businesses/consent-to-national-criminal-history-and-other-record-checks.doc?la=en) |  |
| A copy of your Statement of Affairs form |  |
| Attached (stapled) all additional sheets of paper securely and referenced them to the question to which they relate |  |
| Please keep a photocopy of every page of this completed form and any attachments for your records. | |

## How to lodge this application

Lodge the original completed form and any attachments

**by email to:** [bla@justice.vic.gov.au](mailto:bla@justice.vic.gov.au)

OR

**by post to:**

Business Licensing Authority  
GPO Box 322  
MELBOURNE, VIC 3001

**What happens once you have submitted**

After receiving your application and all required documents, the BLA may need to verify the information you have provided or obtain further information, which may include a criminal history check, contact with your insolvency trustee, or a referral to Consumer Affairs Victoria, as the agency responsible for enforcement of the *Sex Work Act 1994*.

When a decision about your permission application has been made, you will be informed of the outcome.