



Australian Anti-Slavery Commissioner

NSW Inquiry into modern slavery risks faced by temporary migrant workers

Response to Additional Questions and Question on Notice

10 June 2025

Themes: national coordination, data gaps, enforcement reform

a) **You've identified significant underreporting of exploitation and gaps in data collection. What would a fit-for-purpose national dataset look like — and how should NSW contribute to it?**

A fit-for-purpose national minimum dataset should serve as both an operational tool for coordinating responses and a strategic resource for accountability and evidence-based policymaking and policing. It should maintain high standards of ethical data handling and survivor confidentiality and protection. It should be based on four key design principles:

1. **Standardisation and interoperability** through consistent definitions aligned with international legal frameworks, common data collection instruments across all agencies, and compatible formats enabling seamless information sharing;
2. **Comprehensive coverage** spanning multiple agencies from law enforcement to social services, capturing both identified and suspected cases across the entire criminal justice pathway whilst integrating quantitative metrics with qualitative contextual information;
3. **Robust data governance and ethics** featuring stringent privacy protections for victim identities, clear data sharing agreements with appropriate access controls, ethical oversight mechanisms with meaningful survivor input, and full compliance with data protection regulations; and
4. **Dynamic responsiveness** through regular system updates to capture emerging trafficking methods, flexibility to incorporate new exploitation types, continuous stakeholder feedback mechanisms, and integration capabilities with both domestic multi-jurisdictional systems and international databases to enable real-time intelligence sharing and early warning capabilities.

We refer the Committee to Appendix A, which provides two examples of comprehensive national data collection on modern slavery, from the US and the UK respectively. Each provides an example of how state and local jurisdictions may feed into national data sets.

b) **You note that detection and disruption of slavery-related crimes is “falling behind.” What practical steps should NSW take to strengthen the criminal justice response to these offences?**

We suggest three key ways NSW may strengthen the criminal justice response to slavery-related crimes.

1. The first is to conduct a review of the NSW Police response to slavery and trafficking crimes, established under the NSW Modern Slavery Act 2018, to understand operational support and training needs and assess the quality of current practice. We refer to last year's Law Enforcement Conduct Commission (LECC) investigation of the NSW Police response to domestic violence cases, which produced 13 recommendations to uplift the Police response. While many of the recommendations were not fully accepted, they enhanced transparency and provided a roadmap for reform. Should a review progress, it would be vital to hear directly from survivors and people with lived experience of the criminal justice response to slavery and related crimes. The Commissioner has been advised by survivors that there are challenges, particularly at the intersections with family violence and child protection.

2. The second is to establish an inter-agency operational group of key agencies with a clear role in identifying and/or responding to cases. Noting the NSW Police Commissioner's remarks last year recognising the need to take a "partnership approach" to coercive control laws,¹ a similar approach would be warranted to address this crime, which often involves coercion and has extensive intersections with family and domestic violence. Further to this point, lessons may be drawn from the Scottish approach to coercive control.² In 2018, Scotland passed the Domestic Abuse Act,³ criminalising coercive control and reforming the rules of criminal procedure, evidence, and sentencing for this offence. These reforms were intended to prevent accused perpetrators from further exerting control over victims and to minimise trauma throughout the justice process.⁴ The inclusion of the 'reasonable person' standard in the conditions for a domestic abuse offence to have been committed, for example, focuses the prosecution on the offending conduct rather than requiring proof of harm suffered by the victim.⁵ The Scottish legislation was also accompanied by training for police and a public awareness campaign.⁶ This approach to coercive control illustrates a victim-centred approach to a criminal justice response.
3. The third is to standardise mandatory training for NSW Police, similar to the training rolled out to enable enforcement of the new coercive control offence.

c) You mention the need for better coordination between state and federal agencies. Are there existing mechanisms that NSW could strengthen immediately (e.g. memorandums of understanding, joint taskforces)?

Several existing mechanisms may be strengthened or leveraged to improve coordination between state and federal agencies. COAG provides one mechanism, which could facilitate consistent participation from all states and territories in the national response. Adding state representation to the Interdepartmental Committee on Trafficking and Slavery may provide another forum for enhanced dialogue and inclusion of a broader body of state agencies, including Health. The current National Policing Protocol, while a positive indicator of the intention to cooperate, is a private document would be greatly strengthened by an operational and accountability framework as well as greater transparency.

