

Q1. The role and effectiveness of NSWPF in responding to human trafficking including;

a. How NSW respond to human trafficking

Proposed Response

Human trafficking offences include trafficking person/s not only for the purpose of sexual servitude/ sexual exploitation but also slavery, forced labour, deceptive recruiting, debt bondage, forced marriage and organ harvesting.

Currently the NSWPF Sex Crimes Squad has an ongoing liaison with the AFP Human Trafficking Team and on a quarterly basis meet and discuss issues. The NSWPF Sex Crimes Squad also on occasions forms part of a multi disciplinary team that conducts operations at various brothels within the Sydney metropolitan area. Those teams include the AFP, Dept of Immigration and Border Protection, Customs and the relevant NSWPF Local Area Command. Given NSWPF's restricted role in regulating this industry, there are limited avenues for action independent of such operations.

NSW POLICE FORCE

- Has carriage of sexual servitude investigations where the victim has not been trafficked from one country to another and there are no border related offences involved.
- First response to allegations of offences involving sexual servitude or people trafficking including investigative procedures such as securing victims/witnesses, crime scenes and exhibits;
- Locate victim(s) and remove from harm or possible future risk; Initial and/or ongoing investigative response for sexual servitude offences with no trans-national border related offences (unless negotiated with Region or State Crime Command); and
- Dissemination of intelligence holdings relating to people trafficking and/or sexual servitude to the Sex Crimes Squad, State Crime Command.
- The areas where street-based sex workers may solicit and work;
- Prosecuting employers of underage sex workers;
- Prosecuting crimes that may occur in a sex work setting (for example, harassment, sexual servitude or sexual assault); and
- Assisting other regulators in conducting compliance visits.

State Crime Command

- Sex Crimes Squad to provide on-call advice and investigative support to LACs responding to sexual servitude and/or human trafficking offences; and
- Dissemination of intelligence holdings relating to people trafficking and/or sexual servitude offences to external agencies (ie, Australian Federal Police (AFP), Department of Immigration and Border Protection (DIBP) and the Australian Crime Commission (ACC).

Australian Federal Police (AFP)

- Holds primary investigative carriage of those investigations involving people trafficking and/or border (trans-national) related offences;
- Holds primary investigative carriage for offences of trafficking for sexual, domestic servitude and forced marriage either trans-nationally or between Australia law enforcement jurisdictions; and
- Facilitate notifications or requests for assistance to the DIBP for matters involving people trafficking or trans-national border offences.

Collaboration between NSW Police Force and the AFP

- Joint investigations between the AFP and NSW Police Force where Commonwealth and State based offences apply ie, people trafficking and sexual assault offences.
- AFP Human Trafficking Investigation Program made available to NSW Police Force officers – in particular, members of Sex Crimes Squad who hold the Human Trafficking and Sexual Servitude portfolio; and
- Quarterly meetings between the Sex Crimes Squad and AFP.
- Operational assistance provided when required for AFP ie, Commonwealth search warrant.
- In June 2015, NSW Police reviewed and provided comment to the Australian Federal Police regarding the draft National Policing Protocol to combat Human

Trafficking, Slavery and Slavery-like Practices. As a result of this review the NSW Police Force Standard Operating Procedures for the Investigation of Sexual Servitude and Human Trafficking Offences was reviewed to ensure alignment with the proposed draft national policing protocol.

b. The prevalence of human trafficking in NSW

In February 2012, the AFP charged the owner of a brothel in Guildford with sexual servitude, intent to cause another to enter into debt bond, and allowing an unlawful citizen to work in breach of visa conditions. In August 2010, NSWPF and AFP executed warrants at three brothels – one in St Leonards and two in Crows Nest - in relation to trafficking sex slaves from Asia. The COPS narrative outlined that the brothel in Crows Nest appeared to be heavily involved in the use of sex slaves from Malaysia and Taiwan.

Of significance, NSWPF received information that students from China, Korea, Japan and Thailand were sent to Australia on student visas, using fake passports that detailed younger ages. When in Australia, the females were told they would have to work off their debt by working in brothels located in Sydney, Melbourne, Mackay and South Australia, as well as other unknown locations. The report details nine separate premises in Sydney alone and the account was alleged to be provided by one of the student victims.

