



LIP



LIP

is for sex workers to use.

LEGAL ISSUES FOR PROFESSIONALS

LIP is about Legal Issues for Professionals, primarily in the legal sex industry in Victoria. LIP is not a substitute for legal advice. LIP is not a quick grab solution. The purpose of LIP is to encourage an understanding of basic legal rights and where to go to find out more.

We acknowledge that often there's a big gap between having rights and being able to exercise them. The gap is caused, in part, by social prejudice against sex work and sex workers. One foundation for a bridge is information. We hope that LIP provides the kind of information that is useful when considering whether to exercise legal rights, even in the face of social prejudice.

Another foundation for a bridge across the gap is support. Co-workers, the RhED program and your local community legal centre are good starting points for getting support. Talk to as many people as you need to before making a decision about taking legal action. Taking legal action is not always simple, but it may be worth while.

Special thanks to all the sex workers women, men and transgendered who helped ensure the information in LIP is appropriate for their colleagues. Thanks to the lawyers, service providers and others who helped ensure the information is accurate.

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Note: Penalties and fees in this booklet are expressed in terms of 'units'. The monetary value of a unit is set by the State Government every year and is updated on 1 July. In the 2008-2009 financial year, one penalty unit amounts to \$113.42. One fee unit amounts to \$11.35. To find the most up to date table of Penalty and Fee Units go to the Office of the Chief Parliamentary Counsel website at: www.ocpc.vic.gov.au

Also: We have provided the relevant sections of legislation so that you can look up legislation yourself or quote that section if you need to. The sections we quote are correct at time of print. However legislation can be amended, and sections sometimes change when this happens. If you want to make certain that the section is up to date, make sure you look up the relevant legislation. You can find information about where to look for legislation at the back of this booklet.

Contents

Sex Working in Victoria	1
Dealing with Authorities	15
Police	15
Immigration Officials	17
The Employment Relationship	20
Being an employee in the sex industry	20
Sex Work and Employment	22
Sex Work and Tax	25
Health and Safety at Work	30
If you are injured at work	31
Sexual Health	33
Sexual Harassment	35
Safe Space	36
Stalking	36
Family violence	37
Sex Workers, Children and Family Law	40
Sexual Assault	44
Victims of Crime	49
Services Directory	52
Users Guide to abbreviations	59

Sex Working in Victoria

Sex work - what is it?

Sex work is the exchange of sexual services for money.

Prostitution is defined in s.3 of the *Prostitution Control Act 1994* (Vic) (PCA) as “the provision by one person to or for another person (whether or not of a different sex) of sexual services in return for payment or reward”.

A payment of an admission fee to enter a place that’s providing sexual services can be regarded as payment for sexual services, even if no further payments are made (s.3A PCA).

Sexual services - what are they?

There are three main activities under the definition of sexual services. They are:

1. Taking part in an act of sexual penetration. This includes if you do oral, anal or vaginal penetration with a penis, and also includes putting a tongue, finger or other part of the body, or an object, into a vagina or anus – or letting any of these things be done to you (s.35(1) *Crimes Act 1958* (Vic) (CA)).
2. Masturbating someone. A person’s genitals can be clothed and they don’t have to cum.
3. Letting another person view or watch acts of sexual penetration or masturbation (as in 1 and 2 above) when there is any form of physical contact between any watcher and the person being watched or when any watcher is allowed (or encouraged) to masturbate.

If you get money for doing any of these things, you are doing sex work.

Because this expanded definition of sexual services makes references to viewing of sexual acts or encouraging masturbation, some adult entertainment or table top dancing venues may be providing sexual services. Licensing regulations that might apply are outlined later in this booklet.

Is Sex Work Legal?

Yes. If you work within what the law allows, sex work can be legal in Victoria. Many different laws affect the way you can do sex work legally, but the main one is the PCA.

No matter where you work, to do legal sex work:

- ▲ **You must be over the age of 18.** Clients must also be over the age of 18. There are heavy penalties of between 10 and 15 years in jail for anyone involved in child prostitution (ss.5,6,7 & 11 PCA).
- ▲ You must work for a licensed prostitution service provider operating as a brothel or escort agency or be working for yourself as an exempt worker. The Business Licensing Authority (BLA) is responsible for regulating sex work in Victoria through licensing and registering exempt workers. This booklet explains further what the BLA is and what it does, and also the types of licences required and exemptions.

Working Within the Law

To work within the law, sex workers can:

- ▲ work in a brothel or escort agency run by a licensee
- ▲ work in their own business with no more than one other sex worker – to do this you must register as a small owner-operator, who is exempt from the requirement to hold a licence (an exempt brothel) and have a planning permit, or an exempt escort.

The Business Licensing Authority (BLA)

The BLA is the place where you can:

- ▲ register as running an exempt escort or exempt brothel business
- ▲ apply to become registered as an Approved Manager of a brothel or renew an approval
- ▲ apply for a licence to run a brothel or escort agency.

The licensing scheme started in June 1995.

The BLA is an independent statutory authority. It administers licensing and registration provisions contained in the PCA. Consumer Affairs Victoria (CAV) is the government department responsible for monitoring compliance with, and enforcing, the PCA and the *Prostitution Control Regulations 2006* (Vic) (PCR).

The BLA can refer relevant matters to the police, an authorised officer of the local council (s.48 PCA), Victoria WorkCover Authority (VWA), the Australian Taxation Office (ATO), the Department of Immigration and Citizenship (DIAC), CAV and any other body. Police and authorised officers from the council have powers of entry to premises used for prostitution.

Inspectors from the CAV have powers to enter licensee-run prostitution businesses and can do so without consent or a warrant (s.61K PCA). However they can only enter for the purposes of making sure that the PCA and the PCR are being complied with. They can only do this when the premises are open for business, or between 9am and 5pm. Inspectors must produce an identification card. Division 8A of the PCA contains information about inspectors powers, and you should look at this division if you are concerned about the conduct of any inspectors.

The Victoria Police can also enter and inspect premises, and can break and enter if they are refused entry, or if entry is delayed. It is an offence to prevent or obstruct the police if they wish to enter (s.62 PCA).

Local councils also have powers of entry to premises used for prostitution to ensure compliance with planning provisions.

The CAV, the police and local councils can take disciplinary action against licensees and approved managers at the Victorian Civil and Administrative Tribunal (VCAT) (s.48 PCA).

Licences

The PCA says that sex work can be carried out legally, as long as a person carrying on a business such as a brothel or escort agency (defined as a 'prostitution service provider') is licensed by the BLA and complies with the PCA.

If the BLA believes that an applicant for a licence is eligible and suitable they will issue them with a licence (s.39 PCA). The licence will be to operate a brothel and/or escort agency. If a person has been issued with a licence they must also comply with the conditions of that licence to operate legally (s.47 PCA).

If you work for a licensed prostitution service provider you are not required to have your own licence.

Private (or Exempt) Workers

Under some circumstances a person running a small prostitution business may be 'exempt' from holding a licence to carry on business as a prostitution service provider (s.23 PCA).

A one or two person business can be 'exempt' from getting a licence (s.23 PCA). The person or persons have to register with the BLA as a small owner operator which is an 'exempt' prostitution service provider before they start providing sexual services (s.24 PCA).

Sometimes 'exempt' workers are called 'private workers'. Only the Director of CAV, members or staff of the BLA, authorised members of local councils or the police force can inspect the small owner-operator register (s.24(3) PCA).

Advertising for Sex Work

The PCA (s.17) restricts advertising about sex work. It says that an ad must not:

- ▲ describe sexual services
- ▲ advertise through broadcasting or television
- ▲ induce a person to work in a brothel or as an escort, or
- ▲ use the words "massage", "masseur" or "remedial".



The PCR (R.9) says that an advertisement must contain the letters "PCA" followed by either an exemption number or licence number provided by the BLA and letters which describe the category of service:

XB - Exempt brothel

XE - Exempt escort

XBE - Exempt brothel and escort

B - Brothel

E - Escort

BE - Brothel and escort

The PCA number must be correct and current. You must not publish (or allow publication of) an exemption number or licence number that is false (r.9 PCR).

Photographs in ads are restricted to head and shoulder shots and the person in the photo must supply written consent for their picture to be published in an ad (r.9 PCR).

The size of an advertisement that appears in print can't exceed 18cms by 13cms unless it appears outdoors or on the internet. If you place two ads in one publication the two added together can't exceed 18cms by 13cms (r.9 PCR).

An ad must not refer to race, colour or ethnic background of a sex worker or their health status or medical testing.

An advertisement can however, talk about the sexual orientation of the sex worker (for example, 'female worker to male client') and it can state that safe sex is practised and that condoms are always used (r.9 PCR).

The fine for contravening any of these provisions is up to 40 penalty units.

Working Outside the Law

Providing sexual services is unlawful in Victoria when it is:

- ▲ street sex work (s.13 PCA)
- ▲ in brothels operated by individuals who are not licensed with the BLA or the premises are proscribed as unlawful (s.22 & 80 PCA)
- ▲ in premises that don't have a valid planning permit to conduct a brothel from the premises
- ▲ through escort agencies that don't hold a licence
- ▲ by exempt/private workers who are not registered with the BLA and
- ▲ in other ways in breach of the law.

The choice to do sex work must be yours

It's against the law for anyone to force you, pressure you or bully you into sex work (penalty of up to 10 years imprisonment (s.8 PCA)).

It's also a criminal offence for anyone to give you drugs to get you to do sex work, or to take any money you earn from sex work. They can receive up to 10 years imprisonment (s.8 PCA).

You should seek advice from the police or RhED in this situation.

Different Kinds of Sex Work

This section details the different types of business that exist in the sex industry. Knowing the legal requirements of each can be important to you as a worker or employer in the sex industry.

1. Brothel Work

Brothel work involves providing sexual services to clients who come to a building where you are working. This section deals with licensing requirements for brothels. It is important that workers understand the licensing system as it is designed to provide the individual worker with protection.

Note: A brothel is defined as **any premises** made available for the purpose of prostitution (sexual services for payment or reward) by a person carrying on the business of offering or providing prostitution services at the business's premises (s.3 PCA). The *Prostitution Control and Other Matters Amendment Act 2008* (Vic) (PC&OMAA) commenced in December 2008 and amended the definition of 'brothel' to include 'offering' prostitution services.

If a person operates a brothel that is not in a building (for example a car or public place), and/or without a planning permit the fine is up to 360 units and/or 3 years imprisonment (s.21A PCA).

The BLA has a free guide available which contains all the information regarding licensing, which you can obtain using the contact details at the end of this booklet.

Types of Brothels

- (i) Licensed (Commercial) Brothels
- (ii) Small Owner-Operated (Exempt) Brothels
- (iii) Illegal Brothels

(i) Licensed (Commercial) Brothels

The BLA records of 2008 show there were 98 brothels operating in Victoria run by persons holding a prostitution service provider's licence. Every one of them has to have the licensee's licence displayed near the front entrance of the premises (s.60 PCA).

Make sure the brothel you are working in is legal or you could face fines (see 'illegal brothels' below). You can check that the brothel is legal by looking for the licence near the front entrance. You should also check the register of licensees with the BLA or ask a worker from the RhED program. The law provides you some protections if you work in a legal brothel.

Licensing

A person running a brothel without a current licence can be fined up to 600 penalty units and/or face a term of imprisonment of up to 5 years (ss.10 & 22 PCA).

A brothel owner or licence holder can have '**an interest**' in only **one** licence or one brothel permit (s.75 PCA).

If the brothel operator/licensee is in partnership or otherwise an associate with one or more people, each person has an interest and must also be licensed, otherwise they can be fined up to 120 penalty units and/or imprisoned for up to one year (s.57 PCA). An '**associate**' includes someone who may be a spouse, de-facto, business partner, leaseholder or owner of the land, or a person deriving income from the business. **Note:** The PC&OMAA was introduced in December 2008 and broadened the definition of 'associate' to include a 'relative (other than uninvolved relative)'.

If a person is only an approved manager in a brothel, rather than a licensee, they are not deemed to have an interest in a brothel permit or licence, without evidence they actually do.

A sex worker (either as an employee or independent contractor) in a brothel does not 'have an interest' in the brothel licence unless they are an associate of the licensee. Again, an 'associate' may be a spouse, defacto, business partner, leaseholder or owner of the land, or a person deriving income from the business, other than income they earn themselves.

If you are a brothel premise owner or operator or you are considering running a brothel, or think the above may apply to you, you should seek legal advice.

Licences are automatically cancelled if the licensee has been convicted of certain Federal or State offences, or becomes insolvent or bankrupt. Brothel manager approvals are also cancelled in the same circumstances. CAV and Victoria Police also have the power to request VCAT to cancel or suspend licences and discipline licensees and approved managers under the PCA.

Local Planning

Brothels are also regulated by local council planning schemes. This means a brothel must meet the requirements of the *Planning and Environment Act 1987* (Vic) (PEA) and have a planning permit issued by the Council.

Councils primarily monitor compliance with planning requirements. Currently brothels are limited to 6 rooms and must not be within 200 metres of certain services, such as hospitals and schools (s.74 PCA). Older brothels established before 1995 may have more than six rooms.

Approved brothel manager

Whenever it's open for business a brothel must be personally supervised at all times by the licensee or by an 'approved manager' (s.49 PCA). An approved manager is someone who has been approved and registered by the BLA to act as a manager of a licensed brothel (ss.50 & 25 PCA).