¹ [NSW Police investigating more than 80 cases of coercive control, with senior officers tasked to enforce new domestic violence laws - ABC News](#)

² [NSW Police officers have received coercive control training. This is what they were told - ABC News](#)

³ [Domestic Abuse \(Scotland\) Act 2018](#)

⁴ [Domestic Abuse \(Scotland\) Bill Explanatory Notes](#)

⁵ [Domestic Abuse \(Scotland\) Bill Explanatory Notes](#)

⁶ [Annex 4: Technical information on criteria for the offence - Domestic Abuse \(Scotland\) Act 2018: interim reporting requirement - gov.scot](#)

⁶ [Domestic Abuse Act in force - gov.scot](#)
https://www.parliament.scot/-/media/committ/5408_p7

d) Do you believe there should be minimum national or state-based standards for victim assistance — and how should they apply to temporary migrant workers?

It is our understanding that there are state-based standards for victim assistance which would be relevant to victims of slavery and trafficking crimes. For example, the NSW Charter of Victims Rights⁷ sets out 18 rights, including the right to be treated with courtesy, compassion and respect; the right to information about, and access to, welfare, health, counselling and legal services, where available; and the right to information about the investigation and prosecution of the offender. The rights apply to any victim of crime, regardless of their visa status.

At the national level, the Australian Association of Social Workers issues Practice Standards⁸, which identify the minimum requirements of social workers in Australia considered acceptable by the AASW for effective, professional and accountable social work practice. The Standards are intended to be relevant to all social workers, irrespective of practice, context, or years of experience.

Specific to the area of trafficking and slavery, the Australian Government issues practical guidance for organisations working with people in or at risk of modern slavery.⁹ While not professionally binding, these set out good practice principles and practical guidance for working with people who have experienced modern slavery help individuals and organisations to update or develop processes relevant to their organisation, guided by good practice assist individuals and organisations to identify relevant support services and resources.

The Commission would need to explore this topic further before forming a position on whether additional standards of victim assistance, including for victims of slavery and trafficking, are necessary.

Question on Notice: Can you provide examples for workplace regulation that assists with the enforcement of modern slavery regulation?

We refer the Committee to US case examples of law enforcement bodies leveraging alternatives to criminal offences to hold perpetrators of human trafficking and slavery offences to account:

Money Laundering

As part of human trafficking investigations and prosecutions, U.S. Attorneys' Offices and Human Trafficking Prosecution Units (HTPU) often collaborate with Money Laundering and Asset Recovery Section (MLARS) on related money laundering and other financial crimes, and on effective strategies for pursuing forfeiture in human trafficking cases. MLARS provides expertise, guidance, technical assistance, and training to U.S. Attorneys' Offices, HTPU, and other investigation and prosecution partners on financial aspects of human trafficking investigations and

⁷ [NSW Charter of Victims Rights](#)

⁸ [Practice Standards | AASW](#)

⁹ [Practice Guidelines for Organisations: Working with People in or at Risk of Modern Slavery](#)

prosecutions, including identification and analysis of financial crimes evidence, formulation of financial crimes charges, seeking forfeiture orders and enforcing them, and, when possible, using forfeited funds to compensate victims. For example, MLARS works closely with HTPU on illicit massage industry investigations and prosecutions nationwide, and on strengthening collaboration between U.S. and Mexican anti-money laundering authorities in connection with the U.S.-Mexico Bilateral Human Trafficking Enforcement Initiative. For its part, EOUSA provides training and assistance on the calculation, imposition, and enforcement of restitution.

The **US Department of Labor (DOL)** details its role in fighting human trafficking here: [Combating Labor Exploitation and Human Trafficking | U.S. Department of Labor](#). They explain they do this in three ways: enforcing labor protections (both criminal and civil means); assisting survivors, and supporting/funding international interventions. The DOL Office of the Inspector General has statutory authority to prosecute labour trafficking charges related to their programs. More information is available here: [Office of Inspector General | U.S. Department of Labor](#)

The **US DOL Wage and Hour Division** recoups stolen wages and seeks restitution for trafficked workers. This media release illustrates how they are contributing to the US National Action Plan, demonstrating the potential role of other law enforcement agencies to help disrupt human trafficking crimes. [US Department of Labor commits to continuing the fight against human trafficking through collaboration, enforcement, outreach | U.S. Department of Labor](#).

The release links to two case studies, describing the kind of “placed-based” multi-agency operations proposed above. For example the Georgia case involved several federal and state agencies, including: the US Attorney, Homeland Security, FBI, CBP, State, Labor Inspector General, US Marshalls, the County Sheriff and the US Postal Service. We note that case was the result of an Organized Crime Drug Enforcement Task Force (OCDETF) while the Florida case was run by Palm Beach County Human Trafficking Taskforce, including US Attorney’s, Homeland Security, FBI, State, County Sheriff and Labor Inspector General. Notably, these agencies were already working together prior to the case occurring and thus, were able to rely on existing relationships and coordination protocols.

