

Victoria Police Manual

The Victoria Police Manual is issued under the authority of the Chief Commissioner of Police in s.60, Victoria Police Act 2013. Non-compliance with or a departure from the Victoria Police Manual may be subject to management or disciplinary action. Employees must use VPM Professional and ethical standards to inform the decisions they make to support compliance.

Policing of the sex work industry

Context

The Victorian Government is in the process of reforming the sex work industry to remove offences and criminal penalties for adults participating in the act of consensual sex work, including street-based sex work which is now legal in most circumstances. The industry will soon be regulated by standard business laws like all other industries in Victoria, with the removal of the licensing system anticipated to occur in 2023.

Victoria Police's responsibilities for policing the licensing system of the sex work industry remain in effect until the removal of the licensing system occurs.

Victoria Police is responsible for criminal investigation, community safety and crime prevention; police powers with respect to criminal activity occurring in the sex work industry continue to apply.

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Definitions

The following definitions apply to this policy:

Brothel – is defined under the *Sex Work Act 1994* as any premises made available for the purpose of sex work by a person carrying on the business of offering or providing sex work services at the business' premises.

Children's service premises – is defined by s.3, *Sex Work Act* as any premises or place where a children's service within the meaning of the *Children's Services Act 1996* operates.

Education and care services premises – is defined by s.3, *Sex Work Act* as a place where an education and care service (other than a family day care service) within the meaning of the Education and Care Services National Law (Victoria) educates or cares for children.

Licensed brothels – are legally run brothels that have been issued a licence/permit under Part 3, *Sex Work Act*, or meet the small owner operator business criteria for an exemption from holding a licence under s.23, *Sex Work Act*. For further advice on exemptions contact the Sex Industry Co-ordination Unit (SICU).

Unlicensed brothels – are brothels that are either illegal or suspected to be illegal as they do not hold a licence/permit or exemption. These premises have different enforcement provisions.

School – is defined by s.3, *Sex Work Act* as a government school or non-government school within the meaning of the *Education and Training Reform Act 2006*.

Sex work – is defined by s.3, *Sex Work Act* 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.

Street-based sex work – where a person loiters on a street for the purposes of soliciting or inviting a person to engage in sex work; and soliciting or inviting a person to engage in sex work in a public place.

Responsibilities and procedures

1. Brothels

1.1 Coordination

- The role of the SICU is to protect vulnerable people from exploitation in the sex industry through coordination of contemporary intelligence, building productive and sustainable relationships with stakeholders and identification of illegal activity.
- Enquiries during business hours should be directed to the SICU. Urgent after-hours enquiries in relation to human trafficking should be directed to the Australian Federal Police 24/7 Operations Team, via (02) 5126 0000.

1.2 Entry into brothels

- Members may enter brothels to investigate an offence, make inquiries or meet regulatory obligations.
- Responsibility for any investigation remains with the initiating region in line with the Advancing Investigation Management (AIM) case management guidelines.
- When members are entering a licensed or unlicensed brothel they must:
 - notify a supervisor prior to entering the premises
 - not enter alone and ensure appropriate corroboration can occur (e.g. do not separate)
 - take necessary health and safety precautions (e.g. use gloves where appropriate)
 - for both licensed and unlicensed brothels, record entry in either the Patrol Duty Return or Initial Action Pad [Form 502] or day book in accordance with **VPM Operational duties and responsibilities**
 - for unlicensed brothels submit a Field Contact.
- Children over 18 months and under 18 years of age are not permitted to be present in a brothel. Members must have regard to **VPMP Protecting children** and the Protecting Children Protocols for further obligations regarding a child in need of protection.
- For further guidance on broader investigative considerations when investigating or regulating the sex work industry, refer to the Investigative Checklist and Human Trafficking Indicators available on the SICU and Sexual Crimes Squad intranet sites.

1.3 *Licensed brothels*

Inspections

- Senior sergeants or above, accompanied by any other member, may enter and inspect a licensed brothel in accordance with s.62(10), *Sex Work Act*. Where entry is refused or delayed, the members may break, enter and inspect the premises under s.62(2) (refer to instrument of delegation GP 3).
- Before entering a licensed brothel, members should identify themselves as police, show identification and explain the purpose of their visit.
- Inspections should have law enforcement objectives and be conducted according to **VPM Searches of property**.
- Following the use of powers under s.62(1), *Sex Work Act*, the senior sergeant or above must submit a written report to the Business Licensing Authority within seven days. Contact the SICU for assistance.
- To seek assistance from the Business Licensing Authority, Consumer Affairs Victoria and/or local councils regarding a risk assessment, contact the SICU. These organisations can provide licensee details, including possible managers and building/planning permits.