Several other recent Crime Stoppers reports have alleged the bringing of Asian females to Australia, notably Korean nationals, and forcing them to work as prostitutes. One brothel, located in Artarmon, has an extensive reporting history for sexual servitude and was the subject of a Four Corners documentary in 2011. There have been further reports that the brothel owners are still involved in human trafficking.

The reports provided often detailed that an agent or brothel owner will arrange for the females to travel to Australia to study or to work in a massage parlour or some other form of work. Once they arrive, the females' passports are taken from them and they are forced to work in brothels in order to pay off their debts for airfares, passports and visa applications. The females will often reside at the brothel or are transported to and from the premises. If they do not comply, they receive threats that their families will be told what they are doing, and at times, are threatened with violence.

Intelligence suggests that overseas adult females in Australia on Student Visas are being employed in lawfully operated brothels. Student visas afford such persons to 'work' up to 19 hours per week. Prohibiting these females from working as prostitutes may be problematic as prostitution is not an illegal act in NSW. Consideration should be given to regulating the industry, so only those employees who are licensed can work in a brothel.

On 28 June 2016 police attached to the SCC Sex Crimes Squad and the Australian Federal Police Human Trafficking Team attended the location, supported by the Australian Border Force (ABF) and City of Sydney Council. An inspection of the premises was done by City of Sydney council which identified several breaches of the Development Application for which action will be taken by the council. The immigration status of the 6 women was determined by ABF and they were found to be lawful. AFP and NSWPF investigators spoke with 6 women regards to conditions and information received in the intelligence report. No disclosures were made and all females stated that they were working willingly and not under form duress. All females were made aware of their rights while working in the industry and advised to contact police with any issues. No other offences were detected.

a. The influence of organised crime in human trafficking.

The indication is that there are definitely 'issues' within the industry in terms of sexual servitude, illegal workers, extortion and OMCG involvement. NSWPF has a restricted role in the regulation of this industry and there appear limited avenues for investigation / intelligence gathering. Some barriers to the regulation of 'brothels' by NSWPF are:-

- There is no ready data source of 'brothels' (licensed or unlicensed) for access by NSWPF or for that matter any agency involved in regulating the industry.
- The ownership / business partners are not readily known – this is restrictive for investigation into 'organised crime' within the industry.
- Employee details, if known, are often false or partial.

Outlaw Motorcycle Gangs (OMCGs) have links to Brothels throughout NSW and interstate. The following short summaries show various OMCGs hold financial and ownership interests in numerous Brothels trading both legally and illegally. OMCGs frequently market illicit drugs within Brothels. The majority of reporting suggests OMCG members are involved in extortion and intimidation of Brothels where they offer "security services" in exchange for significant fees.

BROTHEL 1 – OMCG 1 LINK

- Information suggests that members of OMCGs attend Brothel 1, with the Brothel's website stating that the wearing of club uniforms is not permitted.
- In early 2008, an OMCG 1 Prospect attended Brothel 1 and attempted to gain employment in the provision of "security services," for which he was declined. The OMCG 1 Prospect drove past Brothel 1 and fired seven shots from a pistol

into the building. The business was open and trading at the time. In 2009 the Prospect, now a full member, was arrested in possession of a pistol. The pistol was matched to the shooting by ballistics. The OMCG 1 member was charged with the shooting in 2010 and found not guilty by verdict later.

BROTHEL 2 – OMCG 1 LINK

- In early 2012, an OMCG 1 member (wearing OMCG 1 clothing) and an associate attended Brothel 2 on several occasions. They made demands the brothel engage "security" and "drivers" for the prostitutes. One prostitute was shown a handgun and the OMCG 1 members demanded \$2000 a week because the brothel operated in their territory. They continued to demand to speak to the manager.
- Later in 2012, three men with their faces covered attended Brothel 2. Two of the men entered the brothel carrying baseball bats. One man shouldered an employee and then the two men smashed a large amount of property within the brothel. The offenders were not identified.