An approved manager and a receptionist are not automatically the same. An approved manager can't be doing sex work at the same time as 'managing' the business. An approved manager will have a certificate of approval which sets out any conditions or restrictions and lasts for three years.

If the brothel is found without being personally supervised by the licensee or an approved manager on the premises, both the licensee and the approved manager risk a fine of up to 60 penalty units or up to 6 months in prison (s.49 PCA).

Drugs and Alcohol

Drugs are not allowed in brothels. A 'drug' means a 'drug of dependence' as defined in the *Drugs, Poisons and Controlled Substances Act 1981* (Vic) (DP&CSA). This does not include over the counter drugs like Panadol, but will include possession of prescription drugs without authorisation. If a licensee is found guilty of an offence against the DP&CSA, their licence is automatically cancelled (s.47 PCA).

Alcohol is not allowed to be sold, supplied or consumed in a brothel. The penalty is up to 100 penalty units (s.21 PCA).

Children in brothels

Children over 18 months of age and under 18 years are not allowed in brothels. The penalty is up to 12 months imprisonment and/or 120 penalty units (s.11A PCA).

Safety

In 2006 new safety regulations were introduced (r.7 PCR). The licensee or approved manager can be fined up to 40 penalty units if these rules aren't followed:

- ▲ If you work in a brothel it's up to you - not the manager or receptionist - to negotiate the services you provide with the client. The manager or receptionist can't tell a client things about you that aren't true - such as a lie about your age or sexual experience.
- ▲ You have the right to refuse to see a client if you think the situation is unsafe or you think the client may be violent. You can't be fined or punished in any way.
- ▲ All rooms in a brothel should have alarm buttons that you can access easily throughout the delivery of sexual services or some type of hidden communication system, in working order, for you to use in an emergency. Make sure you know how the emergency system works.
- ▲ All rooms used for prostitution must have good enough lighting to let you check a client for readily evident signs of sexually transmitted infections.
- ▲ There must be a safe sex sign with a picture of a male wearing a condom prominently displayed in the reception area and every room used for prostitution.

Health regulations also require brothel operators to make sure that condoms are used in 'sexual encounters'. This includes vaginal, oral or anal penetration by a penis, other part of the body or any other object.

- ▲ You must be provided with a free supply of condoms and lubricants at no charge in a legal brothel (r.27 *Health (Infectious Diseases) Regulations 2001* (Vic) (HIDR)). They must store and protect unused condoms and dispose of them in the right way. If this is not done the proprietor can be fined 50 penalty units.
- ▲ You are not required to provide services to a client who refuses to wear a condom (or if you suspect he has an infectious disease) (r.29 HIDR). The proprietor can be fined 100 penalty units if they require you to do so.
- ▲ The proprietor of a brothel must provide clean linen and showers and baths with a continuous and adequate supply of hot and cold water for you and your clients (r.32 & 33 HIDR) or they can be fined 20 penalty units.

- ▲ Officers authorised by the Department of Human Services (DHS) are required to inspect a brothel at least once a year to make sure a brothel complies with health regulations (r.34 HIDR).
- ▲ Unless your own client has just used it, you are not required to clean or disinfect a bath or shower in a brothel. If you do clean or disinfect the bath or shower your client just used, you must be provided with protective clothing. Apart from this circumstance you are not required to clean any bath, shower, toilet or spa unless you are employed as a cleaner (r.7 PCR). The licensee or approved manager can be fined up to 20 penalty units for these contraventions.

You should never have to pay a bond or a fine in a legal brothel

Contact JobWatch (see the services directory) for legal advice if you are told you have to pay a bond or a fine. Asking you to pay a fine may also be an offence, depending on the reason given.

If the conditions of the brothel you work in do not meet the above standards you can complain to CAV, which is responsible for monitoring and enforcing compliance with the PCA or DHS, which has the power to investigate complaints relating to health matters.

(ii) Working for Yourself: Small Owner-Operated (Exempt) Brothels

Working for yourself in a small owner-operated business may seem like a great option - being your own boss and working your own hours. It is however, the least seen type of prostitution business. The BLA's records show that in April 2008 there were only five brothels being operated by exempt prostitution service providers in Victoria.

An 'exempt prostitution service provider' can operate a brothel with up to one other person working in the brothel, apart from themselves. You don't need a licence from the BLA but you do need to register with them to rely on the exemption. You do, however, need **a permit** from the local council in which the business will operate (s.72 PCA).

Before applying for a council planning permit for this type of brothel, you need to lodge a notice of intention with the BLA stating that you intend to rely on the exemption in s.23 of the PCA.

To obtain a council planning permit your business, like a licensed brothel, would need to be 100 metres away from any home and 200 metres away from any church, school and hospital, place of worship, children's services centre or any place where children spend time regularly. (In the central business district bounded by Spring Street, Flinders Street, Spencer Street and La Trobe Street your business would need to be 50 metres away from the nearest residence). The area must be zoned industrial (s.74 PCA).

Obtaining a permit

To find a place you will often have to disclose the nature of the proposed business to real estate agents. You must tell the owner or agent that you will be setting up a small owner operated brothel in which you will provide sexual services. You will need their written approval to use the building as a brothel. They may give you permission subject to a permit being granted by the local council and complied with.

Once you have permission you must apply for a planning permit from the planning department of your local council. Planning permit applications are often rejected at this level. If the application is rejected by council you can appeal to VCAT. You will almost certainly need legal advice through this process. VCAT has the power to cancel or suspend permits as well, if objections are made after a permit is approved (s.48A PCA).

If you get a planning permit you register your name, date of birth, address, business name, telephone number and address with the BLA as an 'exempt prostitution service provider' (s.24 PCA). You can have **one** other sex worker working with you as an 'exempt provider' but their details must also be registered with the BLA.

Registering with the BLA

There is no fee to register. The BLA will also need your planning permit number, the name and address of the owner of the building, the letter of approval from the owner and copy of the lease. The BLA will then issue you with a **PCA number**. Only a limited number of people can access the small owner-operator register. Your registration details will not be taken off the register when you terminate your registration.

Your business can't be associated with any other prostitution service provider business. That means that you can't refer clients to other sex workers and can't receive referrals from other brothels or escort agencies. If you want advice about the meaning of "associated with" check the BLA website, talk to the BLA or get legal advice.

Failure to register as an exempt prostitution service provider and provide these prescribed particulars may result in you being fined up to 30 penalty units.

(iii) Illegal Brothels

A brothel is classified as an illegal brothel if the individuals running it are not licensed or registered for an exemption and/or a brothel planning permit has not been obtained. This applies to any place where sexual services are exchanged for payment or reward, including massage parlours and relaxation centres that do hand relief.

If you are found in, entering or leaving an unlicensed brothel without a reasonable excuse the penalties are up to (s.15 PCA):

- ▲ 10 penalty units or 1 month imprisonment for a first offence
- ▲ 30 penalty units or 3 months imprisonment for a second offence
- ▲ 60 penalty units or 6 months imprisonment for further offences.

Police can enter unlicensed premises with a search warrant from a Magistrate or without a search warrant outside of office hours (ss.63 & 64 PCA).

Consequences for a sex worker working in an illegal brothel

Working in an illegal brothel means that you miss out on benefits and basic legal protections that licensed brothels must provide. A way to increase the likelihood of a safe and successful career is to avoid working in an illegal brothel.

You can also be charged with various offences should you be found working in an illegal brothel. If you continue to work in a brothel, knowing that the operator does not have a current or valid licence, or is otherwise not complying with the law (and this is also known to the operator) you could be charged with an offence with a penalty of up to 5 years imprisonment and/or 600 penalty units (s.22 (3) PCA).

Consequences for an illegal brothel operator

It's an offence to live off the earnings of prostitution where there is no licence (or exemption) to carry on business as a prostitution service provider.

Brothel operators who are not licensed risk penalties of up to 600 penalty units or five years imprisonment or both (ss.10 & 22 PCA).

Licensed or exempt prostitution service providers who trade in partnership or association with an unlicensed person risk a fine of up to 120 penalty units and/or 12 months imprisonment. Note that the presence of condoms or anything else used for safe sex can't be used as evidence that a brothel was operating on the premises (s.22 PCA).

2. Escort Work

Escorts provide a visiting service, not premises. Escort work involves sex work that happens in a hotel room or client's home or other place you go to. As an escort you are fairly independent but you work alone and in isolation a lot of the time and you could at times be more at risk. Contact RhED for more information on working safely.

Escort work can be done through a licensed escort agency or as a private escort worker. A private escort is exempt from holding a licence but must obtain a PCA number with the BLA.

Working for an Escort Agency

An escort agency means a business of offering or providing, or facilitating the offer or the provision of, prostitution services to persons at premises not made available by the agency (s.3 PCA). The PC&OMAA commenced in December 2008 and amended the definition of 'escort agency' to include 'offering' prostitution services. The premises of an escort agency are only permitted to be used as an office and somewhere for your bookings as an escort to be taken, usually by phone. Escort agencies risk being prosecuted for operating an illegal brothel if sexual services are provided on their premises (s.22 PCA, fine of 600 penalty units).

If you work for an escort agency you might only visit the agency office once a week or so to hand over the agency's share of your weekly takings.

When a client contacts the agency, the receptionist must describe you accurately so that expectations of you are in line with who you are. However, it's up to you - not the agency or receptionist - to negotiate with the client the sexual services you will be providing (r.7(2) PCR).

The licensee and manager of the agency must make sure you are supplied with free condoms, water based lubricant and a mobile phone or similar communication device, so you can contact them on arrival and departure from each visit, and when you feel unsafe. The escort agency has an obligation to provide assistance to you as soon as possible if you advise them that you believe a situation is potentially violent or unsafe (r.7(6) PCR).

You have the right to refuse a booking if you think the situation is unsafe or the client may be violent. The agency cannot force you to do a booking or fine or punish you for not doing a booking (r.7(1) PCR).

Like brothels, escort agencies are only legal if operated by a licensed prostitution service provider. Their licence must be on display near the front entrance of the business (s.60 PCA). Check your agency with the BLA register of licences or ask a worker from the RhED program. There are penalties for working for an unlicensed agency. If you continue to work for an agency, knowing that its operator is not currently licensed, the licence has been revoked or expired, or is otherwise not being complied with (and this is also known to the licensee) you could be charged with an offence with a penalty of up to 5 years imprisonment and/or 600 penalty units (s.22(3) PCA).

(For your rights as an employee or independent contractor, see the Employment section).

Working as a Private Escort

You can work for yourself (or along with one other sex worker) in a private escort business provided you are registered with the BLA as an 'Exempt Escort', rather than as a licence holder.

If you are working with another sex worker, they need to register as working with you. Once you are registered the BLA will give you a **PCA number** and you can advertise for business.

To register you need to give your real name and address, any and all names and phone numbers you will be using in any advertising, and a photocopy of a true form of I.D. showing your current address and signed by a witness. Only the Director of CAV, members or staff of the BLA, authorised members of local councils or the police force, can inspect the register (s.24(3) of PCA).

There is no fee for registering. You can get the forms from the BLA website or contact the BLA using the directory at the back of this booklet.

You can employ a driver, a receptionist or security person but you can't advertise for staff (s.17(3) PCA). You cannot agree with another person for them to take a cut of your booking money for finding clients. To do this both of you would need to be licensed to operate an escort agency.

It is also unlawful to provide sexual services to clients at your home.

Contact RhED for information and safety tips for private escorts.

Application and Licence Fees

If you want to operate a business that engages other people to provide sexual services then you need to have a licence from the BLA. More information is available by contacting the BLA using the details in the back of this booklet.

An application for a licence must be in the prescribed BLA form and accompanied by application and licence fees.

As at 1 July 2008 an **application fee** to operate a brothel business is \$3,883.20; for an escort agency business \$1,941.60; and \$3,883.20 for both a brothel and escort agency business. An application for an Exempt Escort PCA number is free.

A **licence fee** is \$2,218.90 for a brothel, an escort agency, or the one fee for both. There are additional fees of \$416.10 for each second and subsequent room, as well as fees for business names and telephone numbers.

Contact the BLA for further information regarding applications and licence fees (www.bla.vic.gov.au or 1300 135 452).

3. Street Work

Street sex work is illegal in Victoria and is the most dangerous form of sex work.

Soliciting, Accosting and Loitering

If you hang around (loiter) in a public place to meet clients or stop (accost) possible clients to negotiate prices (solicit), you can be fined or possibly sent to prison. It's more likely you will be fined.

The penalties for soliciting or loitering are up to:

- ▲ 5 penalty units or one month imprisonment for a first offence
- ▲ 15 penalty units or three months imprisonment for a second offence and
- ▲ 25 penalty units or six months imprisonment for further offences.

Soliciting or loitering in or near a place of worship, hospital, school, kindergarten or any public place where children hang out, carries greater penalties. They are up to:

- ▲ 10 penalty units or one month imprisonment for a first offence
- ▲ 30 penalty units or three months imprisonment for a second offence and
- ▲ 60 penalty units or six months imprisonment for further offences.

Clients of street workers also face heavy penalties for inviting or soliciting a person to prostitute themselves. The penalties for clients are higher than they are for sex workers.

Arrests

You can't be arrested walking down the street simply because you are a sex worker. You have to be caught 'in the act' of soliciting for police to arrest you. Having items such as condoms or syringes on you would not support a charge of street prostitution.