Infringement notices

- Any member may issue an infringement notice under the *Sex Work Act* and the *Sex Work Regulations 2006*. Refer to the Code Book [Form 508] for offences.
- Members must submit an Information Report when an infringement notice is issued.
- Refer to **VPM Infringement notices and official warnings** for further action regarding infringement notices.

1.4 *Unlicensed brothels*

- A search warrant is required for entry to search an unlicensed brothel. A senior sergeant or above can apply to the court for a search warrant to a suspected unlicensed brothel under s.63, *Sex Work Act*.
- Where the premises are open and operating as an alternative business (e.g. massage shop) it is a public place and usual entry is permitted.
- However, if members are asked to leave by staff at the premises, they must do so if there is no lawful power to remain.
- Section 64, *Sex Work Act* provides for entry without a warrant in certain circumstances with authorisation of a senior sergeant or above (refer to instrument of delegation GP 3).

1.5 *Proscribed brothels*

- A sergeant or above may apply to the Magistrates' Court to have premises operating as an unlicensed brothel declared a proscribed brothel in accordance with s.80, *Sex Work Act*.
- The following forms can be used to support applications:
 - Form 1436 – Notice of Application for proscribed brothel
 - Form 1437 – Declaration of proscribed brothel.

- Refer to the Proscription Application Process Information sheet on the SICU intranet page for more detail and contact the SICU for assistance where it is necessary to have an unlicensed brothel proscribed.
- Once the application has been authorised by a magistrate, the applicant must submit an Information Report and send a copy to the SICU.

1.6 *Recording*

Field contacts

- As stated in **VPMP Reporting contacts and intelligence**, members must submit a Field Contact online in any of the following circumstances:
 - after entering an unlicensed brothel
 - where a person is found on proscribed premises.
- Enter all business details and persons spoken to into the Field Contact.

Information Reports

Members must submit an Information Report and include the SICU in dissemination for intelligence purposes:

- on receipt of any information regarding a suspected unlicensed brothel
- after entering a suspected unlicensed brothel
- when any law enforcement action is taken against a licensed brothel (e.g. infringement notice issued)
- where an incident occurs on or in the vicinity of a licensed brothel that reflects adversely on the premises
- where any suspected criminal activity is being conducted (e.g. drug dealing or human trafficking indicators).

1.7 *Preparing briefs*

- Members may contact the SICU for assistance in the compilation of a brief of evidence in relation to a licensed or unlicensed brothel.
- Contact the Business Licensing Authority to obtain relevant extracts (e.g. current licensee details, details of possible managers and building/planning permits). Contact the SICU for further advice if needed.
- Briefs in relation to brothels may be checked and authorised in the usual manner. See **VPMP Briefs of evidence**.

2. **Street-based sex work**

- Engaging in consensual street-based sex work is legal except:
 - during the hours of 0600-1900hrs at or near a school premises, education and care services premises, children's service premises and/or places of worship
 - at or near places of worship at any time on prescribed days of religious significance

Specific offences apply in the above circumstances, see s.38B, *Summary Offences Act 1996*.

- For details of the criminal offense that continue to apply within the *Sex Work Act* and *Summary Offences Act* and the prescribed days of religious significance refer to the Sex Work Discrimination Project intranet page.

Related documents

Instrument of Delegation GP3 – Entry into premises

VPMP Briefs of evidence

VPMP Protecting children

VPMP Reporting contacts and intelligence

VPM Searches of property

Sex Work Act 1994

Sex Work Discrimination Act 2022

Summary Offences Act 1996

Further advice and information

For further advice and assistance regarding this policy, contact the SICU. For more information on the sex work industry reforms contact the Sex Work Decriminalisation Reform Unit, Transit and Public Safety Command.

Update history

DATE UPDATED	SUMMARY OF CHANGE	FORCE FILE NUMBER
10/03/20	VPMG Regulation of the sex work industry, VPMG Solicit Sex Work Services Banning Notice and relevant sections of VPMP Regulatory responsibilities have been consolidated and reviewed for currency.	FF-147361
25/01/22	Update to reflect VPM Searches of property	FF-187958 3
17/05/22	Update to reflect amendments to <i>Sex Work Act 1994</i> and introduction of <i>Sex Work Decriminalisation Act 2022</i> that came into effect 10/05/2022. Corrections to accurately reflect legislative requirements regarding enter and inspect powers under the Sex Work Act and reference to GP 3.	FF-214591