BROTHEL 3 – OMCG 2 AND OMCG 3 LINKS

- In mid-2014, a number of incidents indicated links between the Brothel 3 and OMCG 2.
- A 'regular' customer self identified as a member of the OMCG 3 attended and not only enquired about services but also about security at the brothel.
- Later, approximately four males wearing OMCG 2 hooded jumpers entered the premises via the back door. Males asked the receptionist about security at the premises as well as who does the 'collections'. This information was not provided.
- Subsequently, two males attended the brothel in plain clothes and made obvious attempts to cover up their tattoos on their arms and neck areas. These males enquired about the rear roller door out the back, and where does the roller door lead to and who owns it.

BROTHEL 4 – OMCG 2 AND OMCG 4 LINKS

- In mid-2015, a member of OMCG 4 was assaulted and stabbed at Brothel 4 by a OMCG 2 member resulting in bleeding, swelling above right eye, puncture wound lower left back, minor abrasions on body.

BROTHEL 5 – OMCG 3 LINKS

- In early 2015, two OMCG 3 members entered the brothel and threatened staff, assaulting a victim with punches to the head area, demanding money and threatening with a flick knife.

BROTHEL 6 – OMCG 3 AND OMCG 1 LINKS

- Brothel 6 was previously owned by a person who had previously declined protection from OMCG 3. Other information suggests the OMCG 1 members were selling 'ice' from the location.

BROTHEL 7 – OMCG 4

- Brothel 7 was previously managed by a person who was subject to multiple extortion/intimidation attempts by members of the OMCG 1. Brothel 7 was previously frequented by members of the OMCG 4 who treated sex workers with disrespect and committed acts of malicious damage. In early 2012, NSWPF established a Strike Force to investigate a number of drive-by shootings in NSW. The investigation was related to the conflict between the OMCG 4 and the OMCG 1. In early 2012, shots were fired into the Brothel 7 by OMCG 1 members.

BROTHEL 8 – OMCG 5

- Brothel 8 was previously owned by a person who is associated with the OMCG 5. A senior OMCG 5 member provided protection to the owner of Brothel 8. A number of OMCG 5 members attended the brothel as a show of force.
- The ownership of Brothel 8 has been the subject of conflict between members of organised crime groups and OMCG members.

The following intelligence has been received by NSWPF.

POIs family works for _____ who help the POI import illegal drugs into the country. He obtains approximately 15kg of Cannabis from a number of places including Fiji & Philippines.

It is said the POI imports the drugs and supplies the drug to people in the Liverpool area. The POI was said to have a number off shore bank accounts which he uses for his illegal business and owns a number (10) units in Fiji.

He is involved in a human traffic/illegal brides, where he receives approximately \$100,000 per bride.

IR disseminated to AFP and SCC Drugs Squad.

- A POI is involved in running a drug dealing business, a human trafficking business and owns several brothels. The POI brings young women over from Thailand, and takes them to his three brothels. The POI deals ICE to all his working girls, and to his customers, and he has deep connections to several other brothels and other dealers across Sydney.
- In 2012 a POI was charged by the AFP for sexual servitude of a prostitute. The AFP fact sheet states that the girls were recruited in Thailand and understood that they would be engaging in the sex trade in Australia to repay their airfare and visa costs. However once they arrived they had their passports taken and forced to work longer hours, more frequently and for less pay than they were originally told. While there is sufficient information to support the reported drug supply and involvement in prostitution, there is no information to suggest that there are sexual servitude offences originating in NSW. The recruitment is occurring in Thailand and therefore the jurisdiction for investigation lies with the AFP.

c. The effectiveness of legislation and policies.

- The Sex Crimes Squad has not encountered any operational difficulty in relation to the effectiveness of relevant legislation.

d. The practical measures and policies including security measures to protect NSW identity documents that would address human trafficking in NSW.

- The Sex Crimes Squad will defer to the Counter Terrorism Command and other agencies in relation to the issue in relation to security measures to protect New South Wales.