If you are stopped by police and charged with a soliciting offence the police may arrest you and release you on bail or issue a summons.

Police must tell you why they are arresting you as soon as practicable. They must also tell you their name and place of duty. After arresting you, the police can only hold you in custody for a 'reasonable time' without charging you. While in custody you have the right to try to telephone a friend or relative and a lawyer in private.

If you are not arrested you don't have to go to the police station.

Contact a community legal centre (CLC) or Victoria Legal Aid (VLA) for legal advice if you are charged with a loitering offence. You can also get advice about how to make a complaint if you are mistreated by police. See the services directory for contact details.

Court

You should get legal advice from your solicitor or a local CLC before going to court.

Attending court on the day of your hearing is very important, even if you plan to plead guilty. Otherwise the Magistrate may make a decision about you in your absence, which may result in a less favourable outcome.

If you were released on bail you must attend court on the day, even to arrange an adjournment. If you don't, a warrant to arrest you can be issued. You will also be charged with a further offence of failing to appear. If you're not on bail you can arrange an adjournment by phone.

Sex Workers List at the Melbourne Magistrates' Court

The Magistrates' Court now hears loiter charges at a special 'list'.

- ▲ The sex workers list is heard on the first Tuesday of every month at 2pm (except January or if that day is a public holiday) in a special court where only defendants with loiter matters appear.
- ▲ Other matters can also be heard in this list, but only if you already have a loiter matter to be heard.
- ▲ You have to plead guilty to a charge for your matters to be heard in this list. If you wish to plead not guilty to a charge it will be heard separately on another day.
- ▲ This court is more informal than others and likes to hear from you and anyone else you would like to bring along to support you.
- ▲ Free legal help and advice is available prior to the court date and at court.
- ▲ Health and community workers attend the list and can access support services such as drug and alcohol programs for you.
- ▲ Specialist support services can be provided to you on that day.
- ▲ If you have been charged with a loitering offence (or loiter and other charges) and they are listed for hearing on a day other than the first Tuesday of the month, you can arrange for the date of your hearing to be changed so that it is heard in the sex workers list.
- ▲ If you have been arrested and you need help, ring the Arrest Referral Program on 0422 401 037.
- ▲ If you need legal help or advice about your arrest or court appearance ring the St Kilda Legal Service on 8598 6609.

Getting Hassled

It's an offence for anyone to behave in an indecent, offensive, insulting, threatening or abusive manner towards a sex worker in a public place. The penalty is up to 30 penalty units or three months in prison (s.16 PCA). There are also on the spot fines for harassment. If you are hassled or assaulted while working you should contact RhED immediately.

Dealing with Authorities

Dealing with the Police

Generally

When dealing with the police remember that sex work itself is not illegal. Exercise your rights, but stay calm. Responding in a calm and polite way is the best approach - but remember that anything you say may be used in evidence against you; there's no such thing as 'talking off the record'.

As a general rule you should not say or write anything about any alleged offence without having first spoken to a solicitor. You are not required to answer questions asked of you, other than your name and address. If you don't want to say anything to the police make that clear and don't change your mind. Don't selectively answer any of the questions asked. Once you have stated your name and address, you can then use words such as "I do not want to say anything at this stage" or "No comment".

You also have the right to ask for the name, rank, station and number of any officer who is asking for your name and address. You can also ask their reason for questioning you.

When dealing with the police you have a right to legal advice and an interpreter if you need one.

Police Powers to Enter the Workplace

Victoria Police

The Major Sex Crimes Desk of the Victoria Police primarily monitors compliance with the PCA.

Police can enter any licensed or exempted brothel or escort agency in Victoria without a search warrant, provided that at least one police officer is an Inspector or above the rank of Inspector (s.62 PCA).

During a visit you are required to give your real name, age and address if asked by the police (s.58 PCA). The police can ask you to show them proof such as a driver's licence (s.59 PCA).

Victoria police officers acting in an improper or corrupt manner can be reported to the Office of Police Integrity or the Victoria Police Ethical Standards Department. See the services directory in the back of this booklet for contact details.

Australian Federal Police

Federal police may also enter your workplace. Sometimes they may be accompanied by officials from the DIAC, Centrelink or the ATO.

The police should have identification badges and a photo-ID and can only enter premises with your consent, if they have a warrant, or if they believe that a crime is being committed.

Federal police officers acting in an improper or corrupt manner can be reported to the Commonwealth Ombudsman (or to the Australian Federal Police). See the services directory for contact details.

You have a right to contact your embassy if you are not an Australian Citizen.

Police Powers to Search

Victoria Police

Victoria Police don't have an automatic right to search people who have not been arrested.

However, they do have the right to search if there is "reasonable cause to believe" that a person is hiding drugs, dangerous weapons or stolen goods.

Regardless of whether you are taken into custody police can search you if they want certain evidence or believe you are carrying a weapon. The police also have the right to search you if they have a court warrant.

Police must inform you why you are being searched and all searches must be recorded according to police procedures. Men are searched by male police; women are searched by female police.

Initial 'pat down' search

A 'pat down' search is when you are asked to empty your pockets and remove top layers of clothing such as a jacket or coat. The police officer pats you down looking for concealed objects. Police can't remove jewellery unless they suspect it's stolen.

Police don't need authorisation from a senior officer to do this type of search and pat down searches can be done in public places.

Full search

A full search or strip search is when you are required to remove all your clothes. A full search is only allowed if there are "reasonable grounds" to search for items that wouldn't be found in a pat down search.

During a full search your privacy and dignity should be respected at all times. You should not have to stand or be in unusual or unnecessary positions (such as spreading the cheeks of your buttocks).

During a full search police can't touch your body "improperly". They can't examine "body cavities" or take body samples unless they have your consent or a court warrant. Only doctors of the same sex can do an intimate internal body or cavity search.

Full searches need to be authorised by a senior officer and they cannot be done in a public place such as a street.

Australian Federal Police

When someone is suspected of a Commonwealth “indictable” offence police can conduct three kinds of searches - frisk searches, ordinary searches and strip searches.

An indictable offence means a serious crime that would go to trial before a judge and jury.

Both the Victorian and the Federal police also have separate powers to prevent a terrorist act.

Note: Under anti-terrorist legislation, both State and Federal Police have increased search, arrest, questioning and detention powers. These are unlikely to be used in brothels, but always ask if you are uncertain about the powers police are searching, questioning or detaining you under.

Dealing with Immigration Officials

Officers from the DIAC may visit prostitution service providers they believe to be employing workers who don't have legal working visas. To enter a workplace immigration staff must have their proper ID and a valid search warrant.

When immigration staff visit the workplace they:

- ▲ must tell the person in charge (owner or approved manager) the purpose of the visit
- ▲ can search the entire premises, handbags and personal effects
- ▲ can only use reasonable force if deemed necessary and can only handcuff a worker if they try to escape
- ▲ cannot ask workers to remove clothing or dress, or do a body search
- ▲ can ask for ID such as a passport, drivers licence, student or Medicare cards from everyone on the premises.

If you are detained and not allowed to leave, you can request, and have the right to:

- ▲ have an interpreter
- ▲ not answer questions until an interpreter is provided
- ▲ obtain legal advice from a lawyer or an embassy official.

You must be ‘afforded all reasonable facilities’ for seeking legal advice or to be able to answer questions. In certain circumstances you may be required to answer questions without being given an opportunity to obtain legal advice. This is where the questions are to determine if you are an ‘unlawful non-citizen’ (s.257 *Migration Act 1958*) (Cth). The penalty can be up to six months imprisonment for not answering, or giving false or misleading answers. If you are detained you should seek legal advice as soon as possible.

Immigration staff acting in an improper or corrupt manner should be reported to the Commonwealth Ombudsman. See the services directory for contact details.

Joint Federal Operations

DIAC, working closely with the ATO, Centrelink and the Federal Police can use the coercive powers of the State Police and Brothel Inspectors to enter brothels legally to locate and identify illegal workers, illegal Centrelink recipients, those with tax irregularities, and to assess the immigration status of workers.

DIAC, ATO and Centrelink cannot just come to the door and expect to be let in. You can refuse them entry unless they have ‘reasonable suspicion’ that there is a person or persons committing offences of the type overseen by their agency ie if it is Centrelink, they may have been tipped off that there are people working at the brothel while receiving benefits.

When these agencies arrive with the police or brothel inspectors, you do not have to provide them with any details. Nor can the police or brothel inspectors pass your details on to them. If the police or brothel inspectors ask for your details, tell them you will give them your details when out of earshot of any other agency.

If the police or brothel inspectors provide your details to other agencies without your permission, you can make a complaint to the OPI, the Ombudsman and the Privacy Commissioner. See the services directory for contact details.

The Child Support Agency (CSA) has powers to summon information, but have not been involved in the joint raids.

Illegal Trafficking and Sexual Servitude

Sexual slavery or servitude and trafficking are illegal. There are both Commonwealth and State laws that prohibit these activities with heavy penalties of imprisonment.

Illegal trafficking is organising or assisting the movement of a person by another person through abduction, deception or coercion; and for the purpose of exploitation - that is, the exploitation of persons through the prostitution of that person or other forms of sexual exploitation. Recent cases have involved ‘Debt Bondage’ where a person is forced to pay back money for airfares and other expenses, including money paid to their families in other countries.

Sexual servitude occurs when a person provides sexual services and, because of force or threats, is not free to cease providing those services or leave the place where they provide those services. ‘Threat’ includes a threat to cause a person's deportation (*Criminal Code Act 1995* (Cth) (CCA) s.270 4(2)(b)).

The Employment Relationship

Amendments to the CCA criminalise trafficking of people and debt bondage, and are designed to ensure Australia's compliance with the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially women and children.

The *Victorian Justice Legislation (Sexual Offences and Bail) Act 2004 (Vic)* has created new offences to combat forced prostitution and sexual exploitation, particularly of women and children who are recruited into the sex industry and compelled to work in servile conditions.

Most victims of sex slavery are tricked into travelling to Australia with promises of jobs which often turn out to be in the sex industry. When they arrive they have their freedom restricted, and possibly their passports taken from them, and are forced to perform sex acts to cover the costs of air fares, visas, passports and living costs.

If you do not have a passport, or your freedom is restricted, if you cannot go anywhere alone and you are driven to places by others or if you are forced to perform sexual acts that you do not want to perform, then most likely you are a victim of sexual slavery.

If you find yourself, someone else or suspect that someone is in such a situation, ring RhED or the Australian Federal Police. Officers from the Melbourne Transnational Sexual Exploitation and Trafficking Team (TSETT) can be contacted on 9607 7777 and are trained to deal with trafficking and sexual servitude matters. You can ring anonymously.

If you come forward your case will be assessed on its own merits and then you may be recommended as a Victim of Trafficking. If you cooperate with the federal police, immediate family or witnesses will be given assistance as part of a new state government program. The scheme promises safe, secure accommodation, welfare and medical assistance and tailor made visas for victims in exchange for their continuous testimony.

Before you make any decisions contact the Refugee & Immigration Legal Centre for migration/visa advice, and Project Respect for confidential advice and assistance. See the services directory for contact details.

Your legal rights in the workplace are often defined by whether you are an 'employee' or 'independent contractor'. Employment law is very complex and each case depends on its own facts and circumstances. Some general information is provided below. If a worker has any queries or problems relating to their specific employment relationship, information can be obtained from JobWatch, a free employment rights community legal centre. Also see the website, which has a wealth of information on a large range of employment related topics: www.job-watch.org.au or call JobWatch's free and confidential information line on 9662 1933.

Being an employee in the sex industry

Being an 'employee' can form the basis for:

- ▲ Your access to the conciliation and arbitration processes
- ▲ Your entitlement to join a union
- ▲ Your rights and obligations under statute law, such as workers' compensation entitlements and insurance arrangements
- ▲ Your entitlement to annual leave, sick leave and long service leave
- ▲ Your ability to access unfair or unlawful dismissal remedies
- ▲ Employer obligations regarding taxation, superannuation and other duties.

Owners and operators of prostitution businesses will often treat sex workers as independent contractors or contract workers, rather than employees. Defining sex workers as contract workers is a means for owners to avoid the many obligations that go with having 'employee' workers. If you have regular and systematic employment (with a reasonable expectation of ongoing work) and don't seem to have the characteristics of an independent contractor (as outlined below), then you are likely to be an 'employee' for the purposes of the law. In many workplaces, the reality is that sex workers are employees, despite being referred to by the boss as 'contractors'. Case law has shown that in some instances, even where workers and employers have both described the worker as an independent contractor, the courts have ruled that the worker is in fact an employee.

Are you an Employee or Independent Contractor?

Independent contractors or 'subcontractors' are usually identified by the following characteristics:

- ▲ they are free agents who set their own prices, and sometimes hours or days of work
- ▲ they can work for as many places as they like at the same time
- ▲ they pay their own tax (rather than have their employer take it out of their pay)
- ▲ they are not paid holiday or sick pay
- ▲ they can bring another person in to do the job when they're away or busy elsewhere
- ▲ they may provide their services through a company or business name
- ▲ they are entitled to work the way they want to, which means they choose whether to provide the service or not.

If you are an independent contractor/consultant, generally the parties have fewer obligations to each other (unlike in the employment relationship). Your working conditions as a contractor may not be as good as they might be if you were regarded by the boss as an employee.

