

Issue 59 – July 2011

Illegal workers

Illegal workers are non-Australian citizens who are working in Australia without a visa, or who are in Australia lawfully but working in breach of their visa conditions. The only persons who can legally work in Australia are:

- Australian citizens
- Australian permanent residents
- New Zealand citizens who entered Australia on a current New Zealand passport and were granted a visa with work entitlements on arrival
- non-Australian citizens holding a valid visa with work entitlements.

According to the Department of Immigration and Citizenship, it locates a large number of illegal workers in the sex industry (along with the hospitality, agriculture, manufacturing, construction, transport, and retail industries).

It is an offence under the *Migration Act 1958* to knowingly or recklessly allow illegal workers to work, or to refer illegal workers for work. People convicted of these offences face fines of up to \$13,200 and two years imprisonment. Companies face fines of up to \$66,000 per illegal worker. In circumstances where an illegal worker is being exploited through slavery, forced labour, or sexual servitude, the maximum penalties are five years imprisonment, fines of up to \$33,000 for individuals and \$165,000 per illegal worker for companies.

The work entitlements of non-Australian citizens can be checked on the Visa Entitlement Verification Online (VEVO) service. VEVO is a free, internet-based system that allows you to check the work entitlements of a visa holder online, 24 hours a day, seven days a week. To use VEVO, you must register online at www.immi.gov.au/managing-australias-borders/compliance/info-employers/evo-orgs.htm.

Before using VEVO to check that a person has a valid visa to work in Australia, you need to:

- obtain their consent to check their work entitlements
- ask for their passport
- check that the passport photo matches the person presenting them to you.

To conduct a VEVO check, you need to enter the following details from the passport:

- name
- date of birth
- passport number
- country of issue.

The results from your check will be returned almost immediately.

The above information has been extracted from the Department of Immigration and Citizenship publication, *Do your employees have a valid visa to work in Australia?* Further information may be obtained from www.immi.gov.au/managing-australias-borders/compliance/working-legally.

People with information about illegal workers or visa overstayers can call the Immigration Dob-In Line on 1800 009 623.

Application forms

Applicants for the renewal of a brothel licence or an approved manager's certificate **MUST** ensure they have fully completed the application form and provided all required information (including a passport sized photo). Each section of the application form should be fully answered by providing the required information. It is not good enough to make statements such as, 'refer to information already provided' or 'refer to PLA records' or 'no change'. Similarly, the PLA requires a recent passport sized photo of all applicants. It is not sufficient to refer to the photo already on record at the PLA, which is around three-years old and not recent.

Incomplete applications for the renewal of a licence or certificate may be returned to applicants, who will then be required to submit a completed application form if they wish to continue to hold a licence or certificate.

Thirtieth anniversary of the HIV/AIDS epidemic

It is 30 years since epidemiologists and clinicians were puzzled by the emergence of forms of pneumonia and cancer usually only seen in the severely immune compromised, in otherwise healthy young gay men. Men who were succumbing to these illnesses and dying. Scientists had no idea of the cause. Within a year, it had a name, acquired immune deficiency syndrome (AIDS). It would take three years to identify the human immunodeficiency virus (HIV) as the cause of AIDS. It was shown that HIV is transmitted in semen, vaginal

secretions, breast milk, or blood. Although the first cases became apparent in gay men, the transmission of HIV was not confined to homosexual sex but could also be transmitted through heterosexual sex.

As it can take up to a decade to get sick from AIDS after acquiring HIV, it became apparent that the virus had been around since the 1970's and affected individuals had been unwittingly transmitting the virus for years. HIV/AIDS quickly became a global health crisis. UNAIDS estimates there are 34 million people living with HIV and nearly 30 million people have died of AIDS-related causes. Effective combination antiretroviral therapy did not become available until 1996, largely transforming HIV from a death sentence to a life sentence, at least for affected individuals in the developed world. Whilst these drugs suppress the progress of HIV, they are by no means a cure, and affected individuals must take a daily combination of pills for the rest of their life, which can have severe side effects. There has been a concerted and costly global effort to make these drugs available to the developing world, so that between 2001 and 2010, there has been a nearly 22-fold increase in people in developing countries receiving treatment. There is also now convincing evidence that if a person with HIV is receiving antiretroviral therapy, the risk of transmitting the virus to an uninfected sexual partner is greatly reduced.

