

Visits by Government Departments

SWOP: Legal Facts Sheet

No. 7: Department of Immigration and Citizenship

1. What are my rights with government departments or authorities?

Everyone involved in the sex industry has legal rights when dealing with government departments and authorities—although these rights vary with each department. You have the right to:

- ask department officers to show their identification and any warrant to make sure the person is a genuine officer and has the necessary authority
- refuse government staff entry to your workplace if they do not have authority.

If you are not sure of your rights when a department representative visits you, ask them to explain the purpose of their visit and how you may be expected to help. You can ask to speak to the person's supervisor by phone to confirm their authority. You may also be able to reschedule their visit for another day and time, arranged by agreement.

If the business owner is not present, contact and tell them that a department officer wants to enter the premises.

If the government officer wishes to speak to individual sex workers and they have the powers to do so, then those sex workers may choose where and with whom they speak.

2. When DIAC staff come to sex services premises

DIAC staff must:

- provide identification
- show a current warrant for the address or for a particular person
- tell the person in charge (owner or approved manager) the purpose of the visit
- allow sex workers who they want to interview to dress appropriately before the interview starts
- be offered a private, confidential space for the interview
- conduct the interview with two officers who are the same sex as the interviewee.

DIAC may visit any workplace, including sex industry workplaces, to check that everyone has permission to work in Australia. They can ask for identification such as passport, drivers licence, student or Medicare card from everyone on the premises.

DIAC cannot ask workers to remove clothing, or do a body search. 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.

DIAC can work with other agencies such as the NSW Police or Australian Federal Police in visits to sex industry premises, particularly if they have safety concerns.



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3. People who do not have permission to work in Australia

You may be breaking immigration law if you:

- do not have permission to be in Australia because you have no visa or your visa has expired
- do not have permission to work because you are on a tourist visa
- are working outside the work restrictions in your visa—such as maximum work hours on a student visa.

BE AWARE: *People working illegally or in breach of their visa conditions can be sent to a detention centre and deported from Australia.*

It is a criminal offence for owners, managers and companies to knowingly employ people who do not have permission to work. Individuals who are convicted of these offences face fines of up to \$13,200 and two years' imprisonment while companies face fines of up to \$66,000 for each worker.

DIAC provides services for employers to check the work entitlements of new employees, such as the Visa Entitlement Verification Online (VEVO) service. VEVO is a free, internet-based system that allows employers to check the work entitlements of a visa holder online.

To contact DIAC phone: 13 18 81.

4. Where to go for advice

Immigration advice

IARC (Immigration Advice and Rights Centre) is a non-profit, community legal centre that provides free immigration advice to financially disadvantaged people in NSW. IARC is not part of the Department of Immigration.

Phone: (02) 9262 3833 between 2pm and 4pm on Tuesday or Thursday for telephone advice. Or for an appointment phone: (02) 9279 4300.

Sex worker information and support

SWOP (Sex Workers Outreach Project) provides a private and confidential service open to all people who engage in sex work. Phone: (02) 9319 4866 for more information.

Interpreting services

TIS (Translating and Interpreting Service) National is available 24 hours a day, seven days a week for any person or organisation in Australia requiring interpreting services. TIS is funded by DIAC and is generally a free service. Phone: 131 450.

For more information on your legal rights and responsibilities, grab a copy of SWOP's Sex Industry Legal Kit (currently available only in English).

You can download a copy from:
swop.org.au OR
phone (02) 9206 2166 | 1800 622 902 (free call)
and speak to a SWOP staff member.

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