The *Independent Contractors Act 2006 (Cth)* aims to give independent contractors further legal protection by discouraging employers from creating sham contracting arrangements. Contractors can apply to the Federal Magistrates' Court to review 'harsh', 'unjust' or 'unfair' contracts for services. One ground for unfairness is contractual arrangements that avoid the federal *Workplace Relations Act 2006 (Cth)* (WRA); another is when a contract provides pay at a rate less than the rate of pay for an 'employee' performing similar work. The courts can also impose penalties on employers who misrepresent an employment relationship as an independent contractors' relationship when they are really employees.

Presently you can have your contract reviewed by the Federal Magistrates' Court to determine if it is an unfair contract.

For more information about the employment relationship contact JobWatch or go to their website.

If you have queries or questions about your entitlements or obligations for tax, for superannuation, for WorkCover or for other occupational health and safety issues contact the body that is responsible for that area by using the services directory at the back of this booklet.

Sex Work and Employment

If you are sacked from work

Often sex workers are told on the spot not to come back for any more shifts without being told why. If you have been sacked and you believe it was unfair you may be able to make a claim against your employer for unfair or unlawful dismissal under the WRA.

As outlined in the previous section on the Employment Relationship you may not be able to access these legal protections unless you are by definition 'an employee'. Whether you are an employee or a contractor depends on the circumstances. If you are sacked you should seek advice on your employment status, and what you can do.

Note: In recent case law, even where an independent contractor has been terminated without notice, the courts have implied a term of reasonable notice and required 'pay in lieu' of notice. (See: *Fabsert Pty Ltd v ABB Warehousing (NSW) Pty Ltd* [2008] FMCA 1198). If you are an independent contractor and have been terminated without notice you should contact JobWatch for further information.

There are also some categories of employees that don't have access to unlawful termination or unfair dismissal proceedings. This includes short term casual workers under certain conditions.

Under the federal 'Workchoices' changes:

- ▲ employees of organisations with less than 101 staff
- ▲ those who have been employed for less than 6 months
- ▲ those on a probationary period (of up to 3 months)

will not be covered by unfair dismissal laws.

Regardless of the size of your workplace, if you are dismissed for valid 'operational reasons', you are also excluded from the unfair dismissal process.

Get legal advice as soon as you can to find out about your options.

Note: Significant reforms to the Federal industrial relations system are expected to be introduced from 1 January 2010 or possibly earlier. These amendments may make it easier for you to claim unfair dismissal. Phone JobWatch for more information. See directory for contact details.

It is against the law to sack **an employee** for:

- ▲ temporary absence from work due to illness or injury (usually no more than three months)
- ▲ union membership or activities, or not belonging to a union
- ▲ being a representative of other employees
- ▲ filing a complaint or threatening to file a complaint against an employer with a competent administrative authority
- ▲ participating in prosecution proceedings against an employer
- ▲ refusing to negotiate an Individual Transitional Employment Agreement (ITEA)
- ▲ absence on maternity/parental leave.

If you get sacked for any of these reasons you may be able to make a legal claim for unlawful dismissal.

If you are sacked for some other reason, but you think that reason was harsh, unjust or unreasonable, you may be able to make a claim for unfair dismissal. Even where the reason given for your sacking is a valid one, you may still be able to argue that the process was unfair, for example where fair warnings in relation to the sacking weren't given. A claim for unfair dismissal is the most common way of challenging an employer's decision to dismiss an employee.

Notice: If you are sacked the employer is required to give you the following amount of notice (unless you are a casual employee):

Period of Continuous Service	Minimum Period of Notice
Not more than 1 year	At least 1 week
More than 1 year, but not more than 3 years	At least 2 weeks
More than 3 years, but not more than 5 years	At least 3 weeks
More than 5 years	At least 4 weeks

Employees aged 45 or over, with at least 2 years of continuous service, are entitled to 1 week extra. The notice period can be 'paid in lieu' if you are asked to leave immediately.

Claims for unfair dismissal or unlawful termination are made at the Australian Industrial Relations Commission. Unfair and unlawful dismissal claims must be made within **21 days** from the date of the effect of the termination of employment. You should get legal advice as soon as you can, but do not delay because the time limits for making a claim are strict.

There is an additional remedy at common law for "wrongful dismissal", but it is more difficult and expensive to pursue. If you cannot meet the criteria for an unfair dismissal application before the Commission, you could still seek advice about this avenue.

Independent contractors or sub-contractors cannot initiate unfair dismissal or unlawful termination claims. They can however, initiate unlawful discrimination claims. As noted above in recent case law, even where an independent contractor has been terminated without notice, the courts have implied a term of reasonable notice and required pay in lieu of notice. (See: *Fabsert Pty Ltd v ABB Warehousing (NSW) Pty Ltd* [2008] FMCA 1198).

Constructive dismissal

If you feel you had no choice but to leave the workplace because of something serious the employer did (such as assaulting or sexually harassing you) or didn't do (such as keeping the work environment safe) you may be able to claim 'constructive' dismissal. These cases can be complex. You need to get good legal advice as soon as possible but don't put off an application while you're waiting for advice. Don't formally resign if you can help it. The 21 day time limit applies to these sorts of claims too, so get legal advice as soon as possible.

JobWatch is a community legal centre that provides a free and confidential telephone service about employment related issues (see the services directory).

Unlawful discrimination

It is unlawful for an employer to discriminate against a job applicant or employee, or for contract workers to be discriminated against on the basis of the following attributes:

- (a) age
- (ab) breastfeeding
- (ac) gender identity
- (b) impairment
- (c) industrial activity
- (ca) employment activity
- (d) lawful sexual activity
- (e) marital status
- (ea) parental status or status as a carer
- (f) physical features
- (g) political belief or activity
- (h) pregnancy
- (i) race
- (j) religious belief or activity
- (k) sex
- (l) sexual orientation
- (m) personal association (whether as a relative or otherwise) with a person who is identified by reference to any of the above attributes.

(s.6 *Equal Opportunity Act 1995* (Vic) (EOA)).

If you believe you have been treated less favourably or have been sacked on the basis of the above attributes you may have a legal claim for unlawful discrimination.

From the 1st September 2008 an employee's or contract worker's responsibilities as a parent or carer must be accommodated in the workplace and flexible work arrangements must not be unreasonably refused by an employer (*Equal Opportunity Amendment (Family Responsibilities) Act 2008* (Vic)).

Complaints relating to discrimination are made to the Victorian Equal Opportunity and Human Rights Commission (VEOHRC) or the Federal Human Rights and Equal Opportunity Commission. Complaints must be made within 12 months from the date of the discrimination.

Sex Work and Tax

The ATO administers taxation laws that cover all people who earn money. All money earners are 'obliged' to pay their share of tax.

How much tax you end up paying will depend on how much you earn and what expenses you can claim as legitimate work related expenses. Get advice about claims from a tax adviser or accountant; in the meantime keep receipts and records of all expenses.

How much tax, how you pay and when you pay also depends on whether you are an employee or whether you are a self-employed contractor. Get advice from a tax accountant or the ATO if you have any doubts about your status. You can also get more information about income tax and the sex industry from the ATO website. The link below will take you to a document called **'Tax help for people working in the adult industry'**.

<http://www.ato.gov.au/businesses/content.asp?doc=/content/69324.htm>

Your employment status will also affect liability for the Goods and Services Tax (GST). If you are an employee you do not need to account for GST. However, the situation is complex depending on where you work, how the fee is collected from a client, how GST is collected from a client and how payments are distributed between the establishment, the sex worker and the ATO. If you have any doubts at all you should discuss your situation with an accountant and/or the ATO on 13 28 66.

It's better to find out from the start, and from an expert, than to risk a bad result from a tax audit. You can also get more information about GST and the sex industry from the ATO website. The link below will take you to a document called **'GST and the sex industry - questions and answers'**.

<http://www.ato.gov.au/businesses/content.asp?doc=/content/18507.htm>

Employees

If you are an employee, income tax is taken from your pay, commission, bonuses etc and sent to the ATO by the business that employs you. This is called 'withholding tax' and is part of the PAYG (Pay As You Go) system.

You should have been asked by the business that employs you (and you should be asked by any new employer) to provide your tax file number by filling in a tax file number declaration. You must provide all the details requested on the form including your tax file number. If you don't give your tax file number, tax will be taken out at a rate of **46.5%**. An employer must report to the ATO the details of all employees, including an employee who has not provided a tax file number declaration.

You should also fill in a Withholding Declaration form every time you start work for a new employer and wish to claim the tax free threshold, a rebate or the Family Tax Benefit. Factoring in the rebate reduces the amount to be withheld from your salary, wages, commission, bonuses or allowances paid by the employer. **Note:** you can only claim the tax-free threshold with one employer.

Note: A Withholding Declaration needs to be completed if you want to claim the tax-free threshold with a new employer and discontinue claiming it with other employers. You can get more information about tax offsets (also called rebates) from the ATO website address. The link below will take you to a document listing tax offsets and rebates relevant to individual taxpayers.

http://www.ato.gov.au/individuals/pathway.asp?pc=001/002/005&mfp=001/002&mnu=925#001_002_005

At the end of each financial year, and after you leave an employer, you should get a written 'payment summary' from your employer showing the amounts paid to you and the amount of tax that was withheld. The payment summary (formerly called a group certificate) is what you send in to the ATO with your annual income tax return.

From the 1st December 2008 an employer must not make any deductions from an employee's wages without written authorisation from the employee (s.7 *Victorian Workers' Wages Protection Act 2007* (Vic)).

If you are a full-time, part-time or casual member of staff the business that employs you should also pay an amount to your superannuation fund. The minimum rate of superannuation payable under the Superannuation Guarantee legislation is currently 9% of your gross earnings. However, superannuation guarantee contributions do not have to be provided for an employee who is paid less than \$450 in a particular month.

Contract Workers

If you are a contractor who is self employed you are entitled to apply for an Australian Business Number or **ABN**. You cannot apply for an ABN if you are an 'employee'. Application forms can be obtained from the ATO's publications department on 1300 720 092, from the ATO website address <http://www.ato.gov.au/businesses> and the Australian Business Register (ABR) website http://www.abr.gov.au/ABR_BC/. All ABNs are recorded in the ABR which is publicly accessible.

Your name, trading name, and the state and postcode where you conduct your business are recorded in the publicly accessible part of the ABR. Under certain circumstances you can apply to have some or all of these details kept undisclosed. If you don't have an ABN (or haven't supplied it), the business that pays you must withhold 46.5% of your earnings in tax.

If you are a contractor and earn over \$75,000 per year you must register for the GST. If you are registered for GST you must account for GST on the services that you provide and you will be able to claim the GST component (input tax credits) on all business purchases, such as clothing or make-up. See section on Tax Deductions.

If you are a contractor who has a turnover of less than \$75,000 per year, you may choose not to register for the GST. This means you cannot charge GST on sales and services or claim input tax credits on business related purchases.

If you are a contract worker you can pay your own income tax through PAYG instalments. If you are required to pay PAYG instalments the ATO will write to you and notify you of an instalment rate. You report and pay these instalments on an Instalment Activity Statement (if you're not registered for GST) or a Business Activity Statement (if you are registered for GST). Instalments will generally be paid quarterly. However, if your total income tax instalment liability is less than \$8,000 you can elect to pay one annual instalment.

From 1 July 2000, a tax measure applies to income earned from providing personal services ('personal services income'). The measure affects consultants and other contractors.

Individual contractors affected by the measure generally have the same deductions that would be available to someone earning the income as an employee. If you need more information about this issue you can phone **13 28 66** or you can get more information about personal services income from the following ATO website addresses:

<http://www.ato.gov.au/businesses/content.asp?doc=/content/13042.htm>

<http://www.ato.gov.au/individuals/content.asp?doc=/content/21572.htm&pc=001/002/037/005&mnu=989&mfp=001/002&st=&cy=1> and

<http://www.ato.gov.au/businesses/content.asp?doc=/content/14895.htm>

At the end of the income year you lodge an annual income tax return. The assessment will let you know whether you get some money back from the income tax you have already paid, or owe more. (If your business is in its first year you will probably pay your entire tax liability for that year after your first annual assessment is done).

If you have an ABN and you are an individual contractor you may choose to enter into a voluntary agreement with the business that pays you so that they withhold tax on your behalf. You can't do this if you are a company, partnership or trust. If you want the business that pays you to withhold tax from your payments as a contractor make sure you fill in a Voluntary Agreement Form from the ATO.

Taxation records for contractors and employers

If you are running your own business you will need to keep good records of income and a good system for managing receipts of all business transactions, including tax invoices for payments over \$50. Employees also need to be able to prove claims for work related expenses. Whether you are self-employed or an employee, claims for car expenses can require that you keep detailed records. It is a good idea to talk with your accountant or tax advisor about record keeping requirements.

Tax Deductions

An expense 'necessarily incurred in the course of earning income' can be treated as a Tax Deduction. That means that it can be subtracted from income earned, to lower your 'assessable income' (the income that you pay tax on). The lower your assessable income, the less tax you pay. These deductions apply equally to sole operators (working for yourself or contracting your services to others eg as an escort, stripper or dancer) or employees/contractors (of brothels or escort agencies) who earn a wage or salary. You should keep receipts for all the work-related expenses you have claimed or intend to claim as a tax deduction for five years after putting in your tax return.