These kinds of task forces operate in Australia, but tend to be more ad hoc, case or operation based to disrupt organised crime rings, etc. It is unclear to what extent these task forces have identified and disrupted human trafficking/slavery crimes.

A final example is the **Equal Employment Opportunity Commission** - [EEOC Combats Human Labor Trafficking | U.S. Equal Employment Opportunity Commission](#).

Appendix A. Examples of National Minimum Data Sets

United States

The United States operates a multifaceted data collection framework built around federal legislation and coordinated by multiple agencies at the federal and state level. The system centres on the Bureau of Justice Statistics' annual Human Trafficking Data Collection Activities report¹⁰, which provides information on arrests, prosecutions, convictions and sentences, as well as detailed information about offenders.

Additionally, the US Attorney-General must make an annual report to Congress on federal efforts to combat trafficking in persons.¹¹ This report provides comprehensive, standardised data on prosecutions (as well as case summaries); offender and victim characteristics' crime trends; and response metrics for over ten federal agencies (see Table 1 for more detail). We refer the Committee to Appendix D on p 144 in the Attorney-General's report, which details federal grants to state-based initiatives, many of which are to government agencies at the state and county level.

Prosecution Data:
<ul style="list-style-type: none">• Number of cases initiated, prosecuted, and concluded by federal prosecutors• Conviction rates and sentencing outcomes• Geographic distribution of cases across federal districts• Case processing times and judicial outcomes
Offender Characteristics:
<ul style="list-style-type: none">• Demographic profiles of defendants (age, gender, nationality, citizenship status)• Criminal history and prior convictions• Organisational structure (individual vs. organised crime groups)• Methods of operation and recruitment tactics
Victim Characteristics:
<ul style="list-style-type: none">• Demographics of identified victims (age, gender, nationality, vulnerability factors)• Types of exploitation experienced• Industries and sectors where victims were found• Victim services utilised and outcomes
Criminal Activity Trends:
<ul style="list-style-type: none">• Year-over-year changes in case volume and types• Emerging trafficking methods and technologies• Geographic hotspots and trafficking routes• Intersection with other criminal activities

¹⁰ [Human Trafficking Data Collection Activities, 2024 | Bureau of Justice Statistics](#)

¹¹ [Attorney General's Annual Report to Congress on U.S. Government Activities to Combat Trafficking in Persons Fiscal Year 2023](#)

Federal Response Metrics:
<ul style="list-style-type: none">• Training and outreach programs delivered to law enforcement and service providers• Grant funding distributed and recipient outcomes• Interagency coordination efforts and task force activities• Victim assistance and immigration relief provided

Additionally, the National Human Trafficking Hotline¹² serves as a key data source, having identified over 100,000 cases since inception with nearly 200,000 victims documented. It provides annual statistics on how people found and contacted the hotline (i.e SMS, calls, website, etc), which is then shared with Government to inform policing work and awareness-raising and outreach strategies. The Hotline website also provides statistics on types, venues and key demographics of identified cases, and state-by-state data on the number of cases identified. Notably, the information referred to above is readily and consistently available to the public and the Attorney General's report provides in-depth discussion as to how this information is applied in preventive and disruptive law enforcement efforts.

United Kingdom

The United Kingdom's framework is anchored by the National Referral Mechanism (NRM), established under the Modern Slavery Act 2015, which serves as both an identification system and comprehensive data collection tool.¹³ The NRM processes referrals from authorised first responders including police, local authorities, and NGOs, with the Home Office making reasonable grounds and conclusive grounds decisions on victim status. This system has recorded over 12,000 annual referrals in recent years, with detailed breakdowns by exploitation type, demographics, and outcomes published quarterly.

The framework's strength lies in its integration with operational intelligence, where data feeds directly into the National Crime Agency's Modern Slavery Human Trafficking Unit and supports real-time operational decision-making through the Police National Modern Slavery Data Tool.¹⁴

For crime prevention and disruption, the UK employs innovative approaches such as the Joint Slavery and Trafficking Analysis Centre¹⁵, bringing together analysts from multiple agencies to share intelligence, and technology-enabled reporting through apps like Safe Car Wash, which allows public reporting while simultaneously building intelligence databases for law enforcement investigations.¹⁶

¹² [National | National Human Trafficking Hotline](#)

¹³ [Modern slavery: National Referral Mechanism and Duty to Notify statistics UK, end of year summary 2024 - GOV.UK](#)

¹⁴ [Modern slavery and human trafficking - National Crime Agency](#)

¹⁵ [Modern slavery and human trafficking - National Crime Agency](#)

¹⁶ [Recognising Modern Slavery - Apps for reporting](#)