

A DHHS Officer must produce their identity card for inspection at your request at any time. If the DHHS Officer is unable to produce their identity card, they must immediately cease any action or inspection and can be asked to leave the premises.



Their identity card is likely to have their logo on it, which at date of publication looked like this:

- » have a photo of the Officer;
- » be signed by the Officer; and
- » be signed by the Secretary of the Department of Health.

An identity card must:
 A DHHS Officer must produce their identity card for inspection before entering or begin an inspection.

Inspections may be done for the purpose of investigating whether there is a risk to public health or to manage or control a risk to public health. If you are working during an inspection, the owner/operator cannot stop a DHHS Officer from interviewing you.
 If you are being interviewed by a DHHS Officer while at work, the proprietor (i.e. person in charge) of the brothel must not be present.
 A DHHS Officer must produce their identity card for inspection before entering or begin an inspection.



The information in this booklet is of a general nature. **For detailed and up-to-date advice contact a lawyer.**

A full copy of this information sheet, including reference and source material, is available at skls.org.au

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A DHHS Officer can enter a premises at any time if they have:
 » written consent of the occupier, for example the landlord or brothel licensee;
 » a search warrant issued by a Magistrate; or
 » reasonable grounds to believe there is an immediate risk to public health.
 A DHHS Officer can, however, without consent or a warrant, enter a premises during a reasonable hour (9:00am to 5:00pm), or during hours of operation to inspect that all health and safety regulations and being complied with.

RIGHTS OF ENTRY

As a sex worker operating in a brothel or an escort agency, you have the right to expect your work environment to be safe for your health.
 Many government departments have the power to inspect workplaces to ensure they are operating safely. This information sheet looks only at the inspection powers of the Victorian Department of Health and Human Services (DHHS) and sets out its rights and responsibilities when inspecting brothels and escort agencies.
 DHHS is required under the Public Health and Wellbeing Act 2008 (Vic) (the Act) to inspect all licensed brothels at least once a year. They may also inspect escort agencies.

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DEALING WITH AUTHORITIES - THE DEPARTMENT OF HEALTH AND HUMAN SERVICES

USEFUL THINGS TO KNOW ABOUT: RIGHTS OF ENTRY IDENTIFICATION INSPECTIONS YOUR RIGHTS AND COMPLAINTS

INSPECTIONS

When inspecting a brothel, DHHS Officers will be checking to make sure that there is no risk to the health and/or safety of workers or clients. Things they might be checking include whether:

- » there is a free supply of condoms and water based lubricants readily accessible by sex workers and clients and that condoms are stored appropriately;
- » the brothel/escort agency proprietor is taking all reasonable steps to ensure that condoms are being used when required (i.e. in all encounters between a sex worker and a client that involves vaginal, oral or anal penetration);
- » brothel/escort agency proprietors have evidence that sex workers have attended required medical check-ups, but that any information about check-ups is kept private;
- » there is access to clean showers, baths and towels.
- » For more information about health and safety requirements, please see Division 10 of the Act – “Brothels and Escort Agencies”.

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YOUR RIGHTS

If anything is seized during an inspection by a DHHS Officer a receipt must be provided to either the person who owned the item, or to the person in charge of the premises.

It is also the responsibility of the DHHS Officer to take all reasonable steps to return the item within 3 months' time (unless court proceedings are underway). It is your responsibility to make sure the DHHS Officer has your up-to-date contact details so that this can occur.

It is an offence to interfere with a DHHS inspection. Answering questions does not make you legally responsible for any of the breaches you have spoken about.

COMPLAINTS

If you do not believe you have been treated appropriately by a DHHS Officer, including if you were denied respect, dignity or privacy, you are entitled to lodge a complaint. If you wish to lodge a complaint, consider the following steps:

- a. discuss with DHHS staff member or case worker;
- b. discuss with senior manager at local DHHS office;
- c. submit an online complaint to DHHS via its website.

If you are still unsatisfied, you may consider lodging a complaint in writing to:

- » The Secretary of DHHS; or
- » the Victorian Ombudsman.

You may wish to seek legal advice prior to lodging a complaint such as this, about whether there is a strong argument for a complaint, or if you need someone to help word the complaint as clearly as possible.

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What can a DHHS inspector look at/take?

After they have been granted entry to your premises, a DHHS Officer may:

- » inspect, examine, or make enquiries, at the premises;
- » examine or inspect any thing (including a document) at the premises;
- » bring any equipment or materials to the premises that may be required;
- » seize any thing (including a document) at the premises if they believe on reasonable grounds that:
 - it is required to decide whether the Act or its regulations have been breached;
 - the seized thing may be used as evidence; or
 - the seizure is required to minimise a risk to the health;
- » seal a premises or thing;
- » take a sample of, or from, any thing, at the premises;
- » analyse, measure or test any thing at the premises;
- » take any photographs or make any audio or visual recordings at the premises;
- » make copies of, or take extracts from, any document kept at the premises;
- » use or test any equipment at the premises; and
- » do any other thing that is reasonably necessary for the purpose of the authorised officer performing or exercising his or her functions or power under the Act.

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CONTACTS

If you have further questions about your rights, please contact the following organisations:

VIXEN COLLECTIVE

Vixen Collective promote the cultural, legal, human, occupational and civil rights of all sex workers. You can phone them on Vixen Collective's peer support line 0414 275 959 or email vixencollectivemelbourne@gmail.com.

RHED

Resourcing health & Education in the sex industry (RhED) provides site based and outreach services in collaboration with relevant programs and agencies. You can contact RhED by email sexworker@sexworker.org.au, via their website sexworker.org.au or call them on 1800 458 752.

ST KILDA LEGAL SERVICE (SKLS)

SKLS receives referrals for legal assistance from sex worker organisations. It provides free legal assistance to residents in the cities of Port Phillip, Stonnington and Bayside, and runs specialist programs including a Community Outreach Program, Family violence Program, and LGBTIQ Legal Service. You can contact them via email info@skls.org.au or phone on (03) 8598 6635.

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