Some expenses that may be claimed as 'tax deductions' (subject to the advice of your accountant) are:

- ▲ dance classes
- ▲ consumable items like condoms, lubricants, gels, oils, tissues and mouthwash, used solely for earning income
- ▲ the cost of replacing or repairing things like equipment, sex novelties, batteries and other apparatus used in your work
- ▲ medical expenses and medications to keep you healthy for work
- ▲ all telephone costs where a phone (mobile or land line) is only used for business. If you operate from home with one telephone (mobile or land line), a proportion of your rental, and all business calls are deductible
- ▲ the total cost of business advertising
- ▲ a proportion of motor vehicle expenses if you use your car in the course of operating your business, for example, to travel from client to client
- ▲ additional running expenses of an office or room if you work from home. This can include a proportion of electricity, cleaning costs, and depreciation of equipment and fittings
- ▲ a portion of things like rates, mortgage interest and other expenses if you own your home and use part of it as a place of business. A separate entrance to the house and exclusive use of the work area is essential. **Note:** that there maybe capital gains tax implications when you sell your home.

These expenses **cannot** be claimed:

- ▲ your general fitness, body shape or cosmetic surgery
- ▲ clothing such as dresses, skirts, blouses, trousers, shirts and shoes for everyday use, unless solely for earning income such as costumes and lingerie
- ▲ general hairdressing, make-up or beauty treatments (grooming), except stage make-up and removal.

Recently, a sex worker who claimed more than \$1,000 on expensive underwear and grooming, was not allowed the deduction.

Phone **13 28 66** or contact your tax agent about the tax status of other items you have purchased for your work. The link below will take you to a document called '**Tax help for people working in the adult industry**'.

<http://www.ato.gov.au/businesses/content.asp?doc=/content/69324.htm>

Tax Office Right of Entry to the Workplace

Officers from the ATO can enter the premises where you work and access records if they have a written authority from the ATO. ATO officers should have photo identification and explain what they want. Normally notice would be given of a visit from the ATO and they should deal with your employer's (or your) accountant first.

If the ATO requests information from you, you have the right to:

- ▲ be fairly treated
- ▲ have any personal information kept safe and secure
- ▲ see any information held about you by the ATO
- ▲ ask why personal information is required
- ▲ ask what authority the ATO has to request information
- ▲ the right to an interpreter.

The ATO has wide access to workplaces and wide information gathering powers. There are situations where the ATO has decided that urgent access to a workplace is appropriate, and warning has not been given. This may be because of a reasonable belief that the existence or integrity of documents, information or goods is under threat. Urgent access requires the approval of a senior tax officer. In these cases ATO give you reasonable time and opportunity to consult your representative after the urgent access. If you are subject to an enquiry or audit: <http://www.ato.gov.au/corporate/content.asp?doc=/content/25923.htm> .

The Taxpayers Charter outlines your rights and obligations.

<http://www.ato.gov.au/content/downloads/N2548charterweb.pdf>

If you have a complaint about the behaviour of ATO staff, either phone 13 28 70, the National Complaints Line 1300 362 072 or contact the Taxation Ombudsman GPO 442 Canberra 2601.

As a sex worker you are entitled to a working environment that is safe and without risks to your health.

The *Occupational Health and Safety Act 2004 (Vic)* (OHS) applies to most workplaces, including brothels and mobile work locations. Under the OHS Act an employer has to keep the workplace safe and without risks to the health of both employees and independent contractors working there. This includes sub-contractors as well as casual, part time and full time employees. This means employers have to provide safe systems of work, training and instruction, suitable facilities like toilets and kitchens, safe access to and from the workplace and have to consult with employees when introducing measures that affect their health and safety.

Employers must also make sure that other people, such as clients or members of the public, aren't exposed to any risks to their health and safety from the work and how it is being done.

WorkSafe Victoria is the authority responsible for enforcing Victoria's occupational health and safety laws. Employers have to report certain things to WorkSafe Victoria, such as when there is a serious workplace incident and someone dies, or needs to be admitted to hospital or have other immediate medical treatment. WorkSafe can prosecute employers who don't meet their obligations under occupational health and safety laws. WorkSafe inspectors have the power to enter any workplace at any time and carry out investigations. Employers and others in the workplace are required by law to assist inspectors and it is an offence (with heavy penalties) for any person to obstruct an inspector, for example by assaulting or intimidating them.

Workers in a workplace also have a responsibility to work safely and not do anything that could injure themselves or other workers. For example, a worker should be using any protective equipment provided by the employer.

If you want advice about health and safety standards in a workplace, call the WorkSafe Advisory Service on 1800 136 089.

The PCR set out some requirements that are intended to minimise potential harm to workers, but the occupational health and safety of sex workers and their workplaces is governed by the OHS. See section on Safety in Brothels.

If you are injured at work

You may be entitled to compensation if you are injured in the course of your employment. You may be able to claim compensation for injuries that are physical or psychological.

Full time, part time and casual workers are covered under workcover. If you are defined as an independent contractor, you may not be eligible for compensation. If you think you might be an independent contractor, or if your employer tells you that you can't get compensation because you are an independent contractor, get legal advice straight away. JobWatch is an employment rights CLC which operates a free and confidential telephone information line. Contact details are in the back of this booklet.

It is up to employers to have workers compensation insurance for their workers. If they haven't, it is a serious offence, but you will still be covered. You can ring the WorkSafe Advisory Service for free advice if you have any queries.

When you are hired, the employer can ask you to tell them about any injury or illness you have which might be affected by the kind of jobs you will be doing. The employer must inform you, in writing, what duties the job involves and what happens if you don't disclose this information. If you don't give this information and the injury or illness comes back or gets worse, you will not get workcover compensation for that injury.

If you get a work-related injury or illness, you must report it to the employer within 30 days of becoming aware of it. Report it to your supervisor (eg the approved manager) and do it before you leave work, if possible. Make sure the following information gets entered in the register of injuries, that the employer is supposed to keep:

- ▲ your name and job
- ▲ the time and date of the injury or illness and your exact location when you were injured or became ill
- ▲ how the injury or illness happened, the nature of the injury or illness and what parts of your body were affected
- ▲ the names of any witnesses to the injury or illness
- ▲ the date you notified your employer and the name of any person who is filling in the register on your behalf.

If there's no register of injuries in the workplace, or if you can't get access to it, give notice to the employer in some other way, as long as it includes the above information, and is in writing.

The employer must tell you in writing that they have been notified of your injury or illness.

If your claim is accepted WorkSafe will pay reasonable medical and similar costs and weekly benefits if you have to have time off work. (If you need time off work, get a medical certificate from a doctor and give it to the employer. You can't get weekly benefits without one.)

A seriously injured worker also has a right to sue a negligent employer for common law damages.

If you are injured whilst travelling to or from work you are not covered by workcover but you may have a claim under the *Transport Accident Act 1986* (Vic).

Some legal actions for compensation for workplace injuries get tricky. Get advice from a solicitor with good experience in compensation cases. Don't be put off just because your work is sex work.

If you want more information on health and safety at work and making a workcover claim, check the Worksafe Victoria website: www.worksafe.vic.gov.au.

Sexual Health

If you want to make money from sex work you need to be able to work when you want to. That means being free of Sexually Transmitted Infections (STI)*, including HIV, so you don't lose time off work.

Sexually transmitted diseases (STD)* are defined in r.6 of the PCR and the list can change. At July 2008 STDs were defined to be:

- ▲ HIV (as defined in s.3 *Health Act 1958* (Vic) (HA))
- ▲ Genital and anal herpes (when lesions are visible)
- ▲ Genital and anal warts (when lesions are visible)
- ▲ Chlamydia
- ▲ Gonorrhoea
- ▲ Infectious Syphilis
- ▲ Chancroid and Donovanosis: these are two tropical conditions that are very rare in Victoria.

* STI means the same as STD

It's an offence to do sex work if you know you are infected with an STI. If you do you can be fined up to 20 penalty units (s.20 PCA). Working while knowingly infected with HIV is a serious offence and can amount to conduct endangering life, with penalties of up to 10 years imprisonment. You could also become the subject of a control order which would restrict your movement and activities.

If you are charged with working while infected with an STI, it will be presumed by the courts that you were aware of it. A defence to this charge, if proven by you, is that you believed on reasonable grounds that you weren't infected with an STI. You must also prove that you have been having blood tests every three months and swab tests for STIs monthly.

Under the law, sex workers, and not the brothel they work for, are responsible for their own STI check-ups (s.20 PCA). However the brothel operator still faces penalties of up to 50 penalty units if you are working while infected.

You are not supposed to work if you have an STI. Under provisions in the CA you can be jailed for up to 10 years for knowingly transmitting or exposing others to the risk of HIV (ss.22 & 23).

Under the HA, you can be fined up to 200 penalty units for knowingly transmitting or exposing others to the risk of HIV (Ss.120 & 121). The DHS has guidelines for the management in Victoria of people living with HIV who put others at risk. The guidelines outline a process, starting with measures such as counselling and support, to encourage people with HIV to change any behaviour (such as unsafe sex and needle sharing) that is risking the spread of HIV. Partner Notification Officers (also known as contact tracers) with DHS can offer support and assistance with linking a person in with other services. If after warnings, a person is still putting others at risk of HIV infection the Chief Health Officer, exercising powers

under the HA, may make a legally binding order placing restrictions on a person's behaviour, activities or movements. As a last resort the Chief Health Officer may order a person be detained and isolated from other members of the community. If you are placed under an order of the Chief Health Officer you have the right to request a review (s.122) or to appeal through the courts. Contact RhED for more information if these issues affect you or your local CLC for legal advice.

Trichomoniasis is a sexually transmissible infection although it is not named in the regulations. Candidiasis or thrush, though not an STI, can be transmitted by sexual contact.

If you work in a licensed brothel, the licensee or approved manager is legally obliged to supply you with:

- ▲ medically accurate information about STIs so that you can work safely. They must also provide this information in a variety of languages to both sex workers and their clients (r.31 HIDR, maximum fine 20 penalty units)
- ▲ a readily accessible free supply of condoms and water based lubricants for sex workers and clients and must not discourage use of condoms (r.27 & 28 HIDR, maximum fine 50 penalty units);
- ▲ clean linen and towels for the use of each client (r.32 HIDR, maximum fine 20 penalty units)
- ▲ baths or showers, cleaned and disinfected after each use, for the use of sex workers and clients (r.33 HIDR, maximum 20 penalty units).

At least once a year DHS officers will inspect a brothel (r.34 HIDR). Employers also have obligations regarding safety under OHS legislation.

An escort agency, brothel or other prostitution business is not allowed to let you work if they know you have an STI. The fine is up to 50 penalty units. The licensee or approved manager may ask you to provide proof of regular STI checks in case they are ever charged with this offence (s.19 PCA).

This does not mean that you have to give your employer results of any STI test. Most workers provide a Certificate of Attendance from their doctor, making sure there is no medical information on it.

If a licensee or approved manager displays a Certificate of Attendance or uses STI test results to make a client believe that a worker is STI free, they are liable to a fine of up to 50 penalty units (r.30 HIDR). You should contact CAV if your personal information is being displayed.

Any information you give your employer about your health is confidential. Your employer must not share this kind of information without your consent. If they do, they are breaking the law (s.119(a) HA).

You can get free and confidential STI testing from the Melbourne Sexual Health Clinic and from other clinics listed at the back of the booklet or <http://www.mshc.org.au/>. The Melbourne Sexual Health Clinic offers a clinic offsite for street sex workers at RhED (10 Inkerman Street, St Kilda). This clinic is available on Friday from 6:30pm to 9:30pm. You can also contact RhED for more information about STIs.

Sexual Harassment

Under the EOA it's against the law to sexually harass another person in various situations, including at work. Sexual harassment is behaviour of a sexual nature that's uninvited or unwelcome, in the circumstances where any reasonable person could see that it might offend, humiliate or intimidate you. Sexual harassment is unlawful whether your job involves sex work or not.

If an owner or manager wants to touch you or have sex with you when you go for a job, they are sexually harassing you. Having to have sex with the boss, or putting up with their requests for unpaid sex, is not part of any sex worker's job! It doesn't make any difference whether you are an employee or a contract worker.

If a co-worker sexually harasses you in the above way, they are also breaking the law.

You can make a complaint about sexual harassment to the VEOHRC. An advocacy or support organisation (as a representative body) can now make a complaint to the Commission on your behalf.

You can also make a complaint if you are being threatened with the sack or unfair treatment for standing up for your rights, or sticking up for someone else who is being harassed. You should seek advice using the VEOHRC telephone help lines if this is happening to you.

The VEOHRC looks into complaints and tries to help resolve them. Through this process you might be able to reach an agreement about how to stop the harassing behaviour and put things right. Examples of agreements are an apology, getting a job back if you were sacked or forced to resign, compensation for lost wages, a commitment from the person to change their behaviour or for them to take part in equal opportunity training.

If conciliation doesn't work or if the VEOHRC rejects your complaint, you have an option to take your complaint to VCAT for a hearing.

You might also have grounds for a complaint under federal laws through the Federal Human Rights and Equal Opportunity Commission. You should get legal advice about whether to apply under Federal law or the Victorian law. In most cases, the time limit for making a complaint under either law is 12 months from the time the harassment occurred.

Contact the VEOHRC if you want more information about sexual harassment and what you can do about it. Centre Against Sexual Assault (CASA) workers are also able to advise, counsel and advocate for victims of sexual harassment. See the services directory.

Safe Space

Your right to feel safe in your personal life should never be compromised because of your job. You don't have to put up with threats, abuse, violence or harassment just because you are a sex worker.