The global fight against HIV/AIDS has had some success. AIDS-related deaths have decreased from a peak of 2.1 million in 2004 to 1.8 million in 2009. The global rate of new HIV infections has declined by nearly 25 per cent between 2001 and 2009. Despite this, new infections are still much too high. About 7000 people are infected with HIV each day. That is an extra 2.5 million infections annually. Moreover, the holy grail, a cure for HIV, remains as elusive as ever. For the foreseeable future, there will be no vaccine or cure.

Australia is recognised as a world leader in its response to the HIV/AIDS epidemic, which has been outstandingly successful in limiting the transmission of HIV. From the outset, affected communities mobilised to respond to the threat.

The most effective method of preventing the sexual transmission of HIV is abstinence – hardly something that is feasible for sex workers. This means that sex workers should always practise safer sex - it should be non-negotiable. Vaginal and anal sex should only occur with a condom and the use of a water-based lubricant. There is only a small risk of transmission from oral sex, but semen, vaginal fluids and menstrual blood should never be allowed to enter the mouth. If a man is being given oral sex he should wear a condom. If you put your mouth in contact with your partner's anus or vulva whilst having sex you should use a dental dam. The risk of transmission through blood can be minimised by making sure that needles or injecting equipment is not shared. Make sure that they are new and sterile.

Under s. 77A of the *Prostitution Act 1999*, it is a serious offence for:

- a sex worker to provide prostitution involving sexual intercourse or oral sex unless a prophylactic is used
- a sex worker to offer to provide such a service without the use of a prophylactic
- a person to accept such an offer from a sex worker
- a person to ask a sex worker to provide prostitution involving sexual intercourse or oral sex without the use of a prophylactic
- a person to obtain prostitution involving sexual intercourse or oral sex unless a prophylactic is used.

Safer sex is promoted in the state's licensed brothel sector in a range of ways, including:

- it is illegal for a sex worker to provide prostitution whilst knowingly infective with a STI
- it is illegal for a brothel licensee or approved manager to allow a sex worker to provide prostitution during any period in which they know the sex worker is infective with a STI
- a sex worker must not be permitted to work at a brothel unless they hold a current sexual health check certificate of attendance (or equivalent)

- prophylactics must be used for all contact sexual services, including masturbation
- licensees or managers must not discourage the use of prophylactics and must take reasonable steps to ensure that they are used
- a sign must be prominently displayed in a brothel's reception area stating, "only safe sexual activities are practised on these premises"
- direct and immediate access to a supply of personal protective equipment (condoms, dental dams, lubricants, and disposable gloves) must be provided in each room
- each room in the brothel must have enough lighting to enable sex workers to check clients for visible signs of STIs
- sex workers must be provided with information about sexual health and STI detection
- there must be written information about STIs available in client waiting areas.

2011 PLA meeting dates

The PLA Board generally meets on the first Monday of each month. Meeting dates for the remainder of 2011 are: 1 August, 5 September, 3 October, 7 November, 5 December. *Whilst current at the time of printing, these dates are tentative and subject to change without notice.*

Vacancies for Approved Manager positions

Montecito: 180 Abbotsford Rd, Bowen Hills. Approved manager wanted. We are currently looking for a strong and dynamic person to join our management team. Do you have a professional phone manner with outstanding customer service skills and can time manage as well as multi-task? Excellent working conditions. Please contact Joe on 3852 2057 or email admin@montecito.net.au.

Please note that approved manager advertisements may be submitted at any time for inclusion in the next edition of the newsletter. They should be emailed to pladmin@iprimus.com.au.