Blackmail

If a client threatens to expose you as a sex worker unless their demands are met (such as paying them money or providing free services) they are committing a serious offence. Depending on the circumstances they could be charged with blackmail or unreasonable demands with threat. Get advice from a lawyer or contact RhED for referral to a community legal centre. A person who complains of blackmail has their identity protected throughout the court proceedings.

Stalking

If a client wants more from your relationship, won't take no for an answer, or is harassing you, you may be able to take legal action against them for stalking.

It's a criminal offence if a person stalks another person with the intention of causing them physical or mental harm or of arousing an apprehension or fear in that person for their safety (or the safety of another) (s.21A CA).

Stalking can be when someone repeatedly follows you, telephones you or sends email or text messages, electronically publishes material about you, leaves you offensive material, hangs around your house or workplace, keeps you under surveillance or any other repeated behaviour that makes you fear for your safety or for the safety of someone close to you. The behaviour must cause you some mental or physical harm, or real apprehension or fear.

If you have been stalked you can apply for an intervention order at any Magistrates' Court. An intervention order can protect you by imposing restrictions or prohibitions on the person stalking you. If the Court finds on the balance of probabilities that stalking has occurred (even if the person has not been charged or convicted of the offence of stalking) an intervention order can be made. You should seek legal advice from your local CLC.

Note: The *Stalking Intervention Orders Act 2008* (Vic) came into effect on the 8th December 2008. The Victorian Government plans to conduct a review of the current stalking intervention order system. If you think you need to apply for an intervention order you should seek legal advice from your local community legal centre.

Family Violence

You can take action against your partner if they are violent or abusive towards you. It doesn't matter if you and your partner are married, defacto, boyfriend or girlfriend, same sex or opposite sex. You can also take action if an ex-partner, child, parent, relative or member of your family is violent or abusive toward you.

The *Family Violence Protection Act 2008* (Vic) (FVPA) commenced in December 2008 and defines 'family member' or a person regarded being as like a family member more broadly. It also defines 'family violence' more broadly, including behaviour such as causing or threatening to cause the death of an animal so as to control, dominate or coerce the family member.

Family violence includes emotional, sexual, psychological, verbal, financial and physical abuse, harassment, property damage or threats to do any of these things. You can contact the police who may charge the person who is being violent.

Most family violence incidents occur at night or on weekends. A code of practice exists regarding police response to family violence situations. There is a pro arrest policy for after-hours disturbances and a system to enable police to obtain an intervention order at such times.

You can apply for an Intervention Order against the person at any Magistrates' Court or the police may apply on your behalf.

Intervention Orders and Family Violence

If a Magistrate believes that a person has been subjected to family violence a Family Violence Intervention Order (FVIO) may be issued for that person's safety.

The conditions of a Family Intervention Order can restrain or prohibit a person (the respondent) from:

- ▲ assaulting, harassing, molesting, threatening or intimidating you
- ▲ approaching, telephoning or contacting you
- ▲ coming to your house, place of work or any place where you spend a lot of time
- ▲ coming anywhere near your street or suburb
- ▲ damaging your property
- ▲ getting another person to do any of the things that the Order covers
- ▲ carrying, possessing or using a firearm.

The restrictions in FVIOs are not all the same. Your particular situation will be taken into account by the Magistrate, so it is wise to obtain advice before an application is heard by the Court. In deciding the conditions to be included in a family violence intervention order, the Court must give paramount consideration to your safety and any children. If the Court decides to make a family violence intervention order, the Court must consider whether to include a condition excluding the respondent from your residence. If a final family violence intervention order includes an exclusion condition excluding the respondent from a residence, a protected person can apply for an existing tenancy agreement to be terminated and a new tenancy agreement to be entered into with the landlord.

The Magistrate will also have to consider, amongst other things, the welfare of any children. Children who have heard, witnessed or otherwise been exposed to family violence can be placed on the order as well. If you have children see the section on Sex Workers, Children and Family Law.

It's important to apply as soon as possible after the incident. It's also very important to gather evidence as soon as possible. Proof of the incident must be made available to the Court through evidence given by witnesses, police, doctors, social workers or anyone else aware of the circumstances. Anyone who provides a report may also need to be available to give evidence at the Court.

The Magistrate may specify the period of time the Order is to remain in force against the respondent. If no period is specified in the Order, it remains in force until it is revoked by the Court or set aside on appeal. This will depend on the circumstances of the case. If your circumstances change you can go back to the Court to have the terms of the Family Violence Intervention Order varied (extended or with new terms) or to have the Order revoked.

A FVIO made in Victoria is only enforceable interstate if you register it with the Courts in that other State. Breaking the terms of an Intervention Order is a crime. It's called a breach. Contact the police if an Order is breached.

Applying for an Order

If you want to apply for a FVIO you can fill out a complaint form at any Magistrates' Court. Alternatively the police may make an application on your behalf if they believe you are in danger. Even if you decide you do not want an Order made, the police may decide to go ahead with an application for an Order. Call on a friend, relative or the Court Registrar to help you if you are making the application yourself. A worker from the Domestic Violence Outreach Service in your area can provide excellent support when filling out an application for an Order (contact the Women's Domestic Violence Crisis Service listed in the services directory).

The Court Registrar organises the police to issue the respondent with a summons to appear in Court. It will generally take a couple of weeks for the final hearing in Court. If immediate protection is needed, an 'Interim Order' can be made, which will protect you from the time the order is made and served on the respondent (ie. given to the other party by the police) until the hearing date for the 'Final Order'. If the person is violent or dangerous, a warrant may be issued for their arrest.

Sex Workers, Children and Family Law

Some Courts have FVIO schemes where you can get free legal advice and representation. For advice about FVIO and how to obtain one, contact your local CLC or one of the family violence services listed in this booklet.

The Family Violence Court Division was introduced in 2005 at Heidelberg & Ballarat Magistrates' Courts to make the process of applying for an intervention order easier, by having support services available to improve safety and assist in overcoming the trauma that is caused by family violence.

The Family Violence Court Division has the following services:

- ▲ Special support services located at the court to help people with their case. These services include advocacy, referral, increased legal services and links from the court to key family violence support organisations in the community.
- ▲ Specially assigned Magistrates, trained applicant support workers, family violence outreach workers, additional legal services from VLA and CLCs dedicated prosecutors and additional security officers. A Family Violence Court Registrar coordinates these services at the court.
- ▲ Magistrates, family violence registrars, police prosecutors, applicant support workers, defendant support workers, outreach workers and lawyers have special training and knowledge in family violence matters.
- ▲ An increased focus on recognising and responding to the needs of applicants from culturally and linguistically diverse (CALD) communities, Indigenous applicants and applicants with a disability, as well as children affected by family violence.
- ▲ The Magistrate can hear other matters at the same time as hearing intervention order cases. These include bail applications, pleas in criminal cases, family law parenting orders and compensation applications that are related to family violence.
- ▲ In some cases, the Magistrate can order men who use violence against their partners or former partners to attend a special counselling program (men's behavioural change counselling program) to change their violent and abusive behaviour.

Specialist Family Violence Services operate at Magistrates' Courts in Melbourne, Sunshine, Frankston and Moorabbin.

Note: FVPA came into effect on the 8th December 2008. If you think you need to apply for a family violence intervention order you should seek legal advice from your local CLC or Women's Legal Service Victoria.

If you've got children from a relationship that has broken up, and your ex-partner wants to have time with the children, you will need to agree with him or her about arrangements and responsibilities for the children. You can use counselling, mediation, or negotiate privately, with or without the help of lawyers.

If an agreement can't be reached you or your ex-partner can apply to the Family Court or Federal Magistrates' Court for a Parenting Order (PO). An Order can deal with all the duties, powers, responsibilities and authority which by law, parents have in relation to children. A PO may deal with:

- ▲ the person or persons with whom a child is to live
- ▲ the time a child is to spend with another person or other persons
- ▲ the allocation of parental responsibility for a child.

The Family Court won't take your children from you or restrict your time with them just because you are a sex worker. Lots of things are considered in making the decisions about where the children will live, who they will see and who and how decisions will be made for the daily care, welfare and development of the child. Long term decision making usually remains shared between the parents.

There are two ways to have parenting orders made by the court:

Consent orders: These are orders that both parents agree on. They must be signed by both parents and submitted to the court for approval. Both parents should get independent legal advice before signing the orders.

Consent orders can be entered into without putting an application into the court. However if you or the other parent have applied to have the matter heard in court, you can still stop the proceedings and enter into consent orders at any time.

There are services which will help you reach an agreement about consent orders. You do not have to talk directly to the other parent to come to an agreement. Discussion can take place through your solicitors or anyone else who is helping you.

Court ordered agreement: If you are unable to agree about parenting orders, the matter may end up in court. This will be because either you or the other parent initiates court proceedings.

Court proceedings can be very expensive and take a long time, so it is best if both parents can come to some agreement.

New family law legislation means that a matter now cannot proceed straight to court without the parties first going through mediation (there are some exceptions to this, for example where there is family violence).

Always speak to a solicitor if you wish to initiate an application, or if documents have been served on you by the other parent. CLCs can give you advice about family law matters, although very few can represent you in court. VLA might provide you with a lawyer if you qualify for legal aid (see the services directory).

What the Court Considers

Family law matters are usually determined in the Family Court or Federal Magistrates' Court. Interim (temporary) or final orders can also be made in the State Magistrates' Court.

The Court's decision will be based on what it considers to be in the child's best interests. Some of the factors **the court** will consider are:

- ▲ where the child is living now and the effect of the disruption if that was to change
- ▲ the effect of separating the child from a parent, brother or sister, or other family member
- ▲ the need to protect the child from child abuse, ill treatment or violence, and whether there is an existing family violence order
- ▲ how well either parent would look after, and provide for, the child in the future
- ▲ the background and culture of the child
- ▲ what the child wants to do, depending on the age, maturity and understanding that the child has
- ▲ any other matter the Court considers relevant.

The laws are the same for all children including children of de facto couples, children of gay/same sex couples, children of married couples and children of girlfriend/boyfriend relationships.

If you think there's a risk that a child may be taken from you without your consent, get legal advice immediately. You may need to apply urgently for Court Orders.

If you need to leave home and you want a child to live with you in the future, you may need to take the child with you. Get legal advice, preferably before you leave, so that the right applications for Court Orders can be made.

If there is a dispute about who the father is, the Court can order a DNA test if a person is refusing to agree to a test voluntarily.

Contact your local CLC or VLA for free advice about family law issues.

Changes to Family Law

In 2006 the Federal Government introduced significant changes to family law that will impact on separating parents. The *Family Law Amendment (Shared Parental Responsibility) Act 2006 (Cth)* introduced the presumption of **equal shared parental responsibility** after separation, and requires compulsory participation in family dispute resolution.

The presumption of 'equal shared parental responsibility' means that **both parents** make the major decisions about a child's life (such as education, religion, health issues and where they live). It is a requirement that parents consult with one another before making decisions about major issues like these. However, the presumption does not apply in cases where it would not be in the child's best interests, which is the paramount consideration.

Mediators, counsellors and legal advisers will be required to assist parents to consider a starting point of equal time where practicable. There will be an obligation to consider whether it is in the best interests of the child and reasonably practical for a child to spend 'equal time', not just 'substantial' time with both parents.

Newly established Family Relationship Centres (FRC) provide dispute resolution services for separating parents. If there is family violence or child abuse, dispute resolution is not appropriate and separating parents should not be required to attend.

Also, in cases of family violence or child abuse, there will be a presumption against shared parental responsibility.

The new approach is two pronged:

- ▲ that children are entitled to a meaningful relationship with both parents and
- ▲ children should be protected from violence.

It is designed to achieve the primary goal of putting the BEST INTERESTS OF THE CHILD first.

Family Relationships Online provides all families (whether together or separated) with information and advice about family relationship issues. It allows families to find out about services that can assist them and provides information on the Government's reforms to the family law system.

<http://www.familyrelationships.gov.au/>

The Family Relationship Advice Line (1800 050 321) provides any person affected by family relationship issues or separation, information and advice on parenting arrangements after separation. It complements the information and services offered by the new FRCs. It ensures that people who are not able to attend a Centre can be helped. It can also refer callers to local family dispute resolution practitioners.

Sexual Assault

Child Support Scheme

The Child Support Agency (CSA) provides information to help parents manage their financial child support responsibilities following separation or divorce. For practical help contact the CSA on 131 272 or access their regular newsletter on the CSA website (www.csa.gov.au).

To make an application for child support and discuss details about your children and their level of care, you need to provide details of the other parent, proof of parentage, time spent by the children with each parent and taxable income.

Child support can be either collected through the CSA or a private arrangement between parents. Child support is calculated according to a formula and a number of variables. Each party's taxable income is the starting point. If a parent is unhappy with a child support assessment as to how much is payable, then there is a right of review to the Social Security Appeals Tribunal. The amount of child support paid also affects family payments and other Centrelink benefits. You can access 'Me and My ...' publications to provide helpful information at <http://www.csa.gov.au/publications/index.aspx>

New Children, Youth and Families Act 2005 (Vic)

The DHS can now seek to have your child put into permanent care with a Permanent Care Order where:

- ▲ A child has not been in their parent/s care for the past 6 months or at least 6 out of the previous 12 months rather than two out of three years as previously **and**
- ▲ The parent is unable or unwilling to resume custody and guardianship **or**
- ▲ It is not in the child's best interests for the parent to resume custody and guardianship **and**
- ▲ The proposed permanent carers are suitable and willing and able to take on custody and guardianship **and**
- ▲ The wishes and feelings of the child have been given due consideration having regard to the age and understanding of the child; **and**
- ▲ The best interests of the child will be promoted by making the order.

If your child is placed in care you will be asked to sign a voluntary care agreement.

Do not sign anything until you seek legal advice. For a referral to a solicitor contact the Law Institute Referral Service on 9607 9550.

You are entitled to respect, even from someone who's paying for sexual services, and from anyone else you are in a relationship with. Your safety is really important and abusive behaviour can be damaging. You can expect a serious and consistent response from police if you call them to protect you.

You are the only person with the right to control your own body. Whether your work involves sex or not, you have a right to expect that your body will not be assaulted.

Sexual assault is sexual activity that you have not agreed to. Sexual assault is a crime. Sexual offences include rape and indecent assault.

Rape means sexual penetration without your consent. This means when the person is aware that you are not consenting or might not be consenting, or is not giving any thought to whether or not you're not consenting or might not be consenting. It's also rape if the person doesn't withdraw as soon as he/she realises you are not freely agreeing, or might not be, to the sexual penetration. Rape is also when someone compels another person to take part in an act of sexual penetration (penetrating someone else or themselves) with or without their consent (s.38 CA).

Sexual penetration means penetration, to any extent:

- ▲ by a penis into a vagina, anus or mouth
- ▲ by another part of the body (such as a tongue or finger) into a vagina or anus
- ▲ by an object into a vagina or anus.

(Vagina includes surgically constructed vaginas and external genitalia).

Sexual assault is a criminal offence:

- ▲ whether any semen is ejaculated or not
- ▲ even if you've had sex with the person some other time
- ▲ even if you agreed to another type of sexual service (eg you may have agreed to vaginal penetration but this doesn't mean you agreed to anal penetration)
- ▲ whether you're a sex worker, community worker or construction worker
- ▲ whether you're female, male or transgender.

Indecent assault includes sexual acts other than penetration without your consent or against your will (for example, being touched on the bum or breasts or being forced to watch a sexual act).

Sexual assault against men

Fifteen per cent (15%) of service users at CASA are men, predominantly victim/survivors of child sexual assault perpetrated against them by men and adolescent boys. Some common misconceptions about men and sexual assault include:

- ▲ A strong man can't be raped
- ▲ He must have consented
- ▲ Men are perpetrators of sexual assault not the victims
- ▲ Only gay men are raped
- ▲ Only gay men rape other men.

Beliefs such as these can be barriers to men accessing support and counselling. Men and transgendered can be sexually assaulted and they should seek help. There are specialist sex assault workers in the police. Your local CASA can provide treatment, counselling, medical information and referral.

Same Sex Sexual Assault

Reporting sexual assault to police can be a daunting experience. If the sexual assault is committed by someone of the same sex as you it can increase the anxiety. Victoria Police have Gay and Lesbian Liaison Officers (GLLOs) who provide discreet advice and assistance in the reporting of the assault, as well as referral to appropriate counselling services. For a full list of GLLOs visit the police website at www.police.vic.gov.au or call 9247 6944.

Taking Action

If you are sexually assaulted you will need to make decisions about four areas:

- ▲ getting medical attention
- ▲ reporting the assault formally to police
- ▲ getting counselling or support and
- ▲ letting other workers know about the assault.

Sex workers have a legal right to report sexual assaults and to expect that, if possible, the offender will be brought to court. Because of community attitudes about sex workers, reporting a sexual assault may involve difficult decisions. Remember that no one can force you to take action about a sexual assault. No one can prevent you from reporting a sexual assault. It's your choice. Victorian Sexual Assault Crisis (SACL) line 1800 806 292 can provide counselling to help you decide if you want to make a report.

When you're going through the process of figuring out whether the assault is one you want to report, getting specialist support is important. You can make a report about a sexual assault in a number of ways. They include contacting:

CASA

There are CASAs in every region of Victoria, and there's a 24 hour crisis line listed in this booklet. Mostly staffed by women, CASAs provide excellent support and care through any medical, forensic, legal or police procedures. CASAs can also walk you through options you may have to get compensation or assistance as a victim of crime. You don't have to give your name or personal details when you contact a CASA.

Local police

You can contact your local police station. If the assault is within the last 72 hours, police are required to contact the local Sexual Offences and Child Abuse (SOCA) Unit, CASA and Crisis Care Unit. You can also phone 000 or **11444** (Intergraph). Intergraph allocate a case number and refer it to an appropriate police unit. In this way you can be assured that the report doesn't just get 'overlooked'.

SOCA UNIT

SOCA Units are organisations within Victoria Police that deal with all sexual assaults recent and past. They are required to take a victim of sexual assault to a CASA Crisis Care Unit within two hours of their first contact with the victim. They are specially trained to deal with sexual assault matters. They take statements, explain police procedure and contact the forensic doctor if required. They will also stay involved with you through legal proceedings.

CRISIS CARE UNITS

Crisis Care Units are a suite of rooms attached to a CASA where victims of recent sexual assault can receive counselling, medical assistance, meet with Police and obtain information. There are five metropolitan Crisis Care Units. These are at Monash Medical Centre Clayton, The Austin Hospital, Royal Women's Hospital, Western Hospital Sunshine and SECASA's Frankston Peninsula Sexual Assault Centre.

If you decide to make a report here's some tips:

- ▲ By reporting a sexual assault you are not committing yourself to taking further action. Making a 'no complaint' statement means that you don't want to take further action for the time being (though it may be possible to have the matter investigated at another time). Police are entitled to ignore that you do not want the assault further investigated and go ahead anyway if they think it is in the public interest to pursue an offender. It is not your decision whether or not to 'press charges'.

- ▲ You may be asked to have a medical examination or to have samples taken for evidence or to provide clothing to be tested for evidence. Until you know if this is required, try not to wash yourself or your clothes, drink, or go to the toilet - even though the urge may be strong. This will help preserve evidence that can assist you. You can take someone along for support during the medical examination. This person may be a friend, family member or someone from a sexual assault service.
- ▲ Making a signed statement is part of making a complaint and it can take a long time. Try and organise your personal needs so that you have the time and focus to make a statement.
- ▲ If you can't make a statement at the time of reporting, be clear about when you can be available and try to follow through. You can stop making the statement at any time and have a rest. You can leave the police station at any time. You can also take someone along for support whilst the police take a statement. This person may be a friend, family member or someone from a sexual assault service.
- ▲ You should never sign anything you think is untrue, or that is not written down the way you want it to be. For example do not sign any statement without adequate information, particularly if it says you were 'not assaulted' or if it indicates 'no further police action' or 'no complaint'. The statement should be a complete record of events in your own words. If your recollection of events was unclear when you made the statement or you wish to add or change something in the statement, you should contact your support person, the police, or a lawyer.
- ▲ A detective in the area in which the offence took place should follow up the complaint. Make sure you are told the name and number of the investigating detective at the time you make your complaint. Stay in touch with the investigating detective and let him/her know how you can be contacted - 'no further action' is sometimes the end result when the police can't find you.
- ▲ If there is sufficient evidence for the case to proceed to court you may be called to give evidence relating to your statement. You may be cross-examined on your evidence. Talk to someone at a CASA about supporting you through this process. For more information about the court process talk to RhED or a CLC.

Counselling and Support

When someone is sexually assaulted they can feel shock, terror, get sick, lose self esteem, have relationship problems or feel humiliated and degraded. These are normal feelings in an abnormal situation. These feelings may last for a short time or a long time.

When your profession involves negotiations to provide a particular sexual service, with particular limits, you need to stay confident that your control is absolute. Knowing that you can draw on that confidence whenever you want is important.

A sexual assault can undermine that confidence and affect your future work. Don't underestimate your need for support if you experience a sexual assault. Dealing with the feelings and developing survival strategies can make a difference to your future. CASAs provide counsellors for victims/survivors of sexual assault, regardless of gender.

Letting others know

If you are working with other sex workers, tell them what's happened. Letting someone else know about the assault is a good form of immediate debriefing and can get you started on the road to healing.

Let workers in other places know about the perpetrator/client through Ugly Mugs at the RhED Program. An Ugly Mugs report allows other workers to be aware (and beware) of clients who assault sex workers.

As soon after the assault as possible make a note of any distinguishing characteristics of the client, car, place of assault or other details. The police also pay attention to Ugly Mugs reports, particularly to track serial rapists.

Reporting an Assault: Improved Court Procedures

Many victims do not report a sexual assault for fear of being treated poorly by the legal system. If you have been sexually assaulted you should consider reporting it. Recent changes to the law regarding sexual assault are making it easier, fairer and less traumatic for victims to come forward and report a sexual assault.

Victims and witnesses can now be protected where necessary through new methods of examination and cross-examination. Amendments to the *Evidence Act 1958* (Vic) (EA) allow a complainant (the person who has reported to the police that she or he is the victim of an offence) to give their evidence via closed-circuit television or behind a screen so they do not have to face their attacker in court. Victims or witnesses (or their families) as 'protected witnesses' can no longer be cross-examined personally by the alleged attacker (s.37 EA).

All complainants can have someone beside them when they give evidence, whether inside or outside the courtroom.

The introduction of a specialist sexual assault list in the County and Magistrates' Courts has improved the speed and sensitivity of the process. Also, the Office of Public Prosecutions has a specialist sexual assault unit to improve the prosecution of sexual assault cases. The Witness Assistance Service (9603 7523) can also support witnesses and victims of the crime through the court process.

Many changes were made in 2006 to the laws regarding sexual assaults. These include changes to definitions of sexual assault and how victims are treated in court. If you are uncertain about reporting a sexual assault because you fear how you might be treated in court, or if you are uncertain whether you have been sexually assaulted, talk to someone at a CASA or at a CLC. They will be able to tell you more about the changed legislation.

Victims of Crime

If you have a physical injury or have suffered psychological or emotional trauma or loss because of an act of violence you may be entitled to financial assistance as a victim of crime. The act of violence must be reported to the police within a reasonable time. If the incident was not reported, or there was a lengthy delay special circumstances must be shown for your application to be accepted.

A violent crime includes a sexual offence, an actual or threatened assault or injury to a person, or the death of a person. The Victims of Crime Helpline (1800 819 817), run by the Victims Support Agency, provides information about entitlements and how to apply. The act of violence must have occurred in Victoria. If the incident happened interstate you can still seek advice as to where to apply for assistance.

Applications must be made to the Victims of Crime Assistance Tribunal (VOCAT) within two years of the act of violence (except in the case of certain childhood sexual assaults). Extensions can be granted in some circumstances.

To obtain a VOCAT Information and Application Guide, contact your nearest Magistrates' Court or call the Helpline on 1800 819 817. You can use a solicitor to prepare your application. The solicitor's fees will be paid by the Tribunal (unless the application is found to be completely without merit). VOCAT applications are heard by a Magistrate. For general legal advice, call the VLA Legal Information Service, on (03) 9269 0120 or 1800 677 402. For legal advice and assistance contact your local CLC or call the Law Institute Referral Service on 9607 9550 for a referral to a private solicitor.

Expenses and lost income

A primary victim may be awarded up to \$60,000, plus any special financial assistance, to cover expenses incurred. This maximum amount could include an amount for loss of income (up to \$20,000), medical, counselling, funeral or other expenses. You cannot claim for theft or damage to property.

Your entitlement to financial assistance through VOCAT may be reduced if you are financially assisted by other sources (for example WorkCover payments for lost income).

Special Financial Assistance

Special Financial Assistance is an extra lump sum payment available to primary victims, which can range between \$100 and \$10,000, depending on the seriousness of the offence and the impact on the victim. This is over and above the \$60,000 allowed for expenses.

The payment reflects the community's sympathy and condolence for, and recognition of, the act of violence suffered by the victims.

If a violent crime was committed after July 1st 2000 you may be eligible for this lump sum payment. Some victims of childhood sexual assault may be eligible for a lump sum even if the offence was committed before that date.

Urgent Interim Financial Assistance

If you have made an application and require urgent financial assistance, you can apply for an interim award as long as you supply certain supporting documentation. A request for urgent counselling must be accompanied by a psychological report. You should see a solicitor immediately if this applies to you.

Secondary and Related Victims

Financial assistance may also be available to a witness of a crime or to a parent of a child victim (they are referred to as a secondary victim). A related victim can also apply (where a close family member has died as a result of a violent crime, or where you had an intimate relationship with the person who died, or were financially dependent on them). Funeral expenses can also be awarded.

Financial assistance for secondary victims and related victims is less than for primary victims. Related victims who were financially dependent on a person who died as the result of a crime can also apply for 'Dependency Payment'. Related victims can apply to the VOCAT registry through the Melbourne Magistrates' Court. Primary and secondary victims must apply through their nearest Magistrates' Court.

An injury could be physical, mental or emotional. An injury could also be a pregnancy from a rape. If you are claiming a physical injury, see your doctor as soon after the violent crime as possible. If you are claiming for an injury resulting in mental impairment you will need to provide a report from a psychiatrist or psychologist. Get legal advice to determine whether your counsellor or another specialist should make a report for you.

Costs and Compensation from Other Sources

If the offender is convicted of a crime in which you were the victim you can ask the Court to order that the offender pay you compensation for pain and suffering, for expenses, for property loss or restitution of stolen goods. This involves getting a Compensation Order or a Restitution Order (under the *Sentencing Act 1991 (Vic)*) from the criminal court when the offender is found guilty.

Get advice as soon as possible after the crime about how, when and where to apply. Do not wait until the person is convicted. You can get advice from your local community legal centre or, if you have reported the crime to police, from the police investigator.

A victim may also be able to sue the offender by taking a civil action against them. You will need legal advice about how to proceed.

If the crime happened at work, you may be able to recover costs or get payments from WorkCover. If the crime involved a registered motor vehicle you may be eligible for payments from the Transport Accident Commission.

Payments from any one source will be taken into account when payments are made from another source, so that compensation or expenses are not paid twice.

Victims of Crime Counselling and Compensation Services

The Victims of Crime Counselling and Compensation Services offer counselling to help people recover from the effects of the crime. (9580 8129). To be eligible you must be:

- ▲ a primary victim of a violent crime (in Victoria in the past 2 years reported to the police)
- ▲ a related victim in the case of a homicide (in Victoria, in the past 2 years, reported to the police)
- ▲ a victim of domestic violence who has been granted an intervention order by a Victorian Court within the past 2 years
- ▲ a witness to a serious crime.

Sex Worker Programs

Victoria

RhED

(Resourcing Health & Education in the sex industry)

10 Inkerman St

St Kilda 3182

Phone: (03) 9534 8166 or

1800 458 752

Email: sexworker@sexworker.org.au

www.sexworker.org.au

Vixen

(Sex Worker Peer Support Network)

Email: vixen@nomasters.org

PO Box 3225, Richmond 3121,

Victoria

New South Wales

SWOP: (02) 9319 4866

South Australia

SIN: (08) 8334 1666

Queensland

WISI: (07) 3250 0251

West Australia

MAGENTA & SWOPWA:

(08) 9328 1387

Canberra

SWOP: (02) 6247 3443

Northern Territory

NTSWOP:

Darwin: (08) 8941 1711

Alice Springs: (08) 8953 3172

Prostitution Service Providers' Licensing

Business Licensing Authority

Victorian Consumer & Business Centre

113 Exhibition Street

Melbourne 3000

Phone: 1300 135 452

Interpreting Service: 13 14 50

www.bla.vic.gov.au

Consumer Affairs Victoria

Victorian Consumer & Business Centre

113 Exhibition Street

Melbourne 3000

Phone: 1300 558 181

Interpreting Service: 13 14 50

www.consumer.vic.gov.au

Sexual Health

Education and Resource Centre at the Alfred

(for information about Hepatitis,

HIV/AIDS and STIs)

Phone: (03) 9706 6993

www.hivhepsti.info

Hepatitis C Infoline

Phone: 1800 703 003

HIV/Sexual Health Connect

Phone: 1800 038 125

Melbourne Sexual Health Centre

580 Swanston Street

Carlton 3053

Phone: (03) 9341 6200 or

1800 032 017

Greenroom - HIV/AIDS

Clinic: (03) 9341 6214

www.mshc.org.au

Positive Women

Phone: (03) 9076 6918

Rural Sexual Health Clinics

Ballarat: (03) 5338 4540

Bendigo: (03) 5434 4300

Geelong: (03) 5226 7802

Traralgon: (03) 5173 8111

Wodonga: (02) 6051 7535

Victorian AIDS Council/Gay Men's Health Centre

6 Claremont St

South Yarra 3141

Phone: (03) 9865 6700 or

1800 134 840

Women's Health

Action Centre

Phone: 9654 4766

Family Planning Victoria

Phone: 9257 0100 or 1800 013 952

Women's Health Victoria

Phone: (03) 9662 3755

For regional Women's Health Services and for Community Health Services see your local telephone directory.

Workplace Injuries and Compensation

WorkSafe Victoria

Phone: (03) 9641 1444 or

1800 136 089

www.workcover.vic.gov.au

Family Violence Services

Domestic Violence Resource Centre Victoria (DVRVCV)

Phone: (03) 9486 9866

Immigrant Women's Domestic Violence Service (IWDVS)

Phone: (03) 8413 6800

WIRE – Women's Information Referral Exchange

Ground Floor, Queen Victoria

Women's Centre

210 Lonsdale Street

Melbourne

Phone: 1300 134 130

Women's Domestic Violence Crisis Service

Phone: (03) 9322 3555 or

1800 015 188 (24 hours 7 days)

Transgender Issues

Seahorse Victoria

Phone: (03) 9513 8222

(message bank)

The Chameleon Society of Victoria

Phone: (03) 9517 9416

(message bank)

The Gender Project

Phone: 0403 215 271

www.genderproject.net.au

Transgender Victoria (TGV)

Phone: (03) 9517 6613 (message bank)

Sexual Assault

NCASA (Northern Centre Against Sexual Assault)

Phone: (03) 9496 2240

SECASA (South Eastern Centre Against Sexual Assault)

Phone: (03) 9928 8741

For other regional Centres Against Sexual Assault see your local telephone directory.

Victoria Police Gay and Lesbian Liaison Officers

Phone: (03) 9247 6944

www.police.vic.gov.au

Victorian Sexual Assault Crisis Line

(24 hours - 7 days)

Phone: (03) 9594 2289 or
1800 806 292

Relationship Issues

Child Support Agency

Phone: 131 272

www.csa.gov.au

Family Court of Australia Counselling Service

Phone: 1300 352 000

Family Mediation Centre

Phone: (03) 9556 5333

Family Relationship Advice Line

Phone: 1800 050 321

www.familyrelationships.gov.au

Drug & Alcohol

DirectLine

Phone: 1800 888 236 (24 hours
7 days)

Syringe Disposal Helpline (24 hours - 7 days)

Phone: 1800 552 355

Turning Point

Phone: (03) 8413 8413

VIVAIDS

Phone: (03) 9329 1500

Industrial Relations

Australian Industrial Relations Commission

(unfair and unlawful dismissals)

Phone: 1300 799 675

JobWatch

Phone: (03) 9662 1933 or
1800 331 617

www.jobwatch.org.au

Workplace Authority

(wage rates and terms of
employment)

Phone: 1300 363 264

www.workplaceauthority.gov.au

Superannuation

Superannuation Info Line

Phone: 13 10 20

www.ato.gov.au/super

Tax

Australian Taxation Office

Phone: 13 28 61

www.ato.gov.au

Planning

Planning List

Victorian Civil and Administrative Tribunal

(for appeals against decisions by
local government about the use
of land)

Phone: (03) 9628 9777

Accessing the Law

Australasian Legal Information Institute

(internet information about all
commonwealth and state laws,
case law and legislation)

www.austlii.edu.au

Office of the Chief

Parliamentary Counsel

(to find the most up to date table
of penalty and fee units)

www.ocpc.vic.gov.au

Victorian Legislation and Parliamentary Documents

(laws and regulations about
prostitution in Victoria)

www.dms.dpc.vic.gov.au

Legal Advice

Alphaline

(crisis telephone service for young
people in a legal emergency and at
risk of going into custody)

Phone: (03) 9404 8800

(24 hours)

Communications Law Centre

(advertising and media issues)

Phone: (03) 9600 3841

Court Network

(for support at Court)

Phone: (03) 9603 7433 or

1800 681 614

Federation of Community Legal Centres (Victoria)

(for referral to individual community
legal centres)

www.communitylaw.org.au

Phone: 9652 1500

HIV/AIDS Legal Centre

(for people living with HIV/AIDS)

Phone: (03) 9863 0444

Law Institute Referral Service

(for referral to a private solicitor)

Phone: (03) 9607 9550

Refugee and Immigration Legal Centre

Phone: (03) 9483 1144

Victoria Legal Aid

For regional offices see your local
telephone directory

Phone: (03) 9269 0120 or

1800 677 402

www.legalaid.vic.gov.au

Welfare Rights Unit

(social security issues)

Phone: (03) 9416 1111

Women's Legal Service Victoria

Phone: (03) 9642 0877 or

1800 133 302

Victims of Crime**Project Respect**

Phone: (03) 9416 3401

(for illegal trafficking and sexual servitude)

www.projectrespect.org.au

Victims of Crime**Assistance Tribunal**

Phone: 1800 882 752

www.vocat.vic.gov.au

Victims of Crime Helpline

Phone: 1800 819 817

www.justice.vic.gov.au/victim-sofcrime

Victims Support Agency

Phone: (03) 8684 6700

Witness Assistance Service

Phone: (03) 9603 7523 or

1800 641 927

Cultural and Language Services**Multicultural Health & Support Service (at North Richmond Community Health Centre)**

Phone: (03) 9342 9720

Translating and Interpreting Service (TIS)

Phone: 131 450

For Regional Migrant Resource Centres see your local telephone directory.

Complaints

About Health and Medical Services

Health Services Commissioner

Phone: 8601 5200 or 1800 136 066

www.health.vic.gov.au/hsc

About Victorian and Local Government Services

Ombudsman (Victorian)

Phone: (03) 9613 6222 or

1800 806 314

www.ombudsman.vic.gov.au

About Commonwealth Government Services and the Australian Federal Police

Ombudsman (Commonwealth)

Phone: 1300 362 072

www.ombudsman.gov.au

About Discrimination

Australian Human Rights Commission

Phone: 1300 656 419

www.hreoc.gov.au

Victorian Equal Opportunity & Human Rights Commission

Phone: (03) 9281 7111 or

1800 134 142

www.humanrightscommission.vic.gov.au

About Lawyers

Legal Services Commissioner

Phone: (03) 9679 8001 or

1300 796 344

www.lsc.vic.gov.au

About Police

Victoria Police Ethical Standards Department: Police Conduct Unit

Phone: 1300 363 101

Office of Police Integrity

Phone: (03) 8635 6188 or

1800 818 387

www.opi.vic.gov.au

About False or Misleading Advertising

Consumer Affairs Victoria

Phone: 1300 558 181

www.consumer.vic.gov.au

About Licensed Brothels and Escort Agencies

Business Licensing Authority

Phone: 1300 135 452

www.bla.vic.gov.au

About Health and Safety in the Workplace

WorkSafe Advisory Service

Phone: (03) 9641 1444 or

1800 136 089

www.worksafe.vic.gov.au

About Superannuation

Superannuation Complaints Tribunal

Phone: 1300 780 808

www.sct.gov.au



Users guide to abbreviations used in LIP

Legislation and regulations referred to in LIP:

CA	Children, Youth and Families Act 2005 (Vic)
CA	Crimes Act 1958 (Vic)
CCA	Criminal Code Act 1995 (Cth)
DP&CSA	Drugs, Poisons and Controlled Substances Act 1981 (Vic)
EOA	Equal Opportunity Act 1995 (Vic)
EA	Equal Opportunity Amendment (Family Disputes) Act 2008 (Vic)
EA	Evidence Act 1958 (Vic)
	Family Law Amendment (Shared Parental Responsibility) Act 2006 (Cth)
FVPA	Family Violence Protection Act 2008 (Vic)
HA	Health Act 1958 (Vic)
HIDR	Health (Infectious Diseases) Regulations 2001 (Vic)
	Independent Contractors Act 2006 (Cth)
	Migration Act 1958 (Cth)
OHS	Occupational Health & Safety Act 2004 (Vic)
	Planning & Environmental Act 1987 (Vic)
PCA	Prostitution Control Act 1994 (Vic)
PC&OMAA	Prostitution Control and Other Matters Amendment Act 2008 (Vic)
PCR	Prostitution Control Regulations 2006 (Vic)
	Transport Accident Act 1986 (Vic)
	Sentencing Act 1991 (Vic)
	Stalking Intervention Orders Act 2008 (Vic)
	Victorian Justice Legislation (Sexual Offences and Bail) Act 2004 (Vic)
	Victorian Workers' Wages Protection Act 2007 (Vic)
WRA	Workplace Relations Act 1996 (Cth)

Government departments and other bodies referred to in LIP:

ATO	Australian Industrial Relations Commission
ATO	Australian Taxation Office
BLA	Business Licensing Authority
CASA	Centre Against Sexual Assault
CSA	Child Support Agency
CLC	Community Legal Centre
CAV	Consumer Affairs Victoria
CSA	Child Support Agency
DHS	Department of Human Services
DIAC	Department of Immigration and Citizenship
FRC	Family Relationship Centre
	Federal Human Rights and Equal Opportunity Commission
	JobWatch
	Office of Police Integrity
	Refugee Immigrant Legal Centre
	Social Security Appeals Tribunal
	Victims of Crime Counselling and Compensation Services
VOCAT	Victims of Crime Assistance Tribunal
VSA	Victims Support Agency
VLA	Victoria Legal Aid
VCAT	Victorian Civil and Administrative Tribunal
VEOHRC	Victorian Equal Opportunity and Human Rights Commission
	Women's Domestic Violence Crisis Service
	Women's Legal Service Victoria
	WorkCover Authority
	WorkSafe Victoria

Taxation terms referred to in LIP:

ABN	Australian Business Number
ABR	Australian Business Register
GST	Goods and Services Tax
PAYG	Pay As You Go

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Disclaimer:

The legal information contained in this publication is of a general nature and should not be relied on as a substitute for legal advice. To the best of our knowledge it was correct at the time of publication. LIP should be used only as a guide and you should seek legal advice from a qualified legal practitioner.

LIP

LEGAL ISSUES FOR PROFESSIONALS

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